



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 24 FEBRUARY 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maya Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah
Mr Terry Munyard

1 Wednesday, 24 February 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:19 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MR KOUMJIAN: Good morning, Madam President, your Honours,
8 counsel opposite. For the Prosecution this morning, Mohamed A
9 Bangura, Kathryn Howarth, Maya Dimitrova and myself, Nicolas
09:32:05 10 Koumjian.

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. Good morning, counsel opposite. Appearing for the
13 Defence this morning are Terry Munyard and myself, Morris Anyah.

14 PRESIDING JUDGE: Mr Smythe, as your testimony continues
09:32:20 15 this morning, I just remind you of your oath to tell the truth.
16 Thank you. Mr Anyah, please.

17 WITNESS: YANKS SMYTHE: [On former oath]

18 EXAMINATION-IN-CHIEF BY MR ANYAH: [Continued]

19 Q. Good morning, Mr Smythe.

09:32:33 20 A. Good morning, counsel.

21 Q. Yesterday afternoon when we left off you were trying to
22 explain to us the time period during which Mr Taylor moved to
23 White Flower?

24 A. Yes.

09:32:45 25 Q. And can you tell us when it was that Mr Taylor moved to
26 White Flower?

27 A. Yes, I did.

28 Q. Can you tell us again what year that took place?

29 A. Mr Taylor moved to White Flower residence in January 1999.

1 Q. And in which part of Monrovia is White Flower located?

2 A. White Flower is located on the Tubman Boulevard in Congo
3 Town.

4 Q. And from where did he move to White Flower?

09:33:17 5 A. He moved to White Flower from his previous residence near
6 the German embassy, also in Congo Town.

7 Q. Do you remember the month and the year during which he
8 moved to that residence, the one near the German embassy?

9 A. I can't remember the month, but it was in 1995 that he
09:33:38 10 moved over there. I can't remember.

11 Q. Now, when Mr Taylor was at Mamba Point - and you told us
12 yesterday that was the first place he moved to when he arrived in
13 Monrovia in 1995. Is that true?

14 A. Yes.

09:33:53 15 Q. Now, when he was in Mamba Point, was there radio
16 communication capability at Mamba Point?

17 A. No, there was no radio communication at Mamba Point at the
18 time.

19 Q. When he moved to the residence near the German embassy, was
09:34:08 20 there radio communications capability at that location?

21 A. Yes, there was radio communication capability, but not
22 within his compound.

23 Q. Where was the radio communication capability situated?

24 A. Radio communications was situated somewhere around the
09:34:24 25 residence, but not in his residence.

26 Q. Can you describe that residence near the German embassy for
27 us, please.

28 A. The residence is right on the main road of Tubman
29 Boulevard.

1 Q. Do several buildings constitute the residence, or is it a
2 single building?

3 A. It's a single building in a large fence.

09:34:52

4 Q. When you said a few minutes ago that the radio
5 communication capability was near that premises, where exactly
6 was it?

09:35:11

7 A. It was somewhere out of the fence. It was not within the
8 fence. It was out of the fence, you know. Maybe when you're
9 coming from central town, you pass by the residence, somewhere
10 towards the right.

11 Q. When you say "coming from central town", do you mean
12 from --

13 A. When you are coming from Monrovia --

09:35:22

14 Q. May I ask the question? Do you mean coming from downtown
15 Monrovia and going towards Paynesville?

16 A. Yes.

09:35:39

17 Q. I don't know if it would assist the Chamber if we had a map
18 of Monrovia. But if anybody has difficulties with the
19 explanations, we have one available and the witness could make
20 indications on it.

21 Mr Smythe --

22 JUDGE DOHERTY: Mr Anyah, I would like to know what exactly
23 you mean by "radio communication capability".

24 MR ANYAH: Thank you, Justice Doherty:

09:35:51

25 Q. Mr Smythe, when we speak of radio communication capability,
26 do you understand that to mean radio communication equipment?

27 A. Yes, I understand that to be.

28 Q. And what kind of radio communication equipment are we
29 talking about?

1 A. Yes. When we were in Monrovia, we had communication links
2 with Gbarnga and other areas within our territory.

3 Q. What was the brand name of the radios that were being used
4 then?

09:36:14 5 A. We used mostly Weasua radios and Vertex. Also we also -
6 also used a brand called Vertex, I think it was.

7 Q. Were both of those types of radios operated on a particular
8 radio frequency?

9 A. No, these are two different brands.

09:36:31 10 Q. Was the Weasua radio operated on a --

11 MR KOUMJIAN: Excuse me. The question was not answered.
12 The question was, "Do they operate on the same frequency?" And I
13 think - well --

14 PRESIDING JUDGE: Yes, that is correct.

09:36:43 15 MR ANYAH: That's a fair observation:

16 Q. Mr Smythe, you have heard what the learned counsel opposite
17 has indicated. There are two types of radios you indicated,
18 Weasua and the other one, Vertex. Were they operated on the same
19 radio frequency?

09:36:57 20 A. I said these are two brands of radios. Some of our
21 stations have Weasua and some of them had Vertex, is what I'm
22 trying to say.

23 Q. As far as frequencies are concerned, did the NPFL have --

24 PRESIDING JUDGE: Mr Witness, I don't know, perhaps we are
09:37:16 25 talking at cross purposes. You are asking about the frequency
26 and whether these two radios had the same frequency.

27 MR ANYAH: And I believe the error is mine and I intend to
28 clarify it, because it could be confusing to the witness.

29 PRESIDING JUDGE: Do that without leading, please - without

1 suggesting answers. He is supposed to have been a radio
2 operator. This should be a pretty simple question, whether the
3 two radios had the same frequency, Mr Smythe.

09:37:53 4 THE WITNESS: The radios, the Weasua and the Vertex, yes,
5 you can communicate on the same frequency on both radios.

6 PRESIDING JUDGE: You can. But did they have the same
7 frequency?

8 THE WITNESS: Yes, they have the same frequency.

9 MR ANYAH:

09:38:01 10 Q. When someone would communicate on the Weasua radio, would
11 they have to go to a particular frequency?

12 A. Yes, you have to be on the same frequency with the other
13 set - I mean, radio.

14 Q. And was it likewise the case for the Vertex radio?

09:38:17 15 A. Yes.

16 Q. Now, what sort of NPFL personnel were situated in the
17 premises where the radio was kept?

18 A. We have people that are responsible for the signal unit,
19 the people that operated radio.

09:38:36 20 Q. At the time Mr Taylor was at the Congo Town residence near
21 the German embassy, were you involved in radio communication for
22 the NPFL?

23 A. At the time, no.

24 Q. Who was Mr Taylor's radio operator at that time, if he had
09:38:53 25 one?

26 A. Yes, he had maybe one or two: I could remember one George,
27 he is deceased now; another one called Cyprin Paye. I think he
28 stay in Monrovia.

29 Q. Cyprin?

1 A. Yeah.

2 Q. Can you spell that for us, please?

3 A. Cyprin, I think, is C-Y-P-R-I-N, or something like that.

4 Q. And the last name, did you say "Payne"?

09:39:14 5 A. Paye, P-A-Y-E.

6 Q. Besides those two persons, did the NPFL have other radio
7 operators working in that facility?

8 A. I remember those two. I can remember those two.

9 Q. Did Cyprin Paye have a nickname?

09:39:35 10 PRESIDING JUDGE: Just pause, please. Yes.

11 MR KOUMJIAN: I am just going to observe, I didn't get the
12 name - the first name before Cyprin Paye and I don't see it's
13 come out on the LiveNote.

14 PRESIDING JUDGE: George.

15 MR KOUMJIAN: I see part - there was something before
16 "George".

17 PRESIDING JUDGE: I don't think there was anything before
18 George. It was the one name. The transcriber often makes these
19 kinds of errors which will of course be corrected, but I heard
09:40:02 20 "George". It didn't hear another name. Am I wrong?

21 THE WITNESS: I said "George".

22 PRESIDING JUDGE: Please proceed.

23 MR ANYAH:

24 Q. Mr Smythe, does George have a last name, if you know?

09:40:15 25 A. He should have a last name, but I can't remember his last
26 name.

27 Q. Now, besides Cyprin Paye and this fellow George, both of
28 whom you describe as Mr Taylor's radio operators, were there
29 others who served as radio operators from that premises?

1 A. There might be, but these are the two people I could
2 remember.

3 Q. Did you have access to any radio communication information
4 while you and Mr Taylor were - while Mr Taylor resided near the
09:40:54 5 German embassy?

6 A. Yes, if something that concerns security, as the security
7 personnel, yes.

8 Q. And what was the nature of that information whenever it
9 became available?

09:41:05 10 A. Informations like how other territories that - you know,
11 like in Gbarnga, like in Kakata, in Buchanan, whenever there are
12 informations from there, yes, we will have - I will have access
13 to them.

14 Q. Do you know whether at the time Mr Taylor was in Congo Town
09:41:20 15 near the German embassy the NPFL maintained logbooks in which
16 they kept radio communication messages?

17 A. Yes, normally. Yes, that's normal. I am sure they have
18 it. For every communication radio communication, you should have
19 a log to record your messages, yes.

09:41:39 20 MR KOU MJIAN: The question was not answered. The question
21 was does the witness know, and he answered what normally is done.

22 PRESIDING JUDGE: He also said, "I am sure they have it.
23 For every radio communication, you should have a log to record."
24 That was the answer. The question was, "Do you know whether at
09:42:07 25 the time Mr Taylor was in Congo Town the NPFL maintained

26 logbooks?" That's a general question. The whole of the NPFL.

27 MR ANYAH: And he said yes.

28 PRESIDING JUDGE: Mr Witness, though, let me caution you,
29 please. When you are asked a question - because this is a

1 proceeding - a court proceeding, be as precise in your answer as
2 possible. Answer the question asked.

3 THE WITNESS: Thank you.

4 PRESIDING JUDGE: Not some other statement out of the air.

09:42:37 5 It's not obvious to any of us, this evidence that you are giving.
6 So please be succinct in your answer and answer the question
7 asked.

8 THE WITNESS: Thank you, your Honour.

9 MR ANYAH:

09:42:47 10 Q. Mr Smythe, in 1995, when Charles Taylor resided near the
11 German embassy in Congo Town, do you know whether the NPFL
12 maintained radio communication logbooks?

13 A. Yes.

14 Q. How do you know that?

09:43:01 15 A. Because sometimes I visit the radios.

16 Q. Did you have occasion to see any of those logbooks?

17 A. I don't go through their logbooks, no.

18 Q. Were you privy to any of the information contained in any
19 of those logbooks?

09:43:17 20 A. Yes. If anything has to do with security, yes.

21 Q. Did you indeed receive information contained from those
22 logbooks?

23 A. Yes, sometimes.

24 Q. Were you at any time a transmitter of information received
09:43:33 25 from the radio to Mr Taylor, either orally or in writing?

26 A. No.

27 Q. Do you know whether, when Mr Taylor was in Congo Town in
28 1995, there was any NPFL radio communication with Sierra Leone?

29 A. No, not that I know of.

1 Q. Do you know whether during that period of time there was
2 any NPFL communication with the RUF via radio?

3 A. No, I don't know of that.

4 Q. Where was Benjamin Yeaten residing, if you know, in 1995
09:44:11 5 when Mr Taylor resided at - or in the vicinity of the German
6 embassy?

7 A. Benjamin Yeaten resides in Congo Town, but a little
8 distance from Mr Taylor's residence.

9 Q. In miles or kilometre, how far was the distance between the
09:44:27 10 two residences?

11 A. Maybe it could be a mile or a mile and a half.

12 Q. During the period of the Council of State, what position,
13 if any, did Benjamin Yeaten occupy in the NPFL?

14 A. Benjamin Yeaten in the NPFL still maintained as SS director
09:44:47 15 for the NPFL.

16 Q. Did you have occasion to visit Benjamin Yeaten's residence
17 during this period of time?

18 A. Yes, I did.

19 Q. Was there radio communication equipment, to the best of
09:45:02 20 your knowledge, to be found in his residence?

21 A. No, there were no radio equipments.

22 Q. You said yesterday that during the period of the Council of
23 State, Mr Taylor worked out of the Executive Mansion.

24 A. Yes, he did.

09:45:15 25 Q. Did other members of the Council of State also function out
26 of the Executive Mansion?

27 A. Yes, they did.

28 Q. When Mr Taylor would go to the Executive Mansion during the
29 period of the Council of State, did you on any occasion company

1 him?

2 A. Yes, on almost every occasion I did.

3 Q. Did you yourself have a part of the Executive Mansion that
4 could be considered an office or a place where you stayed?

09:45:43 5 A. During the Council of State time, no.

6 Q. When you would accompany Mr Taylor to the Executive
7 Mansion, on any occasion during that period of time, did you see
8 radio communication equipment?

9 A. No, I didn't see any radio communication equipment.

09:45:58 10 Q. Do you know whether during that period of time the NPFL had
11 any radio communication equipment within the Executive Mansion in
12 Monrovia?

13 A. No. There was no --

14 PRESIDING JUDGE: Is that, no, he doesn't know?

09:46:16 15 THE WITNESS: No, NPFL didn't have any radio communication
16 within the mansion at the time.

17 MR GRIFFITHS:

18 Q. Do you know whether during the Council of State period
19 Mr Taylor had a satellite telephone?

09:46:29 20 A. Yes, Mr Taylor had a satellite telephone, yes.

21 Q. Do you know whether other members of the NPFL had satellite
22 telephones during that period of time?

23 A. No, I don't know any member of the NPFL that had a
24 satellite telephone at the time.

09:46:45 25 Q. You told us when you arrived in Monrovia, you yourself, you
26 resided with your wife at a residence you previously had.

27 A. Yes, that's correct.

28 Q. Was the NPFL at any point in time responsible for paying
29 your rent?

1 A. Yes. NPFL, yes, they pay my rent.

2 Q. Was it rent for the premises in which you lived with your
3 wife?

09:47:17

4 A. Yes, it was rent for the premises which I lived with my
5 wife.

6 Q. The other Special Forces from the Gambia that worked for
7 Mr Taylor during that time, did, to your knowledge, the NPFL also
8 pay their rent?

9 A. Yes, the NPFL did pay their rent.

09:47:32

10 Q. Have you seen any documents recently concerning payment of
11 rent by the NPFL for premises which housed you and others during
12 that period of time?

13 A. Yes, I saw such a document.

14 Q. And what do you recall about that document?

09:47:52

15 A. Yes, I saw my name there, you know, as - you know, and an
16 amount as payment of rent.

17 MR ANYAH: Madam President, if it please your Honours, I
18 would ask at this time that the witness be shown a document
19 provided to the Court and others. It's in tab 8, DCT-384:

09:48:59

20 Q. Mr Smythe, can you take a look at that document.

21 Mr Smythe, have you looked at the document?

22 A. Yes, I do.

23 Q. Do you see your name on that document?

24 A. Yes, I saw my name - I see my name, yes.

09:49:39

25 Q. What does this document pertain to, if you know?

26 A. This document was payment of rent for my residence.

27 Q. Just your residence alone?

28 A. No, and others.

29 Q. Do you see any indication of the year or years to which

1 this document pertains?

2 A. Yes.

3 Q. And can you tell us what you see.

4 A. I saw balance due 1997, 1998 - 1996, 1997.

09:50:14 5 Q. And where your name appears, to the left of your name is
6 another name, do you see that?

7 A. Yes, yes, I see it.

8 Q. Do you see that in the column in which your name appears at
9 the top it says "tenant"?

09:50:32 10 A. Yes.

11 Q. And do you see that to the column that is to the left of
12 that at the top it says "lessor"?

13 A. Yes.

14 Q. Now, the name that appears adjacent to your name on the
09:50:47 15 column immediately to the left titled "lessor", who is that
16 person?

17 A. It's J Bestman, meaning John Bestman.

18 Q. And who was John Bestman?

19 A. John Bestman was the owner of the compound that I reside
09:51:00 20 in.

21 Q. And if you go two rows up from your name, do you see
22 "ECOMOG"?

23 A. Yes, I saw ECOMOG.

24 Q. And to the left of ECOMOG, do you see a name there?

09:51:17 25 A. Yes, I see "D Kpor".

26 Q. Was the NPFL, to your knowledge, paying for residences
27 occupied by ECOMOG during this period of time?

28 A. Yes. The ECOMOG contingent that was assigned with

29 Mr Taylor was being housed in residence that was paid for by the

1 NPFL.

2 Q. I'm sorry, please continue.

3 A. The residence that was housing the ECOMOG contingent -
4 ECOMOG unit that was assigned with Mr Taylor when he came to
09:51:44 5 Monrovia, the residence was being paid for by the NPFL.

6 Q. So when Mr Taylor came to Monrovia, he was assigned an
7 ECOMOG unit?

8 A. Yes. They came along with him from Gbarnga, and when he
9 came, some were added also.

09:51:59 10 Q. What was the purpose?

11 PRESIDING JUDGE: Mr Anyah, I don't quite understand what
12 this evidence is about. You have asked the witness to read the
13 name "D Kpor" which appears. He hasn't told us who these people
14 are or who this person is.

09:52:23 15 MR ANYAH: I was going to cover that.

16 PRESIDING JUDGE: If he knows, that is.

17 MR ANYAH: Yes, I can ask about that:

18 Q. Mr Smythe, you have heard the question from the President.
19 Do you know who D Kpor is?

09:52:35 20 A. D Kpor is the owner of the residence that housed the ECOMOG
21 unit.

22 Q. Now, this ECOMOG contingent you have told us about, what
23 was the size of that contingent?

24 A. They should be like almost like over 15, between 15 to 20.

09:52:57 25 Q. And do you know the purpose for which they were assigned to
26 Mr Taylor by ECOMOG?

27 A. They were assigned to Mr Taylor for the purpose of
28 security.

29 Q. Were other members of the Council of State, to your

1 knowledge, also assigned protection by ECOMOG?

2 A. Yes, every member of the Council of State was assigned
3 protection by ECOMOG.

09:53:25

4 Q. When Mr Taylor received this form of protection from
5 ECOMOG, did he continue to receive protection from NPFL members?

6 A. Yes, NPFL members were also providing protection for him,
7 yes.

8 Q. From 1995, when he was assigned this protection by ECOMOG,
9 for how long did it remain that ECOMOG continued to protect him?

09:53:43

10 A. It continues to the time of his presidency.

11 Q. And when was he elected President, to your knowledge?

12 A. He was elected President in 1997.

13 Q. So from 1995 to July 1997, protection was provided by
14 ECOMOG to President Taylor, yes?

09:54:02

15 A. Yes.

16 Q. And, to your knowledge, did those ECOMOG soldiers accompany
17 him wherever he went?

18 A. Yes.

09:54:19

19 Q. To your knowledge, did those ECOMOG soldiers have access to
20 wherever he resided during that period of time?

21 A. Yes, they do.

22 Q. To your knowledge --

23 MR KOUMJIAN: Objection. That's a bit vague. "I have
24 access", I don't think that's clear what that means. It means
25 that they can knock on the door or they can come in anytime they
26 want without permission.

09:54:33

27 MR ANYAH: Well, counsel is entitled to pursue that under
28 cross. Access means access. Do they have the ability to go into
29 that location.

1 PRESIDING JUDGE: Please continue. I don't see the problem
2 there.

3 MR ANYAH:

09:54:59

4 Q. Mr Smythe, to your knowledge, those ECOMOG officials, did
5 they have the ability to enter wherever Mr Taylor resided during
6 those years they served as his protection?

7 A. Yes, they would enter, yes.

09:55:20

8 Q. To your knowledge, would they be in a position to know who
9 came and went from Mr Taylor's residence during that period of
10 time?

11 A. Yes, they should know.

12 Q. Were these ECOMOG officers armed during that period of
13 time, to your knowledge?

14 A. Yes, they were armed.

09:55:27

15 Q. Were these ECOMOG officers from other West African
16 countries?

17 A. Yes, from different West African countries.

18 Q. To your knowledge, were they at any time subordinate to the
19 NPFL chain of command?

09:55:46

20 A. No, they were never subordinate to the NPFL chain of
21 command.

22 Q. To your knowledge, were those officers independent of the
23 NPFL?

24 A. Yes, they were independent of the NPFL.

09:55:56

25 Q. To your knowledge, to whom did those officers report?

26 A. They report directly to the ECOMOG commander.

27 Q. And who was the ECOMOG commander at the time between 1995
28 and 1997, if you know?

29 A. I think it's General Malu. Victor Malu, if I am not

1 mistaken, yes.

2 Q. Victor Malu from where, if you know?

3 A. From Nigeria.

09:56:28 4 Q. Now, looking at this document, do you see the names of any
5 former Gambians - any Gambian Special Forces with whom you
6 trained in Libya?

7 A. Yes, I see the name of Lieutenant General Jackson.

8 Q. Is this the same General Jackson you told us about
9 yesterday regarding the April 6, 1996 incident?

09:56:49 10 A. Yes, that's correct.

11 Q. And is it the same General Jackson that was pictured in one
12 of the photographs we looked at yesterday?

13 A. Yes, that's correct.

09:57:02 14 Q. Do you see an asterisk next to Lieutenant General Jackson's
15 name?

16 A. Yes, I see it.

17 Q. And when you look at the bottom of the document, do you see
18 an asterisk there?

19 A. Yes.

09:57:12 20 Q. And do you see where it says, "Although Ben Ferguson and
21 General Jackson are dead, we are still indebted for their
22 leases"?

23 A. Yes, I see that.

09:57:31 24 Q. Did the NPFL, to your knowledge, pay the rent for the
25 premises that was leased to General Jackson?

26 A. Yes, NPFL did pay the rent.

27 Q. Did the NPFL continue to pay the rent after General Jackson
28 died?

29 A. Yes, because some other Gambians were residents there after

1 his death.

2 Q. Which other Gambians?

3 A. Musa N'jie was there, Bunja was there and Lamini was there
4 also.

09:57:58 5 Q. Mr Smythe, do you see above Lieutenant General Jackson's
6 name something called the signal unit?

7 A. Yes.

8 Q. To your knowledge, did the NPFL have a signal unit?

9 A. Yes, NPFL did have a signal unit.

09:58:13 10 Q. Around this period of time in 1996 and 1997?

11 A. Yes, that's correct.

12 Q. And where was that signal unit's headquarters?

13 A. Headquarters of the signal unit was in Gbarnga, but when
14 Mr Taylor moved to Monrovia, a few of the operators moved there
09:58:31 15 and they were residents in a place that the NPFL was paying for.
16 I don't know the exact location of the residence.

17 Q. When you look at the top of this document where
18 Charles Taylor's name appears, it says, "Business office of
19 His Excellency Charles G Taylor, Sinkor, Monrovia", yes?

09:59:01 20 A. Yes.

21 Q. To your knowledge, did Mr Taylor at that time have a
22 business office in Sinkor?

23 A. Mr Taylor had a business office and a business manager.

24 Q. And was it the function, at least one of them, of that
09:59:14 25 office to record these types of transactions?

26 A. Yes, that's correct.

27 Q. To your knowledge, was that a fully functional office?

28 A. Yes, it was.

29 Q. Were other transactions, to your knowledge, also recorded?

1 A. Yes, definitely.

2 PRESIDING JUDGE: Mr Anyah, what do you mean by a business
3 office? Perhaps the witness could throw some light.

4 MR ANYAH: Yes, Madam President:

09:59:38 5 Q. Mr Smythe, what was the nature of this office Mr Taylor had
6 in Sinkor, Monrovia?

7 A. This office is responsible for the payment of rental
8 arrears - rental rents for the premises that are being occupied
9 by officers of the NPFL at the time. They are also responsible
10 for the purchase and distribution of rice and other supplies to
11 members of the NPFL.

12 Q. Besides that, did that office serve any other purposes?

13 A. The office served as a logistics office, so, you know, they
14 served other purposes, yes.

10:00:20 15 Q. Are you aware of that office maintaining records in
16 relation to its activities?

17 A. Yes, they should have a record.

18 Q. They should or they did? Which one?

19 A. They did have a record.

10:00:33 20 Q. And as the --

21 PRESIDING JUDGE: Well, excuse me. Was this some kind of
22 private office, or was it connected to His Excellency's
23 presidency?

24 THE WITNESS: It was a private office when he was in the
10:00:47 25 Council of State when he was a councilman.

26 PRESIDING JUDGE: It was a private business office?

27 THE WITNESS: Yes.

28 MR ANYAH:

29 Q. And when he was a councilman, he was one of six, and, of

1 course, then not President of Liberia yet.

2 A. Yes, that's correct.

3 Q. And when you say it was a private business office and you
4 look at this document, does it indicate to you that that office
10:01:14 5 engaged in business concerning the NPFL?

6 A. When I say "private" --

7 MR KOU MJIAN: Objection. It's leading and suggestive.

8 PRESIDING JUDGE: Yes, certainly. Certainly, it's very
9 leading.

10:01:26 10 MR ANYAH: I appreciate that:

11 Q. Mr Witness, to your knowledge, did that office conduct any
12 business on behalf of the NPFL?

13 MR KOU MJIAN: That's the same question, just slightly
14 rephrased.

15 PRESIDING JUDGE: Yes, it is.

16 MR KOU MJIAN: And the witness is --

17 PRESIDING JUDGE: The witness is in the best position to
18 give his evidence. He doesn't need any suggestion of answers
19 from counsel. So rephrase your question in an acceptable manner,
10:01:50 20 please.

21 MR ANYAH:

22 Q. Mr Witness, what sorts of business activities did that
23 office engage in?

24 A. When I say private business, because at the time Mr Taylor
10:01:59 25 was a councilman, he has his own private - I mean, like this:
26 Rents that are being paid, they were not paid by the government.
27 They were paid by the NPFL. And the office that is responsible
28 for that is the private business office, and also purchase of
29 vehicles for him and his security, the purchase of food that he

1 would distribute to his security in Monrovia and other places,
2 these are the kind of things that were being taken care of by
3 this office.

4 Q. If you know, was anyone responsible for the payment of
10:02:35 5 invoices for the NPFL at that time?

6 A. When you say "anybody responsible", what do you mean?

7 Q. Any person or any business or entity responsible for --

8 A. The business office have a business manager.

9 Q. And, to your knowledge, was that person responsible for
10:02:53 10 satisfying NPFL invoices?

11 A. Yes.

12 Q. For how long did the NPFL continue to pay your rent during
13 the period of the Council of State?

14 A. The NPFL continued to pay my rent through the elections.

10:03:08 15 Q. And do you know whether that was equally the case for other
16 Gambians whose rent was being paid by the NPFL?

17 A. Yes, quite correct.

18 Q. Besides the Gambians, do you know whether the NPFL also
19 paid rent for its Liberian personnel?

10:03:24 20 A. Yes, NPFL did pay for its Liberian personnels also.

21 Q. And do you know for how long that continued during the
22 period of the Council of State?

23 A. That continued to the presidency of Mr Taylor.

24 Q. Who is Ben Ferguson, if you know?

10:03:45 25 A. Ben Ferguson was a security assigned to Mr Taylor, but he
26 died in a car accident.

27 MR ANYAH: Madam President, with leave of your Honours, I
28 would ask that this document be marked for identification,
29 please.

