



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 22 SEPTEMBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

---

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg  
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Mohamed A Bangura  
Mr Nicholas Koumjian  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Terry Munday  
Mr Morris Anyah

1 Monday, 22 September 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:36 5 PRESIDING JUDGE: Good morning. Mr Bangura, I see a change  
6 of appearance on your Bar.

7 MR BANGURA: Good morning, Madam President. Good morning,  
8 your Honours and counsel opposite. Your Honours, for the  
9 Prosecution this morning are Mr Nicholas Koumjian, myself Mohamed  
09:30:01 10 A Bangura and Ms Maja Dimitrova. Thank you, your Honours.

11 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard?

12 MR MUNYARD: Good morning, Madam President, your Honours,  
13 counsel opposite. This morning the Defence are represented by  
14 myself Terry Munyard, Morris Anyah and another new face on our  
09:30:15 15 bench, one of our Sierra Leonean interns, Ms Simitie Lavelly.  
16 Simitie's name is spelt S-I-M-I-T-I-E and Lavelly is L-A-V-E-L-Y.  
17 Yes, I've got that right.

18 PRESIDING JUDGE: Thank you, Mr Munyard. Welcome to  
19 Ms Lavelly and I hope she has an edifying experience here at the  
09:30:44 20 court.

21 I note we have a new witness here with us. If the witness  
22 can be sworn, please, and then we will take details. This is  
23 your Honour witness, Mr Bangura?

24 MR BANGURA: That's right, your Honour.

09:30:59 25 PRESIDING JUDGE: You haven't given us the normal  
26 information, although we've had it in writing but for purposes of  
27 record.

28 MR BANGURA: I do apologise, your Honour. Your Honour, the  
29 witness about to testify this morning is - for purposes of TF

1 numbering is TF1-588. He will be testifying openly and in the  
2 English language.

3 PRESIDING JUDGE: Thank you. Since the gentleman is going  
4 to be doing it in open session, let's have a name as well.

09:31:43 5 MR BANGURA: Thank you, your Honour. Your Honour, the  
6 witness is Stephen Smith. Stephen is S-T-E-P-H-E-N.

7 PRESIDING JUDGE: Then, Mr Smith, we will have you sworn.

8 WITNESS: STEPHEN WILLIAM SMITH [Sworn]

9 PRESIDING JUDGE: Please proceed, Mr Bangura.

09:32:20 10 MR BANGURA: Thank you, your Honour.

11 EXAMINATION-IN-CHIEF BY MR BANGURA:

12 Q. Good morning, Mr Smith. Mr Smith, good morning. Can you  
13 hear me?

14 PRESIDING JUDGE: Can you assist the witness with  
09:32:31 15 headphones, please. Can you hear clearly now, Mr Smith.

16 THE WITNESS: Yes, I can.

17 MR BANGURA:

18 Q. I'm going to lead you in evidence this morning. I will be  
19 asking you questions and I would ask that you listen carefully  
09:32:45 20 and give your responses. Can you hear me?

21 A. Perfectly, thank you.

22 Q. Thank you. Can you state your name for the record please?

23 A. My name is Stephen William Smith.

24 Q. How old are you, Mr Smith?

09:33:08 25 A. I am 51.

26 Q. Are you currently employed?

27 A. I am currently employed by an American university, Duke  
28 University, North Carolina, and I also teach as an adjunct  
29 professor at John Hopkins University in Washington DC.

1 JUDGE SEBUTINDE: Sorry, that was what professor?

2 THE WITNESS: I'm professor at an American university, Duke  
3 University. D-U - Duke, if you prefer.

09:33:47

4 JUDGE SEBUTINDE: Yes, you said something about a something  
5 professor. An adjunct professor?

6 THE WITNESS: An adjunct professor, which is I also teach a  
7 course in Washington, but my employer is Duke.

8 MR BANGURA:

09:34:01

9 Q. Mr Smith, what is your area of - what area do you teach at  
10 university?

11 A. I have a split appointment in African studies, culture and  
12 anthropology and public policy.

13 Q. Can you give this Court your educational background, if you  
14 will?

09:34:16

15 A. Yes. I studied at the Free University in Berlin, my mother  
16 being German so we stayed for some time in Germany, and then I  
17 finished my studies in Paris at the Sorbonne University with a  
18 thesis on the semiotics of foreign news coverage. I then became  
19 - dropped out of academics, so as to say, went into the

09:34:43

20 journalistic field, settled in West Africa as a regional  
21 correspondence for Reuters news agency and afterwards became the  
22 African editor of a French daily newspaper, Libération, and after  
23 12 years with the Libération I moved on to another French daily  
24 newspaper, Le Monde. I was the African editor and editor -

09:35:07

25 deputy editor of the foreign news service. I left Le Monde in  
26 2005 to become an independent journalist - freelance journalist.  
27 I'm also author of books on Africa, so I pursued that career  
28 prior to going to Duke last year for this split appointment as a  
29 professor.

1 Q. Thank you, Mr Smith. Can I take you back briefly to your -  
2 the earlier part of your educational pursuits. You mentioned  
3 that you started your, or you were - you studied at Sorbonne  
4 University?

09:35:52 5 A. Yes, correct.

6 Q. But before that you were in Germany. You studied in  
7 Germany. What did you study in Germany?

8 A. Philosophy, semiotics principally, that's - that was meant  
9 to be the science of information in the broader sense, and also  
09:36:10 10 history and political science.

11 Q. And that was at the Free University?

12 A. That was at the Free University in West Berlin, yes.

13 Q. And you graduated with what qualification?

14 A. With a PhD. I first had a BA, MA and then a PhD at the  
09:36:28 15 very end and in between I also acquired a few diplomas at the  
16 Sorbonne university, but I finished my studies with a PhD at the  
17 Free University.

18 Q. Thank you. Now, you mentioned that you served - you worked  
19 as a journalist for various newspapers and news agencies. Could  
09:36:52 20 we just briefly again go through them and say what period you  
21 worked at which of these ones. You have mentioned Reuters,  
22 you've mentioned the French daily Libération and you've mentioned  
23 Le Monde. Can you just briefly tell us what periods you worked  
24 at these?

09:37:09 25 A. Yes, sir. I started - I went to West Africa after my  
26 studies in 1984 and settled down in Cotonou Benin to cover mainly  
27 Nigeria for Reuters news agency. I then picked up also the  
28 regional coverage of Radio France International, so I worked as a  
29 journalist for them at the same time, and eventually in '86 I was

1 asked to cover West Africa also for Libération and in 1988 I  
2 moved from Abidjan where I was then based to Paris as an Africa  
3 editor of Libération. I stayed with Libération as I mentioned  
4 for 12 years until 2000. I was then hired by Le Monde, stayed  
09:38:00 5 with Le Monde until 2005 and left in January 2005 to pursue as an  
6 independent journalist and book author.

7 Q. You have written books and made contributions to articles  
8 and journals. Is that correct?

9 A. This is correct, yes. I have written - I don't know it by  
09:38:32 10 heart, but something like 12 or 15 books on various subjects. A  
11 biography of the late Moroccan General Oufkir, biographies on  
12 Bokassa, books on the American intervention in Somalia and mainly  
13 various books, sometimes co-authored, about the Franco-African  
14 relationship historically or topically and politically.

09:39:02 15 Q. Generally, what area would you say that your writings have  
16 been focused on?

17 A. A very broad and narrow focus at the same time. It's all  
18 about Africa and mainly, except for the book that I mentioned  
19 about Morocco, it would be Africa south of the Sahara.

09:39:22 20 Sub-Saharan Africa.

21 Q. And is there any particular theme that your writings have  
22 been focused on about Africa?

23 A. No, as I mentioned, as a field of speciality we tried  
24 together with a friend of mine, this is why I mentioned the  
09:39:38 25 co-authorship, we chronicled the Franco-African relationship out  
26 of Paris and - but beyond this I've been writing on non-French  
27 speaking countries. I'm supposed to be a specialist also on  
28 Nigeria, so I wrote a report - the first report - for  
29 International Crisis Group and wrote other reports for ICG on

1 central - on the Central African Republic, for example, and  
2 otherwise it's a fairly broad field as I said. The humanitarian  
3 crisis in Somalia as well as a travel book on the River Congo,  
4 for example, with pictures.

09:40:17 5 JUDGE SEBUTINDE: Mr Bangura, what does the acronym ICG  
6 stand for?

7 THE WITNESS: ICG, International Crisis Group, excuse me.

8 MR BANGURA:

9 Q. Now, you said you wrote a report for ICG. When was this?

09:40:31 10 A. I wrote the latest report last year - at the end of last  
11 year - about the Central African Republic and in 2007 the first  
12 of their reports on Nigeria. So they started to cover Nigeria on  
13 a more regular basis and usually the first report is also  
14 something with a bit of historical background, so they asked me  
09:40:50 15 to do this.

16 Q. When you say you wrote the last of the reports, have you  
17 written more than one report for the ICG?

18 A. Yes, I mentioned two and I'm right now in the process of  
19 doing a third one. Yes.

09:41:06 20 Q. You mentioned something about a book - you mentioned  
21 something about "I sold beer in the Congo River". Is that a  
22 title of a book?

23 A. No, this is a foreword I wrote to a book by a Belgian  
24 author, his memoirs. He used to live in former Zaire and he just  
09:41:33 25 asked me to preface his book, which I've done, as I have prefaced  
26 for example maybe a little bit closer to our proceedings here a  
27 book by Mark Huband on the Liberian civil war. He also asked me  
28 to preface the book.

29 Q. Have you contributed to any --

1 THE INTERPRETER: Your Honours, could the witness talk a  
2 little bit slower. We are interpreting here in Krio for the  
3 benefit of the people in Sierra Leone.

09:42:00

4 PRESIDING JUDGE: Just pause, Mr Bangura. Mr Smith, you  
5 have heard the interpreter.

6 THE WITNESS: I will take that into account, yes.

7 MR BANGURA: I probably missed that. Has it to do with the  
8 pace of --

09:42:14

9 PRESIDING JUDGE: It has to do with Mr Smith's speed of  
10 response because of the public broadcasting into Krio.

11 JUDGE SEBUTINDE: Mr Bangura, what channel are you on?

12 MR BANGURA: The zero, which should be the normal channel.

13 JUDGE SEBUTINDE: No, 1 is the normal channel.

14 MR BANGURA: I'm sorry.

09:42:40

15 JUDGE SEBUTINDE: And, Mr Bangura, could we please ask for  
16 spellings for some of these names. They are not common names.  
17 Certain names have been skipped over and for the record we need  
18 to have the proper spellings, please.

09:42:58

19 MR BANGURA: Thank you, your Honour. I will be coming back  
20 to some of them. I may not be able to spot all of the words that  
21 have not been clearly spelt out on the transcript.

22 PRESIDING JUDGE: There was the American [sic] general and  
23 there was - there's a few places that have been misspelt, but as  
24 you said you can pick them up.

09:43:24

25 THE WITNESS: If I may help out on the Moroccan general, it  
26 is O-U-F-K-I-R. He was number 2 under King Hassan II until '72.

27 MR BANGURA:

28 Q. And I think you mentioned something about writing the  
29 foreword to a book by a Belgian author, his memoirs? I am

1 reading from --

2 JUDGE SEBUTINDE: Mark Huband, or something like that.

3 THE WITNESS: Mark Huband is a journalist formally employed  
4 by the Financial Times. Mark is M-A-R-K and Huband is  
09:44:03 5 H-U-B-A-N-D and he later moved on to other newspapers. He was  
6 covering the Liberian civil war right from the beginning. He was  
7 actually the first journalist to meet former President Taylor -  
8 western journalist - and he was riding on a train and was taken  
9 prisoner by Mr Taylor's group.

09:44:28 10 MR BANGURA:

11 Q. Yes, you mentioned that you wrote the foreword to a book by  
12 a Belgian author and you say that he used to live in former and  
13 what came out is Zaire?

14 A. Zaire, now the Republic of Congo, which means the Kongo  
09:44:48 15 Kinshasa by distinction from the Kongo Brazzaville and used to be  
16 Zaire under late President Mobutu.

17 Q. Thank you, Mr Smith. Now, do you recall when the book that  
18 you - that was written by Mark Huband came out? Do you recall  
19 when that was published?

09:45:07 20 A. I would not know from the top of my head, but I would think  
21 it would be 2000/2001. It took him quite some time after the  
22 events in Liberia to bring it out, but he did extensive research  
23 also in the United States and met former Assistant Secretary of  
24 state, Chester Crocker. That is C-R-O-C-K-E-E-R, Chester  
09:45:32 25 Crocker, and other people and so it took I would say around  
26 2000.

27 Q. Just to remind you again about your pace. I would  
28 appreciate if you just allow a short pause between answers.

29 A. Yes.

1 Q. Thank you. Now you mentioned some newspapers that you  
2 worked with; that is Le Monde, Libération and you mentioned  
3 Reuters which is a news agency. Apart from these, have you made  
4 any contributions to any major newspapers?

09:46:04 5 A. Yes, I've been writing - as I mentioned my mother being  
6 German, being born in the United States and living in Paris, I  
7 was often asked to contribute articles to other publications in  
8 Europe or in the United States - more in Europe. Some were also  
9 taken over by syndications, so El Pais had an agreement with Le  
09:46:28 10 Monde, so there's quite a variety of --

11 Q. Now you just mentioned the name El Pais. Is that correct?

12 A. Yes, the major Spanish newspaper. It is El Pais, the  
13 country.

14 Q. Do you recall any other major newspaper that you may have  
09:46:48 15 contributed to?

16 A. Yes, quite a few. Les Stampa, in Italy, El Mundo in Spain  
17 as well, the Independent in Great Britain, I think I had a piece  
18 in Der Spiegel. Quite frankly it would be dozens, because  
19 sometimes stories would be picked up and the copyright board from  
09:47:23 20 the newspapers and I also contributed to more academic journals  
21 and reviews.

22 Q. In the course of your career as a journalist, have you  
23 earned any awards or any grants?

24 A. Yes, I was given the Soweto award for what was then all of  
09:47:55 25 my writing as a journalist on Africa - as a specialist on Africa.  
26 I received an award for the best investigative book that was to  
27 due to a book on a former emperor of Central Africa called  
28 Bokassa B-O-K-A-S-S-A, and I also received --

29 Q. When was this, if you would help us with a time?

1 A. Bokassa, 2002.

2 Q. Yes, go on please.

3 A. And I received in 2003 for an essay on Africa an award by  
4 the French public television service, the French equivalent of  
09:48:37 5 BBC, for this book.

6

7 MR BANGURA: Your Honour, just on spellings again. The  
8 witness mentioned an award that he won, the Soweto award, but the  
9 spelling comes out --

09:49:49 10 THE WITNESS: Soweto is the south western township. It's  
11 the biggest black township in South Africa and home to Nelson  
12 Mandela and so it's S-O-W-E-T-O. Soweto stands for south western  
13 township.

14 MR BANGURA:

09:50:08 15 Q. Thank you, Mr Smith. What is your fluency with languages?

16 A. Well, I speak English and most of my work was written in  
17 French and I also published and speak and write German. I went  
18 to a classic high school, so I did studies in ancient Greek and  
19 Latin and I have a diploma in commercial Spanish, which I don't  
09:50:37 20 really use, and that's about all.

21 Q. Mr Smith, are you familiar with the country of Liberia?

22 A. Yes, I am.

23 Q. How far does your familiarity with Liberia as a country go?

24 A. When I became a regional correspondent in West Africa,  
09:50:58 25 being based in neighbouring Ivory Coast in Abidjan, I covered  
26 regularly the surrounding states and so I went to Liberia well  
27 before the civil war under former President Samuel Doe. I did  
28 cover that story off a state that was collapsing but not getting  
29 very much attention from the international press, but working for

1 specialised news outlets such as Reuters news agency, or RFI, For  
2 the Purpose, Radio France International, I went regularly to  
3 Liberia as I did with other neighbouring countries. So that  
4 would be specifically from '84 onwards, when I was based in the  
09:51:47 5 region, and even more intensively from '86 onwards when I was  
6 based in Abidjan.

7 Q. Now you mentioned that your familiarity goes back before  
8 the war, or the civil war. When do you recall that the civil war  
9 broke out in Liberia?

09:52:05 10 A. Well, the Liberian civil war was the first of the post cold  
11 war civil conflicts in Africa. It broke out on Christmas 1989,  
12 which means shortly after the fall of the Berlin Wall on 9  
13 November, and so it was the first of what some of the academics  
14 label as being destructured conflicts, escaping the cold war set  
09:52:38 15 up when there used to be some sort of tutelary geopolitical  
16 relationship, and you could say from January 1990 onwards this  
17 was a very hot news story for the West African - within the West  
18 African context.

19 Q. Thank you. Can I take you back to part of the answer  
09:52:59 20 you've just given. It's not quite clear. Maybe if you go over  
21 what you said it might be helpful. I will read back to you much  
22 of what you said. "Well, the Liberian civil war was ..." - your  
23 Honours, I'm reading from page 13, line 2 for reference - line 5:

24 "Well, the Liberian civil war was the first of the post  
09:53:25 25 cold war civil conflicts in Africa. It broke out on Christmas  
26 1989, which means shortly after the fall of the Berlin Wall on 9  
27 November, and it was the first of what some of the academics  
28 label as the destructured conflicts escaping the cold war set up  
29 when there used to be some sort of ...", and it's not clear

1 exactly what came out.

2 A. Tutelary for tutelage, so some kind of geopolitical layer  
3 that would give at least in the eyes of the outside world a  
4 familiar rationality to conflicts.

09:54:14 5 JUDGE SEBUTINDE: Perhaps you could spell some of those not  
6 very common words, please.

7 MR BANGURA:

8 Q. Yes, tutelary and geopolitical came out and it's not really  
9 shown correctly spelt. Can you just help with those two, please?

09:54:29 10 A. Tutelary is from tutelage and so some sort of overriding  
11 authority. Berlin was in the sentence and it is the Berlin Wall  
12 which came down on 11 - on 9 November 1989.

13 Q. After the outbreak of civil war in Liberia in 1989, did  
14 your connection with that country change in any way?

09:55:16 15 A. It did intensify. Journalists, not only those based in  
16 Abidjan but flocked to Ivory Coast mainly because that was the  
17 entry point through Ivory Coast. We would drive to the extreme  
18 west to a border town called Danané, and so there were more  
19 journalists coming in trying to cover the story - the unfolding  
09:55:47 20 story in Liberia. We would spend - I would actually spend most  
21 of 1990 in Liberia covering the story from Mr Taylor's side,  
22 because he was actually pacing the news as he was at the head of  
23 the rebel movement trying to conquer the country and the capital,  
24 but I would also go round from Ivory Coast travelling into  
09:56:14 25 besieged Monrovia later in the year to cover the story on the  
26 side of the then President Samuel Doe, and also meet later on  
27 when they had split - Mr Taylor and Prince Johnson they used to  
28 fight together and Prince Johnson set up a splinter rebel group  
29 and he was then in the port area of Monrovia and I would also

1 cover the story from his side, so I was fairly busy that year  
2 doing just that, reporting the unfolding crisis in Liberia.

3 Q. Now, you've just mentioned that you started covering the  
4 story from Mr Taylor's side. First of all, who do you - if you  
09:57:01 5 can give us a full name, who do you refer to as Mr Taylor?

6 A. I'm referring to the former President and first leader of  
7 the NPFL, the National Patriotic Liberation Front of Liberia.

8 Q. And then you mentioned also Samuel Doe and then Prince  
9 Johnson?

09:57:25 10 A. Samuel Doe was the President of Liberia. He had seized  
11 power in 1980, thanks to a military coup. He was of a small  
12 group - ethnic group in Liberia, the Krahn, and Prince Johnson  
13 used to be - he had relative - he was a military man, a trained  
14 military man, and he had rallied Mr Taylor's faction, but fell  
09:57:59 15 out with him for reasons that were explained on either side by  
16 different accounts and he had then set up his own rebel group and  
17 as I mentioned had his headquarters in the port area of Monrovia.

18 Q. Now just to be clear, when war broke out in Liberia you  
19 became much more connected with events there. How long would you  
09:58:26 20 say that that close contact in terms of, you know, covering what  
21 was going on there ran for? For how long did this close  
22 connection run for?

23 A. I think it would be useful to distinguish the two different  
24 phases. The first one, very intense one, was from very early in  
09:58:51 25 1990, January 1990 to August 1990, when I left Liberia with the  
26 rest of the press corps following an incident I had with  
27 Mr Taylor and so we pulled out of Liberia for security reasons.  
28 This was after a staged mock execution and so I didn't cover the  
29 story for maybe a year not going back to Liberia, maybe a little

1 bit less, not very precise in my recollection, but at least until  
2 '91, and from then on I continued to cover the story with maybe a  
3 little difference in the sense that once I was no longer based in  
4 Abidjan, being an Africa editor, I would also cover other stories  
09:59:45 5 and so it was maybe not as intense and close up as it used to be  
6 in the early stages, but this is also because interest overall in  
7 Liberia was still sustained but maybe not as intense as it was in  
8 the beginning.

9 Q. And this level of coverage went on until what period,  
10 roughly?

11 A. It went on until well into the 2000s with the difference  
12 that Liberia was no longer a hot news story, but I would meet  
13 with then President Taylor when he was visiting Paris in 2000 -  
14 in November 2000 - and afterwards I kept following the Liberian  
10:00:36 15 story. I've met now President Ellen Johnson-Sirleaf, so I've  
16 been following the story ever since in a way and now no longer as  
17 a journalist since January 2005 as I'm not writing on a  
18 day-to-day basis any longer.

19 Q. Now, if you recall in the first year or two of this  
10:01:06 20 conflict, do you recall what area Mr Taylor covered, or what area  
21 he had control over?

22 A. The first fighting force - small fighting force - headed by  
23 Mr Taylor went into Liberia from neighbouring Ivory Coast, so it  
24 would be the eastern part of - north eastern part of Liberia, and  
10:01:37 25 from there he moved towards the capital Monrovia and reached the  
26 capital after several months of fighting toward summer 1990. So  
27 he was fairly successful in his attempt to move forward, but then  
28 got stalled and faced difficulties in finishing off the conquest  
29 and taking over the capital.

1 Q. Now during the times that you came to Liberia to cover the  
2 events there, where were you actually based when you were in  
3 Liberia? You mentioned different factions and you've mentioned  
4 an area that was controlled by Mr Taylor, but where were you  
10:02:29 5 actually based?

6 A. It depended on the assignment. If I were covering the  
7 events on the rebel side, rebels led by Mr Taylor, we would move  
8 along with him. I remember that for quite some time the press  
9 corps stayed in Harbel, which is the Firestone plantation,  
10:02:52 10 because there were houses and, even if they were partly  
11 destroyed, it was ages before we were able to kind of settle in  
12 and have a roof over the head. We would then with our cars move  
13 from there to the front line, cover the story, come back, write  
14 our pieces and file. At that time satellite phones and satellite  
10:03:12 15 dishes were not that common, so we had these huge valises to  
16 carry around and set them up which took some time. It's raining  
17 very often in Monrovia and so this is the setup on this side.

18 Covering the story out of Monrovia the journalists could  
19 stay either in a hotel, or later on when the conflict had more or  
10:03:33 20 less destroyed all the hotels we would be staying at Mamba Point,  
21 which is the part of Monrovia where most embassies are located.  
22 Sometimes we would move into formerly - into flats that were  
23 formerly used by expatriates, or diplomats in particular, so that  
24 was the setup on that side. From there we could also cover the  
10:04:06 25 story from Prince Johnson's side, because we could move into the  
26 port area and come back before the end of the day.

27 Q. Thank you. Now just going back to part of the answer  
28 you've given, you mentioned that, "At that time there were few  
29 satellite phones and satellite dishes. They were not common and

1 so we had these huge ...", and whatever you mentioned, whatever  
2 word you called, is not --

3 A. We call it a valise. That's the expression. You may call  
4 it a suitcase. These were metallic boxes weighing 50 kilos, so  
10:04:51 5 it was not easy to set them up the way you do today. I just  
6 wanted to remind the Court of the different working conditions.

7 Q. Now, you mentioned that you would sometimes be covering  
8 events on Mr Taylor's side. How was this possible?

9 A. Well, the usual procedure was that we would have a contact  
10:05:19 10 of the NPFL in Abidjan. Mr Taylor himself sometimes came to  
11 Abidjan to rest - for rest as a kind of rear basis for him. We  
12 would file in our request through whatever middleman there was.

13 We would then have a contact in the town, the border town which I  
14 already mentioned, Danané, so we would go drive to Danané and  
10:05:50 15 then be taken over the border into the part of Liberia that was  
16 already under Mr Taylor's control. It was fairly

17 straightforwardly set up. I think overall the relationship was  
18 well-established between Mr Taylor and specifically those  
19 journalists based in Abidjan who would come on a regular basis.

10:06:11 20 I mentioned Mark Huband, the British journalist. He had been, as  
21 I already mentioned, captured on the train in Liberia. He was  
22 himself based in Abidjan and a good friend of mine, so quite  
23 often we moved in as a group of two, three, or four journalists  
24 and photographers.

10:06:31 25 Q. Thank you. Now, do you have any familiarity with Sierra  
26 Leone as a country?

27 A. Yes, to the same level and for the same reason I consider  
28 myself as being familiar with Liberia. It is another of the  
29 neighbouring West African countries that I was supposed to cover,

1 so I did cover Sierra Leone in the same sense that I covered  
2 Liberia, which meant that I already went to Sierra Leone well  
3 before the civil war on a more regular beat, as covering the  
4 normalcy before the crisis would break out, and obviously under  
10:07:15 5 the normalcy you do not necessarily foresee the forthcoming  
6 crisis. So, I've been in Sierra Leone ever since '86 on various  
7 trips.

8 Q. And because you've just said that you had this contact  
9 before the civil war broke out, do you recall when the civil war  
10:07:33 10 broke out in Sierra Leone?

11 A. Yes, civil - well, it was a fairly unstable country and  
12 upheaval, but the civil - it is not that easily to be dated, but  
13 the civil war as such broke out in 1991.

14 Q. And did you come into Sierra Leone after the civil war  
10:08:03 15 broke out there?

16 A. Yes. As well I tried to cover the story, once again trying  
17 to cover it from all sides basically out of Freetown from the  
18 government side and also trying to get into contact sometimes  
19 thanks to middlemen in Abidjan with the rebel faction, the  
10:08:23 20 Revolutionary United Front, and we would cover that as well. It  
21 depended a little bit how we got into - crossed over from one  
22 side to the other. I remember times when we were getting in from  
23 - through Freetown with just - with a number of colleagues  
24 driving out of Freetown and take the risk of running into a road  
10:08:46 25 block manned by the rebels and then talk our way through so we  
26 would be taken to a higher commander and could explain that we  
27 were journalists and wanted to cover the story. That was  
28 obviously the more perilous - the more dangerous way of doing  
29 things, or otherwise pre-establishing contact so we would be

1 taken in and expected by someone a little bit at the higher  
2 echelons of the fighting force and not run into whatever soldier  
3 or child soldier would be on the next roadblock.

4 Q. Now, you mentioned higher echelons of the fighting force.

10:09:28 5 Did you get to meet any senior members of the fighting forces on  
6 the Sierra Leone side? I'm referring to the RUF that you've  
7 mentioned already.

8 A. Yes, we did. There's an obvious - obviously there is an  
9 interest in rebel leaders to get their message across as well as  
10:09:47 10 other officials, or - so usually it was fairly straightforward  
11 for us to meet the rebel commanders, so I met on various  
12 occasions Mr Foday Sankoh, or Mr Sam Bockarie, and for interviews  
13 or background briefings and sometimes feature stories we wanted  
14 to write on these leaders who made the headlines at the time.

10:10:18 15 Q. At this period in the early stages, that is '91/'92, were  
16 you able to establish any connection between events in Liberia  
17 and events in Sierra Leone?

18 A. Well, I think in our mind this connection was self-evident.  
19 There were two sets of explanations. The first one you would see  
10:10:53 20 the conflict in Sierra Leone being spawned by the conflict in  
21 Liberia. On a very personal or almost anecdotal level you would  
22 see some of the same faces you had been - people you had been  
23 meeting in Liberia would be over - I mentioned Sam Bockarie, or  
24 Foday Sankoh. You would see the same people. Some of the  
10:11:20 25 Lebanese people I had seen in the entourage of Mr Taylor I would  
26 see on the Sierra Leonean side as well. You have a fairly  
27 sizable community - Lebanese community - in Liberia as in Sierra  
28 Leone and so that was on that level, but other people also saw  
29 journalists, analysts. It felt like it was a regional war. It

1 was spreading out. Even though it didn't reach eventually Ivory  
2 Coast and Guinea, neighbouring Guinea, Conakry, there was a lot  
3 of talk about this regional kind of cancer of war, destructured  
4 conflicts as I mentioned earlier on, an understanding that the  
10:12:00 5 whole region was imploding. So on these two levels, the  
6 self-evident level of a conflict spilling over from Liberia into  
7 Sierra Leone and the other one having a look at the map and  
8 feeling like there was a regional war linked maybe to fundamental  
9 causes that were similar in both countries.