1 PRESIDING JUDGE: The document entitled "Business Office of
2 HE Charles Taylor" with the subheading "Leases and Rents" is
3 marked MFI-419.

4 MR ANYAH: Thank you, Madam President:

10:04:24 5 Q. Mr Smythe, during the period of the Council of State, how
6 would you characterise the State of the Liberian civil war then?

7 A. There was a ceasefire at the time.

8 Q. Were there efforts undertaken to disarm the fighters?

9 A. Yes, efforts were being undertaken by ECOMOG to disarm the
10:04:54 10 fighters.

11 Q. Did those efforts also implicate the NPFL?

12 A. Yes, that's correct.

13 Q. To your knowledge, was the NPFL disarmed by ECOMOG during
14 this period of time?

10:05:07 15 A. Yes, NPFL was indeed disarmed by the ECOMOG.

16 Q. What of the other warring factions? Let's start one by
17 one. And if you recall the warring factions, tell us who they
18 were and whether, to your knowledge, they each were disarmed by
19 ECOMOG.

10:05:26 20 A. Yes, ULIMO was disarmed by the ECOMOG. Then ULIMO had two
21 factions, ULIMO-K and J.

22 Q. Which one was disarmed by ECOMOG?

23 A. ULIMO-K was disarmed by ECOMOG.

24 Q. How about ULIMO-J?

10:05:42 25 A. ULIMO-J still maintained some arms around their
26 headquarters in Tubmanburg.

27 Q. What other warring factions can you recall?

28 A. I can recall the LPC.

29 Q. George Boley's LPC?

- 1 A. LPC, yes.
- 2 Q. And its leader was George Boley?
- 3 A. Yes, quite correct.
- 4 Q. Was the LPC disarmed by ECOMOG?
- 10:06:07 5 A. Yes, LPC was disarmed also.
- 6 Q. Can you recall any other warring faction?
- 7 A. These were the main warring factions: LPC, ULIMO and the
- 8 NPFL.
- 9 Q. To which group did Wilton Sankawulo?
- 10:06:27 10 A. Wilton Sankawulo was the chairman of the Council of State.
- 11 Q. Was he connected with any of the warring factions?
- 12 A. No, he was not.
- 13 Q. And you mentioned a name yesterday, somebody named Tamba?
- 14 A. Chief Tamba Taylor, yes.
- 10:06:44 15 Q. If you know, was that person in any way connected with any
- 16 of the warring factions?
- 17 A. No, he was not connected to any of the warring factions.
- 18 Q. To your knowledge, during the period of the Council of
- 19 State, did any of the warring factions still retain control of
- 10:07:00 20 any territory within Liberia?
- 21 A. Yes. At some point, yes, some warring faction maintained
- 22 territories within Liberia.
- 23 Q. When you say "at some point", we are now speaking of the
- 24 period between 1995 and 1997.
- 10:07:15 25 A. Yes, they were disarmed, but they remained at where they
- 26 were because these containment areas were within the areas that
- 27 they controlled.
- 28 Q. Did you say "discontonment"?
- 29 A. I said the camp - the camp - the encampment areas were

1 within the areas they controlled.

2 Q. Let's part with the NPFL. During that period of time, if
3 you know, what areas or territories in Liberia did the NPFL
4 control?

10:07:42 5 A. NPFL controlled a lot of areas. They controlled Bong,
6 Margibi, Nimba, parts of Grand Bassa. Yes, at the time the
7 southeast has also fallen to the enemy, to the LPC.

8 Q. Well, we will come to the LPC. You said Bong, Margibi,
9 parts of Grand Bassa.

10:08:15 10 A. Nimba County.

11 Q. Yes?

12 A. Some part of Lofa.

13 Q. Yes?

14 A. Yes.

10:08:23 15 Q. I don't know if those spellings are on the record. Grand
16 Bassa is just G-R-A-N-D and Bassa is B-A-S-S-A and Margibi is
17 M-A-R-G-I-B-I, and I think Bong County is on the record.

18 ULIMO-K, if you remember, during this period of time, what
19 territory within the Republic of Liberia did they control?

10:08:49 20 A. ULIMO-K controlled some part of Lofa and Grand Cape Mount
21 County, and some part of Bomi also.

22 Q. ULIMO-J, you said its headquarters was in Tubmanburg?

23 A. Yes, they controlled some part of the Bomi also and they
24 were headquartered in Tubmanburg.

10:09:08 25 Q. How about the LPC?

26 A. The LPC was in Grand Gedeh; they were in some part of
27 Sinoe; they were in some part of Maryland.

28 Q. When disarmament took place, was it limited, to your
29 knowledge, to only the City of Monrovia?

1 A. No, disarmament was not limited only to the City of
2 Monrovia.

3 Q. Did disarmament occur in all the other territorial areas
4 that were controlled by these various warring factions?

10:09:55 5 A. Yes, that's quite correct.

6 Q. Was the presence of ECOMOG in Liberia during the period of
7 the Council of State limited to just the City of Monrovia?

8 A. No, ECOMOG was not only in Monrovia.

9 Q. To your knowledge, did ECOMOG maintain a presence in Lofa
10 County along the border with Sierra Leone during the period of
11 the Council of State?

12 A. Yes, that's quite correct.

13 Q. To your knowledge, did ECOMOG maintain a presence in Grand
14 Cape Mount County near the border with Sierra Leone during the
15 period of the Council of State?

16 A. Yes, that's correct.

17 Q. Did ECOMOG, to your knowledge, have offices in various
18 parts of Liberia?

19 A. Yes, they had offices in various parts of Liberia.

10:10:50 20 Q. I mean during the period of the Council of State.

21 A. Yes, they do.

22 Q. To your knowledge, did General Victor Malu pay visits to
23 the various offices that were maintained by ECOMOG throughout
24 Liberia during the period of Council of State?

10:11:11 25 MR KOUMJIAN: Objection. Leading and suggestive.

26 PRESIDING JUDGE: Mr Anyah, I am sure you know how to ask
27 questions that are not leading. For the last, I don't know, six
28 questions or so you have been really bordering on leading, and
29 this particular objection is sustained.

1 MR ANYAH: Thank you, Madam President:

2 Q. Mr Witness, do you know whether the ECOMOG field commander
3 ever made visits to any of the ECOMOG field offices during the
4 period of Council of State?

10:11:40 5 A. Yes.

6 Q. You have told us Victor Malu was the commander.

7 A. Yes, Victor Malu was the ECOMOG commander.

8 Q. Do you know whether Victor Malu ever made any of those
9 visits?

10:11:53 10 A. Yes. Victor Malu would visit his troops everywhere they
11 are in the Republic of Liberia.

12 Q. And how do you know that?

13 A. Yes, because we have NPF - I mean, excuse me, we have
14 ECOMOG soldiers assigned with us, and every time that the field
10:12:07 15 commander, you know, goes on an inspection to - you know, they
16 would always tell us.

17 Q. When Mr Taylor became President - you have told us that was
18 in July 1997 - did you have a specific assignment?

19 A. Yes, when Mr Taylor became President, yes, I had an
10:12:35 20 assignment.

21 Q. And what was that assignment?

22 A. I was assigned with the Special Security Service.

23 Q. What position did you occupy within the SSS?

24 A. During the period - what period are you referring to?

10:12:48 25 Q. We're now during the presidential period.

26 A. Which year are you referring to?

27 Q. Let's start from his election in August 1997 - well, he was
28 elected in July, sworn in in August 1997, through the end of
29 1997, December 31, 1997, what position did you have within his

1 government?

2 A. I was in the SSS, Special Security Services, attached to
3 Mr Taylor.

4 Q. And in what capacity were you attached to him?

10:13:17 5 A. I was head of the Special Agents Unit.

6 Q. What rank, if any, did you have then?

7 A. The highest rank in the SSS is colonel, so my rank was
8 colonel.

9 Q. Who was the head of the SSS then?

10:13:39 10 A. Benjamin Yeaten was the head of the SSS.

11 Q. And what title, if any, did he have?

12 A. Benjamin was Director of the Special Security Service, SSS.

13 Q. What was the purpose or function of the SSS?

14 A. The SSS is responsible for the protection of the President
10:14:01 15 and his immediate family and people that will designated by the
16 President to be protected by the SSS.

17 Q. To your knowledge, was training provided for SSS personnel?

18 A. Yes. At a certain time, yes, training was provided for the
19 SSS personnel.

10:14:22 20 Q. The unit you say you headed, I believe you called it the
21 Special Agent Unit.

22 A. Yes.

23 Q. How many members did it have?

24 A. I can't remember quite how many members, but we were over -
10:14:36 25 it was over 20 members.

26 Q. And how closely did you get to work with President Taylor?

27 A. I was very close to Mr Taylor. I worked closely with him.
28 I would escort him to work every morning and escort him back to
29 his residence. And if I am assigned to be the duty officer in

1 the night, I would spend the whole night, you know, around his
2 residence as the duty officer for the night.

3 Q. That period of time, the first few months after his
4 election as President, was he resident at the place you described
10:15:09 5 near the German embassy previously?

6 A. Yes, that's correct.

7 Q. Mr Witness, when you served as duty officer, how close
8 would you be to the President?

9 A. When I served as duty officer, every other officer that - I
10:15:52 10 mean, every other security that are on duty that particular night
11 would be under my command.

12 Q. As far as physical proximity, how close would you be on an
13 average day when you served as duty officer to the President?

14 A. I was very close. Very close. I would even knock at the
10:16:13 15 President's door.

16 Q. Can you tell us some of the names of the members of your
17 unit during this period of time, late 1997.

18 A. I don't know whether I can remember. I can remember John
19 Namayan was one of them.

20 Q. John?

21 A. Namayan, I think N-A-M-A-Y-A-N. Gorpu Morris was one of
22 them.

23 Q. Is that Corporal?

24 A. Gorpu - it's a female - is G-O-R-P-U. Martha Weahweah was
10:17:10 25 one of them.

26 Q. Martha, regular spelling?

27 A. Yes. Weahweah, I don't know how you spell that.

28 MR ANYAH: I'm sorry, Madam President, I can't be of
29 assistance with this either.

1 PRESIDING JUDGE: What do you mean, the spelling?

2 MR ANYAH: The last name. The witness cannot spell the
3 last name for us.

4 PRESIDING JUDGE: If you can say it again, please.

5 THE WITNESS: Martha Weahweah.

6 MR ANYAH: Then it's probably W-E-A-H-W-E-A-H.

7 PRESIDING JUDGE: That's the phonetic spelling.

8 MR ANYAH: Yes:

9 Q. Anybody else?

10:17:32 10 A. Yes, Mustapha Jallow was also a member of that unit.

11 Q. He is Gambian?

12 A. Yes.

13 Q. Anyone else?

14 A. Lamin Campaore was a member of that unit.

10:17:47 15 Q. Those names are on the record. And Mr Campaore is Gambian
16 as well?

17 A. Yes, he is.

18 Q. Yes?

19 A. Bunja Macaroni was also a member of that unit.

10:18:01 20 Q. Yes?

21 A. And several others.

22 Q. Was it the case that the Gambian Special Forces were still
23 during this period of time serving as security for Mr Taylor?

24 A. That's quite correct.

10:18:19 25 Q. Did anything change vis-a-vis the existence of a Special
26 Agent Unit between 1997 and the subsequent years of Mr Taylor's
27 presidency?

28 A. The special unit remained, but it's an auxiliary branch.
29 It's an auxiliary of the SSS. They are part of the SSS.

1 Q. So was there such a unit in existence in 1998, for example?

2 A. No, there was not, no.

3 Q. You said a few minutes ago that it remained as part of the
4 SSS.

10:19:03 5 A. Even the time of the existence of the Special Agent Unit,
6 it was under the SSS. Every member of the Special Agent Unit is
7 a member of the SSS, but after 1998, the Special Agent Unit
8 didn't exist again.

9 Q. Was there, to your knowledge, a replacement for that unit?

10:19:21 10 A. Everybody in that unit just became known as SSS officers.

11 Q. And did it remain that way for the remaining duration of
12 Mr Taylor's presidency?

13 A. That's correct.

14 Q. To your knowledge, did the Gambians continue to play any
10:19:41 15 role in Mr Taylor's security from 1998 through the end of his
16 presidency?

17 A. Yes. All the Gambians, besides the aide-de-camp, all of
18 them were under the SSS.

19 Q. That wasn't the question. Did they continue, to your
10:19:55 20 knowledge, to play any role in Mr Taylor's security during that
21 period of time?

22 A. Yes, they continued to play a role in Mr Taylor's security,
23 yes.

24 Q. Did you yourself play a role in Mr Taylor's security --

10:20:10 25 A. Yes.

26 Q. -- in the year 1998?

27 A. Yes, I played a role in Mr Taylor's security. I was
28 appointed assistant director of operations for the SSS in 1998.

29 Q. Who appointed you that position?

1 A. Mr Taylor did.

2 Q. Did you receive some kind of identification following your
3 appointment?

10:20:41

4 A. Yes. I have an identification that identifies me as the
5 assistant director of operations for the SSS.

6 Q. Do you still have that identification document?

7 A. Yes, I do have that identification document.

8 Q. Did you bring it with you to The Hague?

9 A. Yes, I brought it with me.

10:20:53

10 Q. Did you provide copies to the Defence?

11 A. Yes, I did.

12 MR ANYAH: Madam President, with leave of your Honours, I

13 wonder if the witness could be shown the document in tab 12,

14 which is a photo DP-212. We have 212A and B, and it's simply the

10:21:39

15 front and back of the same document:

16 Q. Mr Smythe, can you see that document?

17 A. Yes.

18 Q. What is that, Mr Smythe?

19 A. It's my official identification card as assistant director

10:22:07

20 for operations for the SSS.

21 Q. And whose photograph does it depict?

22 A. That photograph is mine.

23 Q. And does it depict your signature?

24 A. Yes, quite correct.

10:22:25

25 Q. When were you issued this card for the first time?

26 A. I think it should be some part of 1998, yes, because not

27 immediately when I was appointed I had an ID card, but it should

28 be part of 1998 going to 1999.

29 Q. Can we see DP-212B, please. Mr Smythe, what is this an

1 image of?

2 A. This is the back of the ID card.

3 Q. And do you see a signature on the back of that document?

4 A. Yes, I do.

10:23:10 5 Q. Whose signature is that?

6 A. The signature is the signature of the director of SSS.

7 Q. Do you see where it says "P-# 013"?

8 A. Yes, that's the ID card number.

9 Q. And this one was issued on which date?

10:23:31 10 A. This one was issued on 10/12/999. I don't know how this-

11 whether the date is first or the day is first or not.

12 Q. In Liberia you use the American date sequence, yes?

13 A. Yes.

14 Q. And that's the month and then the day and then the year?

10:23:52 15 A. Yes, that should be correct, yes.

16 Q. So what date do you believe this was issued?

17 A. This should be on the 10th. It should be on the 10th day
18 of December 1999. I should believe so.

19 Q. That would make the sequence the day and then the month and
10:24:19 20 the year?

21 A. That's correct.

22 Q. And we see the other personnel information provided behind?

23 A. Yes.

24 Q. And is this a fair and accurate representation of the photo
10:24:35 25 identification card you received during one of your tenures as
26 assistant director?

27 A. Yes, it's quite correct.

28 MR ANYAH: Madam President, with leave of your Honours, may
29 these pages be marked for identification.

1 PRESIDING JUDGE: Certainly. But, Mr Anyah, you did say
2 the original was present in court.

3 MR ANYAH: Yes, I believe he has it with him.

10:25:04

4 PRESIDING JUDGE: Perhaps counsel would like to see it and
5 the judges, certainly.

6 MR KOUMJIAN: Thank you, your Honour.

7 PRESIDING JUDGE: The documents presented as DP-212A and B,
8 which are a photocopy of the official identity card of Mr Yanks
9 Smythe, are marked MFI-420A and B respectively.

10:25:31

10 MR ANYAH: Thank you, Madam President. May I proceed?

11 JUDGE LUSSICK: Mr Smythe, just for the sake of accuracy,
12 you gave your age as age 53. This card shows you were born on 25
13 August 1957, so it's correct to say, isn't it, that you're aged
14 52 at the moment?

10:27:00

15 THE WITNESS: Pardon me? I didn't quite understand that,
16 please.

17 JUDGE LUSSICK: When you commenced giving evidence, you
18 said you were aged 53.

19 THE WITNESS: I said 52. If I can remember, I said 52.

10:27:15

20 MR KOUMJIAN: That is correct, he did say - I have the
21 transcript. He did say 52, your Honour.

22 JUDGE LUSSICK: I apologise. I withdraw my comments.

23 PRESIDING JUDGE: Mr Anyah, please proceed.

10:27:32

24 MR ANYAH: Thank you, Madam President. May the witness be
25 handed back his ID card, please:

26 Q. Mr Smythe, during the period of time when you served as
27 assistant director for operations of the SSS, can you describe
28 for us the SSS's organisational structure?

29 A. Yes, I can.

- 1 Q. Who was at the top of the hierarchy of the SSS?
- 2 A. Benjamin Yeaten served as director of SSS.
- 3 Q. Immediately below Benjamin Yeaten was who, if you know?
- 4 A. You have two deputies. One Urias Taylor as deputy for
10:28:13 5 administration. Another deputy for operations, Joseph
6 Montgomery.
- 7 Q. The first person you mentioned, Urias Taylor?
- 8 A. Yes.
- 9 Q. Can you spell Urias for us?
- 10:28:26 10 A. U-R-I-A-S.
- 11 Q. And that was a deputy director for what?
- 12 A. Administration.
- 13 Q. And you mentioned a name, Joe Montgomery?
- 14 A. Joseph Montgomery.
- 10:28:44 15 Q. And what was his position?
- 16 A. He was deputy director for operations.
- 17 Q. Were there any other deputy directors besides those two?
- 18 A. Yes. We have another deputy for training.
- 19 Q. And what was that person's name, if you know?
- 10:29:07 20 A. Joseph Lackay.
- 21 Q. Could you spell the last name for us, please
- 22 A. Lackay is L-A-C-K-A-Y.
- 23 Q. And besides Mr Lackay, were there any other deputy
24 directors?
- 10:29:36 25 A. Yes. We have another deputy director, Zachariah Ross, for
26 technical service and intelligence.
- 27 Q. Zachariah, regular spelling?
- 28 A. Yes. Ross, R-O-S-S.
- 29 Q. And he was in charge of what?

1 A. Deputy director for technical services and intelligence.
2 Q. Any other deputy directors?
3 A. These were the four deputy directors.
4 Q. And below the deputy directors were who?
10:30:14 5 A. We have the assistant directors.
6 Q. And how many assistant directors?
7 A. We have one assistant director for administration, James
8 Lewis.
9 Q. Yes?
10:30:30 10 A. We have one assistant director for operation, Yanks Smythe.
11 Q. Yes?
12 A. We have one director for - assistant director for training,
13 Joseph Korpu.
14 Q. Can you spell Korpu for us?
10:30:47 15 A. K-O-R-P-U.
16 Q. Yes?
17 A. You have one assistant director for intelligence, Robert
18 Beer.
19 Q. Can you please spell Beer for us?
10:31:00 20 A. B-E-E-R.
21 Q. And below the assistant directors?
22 A. Yes. Below the assistant directors for administration you
23 have the finance office, the comptroller.
24 PRESIDING JUDGE: Mr Anyah, was "Beer" spelt as in the
10:31:27 25 drink or as in the animal?
26 THE WITNESS: B-E-E-R, like the drink.
27 PRESIDING JUDGE: Like the drink. Thank you.
28 MR ANYAH:
29 Q. You said you had the finance office and did you say

1 comptroller?

2 A. Yes, we had a comptroller in the SSS.

3 Q. And was that under administration?

4 A. Yes, that's quite correct.

10:31:45 5 Q. And beneath the assistant director of operations was who?

6 A. You have the CPS, Chief of Protective Services.

7 Q. Do you remember who occupied that position when you were
8 initially appointed assistant director of operations?

9 A. Yes. That position was occupied by one Oceblio,

10:32:16 10 O-C-E-B-I-O, Dehmie, D-E-H-M-I-E.

11 Q. We will come back to the CPS and its functions. Underneath
12 or beneath the assistant director for training was whom?

13 A. [Indiscernible] director for training, you have - they have
14 their office - they are responsible for the training, so they

10:32:38 15 have other staff members in their office.

16 Q. And what of below the director for intelligence?

17 A. Intelligence, they have their agents in the field within
18 the SSS, intelligence officers.

19 Q. Of these various units and branches of the SSS, which one,
10:33:06 20 to your knowledge, worked closest with the President as far as
21 protecting him?

22 A. That's the - I mean, the operations.

23 Q. Was there a special unit within the operations component
24 that was responsible for protecting the President?

10:33:28 25 A. Yes.

26 Q. And what was the name of that unit?

27 A. We have the Bodyguard Unit.

28 Q. Yes?

29 A. Yes. We have the motorcade that's responsible for the

1 movement of the President.

2 Q. Yes?

3 A. And we also have the base shift that is responsible for the
4 protection of the office of the President and the residence.

10:33:52 5 Q. What was that? The base?

6 A. Base shift.

7 Q. B-A-S-E?

8 A. Yes. S-H-I-F-T.

9 Q. Shift?

10:34:04 10 A. Yes.

11 Q. These three units - the Bodyguard Unit, the Motorcade Unit
12 and the Base Shift Unit - were they under an umbrella unit within
13 the operations section of the SSS?

14 A. They fall under the protective section.

10:34:23 15 Q. What you called the CPS?

16 A. The CPS, who is answerable to the assistant director of
17 operations.

18 Q. When you served as assistant director, did you at any point
19 in time physically protect President Taylor?

10:34:40 20 A. Yes, I did.

21 Q. Did you at any point in time accompany him on trips he
22 would take?

23 A. Yes.

24 Q. Did you accompany him on trips he took within Liberia?

10:34:54 25 A. Yes, I did.

26 Q. Did you accompany him on trips he would take overseas?

27 A. Yes.

28 Q. We will come back to those trips in a minute. Besides
29 protection of the President, did you engage in any administrative

1 duties whilst serving as deputy - assistant director of
2 operations?

3 A. Yes, I did.

10:35:20

4 Q. Can you give us examples of what sorts of administrative
5 duties you engaged in?

6 A. The sort of administrative duties I engaged in, to make
7 sure the operations unit is equipped with the necessary logistics
8 and to make sure that I make follow-ups to make sure that those
9 logistics are available.

10:35:39

10 Q. Were you responsible at any time for procurement of
11 equipment for the SSS?

12 A. I was not responsible for the procurement for SSS, but
13 there was a time that we made a request for logistics for the
14 SSS.

10:35:53

15 Q. What time are you referring to?

16 A. This time should be - I can't quite remember, but we did
17 request for vehicles for the operations department.

18 Q. Vehicles, you said?

19 A. Yes.

10:36:07

20 Q. Do you remember how many vehicles you attempted to obtain?

21 A. At the time it was six.

22 Q. And from whom did you seek to obtain - or how did you go
23 about obtaining those vehicles?

10:36:27

24 A. Yes, we - you know, we normally - in the administrative
25 setting, every department - I mean, every department had their
26 own budget. So if you want to procure something that is within
27 your budget, you have - first have to get a procurement - I mean,
28 an allotment from the bureau of the budget - within your budget.
29 If that allotment is provided, then you make a voucher, send the

1 voucher to Finance Ministry, who will process and be paid to
2 whoever the vendor is.

3 Q. You seem to be describing a process that involves budgets
4 and vouchers.

10:37:01 5 A. Yes.

6 Q. You made reference to every department having its own
7 budget. Can you elaborate on that?

8 A. Yes. When I say every department, I mean every agency of
9 government has its own budget.

10:37:16 10 Q. And did that include the SSS?

11 A. That's quite correct.

12 Q. You made reference to allotments being provided. What are
13 you referring to?

14 A. Allotments - every budget have an allotment for specific
10:37:30 15 purpose - I mean, for specific things. You have allotment for
16 logistics, allotment for salaries, allotment for other - medical
17 and other things. So if you have to purchase vehicles under your
18 vehicle allotment, then that has to be provided or approved by
19 the budget bureau before you can get the money for the payment of
10:37:49 20 those vehicles.

21 Q. Was it only the approval of the budget bureau that was
22 necessary to facilitate the procurement of, for example,
23 vehicles?

24 A. That's the official procedure. The budget bureau has to
10:38:06 25 approve the allotment before any procurement can take place.

26 Q. You referred to your attempts or involvement in securing
27 six vehicles. From where were these vehicles to be secured for
28 the SSS?

29 A. It was from a used car dealer. I can't quite remember the

1 name, but it was a used car dealer in Monrovia. I think it was
2 located in - I think Carey Street or something. I can't quite
3 remember, but it was a used car dealer.

10:38:37 4 Q. What actions, if any, did you take in your efforts to
5 secure those vehicles?

6 A. These vehicles - when the voucher was prepared and sent to
7 finance, the payment was delayed and the supplier, you know,
8 constantly came to ask us for payment. And at the time I was
9 asked by the director to write to the Finance Minister, you know,
10:38:57 10 to expedite payment of these vehicles.

11 MR ANYAH: Madam President, may the witness be shown two
12 documents. These are documents in tabs 6 and 7. We have given
13 them numbers. The one in tab 6 is DCT-382, and the one in tab 7
14 is DCT-383.

10:39:54 15 PRESIDING JUDGE: One at a time, please.

16 MR ANYAH: Yes, this is the first one, Madam President.

17 This is DCT-382, tab 6:

18 Q. Mr Smythe, do you see the document?

19 A. Yes, I do.

10:40:39 20 Q. Do you see a signature at the bottom of that document?

21 A. Yes.

22 Q. Whose signature is that?

23 A. That is my signature.

24 Q. And is there a date on this document?

10:40:54 25 A. Yes, that's April 12, 1999.

26 Q. And at the top what does it say?

27 A. You mean the heading of the document?

28 Q. Yes.

29 A. "Republic of Liberia, Special Security Service, Executive

1 Mansion, Monrovia, Liberia."

2 Q. And to whom is this addressed?

3 A. This letter was addressed to Honourable John G Bestman,
4 Minister, Ministry of Finance, Monrovia.

10:41:23 5 Q. There is what appears to be a badge or star at the top
6 left-hand corner of the document.

7 A. Which one are you referring to?

8 Q. Next to where it says "Republic of Liberia".

9 A. Here?

10:41:38 10 Q. Well --

11 A. This badge?

12 Q. Yes.

13 A. Yes, this is the official badge of the SSS, the Special
14 Security Service.

10:41:45 15 Q. Was the SSS the only branch of the Taylor administration
16 that had a particular insignia or official badge?

17 A. No, the police had. Every other security agency have.

18 Q. Was the SSS the only branch or part of the Taylor
19 administration that had a special letterhead?

10:42:06 20 A. No, every agency of government has a special letterhead and
21 all other securities.

22 Q. Below the SSS badge, does it say "Office of the Assistant
23 Director For Operations"?

24 A. That's quite correct.

10:42:20 25 Q. Was this letterhead particular to your position?