10:12:23 10 Q. Now, you mentioned that it would appear in your minds at  
11 the time that the war in Sierra Leone was spawned from Liberia.  
12 Is that correct?

13 A. The word I used was to spawn and so in that sense, yes.

14 Q. All right. And then you mentioned names of persons you  
10:12:53 15 would see in Liberia. On a personal note you said you would see  
16 certain faces on the Liberian side and see them also on the  
17 Sierra Leone side. Apart from seeing faces on both sides, is  
18 there any reason for you to say that the war was spawned from the  
19 Liberian side?

10:13:16 20 A. Through your question I perceive that. Obviously with the  
21 benefit of hindsight, or in hindsight, things would appear less  
22 self-evident maybe as they were for us at the time. We had been  
23 covering the Liberian civil war. Some of the people in  
24 Mr Taylor's entourage were Sierra Leoneans and the move of  
10:13:49 25 Mr Taylor to capture the capital was stalled. He had  
26 difficulties to conquer Monrovia, partly due to facts that must  
27 be known to the Court; the intervention of the West African  
28 peacekeeping force, ECOWAS. For all these reasons the Sierra  
29 Leoneans in Mr Taylor's entourage turned to their own country,

1 this is the way we saw it at the time, and instead of helping  
2 Mr Taylor to power felt like they should go ahead with a similar  
3 enterprise in their country. So it seemed to us a logical  
4 consequence of the Liberian war and the way it went that the  
10:14:32 5 Sierra Leoneans would try on their own in their country to do  
6 what Mr Taylor was doing in his country, stage a rebellion or a  
7 revolution, that depended on your viewpoint, and so the fact to  
8 see people we had met in Liberia the Sierra Leoneans now fighting  
9 in their own country didn't come much as a surprise to us, but  
10:14:56 10 obviously in hindsight all these things are being looked upon a  
11 little bit against the timeline and may appear differently.  
12 Q. Thank you. Now, did you get to meet with Mr Taylor?  
13 A. Yes, I met with Mr Taylor on various occasions, usually  
14 when we went to cover the story in the part of the country he  
10:15:22 15 held under his control. We would meet him upon our arrival, or  
16 shortly after our arrival, for a briefing. We would - if we  
17 stayed on, and sometimes we did for weeks on end, we would do our  
18 work mostly throughout the day, which meant going to the front  
19 line, trying to cover the story, see whether there was any  
10:15:46 20 progress done in moving into Monrovia and we would have on a  
21 fairly regular basis briefings with Mr Taylor. Either Mr Taylor  
22 would see us on the front line and may stop his convoy, get out  
23 of his car and speak to us and answer our questions, or else he  
24 would send someone over to Harbel where we were staying.  
10:16:11 25 Obviously he knew where we were staying and he knew who was in  
26 the part of the country he was controlling, so he may invite us  
27 over for a briefing if he had a special issue he wanted to  
28 discuss with the journalists. So we would come over to the  
29 place, the villa he was staying in, and he would give us

1 interviews, give us background briefings, and so very regularly  
2 you would weave his explanations, his view of the situation, into  
3 your daily report, or else you would run specific interviews on  
4 specific occasions.

10:16:49 5 Q. Do you recall particularly meeting or having an encounter  
6 with Mr Taylor in August of 1990?

7 A. Yes, I do. In August 1990 I had made a decision to cover  
8 the story from a different angle, moving from the front line that  
9 was in Sinkor, the part of town where the Executive Mansion or  
10:17:28 10 the President's palace is located in Monrovia, and so there was  
11 fighting. We could see the Executive Mansion from where we were  
12 on the NPFL side and the front line was running there, so on a  
13 regular basis we covered the story from there but, as I mentioned  
14 earlier on, the advance by the NPFL gets stopped over there and  
10:17:53 15 so I took the decision to cover the story on a second front line  
16 where journalists had not been going at that time. It was the  
17 attempt by the NPFL to move into Monrovia in a two-pronged  
18 offensive through the swamps and I met Mr Taylor when I went  
19 there on my own. No other of my colleagues did want to go there  
10:18:23 20 because it was unfamiliar ground and the attempt to zero in on  
21 Monrovia from the other side turned out to be a military failure,  
22 so I just saw Mr Taylor moving out of the region - out of that  
23 area - and his fighters also fleeing and so it was not a very  
24 successful day.

10:18:49 25 The same day, it must have been 16 or 17 August, I met  
26 Mr Taylor later at night. It was already dark on the edge of  
27 Robertsfield International Airport, officially closed down at the  
28 time under the control of Mr Taylor's forces. At that point in  
29 time, all journalists were together driving in our vehicles. We

1 crossed - we came across Mr Taylor's convoy, stopped for the  
2 reason that I mentioned earlier on. I was thinking that  
3 Mr Taylor may provide us with some insight into what he was  
4 planning. Mr Taylor was at that point in time very angry and, as  
10:19:44 5 it turned out, angry against me. He asked to see me and he said  
6 that I should be taken away by his bodyguards. My colleagues  
7 from the press tried to enquire about the specific reasons of his  
8 anger and his decision. He would not explain it and he advised  
9 them to move on and let me go with his bodyguard. There was a  
10:20:25 10 short discussion amongst us whether this should be done or not.  
11 Some of the colleagues were frightened by the prospect of leaving  
12 me behind. Others reasoned that maybe they should let it go  
13 because there was not much to be negotiated and they had  
14 satellite telephones. It - maybe the wiser thing would be to  
10:20:45 15 ring for example the American authorities, given the fact that  
16 I'm an American national, and give them knowledge about the  
17 situation, rather than insist on the side of the road discussing  
18 endlessly and against someone who was decidedly firm in his  
19 stance that I should leave with his bodyguards. So, I left and I  
10:21:12 20 was then taken away by two of his bodyguards and subsequently --  
21 Q. Can I just pause you before we talk about events that  
22 unfolded after that. Can you give us a context of how this  
23 meeting went on, or perhaps what - how was it - how was the  
24 encounter, basically? Where was Mr Taylor?  
10:21:42 25 A. From our side it was - at least from my side, because  
26 obviously I can only talk for those who travelled in the same car  
27 with me. I don't know what other colleagues may have discussed  
28 in other cars. We usually, for security reasons and convenience,  
29 moved together if we went out after dark, so we might have been

1 five car - in five cars and it was a fortuitous encounter. It  
2 was not planned we would meet Mr Taylor so - but seeing his  
3 convoy, he stopped and we stopped and then followed the argument  
4 that I have previously described.

10:22:22 5 Q. Now, when you say "his convoy", could you describe what his  
6 convoy was made up?

7 A. Yes, it's a sort of motorcade and so you would have his own  
8 jeep - armoured jeep - and preceded and followed by various other  
9 cars, other combatants and his personal security detail and so  
10:22:46 10 you could easily identify that it was him. We knew his car and  
11 there were not very many people moving around that part of  
12 Liberia in a motorcade.

13 Q. Can you describe basically how he was dressed as well as  
14 the other people with him?

10:23:07 15 A. It depended. As far as Mr Taylor was concerned he was  
16 always well-dressed and he often, when we came closer to the  
17 front line, would wear a bulletproof jacket that would go up to  
18 the neck. Otherwise he was not in conspicuous military apparel,  
19 but rather wore civilian garb. As for his entourage, it  
10:23:44 20 depended. If it were councillors or advisors they would be in  
21 civilian apparel and, if it were military, they would be in  
22 fatigues.

23 Q. On this occasion you said he had bodyguards and they would  
24 - how were they particularly dressed?

10:24:05 25 A. As I said, it was night and, quite frankly, with Mr Taylor  
26 being - which was an unprecedented incident - angry with the  
27 press and specifically with myself, I would not recollect exactly  
28 whether there was any difference to the normal appearance of his  
29 entourage. I think we should understand that in a situation such

1 as a rebel movement, I mean a rebel movement moving towards the  
2 capital, obviously Mr Taylor never went on his own. He was  
3 always accompanied by security and that seemed at that time and  
4 even in hindsight quite normal to us. So, we met him. His  
10:24:51 5 convoy stopped, the headlights on, so we had that discussion, a  
6 tumultuous discussion which lasted probably only a couple of  
7 minutes, and then we proceeded as Mr Taylor had ordered it to  
8 happen.

9 Q. Now, you mentioned his security was with him. What  
10:25:10 10 normally was the make up of his security, if you recall?

11 A. There again, to be precise, you would distinguish when  
12 Mr Taylor was on the move, or whether he was in his residence.  
13 In his residence it was a well-organised security setup which I  
14 do not know in detail. I can only describe it from my viewpoint  
10:25:32 15 as someone who came to visit him to interview him. So, you would  
16 have an outer ring of security. I would associate that fairly  
17 often with the Small Boys Unit, child soldiers, if I had to  
18 estimate young boys, sometimes girls, between the age from 10/11  
19 up to 15/16. They would be the outer ring of security and then  
10:26:04 20 you had various inner rings of security, bodyguards, Liberian  
21 bodyguards, but also we spotted Burkinabe security people.  
22 Sometimes I had exchanges with them, because they spoke French  
23 and some of them knew me from my work over the radio. The radio  
24 gives you a sort of notoriety because your voice goes on air.  
10:26:25 25 And what we thought to be Libyan members of his entourage,  
26 light-skinned people who would not talk to us and usually left  
27 the room when we were gathering with Mr Taylor.

28 Q. Just before we move from this point, you just mentioned  
29 something about being known from your voice on radio. Did you

1 contribute to any radio broadcasts or any programme on any radio  
2 over this period?

10:27:17 3 A. Yes, I was the West African correspondent of Radio France  
4 International, as I mentioned earlier on, and at times also the  
5 BBC Focus on Africa in particular would draw on either Mark  
6 Huband, other journalists or myself for interviews, and so our  
7 voices were known and these international radio stations are  
8 being picked up in Africa and obviously in a conflict situation  
9 people would listen and follow closely these reports from the  
10 outside world.

11 Q. Now, we were on the story about your encounter with  
12 Mr Taylor and you said he ordered his bodyguards to take you  
13 away. Do you recall?

14 A. Yes, sir.

10:27:55 15 Q. Did anything happen after he had given these orders?

16 A. Yes, the convoy - Mr Taylor's convoy - left and so did my  
17 colleagues. I got aboard a jeep with two of his bodyguards. I  
18 later on got to know the name of one of them. His name is Boyou,  
19 B-O-Y-O-U. He was familiar on sight to me. So, they were very  
10:28:30 20 angry at me as well. I can't precisely recall what they said,  
21 but they more or less threw abuse at me verbally. I was not  
22 touched, in the sense of being beaten. They just took me  
23 vigorously into their car, I was sitting behind and they yelled  
24 at me. I understood at that point of time that they were angry  
10:28:54 25 because their leader had been angry at me. I obviously was  
26 frightened. We drove in the dark and then they stopped the car.  
27 They had me kneel down by the roadside. Mr Boyou pointed his  
28 gun, which was a silver handgun, next to my head and I thought he  
29 was about to execute me. I was kneeling down in the headlights

1 of his car and a shot went off, but I was not hit and so I  
2 understood that this was a mock execution meant to punish me or  
3 to intimidate me. Eventually we got back into the car and they  
4 drove me to a detention centre where I was briefly interviewed,  
10:29:52 5 but only asked questions about my personal identity which I  
6 suppose was known already, but nevertheless so I repeated my  
7 name, the news organisation I was working for, et cetera, nothing  
8 specific - not any specific questions - and then I was locked up  
9 in a cell where other prisoners were already being locked up. I  
10:30:16 10 remember having to sort out a kind of negotiation over some  
11 space. Some of the prisoners thought that maybe I did not  
12 deserve them making the effort and the sacrifice to find a little  
13 bit of extra space for me. We were already very much crowded, I  
14 don't remember how many but maybe around ten prisoners in a  
10:30:44 15 fairly small cell, and eventually we found a compromise with me  
16 sticking my legs through the bars and having just the upper part  
17 of my body in the cell so it would be the most convenient for all  
18 of us.

19 Q. How long were you in the cell?

10:31:01 20 A. To the best of my recollection, I was taken out two or  
21 three times again that very night under various guises and  
22 pretexts, further questions that didn't really make sense to me,  
23 and I stayed there for two or three days. It's a little bit  
24 blurred in my mind exactly how the sequence was, but after two or  
10:31:29 25 three days I was asked out, actually released, but wouldn't have  
26 my passport. It was said to me that Mr Taylor would hold on to  
27 the passport. I should have mentioned that I handed over my  
28 passport to Mr Taylor when we encountered at the edge of  
29 Robertsfield airport. I then was allowed to go back to meet with

1 my fellow journalists - my colleagues - who had been waiting  
2 preoccupied. They had telephoned and given the news of my  
3 detention, or at least the fact that I was more or less abducted  
4 at the edge of Robertsfield airfield, to Paris and especially to  
10:32:19 5 Washington. I later on gathered that the State Department had  
6 protested against what had happened to me and I was allowed to  
7 meet my fellow journalists who had then collectively decided that  
8 on security grounds it was no longer advisable to stay behind and  
9 that all of us - not only me, but all of us - would leave. So we  
10:32:46 10 all pulled out in a convoy back to the Ivorian border, where I  
11 recollect that having no passport I had a little bit of  
12 difficulty to explain to the Ivorian border police that I wanted  
13 to go back to Abidjan. They rang the presidency in Abidjan,  
14 where I was as an accredited journalist sufficiently known so the  
10:33:11 15 presidency would give its green light to let me in, and I later  
16 on got a new passport at the American embassy in Abidjan.

17 Q. Was there any reason given for this treatment that was  
18 meted out to you by Mr Taylor?

19 A. Well, in all honesty the elements that I gathered  
10:33:39 20 afterwards and those I had when I was living through the  
21 situation may now congregate in sense and come together. I was  
22 at the time convinced - and I am still - that I was the wrong man  
23 in the wrong place in the morning when I went on my own to the  
24 second front line where journalists had not appeared prior to my  
10:34:08 25 venue. Also the fact that seeing Mr Taylor's convoy retreating,  
26 or getting out of the combat zone, I left my vehicle because I  
27 thought maybe naively that Mr Taylor may stop and talk to me and  
28 explain to me the events of the day and so I was visible at the -  
29 on the roadside. That was the first reason that I saw and I

1 think to some extent he must have associated my presence with the  
2 military set back that his forces had suffered on that day trying  
3 to get through the swamps into Monrovia.

4 The second reason --

10:34:50 5 Q. Just before you get on to the second reason, I understand  
6 you as giving two reasons, but this first one you are probably  
7 referring to something you had said before in your earlier  
8 testimony. Is that correct?

9 A. This is correct, yes.

10:35:06 10 Q. Okay.

11 A. This is correct and this is the reason that I had in mind  
12 when in the evening we had the encounter with Mr Taylor. I could  
13 only see that reason because it's the only thing that  
14 distinguished me from the other journalists. We had always done  
10:35:21 15 the same things, so being specifically angry at me I thought it  
16 was linked to that incident that I was associated with that  
17 military set back, and afterwards when I was expelled and the  
18 press corps pulled out I understand that a communiqué, which I  
19 have not materially seen but it was read over the international  
10:35:48 20 radio set, that Stephen Smith, an American national, had been  
21 expelled from Liberia on grounds of overstepping his journalistic  
22 work and doing spy activities, if I remember. That was in at  
23 least the gist of the communiqué.

24 Q. Who released this communiqué?

10:36:09 25 A. The NPFL. So that was one reason. The other reason is  
26 probably something that was pointed out to me once we were back  
27 in Abidjan, and collectively together with the other journalists  
28 we tried to understand what had happened to us. We learned that  
29 from sources - we could not verify the information independently,

1 but we were told that on that very night when we encountered  
2 Mr Taylor weapons were to arrive, a consignment was to arrive at  
3 Robertsfield airport, so we may also collectively have been the  
4 wrong people in the wrong place and maybe not welcome to be  
10:36:57 5 around Robertsfield at that specific time, but once again I was  
6 not able to confirm that information that was given to me later  
7 on.

8 Q. So you said you learnt that there were --

9 MR MUNYARD: Madam President, I've listened to this for  
10 some time and, fascinating though the story is, it's extremely  
10:37:21 11 difficult to see the relevance of Mr Smith's arrest, I'll call it  
12 that in neutral terms, in August of 1990 in an incident  
13 relatively early on in the Liberian civil war to the issues that  
14 this Court has got to decide in relation to the Sierra Leone  
10:37:54 15 civil war in particular from the end of 1996 to the beginning of  
16 2002. One journalist who may well have some general information  
17 to give to the Court about relevant matters during the indictment  
18 period for all we know, who had an experience involving - or  
19 claims to have had an experience involving Mr Taylor and his  
10:38:22 20 bodyguards in 1990, has no obvious relevance to the matters in  
21 the indictment I would submit and I would invite the Court to ask  
22 Mr Bangura to explain what the relevance of all of this is.

23 PRESIDING JUDGE: Mr Bangura, you've heard this objection.  
24 What is your response?

10:38:43 25 MR BANGURA: Your Honours, the Prosecution will submit that  
26 the evidence that this witness is providing to the Court is  
27 relevant. Your Honours, this Court has on many occasions and  
28 through many witnesses heard similar testimony about events in  
29 Liberia, covering the period of the start of the civil war there

1 right through to the end, and your Honours this - the Prosecution  
2 has I believe in the case of one or two of those witnesses made  
3 similar submissions.

10:39:30

4 PRESIDING JUDGE: When you say "the civil war there", you  
5 mean the civil war in Liberia?

10:39:46

6 MR BANGURA: In Liberia, yes, your Honour. We have made  
7 similar submissions to the effect that there is a connection to  
8 be drawn between the events in Liberia and events that unfolded  
9 in Sierra Leone, and I believe there has been one witness in this  
10 Court who has testified to the fact that the Court or one could  
11 not understand properly the events in Sierra Leone in the war in  
12 Sierra Leone without properly understanding what went on in  
13 Liberia.

10:40:07

14 Your Honours, in short the evidence which the witness is  
15 giving is in itself a background information to much more  
16 evidence that will unfold as he testifies, and I submit that this  
17 evidence is relevant to this case in a contextual nature. It  
18 talks about crimes that were committed and, as I have pointed  
19 out, your Honour, to understand the war in Sierra Leone and the  
20 crimes that were committed in Sierra Leone, as has been rightly  
21 pointed out, it is important to also understand similar crimes  
22 that were committed in Liberia during the period that the accused  
23 was the commander of the NPFL forces.

10:40:37

24 PRESIDING JUDGE: But Mr Munyard's pointing out that this  
25 is the personal experiences of the witness and you are talking of  
26 the more general background of the war and the correlation  
27 between the two. Mr Munyard's objection, as I understand it, is  
28 channeled towards the particularity of this evidence.

10:40:57

29 MR BANGURA: Your Honours, I may be missing the point, but

1 the witness is a witness of fact and rightly the witness is  
2 testifying to events that occurred that affected him personally,  
3 notwithstanding the fact that he was acting and operating in a  
4 professional capacity as a journalist and the background for that  
10:41:40 5 has been given. But notwithstanding that, this is a witness of  
6 fact and this is a witness who is narrating to the Court  
7 experiences that he personally underwent in the hands of  
8 Mr Taylor and his forces in Liberia.

9 PRESIDING JUDGE: We uphold the objection. We consider  
10:43:03 10 that whilst there may be foundation and evidentiary matters to be  
11 brought that relate to the period of the indictment, which as  
12 you're aware is November 1996 onwards, then it's time to come  
13 into the issues that are pertinent to the indictment, Mr Bangura.

14 MR MUNYARD: Madam President, can I also at this stage deal  
10:43:28 15 with another matter that's related to what my learned friend has  
16 just said. He's talked about as this witness's evidence will  
17 unfold, or words to that effect. We have, by way of disclosure  
18 of this witness, a small bundle. This is actually double the  
19 amount of what's in it because it's duplicated and some of it is  
10:43:49 20 translations of French articles. What they amount to is a short  
21 two-page explanatory note on the circumstances behind an  
22 interview with Mr Taylor in the year 2000, then two articles  
23 written in French which are translated and then one article that  
24 relates to the irrelevant material that you've just been hearing  
10:44:18 25 about. That is the full extent of the disclosure. Most of the  
26 contents of the articles deal with Mr Taylor in Liberia and to  
27 some extent Mr Taylor's involvement in, for example, securing the  
28 release of peacekeepers seized by the RUF in 2000, but a great  
29 deal of the evidence that the witness has already given has not

1 been presaged in any way whatsoever in the material disclosed.

2 I am therefore raising the question of whether or not there  
3 is other disclosure that we haven't yet received. In particular,  
4 whether or not there are prepping notes from this witness, who on  
10:45:06 5 the face of this hasn't been seen since some time in 2007, and  
6 yet the ambit of the evidence he's been giving this morning goes  
7 very considerably beyond what is enclosed in the disclosure.

8 So I'd like to know, first of all, why it is we're going so  
9 far and so wide with a witness whose evidence as a witness of  
10:45:29 10 fact seemed to be limited to the one incident we've just heard of  
11 and then interviews with Mr Taylor in the year 2000. That's all  
12 that has been disclosed to us.

13 MR BANGURA: Your Honours, the Prosecution has no further  
14 material to disclose and has disclosed all that we have in  
10:45:53 15 respect of this witness. Your Honours, I should make the point  
16 that the matters that the witness has been testifying to just  
17 before the objection was raised by my learned friend are covered  
18 by one of the documents that has been disclosed to the Defence  
19 and my learned friend has pointed to it and he says that this is  
10:46:20 20 irrelevant.

21 Your Honours have ruled on that objection, but the content  
22 of that testimony by the witness is covered by this document that  
23 I referred to, your Honour, and that has been disclosed to the  
24 Defence.

10:46:36 25 PRESIDING JUDGE: So you're saying that to go to the  
26 particulars mentioned by Mr Munyard there are no prepping notes,  
27 or other records of interview?

28 MR BANGURA: No, your Honour.

29 PRESIDING JUDGE: Does this answer your question,

1 Mr Munyard?

2 MR MUNYARD: It answers that question. It doesn't deal  
3 with the very extensive account this witness has given of, for  
4 example, his personal career and his views of the way in which  
10:47:01 5 the conflict started in both countries. Indeed, until he gave  
6 his evidence it was not clear for a moment from what we've got  
7 here that he'd ever been to Sierra Leone.

8 MR BANGURA: Your Honours, talking about the witness's  
9 personal career, the Defence have been provided with a resumé of  
10:47:29 10 the witness and that extensively describes the witness and his  
11 professional career. That document has not been listed as a  
12 document to be exhibited in court, but I have led the witness  
13 through much of what is contained in that resumé. So that is  
14 fairly why --

10:47:48 15 MR MUNYARD: I'm sorry to interrupt, but I'd be grateful to  
16 know when that resumé, so called, was disclosed to the Defence,  
17 because all I've got here are a collection of items that were  
18 disclosed to us by email that are the journalistic articles  
19 together with something called "Explicatory note on the  
10:48:11 20 circumstances and background of Charles Taylor's interview  
21 published in Le Monde on 15 November 2000". But, as I say, it is  
22 not obvious from anything in the disclosure that this witness has  
23 ever set foot for a moment in Sierra Leone.

24 MR BANGURA: Your Honours, I invite my learned friend to go  
10:48:33 25 back and look at the documents disclosed to the Defence on 6  
26 November 2007. The CV was filed - I understand the CV was filed  
27 --

28 PRESIDING JUDGE: Mr Bangura, there are two parts. There  
29 is Mr Smith's personal resumé which you say was disclosed, but

1 there is also the evidence that is now being elucidated that  
2 Mr Smith has been to Sierra Leone that Mr Munyard says they have  
3 had no notice of. What about that part?

10:49:06 4 MR BANGURA: Your Honours, that forms generally part of the  
5 background to the evidence that this witness is giving, and your  
6 Honours will note that I have merely asked the witness's  
7 familiarity with Sierra Leone and not dwelt in much detail with  
8 events on Sierra Leone. The evidence that the witness has given  
9 so far has been largely focused on Liberia and his experiences in  
10:49:26 10 Liberia. Your Honours, that was merely as a - but again, your  
11 Honours, if your Honours would be indulgent, the witness's  
12 testimony as it unfolds will point to events in Sierra Leone and  
13 my learned friend has got disclosures which clearly point to the  
14 fact that later events which the witness will be testifying do  
10:49:51 15 mention Sierra Leone.

16 PRESIDING JUDGE: Well, Mr Munyard, you have heard counsel  
17 for the Prosecution. If you consider you have been taken by  
18 surprise we will deal with it as it arises, but I have now upheld  
19 your first and preliminary objection on relevancy and I'm now  
10:50:12 20 instructing Mr Bangura to move on to the relevant evidence.

21 MR MUNYARD: Thank you. Madam President, if I need to  
22 raise the matter later then I will. At the moment I'll simply  
23 leave it as a marker.

24 PRESIDING JUDGE: Thank you. Please proceed, Mr Bangura.

10:50:28 25 MR BANGURA:

26 Q. Mr Witness, you mentioned that you met Mr Taylor a number  
27 of times. Did you again meet Mr Taylor after this occasion that  
28 you've just described?

29 A. Yes, I did. My decision, and as I later on learned the

1 decision taken by Mr Taylor, was that we would move on in a  
2 professional relationship, so I tried to forget about the more  
3 personal incident so as to be able to do my job as a journalist  
4 and not to become a kind of screen in between myself and the work  
10:51:14 5 I was doing and the reportage or coverage of Liberia. So I went  
6 back to Liberia, as I had done before, and in that capacity met  
7 Mr Taylor in 1996 when he was part of an interim constitutional  
8 setup - interim government - and interviewed him. We met at that  
9 occasion. We fairly rapidly put behind us what had happened in  
10:51:45 10 August 1990. I remember Mr Taylor saying jovially that he still  
11 had my passport and would at one point in time have to give it  
12 back to me and we left it with this, not going into - not delving  
13 into the past and moving on. I interviewed him then and he came  
14 to Paris in 1988 - sorry, in 1998. Then elected President,  
10:52:17 15 President of Liberia, it was an official visit to Paris. I met  
16 him again in 2000 when we recorded, together with a colleague  
17 from Le Monde, the interview that was just made reference to. He  
18 was then still President of Liberia, but came on a private visit  
19 to Paris.

10:52:35 20 Q. Now, can we focus on the meeting in 2000 and the interview  
21 that you said you had with him during that visit. Can you recall  
22 when in 2000 that was?

23 A. It was in November. It was published, if my recollection  
24 is correct, on 15 November in Le Monde. There is two pieces.  
10:53:01 25 One is the interview and there is a second article that was  
26 written by myself and my colleague, just to put into perspective  
27 the question and answer session interview - direct interview that  
28 was published at the same time.

29 Q. And at this time you were working with which particular

1 newspaper?

2 A. I was working with Le Monde, the - probably, yeah, the  
3 biggest daily newspaper in France.

4 Q. And how was this interview set up?

10:53:42 5 A. We had contact with Mr Taylor's delegation. You have to  
6 understand that at that time, November 2000, we were a couple of  
7 months after the British intervention in Sierra Leone, so in May  
8 2000 British Prime Minister Tony Blair had decided to send  
9 hundreds of paratroopers into Sierra Leone in an attempt to save  
10:54:09 10 the face of the United Nations peacekeeping mission. Five  
11 hundred peacekeepers had been taken hostage in Sierra Leone and  
12 the whole operation was about to crumble, so the British army  
13 moved in. It was this context. We also had, prior to the  
14 interview in December 1999, the Lomé - the Togolese capital -  
10:54:45 15 peace agreement, so eyes were actually on Sierra Leone in an  
16 attempt to bring piece to the country. Major peacekeeping  
17 operation by the UN, if I remember correctly, 13,000 Blue Helmets  
18 in the country, the humiliation of half a thousand peacekeepers  
19 being taken hostage by the rebel movement, the RUF, and Mr Taylor  
10:55:04 20 being involved in securing their release and also the pressure  
21 exerted by Great Britain by moving in militarily. So, in this  
22 context Mr Taylor came on a private visit to Paris. Various news  
23 organisations tried to interview him in this context and my  
24 long-standing context with his entourage and his - overall his  
10:55:36 25 decision made it possible for us to have this interview with him,  
26 which was recorded in the hotel in Paris where he was staying.  
27 The hotel's name was Lutetia.

28 Q. Did you conduct this interview alone?

29 A. No, I did conduct this interview with a colleague of mine

1 from the same newspaper Le Monde, Jean-Baptiste Naudet, which is  
2 his family name is N-A-U-D-E-T. He was working in the African  
3 section of the newspaper at that time.

4 Q. In what language was the interview conducted?

10:56:20 5 A. We spoke in English and the interview was recorded. It was  
6 a straightforward question and answer, so it was not afterwards  
7 accompanied by whatever journalistic writing that would just  
8 quote sentences of Mr Taylor, but it was a direct question and  
9 answer session.

10:56:45 10 Q. Following the interview, did you publish the excerpts of  
11 this interview?

12 A. Yes, we did. We recorded the interview. I remember we  
13 were four of us in a room in a salon of the hotel, President  
14 Taylor, Jean-Baptiste Naudet, myself and Mr Taylor's wife, Jewel,  
10:57:06 15 so just the four of us. We went straight forward into the  
16 interview and we published the interview the following day. As I  
17 mentioned, you had the question and answer session and you have  
18 an accompanying piece written by the two journalists that we were  
19 about the background, so Mr Taylor's explanations were put into -  
10:57:29 20 would be put into context.

21 Q. In what language was this interview originally published?

22 A. It was published in French, so we had to translate it and  
23 both we listened to the tape and transcribed the tape together  
24 with my colleague Jean-Baptiste Naudet.

10:57:50 25 MR BANGURA: Your Honours, may the witness be shown a  
26 document in the exhibit bundle in respect of this witness.

27 PRESIDING JUDGE: Perhaps give it a title so as to assist  
28 in locating it.

29 MR BANGURA: I am just coming to the title. Your Honours,

1 tab 2. Actually this is a document that has already been  
2 admitted in evidence before. It's P-33A.

3 JUDGE LUSSICK: Mr Bangura, the document I have in tab 2 is  
4 in French. Is that the one you wanted us to see?

10:59:07 5 MR BANGURA: Yes, your Honour:

6 Q. Mr Smith, do you see the document that has been shown to  
7 you?

8 A. Yes, sir.

9 Q. Do you recognise it?

10:59:24 10 A. Yes, I do.

11 Q. What do you recognise it as?

12 A. I recognise it as being the interview that was published on  
13 November 2000 - 15 November - in Le Monde.

14 Q. And this is in what language?

10:59:39 15 A. This is in French.

16 Q. You also mentioned that this interview was translated into  
17 English after the interview. Is that correct?

18 A. No, it's the other way round. We recorded the interview in  
19 English and then translated it with a byline that you can see on  
20 the document I'm contemplating. We translated it into French for  
21 our readership - for our audience.

11:00:01 22 Q. I probably got it the other way then. When you published  
23 it after the interview, in which language did it come out  
24 originally in?

11:00:20 25 A. This seems to be a confusion. Mr Taylor and Jean-Baptiste  
26 Naudet and myself, we conducted the conversation - the interview  
27 - in English, recorded it as it was and then we transcribed the  
28 interview and translated it so it would be accessible to our  
29 readership. Being a French daily, the language of the

1 publication was French.

2 Q. Was it ever published in English?

3 A. The interview, no.

4 Q. Thank you. So do you recognise this as the article that

11:00:56 5 was published in Le Monde?

6 A. Yes, I do.

7 MR BANGURA: Can the witness be shown the document in tab

8 3. Your Honours, that has been exhibit before the Court P-33B:

9 Q. Do you see the document shown to you, Mr Smith?

11:01:44 10 A. Yes, I do.

11 Q. What do you recognise it as?

12 A. Well, I recognise it as being the article that accompanied

13 the publication of the interview. I think the indication at its

14 head saying that it's comments noted by Jean-Baptiste Naudet and

11:02:04 15 Stephen Smith is maybe not precisely what it is because it's a

16 just a straightforward article. It's not supposed to be any sort

17 of comment. It's a news article that accompanied the interview.

18 The rule of the interview obviously is that you would transcribe

19 literally what is said and, if there is any background or

11:02:27 20 contextualisation that is missing, you would not put that into

21 the interview because the covenant of trust between the

22 interviewee and the journalist is that you would just put his

23 words and nothing else.

24 Q. It's not entirely clear what you're saying.

11:02:47 25 A. I can see on the screen that this is presented as being

26 comments noted by Jean-Baptiste Naudet and Stephen Smith. It is

27 not our comment to the interview. It's just an accompanying

28 article that was published the same day side by side with the

29 interview, so --

1 Q. Thank you.

2 JUSTICE SEBUTINDE: Mr Bangura --

3 MR MUNYARD: I'm not entirely sure - I'm so sorry, your  
4 Honour. You may be about to ask the same question.

11:03:15 5 JUDGE SEBUTINDE: Yes, Mr Bangura, I don't understand. The  
6 witness just said the interview was conducted in English.

7 MR BANGURA: Yes, your Honour.

8 JUDGE SEBUTINDE: Now is this the English interview, or is  
9 this some article that accompanied the interview?

11:03:31 10 MR BANGURA: This is the English interview, your Honour,  
11 but --

12 JUDGE SEBUTINDE: That's not what the witness said, or at  
13 least I don't think that's what the witness said. Could you  
14 please clarify is this the English interview that was later  
11:03:42 15 translated into French, or is this an article that accompanied  
16 the interview that was published?

17 MR BANGURA: Your Honour, I will just take a quick look  
18 again at what has been shown to the witness.

19 THE WITNESS: May I clarify from my point of view?

11:04:01 20 JUDGE SEBUTINDE: Yes, Mr Witness, that would be helpful.

21 THE WITNESS: We have two successive documents that were  
22 shown to me. The first one was the French translation of the  
23 interview, as it was published in the newspaper, and the second  
24 is the article that side by side was published the same day. So  
11:04:17 25 two pieces of information, the interview and an article, and both  
26 are in French exactly as they were published in the newspaper.

27 JUDGE SEBUTINDE: The question is what is this article?

28 THE WITNESS: The article is a clarification or a  
29 background contextualisation of the situation in Liberia and

1 Sierra Leone. As the reader listening to Mr Charles Taylor's  
2 explanations may not be familiar with the context, the situation  
3 in Sierra Leone, all the references that are made in the  
4 interview you usually accompany an interview by an article that  
11:04:52 5 would set the scene for the audience so as to be able to really  
6 fully appreciate the explanations given by Mr Taylor. As you  
7 cannot do the two, meld them, you have to do it separately.

8 JUDGE SEBUTINDE: So then this document in front of us in  
9 English is not a record of the interview.

11:05:12 10 THE WITNESS: No, it isn't. You have the interview and --

11 JUDGE LUSSICK: Mr Witness, I'm just wondering what  
12 document you have been shown as the English document, because  
13 I've got an English document behind tab 3 which you probably  
14 don't have, but it appears to be a direct translation of the  
11:05:29 15 French interview. Is this the document you've been shown? I  
16 see. Yes, that's the document you've been shown?

17 THE WITNESS: I was shown first the document in French, the  
18 interview as it was published in Le Monde, and now I'm being  
19 presented with an English translation of the accompanying  
11:05:56 20 article. These are the two documents that I see.

21 PRESIDING JUDGE: But the accompanying article was  
22 originally in French, is that correct, and this English  
23 translation has not been made for publication?

24 THE WITNESS: You are fully correct, yes.

11:06:14 25 MR BANGURA: Thank you, your Honour.

26 JUDGE SEBUTINDE: Mr Bangura, so we don't have an English  
27 translation of the interview, do we?

28 MR BANGURA: What we do not have flowing from the question  
29 asked by Madam President of the witness is a publication of the

1 English translated version of the interview, as I understand it.

2 JUDGE SEBUTINDE: I'm not asking about a published version.

3 I'm just saying for the Court's own understanding this is an  
4 English speaking court. In other words, of exhibit P33-A we

11:06:56 5 don't have an English translation, do we?

6 MR BANGURA: Your Honour, we do have an English  
7 translation.

8 JUDGE SEBUTINDE: Of P33-A?

9 MR BANGURA: P-33B is the English translation of P-33A, as  
11:07:10 10 I understand it.

11 JUDGE SEBUTINDE: No, this is exactly what the witness said  
12 it wasn't, if you were listening.

13 JUDGE LUSSICK: There is some confusion here. I'm on your  
14 side, Mr Bangura. This 33B to me, the English one, Mr Witness,  
11:07:23 15 can you show me any part of that that is comment rather than just  
16 a translation of the French interview?

17 THE WITNESS: Let me have a look at it. I see there is  
18 confusion. I was shown first a document which is the French  
19 version as it was published in Le Monde of the interview,  
11:07:47 20 straightforward just questions and answers. That's the first.

21 JUDGE LUSSICK: All right. Now if you get on to the  
22 English document, if you ignore the third line where it says  
23 "Comments noted by Jean-Baptiste Naudet and Stephen Smith", just  
24 ignore that and tell me what part of that document is comment not  
11:08:08 25 associated with the actual words used in the English interview.

26 THE WITNESS: As I pointed out, there is no comment. There  
27 is an introduction in the first paragraph just saying that  
28 Mr Taylor's back and --

29 JUDGE LUSSICK: But that's in the French version too. What

1 I am trying to find out is --

2 THE WITNESS: I get you.

3 JUDGE LUSSICK: -- is this just a translation of the French  
4 record of interview --

11:08:31 5 THE WITNESS: Yes, it is.

6 JUDGE LUSSICK: -- rather than a comment?

7 THE WITNESS: Yes. Yes, it is.

8 JUDGE LUSSICK: Well, I hope that clears that up.

9 MR BANGURA: Thank you, your Honour.

11:08:44 10 PRESIDING JUDGE: Perhaps I can just ask is this a full  
11 transcript of the interview between yourself, Jean-Baptiste  
12 Naudet, Mr Taylor and Mrs Taylor?

13 THE WITNESS: No, to be precise this is a translation of  
14 the interview as it was published in Le Monde. As you edit an  
11:09:06 15 interview you would have passages that you would not take, so  
16 this is a translation of the edited version of the interview as  
17 it was published in the newspaper.

18 PRESIDING JUDGE: Thank you, Mr Smith. I'm clear now.

19 MR MUNYARD: Your Honour, I did rise some time ago and I  
11:09:28 20 sat down because Justice Sebutinde had also intervened at that  
21 point. All I was going to ask is whose is this translation?  
22 Whose is the English translation?

23 PRESIDING JUDGE: You mean who translated it, rather than  
24 who has the copyright?

11:09:47 25 MR MUNYARD: Yes, I wasn't getting into legal issues. I  
26 just wanted to know was it translated by the witness.

27 THE WITNESS: No, it wasn't. It isn't my translation.

28 MR BANGURA: Your Honours, the Prosecution would  
29 respectfully move that these two documents be marked for

1 i d e n t i f i c a t i o n .

2 P R E S I D I N G J U D G E : T h e y ' r e a l r e a d y e x h i b i t s , y o u ' v e t o l d u s .

3 M R B A N G U R A : Y o u r H o n o u r , t h e y a r e e x h i b i t s , b u t y o u r  
4 H o n o u r s t h e y m a y b e i n t r o d u c e d a s e x h i b i t s f o r t h i s w i t n e s s a s  
11:10:16 5 w e l l .

6 P R E S I D I N G J U D G E : T h e w i t n e s s h a s n ' t c h a n g e d a n y t h i n g i n  
7 t h e m , h a s n ' t m a r k e d t h e m i n a n y w a y . H e ' s j u s t a c k n o w l e d g e d  
8 t h e m . W h y d o y o u n e e d t o t e n d e r t h e m a g a i n i n t h e f o r m t h a t t h e y  
9 w e r e a l r e a d y e n t e r e d i n t o t h e C o u r t a s e x h i b i t s ?

11:10:36 10 M R B A N G U R A : I t a k e t h e p o i n t , y o u r H o n o u r . Y o u r H o n o u r s ,  
11 m a y t h e w i t n e s s b e a s s i s t e d w i t h a d o c u m e n t m a r k e d w i t h t a b 4 .  
12 Y o u r H o n o u r s , j u s t b e f o r e w e p r o c e e d --

13 T H E W I T N E S S : J u s t i f I m a y r e c t i f y a n e a r l i e r c o n f u s i o n ,  
14 s o n o w w e a r e a l l s o a s t o s a y o n t h e s a m e p a g e , t h i s i s t h e  
11:11:46 15 a c c o m p a n y i n g a r t i c l e . S o w e h a d t h e i n t e r v i e w i n F r e n c h , a  
16 t r a n s l a t i o n t h a t w a s p r o b a b l y d o n e b y t h e C o u r t b u t n o t m y  
17 t r a n s l a t i o n o f t h e i n t e r v i e w i n E n g l i s h a n d t h e t h i r d d o c u m e n t i s  
18 b e i n g t h e a c c o m p a n y i n g a r t i c l e t h a t I r e f e r r e d t o e a r l i e r o n  
19 e r r o n e o u s l y .

11:12:03 20 M R B A N G U R A : Y o u r H o n o u r s , j u s t b e f o r e w e d e a l w i t h t h e  
21 d o c u m e n t t h a t t h e w i t n e s s h a s j u s t b e e n s h o w n , m a y I a s k t h a t t h e  
22 r e c o r d s r e f l e c t t h a t t h e w i t n e s s i d e n t i f i e s e x h i b i t P - 3 3 A a s a n  
23 a r t i c l e t h a t h e - a s t h e i n t e r v i e w a s p u b l i s h e d i n L e M o n d e i n  
24 2 0 0 0 , t h e i n t e r v i e w t h a t h e h a d , h e h i m s e l f a n d J e a n - B a p t i s t e  
11:12:39 25 N a u d e t h a d w i t h M r T a y l o r i n 2 0 0 0 .

26 P R E S I D I N G J U D G E : I t h i n k t h e r e c o r d i s c l e a r t h a t t h e  
27 w i t n e s s h a s i n d e e d a c k n o w l e d g e d a n d r e c o g n i s e d i t a s a n a r t i c l e -  
28 a p u b l i c a t i o n t h a t h e c o - a u t h o r e d .

29 M R B A N G U R A : A s w e l l a s e x h i b i t 3 3 B .

1           PRESIDING JUDGE: And you wish the same application for  
2 33B?

3           MR BANGURA: Yes, your Honour.

4           PRESIDING JUDGE: Yes, I think it's been noted that the  
11:13:05 5 witness has recognised 33B with a clear caveat that the words  
6 "comments by" are not appropriate and were not his.

7           THE WITNESS: That's correct.

8           MR BANGURA: Can the witness now be shown --

9           JUDGE SEBUTINDE: Mr Bangura, Mr Munyard asked a pertinent  
11:13:26 10 question, "Who translated this interview into English?" The  
11 witness's answer was he didn't. Now, what I would like to know  
12 is who did. I am sure Mr Munyard would like to know, if you're  
13 able to tell.

14           MR BANGURA: Thank you, your Honour. Your Honours, the  
11:13:44 15 Prosecution did an official translation of this article into  
16 English and that's the version that has been --

17           PRESIDING JUDGE: Can we have the French one back on the  
18 screen, please. No, no, the one you just took off a few minutes  
19 ago. The reason I ask for that back is because you've now told  
11:14:01 20 us it was translated by your office and you will notice that the  
21 heading is "By Jean-Baptiste Naudet and Stephen Smith", whereas  
22 the English translation under 33B said "comments by" and in my  
23 poor French "comments by" and "by" are two different things and  
24 so that mistranslation has led to some confusion.

11:14:28 25           MR BANGURA: Your Honour, in the circumstances I may wish  
26 to tender this document through this witness as --

27           PRESIDING JUDGE: The third one, the French one,  
28 Mr Bangura, is that what you're saying?

29           MR BANGURA: The English one that has got what amounts to

1 something to --

2 PRESIDING JUDGE: 33B. Yes, that's in already. You can't  
3 start changing it at this stage. It's already an exhibit and so  
4 that's in. Are you talking - now we have got one on the screen.

11:15:04 5 I do not know if that is an exhibit?

6 MR BANGURA: It is not an exhibit, your Honour. It is not.

7 JUDGE LUSSICK: The one on the screen is exhibit 33B.

8 That's the one on the screen at the moment. 33A, I'm sorry.

9 Exhibit 33A.

11:15:20 10 MR BANGURA: Your Honour, I am just scrolling up to be sure  
11 which document is being --

12 MR MUNYARD: While we're on the subject of the translation,  
13 it seems to me that the person best able to assist us with the  
14 meaning of those first three French words that appear below the  
11:15:36 15 writing in bold is the current witness, because that may explain  
16 why somebody in the Office of the Prosecution has translated that  
17 as "Comments noted by Jean-Baptiste Naudet and Stephen Smith". I  
18 wonder if the witness could tell us what "Par propos" - and my  
19 French is appalling - "recueillis".

11:16:01 20 THE WITNESS: Your French is excellent. It actually means,  
21 unlike the English where you would just have an interview with  
22 the byline of the journalist, the French add that it is words  
23 that were taken or recorded by this and that journalist. So "Par  
24 propos" is the word uttered and "recueillis" means recorded and  
11:16:19 25 that's probably where the confusion stems from.

26 MR BANGURA: Your Honour wanted to know whether this  
27 document is already an exhibit of the Court and --

28 PRESIDING JUDGE: You told me it wasn't.

29 MR BANGURA: It is not, your Honour.

1 MS IRURA: Your Honours, the document on the screen is  
2 P-33A.

3 PRESIDING JUDGE: Yes, it's the third one I'm looking for,  
4 Madam Court Attendant, which is the one that says "par propos".

11:16:52 5 This is the one I understand is not an exhibit.

6 MR BANGURA: That's correct, your Honour.

7 MR MUNYARD: They both have "par propos" et cetera.

8 PRESIDING JUDGE: No, Mr Munyard, please look at the second  
9 line.

11:17:20 10 MR BANGURA: Mr Munyard is right about the first article,  
11 exhibit 33A.

12 MR MUNYARD: I think it's just standard from what the  
13 witness said. I'm looking at the article. It's at the interview  
14 itself in French P-33A in my bundle, not the thing that is on the  
11:17:36 15 screen, and that starts with "par propos" as does - your Honour,  
16 this one just starts with "par" and that now I understand the  
17 difference and I'm so sorry because I hadn't seen those other  
18 words were missing.

19 PRESIDING JUDGE: Right. I'm not sure what - are you  
11:17:59 20 making an application, Mr Bangura?

21 MR BANGURA: No, your Honour, unless your Honours wish me  
22 to address an issue?

23 PRESIDING JUDGE: Please proceed, Mr Bangura.

24 MR BANGURA: Thank you, your Honour:

11:18:13 25 Q. Mr Smith, you have been shown another document. Do you  
26 recognise that document?

27 A. Now you are talking about the document I have on the screen  
28 which is the accompanying article, is this correct? The French  
29 version of it?

1 Q. When was this article published?

2 A. As I said it was co-published the same day, side-by-side  
3 with the interview.

11:18:43

4 Q. And what was the intention behind this article coming out  
5 with the interview?

6 A. In broad terms, a contextualisation. As French readers may  
7 not be familiar with the topic, we found it necessary to put into  
8 perspective the interview so everybody would understand the  
9 references made explicitly and implicitly in the interview.

11:19:01

10 Q. And just for clarity this article came out in what  
11 language?

12 A. In French.

13 MR BANGURA: Thank you. Can the witness be shown the  
14 document in tab 5:

11:20:00

15 Q. Mr Smith, do you see the document that's been shown to you?

16 A. Yes, I do.

17 Q. What do you recognise it as?

18 A. I recognise it as a translation which was not done by  
19 myself of the article; the accompanying article we just spoke  
20 about.

11:20:21

21 Q. If you like I can - with the indulgence of the Court, you  
22 could be allowed a few minutes to browse through and say whether  
23 it truly reflects the original article that was published  
24 accompanying the interview.

11:20:43

25 A. Do you wish me to go through?

26 PRESIDING JUDGE: Yes, please do so, Mr Smith.

27 THE WITNESS: Yes, thank you.

28 JUDGE SEBUTINDE: Mr Bangura, whilst the witness is  
29 browsing, I'm just wondering if it wouldn't help clarify the

1 record if we referred to all these documents by ERN number  
2 because the French wording may be difficult to put in, but at  
3 least the ERN number might help us.

4 THE WITNESS: I can authenticate [sic] the English  
11:22:45 5 translation as being just that, the English translation of our  
6 article.

7 MR BANGURA: Thank you, Mr Smith. Your Honours, I move  
8 that the - I would respectfully move that these documents be  
9 marked for identification and I would then read the ERN page  
11:23:04 10 numbers as has been --

11 PRESIDING JUDGE: The last two, Mr Bangura.

12 MR BANGURA: Yes, the document in tab 4, last four digits  
13 in the ERN is 6288. The document in tab 5, which is a  
14 translation of the earlier one, is ERN last four digits 3986.

11:23:43 15 PRESIDING JUDGE: The first is a one-page document, a  
16 newspaper article co-authored by the witness, and it becomes  
17 MFI-1.

18 JUDGE SEBUTINDE: Mr Bangura, you've misnamed the ERNs.  
19 Please look again. It's got 00036288.

11:24:18 20 MR BANGURA: Your Honours, I have - in respect of the  
21 document in tab 4 I will read out the full ERN for the Court.  
22 That's 00036288.

23 PRESIDING JUDGE: That's what I heard and have noted,  
24 Mr Bangura.

11:24:39 25 MR BANGURA: Thank you, your Honour. And in respect of the  
26 second document, which are two pages actually, it runs from  
27 00043986 to 00043987.

28 PRESIDING JUDGE: Very well. The second is a two-page  
29 document which the witness has stated is an English translation

1 of MFI-1 and I'll call it MFI-1B. I will adjust MFI-1 to MFI-1A.

2 MR BANGURA: Thank you, your Honour:

3 Q. Mr Smith, did you have any reaction from Mr Taylor after  
4 this interview?

11:25:39 5 A. Not from Mr Taylor directly. I remember I received a  
6 telephone call from a member of his entourage, Mr Fahwaz Abbas,  
7 who sort of congratulated us for publishing the interview, saying  
8 that it was what Mr Taylor had been looking forward to get across  
9 his point of view, and which is I think a normal courtesy or  
11:26:08 10 normal procedure that you would have a contact prior to the  
11 interview to set it up and you may have a reaction in one way or  
12 the other, by the way, after the publication, so I just got a  
13 courteous telephone call saying that everything was okay and that  
14 was it.

11:26:25 15 Q. You have mentioned the name of - the person through whom  
16 you got this message. What's the name of this person again  
17 please?

18 A. It is Fahwaz Abbas, F-A-H-W-A-Z A-B-B-A-S, or at least this  
19 is the way I would spell it.

11:26:48 20 Q. Who was Fahwaz Abbas?

21 A. He was a member of the delegation and he was most likely  
22 the person that put the question to Mr Taylor whether he would  
23 grant us the interview, so we had contact with him and we met him  
24 prior to the interview in the hotel that I mentioned in Paris and  
11:27:14 25 he set it all up for us. So maybe this was not his function, but  
26 he in this instance acted as a sort of press officer for  
27 Mr Taylor.

28 PRESIDING JUDGE: Mr Bangura, I hope this is a convenient  
29 spot to adjourn because we're up to our time limit on the tape.

1 MR BANGURA: Very well, your Honour.

2 PRESIDING JUDGE: Mr Smith, we normally take a mid-morning  
3 break at this time. The tape runs only for two hours. We will  
4 now adjourn until 12 o'clock. Please adjourn court until 12.

11:27:46 5 [Break taken at 11.30 a.m.]

6 [Upon resuming at 12.00 p.m.]

7 [In the absence of the witness]

8 PRESIDING JUDGE: I see we don't have a witness in the  
9 stand. Has anybody got an explanation?

11:59:37 10 MR BANGURA: I do not have one, your Honour.

11 PRESIDING JUDGE: Thank you, Mr Bangura.

12 MS IRURA: Your Honour, I was waiting for the WVS section  
13 to bring up the witness. I will check if the witness is now  
14 here.

11:59:50 15 PRESIDING JUDGE: Thank you very much.

16 MR MUNYARD: Your Honour, while that's happening, can I  
17 inform the Court, I'm grateful to my learned friends opposite for  
18 the disclosure of Mr Smith's CV which was disclosed to us this  
19 morning at 11.32 a.m. for the first time.

12:00:13 20 PRESIDING JUDGE: I do recall Mr Bangura mentioning  
21 disclosures in November 2007.

22 MR MUNYARD: 6 November 2007. Well, we have some  
23 disclosures from 29 October 2007, but they don't include the CV  
24 and my learned friends opposite have made it plain that it was an  
12:00:35 25 error to say that they've disclosed it before and I'm grateful to  
26 them for their frankness about that. All I would say is it's a  
27 very extensive CV, it runs to more than half a dozen pages, I  
28 think, and you can see, if I hold it up, the sort of density of  
29 type. There's an awful lot in here. I may want overnight at any

1 rate to consider if I need to look into any of these matters on  
2 it further, but I'm simply letting the Court know that's my  
3 thinking at the moment.

4 PRESIDING JUDGE: Very well. We have noted that and we  
12:01:13 5 will deal with it in due course. Mr Bangura.

6 MR BANGURA: May it please your Honours, I must apologise  
7 to the Court for misinforming the Court about the disclosure.  
8 That was not - that did not actually happen. Your Honours, the  
9 position is that this is not a - he is not an expert witness and  
12:01:33 10 we did not consider that what we have provided, the résumé, the  
11 CV that has been provided, amounts really to a statement in  
12 itself. But however be it, I'm grateful to my learned friend for  
13 accepting this late disclosure.

14 PRESIDING JUDGE: We will accept that the statement you  
12:01:55 15 made to the Court was inadvertence rather than design and since  
16 Mr Munyard has accepted - well, not exactly accepted but has hold  
17 of the disclosure now and he will indicate to us if he requires  
18 to make any application based on his assessment of it overnight.

19 Whilst we're waiting for the witness there is another  
12:02:14 20 unrelated matter; it relates to a prior witness. If my  
21 recollection is correct, it's witness TF1-189. A document was  
22 tendered into evidence by the Defence. It's D-61. That is  
23 extracts of a record of interview in relation to that witness.

24 You may recall, Mr Munyard, you had intended to deal with  
12:02:41 25 that and then it didn't happen, but it was tendered by your  
26 colleagues. I'm raising it because when it was tendered it was  
27 tendered as an exhibit; there was no application made. It has  
28 been pointed out to us, by our legal officers, that the witness's  
29 name is mentioned and there are other identifying evidence and

1 therefore we intend to make this a confidential exhibit.

12:03:13 2 MR MUNYARD: Well, we're obviously perfectly content with  
3 that. Can I raise one further matter, and I don't want to take  
4 any court time up about it, I just want the Court to know, you  
5 will recall a couple of weeks ago we had a problem in that our  
6 second computer on the desk behind me wasn't working fully  
7 because the box of buttons that enabled us to view the screen, et  
8 cetera, was missing. I raised at the time that this one to my  
9 right, the box of buttons hasn't functioned for a very long time.  
12:03:37 10 I've raised it again, I've raised it through Court Management.  
11 Court Management informed me this morning that they've been told  
12 that a very elaborate procedure of applications in writing to all  
13 sorts of people have to be instituted before anything can be done  
14 about that.

12:03:53 15 Now this was a piece of equipment that had been working.  
16 It wasn't that it was taken away, but it just started to  
17 malfunction and no longer functions. I'm not going to say any  
18 more about it now, but I just want the Court to know that despite  
19 me raising it a few weeks ago when I raised the other one over  
12:04:16 20 there, nothing has been done about it and we're told it might be  
21 a rather complicated and lengthy process to get it working again.  
22 Having said that, I'm happy to move back to the witness.

23 PRESIDING JUDGE: I can tell you now that the Court raised  
24 the issue and directions were given and we were given information  
12:04:33 25 that it was - things were in order, but now that you've raised it  
26 I will also follow it up.

27 MR MUNYARD: I'm very grateful. I was approached this  
28 morning by the Court Management who - our Court Management who  
29 gave me that rather gloomy prognostication about the matter.

1           PRESIDING JUDGE: I will take it up again, but it has been  
2 taken up.

3           MR MUNYARD: Thank you.

4           JUDGE SEBUTINDE: Madam Court Officer, do I understand that  
12:04:58 5 actually the equipment that was initially meant for the Defence  
6 was requisitioned by persons sitting to the left of the Bench at  
7 some time?

8           MS IRURA: Your Honour, what transpired was that the  
9 controls that were supposed to be moved were supposed to be moved  
12:05:16 10 from the Registry desk to the legal officers' desk. However,  
11 unfortunately, they were at the time moved from the Defence bench  
12 and put at the legal officers' bench. This situation has now  
13 been rectified and the controls have now been restored to the  
14 Defence bench from the Registry bench where they were supposed to  
12:05:42 15 have initially been removed from.

16           What Mr Munyard is referring to is the computer - the  
17 monitor and the controls to his right, which are the subject of  
18 discussions. There is a problem with - there has been an ongoing  
19 problem with the monitor. That is what counsel is referring to.

12:06:16 20                                   [In the presence of the witness]

21           PRESIDING JUDGE: As I said, we will take it up.  
22 Mr Witness, I note you are back on the stand. We have been  
23 putting our few minutes to use dealing with some other unrelated  
24 matters that have nothing to do with yourself. I will now ask  
12:06:29 25 Mr Bangura to proceed. Mr Bangura.

26           MR BANGURA: Thank you:

27 Q. Mr Witness, we shall continue with your testimony. Your  
28 Honours, just before we move on, I want to make a clarification  
29 on a matter that came up to do with translation of one of the

1 documents that has been marked for identification. Your Honour  
2 asked about the translation and the witness did say that he did  
3 not translate the document and I informed the Court that the  
4 Prosecution did provide some translation.

12:07:07 5 The position is that this translation was done by a person  
6 employed by the Court and not actually by the Prosecution and  
7 this person is Jeffrey Murphy. He actually did the translation.  
8 He is employed by the Court, not by the Prosecution per se.