26 A. Yes.

27 Q. And your office?

28 A. That's quite correct.

29 Q. And under what circumstances did you write this letter to

1 Mr Bestman? You have told us some of it, but there are more
2 specifics in the document. Can you elaborate for us?

3 PRESIDING JUDGE: Before the witness - before you suggest
4 to him that he wrote it, he hasn't said that he wrote it. You
10:42:47 5 asked about the signature, but he hasn't said he wrote it.

6 MR ANYAH: I appreciate that:

7 Q. Mr Smythe, who wrote this letter?

8 A. I did.

9 Q. And under what circumstances did you write it?

10:43:00 10 A. I wrote this letter to confirm the receipt - confirm
11 receiving these six vehicles into operations, and I wrote this
12 letter to the Finance Minister to expedite payments.

13 Q. In what year were the vehicles received into operation?

14 A. Vehicles were received in 1999.

10:43:24 15 Q. Is there a stamp to the right of your signature that is
16 particular to your office?

17 A. Yes.

18 Q. And what does that stamp say?

19 A. "Special Security Service, Republic of Liberia, Office of
10:43:49 20 the Assistant Director of Operations".

21 Q. And to the right of that is another stamp, yes?

22 A. Yes, there is.

23 Q. And what department does that stamp belong to, if you know?

24 A. Comptroller's Office, Ministry of Finance.

10:44:07 25 Q. And does this one indicate anything on it?

26 A. Yes, it was indicated that it was paid.

27 Q. And on what date was it paid?

28 A. 2/14/2000, I think.

29 Q. And what was this payment for, if you know?

1 A. This payment was for the six vehicles that they - were
2 received by the SSS.

3 MR ANYAH: May the witness be shown the document behind tab
4 7, DCT-384.

10:44:54 5 PRESIDING JUDGE: Are you sure this is DCT-384? I thought
6 DCT-384 was the earlier document showing rents and leases.

7 MR ANYAH: You are exactly right, Madam President. It
8 should be DCT-383, yes. My error. I apologise:

9 Q. Mr Smythe, what is this document?

10:45:34 10 A. This document is the official purchase voucher.

11 Q. In regards to what?

12 A. This is the voucher that's being used within the Republic
13 of Liberia by all agencies and ministries.

14 PRESIDING JUDGE: I don't think the witness was asked what
10:45:58 15 kind of document this is. The question pertains particularly to
16 this document.

17 THE WITNESS: This document is a voucher.

18 PRESIDING JUDGE: For what? Relating to what?

19 THE WITNESS: It's a voucher requesting for payment of
10:46:12 20 vehicles.

21 MR ANYAH:

22 Q. And who generated this document in the first instance, if
23 you know?

24 A. This document was generated from the comptroller's office
10:46:21 25 of the SSS.

26 Q. And, if you know, to whom is it directed?

27 A. This document was directed to the Finance Ministry.

28 Q. At the top left-hand corner, do you see "The Honourable
29 Minister of Finance RL"?

1 A. Yes.

2 Q. And what follows after that?

3 A. "Please pay to Fast Motor Centre, Carey and Johnson Street,
4 Monrovia, Liberia."

10:46:52 5 Q. And is there a date at the top of this document?

6 A. Yes, September 1998.

7 Q. Is there a day indication in relation to September and
8 1998?

9 A. September 2, 1998.

10:47:15 10 Q. Is there any relationship between this document and the
11 letter we just viewed that you wrote to the Ministry of Finance?

12 A. Yes. It was to follow up on this letter - on this voucher
13 because when this voucher was prepared, initially we were not
14 supplied the vehicles. The owner of the vehicles insist that,

10:47:34 15 you know, an approval must be made first before he can supply the
16 vehicle. So this went into 1999. The vehicles were supplied and
17 this voucher was being processed - you know, while the voucher
18 was being processed.

19 Q. There are a number of different stamps and signatures on
10:47:50 20 this document. Let's start with the one at the top right below
21 where it says "Republic of Liberia". There is a square stamp at
22 the top that has the letters "BGA".

23 A. Yes, that's correct.

24 Q. Do you know what that stamp stands for?

10:48:16 25 A. That stamp stands for Bureau of General Auditing within the
26 Ministry of Finance.

27 Q. When you come to the centre of the document, there is a
28 round stamp below or there is a round stamp with the date
29 9/22/98. Do you know what that stamp represents?

1 A. That stamp is for I think the General Services Agency, I
2 think so.

3 Q. Is that what GSA --

4 A. GSA, General Services Agency, yes.

10:48:57 5 Q. When you go directly below that stamp, there is another
6 round stamp that's not entirely legible, but do you know what
7 that stamp represents?

8 A. That stamp is for the comptroller's office, the Ministry of
9 Finance.

10:49:29 10 Q. When you go to the bottom of the document to the right of
11 the comptroller, there is a signature there, yes?

12 A. Yes.

13 Q. And who is that official - or which official does that
14 pertain to?

10:49:44 15 A. Director of SSS.

16 Q. And when you go to the left bottom-hand corner of the
17 document, there is another signature there, yes?

18 A. Yes, yes, yes.

19 Q. Right above the date 1/20/00?

10:50:05 20 A. Yes.

21 Q. And to which official does that signature pertain?

22 A. That's the Auditor General of Liberia.

23 Q. Was this type of process followed whenever vehicles were to
24 be purchased by the SSS?

10:50:20 25 A. Yes, that's quite correct.

26 Q. Were all these other departments and units of government
27 involved in the purchase of equipment for the SSS?

28 A. Yes, quite correct.

29 MR ANYAH: Madam President, may I ask that both documents

1 be marked for identification, please.

2 PRESIDING JUDGE: Do you wish to give them the same number?

3 MR ANYAH: A and B, if possible, Madam President.

4 PRESIDING JUDGE: Then the document DCT-382, which is a

10:51:01 5 letter from the assistant director of operations SSS addressed to
6 the Ministry of Finance, is MFI-421A. The letter DCT-383, which
7 is a payment voucher, is MFI-421B.

8 MR ANYAH: Thank you, Madam President:

9 Q. Mr Smythe, do you have any photographs from the time when
10:51:41 10 you served as assistant director of operations for the SSS?

11 A. Yes.

12 Q. Did you bring any of those photographs to court?

13 A. Yes, I did.

14 Q. What do those photographs depict, if you can remember?

10:52:05 15 A. Yes. Some shows me in my office. Some shows I was
16 addressing the SSS officers on one of our trips to Gbarnga with
17 the President.

18 MR ANYAH: May I request that the witness be shown
19 photographs behind tabs 30 and 31. If we could start with 30,
10:52:57 20 which is DP-230. Again, we also have the originals of these
21 photographs in court, save for one of them, and I am not sure
22 which one it is off the top of my head:

23 Q. Mr Smythe, can you tell us what this photograph depicts.

24 A. This photograph was taken on one of our trips with the
10:53:42 25 President to Gbarnga. Normally upon arrival we will brief the
26 security on what to do.

27 Q. Do you remember the year in which this trip was undertaken?

28 A. This trip should be between 1999 and 2000.

29 Q. And the location you said was Gbarnga?

- 1 A. At CARI, to be specific, in Gbarnga
- 2 Q. Now, you mentioned what CARI stood for yesterday.
- 3 A. Yes, I did.
- 4 Q. And what does it stand for?
- 10:54:15 5 A. Central Agriculture Research Institute.
- 6 Q. We see persons in uniform.
- 7 A. Yes.
- 8 Q. And who are those persons?
- 9 A. These are SS officers.
- 10:54:33 10 Q. And we see someone addressing them. And who is that
- 11 person?
- 12 A. That person was me, Yanks Smythe, as assistant director for
- 13 operations.
- 14 Q. How are you dressed in this photograph, Mr Smythe?
- 10:54:46 15 A. I was dressed in a uniform that was being used by the SSS.
- 16 Q. Can you describe it for the record.
- 17 A. Well, it's blue with some stripes in it.
- 18 Q. Is this in common parlance sometimes referred to as a
- 19 camouflage?
- 10:55:07 20 A. Yeah, it could be referred to as a camouflage. Not the
- 21 green one, but anyway.
- 22 Q. And the people you are addressing, they are also in
- 23 uniform?
- 24 A. Yes.
- 10:55:16 25 Q. What uniform are they wearing?
- 26 A. This is the official uniform of the Special Security
- 27 Service.
- 28 Q. Some of them appear to be holding weapons.
- 29 A. Yes.

1 Q. And behind those in uniform appear to be persons not in
2 uniform. Can you see that?

3 A. Yes, that's quite correct.

4 Q. Do you know who those people were?

10:55:47 5 A. Those are some members of the SSS also.

6 Q. What was the occasion during this instance when this
7 photograph was taken?

8 A. This photograph was taken upon our arrival in Gbarnga with
9 the President.

10:56:04 10 Q. And these SSS personnel, what was the purpose behind them
11 being in Gbarnga?

12 A. They were there to escort the President of Liberia at the
13 time.

14 Q. Charles Taylor?

10:56:17 15 A. Yes, Charles Taylor.

16 Q. Was it the case that SS personnel always wore uniforms?

17 A. Yes. In many instances, yes, SS personnel wore uniforms.

18 JUDGE LUSSICK: What does that mean? You asked if they
19 always wore them and he said, "Yes, in many instances."

10:56:39 20 THE WITNESS: SS personnel wear uniforms.

21 MR ANYAH:

22 Q. And what about those pictured here who are not in uniform?

23 A. These are also SS personnel. Not all time SS personnel
24 wear uniform, but we always have a unit within the SS that always
10:56:55 25 wears uniform. Not all SS officers are uniformed officers.

26 Q. And what is the name of that unit within the SSS that
27 requires the wearing of a uniform?

28 A. This unit is the protective unit of the SSS.

29 MR ANYAH: Madam President, we adopted an approach

1 yesterday whereby the witness would sign and date the photograph,
2 and I would like to continue that with leave of the Court:

3 Q. Mr Smythe, I wonder if you could move over and use a pen
4 and indicate yourself on the photograph, provide a description
10:57:39 5 for us as well and the place where it was taken and the year and
6 then sign and date it, please. Today is the 24th.

7 Mr Smythe, where you wrote "CARI", can you indicate the
8 town in Liberia that CARI is in and what county is Suakoko in?
9 Thank you.

11:00:03 10 May the witness - I am sorry, your Honours might wish to
11 read --

12 PRESIDING JUDGE: Did the witness not mention Gbarnga?
13 What is this Suakoko? Mr Yanks, did you mention Gbarnga?

14 THE WITNESS: Yes, this is part of Gbarnga. CARI is just
11:00:25 15 on the outskirts of Gbarnga, but the place where it is is called
16 Suakoko. It is within Gbarnga.

17 PRESIDING JUDGE: Please proceed, Mr Anyah.

18 MR ANYAH: May the witness be shown the photograph behind
19 tab 31, DP-231, please.

11:01:47 20 JUDGE DOHERTY: Just before you move off that last
21 photograph, there is something written before the witnesses's
22 name that he himself has written. If you look, there is
23 something written before his name. What is that word? I can't
24 decipher it.

11:02:02 25 THE WITNESS: That's H-O-N. That stands for "Honourable",
26 because we refer to directors of the SSS as "Honourable".

27 JUDGE DOHERTY: I see.

28 MR ANYAH:

29 Q. Mr Smythe, what is that a photograph of?

1 A. This photograph is of me in my office at the Executive
2 Mansion.

3 Q. Under what circumstances was this photograph taken?

4 A. This photograph was taken before we went on a trip with the
11:02:58 5 President to Gbarnga also - or Buchanan. Something - one of the
6 trips - before we undertook the trip, I took this picture as a
7 souvenir.

8 Q. In what year was this photograph taken, if you know?

9 A. This photograph should be between 1999 and 2000.

11:03:19 10 Q. You said you had an office at the Executive Mansion?

11 A. Yes, I did.

12 Q. We will come back to that. And what else does this
13 photograph show around the place where you are pictured?

14 A. It shows two flags; one flag of the Republic of Liberia and
11:03:39 15 the flag of the SSS.

16 Q. Was it the case that the SSS had a flag?

17 A. It's not a flag, but a piece of cloth where, you know, we
18 have the seal of the SSS. The seal of the SSS, we say.

19 Q. Did any other unit or branch of Mr Taylor's government have
11:03:58 20 such a flag?

21 A. Yes, every other branch - security branch have their own
22 seal.

23 Q. Not the seal. Did any other unit or branch have such a
24 flag?

11:04:09 25 A. Yes, they do.

26 Q. We see you in some kind of uniform?

27 A. This is not a uniform. This - I only had on a camouflage
28 T-shirt and this coat, you know, you can buy it from the street,
29 you know. It's not a uniform. The overcoat, you can buy it from

1 anywhere in the street.

2 Q. What is on your head?

3 A. I had a beret on my head.

4 Q. Was that part of the SSS attire?

11:04:41 5 A. Yes. When you wear the SSS camouflage, you can wear the
6 beret on you.

7 Q. What was the colour of the beret?

8 A. I am not sure whether it is - I don't know whether it is
9 red. I think it should be red. I don't know.

11:04:59 10 Q. Do you wish to see the original of the photograph?

11 A. Yes, please.

12 MR ANYAH: Show it the Court first and then to the witness.

13 Q. So, Mr Smythe, do you recall the colour of the beret?

14 A. The beret is black.

11:07:06 15 Q. Thank you. There appears to be something to your right -
16 to your right hand that appears to be some kind of communication
17 equipment?

18 A. Yes.

19 Q. Can you point to it and tell us what it is.

11:07:21 20 A. This is the walkie talkie that I use within the SSS for
21 communication.

22 Q. Were other SSS personnel assigned walkie talkies?

23 A. Not everybody. Only those people that are given
24 responsibilities like the officers.

11:07:42 25 Q. What rank did someone have to be to be assigned a walkie
26 talkie within the SSS?

27 A. It shouldn't have to be a rank. It has to be an
28 assignment. It has to be given to you based on the assignment
29 you have within the SSS.

1 Q. What was the range of these walkie talkies - the
2 communication range of them?

3 A. These walkie talkies are just within the city limits of
4 Monrovia and suburbs.

11:08:14 5 MR ANYAH: Madam President, with leave of the Chamber, may
6 I ask that both photographs be marked for identification, please.

7 PRESIDING JUDGE: The same number, or not?

8 MR ANYAH: Yes. I see counsel opposite is up.

9 PRESIDING JUDGE: Yes, Mr Koumjian.

11:08:32 10 MR KOUMJIAN: Your Honour, there are some items in the
11 original of the last photograph - if I could have it back - that
12 I think should be reflected if the original is not going into
13 evidence.

14 PRESIDING JUDGE: This is of the latter photograph?

11:08:43 15 MR KOUMJIAN: Yes, the DP-231. I had like to see both,
16 actually, because I haven't seen the other at all yet.

17 MR ANYAH: That is no problem. We have them here. But
18 with regard to the request, I will wait to hear what items, but I
19 think counsel opposite can raise them in re-examination.

11:09:13 20 PRESIDING JUDGE: Mr Koumjian, is there some kind of
21 objection you are raising, or is it okay for me to mark these
22 documents?

23 MR KOUMJIAN: Your Honour, I would need the witness - the
24 original to be available to me in cross-examination, because
11:09:26 25 there are some items written, particularly on the witness's
26 nameplate - as I read it, it says "Special Forces" - that I think
27 should be reflected. It's not visible in the copy that I have
28 anywhere.

29 PRESIDING JUDGE: Actually, if I may refer to a standing

1 practice in this Court. Where originals are present in Court and
2 will not be tendered in evidence, then the practice is that they
3 should be present in Court for cross-examination. This is the
4 standing order of the Court. Now, the --

11:10:04 5 MR ANYAH: I have already promised to have them here for
6 cross-examination.

7 PRESIDING JUDGE: Right. Now, the document - the
8 photograph DP-230 and the photograph DP-231 are marked
9 respectively as MFI-422A and B.

11:10:23 10 MR ANYAH: Thank you, Madam President.

11 THE WITNESS: Should I write on this also?

12 MR ANYAH: Yes, thank you, Mr Smythe. Can you identify
13 yourself, also indicate a description, the date or year during
14 which the photograph was taken, the location, and sign and date

11:10:45 15 it for us, please.

16 PRESIDING JUDGE: I think you can proceed.

17 MR ANYAH:

18 Q. Mr Smythe, could you return to the witness chair, please.

19 The last photograph we just looked at, you said you were within
11:12:20 20 the Executive Mansion when it was taken, yes?

21 A. That's correct.

22 Q. When did you first have an office within the Executive
23 Mansion? What year?

24 A. I had an office when I was - immediately I was appointed as
11:12:35 25 assistant director for operations in 1998.

26 Q. And in which month were you so appointed?

27 A. Well, I have to reflect. I can't remember. You know, it's
28 been a long time, so --

29 Q. You can't remember?

1 A. No, I can't remember the date, but I will remember as we go
2 back.

3 Q. Can you describe for us this place, the Executive Mansion?

4 A. In the location of the Executive Mansion mansion?

11:13:12 5 Q. Well, let's start with the part of Monrovia in which it was
6 located at or in which it is located at.

7 A. The Executive Mansion is located on Capitol Hills in
8 Monrovia.

9 Q. Capitol Hills or Hill?

11:13:24 10 A. Capitol Hill.

11 Q. And are there other government buildings in that
12 location --

13 A. Yes.

14 Q. -- or that area of Monrovia?

11:13:35 15 A. Yes. The Executive Mansion is situated opposite the
16 Judiciary and the House of Representatives.

17 Q. How far from the judiciary facilities is the Executive
18 Mansion?

19 A. It's just being divided by the street. It's just a street
11:13:53 20 divided them.

21 Q. And when you say the judiciary, are you referring to
22 courthouses? What are you referring to?

23 A. I mean the Judicial branch of the government.

24 Q. What sort of houses or buildings or property did the
11:14:07 25 Judiciary have?

26 A. Judiciary had a big building. I don't know how many
27 storeys - you know, with storeys, I think about - I can't
28 remember how many storeys, but it's a large building, you know,
29 like in an L form, you know, with the storeys.

1 Q. Is there a Courthouse in the City of Monrovia?

2 A. Yeah, there are Courthouses.

3 Q. And where are those Courthouses located?

4 A. At the Supreme Court in the Temple of Justice.

11:14:34 5 Q. How far is the Temple of Justice from the Executive
6 Mansion?

7 A. Just a walking distance. As I said, you know, it's just
8 being divided by the street.

9 Q. Is the Temple of Justice part of the complex you referred
11:14:45 10 to as the Judiciary?

11 A. That's quite correct.

12 Q. Your average citizens in Liberia go to the Temple of
13 Justice on a daily basis?

14 A. That's quite correct.

11:14:55 15 Q. That part of Monrovia, how busy is it in terms of
16 pedestrian and vehicular traffic?

17 A. It's busy, because people go in and out of the Mansion,
18 they go in and out of the Judiciary, as well as the Legislature.

19 Q. How far from the Executive Mansion is the Legislative
11:15:15 20 branch of government?

21 A. Almost the same distance with the Judiciary. Just two,
22 three minutes' walk.

23 Q. The Executive Mansion, can you tell us how many floors it
24 has.

11:15:27 25 A. Yes.

26 Q. Please do.

27 A. The Executive Mansion had eight floors and an underground
28 also.

29 Q. On which floor was your office?

1 A. The floor was located on the underground part of the
2 mansion.

3 Q. I'm sorry, your office.

4 A. Was located at the underground part of the mansion.

11:15:50 5 Q. What else is located within the underground part of the
6 mansion?

7 A. The underground part of the mansion, you have the
8 electrical system, you have the electrician's office.

9 Q. What is on the floor immediately above that?

11:16:11 10 A. The floor immediately above me is the first floor where you
11 have the parlours.

12 Q. When you say parlours, what are you referring to?

13 A. I mean the parlours of the Executive Mansion where
14 programmes are being held.

11:16:39 15 Q. Besides the parlours, are there any other things or
16 specific designations for what is on the first floor?

17 A. Yes. When you enter on your right you have offices there.
18 You have the office of the legal adviser, you have the office of
19 the chief of protocol of the Executive Mansion, you have the
11:17:02 20 office of the visual department and other offices. You have
21 quite a lot of offices there.

22 Q. Is there a reception area on the first floor?

23 A. Yes, there is a reception area on the first floor.

24 Q. What is on the second floor of the mansion?

11:17:19 25 A. The second floor of the mansion also contained - there is a
26 place that you can overlook the parlours and you also have
27 offices there.

28 Q. What is on the third floor?

29 A. Third floor? Yes, the third floor had some offices also.

1 Q. The fourth floor?

2 A. Fourth floor had the office of the President, the office
3 the Minister of State for Presidential Affairs. You have a
4 waiting room, that's towards the left-hand side. Then on the
11:18:01 5 right-hand side you have the office of the special assistant to
6 the President. You have the office of the director of SSS, the
7 office of the assistant director for SSS for administration, the
8 office for deputy director of administration SSS and also the
9 office of the deputy director for operation SSS.

11:18:32 10 Q. You said there was somebody called the special assistant to
11 the President?

12 A. Yes.

13 Q. Who was that person? Who occupied that position during the
14 commencement of Mr Taylor's administration, if you know?

11:18:47 15 A. Madam Kadiatu Diarra Findley.

16 Q. And for how long did Ms Diarra Findley hold that position?

17 A. Throughout the presidency of Mr Taylor.

18 Q. Do you know where Ms Findley is today?

19 A. I saw her in Monrovia before, just not too long ago.

11:19:15 20 Q. Was that this year?

21 A. Yes, this year.

22 Q. The fellow you are referring --

23 PRESIDING JUDGE: Mr Anyah, this name has been spelt
24 variously. What is the correct spelling of this lady's name?

11:19:32 25 MR ANYAH: I don't wish to add to the various formulations
26 of the name. Kadiatu would be K-A-D-I-A-T-U.

27 PRESIDING JUDGE: I would like to hear from this witness
28 the spelling of this lady's name, especially Diarra Findley.

29 MR ANYAH:

1 Q. Mr Smythe, do you know how to spell Kadiatu Diarra Findley?

2 A. Yes, I can try.

3 Q. Yes, please do.

4 A. Kadiatu is K-A-D-I-A-T-U or T-O-U maybe, and Diarra is

11:20:12 5 D-I-A-R-R-A. Findley is F-I-N-D-L-E-Y.

6 Q. F-I-N-D --

7 A. -- L-E-Y.

8 Q. Mr Smythe, you referred to the deputy director for

9 operations.

11:20:42 10 A. Yes, I did.

11 Q. Was it still the Joseph Montgomery that you referred to

12 earlier on?

13 A. That's quite correct.

14 Q. And the director of operations - the deputy director for

11:20:56 15 administration was whom at that time, this the first part of

16 Mr Taylor's presidency?

17 A. Urias Taylor.

18 Q. What is on the fifth floor of the Executive Mansion, if you

19 know?

11:21:09 20 A. The fifth floor of the Executive Mansion has some offices.

21 You have also the blue room and you also have the reception hall

22 on the fifth floor.

23 Q. What is the blue room?

24 A. The blue room is referred - it's blue, it's referred to,

11:21:27 25 you know - it's where you have - when you have balls at the

26 Executive Mansion, that's where they normally have it. It's a

27 place where they used to have balls and whatever.

28 Q. What is on the sixth floor of the mansion, if you know?

29 A. The sixth floor of the mansion is a residential area where

1 the children of the President normally would be, or if they have
2 any guests, they would be lodged on the sixth floor.

3 Q. And on the seventh floor?

11:22:06

4 A. On the seventh floor is - it's normally - it's an open
5 area. The seventh floor is an open area. You have - I think you
6 also have offices there too.

7 Q. What do you mean by an open area?

8 A. When I say an open area, it has a large area. As a large
9 area you have some offices, sitting places.

11:22:25

10 Q. What is on the eighth floor?

11 A. The eighth floor is the residence of the President.

12 Q. Was that a place where the President could spend the night?

13 A. That's quite correct, yes.

11:22:49

14 Q. On a daily basis, did you go to work at the Executive
15 Mansion when you were assistant director for operations of the
16 SSS?

17 A. That's correct.

18 Q. What floors, besides the one in which your office was, did
19 you have access to when you were assistant director?

11:23:05

20 A. I have access to all the floors of the mansion. Every
21 floor of the mansion, I have access to it.

22 Q. Do you know whether during his presidency Mr Taylor spent
23 any evenings or nights at the residence of the Executive Mansion?

24 A. Yes.

11:23:23

25 Q. This Executive Mansion we have been speaking --

26 PRESIDING JUDGE: What kind of answer is that, he knows

27 or --

28 THE WITNESS: Yes, I do. I know he spent some nights
29 there.

1 MR ANYAH:

2 Q. Were there occasions that you knew of that he slept at the
3 Executive Mansion?

4 A. Yes, yes, he slept sometimes, yes.

11:23:42 5 Q. Do you know whether on occasion his family would spend the
6 night at the Executive Mansion?

7 A. Yes, sometimes.

8 Q. During those times, would security personnel remain at the
9 mansion to protect him?

11:23:59 10 A. Yes, the security - there is always security at the
11 mansion. Whether the President sleeps there or not, there is
12 always 24 hours security at the mansion.

13 Q. During Mr Taylor's presidency, was there radio
14 communication equipment located within the mansion?

11:24:16 15 A. You have the base - the radio - the walkie talkie I was
16 showing you, you would have a base set for that, yes, and it was
17 located at the Executive Mansion, yes.

18 Q. The walkie talkie you referred to, is that what was shown
19 in the photograph we looked at?

11:24:30 20 A. Yes, but there is a base set for that walkie talkie. It's
21 a base set that, you know, normally when you want to communicate
22 with other people that can't get you, they will assist you in
23 getting them. But it's also within the same range of the walkie
24 talkie.

11:24:45 25 Q. Where within the Executive Mansion was the base set located
26 at?

27 A. On the fourth floor, close to the office of the deputy
28 director for operations.

29 Q. Besides the base set and the walkie talkies, did the

1 Liberian government during President Taylor's presidency have
2 other forms of radio communication equipment?

3 A. Yes, other government functionaries have radio equipment,
4 yes.

11:25:11 5 Q. Let's focus on the Executive Mansion. Within the Executive
6 Mansion, besides the base set and walkie talkies, to your
7 knowledge, were there any other forms of radio communication
8 equipment?

9 A. Not to my knowledge. Only the base sets - the walkie
11:25:27 10 talkies and the base set I know of.

11 Q. You said other government officials also had such
12 equipment?

13 A. Yes, that's correct.

14 Q. Can you give us examples of what you mean by other
11:25:43 15 government officials.

16 A. Yes. The police have walkie talkies like the SSS but
17 operated on a different frequency. They also have long range
18 radios at all police station in all counties. The Finance
19 Ministry have radios that they operate at all, you know, revenue
11:26:03 20 collection points and they are in contact with the Finance
21 Ministry. The Minister of National Security, the immigrations
22 all have radios.

23 Q. Was someone assigned a radio able to take it home to their
24 private residence after their shift was over?

11:26:25 25 A. That can only be possible with a walkie talkie because a
26 walkie talkie is assigned to you. It's assigned to you, besides
27 the ones that are assigned to various posts. The ones that are
28 assigned at posts, you only use it when you are at the post. So
29 when you are leaving from post, you leave it there and the next

1 person that's coming after you would also use it. So radios are
2 assigned at various posts that don't move from there.