9 PRESIDING JUDGE: We will note that. Thank you,  
12:07:30 10 Mr Bangura. Please proceed.

11 MR BANGURA:

12 Q. Mr Smith, we're going back to the interview in Paris in  
13 2000. You said that this interview was recorded. Just be clear  
14 about what form of recording you are talking about when you said  
12:07:52 15 that the interview was recorded?

16 A. We had a tape recorder that was put on the table and so it  
17 was through a magnetic band that we recorded the interview.

18 Q. And then you further talked about a way in which you tried  
19 to, yourself and the person who was present, that is  
12:08:18 20 Jean-Baptiste, you tried to compare and authenticate what was  
21 recorded. Could you just briefly explain that process again?

22 A. The normal procedure if the target language of your  
23 audience is different from the language used in the recording, in  
24 the conversation, is that you would first transcribe all of it,  
12:08:40 25 so you would have a rough copy that you could work on and have  
26 the most literal translation possible, and then you would edit.  
27 You would not run the entire interview and you would edit the  
28 relevant parts and maybe try to find the exact equivalent rather  
29 than the word-to-word translation. This is exactly what we did

1 together and when there was a case of doubt or any question  
2 raised we tried to solve that amongst us and make it the real  
3 equivalent of what had happened in English.

12:09:20 4 Q. You have told this Court that after the interview and the  
5 publication you got a message back from --

6 A. Mr Abbas, yeah.

7 Q. -- Mr Abbas and this message basically expressed, was an  
8 expression of satisfaction about the interview; is that correct?

9 A. Yes, this is correct.

12:09:39 10 Q. Was there any complaint at all from anyone about any  
11 inaccuracies that may have occurred in the record or the  
12 publication that came out of that interview?

13 A. No, not at all.

14 MR BANGURA: May the witness be shown exhibit P-33B,  
12:10:02 15 please:

16 Q. Mr Smith, I'm going to direct your attention to certain  
17 areas of the documents that have been shown to you and ask you a  
18 few questions. Can we have the first page up, that's page  
19 00043984. Can I refer you, Mr Smith, to what would be the third  
12:11:14 20 paragraph on that page. Actually, it would be following a  
21 question and that is the paragraph that starts with, "It's  
22 unfortunate", specifically lines 4 to 7 of that paragraph. Are  
23 we there? The sentence starts with, "Yes, I think" on line 4 of  
24 that paragraph. Are we there?

12:11:56 25 A. Yes, I am at least.

26 Q. I will just read that, and this is part of the answer that  
27 Mr Taylor in this interviews gives to a question that comes in  
28 the paragraph before. Now I will read the question and I will  
29 just read part of the answer that I have just referred to. The

1 question was:

2 "What do you think of the peace efforts in Sierra Leone?  
3 Sometimes it seems you are treated as if you were to  
4 restore peace, other times as if you were nothing more than  
12:12:29 5 diamond traffickers."

6 And as part of that answer we have this: "Yes, I think the  
7 war in Sierra Leone is a war for diamonds, but not because  
8 Liberia wants those diamonds. We already have diamonds. The war  
9 is taking place because British want those diamonds."

12:12:51 10 Now, what did you understand was the issue about diamonds  
11 that related to the war at that time?

12 A. I understood from the answer given by Mr Taylor that he  
13 qualified the war in Sierra Leone as being essentially a resource  
14 driven war over the control of the diamond mines, first thing.

12:13:18 15 And secondly, I noted that he in a way turned the tables on  
16 accusations that were levelled against him to be involved in  
17 exploiting the Sierra Leonean diamonds and affirming that British  
18 officials with companies based in Canada were involved actually  
19 in these diamond - illegal diamond dealings, and that that was  
12:13:47 20 the reason why the British took so keen an interest in the Sierra  
21 Leonean events and had sent over a military force into Sierra  
22 Leone, which was obviously news to me and a relevant part of the  
23 interview for the first time you get the answer, or the version  
24 by Mr Taylor, to accusations that had been levelled constantly  
12:14:14 25 against him over the preceding months.

26 Q. What specifically were those allegations, to your  
27 recollection?

28 A. The allegations were especially levelled by British and  
29 American officials that Mr Taylor was - even though he was now an

1 elected president - still involved in something that would be  
2 more expectable from a warlord, being involved in the illegal  
3 diamond trafficking out of Sierra Leone and through Liberia, and  
4 sanctions had been imposed on Liberia in connection with these  
12:14:55 5 accusations levelled against him.

6 Q. Now, the latter part of that answer says that - and I just  
7 read from line 5 there, or line 6 rather: "We already have  
8 diamonds." I think if I just take you further down to the last  
9 three lines of that paragraph where it goes: "Liberia has been  
12:15:26 10 exporting diamonds for 150 years now. Suddenly the world is at  
11 war to make for peace in Sierra Leone." Now, you being somebody  
12 who was familiar with Liberia, what is your knowledge about the  
13 export of diamonds by Liberia?

14 A. If you compare Liberia to Sierra Leone, the idea introduced  
12:15:52 15 by the parallel with the Saudi Arabia and its petroleum wealth  
16 would be that Liberia was awash with diamonds, whereas - and  
17 didn't need to import or let Sierra Leonean diamonds transit  
18 through Liberia. My knowledge was that diamond mining was more  
19 important in Sierra Leone than in Liberia and so this was  
12:16:18 20 Mr Taylor's statement at that time. I think when I early on  
21 pointed out that we felt that there should be an accompanying  
22 article to contextualise this was one of the reasons you would  
23 obviously - from this answer you would need as a background for a  
24 reader who is not supposed to be familiar on the day-to-day basis  
12:16:40 25 with events in West Africa, you would have to point out first of  
26 all that accusations were levelled against Mr Taylor, so you  
27 would understand that he's answering back to these accusations,  
28 giving his version of facts, and you also would need to probably  
29 to restate what I just did that Sierra Leone is - Sierra Leonean

1 diamond mining is much more important than in Liberia.

12:17:25 2 Q. Now you make reference of course to part of the answer  
3 where he says "accusing us of diamond trafficking is like  
4 accusing Saudi Arabia of smuggling petroleum" suggesting that  
5 Liberia I don't know - what did that suggest?

6 A. Well, I think the classical British reference would be to  
7 bring coals to Newcastle, so it's bringing something that is  
8 abundantly somewhere so you wouldn't have the need to bring  
9 obviously petroleum to Saudi Arabia, nor diamonds to Liberia.

12:17:45 10 This is the implication. This was just once again to  
11 contextualise Mr Taylor had by then been elected for - had been  
12 President of Liberia for three years for - as a statement of  
13 fact. Monrovia was still largely without electricity except for  
14 those who could afford generators and the country was still, in  
12:18:14 15 terms of infrastructure and otherwise, in dire straits and, on  
16 top of that, being cut off by the European Union at the behest of  
17 Great Britain from development aid, so all that was still coming  
18 in was humanitarian aid, and the United States were putting  
19 pressure on the Security Council so as to impose sanctions on  
12:18:39 20 Mr Taylor's regime, so there was a ban on official travels, on  
21 the delivery of visa, and the exportation of her exports of  
22 various items such as lumber and obviously diamonds.

23 MR BANGURA: May the witness be shown page 0043985, please:

24 Q. I draw your attention to the third paragraph on that page,  
12:19:21 25 the paragraph that starts with "Only the belligerents can resolve  
26 conflicts". Are we there? Mr Smith, are you --

27 A. Yes, I'm with you, thank you.

28 Q. I'm at the third line of that paragraph, the sentence that  
29 starts with "The RUF committed terrible atrocities." Do you see

1 that?

2 A. Yes, I do.

3 Q. Now, this is part of Mr Taylor's answer to a question which  
4 is posed in the paragraph before, and that question is: "Do you  
12:20:04 5 think the Revolutionary United Front must be part of the peace  
6 process in Sierra Leone?" And, as part of his answer he says:  
7 "The RUF committed terrible atrocities. People will have to  
8 answer for that, but the same people who are the cause of the  
9 problem have to be part of the solution."

12:20:27 10 Now are you aware of the atrocities that Mr Taylor refers  
11 to that he admits that the RUF committed?

12 A. Yes, I am. I had been covering this story on the ground,  
13 as I explained earlier on, and I think by 2000 Sierra Leone had  
14 actually become world-wide known as being the country where the  
12:20:56 15 civil war was associated with a specific form of terror, the  
16 short sleeves or long sleeves, the amputation of hands or arms in  
17 Sierra Leone, so Mr Taylor was referring to a reality that was  
18 known to me and to other people.

19 Q. Now further down in that same paragraph, I believe it's  
12:21:19 20 from line 7 reading to line 8, he further makes the statement  
21 that the RUF aren't angels either. Basically, I will go back and  
22 read from the last part of the answer that we've dealt with, down  
23 to line 8. He goes on:

24 "Great Britain has problems with the IRA but the Irish  
12:21:46 25 Republican Army participates in the peace process to the point  
26 that the pro-and-anti UK terrorists who were in the Maze Prison  
27 were let out. That doesn't make them angels. The RUF's people  
28 aren't angels either."

29 Now what do you make of - what is your understanding of

1 this statement that the RUF people weren't angels either?

12:22:28 2 MR MUNYARD: Well, I really do object to this witness being  
3 asked to let the Court know what he thinks somebody else was  
4 saying when he uses an expression like that. I've let the other  
5 couple of questions go by because I can see a tenuous connection  
6 to the indictment, the question of notice, but really, we now  
7 have descended into the farcical when this witness is being asked  
8 to give his view of what Mr Taylor meant by the RUF aren't  
9 angels. Unless he'd spelt it out in the interview how could the  
10 witness know precisely what Mr Taylor meant by that? Apart from  
11 it being pretty obvious in any event.

12:23:16 12 MR BANGURA: Your Honours, the witness, at the start of his  
13 evidence, has given us quite a lot about his background and his  
14 profession. Granted that the witness is not here as an expert  
15 witness, the witness in the position that he was when he  
16 conducted this interview would have, in my submission, would have  
17 been in a position to be widely informed about events worldwide  
18 and part of the answer which we're dealing with draws reference  
19 to events in other parts of the world, in another part of the  
12:23:41 20 world, and basically I was seeking to have the witness drawing  
21 from his understanding of events in other parts of the world  
22 to --

12:23:56 23 PRESIDING JUDGE: But Mr Bangura, you haven't asked - you  
24 did ask the witness what the events were in a prior question, but  
25 this question is not of that nature. This question is what is  
26 your understanding of this statement, a statement that is  
27 recorded as coming from Mr Taylor. You're asking the witness to  
28 go into somebody else's mind. If you want to adduce facts or  
29 historical information, then you should be more direct.

1 MR BANGURA: I will take the point, your Honour:

2 Q. Mr Smith, the earlier part of that answer makes reference  
3 to UK terrorists who were in the Maze Prison that were let out.  
4 Are you familiar with what Mr Taylor was referring to in that  
12:24:36 5 answer?

6 MR MUNYARD: They weren't, with respect. They weren't UK  
7 terrorists who were in the Maze who were let out. They were  
8 pro-and-anti UK terrorists who were in the Maze Prison let out.  
9 If we really are going to get into paramilitary groups from the  
12:24:53 10 north of Ireland, as some of us call it, then I don't think this  
11 witness, having just seen his CV, is in a position to answer that  
12 any more than the man in the street or the woman in the street.

13 PRESIDING JUDGE: Mr Bangura, we are dealing with an  
14 indictment that deals in turn with a war in Sierra Leone. We're  
12:25:19 15 not going to wander into the Northern Ireland question. Please  
16 keep your questions and your evidence to what is pertinent to  
17 this trial.

18 MR BANGURA: Thank you, your Honour.

19 PRESIDING JUDGE: Particularly not in front of me,  
12:25:31 20 Mr Bangura.

21 MR BANGURA:

22 Q. Mr Witness, may I direct the witness then to the fifth  
23 paragraph, please, Madam Court Manager, of the same page. That's  
24 the paragraph that starts with the answer, "That is for the  
12:25:56 25 Sierra Leoneans to decide." I'm reading from the first line to  
26 line 4. Lines 1 to 4. This response is in answer to the  
27 question that appears in the paragraph before which is: "Does  
28 Foday Sankoh, the leader of the Sierra Leone rebellion, have any  
29 future other than a trial? And then the answer is here:

1 "That is for the Sierra Leoneans to decide. I am not  
2 opposed to Foday Sankoh being tried, but he must not be the only  
3 one held responsible. The only one to have breached the Lomé  
4 Peace Accord, and what's more Africa is not yet in the third  
12:26:43 5 world. Wanting to apply first world criteria will destroy  
6 everything."

7 Now "first world criteria to third world problems", what  
8 was Mr Taylor referring to in your view?

9 PRESIDING JUDGE: Mr Bangura, I have already given a ruling  
12:27:04 10 on this type of question.

11 JUDGE SEBUTINDE: Mr Bangura, perhaps you have forgotten.  
12 You told the Bench that this was a witness of fact, not opinion.

13 MR BANGURA: That's correct, your Honour:

14 Q. Were you aware of any remedies that were being meted out to  
12:27:34 15 the situation in Sierra Leone at this time?

16 A. I can answer the question in broad terms. The peace effort  
17 that was undertaken by the United Nations with the robust  
18 peacekeeping mission on the ground, the military intervention  
19 unprecedented by Great Britain for at least a period of 30 years  
12:28:01 20 of non-intervention in military terms in Africa, so that was the  
21 context in which this question is to be understood. The answer  
22 by Mr Taylor in two parts was saying that if you're part of the  
23 problem you must be part of the solution, first condition. And  
24 the second is: Is it possible to apply first world solutions to  
12:28:27 25 African problems? This is an ongoing discussion. You may have  
26 heard about the slogan "African solutions to African problems."  
27 So the question is whether the outside world actually has  
28 remedies or recipes to solve African problems. Now, Mr Taylor  
29 had his opinion which he voiced in the interview and we reported

1 that as it was said. I'm not here to editorialise or kind of  
2 vent my own opinion about this connection, I think.

3 MR BANGURA: Thank you very much, Mr Witness. Your  
4 Honours, that will be all for the witness.

12:29:12 5 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard, do  
6 you have questions of the witness?

7 MR MUNYARD: I do, Madam President. Thank you.

8 CROSS-EXAMINATION BY MR MUNYARD:

9 Q. Mr Smith, I've just been given, just under an hour ago,  
12:29:29 10 your CV and I want to ask you about it, please, first of all.  
11 Before I do can I just ask you a specific question: If you had  
12 worked at any time formally or informally for the CIA, the  
13 Central Intelligence Agency of the United States of America, you  
14 wouldn't put that on your CV in any event, would you?

12:30:15 15 A. I'm not familiar with the standard practice in an  
16 organisation of which I've never been part.

17 Q. Thank you. Now I'm going to ask you please, and I think we  
18 have a spare copy of the CV, and it would probably assist if  
19 Madam Court Officer puts it on the screen because I'm going to be  
12:30:27 20 asking questions about the contents of it. The first page  
21 covers, in terms of your present position, your education and  
22 your employment matters you've already told us about and I don't  
23 propose to weary you by going over those items again. Below that  
24 there's a heading "Invited Lectures" and you've played a part in  
12:31:10 25 various lectures organised by various countries or institutions;  
26 is that correct?

27 A. This is correct.

28 Q. The first two listed there are both last year, 2007, at the  
29 US Department of State. For the benefit of anybody who doesn't

1 understand what the Department of State is, it's the equivalent  
2 to the British Foreign and Commonwealth Office, is that right?

3 A. This is correct, yes.

4 Q. Thank you. And the first conference set out there,  
12:31:48 5 although it's the second in time, 21 September 2007, a conference  
6 on the growing role of youth in Sub-Saharan Africa, it's  
7 co-sponsored by the State Department's Bureau of Intelligence and  
8 Research, the INR, and the National Intelligence Council. What  
9 is the INR, as far as you're aware?

12:32:11 10 A. The INR is the department of the - an internal department  
11 of the Department of State and, as such, does analytical work for  
12 the Foreign Office of the equivalent of what would be in Great  
13 Britain the Foreign Office.

14 Q. Does the INR have a - if I can put it in this way, does it  
12:32:35 15 have a covert role as well as an overt role?

16 A. It doesn't have a covert role. I am not very familiar with  
17 the INR. It is standard practice to the difference of European  
18 practices that the intelligence community in the United States is  
19 probably much more open than the Europeans are, at least I'm most  
12:32:54 20 familiar with the French, and so they do co-sponsor events when  
21 they sit in and think any conference sponsored by the Department  
22 of State could be of any relevance for their members.

23 Q. And what is the National Intelligence Council?

24 A. The NIC is another - this is a proper intelligence set-up.  
12:33:15 25 It's not covert either. It's the coordinating organ to serve as  
26 an interface with the political leadership of the country, so  
27 they would be interested in anything that would be of strategic  
28 outlook, for example on Africa.

29 Q. Now that conference, did you present a paper or were you

1 one of the speakers or what was your role in that conference?

2 A. I was one of the academics amidst maybe something like  
3 roughly 20. It was a day-long conference on the growing role of  
4 youth in Sub-Saharan Africa, a subject I have been working on.

12:34:00 5 You may know that some of the demographic age structures in  
6 Africa, specifically the youthful age profile of Sub-Saharan  
7 states, is often seen as a condition and I underscore not a  
8 cause, a direct cause, but a condition, a stress factor on the  
9 societies that could stand in a correlation with instability,  
12:34:24 10 civil strife, civil war and so I was one of the experts over  
11 there. I gave a paper amongst something like 12 or a dozen  
12 papers and we were probably over 20 academics and other experts  
13 on the issue to be united for the day.

14 Q. Thank you. Did that paper have anything to do specifically  
12:34:48 15 with Sierra Leone or Liberia?

16 A. Quite frankly, I don't know whether I quoted Liberia and  
17 Sierra Leone. It's very likely because obviously the correlation  
18 I invoked earlier on between a very youthful structure in both  
19 countries seems to be relevant if in academic terms the studies  
12:35:06 20 that we have point to the fact that over the 90s, 1990s, the  
21 likelihood of civil war in Sub-Saharan African states was three  
22 times higher in countries with the so-called youth bulge, which  
23 means that there is a portion of the adult population that is  
24 over 40 per cent, so you would have an age structure where more  
12:35:34 25 than 40 per cent of the population, of the adult population, not  
26 of the overall population, adult population, would be until the  
27 age of 55 would be within the age bracket of 15 to 30.

28 You have, for example, from Nigeria, you would have 44 per  
29 cent of the population being less than 15 years old, so you would

1 have overall two-thirds of the population being less than 15  
2 years old, so some academics consider that a glut of unemployed  
3 young male pose a threat to stability and the stress factor for  
4 the governmentality of the governments of that country.

12:36:16 5 Q. Yes, particularly if the governments are weak, venal and  
6 corrupt, would you agree?

7 A. With the - probably in an academic context one would rather  
8 speak about failed states or even more neutrally about states  
9 with lack of institutional capacity but in plain language,

12:36:41 10 everyday language, I think we both state the same.

11 Q. Right. But although it was a year ago yesterday that  
12 conference, you can't remember if you drew on Sierra Leone and  
13 Liberia specifically in your paper?

14 A. I think I mentioned them, but I don't think I used them as  
12:37:00 15 a specific example. To the best of my recollection, I used  
16 neighbouring Ivory Coast as an example less familiar to my  
17 audience where I could bring something to the table and try to  
18 point out that both the rebel leader over there, and the leader  
19 of the government militia, had been students on campus sharing  
12:37:22 20 the same room and ending up in adverse camps and being leaders,  
21 youth leader, and so establishing the role within a political  
22 leadership that usually is dominated by elders.

23 Q. Right. You used the expression "where I could bring  
24 something to the table." That was part of the title of the next  
12:37:41 25 lecture that you participated in on this page. Again, the United  
26 States Department of State, 28 August last year, that was an  
27 ambassadorial seminar on the Ivory Coast?

28 A. This is correct. When American ambassadors --

29 Q. Sorry, I don't want to --

1 A. Okay. Please go ahead.

2 Q. -- have you embark on another dissertation, fascinating  
3 though it may be, I simply want to establish that was related to  
4 the Ivory Coast only, was it?

12:38:12 5 A. This is correct, yes.

6 Q. Thank you. The next one there, and you will have to  
7 forgive my attempts at pronouncing German, "Studienstiftung des  
8 Deutschen Vokes", annual meeting in France, in fact, in April of  
9 last year, "Why care about Africa? Media images, political  
10 constraints and ethical imperatives." Did you give a paper or  
11 play a speaking part in that conference?

12 A. I seem to wonder why a German grant institution would  
13 assemble its students in France. This is all the students  
14 studying abroad and being sponsored by that organisation in  
15 Western Europe, so they convened in France, and as I'm a former  
16 member, this is grants being given to whatever promising students  
17 without any regard of their nationality, creed or race or  
18 whatever, and so I was asked to deliver the key note to that  
19 meeting.

12:39:17 20 Q. Thank you. And did you touch on Sierra Leone or Liberia in  
21 that address?

22 A. Yes, I think I did because these are familiar conflicts to  
23 what was then a broader audience and I just wanted to invoke  
24 examples that would be familiar to my audience.

12:39:35 25 Q. Right. And is it the paper that you presented there - is  
26 that available?

27 A. Yes, it is available.

28 Q. Next conference - I'm now over the page on 00043979. The  
29 next conference was at the Guggenheim Museum in Bilbao on 30

1 January last year, an exhibition of contemporary African art  
2 under the title "Africa: A misleading or a useful concept?" Did  
3 you speak at that?

4 A. Yes, I did.

12:40:11 5 Q. And did your speech there, or the paper or whatever it was  
6 that you presented there, did that touch on Sierra Leone or  
7 Liberia?

8 A. As you can see from the title it was basically an attempt  
9 to explain whether it is possible, given the diversity of Africa,  
12:40:27 10 to use Africa as is it a useful or a misleading concept, a  
11 question about exceptions and generalisations, and any example  
12 used - and Liberia and Sierra Leone could be on that - were used  
13 in passing as just to buttress the more broader attempt to  
14 explain what is useful. Should we actually put Africa as a  
12:40:52 15 plural given the divergence of situations and the geographic,  
16 demographic and otherwise diversity.

17 Q. Thank you. The next one is Princeton University in the  
18 United States, December 11, 2006, which was on "Oil in post-9/11  
19 Africa, fuel for enhanced geopolitical interest". Did that  
12:41:16 20 conference touch at all on Sierra Leone, or Liberia?

21 A. I don't think so.

22 Q. Thank you. The next one is another United States  
23 Department of State, 6 October 2006, "The imminent danger of  
24 civil war in the Ivory Coast". Did that touch on Liberia, or  
12:41:30 25 Sierra Leone?

26 A. Very much so, because at that time we were all preoccupied  
27 about the destabilisation coming in from Liberia into the western  
28 part of Ivory Coast, the so-called cocoa buckle where Ivory Coast  
29 being the main exporter of cocoa has its economic assets, and so

1 this conference definitely talked a lot about Liberia and maybe  
2 also the fact that Liberian combatants were spilling over because  
3 of ethnic groups straddling the border, spilling over into  
4 neighbouring Ivory Coast and actually fuelling the fighting over  
5 there.

12:42:05

6 Q. And when it's stated - it's titled "The imminent danger of  
7 civil war in Ivory Coast" for a conference in October of 2006,  
8 are you talking about an imminent civil war in late 2006?

9 A. You would have to distinguish that the war - the civil war  
10 or something that was a latent form of civil war broke out in  
11 September 2002, but taken into account that after a pacification  
12 by deployment of French soldiers, very similar to what had  
13 happened in Sierra Leone in May 2000 you had a conflict under  
14 control in the sense that the French were manning a line, a  
15 dividing line in the centre of Ivory Coast and the imminence of  
16 the danger is the resurgence of civil war in Ivory Coast.

12:42:29

12:42:52

17 Q. Right, so the resurgence or potential resurgence of that  
18 civil war in October 2006 fuelled by incursions from Liberia?

19 A. Yes.

12:43:13

20 Q. Liberia in October 2006, who was the President then?

21 A. The President of Liberia was then Ellen Johnson-Sirleaf.

22 Q. Yes. And how long had she been President of Liberia by  
23 October 2006?

24 A. Something like a year.

12:43:33

25 Q. Yes. And so there were still incursions from Liberia in  
26 late 2006, were there?

27 A. Yes, if you want me without getting once again into a  
28 dissertation to go into some detail I could explain to you that  
29 the operations also sponsored by the international community of

1 disarming the combatants on either side of the national boundary  
2 sometimes drew Liberian combatants over to Ivory Coast because  
3 the programme in Ivory Coast gave a better rate for handing in a  
4 weapon and so you had this influx from Liberia. And also  
12:44:24 5 fighters out of ethnic solidarity that felt that there was a  
6 possibility to earn a living in the west of Ivory Coast would  
7 come over and do exactly that, fight in Ivory Coast.

8 Q. Right. So is this what you're saying about that: That in  
9 the Ivory Coast certainly in 2006 people from Liberia were  
12:44:49 10 selling their arms?

11 A. Yes, that was part of the reality.

12 Q. And some others were selling their services in effect as  
13 mercenaries?

14 A. Yes, correct.

12:45:02 15 Q. Next conference is the department of state again, 5 October  
16 - the day before, 5 October 2006. This is a conference on  
17 Nigeria and military rule. Did that touch on Liberia or Sierra  
18 Leone at all?

19 A. Very peripheral only with respect to the Nigerian  
12:45:25 20 peacekeeping operations being conducted under the aegis of  
21 ECOWAS.

22 Q. Thank you. Next is 6 April 2006 at the institute  
23 Institut d'Etudes Politiques, a conference on "Mother Africa, a  
24 victim of the world or of herself". Did that touch on Liberia or  
12:45:49 25 Sierra Leone at all?

26 A. Only in the respect that I tried to point out that there  
27 was a paradox to be resolved between the fact that Africa is so  
28 marginal in the process which we call globalisation, or let's say  
29 enhanced interconnectedness of the world, and at the same time we

1 say Africa is a victim. So I tried to explain how could for  
2 example a country like Sierra Leone or Liberia be at the same  
3 time marginalised, not implicated in a process, and at the same  
4 time be a victim.

12:46:24 5 Q. Mr Smith, can I make it plain I'm asking you these  
6 questions based on the premise that you have actually given us a  
7 lecture or presented a paper at all of these conferences. I  
8 assume that's a correct premise?

9 A. This is a correct premise, yes.

12:46:37 10 Q. Thank you. The next one is Conflict Prevention and Peace  
11 Forum at the United Nations Social Science Research Council in  
12 New York, 2 March 2006, "Challenges for the peace process in  
13 Ivory Coast". Did that touch on Sierra Leone or Liberia at all?

14 A. Yes, it had to because, as I pointed out earlier in the  
12:46:58 15 morning, the destructured conflicts were seen as being a regional  
16 matter and so it was seen from the Ivorian perspective, but with  
17 regard to regional warfare and obviously Liberia and Sierra Leone  
18 would be implicated.

19 Q. Now I'm not proposing to go through every one of the  
12:47:18 20 remaining lectures on that page, but I'll just give you the  
21 number that are there and I'd like you to tell us if any of them  
22 touched on Liberia or Sierra Leone at all. I think there are 13  
23 more conferences in various places from the years March 2006 down  
24 to May 1997 and I think it's right to say, is it not, that none  
12:48:01 25 of them specifically refer to either Sierra Leone or Liberia. I  
26 mean in the title.

27 A. This is a way of presenting things. I would first of all  
28 like to point out that obviously Liberia and Sierra Leone were in  
29 the news mainly in the early 1990s and so the standard practice

1 of speaking to an audience is very often linked to a topical  
2 issue and so I was addressing topical issues. As Liberia was the  
3 first post cold war conflict in West Africa and in Africa such of  
4 a new type, it was something that would be permanently present in  
12:48:51 5 the conferences that I would give, but you're entirely correct in  
6 stating that there is none that is exclusively on Liberia or  
7 Sierra Leone.

8 Q. Thank you. I'm simply trying to save time rather than to  
9 cut you short. If you feel that any of these conferences  
12:49:08 10 specifically dealt at length with either of those two countries  
11 please say so.

12 A. For the reason that I just tried to explain which is that  
13 it was not a main issue. I'm a journalist and I am being asked  
14 to deliver conferences on questions that are linked to what is  
12:49:27 15 happening at the very moment and, as you can see, none of the  
16 conference is specifically directed exclusively at Sierra Leone  
17 and Liberia.

18 Q. Thank you. I'm now going over the page to page 43980 where  
19 your books are listed. There are 13 books there and it's right  
12:50:01 20 to say that none of those books is specifically about Sierra  
21 Leone or Liberia.

22 A. This is correct. There is, by the way, only one book that  
23 is specifically on one country which would be the book on Somalia  
24 which was a major news story and just to point that out. It is  
12:50:23 25 fairly difficult, especially for publications in French, to  
26 address just one single country and so there is no book on Sierra  
27 Leone or Liberia. There is the preface that I wrote to Mark  
28 Huband's account.