3 PRESIDING JUDGE: Mr Anyah, the questions you are asking
4 this witness pertain to the time that he was working as director
11:26:57 5 of SSS, but the answers he's giving appear to be in the present
6 tense. Now, months from now we need to be assured that he is
7 talking about the past tense, not the present or even future.

8 MR ANYAH: Yes, Madam President:

9 Q. Mr Smythe, the remarks you have been making about radio
11:27:20 10 communication equipment, the time period that they pertain to, is
11 it the present or the time when you were assistant director for
12 operations?

13 A. I am referring to the time I was assistant director for
14 operations.

11:27:39 15 Q. When you were at the Executive Mansion, were there
16 occasions when President Taylor would receive guests?

17 A. Yes, that's quite correct.

18 Q. And were some of those guests from other countries, foreign
19 officials, for example?

11:27:54 20 A. Yes, he would receive foreign guests.

21 Q. Was there some kind of ceremonial framework for the
22 welcoming of foreign guests?

23 A. Ceremonial ones would be done for ambassadors when they
24 come to present their letters of credence.

11:28:15 25 Q. And for others not ambassadors, what was the protocol
26 regarding how they were received when they came to the Executive
27 Mansion?

28 A. When you come to the Executive Mansion, you will be dropped
29 off at the entrance. You will go through the reception.

1 Security personnel and the protocol would lead you to the
2 elevator, to the guesthouse - I mean, to the waiting room on the
3 President's floor, that's the fourth floor. You would be there
4 until you are announced by the protocol to go and see the
11:28:47 5 President.

6 Q. Who was Mr Taylor's chief of protocol during most of his
7 presidency?

8 A. Honourable Musa Cisse, the late.

9 Q. Was there a back entrance to the Executive Mansion?

11:29:01 10 A. Yes, there was a back entrance, yes.

11 Q. Was there one or more such entrances?

12 A. More than one.

13 Q. At any time when you were assistant director for
14 operations, were guests of the President ushered in through the
11:29:18 15 back entrance?

16 A. No, there is no guests of the President ushered through the
17 back entrance.

18 Q. If a guest came in through the front entrance, would they
19 be visible to others within the various floors of the building?

11:29:37 20 A. If you are going straight to the fourth floor to the
21 President's floor, you will only be visible to those at the
22 reception.

23 MR ANYAH: I see the time.

24 PRESIDING JUDGE: We will have to take that after the
11:29:54 25 morning break. We will adjourn until 12 o'clock.

26 [Break taken at 11.30 a.m.]

27 [Upon resuming at 12.00 p.m.]

28 MS IRURA: Your Honour, the LiveNote connection appears to
29 have been broken. Perhaps a technician would be able to assist.

1 PRESIDING JUDGE: I'm afraid mine has disappeared off the
2 screen completely.

3 MS IRURA: Your Honour, the Internet appears not to be
4 functional. In the present circumstance if my LiveNote continues
12:02:08 5 to function perhaps I can broadcast my LiveNote.

6 PRESIDING JUDGE: Mr Anyah, I'm afraid you can't continue
7 until either we've received a broadcast from the Court Officer,
8 or the LiveNote has been restored.

9 MS IRURA: Your Honour, if the users can press "PC 1" on
12:02:39 10 the panel next to their monitors they would be able to view
11 LiveNote that is being broadcast from the Court Officer's
12 position.

13 PRESIDING JUDGE: Mr Anyah, perhaps we can proceed and see
14 how far we get.

15 MS IRURA: Your Honour, unfortunately my LiveNote appears
12:04:21 16 to have scrambled.

17 PRESIDING JUDGE: Can we be assured that the technical
18 people are working on this? Or how should we proceed?

19 MS IRURA: Your Honour, it seems to now be - it will
12:04:42 20 continue to experience error messages, but I can assure the Court
21 that the proceedings are being recorded and presently it seems to
22 be functioning properly from my position.

23 PRESIDING JUDGE: Okay. We will have to proceed slowly
24 though, Mr Anyah. Slowly, bearing in mind that we can't do any
12:05:14 25 corrections on our own screens.

26 MR ANYAH: Certainly, Madam President.

27 PRESIDING JUDGE: Please proceed.

28 MR ANYAH:

29 Q. Mr Smythe, before the break we were talking about the

1 Executive Mansion in Monrovia and the question you were answering
2 had to do with whether or not someone who entered the building
3 could be observed by those who were within the building. Now,
4 when the President received a guest - Madam President, it appears
12:05:48 5 that the LiveNote now is no longer functioning. When the
6 President received a guest during the period of time when you
7 were assistant director for operations of the SSS at the
8 Executive Mansion, would that guest upon entering the building be
9 visible to others within the building?

12:06:11 10 A. Yes, he will be visible to others within the building.

11 Q. Is there a way to usher in - or was there a way at that
12 time to usher someone into that building such that they would not
13 be visible entering through the front of the building?

14 A. Any part of the entrances to the Executive Mansion you have
12:06:29 15 to be visible because we have security presence everywhere.

16 Q. Mr Munyard suggested a possible confusion in all of this
17 about the assignment of floors to levels of buildings. I
18 understand the UK has a different terminology than the American
19 way. When you referred to the floor above your basement office
12:06:57 20 as the first floor, when you say something is on the first floor
21 in Liberia are you referring to the street level or the ground
22 floor?

23 A. The street level.

24 Q. And the second floor would be the floor directly above that
12:07:14 25 that is on the street level?

26 A. Yes.

27 Q. Mr Smythe, during President Taylor's presidency after he
28 moved in to White Flower did you have the opportunity to visit
29 White Flower?

1 A. Yes, I visited White Flower many times.

2 Q. Were you still engaged as assistant director of operations
3 for the SSS after January 1999?

4 A. Yes.

12:07:54

5 Q. Was White Flower a governmental or private residence of
6 Mr Taylor?

7 A. White Flower was the private residence of Mr Taylor.

8 Q. Was his family housed at White Flower during his
9 presidency?

12:08:07

10 A. Yes.

11 Q. Were SSS personnel assigned to White Flower during his
12 presidency?

13 A. Yes, SSS personnel s were assigned there.

12:08:25

14 Q. What forms of access, if any, did you have to the interior
15 of White Flower during his presidency?

16 A. When you say what form of entrance, what do you mean?

17 Q. I mean access. Were you allowed to go into the interior of
18 White Flower as assistant director for operations?

19 A. Yes.

12:08:46

20 Q. How many levels does this place White Flower have, the
21 building?

22 A. White Flower has an underground, another floor on the
23 street level and another one on top.

24 Q. Did you have access to all parts of White Flower - let's
25 say all floors or levels of White Flower during President
26 Taylor's presidency?

12:09:06

27 A. Not all the time.

28 Q. On which occasions were you not allowed access to certain
29 parts of White Flower?

1 A. I'm not - not necessarily not allowed but I will only go to
2 the President's residence in his room whenever I'm asked to do
3 so.

12:09:38 4 Q. On a daily basis, would you have occasion to go to White
5 Flower during President Taylor's presidency?

6 A. Yes.

7 Q. Did your work encompass providing security for him, either
8 supervisory or doing it yourself?

9 A. Yes, it entails that, yes.

12:09:54 10 Q. During that period of time did you have occasion to see
11 visitors who came to White Flower?

12 A. Yes, I saw visitors that came to White Flower, yes.

13 Q. How long was your average shift when you worked as
14 assistant director for operations of the SSS?

12:10:18 15 A. My shift is 24/7.

16 Q. 24/7 means?

17 A. 24 hours a week, every day.

18 Q. Is that the same thing as being on call at any time?

19 A. Exactly.

12:10:33 20 Q. For working purposes?

21 A. Yes.

22 Q. Were there circumstances where you would be at White Flower
23 in the evenings?

24 A. Yes.

12:10:43 25 Q. Were there circumstances where you would be at White Flower
26 during the weekends?

27 A. Yes.

28 Q. Do you know somebody by the name of Zigzag Marzah?

29 A. Zigzag Marzah? I know him to be a bodyguard to Benjamin

1 Yeaten.

2 Q. When did you know him as such?

3 A. I knew him to be a bodyguard to Benjamin Yeaten between
4 1998 going onwards.

12:11:23 5 Q. What rank, if any, do you know Zigzag Marzah to have held
6 within the SSS?

7 A. No, he was not a member of the SSS.

8 Q. He was a bodyguard to Benjamin Yeaten but not a member of
9 the SSS?

12:11:39 10 A. That's correct.

11 Q. Was he in any way an official or member of any division or
12 unit of the Liberian government when he served as bodyguard to
13 Benjamin Yeaten?

14 A. I only knew him to be bodyguard to Benjamin Yeaten and
12:11:56 15 that's all.

16 Q. Was he the only --

17 JUDGE DOHERTY: That doesn't answer the question, Mr Anyah.

18 MR ANYAH: I appreciate that. I'm trying to --

19 PRESIDING JUDGE: Was he a private bodyguard?

12:12:14 20 MR ANYAH: I will clarify.

21 PRESIDING JUDGE: Is that what the witness is saying?

22 MR ANYAH: I will clarify:

23 Q. Mr Smythe, when he served as bodyguard to Benjamin Yeaten
24 was he under some sort of official structure within the Liberian
12:12:27 25 government?

26 A. No, not that I know of.

27 Q. Do you know whether he was employed privately by Benjamin
28 Yeaten?

29 A. Yes, I think he's employed privately by Benjamin Yeaten,

1 yes.

2 Q. Did Benjamin Yeaten during President Taylor's presidency
3 have other bodyguards besides Zigzag Marzah to your knowledge?

4 A. Yes, he has other bodyguards who are members of the SSS.

12:12:57 5 Q. Were all of his other bodyguards to your knowledge members
6 of the SSS?

7 A. The ones I know are members of the SSS, yes.

8 Q. This fellow Zigzag Marzah, do you know whether or not he
9 served as a witness in this case?

12:13:23 10 A. I read from the newspapers that he was a witness here.

11 Q. Do you recall anything from what you read about what he
12 said to these Justices when he was here?

13 A. Yes, I think I can remember some, yes.

14 Q. What did you read about his testimony here?

12:13:42 15 A. In one of the newspaper captions he said he and Mr Taylor
16 used to eat together, they ate human being together and so forth.

17 Q. In what?

18 A. In one of his testimonies he said he and Mr Taylor ate a
19 human being together. I read that on the newspaper one time.

12:14:08 20 Q. In all the time that you were with Mr Taylor, Mr Smythe,
21 from 1990 when you went to Liberia did you know him to eat human
22 beings?

23 A. No, when I heard that it sounds ridiculous to me.

24 Q. Do you know during the period of time when you were with
12:14:31 25 Mr Taylor whether he belonged to any societies or organisations
26 that sanctioned cannibalism?

27 A. No.

28 Q. What does that mean no, he did not belong?

29 A. He didn't belong to any society that sanctioned

1 cannibalism.

2 Q. This fellow Zigzag Marzah, did you ever see him at White
3 Flower?

12:14:59

4 A. The only time I see him at White Flower is outside of White
5 Flower, not inside.

6 Q. When you say outside, do you mean outside the premises of
7 White Flower?

12:15:13

8 A. Outside the premises of White Flower because he normally
9 comes with Benjamin Yeaten and he will remain by the car while
10 Benjamin goes inside the fence.

11 Q. How often would you say you saw him outside the fence of
12 White Flower?

13 A. Not quite often because Benjamin's house is not too far
14 from White Flower, so most of the time he will come alone.

12:15:34

15 PRESIDING JUDGE: Who would come alone?

16 THE WITNESS: Benjamin will come alone without any
17 bodyguard so Zigzag Marzah will not be with him.

18 MR ANYAH:

12:15:46

19 Q. During the time when you worked for President Taylor did
20 you ever see Zigzag Marzah within the four corners or the fence -
21 inside the fence of White Flower?

22 A. No, I never saw him inside White Flower - inside the fence
23 of White Flower.

12:16:00

24 Q. During the time when you worked for Mr Taylor did you ever
25 see Zigzag Marzah inside the building that is White Flower?

26 A. No, I never saw him inside the building of White Flower.

27 Q. To your knowledge, what ranks, if any, were assigned to
28 bodyguards of Benjamin Yeaten within the SSS?

29 A. I don't know their ranks, but it shouldn't be above

1 captain.

2 Q. Do members of the SSS, to your knowledge, who are below or
3 at the rank of captain have access to the President when he meets
4 with others?

12:16:46 5 A. Even directors don't have access at all times when the
6 President meets with others.

7 Q. Would somebody like Zigzag Marzah, to your knowledge, be
8 present, in the presence of President Taylor, when he was having
9 a meeting with somebody at White Flower?

12:17:02 10 A. No. He cannot be in the presence of Mr Taylor during his
11 meeting with somebody at White Flower.

12 Q. Do you know to which tribe Zigzag Marzah belongs?

13 A. Zigzag Marzah came from Nimba County. He should either be
14 a Gio or a Mano. I'm not sure which tribe he came from.

12:17:22 15 Q. With reference to the Executive Mansion, do you know
16 whether someone like Zigzag Marzah would be present on the fourth
17 floor in the vicinity of the President of the Republic of Liberia a
18 when he was hosting guests or visitors?

19 A. No, that's not possible.

12:17:38 20 Q. And why not?

21 A. Because he is not, you know, security to the President, so
22 only securities that are assigned to be around the President at
23 the time that will probably see somebody entering the President's
24 office for meetings.

12:17:53 25 Q. During the time when you were director of operations -
26 assistant director of operations for the SSS, at any point in
27 time, do you recollect the SSS assigning Zigzag Marzah on a
28 formal mission?

29 A. No. Zigzag Marzah was not a member of the SSS, so he

1 cannot be assigned by the SSS on any formal mission.

2 Q. Have you ever heard of somebody named Varmuyan Sherif?

3 A. Yes.

4 Q. Who is Varmuyan Sherif, if you know?

12:18:29 5 A. Varmuyan Sherif was assistant director for operations for
6 SSS whom I succeeded.

7 Q. During what years was Varmuyan Sherif assistant director
8 for operations of the SSS?

9 A. From 1997 going towards 1998. That was during the
12:18:59 10 presidency of Mr Taylor you are referring to, right?

11 Q. Yes.

12 A. Yes, from the time of his election in 1997 towards 1998.

13 Q. Do you know if he occupied any positions during the Council
14 of State?

12:19:11 15 A. Yes. He was assistant director representing ULIMO group.

16 Q. Assistant director for what?

17 A. For operations for the SSS.

18 Q. Which of the ULIMO groups did he represent?

19 A. He represented ULIMO-K.

12:19:24 20 Q. And ULIMO-K is assigned or attached to Alhaji Kromah?

21 A. That's quite correct.

22 Q. Was it from the time 1995 that he began serving as
23 assistant director for operations?

24 A. Yes. During the Council of State, yes.

12:19:49 25 Q. When Mr Taylor was elected President, are you saying that
26 Mr Taylor retained him in that position?

27 A. That's quite correct. He was retained as assistant
28 director when Mr Taylor became President.

29 PRESIDING JUDGE: Mr Anyah, could I ask both of you to slow

1 down. The record is very unsatisfactory as things are. A lot of
2 what you are saying is being skipped and I imagine it's because
3 you are going a little fast.

4 MR ANYAH: Yes, Madam President.

12:20:10 5 PRESIDING JUDGE: So please slow down a bit.

6 MR ANYAH: I am seeing all sorts of numbers in the middle
7 of the LiveNote transcript and they seem to be the hour
8 notations.

9 PRESIDING JUDGE: The numbers are not important because
12:20:23 10 those are the hour notations, they should be there on the master
11 copy, but it's when the text of the evidence goes missing, that
12 is not very useful.

13 MR ANYAH:

14 Q. Mr Smythe, this fellow, Varmuyan Sheriff, you say you
12:20:45 15 succeeded him in 1998 as assistant director?

16 A. That's correct.

17 Q. Under what circumstances, if you know, did he leave the
18 position of assistant director?

19 A. Varmuyan, as I learned, was involved in something contrary
12:21:02 20 to the ethics of the service and he was arrested at one point,
21 put in jail and was dismissed from the service.

22 Q. When you say he was involved in something contrary to the
23 ethics of the service, what are you referring to?

24 A. He did something. I can't be precise what actually he did.
12:21:22 25 But he did something wrong that warranted his arrest, detention
26 and subsequent dismissal.

27 Q. Was he, in fact, arrested?

28 A. Yes, he was arrested.

29 Q. Was he, in fact, detained?

1 A. Yes, he was detained.

2 Q. And after his dismissal, do you know where he went?

3 A. After his dismissal, after he was released, at one point he
4 went off his mind. He just - he got crazy for some time.

12:21:49 5 Q. What do you mean he went off his mind, he got crazy?

6 A. Yes, he got crazy. He went off. He was not a sound human
7 being. He got crazy at some point.

8 Q. What point was that, if you know the year, can you tell us?

9 A. That was the time he was relieved of his duties in 1998.

12:22:07 10 Q. Was he mentally incompetent, or as you say crazy, at the
11 time he was relieved of his duties, or did that happen after he
12 left the position?

13 A. After he left the position.

14 Q. Do you know if he remained in Liberia after he left the

12:22:29 15 position?

16 A. When he got sick, he was assisted by some family members to
17 go outside for treatment.

18 Q. Do you know to where he went?

19 A. I learned he was taken to Mali.

12:22:47 20 Q. Did you ever see him again in Liberia after that?

21 A. After that, I never saw him again.

22 Q. When Varmuyan Sherif was assistant director for operations,
23 you told us you - well, let me ask you: What was your assignment
24 within the SSS when Varmuyan Sherif was assistant director for
12:23:15 25 operations?

26 A. I was one of the SS officers assigned to Mr Taylor -
27 President Taylor at the time.

28 Q. Can you describe for us how closely, if you know, Varmuyan
29 Sherif worked with Mr Taylor on a day-to-day basis during that

1 period of time?

2 A. Well, if you want me to elaborate a little. The position
3 SSS assistant director for operations also goes with trust. Not
4 everybody that occupied that position will be so close to the
12:23:50 5 President, because the President has to feel comfortable with
6 somebody as an officer to be very close to him. So normally when
7 I was - the time I was an SS officer, when Varmuyan Sheriff comes
8 to White Flower, he will be outside with the motorcade. And when
9 the motorcade vehicle of the President come outside, we all
12:24:10 10 follow the President to the mansion. And he will not even have
11 access to the fourth floor, except his office. He will be
12 confined to his office.

13 PRESIDING JUDGE: If you look at the LiveNote record, "When
14 the motorcade of the vehicle of the President came outside, we
12:24:29 15 all follow to the mansion. He will not even access to the
16 residence," I don't know what any of that means.

17 THE WITNESS: Can I repeat that, please?

18 PRESIDING JUDGE: Yes, please, and slowly.

19 THE WITNESS: Yes. What I'm trying to say is, all the time
12:24:44 20 he was assistant director of operations he will come to White
21 Flower, yes, but he will remain out of the fence of White Flower
22 within the - while the motorcade is parked. So whenever the
23 President is ready to depart, a signal will be given to everybody
24 and everybody will board their vehicles. The President's vehicle
12:25:03 25 will slowly roll from inside the White Flower and every other
26 security personnel will join the convoy to the Executive Mansion.
27 This is what I'm trying to explain.

28 MR ANYAH:

29 Q. Was there some reason why Varmuyan Sheriff remained outside

1 the fence of White Flower when he came there?

2 A. Well, there could be reasons. There could be a reason of -
3 I mean, sometimes trust and other things.

4 Q. What do you mean "there could be a reason"? Are you
12:25:32 5 suggesting something to the Court?

6 MR KOUJIAN: The witness is being asked to speculate, and
7 I would note that most of his testimony since the break has been
8 given without counsel giving any foundation from the witness for
9 the basis of his knowledge. I add that because we were, during
12:25:50 10 our case, often asked to ask witnesses additional questions. So
11 all of this knowledge of these individuals who are Prosecution
12 witnesses, generally, the witness has given no basis, for
13 example, his medical opinion as to the mental status of the
14 person.

12:26:08 15 MR ANYAH: Well, if I may respond. As I ask each question,
16 the discretion remains with learned counsel to object and I've
17 not heard an objection. And, secondly, most of the questions
18 revolve around the witness's tenure as assistant director for
19 operations and otherwise within the employ of the SSS and they
12:26:29 20 relate to other SSS personnel. They relate to premises or
21 properties that the witness has testified he had access to, and I
22 think in the totality the foundation is there. I don't have to
23 regurgitate the same factual basis for each question that I ask
24 each time I ask it.

12:26:48 25 PRESIDING JUDGE: Right. I will rule on these comments and
26 objections in this way: Relating to the lack of foundation, I
27 think that objection is overruled. However, relating to the
28 immediately last question where you were asking reasons why
29 Varmuyan Sheriff would remain in the car, I think that is calling

1 for speculation, because unless the witness either spoke to the
2 President or to Varmuyan, you are asking for speculation, and I
3 think that question cannot be allowed.

4 MR ANYAH: I appreciate that:

12:27:28 5 Q. Mr Smythe, in respect of Varmuyan Sherif, what, if
6 anything, do you know about his relationship with President
7 Taylor during President Taylor's administration?

8 A. I don't know of any other relationship beside being an SS
9 assistant director at the time.

12:27:52 10 PRESIDING JUDGE: Now, Mr Anyah, I'm sorry to interrupt
11 again, but we're advised to switch back to the LiveNote because
12 it's now working. If Madam Court Manager could guide us
13 technically what we should do to get back to the LiveNote.

14 MS IRURA: Your Honours, it entails reconnecting to
12:28:15 15 LiveNote by going to the "connect" button at the bottom of your
16 screens and I will walk around to try and assist everyone.

17 PRESIDING JUDGE: Mr Anyah, I really apologise because this
18 technical equipment is giving us problems but I think now
19 everybody is back on LiveNote and you may proceed.

12:33:17 20 MR ANYAH:

21 Q. Mr Smythe, let's pause for a minute. You told us that
22 President Taylor allowed Varmuyan Sherif to continue in the
23 position of assistant director for operations when Mr Taylor was
24 elected President?

12:33:40 25 A. Yes, that's correct.

26 Q. Was he the only such person - I'm referring to those who
27 had appointments during the period of the Council of State - that
28 was allowed to remain in their position when Mr Taylor became
29 President, to your knowledge?

1 A. Are you referring to the SSS or the other government
2 agencies?

3 Q. Any branch of government?

12:33:59

4 A. Yes, a lot of people remained in their positions when he
5 became President, yes.

6 Q. Do you know whether some of those others who remained in
7 their respective positions were members of other warring
8 factions, not the NPFL, during the Liberian civil conflict?

9 A. Yes, that's correct.

12:34:16

10 Q. Do you know - I'm sorry, go ahead?

11 A. Yes, there were members - there were other members who
12 retained their position who were not members of the NPFL, yes, or
13 NPP [indiscernible].

12:34:32

14 MR KOUMJIAN: Excuse me, I'm sorry for being late but I
15 wanted to look up the reference. I believe counsel just asked
16 about the Council of State. Varmuyan Sherif remaining in the
17 position. But if you look at my LiveNote at the end of page 82
18 the last two lines when counsel asked him the years Varmuyan
19 Sherif was assistant director for operations the answer was from
12:34:53 20 1997 going towards 1998. "That was during the presidency of
21 Taylor you are referring to?" The answer was, "Yes, from the
22 time of his election in 1997 towards 1998."

23 PRESIDING JUDGE: Yes, I think counsel opposite has a
24 point. The questions would seem to be contradictory inherently.

12:35:19

25 MR ANYAH: Madam President, there was also a question posed
26 by me in relation to Varmuyan Sherif. I'm referring to page 83,
27 my line 6 through 10, 12 point font. The question was:

28 "Q. Do you know if he occupied any positions during the
29 Council of State?"

1 A. Yes, he was assistant director representing ULIMO
2 group.

3 Q. Assistant director for what?

4 A. For operations for the SSS."

12:35:54 5 That is the basis upon which I asked this question.

6 PRESIDING JUDGE: You are right, Mr Anyah. Please proceed.

7 MR ANYAH: Thank you, Madam President:

8 Q. Mr Smythe, those who formed part of President Taylor's
9 government who during the civil conflict belonged to a warring

12:36:16 10 faction other than the NPFL, to your knowledge were they held to
11 the same level of trust as those who were NPFL members?

12 MR KOUJIAN: Objection. Vague. Whose trust? It's
13 absolutely unclear from the question whether it's the witness's
14 trust or whose trust the question is referring to.

12:36:40 15 PRESIDING JUDGE: Mr Anyah, whose trust?

16 MR ANYAH:

17 Q. Mr Smythe, you worked closely with President Taylor?

18 A. Yes.

19 Q. Do you know whether President Charles Taylor held those who
12:36:54 20 worked for him having been members of other warring factions
21 during the civil conflict to the same degree of trust as those
22 who were former NPFL members?

23 A. Yes.

24 PRESIDING JUDGE: That's one of those ambiguous answers.

12:37:13 25 MR ANYAH:

26 Q. When you say yes, can you elaborate?

27 A. Yes, he trusted them equally, yes.

28 Q. Were other directors - assistant directors of the SSS, to
29 your knowledge, allowed to enter the premises of White Flower

1 during the period of time Varmuyan Sheriff served as assistant
2 director for operations?

3 A. White Flower is a private residence and the only time - you
4 only enter White Flower when you are allowed to enter White
12:37:45 5 Flower. Not because of being a director. Not all directors
6 would enter White Flower because being a private residence. So
7 you can only enter White Flower, you know, based on permission to
8 enter there.

9 Q. Let me ask you my question again. I appreciate your
12:38:00 10 answer. My question was specific to the time period when
11 Varmuyan Sheriff was assistant director. The question was were
12 other assistant directors of the SSS during that period of time
13 separate and apart from Varmuyan Sheriff, were those others
14 allowed to enter the premises of White Flower?

12:38:18 15 A. You would only be allowed if you are called upon to go to
16 White Flower.

17 Q. At any point in time when Varmuyan Sheriff was assistant
18 director for operations do you recall seeing him within the
19 premises of White Flower - inside?

12:38:35 20 A. No, I can't recall seeing him inside White Flower.

21 Q. During your tenure as assistant director for operations did
22 you ever have occasion to go into the premises of White Flower?

23 A. Yes, I have occasions to go into the premises of White
24 Flower.

12:38:54 25 Q. When you told us a few minutes ago that Varmuyan Sheriff
26 went crazy, what is the basis for that information? What is your
27 knowledge base?

28 A. I heard from people that he was crazy. I didn't see him
29 but I heard from people that he went off.

1 Q. Which people did you hear this from?

2 A. I heard it from the securities around.

3 Q. And what do you mean "he went off"?

4 A. When I say he went off, it means, you know, he was mentally
12:39:23 5 disturbed.

6 MR ANYAH: May the witness please be shown Prosecution
7 exhibit 153B.

8 PRESIDING JUDGE: While that is being shown to the witness
9 could I inquire of the witness: Mr Smythe, you testified that
12:39:54 10 Varmuyan Sheriff was relieved of his duties from the SSS in 1998.

11 THE WITNESS: Yes.

12 PRESIDING JUDGE: Could you be specific about the month?

13 THE WITNESS: No, I can't remember the month actually.

14 PRESIDING JUDGE: What part of 1998?

12:40:09 15 THE WITNESS: Well, I think it should be towards the middle
16 of 1998.

17 PRESIDING JUDGE: Thank you.

18 MR ANYAH:

19 Q. Mr Smythe, can you see that photograph?

12:40:37 20 A. Yes, I can see the photograph.

21 Q. Mr Smythe, how many persons are pictured in this
22 photograph? I'm not asking for names. How many people do you
23 see pictured?

24 A. I can see three persons.

12:41:16 25 Q. Do you recognise anyone in this photograph?

26 A. Yes.

27 Q. Who do you recognise?

28 A. I recognise the one in the white suit.

29 Q. What is that person's name?

1 A. His name is Ibrahim. Ibrahim Bah.

2 Q. Is this the same person you testified to previously as
3 being a Special Forces trained in Libya?

4 A. That's correct.

12:41:48 5 Q. I see you squinting.

6 A. No, I can see it.

7 Q. Do you wish to actually hold the exhibit and look at it
8 closely? We want you to be sure about your identification.

9 A. Yes, okay, thank you.

12:42:01 10 MR ANYAH: Madam Usher, can you give him the document to
11 look at and then put it back on the screen.

12 THE WITNESS: Yes, this is Ibrahim Bah, yes.

13 MR ANYAH:

14 Q. A Gambian?

12:42:23 15 A. Senegalese.

16 Q. Senegalese. Alias Balde?

17 A. Yes, correct.

18 Q. Do you recognise anyone else in that photograph?

19 A. Yes, I recognise the boy in the gown, even though I don't
12:42:43 20 know his name but I used to see him with the late Musa Cisse.

21 PRESIDING JUDGE: When the witness says Senegalese, is this
22 referring to the nationality of Ibrahim Bah?

23 THE WITNESS: That's correct, your Honour.

24 MR ANYAH:

12:42:59 25 Q. This fellow in the gown you say you used to see with the
26 late?

27 A. Musa Cisse.

28 Q. Do you know the person's name?

29 A. No, I don't know his name.

1 Q. And Musa Cisse you told us previously occupied what
2 position?

3 A. Musa Cisse was chief of protocol at the Executive Mansion.

4 Q. Do you recognise anyone else in this photograph?

12:43:23 5 A. No.

6 MR ANYAH: I have, Madam President, a black and white copy
7 of the photograph. It's usually not permitted that the witness
8 mark what's already admitted so I won't make any such request,
9 but I don't intend to ask him to mark Ibrahim Bah and to make
10 this an exhibit. I don't know if the Court wishes that that is
11 done, but for our purposes we don't - and I don't in any event
12 have a colour copy of it.

12:43:43 10 this an exhibit. I don't know if the Court wishes that that is
11 done, but for our purposes we don't - and I don't in any event
12 have a colour copy of it.

13 PRESIDING JUDGE: In any event, the exhibit is already in
14 evidence and I think the witness has described the individual
15 sufficiently.

12:44:08 15 sufficiently.

16 MR ANYAH: Thank you:

17 Q. Mr Smythe, how many bodyguards, to your knowledge, did
18 Benjamin Yeaten have at any one period in time during President
19 Taylor's presidency?

12:44:36 20 A. I don't know the number to make - to be exact. I don't
21 know the number of bodyguards he has.

22 Q. During the years when you were assistant director for
23 operations, do you remember the names of any of his bodyguards?

24 A. Yes.

12:44:55 25 Q. Can you give us some of those names?

26 A. Yes, I remember the name Zigzag Marzah as one of his
27 bodyguards.

28 Q. Yes?

29 A. The other people, I know them by face but I don't actually

1 know all their names.

2 Q. So if you saw a photograph of them, you would be - well, I
3 withdraw that. You've said you recognise them by sight?

4 A. Yes.

12:45:22 5 Q. Have you heard of somebody named Daniel Tamba before?

6 A. Daniel Tamba. No, I can't recall. I can't recall hearing
7 any name like that.

8 Q. Did you know whether Benjamin Yeaten at any point in time
9 had somebody named Daniel Tamba serving as his bodyguard?

12:45:45 10 A. I can't recall that.

11 Q. Have you heard the name of someone called Jungle?

12 A. I heard the name Jungle but I don't know who it refers to.
13 I hear Jungle but I don't know who it refers to.

14 Q. Under what circumstances did you hear the name Jungle
15 before?

12:46:06 16 A. I would hear people saying Jungle, but I don't know who was
17 Jungle.

18 Q. Let's talk about Benjamin Yeaten. Did you report to
19 Benjamin Yeaten when you were assistant director for operations?

12:46:22 20 A. Yes, I would report to him as my immediate boss when I was
21 assistant director for operations for SSS.

22 Q. Between you and Benjamin Yeaten was a deputy director?

23 A. Yes, there was a deputy director.

24 Q. Did you also report to that deputy director?

12:46:38 25 A. Yes, I would report to my deputy director also.

26 Q. Joseph Montgomery?

27 A. That's correct, yes, Joseph Montgomery.

28 Q. Benjamin Yeaten, you told us, lived not too far away -
29 well, I don't believe it was White Flower. How far away from

1 White Flower did Benjamin Yeaten live, if you know?

2 A. Benjamin Yeaten lived not too far from White Flower. Maybe
3 about two, three minutes to five minutes' walk from White Flower.

12:47:11

4 Q. Indeed, you told us before, often times he would walk -
5 walk to White Flower?

6 A. That's correct.

7 Q. To your knowledge, at any time on any given day, did
8 Benjamin Yeaten have access or rights of audience with President
9 Taylor?

12:47:31

10 A. Yes. As director of SSS, yes.

11 Q. Could he, for example, just walk into White Flower during
12 President Taylor's administration --

13 A. Yes, he --

14 Q. -- and have immediate access to Mr Taylor?

12:47:44

15 A. Yes, he will walk to White Flower, but he has to ask the
16 special attendants to know the position of President before he
17 can walk in.

18 Q. As director of the SSS, was Benjamin Yeaten able to
19 authorise activities of other governmental agencies and branches?

12:48:11

20 A. No, he cannot authorise activities of other government
21 agencies and branches.

22 Q. Did he have in reality control - not talking of legal or
23 official control, but did he have practical control over the
24 administration of any other governmental agency or unit?

12:48:31

25 A. No, he doesn't have control over any other government
26 agency or unit.

27 Q. Was there in existence when you were assistant director of
28 the SSS something called the ATU?

29 A. Yes, there was - that was the ATU, yes.

1 Q. Who was the head of the ATU during that period of time?

2 A. The ATU, are you talking about from its formation or as it
3 was - because it has two commanders.

4 Q. Well, let's focus on the period when you were assistant
12:49:04 5 director for operations of the SSS.

6 A. When I was assistant director of SSS, Momo Dgi ba was
7 commander of the ATU.

8 Q. Was the ATU part of the organisational structure of the
9 SSS?

12:49:21 10 A. The ATU was an auxiliary branch of the SSS.

11 Q. Did Liberia have an armed forces during the time when you
12 were assistant director for operations?

13 A. Yes, the Armed Forces of Liberia was still in existence.

14 Q. Who was the chief of staff, if there was any such position
12:49:43 15 then, of the Armed Forces of Liberia?

16 A. When I became assistant director, it was General Kpenkpa Y
17 Konah who was chief of staff of the Armed Forces of Liberia.

18 Q. I believe that name is on the record. It's Kpenkpa Y
19 Konah, I believe, and it's a difficult spelling, but I do believe
12:50:02 20 it's on the record.

21 PRESIDING JUDGE: Mr Anyah, it would be safer to record it
22 because it's just not in the records now. I have no recollection
23 that it is, but if you have a spelling, there's no harm in
24 repeating it.

12:50:15 25 MR ANYAH: I will have a spelling in a minute or so, Madam
26 President:

27 Q. General Konah, for how long --

28 MR KOUMJIAN: Excuse me, your Honour, this being - the
29 witness says the head of the armed forces, I believe the witness

1 should be asked to spell the name. If he doesn't know it, that
2 itself is interesting.

3 MR ANYAH: That's fair enough. I can ask Mr Smythe:

4 Q. Mr Smythe, can you spell Kpenkpa Y Konah?

12:50:42 5 A. No, I can't spell it, to be very frank.

6 PRESIDING JUDGE: Please proceed.

7 MR ANYAH: Thank you, Madam President:

8 Q. Mr Konah, was he, to your knowledge, associated with any of
9 the warring factions during the Liberian civil war?

12:51:01 10 A. Not that I know of.

11 Q. Was he, to your knowledge, a member of the Armed Forces of
12 Liberia during the Liberian civil war?

13 A. Yes, he was a member of the Armed Forces of Liberia during
14 the Liberian civil war.

12:51:17 15 Q. What rank, if any, did he attain during the years when you
16 were assistant director for operations?

17 A. He attained the rank of lieutenant general.

18 Q. Could Benjamin Yeaten, to your knowledge, instruct General
19 Konah to undertake certain military activities during the time
12:51:39 20 you were assistant director for operations?

21 A. Benjamin Yeaten could not --

22 MR KOUMJIAN: Objection. That calls for speculation. How
23 would this - there's no basis, foundation for this witness to
24 have that knowledge.

12:51:48 25 MR ANYAH: Well, the witness had said previously in
26 responses to questions that Benjamin Yeaten could not - did not
27 in reality exercise control, and I'm referring to page 99 on my
28 LiveNote, my lines 7 through 11. I had posed the question there.

29 PRESIDING JUDGE: Yes, but the way you are asking this

1 specific question, it does call for speculation.

2 MR ANYAH: I appreciate that. I will continue:

3 Q. Mr Smythe, to your knowledge, were there occasions when
4 Benjamin Yeaten had to work in conjunction with the Armed Forces
12:52:34 5 of Liberia during your time as assistant director for operations?

6 A. Yes, there were times when he worked in conjunction with
7 the AFL, yes.

8 Q. During those times, was General Konah the head of the AFL?

9 A. Yes, General Konah was the head of the AFL.

12:52:52 10 Q. During those times, to your knowledge, was General Konah
11 ever subordinated to Benjamin Yeaten?

12 A. No, at no time did I know that he was subordinated to
13 Benjamin Yeaten.

14 Q. During those times, to your knowledge, did Benjamin Yeaten
12:53:02 15 ever direct AFL operations?

16 A. No. To the best of my knowledge, no, I don't know if he
17 directed any operation of the AFL.

18 Q. Were there any occasions, to your knowledge, during
19 President Taylor's presidency, when disciplinary action was taken
12:53:28 20 against Benjamin Yeaten?

21 A. Yes, I could recall that, yes.

22 Q. Under what circumstances did that happen?

23 A. That happened when the death of the late Sam Dokie
24 happened.

12:53:44 25 Q. The death of who?

26 A. Samuel Dokie, the former Speaker of the interim assembly.

27 Q. When did Samuel Dokie die?

28 A. Samuel Dokie died, I think it's - it was in 1989 - '99. I
29 mean, '98 - I mean, '98, '99. I don't know specifically which

1 month, but he was --

2 Q. Was that during your tenure as assistant director?

3 A. Yes, I was assistant director. But when it happened I was
4 not in the country. I can't remember where I went, but I was not
12:54:21 5 in the country when it happened.

6 Q. Were you in the country when you say Benjamin Yeaten was
7 disciplined?

8 A. Yes. He was suspended and put under house arrest.

9 Q. Can I ask you this: Under what circumstances did Samuel
12:54:35 10 Dokie die?

11 A. I was not present, but I heard Benjamin ordered his arrest
12 and the people who went to arrest him eventually killed him.

13 Q. Do you know whether Benjamin Yeaten was following orders
14 when he ordered the arrest of Samuel Dokie?

12:54:56 15 A. I don't know whether he was ordered to do so.

16 Q. Do you know who suspended Benjamin Yeaten?

17 A. Benjamin was suspended by the President, President Taylor.

18 Q. Do you know why Benjamin Yeaten was suspended by President
19 Taylor?

12:55:16 20 A. He was suspended by President Taylor because he ordered the
21 arrest of Dokie and that was not an instruction from Mr Taylor.

22 Q. Because who ordered the arrest of Samuel Dokie?

23 A. Benjamin Yeaten ordered the arrest of Samuel Dokie.

24 Q. And you said that was not --

12:55:34 25 A. It was not - he was not ordered by President Taylor to do
26 that.

27 Q. You also said that Benjamin Yeaten - you said at my line 9
28 of page 103, "He was suspended and put under house arrest."

29 A. Yes, that's correct.

1 Q. For how long did the suspension last, if you know?

2 A. No, I don't know how long, but it took some time when the
3 investigation was on.

4 Q. There was an investigation?

12:56:06 5 A. Yes, there was an investigation.

6 Q. Who asked for the investigation to be undertaken?

7 A. President Taylor did.

8 Q. Do you know who undertook that investigation?

9 A. Quite frankly, it involved some security - heads of
12:56:21 10 security agencies. I think the NSA, the national security. I
11 can't be specific, but heads of security agencies were involved
12 in the investigation.

13 Q. Was that an official or unofficial investigation?

14 A. It was an official investigation.

12:56:37 15 Q. Do you know if results of the investigation were presented
16 to President Taylor?

17 A. Yes. At one point, yes, the results were presented to
18 Mr Taylor.

19 Q. And how do you know that?

12:56:46 20 A. Yes, because I heard that the investigation was concluded
21 and the reports were presented to Mr Taylor - President Taylor.

22 Q. Was Benjamin Yeaten put under house arrest?

23 A. Yes, he was put under house arrest.

24 Q. And for how long was he under house arrest?

12:57:03 25 A. I can't remember how long.

26 Q. At the time you were assistant director for operations?

27 A. Yes. He was put under house arrest as long as the
28 investigation was going on.

29 Q. Was there somebody who acted in his stead or in his place

1 as director when he was under house arrest?

2 A. Yes.

3 Q. And what is that person's name?

12:57:33

4 A. It was Mr Urias Taylor, the deputy director for
5 administration.

6 Q. Do you have a photograph of Urias Taylor?

7 A. Yes. I can remember, yes, we took photos together, yes.
8 We took a photo together one time.

12:58:03

9 Q. We'll come to that. Besides this instance, do you know of
10 any other occasions when President Taylor disciplined a member of
11 the SSS?

12 A. Yes.

13 Q. What other such occasions do you know of, if any?

12:58:23

14 A. As I said, Varmuyan Sheriff was one - the first to be
15 disciplined by President Taylor.

16 Q. Yes?

17 A. And another time the deputy director for operations for the
18 SSS was also disciplined by the President.

19 Q. And what is that --

12:58:36

20 PRESIDING JUDGE: Mr Anyah, if I may inquire. Do you
21 regard the arrest and detention of somebody pending an
22 investigation, do you consider that discipline? Or is that just
23 an administrative thing done to enable an investigation to go on?

12:59:03

24 MR ANYAH: I can clarify with the witness, but when I asked
25 the question --

26 PRESIDING JUDGE: Because what I thought you were going to
27 give evidence about or the witness would give evidence about is
28 what transpired after the investigation, what happened to - what,
29 if anything, happened by way of discipline to Mr Yeaten.

1 MR ANYAH: I think I can clarify.

2 PRESIDING JUDGE: To me, putting someone away in order to
3 enable investigations to happen, some kind of interdiction is - I
4 don't know if you can refer to that as discipline.

12:59:38 5 MR ANYAH: I can clarify:

6 Q. Mr Smythe, was the suspension of Benjamin Yeaten by
7 President Taylor limited to the period before the investigation
8 was concluded?

9 A. No, it was not limited to that period.

12:59:55 10 Q. What was the entire period of time, if you know, that
11 Benjamin Yeaten remained suspended?

12 A. After the investigation, when it came to notice that he
13 ordered the arrest of Dokie, he was suspended for some time.

14 Q. Do you know how long?

13:00:10 15 A. No, I can't recall how long.

16 Q. When you said he was put under house arrest, do you limit -
17 was his placement under house arrest limited to the period before
18 the investigation was concluded?

19 A. It was not only limited to the period of the investigation.

13:00:30 20 Q. For how long was he placed under house arrest?

21 A. He has been under house arrest from the time of the
22 investigation and after the investigation.

23 Q. Do you know the entire period of time he was under house
24 arrest in terms of months or years?

13:00:46 25 A. No. It's not years, you know. It should be months, but I
26 don't know how many months, actually.

27 Q. When you were assistant director for operations, did you
28 observe interactions on a daily basis between President Taylor
29 and Benjamin Yeaten?

1 A. Yes.

2 Q. How would you describe their relationship?

3 A. As chief security to the President, their relationship was
4 cordial.

13:01:19 5 Q. Was Benjamin Yeaten equal in an informal sense in status to
6 the President?

7 A. No.

8 Q. Was Benjamin Yeaten a personal friend of President Taylor?

9 A. I didn't consider him as a personal friend of President
10 Taylor.

11 Q. To the best of your knowledge, did their relationship
12 extend beyond just the formal day-to-day interactions between
13 President and director of the SSS?

14 A. Can you please repeat that question? I didn't get it
13:01:56 15 quite.

16 Q. Yes. To the best of your knowledge, did the relationship
17 between Benjamin Yeaten and President Taylor extend, go beyond,
18 their day-to-day interactions as President and director of SSS
19 respectively?

13:02:14 20 A. No, it didn't exceed beyond that level.

21 Q. Do you know whether President Taylor ever invited Benjamin
22 Yeaten to his residence where his wife and children were?

23 A. Yes, Benjamin will come to White Flower - to the residence
24 where President Taylor resides.

13:02:34 25 Q. And on those occasions was he coming there for official
26 business or on private matters, if you know?

27 A. We consider - in Liberia we consider official duties from 8
28 o'clock to 4 o'clock, but Benjamin Yeaten was not limited to only
29 that time. As director of security he could be called upon any

1 time by the President. Likewise any other security personnel,
2 security director.

3 PRESIDING JUDGE: I don't really think that answers the
4 question. The question doesn't relate to his hours of business.

13:03:07 5 The question was, Mr Witness, on those occasions was he coming
6 there for official business or on private matters, if you know?

7 THE WITNESS: I would know Benjamin to go to President
8 Taylor on official business.

9 PRESIDING JUDGE: Only?

13:03:21 10 THE WITNESS: Yes.

11 MR ANYAH:

12 Q. Mr Smythe, were officials of the SSS, to your knowledge,
13 able to undertake activities - I withdraw that question. Do you
14 know whether or not during the time you were assistant director

13:03:51 15 of operations Benjamin Yeaten engaged in any conduct that was
16 violative of the SSS rules?

17 A. I can't recall that.

18 Q. Do you know whether or not Benjamin Yeaten engaged in
19 conduct that never came to the attention of President Taylor?

13:04:16 20 MR KOUJIAN: Calls for - well --

21 THE WITNESS: Can you repeat that question, please?

22 MR ANYAH:

23 Q. Yes. When you were assistant director for operations
24 starting in 1998 do you know whether Benjamin Yeaten engaged in
13:04:33 25 certain conduct that was never brought to the attention of
26 President Taylor?

27 A. No, not that I know of.

28 PRESIDING JUDGE: What do you mean certain conduct,
29 Mr Anyah? Like having his meals at home, or what?

1 MR ANYAH: I can elaborate. I'll be more specific.

2 PRESIDING JUDGE: Conduct, misconduct, what is that?

3 MR ANYAH:

13:05:02

4 Q. Mr Smythe, do you know during the period of time as
5 assistant director for operations whether Benjamin Yeaten engaged
6 in any official misconduct that was not brought to the attention
7 of President Taylor?

8 A. I can't recall that.

13:05:22

9 Q. During the time when you worked with Benjamin Yeaten do you
10 remember him having any contact with anyone in Sierra Leone?

11 A. No, I don't know him - I don't remember him having any
12 contact with any member of - anyone in Sierra Leone.

13 Q. When you worked with Benjamin Yeaten do you know whether or
14 not he had contact with any members of the RUF?

13:05:40

15 A. No, I didn't know him to be in contact with any members of
16 the RUF at the time.

17 Q. Was there a time when members of the RUF during your tenure
18 as assistant director came to Liberia?

13:05:58

19 A. Yes, there were times when members of the RUF - a member of
20 the RUF came to Liberia.

21 Q. What times are you referring to?

22 A. I'm referring to 1998.

23 Q. And which members of the RUF came to Liberia then?

13:06:15

24 A. Sam Bockarie came to Liberia in September - I think
25 September, October of 1998.

26 Q. We will come back to that, Mr Smythe. Was Benjamin Yeaten
27 SSS director during the entire time of Mr Taylor's presidency?

28 A. Yes, that's correct. Yes, he was.

29 Q. Do you know where he is today?

1 A. No, I don't know.

2 Q. Do you know if he is alive?

3 A. I don't know whether he is alive.

4 Q. Mr Smythe, you talked about White Flower but I didn't ask
13:06:59 5 you about radio communication equipment and whether or not it was
6 present in White Flower when you were assistant director. Can
7 you shed some light on that for us?

8 A. When you say White Flower are you saying inside White
9 Flower?

10 Q. Yes.
13:07:14

11 A. No, there was no radio communication equipment inside White
12 Flower.

13 Q. Was there any radio communication equipment in the
14 surroundings or vicinity outside the fence of White Flower?

15 A. Yes, we have the short range - the short range base around
16 the White Flower.
13:07:26

17 Q. Short range base?

18 A. Yes, when I say the short range that means the base set for
19 the walkie talkies.

20 Q. Separate and apart from those, any other forms of radio
13:07:40 21 communication equipment in the vicinity of White Flower?

22 A. No, I can't recall that.

23 PRESIDING JUDGE: What does around the White Flower mean?

24 MR ANYAH: I said in or around the vicinity.

25 PRESIDING JUDGE: No, the witness said around White Flower.
13:07:58 26 There was a short range base around White Flower. I'm asking the
27 witness what does around White Flower mean?

28 THE WITNESS: That's a building close - a building next to
29 White Flower we have the communication base.

1 MR ANYAH:

2 Q. And was that an official Government of Liberia building?

3 A. No, that building was rented.

4 Q. Rented for what purposes?

13:08:25 5 A. It was rented to serve as warehouse and to serve as office
6 for the SSS around the White Flower.

7 Q. Were its occupants employees of the Government of the
8 Republic of Liberia?

9 A. They were members of the SSS, yes, employees of the
13:08:44 10 Republic of Liberia.

11 Q. You said there was a warehouse there?

12 A. Yes.

13 Q. And you said there were offices there?

14 A. Yes, the SS had an office there - has offices there I
13:09:01 15 should say.

16 Q. What was contained in the warehouse, if you know?

17 A. A lot of things were contained in the warehouse.

18 Q. Things like what?

19 A. Things like food, clothing, supplies for the SSS.

13:09:14 20 Q. What sort of supplies besides food and clothing, if you
21 know?

22 A. You have supplies like arms and ammunition supplies for the
23 SSS.

24 Q. During your tenure as assistant director did you have
13:09:27 25 occasion to go into that warehouse?

26 A. Yes, I had occasion to go into the warehouse.

27 Q. Are you familiar with the interior of that warehouse?

28 A. It's just any normal warehouse. It's just a big warehouse.

29 Q. Are you familiar with the interior of that warehouse?

1 A. Yes, I'm familiar with the interior of the warehouse.

2 Q. Did the warehouse have a superintendent or somebody who
3 oversaw the warehouse?

13:09:55

4 A. Yes, the warehouse had a - yes, you had somebody - there
5 were people that were taking care of the warehouse, yes.

6 Q. What was the protocol to obtain supplies from the warehouse
7 for SSS personnel?

13:10:15

8 A. The protocol would be supplies for the SSS would be by the
9 director - the director would make a request before any supply
10 could be given.

11 Q. Could an assistant director make a request for supplies
12 from the warehouse?

13 A. No.

14 Q. Could a --

13:10:25

15 PRESIDING JUDGE: Could the witness repeat, "The protocol
16 would be supplies for the SSS" would be what? Who would make a
17 request?

18 THE WITNESS: He asked the question whether supplies for
19 the SSS - I said the director of SSS would make that request.

13:10:45

20 MR ANYAH:

21 Q. And to whom would the request be sent or directed?

22 A. The request would be sent to President - he would sent the
23 request to the President. I mean it's approved, he would go and
24 get the supplies.

13:11:02

25 Q. If the director wanted to obtain a single uniform from the
26 warehouse would that type of request be sent to the President of
27 the Republic of Liberia?

28 A. No, he could just go there and just request for it from the
29 managers of the warehouse.

1 Q. Could the director obtain supplies from that warehouse
2 without informing the President of the Republic of Liberia?

3 A. Yes, it's possible, yes.

4 Q. Who were the keepers or superintendents of this warehouse?

13:11:36 5 A. Warehouse, I know one Moses Duoh.

6 Q. Yes?

7 A. And one Aloysius Kai.

8 Q. Moses Duoh?

9 A. Yes.

13:11:47 10 Q. I think that name is on the record. And can you spell the
11 second name for us?

12 A. Kai.

13 Q. Yes?

14 A. Aloysius, the normal spelling of Aloysius. Kai is K-A-I.

13:12:11 15 Q. Could Benjamin Yeaten obtain supplies from that warehouse
16 without informing the President?

17 A. Yes, he can do it, yes.

18 Q. The types of arms and ammunitions kept in that warehouse,
19 could you describe them for us?

13:12:32 20 A. These are light weapons, AK-47 and ammunition and RPG and
21 rockets.

22 Q. Were grenades kept in that warehouse?

23 A. No, I've never come across grenades over there.

24 Q. Were mortar shells ever kept?

13:12:59 25 A. I've never come across any mortar shell in there.

26 Q. Any piece of artillery equipment in that warehouse?

27 A. No, I've never come across any piece of artillery equipment
28 in that warehouse.

29 Q. Was the warehouse staffed 24 hours, seven days a week?

1 A. The warehouse - the staff, they have access to the
2 warehouse every time, yes.

3 Q. Was that the only location where supplies for the SSS were
4 kept during President Taylor's presidency?

13:13:29 5 A. To the best of my knowledge, yes.

6 Q. Were arms and ammunitions retained by the Armed Forces of
7 Liberia separate and apart from those at this warehouse during
8 President Taylor's presidency?

9 A. Yes.

13:13:47 10 Q. Where, to your knowledge, did the Armed Forces of Liberia
11 keep their arms and ammunition?

12 A. They kept their arms and ammunition at the Barclay Training
13 Centre.

14 Q. Barclay Training Centre?

13:14:01 15 A. Yes, that is referred to as BTC.

16 Q. And that is in Monrovia?

17 A. Yes, in Monrovia.

18 Q. In which part of Monrovia?

19 A. It's on the UN Drive.

13:14:14 20 Q. Also known as Tubman Boulevard?

21 A. No, no, no, it's not the Tubman Boulevard.

22 Q. Which part?

23 A. The area is also known as Bussi Quarter, not too far from
24 the Executive Mansion.

13:14:30 25 Q. It's also known as what?