29 Q. I'm sorry to interrupt you, I'm coming on to that. That's

1 a separate section in your CV. You say there's only one book  
2 there that's about a specific country, but presumably the book of  
3 Bokassa I, the emperor of the Central African Republic was about  
4 that country only?

12:50:58 5 A. No, because Bokassa is of French nationality as you may not  
6 know, and his period is also an assessment of the French-African  
7 policy and the special decolonisation of France's former colonial  
8 position. So it's, through the lens of a biography, a look at  
9 Franco-African relations.

12:51:23 10 Q. Right, but neither Sierra Leone nor Liberia were French  
11 colonies?

12 A. This is correct.

13 Q. And again without wanting to draw this out unnecessarily  
14 you've got a reference - you've got a book, sorry, on General

12:51:36 15 Oufkir, the Moroccan general. Again if it goes beyond Morocco or  
16 presumably touches on countries either in the Maghreb or other  
17 former French colonies. Is that right?

18 A. This is correct.

19 Q. So there's no book there that specifically deals with  
12:51:53 20 either of the two countries we're talking about. Going then to  
21 the three forewords that you have written, one is about the civil  
22 war in Ivory Coast written in 2006 when, from what you've said,  
23 that civil war was still going on or certainly still hadn't been  
24 completely resolved. Is that correct?

12:52:15 25 A. This is correct. Just as a minor point, the second stage  
26 of kind of peace process was initiated in spring 2007.

27 Q. All right. Thank you. Then there's the book about the  
28 Congo River and then you, as you've indicated, you wrote the  
29 foreword to Mark Huband's book on the Liberian civil war

1 published in 1998?

2 A. This is correct and Mark Huband's book that came out in '98  
3 is one of the very few accounts of the Liberian civil war, so I  
4 just for - to see the whole context you should also take into  
12:52:49 5 account that even in the English speaking and specifically in the  
6 American context, where I think it is fair to say that Liberia is  
7 probably the country in Africa that comes closest to what would  
8 resemble an American colony, there is hardly any book publication  
9 on that country despite the dramatic events there.

12:53:08 10 Q. Right. On reports, you've already told us that you wrote a  
11 report for the International Crisis Group. Can you just help us  
12 very briefly with who they are and what they do?

13 A. The first is on Nigeria, the second on the Central African  
14 Republic.

12:53:23 15 Q. You haven't actually included the one on the Central  
16 African Republic?

17 A. This is a previous version of my CV when I handed it in and  
18 the report of the Central African Republic was published in  
19 December 2007.

12:53:37 20 Q. Right and what is the International Crisis Group?

21 A. The International Crisis Group is an NGO that sees its role  
22 not in mustering any popular support for whatever causes, but to  
23 enlighten the international community, especially the diplomatic  
24 community and the United Nations, on conflict analysis and  
12:53:56 25 conflict resolution.

26 Q. Then I'm not going to refer to these in any detail at all.  
27 You've also got a list on page 43981, most of that page in fact  
28 is a list of book contributions or contributions to articles  
29 appearing in journals about Africa. Would it be fair to say

1 Looking at that list globally that most of it deals with  
2 Francophone Africa?

3 A. This is correct.

4 Q. And over the page, the list continues over the page but  
12:54:36 5 that doesn't make any difference to the general point I've just  
6 made, I think. Would you agree?

7 A. Well, there's publications in South African online for  
8 institutes of - an institute of international relations, et  
9 cetera. There is also publications in other European Freedom I  
12:54:55 10 see - Freedom House in the United States or German journalists  
11 but, overall, I think you are correct in stating that there is no  
12 publication in any journal that would specifically deal with  
13 Sierra Leone or Liberia.

14 Q. Thank you. And for the sake of completeness, you also  
12:55:10 15 refer on that page that we've just turned to, to the various  
16 different newspapers that you have written for over the years,  
17 most of which I think you've already told us about?

18 A. I think so, yes.

19 Q. Thank you. And finally, the awards that you have received,  
12:55:35 20 also appear on that page. Now, I want to turn then to the  
21 evidence that you've been giving to us this morning. You were  
22 based originally in La Cote d'Ivoire, in Abidjan, and when you  
23 first went to West Africa, is that right?

24 A. I started out in Cotonou Benin and then moved on to Abidjan  
12:55:54 25 to be based in Abidjan, yes.

26 Q. Yes. And I am right in assuming that you spent rather more  
27 time based in Abidjan than in Benin?

28 A. Not entirely, because I moved from Benin where I had  
29 settled down in '84, in '86 to Ivory Coast and left Ivory Coast

1 in '88 to become the Africa editor, so it was exactly the same  
2 time.

3 Q. Yes. Now from '88 onwards, you were living in Paris; is  
4 that correct?

12:56:22 5 A. This is correct, yes.

6 Q. And so you were making trips to West Africa?

7 A. Yes.

8 Q. And how often do you say that you have actually been into,  
9 first of all, Liberia?

12:56:39 10 A. Overall?

11 Q. Yes.

12 A. Over what period of time?

13 Q. Well, from your --

14 A. From '84 onwards to down to the present day or --

12:56:50 15 Q. Let's deal with the period of the civil war. From the end  
16 of '89 onwards.

17 A. '89 onwards, and when would you see the civil war being  
18 over in Liberia?

19 Q. Either 1995 or 1996.

12:57:10 20 A. I would say a dozen of times I went to Liberia. As I told  
21 you earlier on this morning, in 1990 I spent most of my time in  
22 Liberia so I would think, with a few travels back to Paris where  
23 I was based, I would have spent something like, over the year,  
24 something like four months in - the time period being January to  
12:57:34 25 August when we were expelled or left Liberia, so I would think  
26 that if you put it together on the various sides not always with  
27 Mr Taylor but also in Monrovia on President Doe's side and with  
28 Prince Johnson something like four months, if you put it  
29 together.

1 Q. Right. And then after you were expelled when did you next  
2 go back into Liberia?

3 A. I think I went back in either the end of '91 or '92 and  
4 then went regularly back and met with Mr Taylor, as I stated  
12:58:15 5 earlier on, in '96 and did follow the story like as it was  
6 covered in all major newspapers, but less intensely than over the  
7 first period of time.

8 Q. Right. In end of '91 or early '92 how much time did you  
9 spend in Liberia then?

12:58:43 10 A. In Liberia in '91/'92 I may have made - but this really, to  
11 the best of my recollection, two or three trips to Liberia, I  
12 would say so because in '92 events were unfolding in Somalia and  
13 I spent considerable amount of my time in Somalia prior to the UN  
14 and then US intervention there.

12:59:09 15 Q. Thank you. And you say after the end of '91 or early '92  
16 you went back regularly and you met with Mr Taylor in '96. Did  
17 you meet with him at any time between '92 and '96, apart from the  
18 occasion that you've just talked about?

19 A. No, I didn't.

12:59:30 20 Q. And what is your understanding of the how the civil war in  
21 Liberia came to an end, and I'm talking about the mid-90s civil  
22 war as opposed to the civil war that erupted after he'd been  
23 democratically elected president?

24 A. There was an attempt, I would not draw it out at length, I  
12:59:54 25 would say there was a first attempt in the mid-90s to bring  
26 together the various factions and try to see whether there could  
27 be a power-sharing agreement. This failed. And the second  
28 attempt was through elections to have a more monolithic and  
29 coherent power structure in Monrovia and I think what Mr Taylor

1 explained with regard to Sierra Leone, about who's part of a  
2 problem should be part of a solution, was very much the - and  
3 this is not my private opinion, I think that was consensus of the  
4 analysts - that the election resulted in electing someone who had  
13:00:30 5 brought the problem to Liberia and may be in a privileged  
6 position to put an end to the problem. So you may remember the  
7 slogan, the electoral slogan which was: "We killed your ma, we  
8 killed your pa so if you want to stay free of trouble you should  
9 vote for us." This is not word by word but that's the gist.

13:00:55 10 Q. That's a slogan that we have heard before, but we haven't  
11 heard more than the fact that it was a slogan.

12 A. Yeah. It was widely understood in Monrovia and in Liberia  
13 as being the option that was given and that is the second attempt  
14 to pacify Liberia through a democratic process in - under the  
13:01:16 15 conditions that obtained and Mr Taylor was elected in, as you  
16 know, in 1997.

17 Q. Yes. And for two years before that there had been relative  
18 peace in Liberia, hadn't there?

19 A. Well, relative by comparison to what had prevailed prior to  
13:01:38 20 that, yes. Not by comparison to any degree of normalcy in any  
21 state where there's law and order.

22 Q. And indeed, certainly during 1996, there'd been a  
23 collective - in effect a collective presidency?

24 A. This is correct, yes.

13:01:51 25 Q. And that went on up to August of '97 when he was installed  
26 having been elected in July?

27 A. Correct.

28 Q. Right. And then further civil war broke out during his  
29 presidency, do you agree?

1 A. Yes. A rebel movement was started even to unseat the  
2 elected power in Monrovia.

3 Q. And I'm not proposing to dwell on it at length, but the  
4 fact is that at least two - well, more than two organisations  
13:02:32 5 then took to arms in Liberia against the elected government of  
6 President Taylor, is that right?

7 A. This is correct and I don't want to expand either but I  
8 just would like to state that legitimacy is not only defined by  
9 the electoral process but also by the way the so-obtained power  
13:02:52 10 is exerted and the reasons given, at least by the rebels at that  
11 time, were very precisely the same that Mr Doe had - that  
12 Mr Taylor had given while he was taking up arms against Mr Doe  
13 which is that actually an elected power had turned into a  
14 dictatorship.

13:03:13 15 Q. Well, in the case of President Doe, when he stood for  
16 election, even the United States who backed him accepted that the  
17 elections were fraudulent and rigged, do you agree?

18 A. This is correct, yes.

19 Q. There was no suggestion that the 1997 election of Mr Taylor  
13:03:32 20 was fraudulent and rigged, is there?

21 A. There is none, no.

22 Q. And do you also agree that Mr Taylor brought into his  
23 government a group of ministers or brought into his government  
24 and indeed his party a group of people who had previously been  
13:03:52 25 involved in either fighting him during the civil war or after  
26 that?

27 A. I think if we wanted to have a discussion about the  
28 inclusiveness of Mr Taylor's power it would take up some time  
29 because that would have to be examined in more detail. He

1 associated people who had been former adversaries if not enemies.

2 Q. Well, when you say "he associated people", he gave  
3 ministerial appointments to such people, didn't he?

13:04:37

4 A. Yes, but if you want us to discuss it I'm very comfortable  
5 with this. You have very many power structures in Africa where  
6 the official title of being minister or inclusive governments do  
7 not necessarily correspond with executive power, and I think this  
8 was one of the cases where you would have someone being  
9 associated, this is the term that I would like to use, and not  
10 necessarily being part of the real power structure, the inner  
11 circle that really takes the decisions.

13:04:56

12 Q. Right. I'm going to ask you a little bit more about

13 Liberia because the documents that you have produced touch on  
14 Liberia, and then I'm going to go to Sierra Leone and I want to

13:05:17

15 start, please, with the interview and I'm going to work from the  
16 translation, which I believe is P-33B. Exhibit P-33B. Now before  
17 we look at the contents of the interview as such, and we'll look  
18 at it in just a moment, you've given us a little bit of  
19 background as to first of all how it came about and who was

13:06:09

20 present and you've talked about a person called Fahwaz Abbas. Is  
21 he actually Abbas Fahwaz?

22 A. I refer to him in the way I recollected his name and I may  
23 be wrong.

24 Q. Right. Thank you. And he is a French citizen, isn't he?

13:06:30

25 A. I don't know that.

26 Q. But he's certainly a French speaker, isn't he?

27 A. I don't think so.

28 Q. Well, are you saying that you just don't know?

29 A. No, I recollect speaking English with him. With all of

1 Mr Taylor's entourage we did speak English, with the only  
2 exception that I stated earlier on, when there were Burkinabe,  
3 for Burkina Faso advisors, they would address me in French, then  
4 I would answer in French.

13:07:01 5 Q. So the fair answer to my question is that you don't know  
6 whether Abbas Fahwaz speaks French, do you?

7 A. No, the fair answer to your question is that I spoke  
8 English with Mr Abbas and that I ignore whether he is or not a  
9 French citizen.

13:07:19 10 Q. Right. You just don't know whether he speaks French, do  
11 you?

12 A. I don't know.

13 Q. In any event, he was one of the people who, or the main  
14 person who set up the interview when Mr Taylor came to France,  
15 yes?

16 A. Yes.

17 Q. And one of the things that Mr Taylor came to France to talk  
18 about was French companies investing in Liberia, do you agree?

19 A. This is not what he says in the interview, and it was a  
13:07:47 20 private visit, so this is possible but this is not stated.

21 Q. The interview consisted of him answering your questions,  
22 didn't it?

23 A. This is the nature of interviews indeed, yes.

24 Q. The interview doesn't include a question along the lines  
13:08:08 25 of: What have you come here for, does it?

26 A. No, it doesn't. The topical issue of the moment was the  
27 Sierra Leonean peace efforts, the military intervention by Great  
28 Britain and the efforts made to bring peace to Sierra Leone.

29 Q. Right. And you made a tape recording of the interview and

1 in accordance with ordinary journalistic practice you would keep  
2 that tape recording, wouldn't you?

13:08:45 3 A. For a period of time. I'm not running an archive so I  
4 would have preferred keeping it but we - you know, we do carry a  
5 lot of interviews and my attempt to retrieve the recording proved  
6 unsuccessful.

7 Q. Well, do you remember telling the Prosecution "As I usually  
8 keep the tapes of important interviews I've been searching for  
9 the cassette over the spring and summer period of 2007"?

13:09:06 10 A. Yes, I was in the habit actually having my library being  
11 organised according to the countries. I would very often keep  
12 tapes and put them just on that shelf just to make sure to have  
13 them. Beyond the period where I thought that was strictly  
14 necessary, which is the period let's say two or three months  
13:09:28 15 after the publication, just to make sure if there's anyone  
16 contesting the accuracy of the interview I would have the  
17 evidence to prove that everything was correct.

18 Q. Yes, but you'd normally keep tapes of important interviews  
19 for longer than just a couple of months, wouldn't you?

13:09:46 20 A. I would keep of some of them, yes, but it also depends a  
21 little bit very practical terms that sometimes you would rush out  
22 for an interview and then you would grab the next tape you could  
23 lay your hands on, so I would then go - just turn round to my  
24 library and take whatever seemed to be outdated and could be  
13:10:06 25 disposed of.

26 Q. Right. Just before I turn to the interview itself, can you  
27 confirm this: Whether or not Abbas Fahwaz spoke French or was a  
28 French citizen, he was acquainted with a Franco-Lebanese lawyer  
29 in Paris called Robert Borgy [phon] who was then and still is

1 very active as a go-between in Franco-African relations?

2 MR BANGURA: May it please your Honours. Your Honours, my  
3 learned friend seems to be going against established procedure  
4 here. He is making extensive reference to I believe some  
13:10:49 5 material that he's reading from and he's not provided any  
6 reference and I believe we are entitled to be referred to  
7 whatever material he's reading from, as well as the witness.

8 MR MUNYARD: Well, there's no procedure I'm aware of that  
9 I'm going against. Counsel opposite is not entitled to any  
13:11:13 10 document that I refer to as of right, but, most important of all,  
11 let's hear first what the witness has to say in reply to a very  
12 simple factual question that I put to him.

13 MR BANGURA: May it please your Honours, my learned friend  
14 is reading - there is a previous question that came and he made  
13:11:31 15 mention of basically asking the witness whether he recalled  
16 making a certain statement to the Prosecution. I let that go.  
17 I'm familiar with what actually he put to the witness.

18 My learned friend can say whether or not the facts that he  
19 has put in this statement are not coming from that statement or  
13:11:54 20 from a statement.

21 PRESIDING JUDGE: I just want to be clear what you're  
22 saying, Mr Bangura. You're saying that Mr Munyard put a question  
23 out of a record of interview with the Prosecution previously.  
24 He's now putting another question which is not out of a record of  
13:12:09 25 interview with the Prosecution and you're saying you should know  
26 where that record is from. Is that what you're saying?

27 MR BANGURA: Your Honour, I am saying that it may or may  
28 not have been from a record of an interview that the Prosecution  
29 had with the witness, but I am saying this amounts to a quote,

1 unless my learned friend says it is not, but it amounts to a  
2 quote that he's trying to put to the witness.

3 PRESIDING JUDGE: For all I know it could be a privileged  
4 document that emanates from the accused that we're not entitled  
13:12:40 5 to look at so I --

6 MR BANGURA: Your Honours, may counsel be respectfully  
7 asked to indicate whether or not that quote is coming from  
8 material that we are privy to.

9 PRESIDING JUDGE: I will ask if it comes from a disclosed  
13:12:55 10 document from the Prosecution and that's as far as I'll take it.  
11 Mr Munyard, is this a disclosed document from the Prosecution?

12 MR MUNYARD: Your Honour, I don't want to appear to be  
13 difficult, but the point of principle is that the Prosecution  
14 aren't entitled to ask if I am reading from a document they've  
13:13:13 15 disclosed, a document I've found on the internet or in the  
16 telephone book.

17 PRESIDING JUDGE: I've already more or less said that.

18 MR MUNYARD: Right. For that reason, your Honour, I  
19 therefore do not propose to say where it comes from. I would  
13:13:27 20 like the witness to answer the question, if he can, and then it  
21 may well be that we will - in fact, I suspect we'll then be able  
22 to move on and deal with the interview.

23 PRESIDING JUDGE: Since counsel for the Defence is not  
24 volunteering this information and he's entitled to put certain  
13:13:46 25 facts to the witness in cross-examination I'm not going to press  
26 the point. I'm overruling your objection, Mr Bangura. Put the  
27 question again in case we've forgotten what it's all about.

28 MR MUNYARD:

29 Q. I suspect, Mr Smith, I can shorten it. Did Abbas Fahwaz

1 have an acquaintanceship with a Franco-Lebanese lawyer based in  
2 Paris, a Mr Robert Borgy, who was and still is actively involved  
3 in Franco-African relations?

13:14:30 4 A. Indeed to the best of my recollection there was a  
5 connection between the two men. Mr Borgy is a lawyer, he has a  
6 triple nationality; Senegalese, Lebanese and French.

7 Q. Thank you very much. Would it surprise you therefore to  
8 hear the suggestion that one of the reasons Mr Taylor was in  
9 Paris in the year 2000 was to try to get French investment in  
10 Liberia?

11 A. It would not surprise me.

12 Q. Thank you. Now, as I said, I'm going to try to deal with  
13 the interview and indeed your commentary alongside it in terms of  
14 the two countries discretely. I know there's inevitably an  
13:15:18 15 overlap, but if I can restrict myself at the moment to just  
16 dealing with Liberian matters. If we look at the interview,  
17 that's P-33B, and I'm looking at the first page and the last  
18 paragraph on that page. Do you have that in front of you?

19 A. Yes, I do. Just if I may, not to quibble at it, but as  
13:15:58 20 unfortunately "par propos recueillis" was translated "comments"  
21 we slip into - out of path fidelity into the idea that there was  
22 an interview and the commentary. There was not. There was an  
23 interview and there was a news article. So, just for the record.

24 Q. I understand that although in fact the very first paragraph  
13:16:16 25 of this exhibit is in the form of commentary, isn't it?

26 A. Could you kindly show it to me?

27 PRESIDING JUDGE: Please put 33B on the screen.

28 MR MUNYARD: I think the focus was lower down the page and  
29 is it now adjusted. Is it now adjusted?

1 THE WITNESS: It is, thank you. It is not meant to be a  
2 commentary. It's just an introduction for the reader to know  
3 whom we are actually interviewing. So it's a presentation.

4 MR MUNYARD:

13:16:47 5 Q. All right. If we look then at the last paragraph down  
6 there, you ask the question, "What role can France and the  
7 European Union play?" And he says:

8 "France has a constructive role, experience with African  
9 problems. France is fair with Liberia, even if we are not a  
13:17:07 10 French speaking country. We want to launch a full investigation  
11 into the accusations against Liberia. We are accused of  
12 trafficking arms and diamonds. We want an investigation because  
13 it's the only way to be cleared of these accusations."

14 Now are you aware that the Liberian government did actually  
13:17:29 15 put out a document refuting the allegations against it?

16 A. Put out a document where, please?

17 Q. A document sent to the United Nations to the Security  
18 Council. Have you ever seen any such document?

19 A. I have not seen the document. I know that Mr Taylor and  
13:17:51 20 Liberia, the Liberian government, objected to the accusations  
21 levelled against it, yes.

22 Q. Right. Carrying on further down that particular paragraph:

23 "Europe can help investigate. They may cut off aid. They  
24 may not like Charles Taylor. But there are Liberians who are  
13:18:12 25 dying, who need aid. The British managed to halt European aid to  
26 Liberia."

27 Now that's right, isn't it, that the British played a  
28 significant part in halting European Union aid to Liberia?

29 A. In the interview no distinction is made between development

1 aid and humanitarian aid. The aid that was cut off is actually  
2 the development aid, not the humanitarian aid. It is true that  
3 the outside world did not pay much attention to internal  
4 developments of Mr Taylor's regime, of his government and his  
13:18:50 5 governance, so the fact that democratic rules had by then been  
6 broken went more or less uncommented or at least not warranting  
7 any consequences.

8 The consequences came when the incident occurred in  
9 neighbouring Sierra Leone with the hostage taking of the  
13:19:09 10 peacekeeping force, the blue helmets, the UN blue helmets, and  
11 then the British government indeed spearheaded a successful  
12 attempt to cut off European development aid to Liberia.

13 Q. Are you talking about the seizing of the peacekeepers in  
14 the year 2000?

13:19:31 15 A. Yes, I do.

16 Q. And are you aware that by then Mr Taylor was the lead  
17 President within ECOWAS with responsibility for trying to resolve  
18 issues in the civil war in Sierra Leone?

19 A. This is correct and the interview actually refers to that  
13:19:54 20 role in a different paragraph, because we put the question to him  
21 and I think that was quoted earlier this morning - we put the  
22 question to him whether he was not in a sort of a bind, in a  
23 dilemma. The more he played the intermediary and tried to  
24 mediate the more the outside powers, especially the United States  
13:20:12 25 and Great Britain, would actually say that he held sway over the  
26 rebel movement in Sierra Leone and stressed the connection he  
27 had. And if he didn't, he would be blamed for his obstructive  
28 role.

29 By the fact that he knew the people, he was in this - knew

1 the people and Sam Bockarie was actually staying in Monrovia at  
2 that time, a major player in the Sierra Leonean context, and so  
3 the idea was basically that the more he - if he refused to help  
4 he would be blamed and if he intervened and used the connections  
13:20:49 5 he had with Sierra Leone he would also be blamed.

6 Q. Thank you, but it is true, isn't it, that within ECOWAS he  
7 was the President charged with taking the lead role in trying to  
8 resolve the civil war in neighbouring Sierra Leone?

9 A. The presidency of the West African economic union, ECOWAS,  
13:21:15 10 is a rotating one, so it was his turn indeed and I think it's  
11 always in between two summit meetings that one of the Presidents  
12 presides over. That doesn't really make him the executive  
13 President of the community, but he has a leading role and  
14 Mr Taylor acted in this capacity.

13:21:32 15 Q. Thank you. And he was also asked to play a part in  
16 resolving the UN peacekeepers hostage taking by the  
17 secretary-general, then Kofi Annan, were you aware of that?

18 A. Yes, I think this had already taken place at the time when  
19 the interview was recorded and published.

13:21:48 20 Q. Yes, it had. Now you mentioned Sam Bockarie being in  
21 Monrovia in late 2000 at the time of your interview, the  
22 interview taking place in Paris, and that was a well known fact,  
23 wasn't it, that Sam Bockarie was there in Liberia?

24 A. Yes, sir. There had been a split in the rebel movement.

13:22:20 25 Foday Sankoh after the Lomé Peace Agreement in December 1999, if  
26 my memory hasn't got a lapse, he decided he would go along with  
27 the peace agreement whereas Mr Sam Bockarie was unwilling to  
28 depose arms and he went into exile first into Liberia and stayed  
29 in Monrovia.

1 Q. I think you'll find that Lomé was in - the agreement was in  
2 July of 1999, but didn't include the active involvement of the  
3 AFRC element and so there were further talks later that year and  
4 it was October when the two leaders, Foday Sankoh and Johnny Paul  
13:23:04 5 Koroma, finally met in Lomé and were flown back on board a  
6 Nigerian government plane to --

7 A. You correct. I'm referring to a process that was a little  
8 bit halting and which we encompass as being the Lomé agreement,  
9 because it was precisely dragging out over a period of time which  
13:23:25 10 is the second half of 1999.

11 Q. Yes, I thought I'd made an error and I had. The two  
12 leaders met in Monrovia and a more lasting commitment involving  
13 both of those groups was drawn up to supplement the Lomé Accord.  
14 Do you remember that?

13:23:51 15 A. Yes, I do.

16 Q. And Sam Bockarie would not agree to disarm and that was why  
17 President Taylor agreed to have him and his troops come to  
18 Liberia. Do you agree?

19 A. This is maybe a lopsided way of presenting it and in more  
13:24:17 20 neutral language I would say - I would state the split and the  
21 fact that the faction which still wanted to wage war came to  
22 Liberia.

23 Q. But did not continue to wage war on Sierra Leone from  
24 Liberia?

13:24:35 25 A. This is probably - no, I think that would be an impugned  
26 statement by many analysts because precisely if you still refer  
27 to the time line you would see that after coming to Monrovia and  
28 after the split the peace process in Sierra Leone did not go  
29 smoothly. Quite to the contrary. Despite the deployment of

1 13,000 UN soldiers you would have heightened rebel activity and  
2 hostage taking of 500 blue helmets which prompted then the  
3 British intervention. So the least one can say is that the split  
4 over the peace agreement did actually prompt action on the  
13:25:10 5 ground.

6 Q. Well, I'm going to deal if I can - and I know it's  
7 artificial to an extent, I'm going to deal with Sierra Leone in a  
8 moment and I'll come back to the issue of the peacekeepers, but  
9 the seizing of the peacekeepers was very much a one off event,  
13:25:32 10 wasn't it?

11 A. What would you understand by one off? An isolated event?

12 Q. Yes, in the year 2000?

13 A. It was not perceived that way to the best of my  
14 recollection because simultaneously you also had spilling or  
13:25:46 15 spill over warfare starting along the border with Guinea. So the  
16 overall impression was that despite the peace agreement there was  
17 actually a resurgence in warfare and a spread out of the  
18 conflict.

19 Q. Well, I'm going to come to a Guinea as a separate topic  
13:26:09 20 straight away. But, Madam President, I see the time. As I'm  
21 about to move to Guinea would you think it appropriate for me to  
22 do the whole of that subject --

23 PRESIDING JUDGE: Yes, that might be a more practical way  
24 of dealing with it, Mr Munyard, because we are just about up to  
13:26:21 25 our time.

26 Mr Witness, we take our lunch break from 1.30 to 2.30. We  
27 are just about on 1.30, so we will take that break now and allow  
28 counsel to start into his new line of cross-examination after  
29 2.30. So please adjourn court to 2.30.

1 [Lunch break taken at 1.27 p.m.]

2 [Upon resuming at 2.30 p.m.]

3 PRESIDING JUDGE: Mr Bangura, do I note a change of  
4 appearance?

14:29:01 5 MR BANGURA: That is correct, your Honour. Your Honour,  
6 for the Prosecution this afternoon are Mr Nicholas Koumjian,  
7 myself Mohamed A Bangura and Ms Ruth Mary Hackler. Thank you,  
8 your Honours.

9 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard,  
14:29:17 10 please proceed.

11 MR MUNYARD: Thank you, Madam President:

12 Q. Mr Smith, when we broke I was just going to go on to a  
13 separate subject which is Guinea. Now, you have talked about  
14 what happened after Sam Bockarie went to Liberia at the very end  
14:29:38 15 of - are you able to help us when it was that he went to Liberia?

16 A. At the end of 1999.

17 Q. Right. And I think you agreed with me that once he went to  
18 Liberia there is no suggestion that he himself was involved in  
19 any kind of invasion into Sierra Leone?

14:29:58 20 A. I do not recollect saying precisely that. I have no  
21 knowledge as to that effect.

22 Q. Right. So you can't counter that proposition?

23 A. Correct.

24 Q. Thank you. Now, as for Guinea, Lansana Conté was the  
14:30:17 25 President of Guinea by the year 2000, wasn't he?

26 A. Correct, yes.

27 Q. The LURD rebels who were invading Liberia during President  
28 Taylor's presidency, where were they based?

29 A. This was a matter of contention. They definitely had a

1 rear base in Guinea and it would be possible for journalists to  
2 contact them in Conakry, as it had been possible for us  
3 previously to contact Mr Taylor's group in Abidjan or Danané.  
4 And furthermore it was, as I stated, a matter of contention as to  
14:31:05 5 the LURD set being present on Liberian ground and at least in the  
6 border zone.

7 Q. Well, let's just have a look at that. You said it would be  
8 possible for journalists to contact the LURD in Conakry. Conakry  
9 is a long way from the border with Sierra Leone, isn't it?

14:31:24 10 A. Correct, yes.

11 Q. When you talk about the LURD having a rear base in Guinea,  
12 where do you say that base or those bases were?

13 A. I actually do not - did not go to the bases if there were,  
14 but I just draw your attention to the parallel that I made with  
14:31:42 15 Abidjan and Danané. I could contact Abidjan, it's fairly distant  
16 from the Liberian border as well, and I could contact and make  
17 arrangements with Mr Taylor's collaborators in Abidjan and so I  
18 did in Conakry. I have no knowledge as to where precisely the  
19 LURD would have bases in Guinea.

14:32:08 20 Q. Yes, you see, my question was more about the LURD coming  
21 into Liberia from Guinea, rather than where would you contact  
22 LURD representatives if you as a journalist wanted to speak to  
23 them. You say now you have no knowledge as to where precisely  
24 the LURD had bases in Guinea, but you did know that the LURD had  
14:32:29 25 bases in Guinea, didn't you?

26 A. This was part of - yes, I had knowledge of this as being  
27 one of the allegations and as the Guinean government would allege  
28 that Guinean rebels moving into Guinea had their rear bases in  
29 Liberia, that's why I said it was a matter of contention.

1 Q. Right. The Guinean government had help in training its own  
2 military from an outside power, didn't they?

3 A. This is correct at that time and the outside power would be  
4 identified as being the United States.

14:33:07 5 Q. Exactly. And the particular organisation from the United  
6 States that was based in Guinea training its troops was the US  
7 marine corps, wasn't it?

8 A. To the best of my knowledge, yes.

9 Q. And are you aware that it was widely reported that the US  
14:33:28 10 marine corps were training or giving support to the LURD rebels  
11 who were invading Liberia from Guinea?

12 A. It may cast a negative spell on my profession, but "widely  
13 reported" is a not very precise sourcing and there is a lot of  
14 things that are widely reported about Africa that I know to be  
14:33:52 15 factually incorrect. So this is - I know it was widely reported,  
16 yes, to that part of your question. And whether that would lead  
17 me to endorse the information, I would say no.

18 Q. Well, let me summarise that. You accept that that was a  
19 matter that was spoken of very widely, but you yourself have no  
14:34:14 20 information directly or indirectly that confirms it?

21 A. This is correct. I just want to prevent myself from kind  
22 of affirming things that would be according to widespread rumours  
23 said.

24 Q. No, well I am not asking you to confirm the rumour. I am  
14:34:33 25 simply asking you: (a) do you agree that there was such a rumour  
26 and; (b) do you have any direct or indirect knowledge to confirm  
27 or contradict it?

28 A. So it would be yes on the first account and no on the  
29 second, sir.

1 Q. Thank you. But there is no doubt in your mind, I imagine,  
2 that the LURD were invading Liberia from Guinea?

3 A. I don't want to cavil at that, but you see it's a very  
4 sensitive issue because - I just give you another parallel so you  
14:35:12 5 would maybe understand my reticence to endorse that statement  
6 fully. There was also alleged, and there was some factual ground  
7 to it, that Mr Kagame and his rebels came from neighbouring  
8 Uganda into Rwanda and the Rwandan regime at the time which we  
9 now consider as being a genocidal regime said it was an invasion  
14:35:30 10 launched from outside and that, for example, the defence treaty  
11 with France should be applied to the point that French military  
12 should intervene because it was a foreign invasion. How much of  
13 a foreign invasion it was and how much was - the fighting force  
14 was present and had actually roots in the country is something  
14:35:50 15 that is very delicate.

16 So by the same token I think presenting the LURD as an  
17 invading force from Guinea would be as correct and false as  
18 saying that Mr Taylor launched his attack on Liberia on Christmas  
19 Eve '89 as a fighting force invading from neighbouring Ivory  
14:36:10 20 Coast, which I think would not be an entirely correct and  
21 balanced statement.

22 Q. So is your evidence to this Court that you can't say that  
23 the LURD invaded from Guinea ever?

24 A. What I would say if I had a presentation to make is that  
14:36:29 25 the LURD had support in the country and used neighbouring  
26 countries, specifically Guinea, as a launching pad or as a rear  
27 base. This would be the terms that I would be using.

28 Q. Well, there is a big difference between a launching pad and  
29 a rear base, isn't there? One is somewhere you effectively move

1 forward from and the other is somewhere you retreat back to, do  
2 you agree?

3 A. No, I think a rear base is something - a sanctuary that you  
4 have in a neighbouring country which you use for logistical  
14:37:05 5 reasons. That is at least the acceptance or the understanding  
6 that I had. And once again I draw your attention to the parallel  
7 with Mr Taylor's launch and rear facilities in Ivory Coast. The  
8 only thing I want to make crystal clear is that you should  
9 qualify both examples in the same terms then I would subscribe to  
14:37:25 10 them.

11 PRESIDING JUDGE: Just before you move on, Mr Munyard. Can  
12 I clarify that Mr Smith said, "I want to make it clear that the  
13 LURD had support in the country". Which country are we talking  
14 about here?

14:37:36 15 THE WITNESS: I understood Liberia.

16 PRESIDING JUDGE: Liberia, thank you.

17 MR MUNYARD: Well, Madam President, I am grateful for that  
18 because I had understood it was Guinea that the witness was  
19 talking about:

14:37:46 20 Q. You don't disagree that the LURD had support in Guinea, do  
21 you?

22 A. Once again not to cavil at it, but when I was talking about  
23 support I understood popular support in the country of which the  
24 fighting force originated from. And if you are talking about  
14:38:04 25 supporting Guinea, you would mean that people were helping the  
26 LURD to operate out of Guinea and in that sense I would say yes.

27 Q. Thank you. Can I take you please to the interview, exhibit  
28 P-33B, and it is the second page of the translation of the  
29 interview on page 43985. I am going to ask you to look at the

1 Last two paragraphs on that page, please. Do you have those in  
2 front of you?

3 A. Yes, I have.

4 Q. Thank you. The question that you posed that led to the  
14:38:56 5 answer in these two paragraphs was, "What solution do you see to  
6 the conflict with Guinea?" And the answer given by Mr Taylor,  
7 according to the translation, is as follows: "Oddly, last year  
8 we were the victims of a first attack coming from Guinea". Now,  
9 do you agree that there was an attack by the LURD in 1999 into  
14:39:26 10 Liberian territory from around the area bordering with Guinea?

11 A. I would agree to that, adding that if I interviewed the  
12 Guinean President at the time and still is Lansana Conté he would  
13 have said that the first attack came from Liberia against his  
14 country. And so I would, as a reporter, give both statements  
14:39:47 15 just to be balanced.

16 Q. Sorry you say, "If I interviewed the Guinean President at  
17 the time he would have said"?

18 A. Yes.

19 Q. Does that mean you didn't interview him, but you have read  
14:39:58 20 reports of things that he has said?

21 A. I should have been more precise. I did actually meet  
22 Lansana Conté, but I didn't run an interview that was published  
23 in Le Monde in the same way this was one straightforward. I  
24 think it was an article where I just quoted him - sentences of  
14:40:15 25 our conversation. But what I understood is that in Lansana  
26 Conté's presentation of the facts he said that the first attacks  
27 originated out of Liberia.

28 Q. Right. What was the article that you included that  
29 particular position of President Conté's in?

1 A. It was an article that was presented or that was published  
2 in Le Monde. I could not give you the precise date. You may  
3 bear in mind that I may have written two pieces a week and so it  
4 is really difficult for me to have the precise recollection, but  
14:40:52 5 I did cover the story from the Guinean side as I did from the  
6 Liberian and I am aware of both statements and I carried the one  
7 by Mr Taylor as I carried the one by Lansana Conté.

8 Q. Right. I am only interested in the Lansana Conté one at  
9 the moment. Are you able to help us with what year roughly you  
14:41:09 10 think that you wrote that piece?

11 A. I think that must have been late 90s, '99 probably, but I  
12 would not want to be affirmative on that. It is really a little  
13 bit difficult to know that precisely. It is easy to find in the  
14 archives of the newspaper.

14:41:30 15 Q. Thank you. I am looking at the interview again with  
16 Mr Taylor, carrying on from that first sentence:

17 "We protested. There was a second attack on us. In the  
18 course of a meeting the President of Guinea Lansana Conté  
19 promised to do his utmost to prevent attacks of that kind. But  
14:42:01 20 to our great surprise, three months later there was a third, very  
21 serious and devastating attack."

22 Now, do you agree that the LURD invaded Liberia from an  
23 area bordering with Guinea on at least three occasions starting  
24 in 1999?

14:42:23 25 A. I would agree that the LURD was doing that in a context of  
26 cross-border fighting where attacks originated from both sides  
27 and where the precise dating of who attacked first and who did  
28 precisely what was controversial.

29 Q. Is Lansana Conté someone who came to power via a democratic

1 election?

2 A. No, Lansana Conté came to power thanks to a military coup.

3 Q. Carrying on on that paragraph:

4 "I said to President Lansana Conté, 'Can you do something  
14:43:08 5 to show me you are making an honest effort to stop these  
6 attacks?' That wasn't done. I asked for a face to face meeting  
7 with him. The President of Nigeria Olusegun [sic] Obasanjo  
8 agreed to host such a meeting".

9 Are you able to confirm or contradict what I have just  
14:43:32 10 read?

11 A. First of all, it is Olusegun, there is a misspelling but --

12 Q. I apologise to the former President, not that it is my  
13 fault.

14 A. No, no problem at all. I did actually speak to President  
14:43:48 15 Obasanjo, former Nigerian President, about his mediating -  
16 mediation efforts and I think the presentation that I gave about  
17 the cross-border warfare and the two sides that did not live up  
18 to the expectations of the Nigerian President as a mediator in  
19 their efforts to make attempts to create a situation in which  
14:44:16 20 trust was restored and made it possible to properly monitor the  
21 situation would be the one that I got from Obasanjo.

22 Q. I might have missed it in there somewhere, but did you give  
23 us the one that you got from Obasanjo?

24 A. No, I didn't. I didn't expect this to be raised in court.

14:44:40 25 Q. Right. Well, this is cross-examination. I am entitled to  
26 pursue material that you have presented such as this interview.  
27 Next paragraph, please:

28 "These incursions from Guinea into Liberia occur in a  
29 forest area. It is very hard to ascertain if and when we cross

1 the border with Guinea."

2 Now, do you agree that to a large extent the northern  
3 border of Liberia where it meets Guinea is forest and it is not  
4 necessarily easy to tell whether you are in one country or the  
14:45:23 5 other in many places?

6 A. Materially you are right. This part of Guinea is even in  
7 French called Guinea Foresterie, so it's part of the designation  
8 of the area. What is correct is that local people on the ground  
9 obviously know where the not materially notified or materialised  
14:45:46 10 border runs, so everybody knows where one is. But it is true  
11 that it is not a border in the understanding that we let's say in  
12 Europe have of how a border is brought to the attention of  
13 everybody.

14 Q. And do you agree that the Government of Liberia did send  
14:46:07 15 forces to the north of the country around the border with Guinea  
16 to try to push back the LURD rebels?

17 A. Yes, I think this is correct and I am not here to be the  
18 spokesperson for the Guinean side, but I would probably say that  
19 the same sentence that "it is very hard to ascertain if and when  
14:46:27 20 we cross the border with Guinea" would probably be invoked by the  
21 Guineans about their forces sent to the border to stem incursions  
22 that purportedly were launched from neighbouring Liberia.

23 Q. Right. Either country would be entitled to engage in hot  
24 pursuit of rebels crossing into their territory, wouldn't they?

14:46:50 25 A. As a person I would agree, but I am not entirely sure about  
26 the legal grounds of that, whether this is international right  
27 that you have a right of hot pursuit. It seemed to me that would  
28 be a contention.

29 Q. Reading on on that last paragraph on the second page of the

1 interview:

2 "It is very hard to ascertain if and when we cross the  
3 border we are Guinea. Were we to do so there would be plenty of  
4 justification if a base in the forest somewhere had been used  
14:47:26 5 against Liberia."

6 I think we have already dealt with that in those last  
7 question and answer: "We have the right to destroy such bases.  
8 Liberia is not in a position to go to war". Now, it's right,  
9 isn't it, that the Liberian government was actually fighting a  
14:47:46 10 losing battle from the year 2000 onwards against the rebels?

11 A. Well, if we read history with what we know is its outcome  
12 in summer 2003 when Mr Taylor was obliged or felt obliged to  
13 leave his capital, yes. But if you read the paragraph on where  
14 you stopped reading you would see that Mr Taylor at the time in  
14:48:08 15 November 2000 said, "Liberia is not in a position to go to a  
16 war", "But if we are forced to of course we will have to fight  
17 and we will come up with the means. We have the right to defend  
18 ourselves, because Liberia is not the aggressor ". So this would  
19 be the full quote and so Mr Taylor felt like Liberia was not in a  
14:48:29 20 position to go to war, but in the extreme case would find the  
21 means to do so.

22 Q. Yes, Mr Smith, be assured that I am not going to leave out  
23 any of that paragraph. I was going to deal with those other  
24 elements. It's right of course that, "The United Nations  
14:48:46 25 maintains its arms embargo on us", that next sentence. You would  
26 agree with that?

27 A. Yes, entirely.

28 Q. And in the face of an arms embargo from the United Nations  
29 a government that was under military attack from not one but a

1 number of different rebel groups, the government would be bound  
2 to look for arms and military materials from wherever it could  
3 find them, wouldn't it, as a matter of practicality?

14:49:23 4 A. If it accepted the idea that it was politically expedient  
5 and judicious to breach the United Nations arms embargo, yes.

6 Q. Well, the reality on the ground was this was a government  
7 that was subject to an arms embargo, but was also being attacked  
8 throughout the years certainly in 1999 and then throughout 2000,  
9 2001, 2002 and 2003, wasn't it?

14:49:52 10 A. We probably have a little divergence of views on might and  
11 right. You say if there is a suspected military basis on the  
12 other side of the border I have the right to go there and destroy  
13 it. And you say if the international community, well aware of  
14 the situation in Liberia and in neighbouring country, imposes an  
14:50:14 15 arms embargo it is expedient for the government of the country in  
16 question to get arms from wherever the government can get them.  
17 This may be in practical terms true, but I don't want to endorse  
18 that as being the only choice.

19 You could also respect the arms embargo and trust the  
14:50:35 20 international community to come to your rescue in case you did  
21 not try to get arms illegally against the arms embargo. Whether  
22 this is good or bad advice it's not up to me to decide.

23 Q. You are not really suggesting that Liberia in the face of  
24 constant armed attack by rebels should simply have sat back and  
14:50:57 25 hoped that the international community would come and rescue them  
26 when the world's only superpower at the time was actively  
27 supporting the armed rebels, are you?

28 A. I didn't say that the United States supported the armed  
29 rebels. You said that there were allegations to that sense and

1 that the military presence of the United States at that time in  
2 Guinea was directed to that effort. This was not publicly stated  
3 policy of the United States and by the same token I do not  
4 present Liberia as being the sort of Switzerland where there is  
14:51:33 5 no weaponry inside and no weaponry coming in any ways from  
6 neighbouring countries. So Liberia was at the end of a civil war  
7 and very many people still had guns, so it was not in a  
8 defenceless position even before breaching the arms embargo.

9 Q. There had been a very considerable amount of disarmament in  
14:51:51 10 Liberia, though, hadn't there, after the end of the civil war  
11 leading up to the election of President Taylor?

12 A. Unfortunately not. Most of the DDR, and this is not  
13 specific to Liberia - most of the DDR, disarmament and  
14 demilitarisation efforts, have been fairly unsuccessful. So a  
14:52:11 15 number of mostly old weapons have been collected and purchased,  
16 but you could not speak of a proper disarmament process at the  
17 level at which the country was armed during the war. So it was  
18 an unsuccessful attempt.

19 Q. But it's also right, isn't it, that Ellen Johnson-Sirleaf  
14:52:34 20 was an active supporter of the LURD?

21 A. It is right that Ellen Johnson-Sirleaf had sympathies. I  
22 don't know exactly what her connection with the LURD was in  
23 operational terms, but definitely she was considered in the  
24 press, and I wouldn't have objected to that statement, as being  
14:52:52 25 close to or sympathetic to the movement of the rebel movement,  
26 yes.

27 Q. And Ellen Johnson-Sirleaf had very considerable backing in  
28 the United States, didn't she?

29 A. This is I think is overstating the fact. I think for

1 better or worse the attention given not only by the general  
2 public but even by the political establishment to Liberia,  
3 obviously when you look from Liberia to the United States you  
4 feel like it's a sort of second motherland, but when you look  
14:53:25 5 from the United States to West Africa there is a high degree of  
6 indifference and so I don't think you can say Ellen  
7 Johnson-Sirleaf had a kind of sizeable leverage in Washington.

8 Q. But she had leverage, as you put it, to some extent in  
9 Washington and certainly a great deal more than Charles Taylor,  
14:53:49 10 didn't she?

11 A. A great deal more than Charles Taylor at what time? As at  
12 this time?

13 Q. We are talking 2000 onwards.

14 A. Charles Taylor, being the President of Liberia, I think he  
14:54:00 15 had good connections with the United States. Whether the  
16 relations were cordial is another question but in terms of  
17 leverage probably his voice was at least as much heard or  
18 listened to than that of Ellen Johnson-Sirleaf.

19 Q. Well, I suggest, and I don't wish to argue the point with  
14:54:18 20 you, but I suggest that that is completely wrong, that the United  
21 States government was far more interested in seeing him off and  
22 having somebody such as her installed in his place. Do you agree  
23 or disagree, without going into great detail?

24 A. I disagree.

14:54:39 25 Q. Right. Madam President, would you bear with me for a  
26 moment while I make sure I get a set of initials correct?

27 PRESIDING JUDGE: Yes, please do.

28 MR MUNYARD: Thank you for the time:

29 Q. What are you able to tell us about another rebel group

1 called MODEL?

2 A. This rebel group was characterised as being essentially  
3 Krahn based, which means the ethnic group I think we spoke about  
4 it earlier this morning.

14:55:43 5 Q. President Doe's group?

6 A. Group, Krahn being K-R-A-H-N.

7 Q. Thank you. And they were also active in an armed struggle  
8 against the democratically elected government of Charles Taylor,  
9 weren't they?

14:56:00 10 A. Yes, we just once again come across that point that we had  
11 early on. Democratically elected, yes, and this is not any  
12 partisan statement by myself, but just bear in mind the  
13 legitimacy flows not only from the way in which he came to power  
14 but also by ways of using that power once you are the government

14:56:22 15 of the day. So, they obviously felt that even though Mr Taylor  
16 had been democratically elected, and whether they are right or  
17 wrong it is not up to me to decide, but they felt like he had as  
18 an elected president established a dictatorship. The historic  
19 parallel not very pertinent in that way, but very often invoked  
14:56:42 20 would be Hitler or Milosovic were also democratically elected and  
21 we do not consider them as being legitimate rulers.

22 Q. Right. Putting that on one side, can we go back please to  
23 what MODEL was doing and where and when?

24 A. In short, we can see it as a two-pronged offensive against  
14:57:05 25 Mr Taylor's power structure and regime, the Krahn being located -  
26 mainly their ethnic homeland being close to the Ivorian border or  
27 in the south --

28 Q. In the southeast of --

29 A. In the southeast so you would have a two-pronged attempt to

1 unseat Mr Taylor in Monrovia.

2 Q. Thank you. You have the LURD coming in around the Guinean  
3 border. I hope you will - I hope that the use of that  
4 terminology satisfies you?

14:57:40 5 A. Entirely, thank you.

6 Q. And the MODEL coming in from around the Ivorian border,  
7 yes?

8 A. Yes, sir.

9 Q. And this two-pronged attack went on from sometime in 1999  
14:57:58 10 until the middle of 2003, do you agree?

11 A. I do.

12 Q. I just want to ask you a couple more questions about your  
13 evidence relating to Liberia before we move on to Sierra Leone as  
14 such and these may be a series of unrelated points that I simply  
14:58:19 15 want to deal with as they touch on Liberia or what you were  
16 telling us about your time in Liberia. When you said that Prince  
17 Johnson split away from the NPFL group that was led by Charles  
18 Taylor, and controlled the port area of Monrovia, are you aware  
19 of any discussions with the Charles Taylor led NPFL that led to  
14:58:57 20 their voluntarily not invading Monrovia in the early years of the  
21 civil war?

22 A. No, I am not. Precisely as in my recollection one of the  
23 reasons, but I stress one of the reasons invoked as being the  
24 cause for the split between the two, Mr Taylor and Mr Johnson,  
14:59:17 25 was that Mr Johnson failed to do his military job when the NPFL,  
26 before the split, reached the outskirts of Monrovia and that he  
27 was - somehow bungled up the job to conquer the capital and then  
28 Mr Taylor dismissed it on these grounds, but once again that was  
29 one presentation.

1 Q. Yes. Were you aware that even before they got anywhere  
2 near the capital of the country that a split had occurred between  
3 Johnson and Mr Taylor and, indeed, this all happened very shortly  
4 after the first invasion on Christmas Eve 1989?

14:59:56 5 A. I would situate it in between, not at the moment when the  
6 offensive - rebel offensive got stalled, in a way scotched,  
7 outside Monrovia or in the outskirts of Monrovia, and not - I  
8 would think it would be something spring 2000, 1990, sorry.

9 Q. Spring of 1990?

15:00:20 10 A. Yes.

11 Q. That is on the basis of what? What you read or people you  
12 interviewed, or what?

13 A. This is on the basis of the recollection that I have of the  
14 timeline of this specific conflict.

15:00:33 15 Q. Right. Do you think you might possibly be mistaken about  
16 how early the split occurred?

17 A. I don't think that I am far off the target if that is what  
18 you - what your question is aiming at?

19 Q. Right, yes. A separate matter: You told us earlier - you  
15:00:54 20 made a reference to Sinkor being the part of town where the  
21 Executive Mansion, the Presidential palace is. Do you remember  
22 saying that?

23 A. Yes, but that was a broad brush geography. If you want to  
24 delve into the topography of Monrovia we can do that. Sinkor is  
15:01:16 25 not precisely the place where the Executive Mansion is; Sinkor is  
26 the outskirts of Monrovia, whereas the Executive Mansion is on  
27 the way downtown on the beach on - so a little bit further  
28 downtown.

29 Q. And are you saying the Executive Mansion, the Presidential

1 Palace, meaning that those two terms are synonymous with that  
2 building?

3 A. The Executive Mansion is the seat of the presidency, yes,  
4 that is what I mean.

15:01:48 5 Q. That is what it meant. That is, you were using those two  
6 terms interchangeably?

7 A. Yes.

8 Q. And that building is nowhere near Sinkor, is it? It is  
9 several miles into town from Sinkor?

15:02:03 10 A. Sinkor is, and that is the context in which I used the  
11 reference, Sinkor is where Mr Taylor's forces got stuck. That is  
12 within sight of the presidential - the seat of the presidency,  
13 the Executive Mansion, which is a very high building so you can  
14 see it and Sinkor is actually where most of the embassies were  
15 located along the road that leads to the presidency.

15:02:23 16 Q. All right. You also said that, you mentioned that you were  
17 a West African correspondent or the West African correspondent of  
18 Radio France International, to Anglicise the term, the  
19 pronunciation, and that you had also broadcast on BBC's Focus on  
15:02:54 20 Africa. Do you remember telling us that?

21 A. Yes, this is correct. I was employed by RFI and I was, let  
22 us say, a guest speaker or a person who would be interviewed as a  
23 journalist on BBC.

24 Q. Yes, thank you. And to your knowledge to the present day  
15:03:10 25 is the BBC Focus on Africa still listened closely to by people in  
26 Sierra Leone and Liberia?

27 A. I think so, even though there is now, as you know, more  
28 private radio stations and FM stations that exist, specifically  
29 in Liberia sometimes with the help of the setup with the help of

1 the international community, but broadly the BBC programme is  
2 still very widely being listened to, yes.

15:03:49 3 Q. Yes. And to your knowledge does the BBC programme, Focus  
4 on Africa, continue to give reports of the evidence in this  
5 trial?

6 A. This I could not tell you because I have been in the United  
7 States and I don't listen to the broadcast often, which I could  
8 of Focus on Africa specifically. We get overnight if that is any  
9 interest the BBC general news which I can easily listen to, so I  
15:04:04 10 don't pick up the - on the web - the specific Focus on Africa  
11 programme so I don't know what they are doing.

12 Q. All right. You made a comment towards the end of your  
13 evidence-in-chief about saying that Monrovia was still largely  
14 without electricity, apart from those who had generators during  
15:04:26 15 the time of Mr Taylor's presidency?

16 A. Yes, sir.

17 Q. Do you recall saying that?

18 A. Yes, this is correct.

19 Q. Monrovia, as recently as this April, still doesn't have  
15:04:40 20 street lighting in the centre of the capital, does it?

21 A. They made a first attempt, I mean in broad terms, to get  
22 back to what we would call an electricity grid and that was one  
23 of the electoral promises and I would say partly implemented by  
24 now, an electoral promise made by Mrs Ellen Johnson Sir-Leaf.

15:05:08 25 Q. Well, have you been there this year?

26 A. I have been there in Monrovia, the last time in 2005,  
27 summer 2005.

28 Q. So you are not able to the say - you are not able to  
29 contradict what I have just put to you that as recently as this

1 April there is no street lighting in the centre of the capital?

2 A. I - what I just said I did it on grounds of my reading of  
3 reliable information or news sources. It was not an eyewitness  
4 account and I would not counter your statement that there may not  
15:05:41 5 be street lighting in Monrovia. Maybe the priority would be to  
6 connect to the grid hospitals and the houses first before going  
7 back to street lighting, but this is open to interpretation.

8 Q. Right. One other totally disparate point that you touched  
9 on when you were giving your evidence about Monrovia and Liberia,  
15:06:08 10 you said - you were telling us about these valises that you had  
11 to carry around, metal boxes weighing 50 kilogrammes containing  
12 your means of communication. Is that what you were conveying to  
13 us?

14 A. Yes, sir.

15:06:22 15 Q. And can you just help us with what was in there? I don't  
16 mean down to every last plug and wire, but is this some form of  
17 satellite phone communication?

18 A. This is the precursor of the satellite phones that we now  
19 have. You had an equipment that was fairly unwieldy, you have to  
15:06:42 20 set it up and, as I mentioned, it is sometimes difficult when it  
21 rains so you would have an antennae that is - that would be maybe  
22 half the size of the table I am sitting at so it is a fairly  
23 bulky equipment.

24 Q. Right. When you say you have an antennae half the size of  
15:06:58 25 the table, do you mean you have a box half the size of the table  
26 or the actual antennae itself?

27 A. The antennae does unfold so it fixes in - the box is really  
28 - that is why I used the term it is like a big suitcase and a big  
29 heavy suitcase, metallic to protect it, and you would have the

1 telephone in it, the proper telephone, the telephone set, and you  
2 would then unfold, unfurl the antennae.

3 Q. Right. That is in the early days of the civil war. When  
4 did that change? When were you able to move to something more  
15:07:34 5 manageable by way of a satellite phone?

6 A. Well, the size would become smaller over time. I would  
7 reckon that by the mid-1999 you would have a setup that would be  
8 much less of a burden to carry around, much easier to operate and  
9 eventually, but this is not the case for war-stricken countries,  
10 you would get down to the handset which you can have and have  
11 direct telephone connection and some of the rebel movements  
12 actually use now the Thuraya telephones so covering Dafur today  
13 would be entirely different from covering the Liberian civil war  
14 in the early 1990s.

15:08:15 15 Q. Right, thank you. I am going to move now to - more  
16 directly to Sierra Leone and I want to ask you about something  
17 that appears in the article which is MFI-1B for the benefit of  
18 the Court and the parties. Can I just ask you about the  
19 translation first of all. Looking at the first sentence of the  
15:08:53 20 narrative here - I don't know if you have that in front of you?

21 A. I don't have it under my eyes.

22 Q. I was just going to get it for you. Madam Court Officer,  
23 thank you. MFI-1B. It's page 43986, the ERN number. "Warlord or  
24 Head of State Charles Taylor makes for indignation." Now, you  
15:09:36 25 are going to have to help me. Is that what the French was meant  
26 to say and if it was can you explain what it means in English?

27 A. The opening sentence to - I can have a look at the  
28 original, but my recollection is that the French idiomatic  
29 expression of "fait scandale" was translated this way which is

1 I like all translations debatable. "Fait scandale" is less of a  
2 moral term. Indignation is a very loaded word. "Fait scandale"  
3 means that in the public field you attract attention, mostly  
4 negative attention, but not to the same extent as we would  
15:10:22 5 understand makes for indignation. Now, I don't want to argue  
6 with the translator. It is always very difficult to do that job.

7 Q. Right. Well, I think we understand that if you had been  
8 translating it you would have put it slightly differently. Is  
9 that what you are saying?

15:10:40 10 A. Well, yes, probably indignation is a little bit - but to be  
11 fair play I would have to come up with a better translation and  
12 so I won't benefit from the hindsight to play it against the  
13 translator.

14 Q. I am not asking you to embarrass anybody but, putting it  
15:10:57 15 simply, Charles Taylor makes for indignation just isn't very good  
16 English, is it?