26 A. Bussi Quarter. It's an area around the barracks they call
27 Bussi Quarter.

28 Q. B-U-S-H-Y, bushy?

29 A. No, I think it's B-U-S-S-I.

1 Q. And cutter, C-U-T-T-E-R?

2 A. Yeah. No, not cutter. I said quarter, Q-U-A. Sorry,
3 excuse me.

4 Q. Quarter?

13:15:01 5 A. Yes, quarter, yeah.

6 Q. Q-U-A-R-T-E-R. Mr Smythe, did the SSS to your knowledge
7 during the period when you were assistant director retain arms
8 and ammunitions at the Executive Mansion?

9 A. Yes, the SSS had a warehouse at the Executive Mansion, yes.

13:15:38 10 Q. And what did it contain?

11 A. Also contained small light weapons.

12 Q. Such as?

13 A. AK-47 and rounds, uniforms, food.

14 Q. Who had access within the SSS to that warehouse, the one at
13:16:00 15 the Executive Mansion?

16 A. The access would be given by the director.

17 Q. On every occasion when items were removed from that
18 warehouse was any notification necessary to the President? I can
19 rephrase my question.

13:16:25 20 A. Please do.

21 Q. In order to remove an item of supply from that warehouse,
22 would the President have to be notified?

23 A. That warehouse is for the SSS and the SS director can
24 authorise removal of anything from there.

13:16:43 25 PRESIDING JUDGE: That's not the question you were asked.
26 It would be helpful if you would answer the question asked.

27 THE WITNESS: Yes, your Honour.

28 PRESIDING JUDGE: Did the President have to be notified?
29 Was it necessary to notify the President?

1 THE WITNESS: No, it was not necessary.

2 MR ANYAH: Thank you:

3 Q. To your knowledge, Mr Smythe, when you were assistant
4 director for operations, were any supplies of the SSS in the
13:17:08 5 warehouse next door to White Flower sent over to the Republic of
6 Sierra Leone?

7 A. No, I never - not that I'm aware of.

8 Q. To your knowledge, Mr Smythe, during the time when you were
9 assistant director of operations, were any supplies belonging to
13:17:30 10 the SSS sent from its warehouse at the Executive Mansion to the
11 Republic of Sierra Leone?

12 A. No, I'm not aware of that.

13 Q. When you were assistant director, Mr Smythe, did you have
14 occasion to travel to other parts of the Republic of Liberia with
13:17:53 15 President Taylor?

16 A. Yes.

17 Q. During that period of time, did you have occasion to travel
18 to foreign countries with President Taylor?

19 A. Yes.

13:18:08 20 Q. Can you tell us, starting with inside Liberia, to what
21 places you had the opportunity to travel with President Taylor
22 to.

23 A. From Monrovia, right?

24 Q. Yes.

13:18:22 25 A. Yes. From Monrovia, I travelled with him to Gbarnga.
26 That's in Bong County. I travelled with him to Buchanan. That's
27 Grand Bassa County.

28 Q. Yes.

29 A. I travelled with him to Maryland. Harbel, that's Maryland

1 County. I travelled with him to Greenville, that's Sinoe County,
2 in the Republic of Liberia.

3 Q. Do you have any photographs from any of your trips with
4 President Taylor to any of these places?

13:18:54 5 A. Yes.

6 MR ANYAH: Madam President, with leave of the Chamber, may
7 the witness be shown a number of photographs, starting with the
8 photograph at tab 20, then tab 21? And the one at tab 20 is
9 DP-220; the one at tab 21 being DP-221; the one at tab 27 being
10 DP-227; tab 28 being DP-228; and at tab 29 being DP-229.

13:19:36

11 PRESIDING JUDGE: One at a time, please.

12 MR ANYAH: Yes. If we could start with tab 20, please:

13 Q. Mr Smythe, what is this a photograph of?

14 A. It's a photograph of me.

13:21:11

15 Q. Taken during which year?

16 A. Back in 1997 in Totota.

17 Q. And under what circumstances did you go to Totota?

18 A. I travelled to Totota with Mr Taylor.

19 Q. For what purpose?

13:21:27

20 A. For a visit to have meeting with the citizens over there.

21 Q. What was your position at this time?

22 A. This time my position was an SS officer.

23 Q. And what was Mr Taylor's title at that time?

24 A. He was President - he was elected President.

13:21:47

25 Q. And who are those at the background of the photo?

26 A. These are people that came to the meeting. I can't
27 remember all of them. I don't know them, actually.

28 Q. And the meeting was about what?

29 A. He came to meet with the citizens of Totota.

1 Q. Can we go to DP --

2 PRESIDING JUDGE: Mr Anyah, I assume this is in Liberia?

3 MR ANYAH: Yes, Totota is --

4 THE WITNESS: Totota is in Bong County, Liberia.

13:22:15 5 MR ANYAH:

6 Q. Now, can we go to tab 21, please, which is DP-221.

7 Mr Smythe, what is that a photograph of?

8 A. That photograph is of me. It's on the same occasion, the
9 same day, taken with the previous one.

13:22:52 10 Q. Also at Totota?

11 A. Yes, in Totota.

12 Q. And where is this place that you are pictured at; that is,
13 what type of complex or premises is it?

14 A. This is a place we called the Tubman Farm, the late
13:23:08 15 President Tubman's farm. I think behind me is the Cocoo Nest
16 Restaurant. There is a restaurant in Tubman Farm called Cocoo
17 Nest, yes. Behind me is the Cocoo Nest Restaurant.
18 C-O-O-C-O-O; N-E-S-T, nest.

19 Q. Thank you. Can we see the photo, please, behind tab 22. I
13:23:51 20 don't know if I mentioned 22 before.

21 PRESIDING JUDGE: 22 is already an MFI.

22 MR ANYAH: Yes, and I'm sure that's the source of the
23 confusion. I meant 27. I apologise, Madam Court Usher. Yes,
24 27, please:

13:24:30 25 Q. Mr Smythe, what is this a photograph of?

26 A. This photograph is of me and deputy director of SSS, Urias
27 Taylor, in Totota at the venue of the meeting.

28 Q. Is this the same Urias Taylor you referred to as having
29 been acting director when Benjamin Yeaten was suspended?

1 A. Yes, that's correct.

2 Q. And who is pictured behind the two of you?

3 A. The brother just behind us is a journalist. I don't know
4 his name, but he is a journalist from one of the newspapers in
13:25:10 5 Monrovia.

6 Q. And you said this was the same visit by the President to
7 Totota?

8 A. That's correct.

9 Q. In what year?

13:25:17 10 A. 1997 after the elections.

11 MR ANYAH: Can we go to the document behind tab 28.

12 PRESIDING JUDGE: You do not require the witness to write
13 names of people?

14 MR ANYAH: Yes, I intend to do it.

13:25:32 15 PRESIDING JUDGE: Afterwards?

16 MR ANYAH: Yes, Madam President. Could we go to the
17 photograph behind tab 28, please.

18 Q. Mr Smythe, do you see the photograph? What is it a
19 photograph of?

13:26:02 20 A. This photograph is of me with Edwin Lewis, the butler to
21 the President, and one Yeaney.

22 Q. Can you spell that name Yeaney for us, Juan Yeaney?

23 A. No, he is not Juan Yeaney. He's Yeaney. I don't know his
24 first name, but we call him Yeaney, Y-E-A-N-A-Y or N-E-Y

13:26:26 25 Q. The other fellow you said was Edwin?

26 A. Edwin Lewis.

27 Q. Lewis?

28 A. Yes.

29 Q. His position at the time was?

1 A. Butler to the President.

2 Q. Is he still alive?

3 A. Yes, he's alive in the United States.

4 Q. Thank you. Incidentally, where is this --

13:26:46 5 PRESIDING JUDGE: We don't know which of these people is
6 who.

7 MR ANYAH: Yes, it might be helpful now if he just changed
8 seats. I intended to do this at the end when he marked it:

9 Q. Mr Smythe, could you point out this fellow called Yeaney in
13:27:24 10 this photograph?

11 A. This is Yeaney.

12 Q. The fellow with the hat?

13 A. Yes.

14 Q. We see yourself?

13:27:31 15 A. Yes, this is me.

16 Q. And the person you referred to as the butler of the
17 President?

18 A. This is Edwin Lewis.

19 Q. And where was this photograph taken?

13:27:41 20 A. This photograph was taken in Totota on the same occasion
21 with the other previous two.

22 Q. In 1997?

23 A. That is correct.

24 Q. Thank you. Can we go to the document behind divider 29,
13:28:02 25 please. Mr Smythe, what is this a photograph of?

26 A. This photograph was of me with some officers of the SSS in
27 Buchanan, Grand Bassa County.

28 Q. And under what circumstances was this photograph taken?

29 A. Mr Taylor has - the President has gone there to have a

1 meeting with the citizens, and we took this picture right in
2 front of the - I think the venue of the meeting.

3 Q. Can you identify those pictured in the photograph, please?

4 A. Yes, I can identify myself.

13:29:02 5 Q. In a blue shirt?

6 A. Yes. Or should I start - let me start from my right from
7 here.

8 Q. Yes, as you wish?

9 A. This is Lawrence Young.

13:29:12 10 Q. Lawrence?

11 A. Young.

12 Q. Young?

13 A. Yes.

14 Q. Okay.

13:29:16 15 A. He was one of the boys that were assigned with me. This is
16 Dexter Roberts, the late. He was also assigned with me.

17 Q. Is that Robert or Roberts?

18 A. Roberts. This is Zachariah Ross, deputy director of SSS
19 for technical services and intelligence; this is me, Yanks

13:29:38 20 Smythe; this is Joseph Montgomery, deputy director for SSS for
21 operations; this is an ECOMOG soldier here; and this is General
22 Isaac Musa, the late.

23 Q. Let's pause there. General Isaac Musa at that time was
24 assigned to what?

13:29:56 25 A. Isaac Musa at the time was a former member of the Council
26 of State.

27 Q. Was he still a member of an armed force at this time when
28 this photograph was taken?

29 A. No, he was not.

1 Q. Was he retired at this point?

2 A. Yes, he was retired.

3 Q. The person to Isaac Musa's left you said was an ECOMOG
4 officer?

13:30:19 5 A. That's quite correct.

6 Q. On what date was this photograph taken?

7 A. I can't remember the date, but it was immediately after the
8 election. After the election. After the inauguration of - after
9 the elections, yes.

13:30:32 10 Q. ECOMOG was still present in Liberia at that time?

11 A. Yes.

12 Q. And now --

13 PRESIDING JUDGE: Mr Anyah, we've run out of tape and time.

14 We'll have to pick it up from here after the luncheon break at

13:30:48 15 2.30.

16 MR ANYAH: Thank you, Madam President.

17 [Lunch break taken at 1.30 p.m.]

18 [Upon resuming at 2.30 p.m.]

19 PRESIDING JUDGE: Good afternoon. Mr Anyah, please

14:31:07 20 continue.

21 MR ANYAH: Thank you, Madam President:

22 Q. Good afternoon, Mr Smythe.

23 A. Good afternoon, counsel.

24 Q. Before the luncheon adjournment we were looking at

14:31:19 25 photographs, in particular I think we stopped at DP-229. Could
26 that photograph please be redisplayed for the witness.

27 Mr Smythe, if you don't mind could you switch chairs and move to
28 the chair directly behind the overhead projector. I had asked
29 you a question about the gentleman next to Isaac Musa, the man in

1 the uniform, the ECOMOG uniform. Do you recall person's name?

2 A. No, I don't recall his name.

3 Q. Do you recall his rank?

4 A. No, I don't recall his rank.

14:32:38 5 Q. Do you know when ECOMOG left Liberia - well, let me
6 rephrase that. Do you know if ECOMOG ever left Liberia during
7 the presidency of Charles Taylor?

8 A. Yes, at some point, yes, they left.

9 Q. Do you know what year and what month they left?

14:32:57 10 A. I think it should be - I think in 1998, going towards '99,
11 I think.

12 Q. Can you speak up a little bit, Mr Smythe?

13 A. I'm saying it should be - I can't be very specific, but I'm
14 sure it's between 1998 and '99.

14:33:14 15 Q. Now, the man that's to your right, is that the same Joseph
16 Montgomery you referred to previously?

17 A. Yes.

18 Q. And the person to your left, you said, was somebody who
19 worked with you but you didn't specify whether or not they were
14:33:34 20 an SSS personnel. Is that person to your left an SSS personnel?

21 Can you point to the person?

22 A. Is it this person you're referring to?

23 Q. No, the man with the sunglasses. It appears to be
24 sunglasses.

14:33:48 25 A. This one?

26 Q. Yes.

27 A. Yes, he's Zachariah Ross, deputy director for technical
28 services and intelligence for the SSS.

29 Q. The man to the left of Mr Ross?

1 A. This guy you're talking about?

2 Q. Yes.

3 A. Dexter Roberts, yes, he's an SSS officer.

4 PRESIDING JUDGE: Is that Ross as in R-0-S-S or R-U-S-S?

14:34:12 5 THE WITNESS: Ross, R-0-S-S.

6 MR ANYAH:

7 Q. What of the man that's to the far right of the photograph
8 as we look at it?

9 A. Yes, he is Lawrence Young. He used to work with me, but
14:34:21 10 he's not a member of the SS.

11 Q. Was he a member of any division of the Liberian government?

12 A. He was a member of the NPFL, but not the Liberian
13 government.

14 Q. When you say he used to work with you, in what
14:34:34 15 circumstances would that occur?

16 A. He used to work with me when I was in the southeastern
17 region during 1993 and '94 going to '95.

18 Q. You meant in the past?

19 A. Yes.

14:34:45 20 Q. Now, Mr Smythe, did you tell us the month and year during
21 which this photograph was taken?

22 A. This photograph was taken in 1997 not too long after
23 Mr Taylor became elected as President.

24 Q. I believe you mentioned the county in which it was taken?

14:35:04 25 A. Yes, it's in Buchanan, Grand Bassa County.

26 Q. With respect to this and the other photographs, starting
27 with this one, can you draw lines identifying each person by
28 writing their name and can you write a brief description,
29 including the date and location when and where the photo was

1 taken, and then can you kindly sign and date each of them, today
2 being 24 February.

3 A. Thank you, counsel.

14:35:41

4 MR KOUMJIAN: Could I ask to take advantage of this time to
5 see the original photographs, please?

6 MR ANYAH: Yes, I can provide that. I don't believe we
7 have one of the photographs in question. I mean the original.

8 PRESIDING JUDGE: Mr Anyah, if you say you don't have the
9 original of DP-229, where is the original?

14:36:47

10 MR ANYAH: I will inquire from the witness. And it was 229
11 that we don't have the original of.

12 PRESIDING JUDGE: Mr Anyah, I think you may have the
13 witness explain where the original of 229 is.

14 MR ANYAH:

14:40:13

15 Q. Mr Smythe, the original of this photograph DP-229, do you
16 know where it is?

17 A. Yeah, I had the original, but maybe during the packing or
18 maybe that's the time I left it behind, but I had the original.

19 Q. What do you mean during the packing?

14:40:29

20 A. When I was packing the photos in Liberia before I came,
21 maybe that was the time I mistakenly left it behind.

22 Q. Were you the one who provided this copy of that photograph
23 to the Defence?

24 A. Yes, I did, and I think I saw the Defence - the original
25 copy.

14:40:52

26 MR ANYAH: I don't know if that satisfies Madam President
27 or if the Bench has any other questions about this.

28 PRESIDING JUDGE: No, we don't have questions.

29 MR ANYAH: I can ask a few more questions:

1 Q. Mr Smythe, after you provided copies of these photographs
2 to the Defence, did you retain all the originals?

3 A. Yes, the originals were returned to me. As I said
4 previously, I'm sure I mistakenly left it behind, but it was
14:41:33 5 among the pictures. Probably when I was packing my things to
6 come, I mistakenly left it behind, but the original is available
7 in Liberia.

8 PRESIDING JUDGE: Was there another photograph?

9 MR ANYAH: Yes, there are five of them and I had asked that
14:42:01 10 they each be given to the witness so he could sign and date them.
11 Could we see his signature on this particular photograph and the
12 date? Thank you. And with leave of the Chamber, may I ask that
13 the next photograph be given to the witness, the previous one
14 being - well, we'll start at the beginning, tab 20, DP-220.

14:43:47 15 May he be shown tab 21, DP-221, please.

16 With leave of the Chamber, may the witness be shown again
17 DP-227 in tab 27. Madam Court Usher, could you zoom out, please,
18 so we see the signature.

19 Madam President, may we remove this photograph and replace
14:47:46 20 it with the next one? Could the witness be given DP-228, please,
21 in tab 28.

22 PRESIDING JUDGE: Could we see the whole picture, including
23 what's written at the bottom, please. Please continue, Mr Anyah.

24 MR ANYAH: Yes, Madam President. It remains for me to
14:50:14 25 request that these five photographs be marked for identification,
26 please.

27 PRESIDING JUDGE: These five photographs, that's DP-220,
28 DP-221, DP-227, DP-228 and DP-229, are marked are identification
29 MFI-423A to E respectively.

1 MR ANYAH: Thank you, Madam President:

2 Q. Mr Smythe, you may assume your regular seat. Now,
3 Mr Smythe, on the subject of radio communications, in your
4 capacity as assistant director for operations of the SSS, were
14:51:13 5 you aware of the Liberian government's radio communication
6 capability during that period of time?

7 A. Yes, I'm aware of that.

8 Q. Were you aware of any and all radio facilities that the
9 Liberian government had?

14:51:34 10 A. I'm aware of most of them.

11 MR ANYAH: Madam President, with leave of the Chamber, may
12 the witness be shown - well, I need some guidance from your
13 Honours about this because this is similar to what we experienced
14 yesterday. It's a map that's an exhibit, P-98. I seem to recall
14:52:02 15 it was indicated by a protected witness. Yes, I believe that
16 person is a protected witness. And I have another copy here, an
17 identical copy, except that I have blacked out where the TF1
18 number appears, as was the case with the other documents used
19 yesterday, and I wonder if we could proceed by showing the
14:52:29 20 witness a fresh document, but I want the record to reflect that
21 it is identical in every way to what is Prosecution exhibit P-98.
22 And I would ask --

23 PRESIDING JUDGE: Could we have a look at the paper that
24 you propose showing him?

14:52:51 25 MR ANYAH: Yes, Madam President.

26 PRESIDING JUDGE: Mr Koumjian, I saw you were nearly
27 standing up.

28 MR KOUMJIAN: I would object to the procedure for the
29 following reasons: First of all, what counsel is asking is

1 leading and suggestive in that we don't know if this witness at
2 this point knows where radio bases are, and the most efficient -
3 both in terms of time and in terms of arriving at the truth -
4 method to know what his knowledge is is to ask him to mark a map
14:55:02 5 where he says bases are, and then they can be compared to
6 whatever other evidence there is in the case. It's improper to
7 simply ask him: This is what another witness said; let's have
8 your comments. And we could be here - since we have 35,000 pages
9 of transcript, 25,000 pages in the Prosecution case - we could be
14:55:23 10 here forever if each side puts to the witness all of the evidence
11 that has been brought out in the last two years.

12 MR ANYAH: May I respond to that, Madam President?

13 PRESIDING JUDGE: Yes, of course.

14 MR ANYAH: Well, let's look at the record and let's see
14:55:36 15 what I am trying to accomplish here. I asked the witness a
16 question at my page 131, line 5:

17 "Q. Were you aware of any and all radio facilities that
18 the Liberian government had?"

19 I started those series of questions in relation to his
14:55:55 20 tenure as assistant director of operations of the SSS. The
21 witness said, "I am aware of most of them." Now, if your Honours
22 find that inadequate I can pursue it further, but I don't think
23 it is up to learned counsel opposite to suggest what is the most
24 efficient way for pursuing the truth. It is our case now. The
14:56:15 25 Prosecution has presented its evidence. We can attack it. We
26 can confront it. We can have our witnesses comment on their
27 exhibits.

28 PRESIDING JUDGE: Mr Anyah, you're right in asserting that
29 you can put a Prosecution proposition to your own witness in the

1 defence and have your witness comment on it in the manner that
2 you've described. You're absolutely right. However, we are of
3 the view here on the Bench that by simply showing this map with
4 the various markings on it by a Prosecution witness as
14:57:00 5 representing certain matters without having laid sufficient
6 foundation for it I think would amount to leading the witness.
7 All you have asked the witness so far is was he aware of any and
8 all radio facilities, whatever "radio facilities" are. Now, he
9 says, "I was aware of most of them." He has not told us what
14:57:22 10 facilities, he has not told us where they were located before you
11 present to him other evidence from the opposite side. So you
12 need to lay the foundation first as far as you can take it before
13 you give this proposition by another witness - before you put it
14 to your witness.

14:57:44 15 MR ANYAH: Thank you, Madam President. I'll do so:

16 Q. Mr Smythe, earlier today we spoke about certain locations
17 in the City of Monrovia, and I asked you whether, during your
18 tenure as assistant director of operations, the NPFL had radio
19 communications equipment in those locations. Do you remember
14:58:09 20 that?

21 A. Are you saying during my tenure as assistant director for
22 operations?

23 Q. Yes.

24 A. The NPFL was then disbanded. There was no NPFL at the
14:58:19 25 time.

26 Q. I meant the Government of Liberia. My apologies. Do you
27 recall this morning we spoke about White Flower, for example?

28 A. Yes.

29 Q. Do you recall me asking you about the existence of radio

1 communications equipment in White Flower?

2 A. Yes, I remember.

3 Q. Do you recall us speaking in that respect, or in the same
4 vein, with respect to the Executive Mansion?

14:58:39 5 A. Yes.

6 Q. Well, let's go through this process and let's start with
7 the City of Monrovia. You told us you assumed the position of
8 assistant director of operations in 1998?

9 A. That's correct.

14:58:51 10 Q. And you told us that you no longer were in that position in
11 what year?

12 A. I left that position in July 2000.

13 Q. From 1998 through July 2000, do you know if the NPFL had
14 radio communications - sorry, if the Government of Liberia had

14:59:13 15 radio communications equipment anywhere within the City of
16 Monrovia?

17 A. Yes.

18 Q. Where within the City of Monrovia did they have such
19 equipment?

14:59:24 20 A. They have communication at the central police station, the
21 Liberian National Police.

22 Q. Was any such equipment present, to your knowledge, during
23 that period of time at the Executive Mansion?

24 A. Yes, the Executive Mansion had a radio - a communication
14:59:40 25 radio.

26 Q. What about White Flower?

27 A. Yes, White Flower has a communication radio.

28 Q. What do you mean by "communication radio"?

29 A. I mean a communication - a short-range communication that

1 could coordinate with the walkie-talkie - as the base for
2 walkie-talkie.

3 Q. Let's go back, then, to the Executive Mansion. What type
4 of communication equipment were you referring to?

15:00:08 5 A. We have a base for the walkie-talkies as well at the
6 mansion.

7 Q. You gave us a name for that base previously. What is the
8 technical name for it?

9 A. Are you referring to --

15:00:19 10 Q. The walkie-talkie equipment or - there was a name you gave
11 earlier today. What do you call that equipment?

12 A. I mean it's a base radio for the walkie-talkie.

13 Q. And this is in relation to the Executive Mansion?

14 A. Yes.

15:00:40 15 Q. What is the range of the radios that are operated in
16 relation to that base radio?

17 A. With the same range with the walkie-talkies, Monrovia and
18 its suburbs.

19 Q. Monrovia and which suburbs?

15:00:55 20 A. And the suburbs of Monrovia.

21 Q. With respect to the police - I don't know if it was a
22 station you said - the Liberian National Police, central police
23 station?

24 A. The Liberian National Police Headquarters in Monrovia had a
15:01:09 25 radio.

26 Q. What sort of radio communication did they have, if you
27 know?

28 A. They have, I mean, a short-range communication radio that
29 works with the walkie-talkies as well.

1 Q. Was there, to your knowledge during this period, 1998
2 through July 2000, any form of radio communication equipment at
3 White Flower?

4 A. Yes, there was a walkie-talkie base at White Flower, yes.

15:01:41 5 Q. And what was the range of that walkie-talkie.

6 A. The range of that walkie-talkie is Monrovia and its
7 surroundings.

8 Q. When you were assistant director for operations, did you
9 ever go to Benjamin Yeaten's house?

15:02:01 10 A. Yes, I went to Benjamin Yeaten's house several times.

11 Q. Do you know whether during that period of time there was
12 any radio communication equipment inside Benjamin Yeaten's house?

13 A. No, I never saw any communication equipments inside
14 Benjamin Yeaten's house.

15:02:19 15 Q. Were you able or allowed to enter every part of his house
16 whenever you went there?

17 A. Yes, I would be allowed to go into his living room, go into
18 the kitchen, sometimes go upstairs when he's upstairs. He would
19 say, "Okay, you tell 56 to come up," I would go up into his room.

15:02:41 20 Q. You just referred to "56". What does "56" mean?

21 A. Sorry, that was my code. I'm sorry, that was my code.

22 Q. Your code was?

23 A. As assistant director for operations, unit 56.

24 Q. Were those the only places within Monrovia that, to your
15:03:02 25 knowledge, the Government of Liberia had radio communications
26 equipment during your tenure as assistant director for
27 operations?

28 A. Immigration also operated radios in their headquarters.

29 Q. Was that within the City of Monrovia?

1 A. That's quite correct. The Bureau of Immigration and
2 Naturalisation.

3 Q. What sorts of radios did they have, if you know?

15:03:38

4 A. They had a short-range radio that could work with the
5 walkie-talkie also.

6 Q. Beyond the City of Monrovia, elsewhere in Montserrado
7 County do you know of the existence of any radio communications
8 equipment owned by the Government of Liberia during that period
9 of time?

15:03:57

10 A. Within Montserrado County, you said?

11 Q. Yes.

12 A. No, I'm not aware of it.

15:04:12

13 Q. Just for those who do not know, in which county is Monrovia
14 located? Mr Smythe, did you hear the question? I said for the
15 benefit of those who may not know, in which county is the City of
16 Monrovia located?

17 A. In Montserrado County.

15:04:29

18 Q. Bearing in mind the remaining counties of Liberia, during
19 the period when you served as assistant director for operations
20 for the SSS, are you aware of the existence of radio
21 communications equipment owned by the Government of Liberia in
22 any of those counties?

23 A. Yes.

24 Q. In which county was such equipment present?

15:04:45

25 A. In Nimba County at the border with Guinea at the customs
26 post.

27 Q. Is there a name for that location where the customs post --

28 A. Yes. To be specific, in Ganta.

29 Q. If I can finish the question. You said "in Ganta". At a

1 border post with which country?

2 A. The Republic of Guinea.

3 Q. And which branch or agent of the Government of the Republic
4 of Liberia manned or commanded that border post?

15:05:18 5 A. The Ministry of Finance. It was - the radio that was there
6 was for the Ministry of Finance at the customs post.

7 Q. Besides this radio - one more question. To the best of
8 your knowledge, what kind of communication equipment was there,
9 if you know?

15:05:41 10 A. It's a long-range communication that could communicate, I
11 mean, from Ganta to Monrovia.