17 A. It is not very good English and, secondly, it is not, as I  
18 previously objected to the term that the accompanying piece was  
19 not editorial, not a comment. If I start reading a piece that  
15:11:16 20 starts with an opening sentence as loaded as this one I would  
21 probably think it is an editorialising statement, yes.

22 Q. Thank you. Moving on a few sentences, third line down,  
23 "That rebellion, which was paid for with Libyan petrodollars,  
24 turned into a national suicide combining tribalism and despair in  
15:11:42 25 the face of globalisation". Is that despair in the face of  
26 globalisation, is that an accurate translation of what you had  
27 written in French and again, if it is, what does it mean?

28 A. I think I would not challenge the translation, even though  
29 the word-by-word translation would be despair over a

1 globalisation and not in the face of, but that, I think that is  
2 fair enough. This sentence is meant to show that you have  
3 tribalism, ethnic conflict which is usually invoked as being the  
4 driving force of conflicts in Africa, but I also - we, both  
15:12:24 5 journalists, we try to stress that at the same time Liberia was  
6 part of the - one world and part of the globalisation process and  
7 that the despair of globalisation some people, some academics or  
8 analysts, according to the school of thought to which they  
9 belong, would talk about neo-liberal - neo-liberalism. In any  
15:12:46 10 event, we wanted to be balanced and say it is an ethnic conflict  
11 but also something that is linked to the process of  
12 interconnectedness and the despair over the marginality or the  
13 marginal position of Liberia in this overall process.

14 Q. Right. Can I go down to the next paragraph. I am going to  
15:13:15 15 pass over the question of electricity and running water. You  
16 say:

17 "His regime restricts civil liberties and breaches human  
18 rights. But, ironically, it's his good offices in Sierra Leone  
19 for the benefit of the international community which have got  
15:13:33 20 Charles Taylor into the hot seat. When in May half a thousand UN  
21 peacekeepers were taken hostage by the RUF, the President of  
22 Liberia appeared to be the one really in charge of Sierra Leone's  
23 rebel movement as he obtained the peacekeepers release".

24 Now, we have already touched on this to a certain extent in  
15:13:49 25 the course of my questioning of you, and I don't want to go over  
26 all of it again, but one of your or part of your reply was that  
27 Charles Taylor played that lead role because he happened to be in  
28 the rotating chair of the presidency of ECOWAS. Do you recall  
29 saying that?

1 A. Almost; not precisely. It was --

2 Q. If I have misquoted you, will you please correct me.

3 A. It is not - you did not misquote me. It is just it was  
4 incumbent on him to do so as he was the acting president of  
15:14:24 5 ECOWAS, but it could have been incumbent on him without him  
6 having the means to do so, so he had the means because he had the  
7 influence, the sway over the Sierra Leonean rebel movement and it  
8 happened to coincide with his, with the rotating presidency of  
9 ECOWAS which he held at that time.

15:14:42 10 Q. Well, were you aware of the Committee of Six within ECOWAS?

11 A. Yes.

12 Q. And he was a member of the Committee of Six before he was  
13 the - held the rotating presidency of the organisation, do you  
14 agree?

15:15:00 15 A. This is also correct, yes.

16 Q. And he was the person within the Committee of Six  
17 regardless of a stage that came when he was the rotating  
18 president, he was the person who had the lead role - lead  
19 responsibility - in trying to sort out the problem of the UN  
15:15:21 20 peacekeepers and other issues arising from the civil war in  
21 Sierra Leone, do you agree?

22 A. At least I do not see any contradiction with what I said  
23 early on, and I think it is an application of what Mr Taylor in  
24 the interview explained. Being part of a problem, you are also  
15:15:37 25 maybe well-placed to be part of the solution. In that case he  
26 was the best placed or positioned person to do precisely that.

27 Q. Well, because he managed to achieve that doesn't mean that  
28 he is really in charge of Sierra Leone's rebel movement, does it?

29 A. I think you are right in the sense that a more neutral

1 sober presentation would say it shows that he has leverage and  
2 influence over the rebel movement and not beyond, yes.

3 Q. Thank you. Next paragraph: "And before taking on the  
4 United Nations, the RUF (led by a former lieutenant of Taylor's,  
15:16:20 5 Foday Sankoh)" in what sense do you say that Foday Sankoh was a  
6 former lieutenant of his?

7 A. Foday Sankoh was part of those people who get trained by  
8 Colonel Gaddafi in - prior to them heading uprisings in their  
9 specific country, so Foday Sankoh is in a sense the historical  
15:16:47 10 equivalent of what Mr Taylor was for Liberia, Foday Sankoh was  
11 for Sierra Leone, but Foday Sankoh also was part of, or lived in  
12 Monrovia prior to going back to Sierra Leone and he is presented  
13 here as being, in a sense, also Mr Taylor's right-hand man,  
14 subordinate. We would have to argue that in detail.

15 Q. Well, looking at the first part of your reply he was one of  
16 those - part of those people who got trained by Colonel Gaddafi  
17 prior to them heading uprisings in their specific country. Do  
18 you know anything of the places or the institutions that the  
19 Libyans provided for liberation movements, revolutionaries, from  
15:17:43 20 foreign countries?

21 A. Yes, I do. As this is part of a wider scheme, Colonel  
22 Gaddafi set up in 1972 what was called the Islamic Legion. That  
23 was specifically for the Muslim part of West Africa, which is the  
24 Sahel zone, so that would apply to Touaregs or, for example, the  
15:18:09 25 Dafur region, these people got enrolled in the Islamic Legion and  
26 for the more --

27 Q. Can I stop you there for a moment. Would you like to spell  
28 Touaregs for us?

29 A. Yes. Very often the kind of French spelling is used

1 T-O-U-A-R-E-G. Thanks for the attention.

2 Q. Right. I am sorry to interrupt you, but you were saying  
3 that Gaddafi set up something called the Islamic Legion, but it  
4 went further than Islamic organisations, didn't it, in Islamic  
15:18:57 5 countries?

6 A. Yes, it did, and there was a second element to his strategy  
7 of gaining influence south of the Sahara which was directed at  
8 countries like Ivory Coast, like Liberia, like Sierra Leone and  
9 --

15:19:12 10 Q. Sorry, go on.

11 A. -- as an intermediary to these efforts of destabilisation  
12 Burkina Faso played a pivotal role also in the region.

13 Q. But others who went to Tripoli and other parts of Libya at  
14 that period included the ANC from South Africa, do you agree?

15:19:40 15 A. This could well be the case, because the ANC was then  
16 fighting apartheid in South Africa in purely logistical terms  
17 where you are giving military training to people like the ones we  
18 enumerated, you may as well give military training to combatants  
19 of the ANC.

15:20:01 20 Q. Yes, but it wasn't limited to Islamic or West African  
21 countries. The support that Gaddafi was giving to people who  
22 would describe themselves as liberation movements, others might  
23 describe them as revolutionaries, or in the case of Mrs Thatcher  
24 and Nelson Mandela, who she once described as part of a terrorist  
15:20:23 25 organisation, the Libyans were supporting liberation movements  
26 across the board at that stage, weren't they?

27 A. Very much across the board. I recently did the  
28 journalistic research for a documentary on Carlos, the Venezuelan  
29 terrorist, and he and his people got training by the Libyans as

1 well, yes.

2 Q. And the fact that Foday Sankoh may have been trained in  
3 Libya at the same time that Charles Taylor was there doesn't make  
4 him Charles Taylor's lieutenant, does it?

15:20:58 5 A. Had there been - no, it doesn't. It - had Mr Foday Sankoh  
6 had no further acquaintance with Mr Taylor this would be entirely  
7 true, but he afterwards, once out of the training facility  
8 provided for by the Libyans, and Liberia becoming the first  
9 country where a successful rebellion was staged, he went to  
10 Liberia first before going to his home country and getting  
11 engaged in his own uprising.

12 Q. Yes. Foday Sankoh had the option of going to two countries  
13 from which to invade Sierra Leone, didn't he? Either Guinea or  
14 Liberia; they are the only two countries that border Sierra  
15 Leone?

15:21:46 16 A. Yes, this is correct, as Guinea spreads over the north of,  
17 yes, correct.

18 Q. Carrying on down that same paragraph you say - and I am  
19 going about halfway down the page, sorry halfway down the  
15:22:05 20 paragraph, there is a sentence that reads:

21 "That measure is all the more hurtful as a large part of  
22 Liberia's ruling class are descendants of former slaves and  
23 considers America its first home. Charles Taylor's father was  
24 born in the US".

15:22:23 25 Where did you get that information from, that Charles  
26 Taylor's father was born in the US?

27 A. Just a second, I am trying to find the paragraph. Yes, I  
28 am with you.

29 Q. It is four lines up from the bottom of that paragraph.

1 A. Yes, yes. So, your question is whether Charles Taylor's  
2 father was born in the United States?

3 Q. Well, my question is where did you get that information  
4 from, before we go on to consider whether or not it is true?

15:22:50 5 A. It is probably from - it is not probably, it is from what I  
6 have as the biography of Mr Taylor in my notebook.

7 Q. A biography written by?

8 A. Probably not a biography written by, but as putting the  
9 question to people close to Mr Taylor, if not to Mr Taylor. I  
15:23:12 10 cannot recollect.

11 Q. Are you saying in effect it is based on rumour?

12 A. No.

13 Q. Like the US marines training the LURD?

14 A. I hope it is more reliable than that, but you may be right  
15:23:23 15 in the sense that sometimes information gets picked up and  
16 repeated in the media, as we all know, and no-one goes to the  
17 origin any longer and then you may convey false information with  
18 good faith.

19 Q. Well, I suggest that Mr Taylor's father was actually born  
15:23:42 20 in Arthington, the same town that Mr Taylor was born in, in  
21 Liberia, but you are not in a position to say one way or the  
22 other, are you, Mr Smith?

23 A. I think I would have been convinced the labelling of this  
24 sentence is very precise in the sense being born on the American  
15:24:02 25 soil is one thing. The idea behind, which is not precisely  
26 represented, is that Mr Taylor's father was what we call an  
27 American Liberian and I would have thought that he had the  
28 American citizenship and I am glad you corrected me as far as his  
29 birth place is concerned.

1 Q. "Taylor lived there for ten years". Where did you get the  
2 ten years from?

3 A. When a - because this broadens out, I think when Mr Taylor  
4 came to public knowledge obviously first of all he was just a  
15:24:41 5 voice on the BBC, so all we tried to puzzle together his  
6 biography until we would have the possibility to see him, and in  
7 making this attempt we traced back his whereabouts and I  
8 mentioned earlier on in the morning that Mark Huband spent  
9 considerable time, when you think about the outcome of the civil  
15:25:01 10 war, to give his account of the civil war which came out in '98  
11 as we saw this morning, and going back to some of the sources.

12 And our understanding from the sources available at that  
13 time was that he had spent ten years in the United States, he had  
14 studied there, he had had a tertiary education and a university  
15:25:24 15 diploma and had ended up in prison I think it was in from prison  
16 that after 16 months he escaped as is stated in the - so this is  
17 all my attempt to understand Mr Taylor's biography at this time  
18 which I probably have for better or worse repeated over time in  
19 the various articles that I have published on Liberia.

15:25:48 20 Q. But if I suggested that he had only lived in the United  
21 States for eight years you wouldn't be able to say one way or the  
22 other, would you?

23 A. No, I would not. I would probably refer to the only sort  
24 of biography which is available and have a look at Mark Huband's  
15:26:07 25 account of the civil war. I would not rule out that I am not the  
26 only person who said that he had spent ten years, but Mr Taylor  
27 is the only competent person, or at least the most competent  
28 person in this room to say exactly how long he spent in the  
29 United States.

1 Q. Yes. So you would say that if you are wrong you are not  
2 the only person who is wrong on that either?

3 A. Yes.

4 Q. Thank you.

15:26:33 5 A. But obviously the fault is all mine and there is no  
6 collective responsibility for what I am writing. So it's not  
7 because others are as wrong as I am that that makes it any  
8 better.

9 Q. I am simply making the point that you have made that a  
15:26:46 10 story can be repeated often enough so that it is taken as fact.

11 A. Correct, yes.

12 Q. Which may well be actually quite untrue. Can we move on to  
13 the next paragraph, please:

14 "The European Union has also cut off its aid, at the  
15:27:04 15 request of Great Britain which has engaged massively in Sierra  
16 Leone."

17 Now, you already touched on that earlier when you said it  
18 had cut off development aid but not humanitarian aid. Was its  
19 development aid worth more than its humanitarian aid?

15:27:19 20 A. Yes, this is usually the case, but then you would have to  
21 measure it in terms of human suffering and whether you  
22 reconstruct a road and whether that is a matter of urgency is one  
23 thing and the other one is - and I think President Taylor at time  
24 pointed to that - people were suffering on the ground and so  
15:27:40 25 humanitarian aid may be much smaller, but is much more targeted  
26 at what is at that given moment the humanitarian urgency.

27 Q. "To save President Ahmad Tejan Kabbah and the 13,000  
28 peacekeepers deployed to protect his regime, London sent 600  
29 paratroopers to Freetown, Sierra Leone's capital."

1           And are you saying that those 600 paratroopers saved not  
2 just President Kabbah, but also 13,000 peacekeepers?

3           A.     You could say so, because the peacekeeping operation had  
4 suffered a humiliating defeat by the seizure - seizing of half a  
15:28:28 5 thousand of its members and had not a striking force - an  
6 operational force that could intervene and the British stepped in  
7 to provide just that. And, as you know, in the follow up there  
8 co-existed the peacekeeping operation on the one side and the  
9 military operation - more aggressive, more offensive military  
15:28:47 10 operation run by the British.

11          Q.     And was it just paratroopers or did the British send in  
12 mercenaries as well, or arrange for mercenaries to be deployed as  
13 well as its just over half a thousand paratroopers?

14          A.     As you know, there has been a debate in Great Britain about  
15:29:10 15 the level of implication of the government of the day in the  
16 deployment of a modern mercenary force that was supposed to run  
17 the diamond mining fields, secure them and in exchange exploit  
18 the diamond minings. I think some people would say that it was  
19 directly the government. The others would say the government  
15:29:33 20 gave that operation an unofficial or informal green light,  
21 however you word it. There were other British non-official - at  
22 least not officially mandated forces on the ground, that is  
23 correct.

24          Q.     And who are these non-officially mandated forces on the  
15:29:56 25 ground? What are the organisation's names?

26          A.     Well, probably the most - the best known would be Executive  
27 Outcome which is an organisation that originated or had its  
28 headquarters in South Africa. And I used the word "modern  
29 mercenary force" just to establish or distinguish it from the old

1 mercenary forces; old military moving into African conflicts and  
2 being hired for fighting purposes by one party or the other. And  
3 here you had a modern operation being run to take over  
4 sovereignty rights in a way over strategic regions such as the  
15:30:38 5 mining fields and commercialising in exchange the diamonds.

6 Q. What about an organisation known as Sandline? What role do  
7 you - are you aware of them having played in Sierra Leone?

8 A. Sandline was in the midst of the public debate and  
9 polemical debate in Great Britain as being the organisation that  
15:31:04 10 actually was prompted into action by the British government.

11 Q. Yes, prompted into what action? Are we talking about  
12 exploiting the diamond fields, or are we talking about acting as  
13 what I think you would call old style mercenaries?

14 A. Both in that instance. Sandline had a fighting mission as  
15:31:28 15 well as being paid, which the regime of President Kabbah was not  
16 able to do, out of the commercialisation of the natural resources  
17 of Sierra Leone.

18 Q. And their fighting mission was where and when and against  
19 whom?

15:31:48 20 A. Their fighting mission - I have not worked with them so I  
21 have not ever been on any operation that was conducted by them,  
22 but their fighting mission was presented at least as to be a  
23 defensive - providing defensive security or providing security  
24 for the embattled regime of Ahmad Tejan Kabbah.

15:32:14 25 Q. So they went in as an additional element to the army, did  
26 they?

27 A. Yes, as a parallel army.

28 Q. And when were they involved as a parallel army in Sierra  
29 Leone and for how long?

1 A. The British official military operation started in May  
2 2000. The British stayed on and started training - retraining  
3 the army and once the heat of the action was over started to  
4 retrain the army. I remember a reportage that I did with the  
15:32:53 5 British army training the military and police force in Sierra  
6 Leone. As you may know that Sierra Leone with five million  
7 inhabitants at that time got aid up to the tune of one billion  
8 euros to pacify and rebuild the country over a period of  
9 something like less than a decade which is a considerable amount  
15:33:16 10 of money. And here I have to draw on the best of my  
11 recollection. I would say that the parallel set-up was more  
12 ephemeral and would last, in my recollection, something like four  
13 or five years.

14 Q. But they were fighting, were they, the Sandline  
15 mercenaries?

16 A. They were also fighting, yes.

17 Q. Right. And where and when were they fighting was really  
18 the gist of my question?

19 A. They would be fighting the rebel forces. If I tried to  
15:33:55 20 locate that geographically and would go back, I think there was  
21 one jungle unit that they specifically took on from Freetown,  
22 that would be the southwest.

23 Q. And that was all arranged through the British, correct?

24 A. Well, "the British" is a very generic expression. Does the  
15:34:22 25 British mean British people or the British government?

26 Q. I completely accept the criticism. That was all arranged  
27 through British contacts including the High Commissioner in Peter  
28 Penfold, do you agree?

29 A. There was widespread reports and really I don't want to

1 dismiss them as reliable - apparently reliable reports to that  
2 effect and to the role of the British High Commissioner that you  
3 mentioned, yes.

15:34:58 4 Q. Your paragraph here carries on with these words: "Since,  
5 more than 300 million francs of military aid haven't sufficed to  
6 reorganise a government army." Now, I forget when the euro was  
7 introduced, but what was the value of more than 300 million  
8 francs in the year 2000 in terms of the euro?

15:35:26 9 A. I think the euro was introduced in 2001 and you would have  
10 to divide it by 6.55. So if someone can help me out.

11 Q. Someone better at maths than me will do that I'm sure and  
12 we will come back to that, but can you just tell us --

13 A. So it would be roughly 50 million euros.

14 Q. Yes.

15:35:44 15 A. Very roughly.

16 Q. A bit less than 50.

17 A. Yes, just as an order of magnitude.

18 Q. Right. "... haven't sufficed to reorganise a government  
19 army". Now the position is that by the time President Kabbah was  
15:35:58 20 elected in 1996 the Sierra Leone Army was in something that could  
21 be described as disarray, wasn't it?

22 A. Yes.

23 Q. Amongst other things they weren't being paid or paid  
24 properly for quite a long period of time, were they?

15:36:19 25 A. Yes.

26 Q. And that was one of their grievances that led to elements  
27 of the Sierra Leone Army overthrowing Kabbah in May of 1997?

28 A. This was one of the elements, yes, sir.

29 Q. When Kabbah was reinstated in 1998 he effectively sidelined

1 the Sierra Leone Army, didn't he?

2 A. He did not trust the army and probably it is correct to say  
3 that he sidelined or at least made sure he had recourse to other  
4 coercive forces that could help him out should history repeat  
15:37:00 5 itself, yes.

6 Q. Right. We have just been talking about some of the forces  
7 that he had - some of the other forces that he had to help him  
8 out, one of which was were the Sandline mercenaries, also  
9 Executive Outcomes, is that right?

15:37:20 10 A. Yes.

11 Q. Another group of mercenaries, but more commercial than  
12 armed conflict at that stage, yes?

13 A. Correct.

14 Q. But he relied particularly on local militias known in some  
15:37:37 15 parts of the country as Kamajors, in other parts of the country a  
16 different name, but generally described as Kamajors, do you  
17 agree?

18 A. This is correct. In my recollection it was Mr Norman Hinga  
19 who was the leader of that militia force.

15:37:52 20 Q. Mr Hinga Norman, in fact.

21 A. Yes, I usually seem to put the names topsy-turvy, but --

22 Q. We all have our foibles with names, Mr Smith, and I am  
23 looking at no-one when I say that.

24 A. Okay.

15:38:08 25 Q. The fact is that by 1998 when Kabbah was restored to power,  
26 the Sierra Leone Army was in effect left to rot, putting it in  
27 very populist terms, would you agree?

28 A. I would not object, but may add that you could also see it  
29 as - at least seen from the British perspective, I have not ever

1 been in the mindset of Mr Kabbah, but you could also see it as an  
2 interim period over which you would try to retrain and this  
3 effort was underway. So you could say it was - you can present  
4 it as a permanent arrangement, but you could give the benefit of  
15:38:52 5 doubt of saying if there is retraining underway it was probably  
6 supposed to - not to let the army rot, but bring it back to  
7 something more healthy.

8 Q. But by 2000, by November 2000, when you are writing this  
9 article, the better part of three years after he had been  
15:39:12 10 restored to power, more than 300 million francs of military aid  
11 haven't - present tense haven't - sufficed to reorganise a  
12 government army. That was your position in the year 2000,  
13 November 2000, wasn't it?

14 A. This is correct. As you know that they haven't sufficed  
15:39:32 15 means it starts in the past and reaches to the present.

16 Q. Quite. And Kabbah was relying on the Kamajors as his  
17 principal source of local military power. When I say "local" I  
18 should say indigenous military power, do you agree?

19 A. Yes, adding maybe as a final point that the Kamajors had  
15:39:59 20 their own agenda which was not entirely the agenda of President  
21 Kabbah, but they were seen as a pro-government force, yes.

22 Q. Yes. Well, you have anticipated my very next question.  
23 The Kamajors themselves were, to a considerable extent, unruly  
24 and uncontrollable by the President, weren't they?

15:40:15 25 A. Yes, to some extent they had an autonomy that was beyond  
26 the reach of his commanding kind of authority.

27 Q. And what do you say was their own agenda that was not  
28 entirely the agenda of President Kabbah?

29 A. First of all, I think the basis of their recruitment was on

1 ethnic grounds; secondly, you have in these countries - this is  
2 true also for Liberia, but specifically in Sierra Leone you have  
3 secret societies and this militia stemmed from a hunters'  
4 organisation, you have similar features in neighbouring Ivory  
15:40:56 5 Coast, so it was a different mode of organisation based on  
6 ethnicity and, as such, would answer only to a sort of hierarchy  
7 that you could also describe as chiefly ruled. They were unruly,  
8 but this is not a kind of a judgment, and I don't want to condone  
9 them nor anyone else, but in our day-to-day workings they were  
15:41:24 10 less unruly and less unpredictable than most other militia, so  
11 they had a level of law and order, respect for law and order.

12 Q. Well, you say they had a level of respect for law and  
13 order. Were you aware that the Kamajors engaged in a  
14 considerable degree of blood-letting in around the time of the  
15:41:46 15 intervention in 1998, including the butchering of many police  
16 officers in Sierra Leone?

17 A. Yes. Once again I didn't want to give - there was no  
18 intention on my behalf to give them any kind of blank slate or  
19 whatever. I just wanted to mention that on the day-to-day basis  
15:42:07 20 they were better organised and more reliable, and it was easier  
21 to work with them than with other factions, but this is not a  
22 kind of blanket statement about their behaviour.

23 Q. But do you agree that they were engaged, particularly  
24 around February of 1998, when the ECOMOG forces and others  
15:42:30 25 restored Kabbah to power, they were engaged in the murder of  
26 police officers precisely because they were police officers?

27 A. Yes, I have cognizance of this fact, yes.

28 Q. And that could hardly contribute to or be described as  
29 having a level of respect for law and order, could it?

1 A. I think I made clear the context in which I was making that  
2 statement, seen from a perspective of an outsider coming in and  
3 trying to cover the conflict in our dealings with them.

4 Q. Yes, you did make that clear, but you would agree with me,  
15:43:07 5 wouldn't you, that it is a total contradiction of respect for law  
6 and order to go around butchering police officers?

7 A. Yeah, but we are in an environment where no-one respects  
8 law and order, so maybe I should not have employed that  
9 expression but somehow you have to qualify, when you come back to  
15:43:24 10 a level of familiarity with something that we, in our context,  
11 where - you have to see it in - I am not pleading any moral  
12 relativism, but you have to see it in relative terms and there is  
13 hardly any faction in the Sierra Leonean civil war and related to  
14 some of the events that you - that did not butcher people at a  
15:43:46 15 large scale.

16 Q. I want to move on to something different, please. You have  
17 told us of your experience working as the West Africa  
18 correspondent for Radio France International, also appearing as a  
19 guest on Focus on Africa on the BBC. What were the other  
15:44:06 20 authoritative forms of media who were commentating on events in  
21 Sierra Leone and Liberia during the 1990s, and this - the eight  
22 years of this century?

23 A. Well, there would be a host of sources. You could name the  
24 New York Times or you could have at that time also people  
15:44:33 25 covering from the Italian, French or British press the conflict,  
26 so there were quite a few. You could name international radios,  
27 I don't know, the voice of Germany had someone coming down. You  
28 could have pan African news organisations such as the weekly  
29 edited in Paris, Jeune Afrique, they would have special envoys,

1 so you had a host of I think fairly reliable sources with people,  
2 maybe not regularly but occasionally, going down and giving  
3 on-the-spot reports.

15:45:09 4 Q. Are you familiar with a magazine that occasionally changes  
5 its name slightly but at one stage was called West Africa?

6 A. Yes, I do.

7 Q. And would that be regarded as an authoritative source of  
8 commentary on these countries during the two decades I have  
9 mentioned, the 90s and this century?

15:45:31 10 A. Maybe the two decades is a little bit large. As you know  
11 the owner of the weekly - it is not a weekly, I think it is a  
12 monthly, changed and so - but overall, yes, I would read it and  
13 see it as a respectable publication.

14 Q. Right. What about a publication called Africa  
15 Confidential?

16 A. This is also a publication that is an informal newsletter,  
17 widely respected not widely read for the very nature of it, but  
18 influential sources to pay attention to Africa Confidential which  
19 has established a good reputation.

15:46:09 20 Q. Right. Can I refer you again, please, to the interview,  
21 exhibit P-33B, and I am going to be looking at the first page of  
22 it, 43984. The answer to the first question which starts "What  
23 do you think of the peace efforts in Sierra Leone?" Do you see  
24 that?

15:47:02 25 A. I do.

26 Q. And the answer:

27 "It's unfortunate that by trying to demonise President  
28 Taylor the war in Sierra Leone is reduced to a conflict which  
29 Liberia is trying to get something out of. Does the fact that

1 young British soldiers go off to fight in the forests of Sierra  
2 Leone and are doing so to stop the Sierra Leoneans from killing  
3 one another make any sense? No, it doesn't hold up".

15:47:31 4 Well, there were young British soldiers, not only the 600  
5 paratroopers but also the Sandline mercenaries were young British  
6 soldiers, weren't they?

7 A. I don't know. I understood at the time and even now  
8 re-reading the interview I would see British soldiers as a  
9 reference to the regular army.

15:47:47 10 Q. Right. But again of course you can't actually say who it  
11 was precisely that Mr Taylor had in mind when he uttered those  
12 words?

13 A. Once again I would think that he would have made a  
14 distinction. You know how articulate Mr Taylor is and I think he  
15:48:01 15 would have spoken about combatants or mercenaries had he wished  
16 to express that that way, but obviously he is much better placed  
17 than I am to know what he really wanted to say.

18 Q. And I am not in a position to give evidence, Mr Smith, so I  
19 can't comment on that. Go further down that paragraph, please:

15:48:18 20 "This war is taking place because the British want those  
21 diamonds. There are British officials who, via limited public  
22 companies located in Vancouver (Canada) own those (diamond) mines  
23 (in Sierra Leone). That's what British soldiers are over there  
24 for".

15:48:35 25 Now, do you know name of any Canadian-based diamond company  
26 that had involvement in Sierra Leone?

27 A. No, I don't.

28 Q. Does the name DiamondWorks ring any bells with you, all one  
29 word DiamondWorks?

1 A. I don't think that I associate anything precise with  
2 DiamondWorks. I could have heard it, but nothing that I could  
3 spell out.

4 Q. Or Branch Energy?

15:49:06 5 A. Definitely never heard of Branch Energy.

6 Q. Or just plain Branch, does that ring any bells?

7 A. No, it doesn't, sir.

8 Q. All right. I would like you, please, to look at a document  
9 that I am going to produce, and I believe there should be enough  
10 copies for everybody in court, Madam President. Now, if you

11 would just put that first page on the screen, Madam Court  
12 Officer, this is printed off from the web this very day, but it  
13 is the Africa Confidential special report dated April 1998 and  
14 headed "Sierra Leone diamonds". Are you familiar with that

15:50:44 15 Africa Confidential report?

16 A. Quite frankly, even if I had read it, and I don't know  
17 whether I had, I would not recollect it, as you can imagine, so  
18 many years afterwards.