12 Q. Did you ever go to Ganta in Nimba County to the vicinity of
13 this custom post at the border?

14 A. Yes, I went to the border, yes.

15:06:03 15 Q. And when was that?

16 A. That was - I went there several times. I went there in
17 1999; I went there in 2000.

18 Q. Besides this custom post in Ganta, can you tell us whether
19 anywhere else in the Republic of Liberia the Government of
15:06:25 20 Liberia had radio communications equipment --

21 A. Yes.

22 Q. -- during your period as assistant director for operations?

23 A. Yes, the finance - customs has another radio at Loguato in
24 Nimba County bordering the Ivory Coast.

15:06:41 25 Q. Loguato. Do you know what sort of radio equipment was in
26 that location?

27 A. It's a long-range radio that could communicate with
28 Monrovia.

29 Q. At any point in time did you visit that particular radio

1 facility?

2 A. No, I never visited the radio facility.

3 Q. And how do you know about it?

15:07:13

4 A. Yes, I know there was a radio, because everywhere that a
5 radio is present, as a security I would know.

6 Q. Besides the custom posts at Ganta and at Loguato, are you
7 aware of any other place within the Republic of Liberia where
8 radio communications equipment was kept that was owned by the
9 Government of Liberia?

15:07:32

10 A. Besides those two places, I don't know of any other place.

11 MR ANYAH: Madam President, at this point I request, with
12 respect, that the document in question identical to Prosecution
13 exhibit 98 be shown to the witness.

14 PRESIDING JUDGE: Yes, you may show the document.

15:08:05

15 MR ANYAH: Thank you, Madam President. Madam President, I
16 see something. I apparently blacked out - can I see that,
17 please. I apparently blacked out only one of the TF1s of the
18 document and not both, but the witness is still protected. I
19 will black out the other one.

15:10:00

20 Could you first show the document to the witness and have
21 him look over it. And, Mr Smythe, I would ask you after that to
22 move seats to the seat that's directly behind the overhead
23 projector.

15:10:54

24 Could we, Madam Court Usher, zoom in to the best extent
25 possible. It's not particularly clear, but that perhaps has a
26 lot to do with the quality of the copy. If you could let us see
27 what the caption is, the letters at the top of the map. Yes.

28 For everyone's benefit, there is a transcript that goes
29 along with this map, because the information on the map was

1 provided by a witness. The pages - for my purposes of reference,
2 it's a transcript from 9 April 2008, and the relevant pages are
3 pages 7017, 7018. I cite those pages for the assertion that the
4 witness who testified - and I will read the contents of those
15:12:10 5 pages on the record. The witness who testified and who went
6 through this map before the Court on 9 April said that this map
7 was in relation to the period of time when that witness was at
8 Planet 1 and Base 1, and the period in question, as his evidence
9 indicates from the transcript, is between 1998 to the year 2001.
15:12:43 10 I will read the transcript from page 7017. That's 7017, 9 April
11 2008. I believe Mr Bangura led this witness in chief, perhaps.
12 Line 4, a question was asked of the witness:
13 "Q. You started operating in Buedu with Sam Bockarie in
14 what year, do you recall?
15:13:13 15 A. 1999.
16 Q. No, no, when you started operating with Bockarie?
17 A. It was some time in 1999. After the intervention I
18 came to Buedu, I was posted back to Sandaru. In Sandaru I
19 spent a few months and I was posted to Buedu.
15:13:34 20 Q. Yes, and what year was that?
21 A. 1990 - no, that was 1998, I'm sorry.
22 Q. Thank you.
23 A. I'm sorry, 1998. 1998."
24 Then if you go to line 26, there is a question:
15:14:02 25 "Q. And you said that you moved over to Liberia in what
26 year?
27 A. I'm saying in 1999.
28 Q. About what month?
29 A. It was in the raining season, from June to July,

1 between there.

2 Q. Thank you. June to July 1991. And you stayed in
3 Liberia until what period?

4 A. The year 2001."

15:14:35 5 Now, there other parts to this transcript, but in relation
6 - may I finish, counsel opposite?

7 PRESIDING JUDGE: No, no, let me see what --

8 MR KOU MJIAN: Counsel misread the transcript. He said 1991
9 when he meant to say 1999 inadvertently in the question of

15:14:54 10 Mr Bangura, on line I believe it's two of page 7018.

11 PRESIDING JUDGE: Is that so, Mr Anyah? I heard you say
12 1991.

13 MR ANYAH: Okay, then I misspoke and I apologise.

14 PRESIDING JUDGE: What should it be?

15:15:07 15 MR ANYAH: Well, it's what the transcript says. I believe
16 it's 1999. The transcript is the authoritative version. I
17 believe page 7017, if that is the complaint, says 1999.

18 PRESIDING JUDGE: Proceed then.

19 MR ANYAH:

15:15:30 20 Q. So this witness said, Mr Smythe, that he was at these radio
21 facilities between the years 1998 through 2001. Now, if you look
22 at the map you will see some asterisks or stars. Do you see
23 those, Mr Smythe?

24 A. Yes, I do.

15:15:48 25 Q. Let's start with Montserrado County. Do you see a star
26 above Paynesville, something that is like a badge, a star, right
27 there near Monrovia?

28 A. Yes, yes.

29 Q. When you look at where Gbarnga is, do you see a star?

1 A. Yes, I do.

2 Q. Where else do you see stars on that map?

3 A. I see a star in Zorzor.

4 Q. Yes?

15:16:30 5 A. I see another star in - I don't know, Tenenbu or something.

6 Q. Yes?

7 A. I see another star in Voinjama.

8 Q. Yes?

9 A. I see another star in I think Kolahun.

15:16:46 10 Q. Yes?

11 A. I see another star in Foya.

12 Q. Yes?

13 A. Another one in I think Buedu or something.

14 Q. Is Buedu in the Republic of Liberia, to your knowledge?

15:16:55 15 A. To the best of my knowledge, Buedu is not in the Republic
16 of Liberia.

17 Q. Now, just like we did yesterday, can you take an orange
18 highlighter, Mr Smythe.

19 This witness told the Court that in the areas where there
15:17:17 20 were stars or where there are stars on this map there were radio
21 bases or radio stations in those particular locations.

22 Now, Mr Smythe, let's leave Monrovia for last. Let's look
23 at Gbarnga. From 1998 to July 2000, to your knowledge, were
24 there radio bases owned by the Government of Liberia in Gbarnga?

15:17:53 25 A. Not that I'm aware of.

26 Q. Can you use the orange highlighter and highlight Gbarnga
27 for us. Well, put it over the star, not the --

28 A. I see. Okay.

29 Q. Thank you. How about at Zorzor?

1 A. Not to my knowledge.

2 Q. With respect to Tenenbu, are you aware of the Government of
3 Liberia having any radio communications equipment at that
4 location during those years?

15:18:26 5 A. Not that I'm aware of.

6 Q. Can you highlight for us in orange both Zorzor and Tenenbu,
7 please. Voinjama and Kolahun. Did, to the best of your
8 knowledge, the Government of Liberia have radio communications
9 equipment at those locations during that period?

15:18:50 10 A. Not that I'm aware of.

11 Q. Can you highlight in orange both Voinjama and Kolahun for
12 us, please. Foya. In Foya, from July - sorry, from 1998 through
13 July of the year 2000, are you aware of there being there any
14 radio communications equipment owned by the Government of

15:19:20 15 Liberia?

16 A. No, I'm not aware of that.

17 Q. Can you highlight Foya for us in orange. And we come to
18 Monrovia. Do you see adjacent to Monrovia and Paynesville you
19 have the word "Monrovia" written, there is a colon, and below it
20 you see something called "Base 1: Yeaten's house"? Do you see
21 that?

15:19:44 22 A. Yes.

23 Q. Do you see - below there you see "02: Executive Mansion".
24 Do you see that?

15:20:04 25 A. Yes, I do.

26 Q. Now, the type of radio that you have told us was at the
27 Executive Mansion during the period of time 1998 through July
28 2000 you said was a short range radio.

29 A. Yes, that's correct.

1 Q. Did that radio have the capability to reach Sierra Leone
2 when one communicated with it?

3 A. No, it doesn't have that capability.

15:20:37

4 Q. How about the radio equipment, if any, at Benjamin Yeaten's
5 house? You said you did not see radio equipment there.

6 A. I did not see any radio equipment in Benjamin Yeaten's
7 house.

15:20:54

8 Q. And for the rest of the City of Monrovia, are you aware,
9 save for the locations you told us - the Liberian National Police
10 headquarters, White Flower and the Executive Mansion and the
11 Bureau of Immigration and Naturalisation Service - are you aware
12 of the Government of Liberia having radio communications
13 equipment anywhere else in the City of Monrovia during the period
14 1998 through July 2000?

15:21:16

15 A. Not that I'm aware of.

16 Q. Can you highlight for us the star above Monrovia on that
17 map. Can you also highlight where it says "Base 1: Yeaten's
18 house" and "020: Executive Mansion", can you highlight it in
19 orange for us, please. Can you take a pen, and at the bottom of
20 that map, can you write that, "Highlighted above in orange is
21 information with which I disagree as far as it relates to the
22 period 1998 through July 2000." Can you please sign and date
23 that document for us.

15:21:50

24 Could you show it to your Honours before I ask that it be
25 marked for identification, Madam Court Usher, when you're done.

15:23:13

26 PRESIDING JUDGE: Yes, we've taken note.

27 MR ANYAH: Yes, Madam President.

28 PRESIDING JUDGE: Yes, we've finished.

29 MR ANYAH: May it be marked for identification, please.

1 PRESIDING JUDGE: This is a copy of the map exhibit P-98 as
2 highlighted by witness DCT-179. It is marked MFI-424.

3 MR ANYAH: Thank you, Madam President. Could I ask,
4 please, that the transcript for 4 February 2008 be pulled up
15:24:53 5 starting at page 3049, please:

6 Q. Mr Smythe, over the course of the Prosecution's case
7 several witnesses came here and testified about radio
8 communications, and I want to read to you some of what was told
9 to the judges. This is 4 February 2008, and if memory serves me
15:25:41 10 right this witness was TF1-360, and I will ask you if you know
11 him later on - I will ask you if you know that name - and the
12 witness gave testimony to this effect starting at line 10.

13 MR KOUMJIAN: Could I have a moment? I missed it if
14 counsel gave the page number. I missed the page number.

15:26:14 15 MR ANYAH: Madam Court Manager has pulled up the
16 transcript, if you would press "PC 1". But the page number is
17 3049 for 4 February:

18 Q. Now, the question is asked of the witness, line 10:

19 "Q. Now, during the period up until 1994 what was the
15:26:43 20 state of communication that you had, the RUF had with
21 Liberia?

22 A. Repeat your question.

23 Q. What was the state of communication between the RUF and
24 the NPFL? You have mentioned that there was - a lot of
15:27:02 25 supplies came from the NPFL. What was the state of
26 communication between you?

27 A. If you are talking about radio communication it was
28 cordial. It was cordial.

29 Q. And can you comment on the frequency of the

1 communications with the NPFL?

2 A. Well, we always spoke to the NPFL at any time Mr Sankoh
3 wanted to speak to Mr Taylor, at any time Mr Taylor wanted
4 to speak to Mr Sankoh. That happened every two, three
15:27:42 5 days. But every moment we used to send message to the NPFL
6 in Liberia and they would also send message to us because
7 the Liberians knew our communication code and we also had
8 their own communication code. So that was how it was
9 arranged."

15:28:08 10 Let's pause there for a second. Mr Smythe, this witness is
11 speaking of a period of time up until 1994. You told us of your
12 arrival in Liberia in 1990; you told us of your service as
13 Mr Taylor's radio operator during the early part of the 1990s
14 through, I believe, 1992, 1993; and you told us of your arrival
15:28:40 15 in Gbarnga in July 1991. What you've heard this witness describe
16 here, let's break it down into periods. From when you arrived in
17 Liberia in March, April 1990 through the time the NPFL started
18 working together with the RUF in or about August 1991, was radio
19 communication between the RUF and the NPFL in existence?

15:29:18 20 A. No, there was no radio communication in existence.

21 Q. When the NPFL and the RUF started cooperating together on
22 or about August 1991 through what you say the end of the
23 relationship was, May, June 1992, to your knowledge did the RUF
24 and the NPFL communicate by radio every two to three days as
15:29:46 25 suggested by this witness here?

26 A. Not that I'm aware of.

27 Q. To your knowledge, was there any radio communications
28 between the two groups during that period of time?

29 A. I'm not aware of any radio communication between the two of

1 them.

2 Q. To your knowledge, after May, June 1992 through 1994 was
3 there any radio communications between the RUF and the NPFL?

4 A. No, not that I'm aware of.

15:30:24 5 Q. To your knowledge, during the period 1990 through 1994 did
6 the RUF and the NPFL have the communication codes of each other?

7 A. Not that I'm aware of.

8 Q. Well, let me ask you specifically about the NPFL. Do you
9 know whether during that period of time they had the

15:30:52 10 communication codes of the RUF?

11 A. Not that I'm aware of.

12 Q. Line 27, a question is asked of the witness:

13 "Q. When Mr Sankoh spoke to Mr Taylor on the radio did
14 they refer to each other - or when Mr Taylor spoke to

15:31:14 15 Mr Sankoh on the radio did they refer to each other by any
16 code name when there was communication between them? Were
17 they referring to any particular code names?

18 A. Yes, they had code names, even when they spoke
19 directly. When they were speaking directly to each other

15:31:46 20 they referred to themselves - Mr Taylor called Sankoh

21 Toyota and Mr Sankoh, who was Toyota, referred to Mr Taylor
22 as Ebony at that point in time. But at times they used to

23 refer to themselves as subjects when they never wanted to
24 use the same code at all times. But sometimes when we went

15:32:14 25 on the Liberia net we referred - we called Mr Taylor's

26 radio station Butterfly and then when they went to our

27 radio net they would call 35, so we would know

28 automatically that they were calling from Liberia."

29 Let's pause there. A number of things here, Mr Smythe.

1 Are you aware, in the period 1990 through 1994, there ever being
2 radio communication directly between Charles Taylor and Foday
3 Sankoh?

4 A. I'm not aware of that.

15:32:55 5 Q. Could it have happened and you would not have known about
6 it?

7 A. The time I used to be with the radio, it couldn't have
8 happened without knowing it about.

9 Q. Why do you say that?

15:33:07 10 A. I said the time I was with the radio, it couldn't have
11 happened without me knowing it.

12 Q. At any time when you were Mr Taylor's radio operator did he
13 personally get on the radio?

14 A. No, Mr Taylor never spoke on the radio as far as I know.

15:33:20 15 Q. Now, when you served as Mr Taylor's radio operator, at any
16 time did his radio Butterfly call a radio with the call sign or
17 code name 35 to the best of your knowledge?

18 A. To the best of my knowledge, no, I don't know any code 35.

19 Q. Have you ever heard of somebody called Perry Kamara?

15:33:53 20 A. No, I never heard of that name before.

21 Q. May we scroll to page 3074, please. Mr Smythe, have you
22 ever heard of anyone called King Perry?

23 A. No, I never heard of that name.

24 MR ANYAH: I believe that would be 5 February, Madam Court
15:34:27 25 Manager, and that would be page 3074. I will start at line 7
26 once it's pulled up:

27 Q. Line 7, the question is asked:

28 "Q. Now regarding communications with Liberia, how was it?
29 How would this operate?"

1 A. Well, the Liberia communication was a direct contact
2 from our control station to Charles Taylor's radio station.
3 That was effective. I would almost say it was every day.

4 Q. Who contacted who?

15:35:33 5 A. Sometimes it was a control station with just our leader
6 who was there who would call from Liberia. Sometimes
7 Mr Taylor would call from Liberia to Sierra Leone.

8 Q. Now were these calls made directly from the control
9 station in Sierra Leone to Charles Taylor in Liberia?

15:35:56 10 A. I don't understand the word you used, 'direct'.

11 Q. Who spoke to who on the radio when these calls were
12 made?

13 A. Sometimes Foday Sankoh would talk to Taylor directly on
14 this radio and some other times Foday Sankoh would write a
15:36:20 15 message, then the operator would encode the message and
16 transmit it to Liberian station. Similarly so Mr Taylor
17 would send a message to Foday Sankoh."

18 Pause there. Mr Smythe, in the period of time 1990 through
19 1993, 1994 did Mr Taylor ever send a radio message through you to
15:36:53 20 Foday Sankoh?

21 A. He never sent a radio message through me to Foday Sankoh.

22 Q. During that period of time to your knowledge did Mr Taylor
23 ever send a message through Oretha Gweh to Foday Sankoh?

24 A. No, Mr Taylor didn't send any message through Oretha Gweh
15:37:14 25 to Foday Sankoh.

26 Q. How do you know that?

27 A. Yes, Oretha worked directly under me and whatever message,
28 you know, has been given to her would be written. So if I look,
29 you know, then I would have to know which message is sent - she

1 sent.

2 Q. What about Victor Gensei?

3 A. Victor Gensei is not a radio operator. He controls the
4 signal unit as the overall commander, but he's not a radio
15:37:34 5 operator.

6 Q. What of James Galakpalah?

7 A. James Galakpalah as well is involved with the supervision
8 of the radio squad; not a radio operator.

9 Q. Were any of those two men President's Taylor's radio
15:37:45 10 operator?

11 A. They were not President Taylor's radio operator.

12 Q. We continue, line 25 --

13 PRESIDING JUDGE: Sorry to interrupt, at page 153 line 8
14 there is something that the witness said that appears on the
15:38:02 15 LiveNote as "indiscernible". I'm afraid I can't remember what it
16 is he said. Supervision? Something like supervision.

17 MR ANYAH:

18 Q. Mr Witness, you were spell speaking of James Galakpalah,
19 and you said he was involved - I don't remember what --

20 PRESIDING JUDGE: Involved with what?

21 THE WITNESS: He was the deputy signal unit commander, and
22 he was involved in the supervision of all the radios controlled
23 by the NPFL.

24 MR ANYAH:

15:38:31 25 Q. Was he a radio operator?

26 A. No, he was not a radio operator.

27 MR ANYAH: I wonder if that satisfies, Madam President?

28 PRESIDING JUDGE: Yes.

29 MR ANYAH:

1 Q. Now line 25, 3074 being the page number:

2 "Q. Now do you remember some of the names or code names
3 that were used on the Liberian side?

4 A. With whom sorry?

15:39:00 5 Q. When you called the radio in Liberia did you - they
6 have a code name there?

7 A. Yes, the radio station had a code name. Then our
8 Sierra Leone radio station, when it wanted to call Liberia
9 it had a special code name. Then the people who were

15:39:19 10 called like Mr Taylor had a code name. Then Mr Sankoh as
11 well had a code name when he was called from Liberia. From
12 the Sierra Leone station we just call in Liberia, they
13 would say 35B calling Butterfly. That was Mr Taylor's

14 station called Butterfly in Liberia, so Liberia would know
15:39:44 15 that Sierra Leone was calling. So if Butterfly called 35
16 we would know that the Liberian station was calling RUF."

17 Mr Smythe, you heard the reference there to both 35 and
18 35B. It's unclear to some degree whether they represent the same
19 radio, but during the time you worked as Mr Taylor's radio
15:40:11 20 operator, did you ever transcribe or send - transmit or send any
21 messages to a radio with a call sign 35B?

22 A. I've never heard of 35B.

23 Q. And you've spoken previously about 35?

24 A. That's correct.

15:40:29 25 Q. The next question appears on line 11:

26 "Q. Did you operate on the same frequencies?

27 A. Yes, we had the same national - that was the junction
28 where everybody would meet. The RUF and the Liberians,
29 there was always one radio on standby on that net. When

1 they were ready they would call on that net which was
2 70110. That was where they spoke and they will send
3 messages.

15:41:10

4 Q. Were you able to monitor messages that - communications
5 that went on between Sierra Leone and Liberia? The radio
6 operators within Sierra Leone, were they able to monitor
7 these communications?

15:41:31

8 A. Yes, the communication between the RUF and the NPFL of
9 Mr Taylor, every radio operator was aware of these messages
10 and even the ordinary talks between the Liberian and the
11 Sierra Leoneans."

12 Let's pause there. Mr Smythe, a couple of questions.
13 Between 1990 and 1993, 1994, to the best of your knowledge, did
14 the NPFL and the RUF operate on the same radio frequency?

15:41:58

15 A. No, not to my knowledge.

16 Q. You see reference by witness to what is called a net and
17 the net was on 70110. Do you understand what this means,
18 Mr Smythe?

19 A. I don't know what he means over there.

15:42:20

20 Q. Was there any occasion when you sent a radio message or
21 transmitted such a message on a radio network that had the
22 designation 70110?

23 A. I never sent any message to any radio with this 70110.

15:42:47

24 Q. On line 21, when the witness responds that, "Yes, every
25 radio operator was aware of those messages between the RUF and
26 the NPFL of Mr Taylor," was that the case as you remember it,
27 Mr Smythe?

28 A. I'm not aware of it, so it can't be every radio operator.

29 Q. If something like that had happened, others being able to

1 hear messages transmitted by the NPFL, would you have been in a
2 position to know of it?

3 A. Yes, because all NPFL radios are on the same frequency. I
4 would have heard. I would have known about it.

15:43:17 5 Q. Did the NPFL share its frequency with any other
6 organisation during that period of time, 1990 through 1993, '94,
7 to the best of your knowledge?

8 A. No, NPFL didn't share its frequency with any other
9 organisation.

15:43:32 10 Q. And let's just get the time frame that this witness is
11 talking about. If we go to the next page, 3076, and we look at
12 line 11 through line 17:

13 "Q. Now, Mr Witness, you have been describing the methods
14 of communications within the RUF and also between the RUF
15:43:59 15 and Liberia, Mr Taylor in Liberia. Now what period are we
16 talking of here?

17 A. Well, as far as I know, from the time that I learnt
18 about radio, that was in 1992 and before 1992 from '91 up
19 to the time we were disarmed."

15:44:26 20 "... up to the time we were disarmed." So it appears the
21 witness is speaking of a rather large period of time here. Do
22 you know, Mr Smythe, when disarmament took place in Sierra Leone
23 vis-a-vis the Sierra Leonean conflict?

24 A. No, I don't know the time the disarmament took place in
15:44:44 25 Sierra Leone. I don't know.

26 Q. Do you know whether there was still fighting going on in
27 Sierra Leone after disarmament had taken place in Liberia in
28 1996, 1997?

29 A. I don't monitor events in Sierra Leone, so I don't know.

1 Q. Mr Smythe, do you know whether when the RUF delegation came
2 to Liberia in 1999 - you told us that yesterday.

3 A. Yes, I do.

15:45:16

4 Q. There was still a civil conflict going in Sierra Leone by
5 that time?

6 A. Are you asking whether there was?

7 Q. Yes.

8 A. There was still some confusion, yes, in Sierra Leone.

15:45:27

9 Q. I'm not asking about confusion. I'm asking about military
10 and armed conflict.

11 A. Yes.

12 Q. Now, going beyond your time as Mr Taylor's radio operator,
13 including your time as assistant director for operations of the
14 SSS, through July 2000, are you aware - and I will use my

15:45:56

15 phraseology interchangeably between NPFL and the Government of
16 Liberia with you understanding that the NPFL ceased to exist in
17 1997 - are you aware of either the NPFL or the Government of
18 Liberia communicating with the RUF in the manner described by
19 this witness?

15:46:15

20 A. No, I'm not aware of that.

21 Q. Are you aware of Council of State member Charles Taylor
22 and/or President of the Republic of Liberia Charles Taylor
23 communicating with Foday Sankoh on the radio in the manner
24 described by this witness?

15:46:31

25 A. No, I'm not aware of that.

26 Q. Thank you, Mr Smythe. Can we go please to the transcript
27 of 20 February 2008, and the relevant page would be 4362.

28 Mr Smythe, have you ever heard of a man named Foday Lansana?

29 A. No, I never heard of that name before.

1 Q. Have you heard of a Liberian named Nya Korto, Nya Korto
2 Nessian?

3 A. No, I never heard of Nya Korto Nessian.

15:47:51

4 Q. Have you heard of somebody named Nya Korto Nessian also
5 known as Foday Lansana?

6 A. No, I never heard of that name before.

7 Q. Well, somebody with those names appeared before this Court,
8 testified in open session between 20 February 2008 and 26
9 February 2008. Here is what he told the Justices, starting at

15:48:13

10 line 23:

11 "Q. And where was that place that Foday Sankoh was to show
12 you?

13 A. There was a house in Koindu at the entrance of Koindu
14 Town. That was where he had his ground. The area was
15 known as Baidu.

15:48:36

16 Q. Can you say that area again?

17 A. Baidu, B-A-I-D-U.

18 Q. Is that an area within Koindu?

19 A. Yes. Yes.

15:48:55

20 Q. As a result of Foday Sankoh's instruction to install a
21 radio what happened?

22 A. The radio was installed by Roosevelt Nyameleyan and it
23 was tested. He called the nearby station and Gbarnga
24 stations and he confirmed that the signal was loud and
25 clear.

15:49:21

26 Q. Okay. First of all can you say who exactly installed
27 the radio?

28 A. Yes. Roosevelt Nyameleyan was the head of the
29 installation.

1 Q. How long did it take to install approximately?

2 A. At least 45 minutes.

3 Q. And then you said it was tested, he called the nearby
4 station and Gbarnga stations and he confirmed that the

15:49:57 5 signal was loud and clear. Explain what you mean?

6 A. What I am trying to say is that upon the instruction
7 that we should install the radio we had the antenna, we had
8 the battery to the radio, we had the connection cable for
9 the battery and the communication set. Everything was put

15:50:19 10 together and the radio came on and he was trying to confirm
11 the signal of the radio with the nearby station and up to
12 Gbarnga and he realised that it was okay at the end of all
13 the connection.

14 Q. So when he tested the station he tested it with a

15:50:35 15 nearby station and Gbarnga?

16 A. Yes.

17 Q. Do you know the name of the nearby station that was
18 used as a test?

19 A. Yes.

15:50:46 20 Q. Where was that?

21 A. He tested with Treetop, Butterfly and the nearby
22 station that was in Vahun and it was called Alpha Charlie
23 and the other one that was in Voinjama was Delta Bravo."

24 Just pause here. Just so the record is clear, if we were
15:51:15 25 to go back to page 4360 at the top we will see that this witness
26 said he entered Koindu in Sierra Leone between July to August
27 1991. That's the period of time he's referring to. July to
28 August 1991.

29 Now, Mr Smythe, you've heard references to a number of

1 radio stations. We've heard of Treetop, we've heard of
2 Butterfly, we've heard of a station in Vahun called Alpha
3 Charlie, we've heard of one in Voinjama called Delta Bravo.
4 Let's take them one at a time. To your knowledge, was there, in
15:52:11 5 1991, in NPFL-controlled territory any radio station by the name
6 Treetop?

7 A. Yes. Gbarnga was referred to as Treetop.

8 Q. And you've told us about Butterfly being Mr Taylor's radio
9 code.

15:52:30 10 A. That's correct.