19 MR MUNYARD: I just want to make sure everybody has got it.  
15:51:06 20 I am not sure if Justice Sebutinde has got it? Thank you:

21 Q. Right. I would like you to have a look, please, at some of  
22 the paragraphs in this report. It is headed "Sierra Leone  
23 diamonds. Chronology of Sierra Leone. How diamonds fuelled the  
24 conflict", and it starts with 23 March 1991, a date we are now  
15:51:30 25 all very familiar with, and it reads as follows:

26 "A motley group of about 100 fighters comprising Sierra  
27 Leonean dissidents, mostly former university students, Liberian  
28 fighters loyal to Charles Taylor, and a small number of mercenary  
29 fighters from Burkina Faso invaded eastern Sierra Leone at

1 Bomaru, Kailahun District."

2 It goes on to then record the second flank opening up in  
3 Pujehun District and says:

4 "The RUF was unknown to most Sierra Leoneans at the time;  
15:52:07 5 most believed it to be a front organisation for Charles Taylor's  
6 National Patriotic Front of Liberia. It was the start of a civil  
7 war which has destroyed Sierra Leone's development prospects and  
8 led to an almost total dependence upon paid mercenary forces and  
9 foreign troops."

15:52:25 10 Just pausing there, Mr Smith, would you agree that the  
11 civil war led to an almost total dependence upon paid mercenary  
12 forces and foreign troops by the time this is written in April  
13 1998?

14 A. I think that the regime of Mr Kabbah was very much  
15:52:47 15 dependent on outside help and relied on the organisations that we  
16 mentioned and that were brought into the country, yes.

17 Q. Many of them mercenaries?

18 A. Many of them mercenaries if we define, as we think we do,  
19 fighting forces or even forces that take over sovereignty rights  
15:53:13 20 as being mercenaries, yes.

21 Q. Yes, thank you.

22 "Since 1985 Sierra Leone's government had been run by the  
23 former head of the military, President Joseph Momoh, a  
24 well-meaning drunken womaniser with few political skills or  
15:53:31 25 leadership qualities. He had taken over from the aging Siaka  
26 Stevens (Also known as Shaking Stevens in his later years) the  
27 dominant political figure in the country's post-independence  
28 history".

29 Now, would you agree that President Momoh was a man with

1 few political skills or leadership qualities?

2 A. I definitely would never write something about a Head of  
3 State the way it is done in this paragraph. You will easily  
4 recognise that this is the writing rather familiar to - you know,  
15:54:05 5 informal or confidential newsletters where you don't sign your  
6 article or you may have a different understanding of what your  
7 liability as a journalist is. And, secondly, I did interview  
8 Joseph Momoh. I think even in factual terms I am not aware of  
9 him having an issue with alcohol. I am ignorant, I have to  
15:54:30 10 admit, as to his sexual mores, but I interviewed him and I don't  
11 know how much political skill he had.

12 His wiggling space was limited because he heavily depended  
13 on five or six Lebanese families who are what some academics  
14 would call the ethnically defined market dominant minority. So  
15:54:53 15 that's different ways of putting it. He was definitely not  
16 someone who had a great capacity in the sense of a well  
17 performing state, yes.

18 Q. Mr Smith, you may well have noticed that I left out  
19 references to President Momoh's personal behaviour and I just  
15:55:11 20 concentrated on political skills or leadership qualities, but I  
21 think you are agreeing that he was not noted for his political  
22 skills or leadership qualities, is that right?

23 A. When you fail you are hardly ever noted for your political  
24 skills, but as you asked me prior to that whether I think that  
15:55:29 25 for example Africa Confidential was a publication that was  
26 trustworthy which I reiterate it is. I just wanted to make sure,  
27 as you pointed out, that I was wrong about Mr Taylor having lived  
28 in the United States not ten but eight years. So if we are  
29 precise I thought it was important to state that this sort of

1 writing - also "Shaking Stevens" which I have never heard, I  
2 covered the country at that time, is a little bit - may be taking  
3 a lot of distance to events that have dramatic implications.  
4 Let's put it that way.

15:56:04 5 Q. It's a more informal way of writing, but that doesn't mean  
6 that it is therefore less reliable, does it?

7 A. I think the discipline when it comes to facts and also the  
8 spelling out of how you characterise someone, the more discipline  
9 you put into it, formal discipline, gives you a kind of security  
10 with the reliability of your information.

11 Q. Now, Siaka Stevens certainly had been the dominant  
12 political figure in Sierra Leone's post independence history,  
13 hadn't he?

14 A. No doubt, yes.

15:56:45 15 Q. And he had presided over a government of cronyism and  
16 incompetence as far as providing proper services to the people of  
17 the country for a very long time, hadn't he?

18 A. Yes, this is correct.

19 Q. And he had bled the country dry of resources, hadn't he;  
15:57:07 20 money?

21 A. That - as he was a long ruling Head of State you would have  
22 to look closer at the different stages of his rule and then you  
23 would have to put it into context of the - into the regional  
24 context. You would - for example, it would be helpful to see  
15:57:25 25 what government in the region would be qualified as faring much  
26 better than his, at least at certain stages. But overall you are  
27 correct in assessing that he was a long ruling Head of State and  
28 he definitely did not improve the development of the country.

29 Q. And Momoh had the misfortune to come along at the tail end

1 of many years of exploitation of Sierra Leone for the benefit  
2 only of the dominant ruling group under Siaka Stevens, would you  
3 agree?

4 A. Yes, sir.

15:58:05 5 Q. The next paragraph - I am going to try and summarise the  
6 next paragraph, I don't want to get bogged down but I am not  
7 stopping you going back to anything if you feel it is  
8 appropriate. The next paragraph basically describes the  
9 brutalities of the RUF and describes its leader Foday Sankoh as  
10 an ex-army sergeant and professional photographer in his 50s. And  
11 then the third paragraph:

12 "May 1991: Momoh, who knew his own army well, became  
13 increasingly worried about the threat the rebel RUF presented to  
14 internal security and fearful of the subversion of his own  
15 dissatisfied soldiers. Momoh looked towards Britain, the former  
16 colonial power, and expected Whitehall to help him out. Ties  
17 with Britain had been strong. The royal navy had used Freetown's  
18 port as a staging post during the Falklands war."

19 That's right, isn't it?

15:59:08 20 A. This is correct, yes. Freetown bay is as large as the LA -  
21 Los Angeles bay and had been used during the Second World War as  
22 well by the allied forces.

23 Q. And the then British government was particularly receptive  
24 to any foreign country that had provided assistance during the  
15:59:31 25 Falklands war, wasn't it?

26 A. I think this is correct, yes.

27 Q. Which is one of the reasons why the Thatcher government was  
28 such a strong supporter of General Pinochet, do you agree?

29 A. I have to admit that my competence in Chilean affairs is

1 limited.

2 Q. I am just talking about --

3 PRESIDING JUDGE: Are we dealing with Chile?

4 MR MUNYARD: No, I am talking about why the British were

15:59:57 5 particularly supportive of Sierra Leone; because it was very  
6 supportive of any country, regardless of the quality of the  
7 government of that country, that had given its support during the  
8 Falklands war:

9 Q. And that's right in relation to Sierra Leone, isn't it?

16:00:16 10 A. In relation to Sierra Leone it is right.

11 Q. Yes.

12 "Momoh himself had served in the West Africa Frontier Force  
13 along with senior British officers during the colonial era. He  
14 asked for military advisors to boost the Sierra Leone Army's

16:00:40 15 capacity to deal with the terror threat and to improve  
16 communications and intelligence capacity. Although individual  
17 officers were highly sympathetic to his request for help, the  
18 Ministry of Defence" - that's the British Ministry of Defence -  
19 "turned it down. After this point officers in the Sierra Leone  
16:00:56 20 Army and government officials began to cast around for help from  
21 foreign mercenary troops against the RUF rebels."

22 Do you agree?

23 A. I see a little contradiction in the fact to say that Great  
24 Britain was so supportive of Sierra Leone and for the help given  
16:01:14 25 to it during the Falklands war and then to see that the Ministry  
26 of Defence actually turned the request down. It would have been  
27 - it appears to me it would have been more logical that, given  
28 the supportive nature of the British attitude, they would have  
29 given a green light.

1 Q. That may well be right, but it doesn't prevent the  
2 proposition - it doesn't negate the proposition that ties with  
3 Britain had been strong, does it?

4 A. Itself just obviates the explanation that we had early on  
16:01:46 5 about the parallel Sierra Leone-Chile, et cetera, because  
6 apparently that was to little avail. At least to the best of my  
7 understanding, my reading of this paragraph.

8 Q. Yes, next paragraph:

9 "October 1991: There were clear signs that not only was  
16:02:02 10 the Sierra Leone Army losing the war against the RUF rebels, but  
11 that many of its brigades had become totally demoralised - and  
12 some were cooperating with the rebels."

13 I think you would agree with that?

14 A. I do. You know the expression the sobels, the soldiers and  
16:02:18 15 rebels - soldiers by day, rebels by nights, so this was a  
16 problem.

17 Q. That comes up two paragraphs down.

18 A. Sorry.

19 Q. "The government army was beginning to split into factions  
16:02:30 20 which made the RUF's operations (often backed up by intercepts of  
21 government intelligence reports) increasingly effective."

22 Would you agree with that?

23 A. Interesting reading, yes, I do.

24 Q. Over the page:

16:02:49 25 "January 1992: A series of daring operations by the rebels  
26 in the diamond rich southeast of the country indicated their  
27 strategy was to escalate from terrorising civilians to attacking  
28 economic targets."

29 I suppose as a postscript to that, Mr Smith, you could add

1 "and taking over economic forms of activity"?

2 A. Yes, sir.

3 Q. "March 1992: There were more successful attacks by rebels  
4 on government army convoys. Some dissident soldiers appeared to  
16:03:21 5 have a secret alliance with the rebels. They were christened  
6 sobels - rebels by day and soldiers by night. Morale in the army  
7 was deteriorating further."

8 You have already dealt with that:

9 "29 April 1992: Junior officers led by the 26 year old  
16:03:40 10 Captain Valentine Strasser delivered a démarche to Momoh's office  
11 in Freetown complaining about sinking army morale. Momoh,  
12 fearing the officers were trying to topple him, fled his office  
13 and told his guards to resist with military force. Captain  
14 Strasser and his fellow officers then overwhelmed the guards and  
16:04:02 15 declared" - I am missing out irrelevant words or words that I  
16 don't think we need to deal with - "... and declared that the  
17 Momoh government had been overthrown."

18 The next paragraph, on 1 May 1992, "Captain Strasser  
19 declared himself Head of State (The youngest in the world at the  
16:04:20 20 time)." Now, that is just another indication, the words in  
21 brackets, of perhaps an informal approach to the way in which  
22 this report is written, but it is true, isn't it, that Valentine  
23 Strasser at 26 was the youngest Head of State in the world?

24 A. I think he may still be, because the other example at least  
16:04:41 25 in the African context would be Kabila's son and he was 29 as  
26 well, so the record still stands as far as I am concerned.

27 Q. Thank you. And this phraseology is accurate?

28 A. I think so, yes.

29 Q. Yes. "And appointed Solomon Musa, another even younger

1 junior officer as his number two", and then at the time of this  
2 report, April '98, "Both are now in British foreign office  
3 financed exile as law students in Britain." You probably know  
4 that also, is that right?

16:05:16 5 A. I didn't.

6 Q. All right:

7 "Strasser presented himself as the redeemer, a reforming  
8 popular figure who would" - and again I am missing out  
9 unnecessary material, "... who would clean up the country's

16:05:30 10 politics and end the rebel war. He initially tried to negotiate  
11 with RUF leader Foday Sankoh but several attempts at talks failed  
12 because Sankoh's preconditions were unacceptable to the  
13 government."

14 Do you agree with that?

16:05:44 15 A. Yes, I follow the line.

16 Q. Thank you. I am not going to read the next paragraph:  
17 November 1992, that is the one following:

18 "Strasser decided to launch a major military offensive  
19 against the RUF after attempts to negotiate failed. The

16:06:06 20 government army dislodged the RUF from its hold on the alluvial  
21 diamond mining areas in southeast Sierra Leone. For some months  
22 the rebels were pushed across the border into Liberia."

23 Do you agree with that?

24 A. Yes, I do.

16:06:19 25 Q. Were you aware that the border between Liberia and Sierra  
26 Leone was effectively closed from sometime in 1993 for a number  
27 of years by the ULIMO rebel fighters in Liberia?

28 A. What do you mean by "effectively closed"?

29 Q. I mean that the border was controlled by ULIMO and the RUF

1 were not able to cross the border and get supplies from Liberia.

2 A. Once again I do not know the appositeness of my remark, but  
3 we have very many African states which would be extremely happy  
4 to say they were able to close down a border effectively and my

16:07:03 5 --

6 Q. Mr Smith, I am going to interrupt you for a moment.

7 A. Yes.

8 Q. Were not concerned with other African states. I just want  
9 a simple answer to this particular question --

16:07:16 10 A. Yes, in my opinion --

11 Q. -- because we have heard evidence about it, that's why.

12 A. Yes, but I think a rebel movement has not more than any  
13 state apparatus the capacity of closing down effectively a  
14 border. The trans-border movements cannot be - borders are by

16:07:32 15 nature porous.

16 Q. Have you investigated this particular aspect; the role of  
17 ULIMO in controlling the border between Sierra Leone and Liberia  
18 from 1993 to say 1996?

19 A. I have not specifically worked on this. I just tried to  
16:07:55 20 state that I have a doubt about how effectively you can seal off  
21 a border.

22 Q. March 1993, that's the final paragraph on this page:

23 "As the war continued, the RUF were helped with military  
24 aid and logistics by faction leader Charles Taylor in Liberia.

16:08:17 25 The RUF regrouped and infiltrated into the countryside again,  
26 waging an increasingly savage - and increasingly successful -  
27 rural revolt and exploiting rural grievances against Strasser's  
28 government. Taylor (Now President Taylor of Liberia after  
29 elections in mid-1997) had interfered in Sierra Leone since 1990

1 in order to shore up his own position and counter the influence  
2 of the region power - Nigeria."

3 What do you make of that sentence that I have just read,  
4 "Taylor had interfered in Sierra Leone since 1990 to shore up his  
16:08:57 5 own position and counter the influence of Nigeria, the regional  
6 power"?

7 A. I would entirely agree to the sentence but just state that  
8 the objective of countering the influence of the predominant  
9 regional power, Nigeria, was one of many objectives that he  
16:09:16 10 pursued. You could name others, but for the rest of the sentence  
11 I would be 100 per cent in accord.

12 Q. Right. I make it clear that I am not accepting that that  
13 is correct. I just want to see how accurate you see the contents  
14 of this particular special report:

16:09:31 15 "The Nigerian military presence had supported successive  
16 Freetown governments, including Stevens and Momoh".

17 Is that right?

18 A. Yes, sir.

19 Q. Thank you:

16:09:43 20 "Nigeria, which had a peacekeeping force based in the  
21 Liberian capital, Monrovia, moved two battalions of troops to  
22 assist Strasser's war efforts against the rebels."

23 Were you aware of that?

24 A. Yes, I was:

16:09:56 25 Q. "Nigeria also based its Alpha Jets at Freetown's Lungi  
26 airport from where they flew bombing raids into Liberia against  
27 targets occupied by Taylor's forces".

28 I don't think anybody would dispute that, do you agree?

29 A. I do.

1 Q. Over the page:

2 "January 1994: The Strasser government launched an army  
3 recruitment drive, often signing up poorly-educated youths from  
4 the city streets, including orphans and abandoned children from  
16:10:28 5 age 12 upwards."

6 Do you agree with that?

7 A. I know that the personnel of the army went up considerably,  
8 yes, I do. As for the details of the enrolment strategy, I am  
9 not a specialist on that and I wonder how much we know about the  
16:10:50 10 orphans and abandoned children in a part of the world where only  
11 40 per cent of children are registered by the State and we have a  
12 proper idea of their parents, but overall it is correct, yes.

13 Q. Well part of the point of this paragraph, would you agree,  
14 is to suggest that the Sierra Leone Army included numbers of  
16:11:20 15 child soldiers?

16 A. Yes, I get that point and also the fact that you would  
17 enrol on a haphazard - in a haphazard way people and precisely  
18 the same had happened under Doe when he was challenged by the  
19 rebellion led by Mr Taylor. That is correct, yes.

16:11:42 20 Q. Indeed, this Court has heard evidence that President Kabbah  
21 himself on more than one occasion promised to put an end to the  
22 practice of the Sierra Leone Army using child soldiers, so child  
23 soldiers were clearly an element of the official Sierra Leone  
24 Army, weren't they?

16:12:00 25 A. Yes.

26 Q. Thank you. Next paragraph:

27 "February 1995" - sorry, I should have dealt with the  
28 figures there. You have elliptically referred to this: "The  
29 government army grew from 5,000 in 1991 to 12,000 men in early

1 1994". Are you able to comment one way or other on that?

2 A. No, I would not have the precise figures from the top of my  
3 mind.

4 Q. Right:

16:12:27 5 "February 1995: The situation grew even more desperate  
6 when well-organised and ruthless groups of RUF fighters advanced  
7 towards the capital. Strasser's government was increasingly  
8 depend upon foreign troops, particularly the 2,000 Nigerian  
9 troops stationed near the capital".

16:12:45 10 Do you agree?

11 A. Yes.

12 Q. "The Sierra Leone Army was even more grossly ineffective,  
13 although it had swollen in size to over 14,000 by 1995. Strasser  
14 requested further foreign assistance, initially from a group of  
16:13:03 15 former British Army Gurkhas, as the rebel war became  
16 international news with the capture by the RUF of groups of  
17 Western hostages (a group of Italian nones, British VSOs and  
18 expatriate mine workers). The Channel Islands-based Gurkha  
19 security group, despite their fearsome reputation, proved  
16:13:30 20 ineffective. They got off to a poor start, embroiled in a road  
21 ambush in rural Sierra Leone. The RUF killed their Canadian  
22 commander, Colonel Robert MacKenzie, and other troops in February  
23 1995. The 50 Gurkha soldiers departed soon afterwards."

24 Were you aware of the Gurkha mercenaries?

16:13:54 25 A. Yes, I was.

26 Q. "March 1995: Strasser then invited in the South African  
27 private security force, Executive Outcomes. By that stage the  
28 RUF rebels were less than 20 miles from the capital, although  
29 their hold on the rest of the country outside of the main diamond

1 mining areas was intermittent."

2 Would you agree with that?

3 A. I do.

4 Q. "The RUF then had control of and was asset stripping most  
16:14:30 5 of the mining operations in the country: diamonds, rutile and  
6 bauxite. This hit the government's revenue base."

7 Would you agree with those two sentences?

8 A. I would, sir.

9 Q. "Executive Outcomes started by initiating training  
16:14:46 10 programmes for the army". Were you aware of that?

11 A. Yes, sir.

12 Q. "Executive Outcomes was run by Eeben Barlow, formerly of  
13 the 32nd Battalion of the South African Special Forces, which was  
14 active in South Africa's destabilisation policy against its  
16:15:06 15 neighbours in the 1980s. Many key figures in Executive Outcomes  
16 are also from the 32nd Battalion and served in covert operations  
17 in Angola and Mozambique."

18 Were you aware of that?

19 A. Yes, you could add Namibia.

16:15:24 20 Q. Yes, indeed:

21 "Barlow left Executive Outcomes in 1997, but maintains  
22 close links with Sierra Leone, Sandline and its affiliated mining  
23 house, DiamondWorks, in which he has shares".

24 Now, you have just told us you had never heard of  
16:15:47 25 DiamondWorks?

26 A. This is correct, yes.

27 Q. So this is the first you know about this organisation -  
28 this company - called DiamondWorks?

29 A. Yes, I understand that it is the kind of front office to

1 commercialise for the account of Sandline.

2 Q. Yes:

3 "Executive Outcome's initial operation involved defending  
4 Freetown in collaboration with Nigerian and Ghanaian troops at  
16:16:13 5 the time when it was felt that the capital would fall to the RUF  
6 and many expatriates were leaving. A bloody fight on the  
7 outskirts of Freetown in May 1995 - less than 15 miles away with  
8 the gunfire clearly heard in central Freetown - led to a retreat  
9 by the RUF despite their pincer movement attack with thousands of  
16:16:31 10 well armed fighters."

11 Were you aware of that?

12 A. Yes, because it caused at the time panic in Freetown.

13 Q. Right:

14 "Executive Outcome's operations in Sierra Leone were highly  
16:16:48 15 controversial. Many thought that because of their South African  
16 connections they were - in effect - sent by Nelson Mandela."

17 Was that a rumour that you heard?

18 A. No, I hadn't heard that.

19 Q. "December 1995: Executive Outcomes expanded their  
16:17:04 20 operations into rural Sierra Leone, retaking the diamond mining  
21 areas by the end of 1995".

22 That is correct? Would you like me to read that part  
23 again?

24 A. I am fine, thank you. I am with you.

16:17:19 25 Q. You would no doubt agree with that?

26 A. I do.

27 Q. "And Executive Outcomes provided the security which enabled  
28 internal refugees to return home. They also started to cooperate  
29 with one of the rural militias (the Kamajors) which had emerged

1 to provide a local defence force in the absence of help from the  
2 incompetent and corrupt government army".

3 Now, I am going to divide that up and obtain your comments  
4 on it. Were you aware that Executive Outcomes were cooperating  
16:17:53 5 with some Kamajors?

6 A. Yes, I was.

7 Q. And do you agree that the army was incompetent and corrupt  
8 and was not effectively able to help in the fight against the  
9 RUF?

16:18:07 10 A. Yes, that is what we said. As its personnel swell, you  
11 actually reinforce the rebel through the sobel connection, yes.

12 Q. "Executive Outcome's assistance helped the ethnically based  
13 Kamajors (their members were Mendes from the largest ethnic  
14 group) to become a powerful fighting and political force; they  
16:18:33 15 provided training and logistical support for the militia under  
16 the command of Hinga Norman."

17 Now, I am going to deal with that in reverse order. Do you  
18 agree that they provided training and logistical support for the  
19 Kamajors who were commanded by Hinga Norman?

16:18:49 20 A. Yes, I do.

21 Q. Were they limited to Mendes, the Kamajors, or were they  
22 from other tribal groups as well?

23 A. I think they were from other tribal groups as well. I have  
24 seen ethnic maps and it would be larger than that and I think the  
16:19:02 25 overriding beyond ethnicity - and I use that shortcut myself  
26 early in our proceedings, but I think the extension to which  
27 these secret societies, Poro societies - they were gendered for  
28 male and female - existed, allowed them to draw on a broader  
29 basis.

1 Q. Right, but was the word "Kamajor" a Mende word and other  
2 similar militias had a different name?

3 A. I would - I saw Kamajor as being a more broader generic  
4 term that I would use and I am not - I just don't know whether it  
16:19:42 5 is a Mende name and whether it has any significance what it means  
6 actually.

7 Q. Right:

8 "Early January 1996 Executive Outcomes also retook the  
9 Sierra Rutile mine although the plant was looted by a Sierra  
16:19:59 10 Leonean army contingent led by Johnny Paul Koroma."

11 Were you aware of that?

12 A. Yes, sir.

13 Q. "In concert with the Nigerian troops, Executive Outcomes  
14 took the war to the RUF fighting the RUF in its rural redoubt in  
16:20:15 15 the Kangari Hills in early 1996."

16 Now, Executive Outcomes therefore weren't solely involved  
17 in holding and exploiting the mining areas. They also were  
18 involved in fighting. Were you aware of that?

19 A. Yes, I would see it as an overall strategy. You would not  
16:20:37 20 - you cannot retreat to the mining areas and have any hope to  
21 control them over a period of time unless you get into that  
22 mosaic of fighting forces and try to manipulate them, and so I  
23 see this as an overall attempt of what they tried to do in Sierra  
24 Leone.

16:20:56 25 Q. Right. I simply want to establish that in - to some extent  
26 in distinction to what you said earlier the Executive Outcomes  
27 weren't simply what one might call commercial mercenaries. They  
28 were also actively engaged in armed conflict as part of the  
29 commercial operation from their point of view?

1 A. Yes, that is I didn't want to make them to use what was  
2 said earlier this morning angels, so this by implication I fully  
3 agree, yes.

4 Q. Right, thank you:

16:21:30 5 "Sankoh's forces were badly defeated in a series of  
6 'set-piece' encounters and quickly initiated peace negotiations  
7 with Strasser. Elections were scheduled, after British and  
8 American pressure, for 25 February 1996."

9 Now the next paragraph, which is headed "16 January 1996",  
16:21:49 10 deals with Brigadier General Julius Maada Bio who took over - he  
11 overthrew Strasser, but I am not proposing to read out that  
12 paragraph for the purposes of my questioning you, but again do  
13 feel free to come back to it if you wish to. I am moving on to  
14 26 February 1996:

16:22:16 15 "Presidential and legislative elections were held,  
16 contested by 13 political parties and monitored by international  
17 observers. None of the presidential candidates won the required  
18 percentage of votes in the first round of the polls.

19 15 March 1996: In the second round of voting in  
16:22:35 20 presidential elections Ahmad Tejan Kabbah leader of the southern  
21 based Sierra Leonean People's Party was elected President with  
22 59.9 per cent of the votes; but the runner up, John Karefa-Smart,  
23 leader of the northern-based United National People's Party,  
24 complained of widespread fraud."

16:22:57 25 Pausing there. Is that correct, first of all that Kabbah  
26 won with 59.9 per cent of the vote?

27 A. Yes.

28 Q. And did Karefa-Smart complain of widespread fraud?

29 A. And he was not the only one. There was doubts raised about

1 the regularity of that election and obviously when I endorse the  
2 59.9 I had no recollection of precisely the figure, but an  
3 overwhelming victory, yes.

4 Q. Right. An overwhelming victory that to some in the country  
16:23:38 5 suggested that it was too overwhelming to be true?

6 A. In the country and outside the country, yes.

7 Q. Yes, thank you:

8 "Kabbah, a self-effacing former UN diplomat who had been  
9 out of the country for many years, agreed to keep on the foreign  
16:23:54 10 security companies, including South Africa's Executive Outcomes,  
11 Britain's Defence Systems Limited and local affiliates such as  
12 Lifeguard (which Executive Outcome director Eeben Barlow says he  
13 owns) and Tel eservices."

14 Now, I want to ask you about all of that. Is it right that  
16:24:17 15 President Kabbah had been out of the country for many years?

16 A. Yes, the description of President Kabbah seems correct, or  
17 at least I can endorse it.

18 Q. So you are agreeing even though it is a rather informal  
19 language and something you might not yourself put in a report,  
16:24:39 20 you are agreeing that he is a self-effacing former UN diplomat?

21 A. Yes, sir.

22 Q. And is it right that in addition to the one that we have  
23 heard of, Executive Outcomes, there were several other foreign  
24 security companies, Defence Systems Limited being one from  
16:25:02 25 Britain. Are you aware of them?

26 A. Not specifically. I knew that there were local security  
27 companies and private security that were often politically  
28 instrumentalised, I would put it that way, but that ends up being  
29 the same.

1 Q. Have you heard of Lifeguard?

2 A. No, I didn't and neither Teleservices.

3 Q. Right. But when it talks of security companies, are we  
4 talking about people who provide bodyguards, or are we talking  
16:25:28 5 about mercenaries in the sense that they will get involved in  
6 active armed conflict?

7 A. We are talking about both, because mostly these private  
8 security companies are set up as being bodyguards or residential  
9 security and then their numbers are such that they can be used as  
16:25:46 10 a fighting force as well and so we are a little bit in the  
11 limiting form of private security.

12 Q. Right:

13 "Under Kabbah, Executive Outcome's training programme for  
14 the Kamajors intensified and the militia became an increasingly  
16:26:04 15 important force, militarily and politically. Kabbah appointed  
16 former Kamajor leader, Hinga Norman, as Deputy Minister of  
17 Defence".

18 Now, no-one would dispute the last sentence because it is a  
19 matter of public record. The previous sentence, do you agree  
16:26:21 20 that under Kabbah the Executive Outcome's training programme for  
21 the Kamajors intensified and they became an increasingly  
22 important force both militarily and politically?

23 A. Before reading this paragraph I knew that the programme  
24 went on, I wouldn't have been able to say it intensified, and it  
16:26:39 25 is correct that the political translation of that military  
26 coercive power was the appointment of Hinga Norman.

27 MR MUNYARD: I am going to try and deal with one more  
28 paragraph, Madam President, before we run out of time.

29 PRESIDING JUDGE: Yes, we have been alerted that we have

1 only about a minute-and-a-half left.

2 MR MUNYARD: Well, in the light of that I am going to have  
3 to ask questions about it, I think it is probably best that I  
4 leave it until the morning.

16:27:06 5 PRESIDING JUDGE: Yes, very well. Mr Witness, we normally  
6 rise at 4.30 in this court and so we have just about a minute to  
7 go. We will resume court tomorrow at 9.30. You have now taken  
8 the solemn declaration to tell the truth and you should not  
9 discuss your evidence with any other person until all your  
16:27:31 10 evidence is completed. Do you understand?

11 THE WITNESS: That is understood, Madam President.

12 PRESIDING JUDGE: Thank you. Please adjourn court until  
13 9.30 tomorrow.

14 [Whereupon the hearing adjourned at 4.30 p.m.  
16:27:43 15 to be reconvened on Tuesday, 23 September 2008  
16 at 9.30 a.m.]

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

## I N D E X

### WITNESSES FOR THE PROSECUTION:

STEPHEN WILLIAM SMITH	16770
EXAMINATION-IN-CHIEF BY MR BANGURA	16770
CROSS-EXAMINATION BY MR MUNYARD	16832