11 Q. Do you know of a radio station with the code name Alpha
12 Charlie?

13 A. No, I don't know of that radio station.

14 Q. Are you aware of there being a radio station in Voinjama
15:52:45 15 with the name Delta Bravo?

16 A. No, I'm not aware of that.

17 Q. We're talking of the period 1991 now.

18 A. Yes, that's what I'm saying.

19 Q. Where was this radio station Treetop located at?

15:53:04 20 A. The radio station Treetop was in Gbarnga, located in
21 Gbarnga.

22 Q. Where exactly in Gbarnga?

23 A. In Gbarnga there is - the signal unit has a building that
24 they use as communications station.

15:53:25 25 Q. Was it within the Executive Mansion Ground?

26 A. No, it was not within the Executive Mansion Ground.

27 Q. If we scroll down on that page, we're now at 4364, you will
28 see the questions about Treetop at line 7:

29 "Q. Do you know what the code name Treetop referred to?

1 A. Yes. The radio station called Treetop was the overall
2 station for the National Patriotic Front of Liberia.

3 Q. Do you know where this station was based?

4 A. In Gbarnga, yes.

15:54:03 5 Q. What was the reference to Butterfly, do you know what
6 that means?

7 A. Butterfly was the radio station and it was given that
8 code name for Mr Charles Ghankay Taylor.

9 Q. Do you know where this radio station was located?

15:54:23 10 A. Executive Mansion Ground."

11 Just to be clear, your response, Mr Smythe, is that Treetop
12 was not located within the Executive Mansion Ground?

13 A. Yes, that's what I said.

14 Q. And Butterfly was?

15:54:36 15 A. Yes.

16 MR ANYAH: May we please go to the transcript of 2 July
17 2008. The relevant page is 12868. I just wish to be sure I
18 don't have the public version and that I have the same version
19 being used by everyone else. Well, I'll just read what I have:

15:56:19 20 Q. Line 19 there's a question posed:

21 "Q. To your recollection for what period of time did ULIMO
22 cut off the access between the RUF and Charles Taylor?

23 A. It was in 1993.

24 Q. Until when?

15:56:50 25 A. Until 1998 again.

26 Q. Now when the access was once again open between the RUF
27 and Charles Taylor, where were you?

28 A. At that time I was in Kailahun District. I was based
29 in a town called Balahun.

1 Q. During this time that the access across the border was
2 cut off was there any communication between the RUF and
3 Charles Taylor?

4 A. I did not get that clearly.

15:57:40 5 Q. During the time that the border was cut off between the
6 RUF and Charles Taylor, was there any contact between the
7 RUF and Charles Taylor?

8 A. Since the time ULIMO captured the road, we did not have
9 road contact. We only had contact through communication.

15:58:12 10 Q. What type of communication?

11 A. Radio communication.

12 Q. Were you present for any of these communications
13 between the RUF and Charles Taylor?

14 A. Yes, when the communication was taking place they did
15:58:33 15 not talk directly to Charles Taylor. Sometimes Foday
16 Sankoh would communicate with the operator that was with
17 Charles Taylor that was called Butterfly. It was through
18 him that the communication went on.

19 Q. And were you yourself present for any of these
15:58:57 20 communications?

21 A. Yes.

22 Q. These communications that you were present for, what
23 was the communication about?

24 A. At that time he was trying to tell his brother Charles
15:59:17 25 the prevailing conditions in the RUF-controlled zones.

26 Q. And, if you know, what was Charles Taylor's response to
27 this communication?

28 A. Well, at that time Charles Taylor was not talking
29 directly to Foday Sankoh. He would tell his operator the

1 message and the operator would send a message to Foday
2 Sankoh. "

3 Let's pause there. Mr Smythe, you understand this person
4 is talking about the period of time from 1993 through 1998 when
15:59:56 5 ULIMO, the witness says, cut off the border and they couldn't
6 make contact by road with Charles Taylor. Now, this witness says
7 messages were transmitted through Butterfly and not directly with
8 Charles Taylor. The code name Butterfly, you explained to us on
9 Monday and a little bit on Tuesday what it represents. Is that
16:00:29 10 the code name for a radio or for a radio operator?

11 A. Butterfly is a code name for a radio operator.

12 Q. And the radio operator that answered that code name, to
13 whom was that person assigned during the period 1993 through
14 1998, if you know?

16:00:45 15 A. Butterfly, that's me: Yanks Smythe.

16 Q. Did any other person have that designation "Butterfly" when
17 they operated a radio code on behalf of either the NPFL or
18 Charles Taylor?

19 A. Yes, Oretha Gweh did.

16:01:07 20 Q. And during what period of time did Ms Gweh retain such a
21 designation?

22 A. Up to 1994.

23 PRESIDING JUDGE: That's not quite a period.

24 MR ANYAH:

16:01:27 25 Q. From what point did she, Ms Gweh, start using that
26 designation and at - at what point did Ms Gweh start using that
27 designation? Can you tell us, please?

28 A. Are you talking about "Butterfly"?

29 Q. Yes.

1 A. Ms Gweh started using that code from 1990.

2 Q. And at what point did Ms Gweh no longer use that code?

3 A. Up to 1994, yes.

4 Q. And you, at what point did you start using that code?

16:02:00 5 A. I started - I stopped - I was still using Butterfly because
6 Butterfly was not a station. Butterfly was my code, but if
7 Oretha Gweh was coming on the radio, she will use the code
8 Butterfly. And sometimes if both of us are together I will use
9 Butterfly B. So from the time I left Mr Taylor's radio it was
16:02:19 10 not referred to Butterfly again. Butterfly was referred to as my
11 code.

12 Q. Okay. Let's pause for a minute. When did you leave
13 Mr Taylor's radio?

14 A. I left Mr Taylor's radio in 1993.

16:02:35 15 Q. And when did you start with - when did you start serving as
16 his radio operator?

17 A. I started serving as his radio operator from 1990.

18 Q. When you left service as his radio operator in 1993, did
19 you retain the radio code Butterfly?

16:02:54 20 A. Yes, I did retain the radio code Butterfly.

21 Q. For how long after that did you retain that code?

22 A. I retained the code Butterfly throughout. Even while I was
23 assistant director for operations for the SSS I had a code, Unit
24 56, but I was still referred to as Butterfly.

16:03:11 25 Q. Until what year were you referred to as Butterfly?

26 A. Until the time I left in 2000 to go to Libya as charge
27 d'affaires.

28 Q. Was that July 2000?

29 A. That's correct.

1 Q. Now, during the entire period of time - well, let's focus
2 specifically on this period of time referred to by the witness,
3 1993 through 1998. During that period of time, using your radio
4 code Butterfly did you ever transmit any messages on behalf of
16:03:55 5 Charles Taylor to Foday Sankoh?

6 A. I never transmitted any message on behalf of Charles Taylor
7 to Foday Sankoh. Never.

8 Q. And let's just be clear. We're referring to radio messages
9 here, Mr Smythe?

16:04:04 10 A. Yes, I know of no radio messages whatsoever.

11 Q. During that period of time, 1993 through 1998, did you ever
12 receive any radio messages while using your radio code Butterfly
13 from Foday Sankoh to Charles Taylor?

14 A. I never received any message from Foday Sankoh to
16:04:26 15 Charles Taylor.

16 Q. For the period 1993 through the period 1994 when Oretha
17 Gweh still could be referred to as Butterfly, to the best of your
18 knowledge did Ms Gweh in that period of a year ever transmit any
19 radio messages on behalf of Charles Taylor to Foday Sankoh?

16:04:51 20 A. Not that I know of.

21 Q. To the best of your knowledge, during that period of time
22 1993 through 1994, did Oretha Gweh, also known as Butterfly, ever
23 receive any messages from Foday Sankoh for Charles Taylor?

24 A. Not that I know of.

16:05:09 25 Q. Thank you, Mr Smythe.

26 PRESIDING JUDGE: Mr Anyah, could I ask a clarification
27 from the witness?

28 MR ANYAH: Yes, please.

29 PRESIDING JUDGE: Did the witness say that he served as

1 Mr Taylor's radio operator beyond 1993?

2 MR ANYAH: No, but he did say he retained the code
3 Butterfly.

4 PRESIDING JUDGE: That's not what I'm asking. I'm just
16:06:02 5 saying did he operate the radio beyond 1993?

6 MR ANYAH:

7 Q. Mr Smythe, can you respond to the President, please?

8 A. Mr Taylor's radio beyond 1993?

9 PRESIDING JUDGE: Yes.

16:06:14 10 THE WITNESS: No.

11 MR ANYAH: There's one more transcript I wish to read -
12 maybe perhaps two. 1 December would be the next one. Can we
13 start at page 21393, please.

14 Q. Now, at line 11 there is a question, page 21393:

16:07:31 15 "Q. After that where did you go?

16 A. After, Sandeyalu, we were there when the enemies, the
17 Sierra Leone Army pursued us. I was able to go to Koindu.
18 We went and arrived in Koindu and I was in Koindu - that
19 was where I was up to December with Pa Sankoh.

16:08:08 20 Q. And what year is that?

21 A. 1993.

22 Q. After Koindu where was your next basing?

23 A. Well, from Koindu, we stayed in Koindu until the enemy
24 pressurised us and cut off our supply routes. Then we were
16:08:31 25 in Koindu when Pa Sankoh told me to contact. That is
26 before we left Koindu I contacted Treetop to contact
27 Mr Taylor for him to do whatever he could to send
28 ammunition for us through the jungle wherein other people
29 from the RUF could go to receive them. I even contacted -

1 there was even a dialogue directly between - between
2 Mr Taylor and Foday Sankoh at that time, and that was
3 really the first time that I saw - that I overheard the two
4 of them directly speaking on the radio, on the VHF radio,
16:09:20 5 whereby Mr Sankoh sent some options to."

6 We go over to page 2394. There is a request to repeat.
7 Mr Santora repeats the question. Starting at line 5 Mr Santora
8 says:

9 "Q. I want you to, if you can pick up, you said that there
16:09:43 10 was even a dialogue directly between Mr Taylor and Foday
11 Sankoh at that time and that was really the first time that
12 I saw - that I overheard the two of them directly speaking
13 on the radio, on the VHF radio.

14 A. Yes.

16:09:56 15 Q. Continue from that point.

16 A. The dialogue was based on so that Mr Taylor could send
17 ammunition for us because, you know, the enemy had really
18 pressurised us, the SLAs, and the ULIMO too was
19 pressurising us. So Mr Taylor even suggested to Pa Sankoh
16:10:20 20 that he should see if there was any way that Mr Taylor
21 could ensure that a chopper picks up Pa Sankoh from Koindu,
22 or the area at Pa Sankoh would identify. Then Pa Sankoh
23 said that was not a good option for him. He said if he
24 goes out of Sierra Leone that the RUF would go into
16:10:40 25 disarray at that point in time."

26 Let's pause there. Mr Smythe, the year now is 1993. To be
27 fair to you and to make the record clearer and perfected, to use
28 a term of art, I could read further and you will see that at line
29 23 there's reference to Butterfly. Indeed, the answer is:

1 "I contacted his radio station, Mr Taylor's radio.
2 Butterfly I suggest - it was I who suggested the dialogue from
3 Lion. I mean, at that time from Toyota to Ebony that Toyota
4 would want to talk to Ebony on a very important issue. So I
16:11:32 5 mounted pressure until Treetop took it up and he finally was able
6 to get Mr Taylor to come on the radio to talk to his brother, the
7 late Sankoh, directly."

8 Now, let's pause there. Mr Smythe, this witness is
9 speaking of the year 1993. This witness is speaking of
16:11:54 10 Mr Taylor's radio station and referring to it as Butterfly. He
11 is referring to direct radio communication contact between Foday
12 Sankoh and Charles Taylor. Are you aware of such a circumstance
13 occurring in the year 1993?

14 A. No, I'm not aware of - never aware of that.

16:12:19 15 Q. Do you know or did you know Foday Sankoh's nickname to be
16 Lion?

17 A. No, I don't know of that.

18 Q. Did anybody have the nickname Lion that you knew in 1993?

19 A. No. In 1993, no, I don't know of anybody with the code
16:12:37 20 name Lion.

21 Q. Mr Smythe, let's focus now on the year 1999. Actually,
22 there's one event in 1998 we should cover. You mentioned it
23 before. You told us Sam Bockarie came to Liberia - I think you
24 said September 19 --

16:13:17 25 MR KOUMJIAN: Could I have a reference to that? I don't
26 believe that the witness has said that.

27 MR ANYAH: Yes, that was said earlier today.

28 PRESIDING JUDGE: He did say that.

29 MR ANYAH: He said that, and we would have to scroll up on

1 the LiveNote transcript.

2 PRESIDING JUDGE: I think we had better refer to the
3 transcript though because I don't remember what period the
4 witness said or if he even said a period.

16:13:40 5 MR ANYAH: I will find it if I have a minute, please.

6 MR KOUMJIAN: I see page 111, line 1.

7 MR ANYAH: Yes. I posed a question - this is at page 110
8 and I use a 12 point font. The question was posed to the witness
9 at line 21:

16:14:44 10 "Q. Was there a time when members of the RUF during your
11 tenure as assistant director came to Liberia?

12 A. Yes. There were times when members of the RUF - a
13 member of the RUF came to Liberia.

14 Q. What times are you referring to?

16:15:00 15 A. I'm referring to 1998.

16 Q. And which members of the RUF came to Liberia then?

17 A. Sam Bockarie came to Liberia in September - I think
18 September, October of 1998."

19 So that's the basis for my question:

16:15:20 20 Q. Now, Mr Witness, you told us that earlier today. Do you
21 know the reason Sam Bockarie came to Liberia in 1998?

22 A. The reason I know was there was a conflict between he and
23 Sankoh, and the time in question, Mr Taylor was a mediator in the
24 Sierra Leone conflict, so he was invited to come to Monrovia.

16:15:49 25 Q. Now, you said Mr Taylor was a mediator in the Sierra
26 Leonean conflict. You made a passing reference to him being a
27 mediator I believe on Monday, the 22nd. What exactly are you
28 referring to when you say Mr Taylor was a mediator in the Sierra
29 Leonean conflict?

1 A. I mentioned, I think if I'm not mistaken, he was designated
2 by the ECOWAS leaders to mediate the conflict in Sierra Leone.
3 That's what I said.

4 Q. And how do you know that, Mr Smythe?

16:16:22 5 A. Yes, I knew because I was directly with Mr Taylor. And
6 when that happened, I knew it happened, yes.

7 Q. During your time as assistant director for operations of
8 the SSS, did you ever travel with Mr Taylor overseas, out of
9 Liberia?

16:16:40 10 A. Yes, I did.

11 Q. On any of these occasions, did you travel with him to any
12 conferences within the West African region?

13 A. Yes.

14 Q. Can you give us examples of any such trips you took with
16:16:54 15 Mr Taylor.

16 A. I travelled with Mr Taylor to Lome.

17 Q. In what year?

18 A. Lome was 1999. Yeah, 1999.

19 Q. And what was the purpose of that trip?

16:17:10 20 A. The purpose of the trip was to, you know, mediate between
21 the RUF and the Sierra Leone government.

22 Q. Separate and apart from the trip to Lome, where else, if
23 any, did you go with Mr Taylor out of Liberia?

24 A. I went with Mr Taylor to Paris, France.

16:17:32 25 Q. And when was that?

26 A. I think that should be between 1998, '99, yes.

27 Q. And where else, if any, did you go with Mr Taylor?

28 A. I went with Mr Taylor to Abuja, Nigeria.

29 Q. Yes. And for what purpose?

1 A. Also for a conference. I think an ECOWAS conference.

2 Q. And when was that?

3 A. This should be I think in 1999, yeah.

4 Q. Those trips, the conferences that you accompanied him to,
16:18:11 5 did you accompany him in your official capacity as assistant
6 director of operations of the SSS?

7 A. Yes.

8 Q. And likewise the trip to Paris, France, did you accompany
9 him in that capacity?

16:18:24 10 A. Yes.

11 Q. When you would go with Mr Taylor to the conferences, for
12 example, in Abuja and Lome - well, you've told us already with
13 respect to Lome. The Abuja conference, what was its subject
14 matter, if you recall?

16:18:37 15 A. Abuja was an ECOWAS conference. I can't recall what was
16 the subject matter.

17 Q. Do you have any photographs showing you with Mr Taylor
18 overseas at one of these conferences?

19 A. Yes, I think I had one picture that shows me with
16:18:58 20 Mr Taylor.

21 Q. We will come back to that in a minute. I want to continue
22 now this issue of Mr Taylor being made a mediator. How did you
23 receive that information?

24 A. I received that information through Mr Taylor himself.

16:19:15 25 Q. Under what circumstances?

26 A. He told us that he has been appointed by his colleagues to
27 mediate in the Sierra Leone conflict.

28 Q. And when were you told that first?

29 A. That was sometime in 1998, I think. 1998, '99, I think.

1 Q. Was that before or after Sam Bockarie came to Liberia?

2 A. Are you referring to whether he was mediator before Sam
3 Bockarie came to Liberia?

4 Q. No, when he told you he had been a mediator, was it before
16:19:45 5 September 1998?

6 A. Yes, that was before September 1998.

7 Q. Did you play any role as a representative of the Government
8 of Liberia in September 1998 when Sam Bockarie came to Liberia?

9 A. No, I didn't play any role.

16:20:02 10 Q. Do you know if Sam Bockarie met Mr Taylor when he came to
11 Liberia during that month and year?

12 A. Yes, he came to meet him at the Executive Mansion.

13 Q. Do you know whether Sam Bockarie came alone or with others,
14 members of the RUF?

16:20:23 15 A. No, I know only Sam Bockarie to have come. I didn't know
16 other members.

17 Q. Did you see Sam Bockarie when he came to Liberia during
18 that month and year?

19 A. The first time he came, I didn't see him. I was - when he
16:20:33 20 came to the mansion, I was at my office and my CPS called me and
21 told me Sam Bockarie was here to see the President. I was at my
22 office doing something else, I can't remember, actually, but I
23 didn't see him on that first trip.

24 Q. You've now referred to a first trip. Was there another
16:20:48 25 trip --

26 A. Yes.

27 Q. -- on which he came to Liberia?

28 A. Yes, Sam Bockarie made another trip.

29 Q. And when was that?

1 A. That was in October and December I think, yes, of the same
2 year.

3 Q. Is it one trip or two trips now we're talking about?
4 You've said October?

16:21:05 5 A. Yes, the first time he came was September.

6 Q. Yes?

7 A. Yes. Another time he came in October and another time he
8 came in December.

9 Q. You have referred now to three trips?

16:21:16 10 A. Yes.

11 Q. September, October and December?

12 A. Yes.

13 Q. Let's take them in stages. The trip in September, you said
14 your CPS came and told you Sam Bockarie was somewhere?

16:21:30 15 A. He called me on the radio, on the walkie talkie, to tell me
16 Sam Bockarie was at the mansion to see the President.

17 Q. Your CPS was whom?

18 A. My CPS was Ocebio Dehme, the chief of protective services.

19 Q. And you've told us Sam Bockarie did in fact see Mr Taylor.

16:21:52 20 Now do you know for how long Sam Bockarie remained in Monrovia on
21 that trip?

22 A. No, I don't know how long he stayed there, but he didn't
23 stay there too long. I don't know how long.

24 Q. Do you know what, if anything, was discussed between Sam
16:22:06 25 Bockarie and Mr Taylor on that trip?

26 A. No, I don't know what was discussed.

27 Q. You referred to October 1998 and you said Sam Bockarie also
28 came to Liberia?

29 A. Yes, that's quite correct.

- 1 Q. Did you see him when he came in October 1998?
- 2 A. I didn't see him in 1998, October.
- 3 Q. Where did he come to when he came in October?
- 4 A. The same time he came to the mansion.
- 16:22:35 5 Q. When you say the mansion --
- 6 A. At the Executive Mansion in Monrovia.
- 7 Q. And for what purpose did he come, if you know?
- 8 A. He came to see Mr Taylor, President Taylor at the time.
- 9 Q. Do you know whether he in fact saw President Taylor?
- 16:22:49 10 A. Yes, he saw President Taylor.
- 11 Q. And how do you know that?
- 12 A. Because I was told by my immediate security around the
- 13 President.
- 14 Q. And do you know what if anything the two men discussed on
- 16:23:00 15 that trip?
- 16 A. No, I don't know what they discussed.
- 17 Q. Do you know for how long Sam Bockarie remained in Liberia
- 18 during his visit in October 1998?
- 19 A. No, I don't know how long he stayed.
- 16:23:13 20 Q. You mentioned a trip by Sam Bockarie to Liberia in December
- 21 1998?
- 22 A. Yes.
- 23 Q. Did you see him on that trip?
- 24 A. December 1998, yes, I think - yes, I saw him, yes.
- 16:23:34 25 Q. Where did you see him?
- 26 A. I saw him at the Executive Mansion.
- 27 Q. Do you know the purpose behind which he came on that trip?
- 28 A. He came on that trip and he left from that trip - that trip
- 29 he left to go to Burkina Faso.

1 Q. What was the purpose of his stop in Liberia?

2 A. He stopped to see Mr Taylor, the President Taylor at the
3 time.

4 Q. Do you know if he in fact saw President Taylor?

16:24:05 5 A. I'm not very sure whether he saw him. I don't know. I
6 can't recall any meeting between them. I'm not sure, I can't say
7 it doesn't happen but I'm not aware of it.

8 Q. When you say you saw him at the Executive Mansion, was the
9 President at the mansion on the day you saw Sam Bockarie there?

16:24:23 10 A. Yes, he was there.

11 Q. Do you know for how long Sam Bockarie stayed in Liberia
12 during that trip?

13 A. No, I don't know how long he stayed there.

14 Q. Do you know from anyone whether he went to Burkina Faso in
16:24:41 15 fact?

16 A. Yes, yes.

17 Q. And how do you know that?

18 A. The late Musa Cisse told me that he and Sam Bockarie was
19 going to Burkina Faso.

16:24:51 20 Q. You mentioned Musa Cisse previously?

21 A. Yes.

22 Q. You referred to him as the chief of protocol?

23 A. Of the Executive Mansion, yes.

24 Q. Do you know why Musa Cisse - well, let me ask you. Do you
16:25:07 25 know as a fact that Musa Cisse went with Sam Bockarie to Burkina
26 Faso?

27 A. Yes, I knew he went, Musa Cisse. Yes, Musa Cisse went with
28 Sam Bockarie.

29 Q. Are those the only two people you know who went on that

1 trip, or were there others?

2 A. I think there were two or three others that came with Sam
3 Bockarie. I don't know them. I don't know their names,
4 actually.

16:25:31 5 Q. I don't know if I asked you how long - well, you said - I
6 asked you - you said you do not know how long he stayed. Okay?

7 A. Yes.

8 Q. Now, besides Sam Bockarie, in the year 1998 do you recall
9 any other member of the RUF coming to Liberia?

16:25:51 10 A. 1998 besides Sam Bockarie? No, I can't recall.

11 Q. Let's go to the year 1999. You told us a few minutes ago
12 you accompanied President Taylor to the Lome Peace Conference?

13 A. Yes.

14 Q. I recall asking you previously if you remembered the month
16:26:13 15 of that conference?

16 A. No, I couldn't - I can't recall the month.

17 Q. Before you went to Lome with President Taylor, do you know
18 whether any members of the RUF visited Liberia?

19 A. Besides Sam Bockarie, no.

16:26:31 20 Q. In the year 1999?

21 A. Yes, in the year 1999, yes.

22 Q. Let me ask my question again. I'm trying to ascertain
23 whether before you and Mr Taylor went to Lome, Togo, the first
24 part - period of 1999 any RUF members came to Liberia that you're
16:26:56 25 aware of?

26 A. Yes, Sam Bockarie came to Liberia in 1999.

27 Q. During which month did he come to Liberia?

28 A. I'll have to reflect. I can't - I'll have to reflect my
29 mind, but he did come to Liberia. That was after the Lome

1 conference.

2 Q. Did he come before the Lome conference?

3 A. He came after the Lome conference.

4 Q. And for what purpose did he come, if you know?

16:27:22 5 A. He came to stay in Liberia.

6 Q. Do you know how it came to be that he came to stay in
7 Liberia?

8 A. Yes, the ECOWAS Leaders asked President Taylor to withdraw
9 Sam Bockarie from Sierra Leone, since he was considered as the
16:27:41 10 problem, to provide sanctuary for him in Liberia.

11 Q. How do you know all of this?

12 A. I knew this because I was told by the President.

13 Q. President Taylor told you this?

14 A. Yes.

16:27:57 15 Q. Is this something he told you directly, or is it something
16 you overheard him say?

17 A. He told me directly. I overheard him saying it and he told
18 me directly. Because as his security officer if something
19 happens, I would ask him as my President and my chief, and he
16:28:12 20 would explain to me if necessary, and he did.

21 Q. All right. Let's backtrack a bit and go back to Lome, and
22 we come back to this period of time when you said Sam Bockarie
23 came to stay in Liberia. Was it just Mr Taylor that went to Lome
24 on the behalf of the Government of Liberia, or were there others
16:28:35 25 who went with him?

26 A. No, it was not only Mr Taylor. The Foreign Minister went
27 with him.

28 Q. And who was the Foreign Minister at that time?

29 A. Honourable Monie R Captan.

1 Q. Can you say the name slowly?

2 A. Monie R Captan.

3 Q. Foreign Minister?

4 A. Yes.

16:28:57 5 Q. Was he the only one who went to Lome with Mr Taylor?

6 A. I think D Musuleng-Cooper was there also.

7 Q. Is that Dr Dorothy Musuleng-Cooper?

8 A. That's correct.

9 Q. What was Dr Cooper's position at that time, if you know?

16:29:18 10 A. Dr Cooper's position at the time was a mediator that was
11 assigned by Mr Taylor.

12 Q. Assigned to what?

13 A. To the Sierra Leone peace process.

14 Q. Was she a member of Mr Taylor's government, to the best of
16:29:35 15 your knowledge?

16 A. At the time she was not a member of Mr Taylor's government.

17 Q. Do you know how it came to be she was made a mediator of
18 this conflict?

19 A. I think the President saw him to be somebody trustworthy,
16:29:48 20 and she deemed it fit to trust him - to trust her to do that job.

21 Q. Besides Monie Captan and Dr Dorothy Musuleng-Cooper, who
22 else, if you know, accompanied Mr Taylor to Lome?

23 A. Myself, including the director of SSS, Benjamin Yeaten.

24 Q. Were you and Benjamin Yeaten the only SSS representatives
16:30:15 25 to accompany Mr Taylor?

26 A. No, we were quite - there were some other SSS officers.

27 About six - five or six other SSS officers.

28 PRESIDING JUDGE: Mr Anyah, we have come to the end of the
29 tape and our time for today. We will pick it up from tomorrow.

1 Mr Witness, I remind you, as I normally do, you are not to
2 discuss your evidence with anybody.

3 THE WITNESS: Thank you, your Honour.

4 PRESIDING JUDGE: Proceedings are adjourned to tomorrow,

16:30:53 5 9.30.

6 [Whereupon the hearing adjourned at 4.30 p.m.
7 to be reconvened on Thursday, 25 February 2010
8 at 9.30 a.m.]

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