



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 25 JANUARY 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:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Silas Chekera

1 Monday, 25 January 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:59 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Mohamed A Bangura and our case manager, Maja Dimitrova.

09:32:33 10 MR GRIFFITHS: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence today myself, Courtenay
12 Griffiths, and with me Mr Morris Anyah of counsel.

13 PRESIDING JUDGE: Thank you. Before we begin the day's
14 proceedings, I thought I would remind the parties of the new
09:32:51 15 sitting schedule that starts next Monday. The Registrar informs
16 me that the parties are well aware of this new schedule. There
17 is a recent one - or the most recent one I think was issued last
18 week on Tuesday or Wednesday. I hope you appraise yourself of
19 the new sitting hours; that is, we shall start the proceedings of
09:33:16 20 the day - or of a day at 15 hours in the afternoon - that's
21 3 o'clock in the afternoon - and work right through to 7.30 every
22 day.

23 As you know, this is necessitated by the fact that the ICC
24 has, for the first time, two trials of its own running
09:33:34 25 simultaneously on top of ours, and we need to share the two
26 courtrooms that they have between the three trials. So I am just
27 calling on all the parties to do your best to adjust to the new
28 schedule. It will need a lot of adjustment from everybody, but
29 it can't be helped. That's the way things are.

1 MR GRIFFITHS: Madam President, can I say this. That for
2 our part, our major concern is that Mr Taylor will be brought on
3 time consistent with new schedule, and I think it would be
4 helpful if Mr Townsend was to impress upon those responsible for
09:34:20 5 the transport of Mr Taylor the need to get him here at the new
6 time, because that's my major concern.

7 PRESIDING JUDGE: Indeed, Mr Griffiths, this is also the
8 judges'. But we have been assured by our own Registrar, as well
9 as the Registrar of the ICC, that the necessary adjustments will
09:34:42 10 be done or made to the transportation of all the detainees,
11 including Mr Taylor, and that he will be brought on time for his
12 trial.

13 MR GRIFFITHS: I'm grateful.

14 PRESIDING JUDGE: I also thought that it's important to
09:35:06 15 mention that the judges of the Special Court were not really
16 party to the new schedule. We - I suppose the Registrar spoke on
17 our behalf - our Registrar of the Special Court - but we really
18 didn't have much choice. Under the memorandum of understanding
19 between the Special Court and the ICC, I think the ICC takes
09:35:33 20 precedence when they have their trials within this building, you
21 know, until we can find our own premises at sometime in the
22 future.

23 You will also note that the new schedule has - we are shown
24 as not sitting on Wednesday, instead of Friday. So this is an
09:35:59 25 adjustment that we have to make in the schedules. Perhaps at
26 this time it's good for me to ask a rhetorical question,
27 especially to the Defence: Would you mind, instead of not
28 sitting on Friday, not sitting on Wednesday instead?

29 MR GRIFFITHS: Well, Madam President, it does create

1 difficulties. Because some of us, of course, as the Court
2 appreciates, travel on a Friday to return on a Sunday. But at
3 the end of the day, it seems to us that the smooth progress of
4 this trial is more important than any inconvenience it may cause
09:36:44 5 to any individual counsel involved in the proceedings.

6 PRESIDING JUDGE: I appreciate your understanding,
7 Mr Griffiths, and just to note that perhaps it's just for the one
8 week that this will happen. In subsequent weeks, the day that is
9 set apart for not sitting will probably revert back to Friday,
09:37:05 10 but this is not in our control. It could be a Tuesday, depending
11 on the people who make the decisions. It could even be a Monday.
12 So I thank you for your understanding.

13 Now, Mr Taylor, I remind you, as we normally do, of your
14 declaration to tell the truth.

09:37:25 15 Thank you, Ms Hollis. Please continue.

16 MS HOLLIS: Madam President, your Honours, there are other
17 matters that require my attention at the latter part of this week
18 so, with the permission of the Trial Chamber, Mr Koumjian will
19 conduct the cross-examination on Wednesday and Thursday of this
09:37:53 20 week, if that is permissible with the Chamber.

21 PRESIDING JUDGE: Certainly. Thank you for letting us
22 know.

23 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

24 [On former affirmation]

09:38:02 25 CROSS-EXAMINATION BY MS HOLLIS: [Continued]

26 Q. Good morning, Mr Taylor.

27 A. Good morning.

28 Q. Mr Taylor, you may recall that on 19 and 23 November of
29 last year I asked you about prior testimony you had given

1 regarding crimes committed in Liberia. Do you recall that?

2 A. I recall the - I don't recall the dates, but the subject
3 matter I do.

4 Q. And I reminded you that you had testified that the crimes
09:38:35 5 committed in Sierra Leone were surprising to you because no such
6 crimes occurred in Liberia and you answered, "That is correct",
7 and you pointed out mutilation; do you recall that, Mr Taylor?

8 A. Yes, I do.

9 Q. I also reminded you of your prior testimony that crimes by
09:38:55 10 your NPFL subordinates were not widespread. You indicated that
11 there may have been one or two rapes or killings in the NPFL, but
12 the crimes were not widespread. Do you recall that, Mr Taylor?

13 A. Yes, I do.

14 Q. You accepted that the NPFL did commit some crimes, but said
09:39:17 15 that those were dealt with. Do you recall saying that?

16 A. Yes.

17 Q. And you pointed out again that your subordinates did not
18 commit amputations. Do you recall that?

19 A. That is correct.

09:39:30 20 Q. And I put it to you that none of these statements you had
21 made to the Court about the conduct of your NPFL were true, and
22 you stated that all of your statements were correct. Do you
23 recall that, Mr Taylor?

24 A. That is correct.

09:39:48 25 Q. And you disagreed that the crimes committed by all
26 factions, including the NPFL in Liberia, were systematic in
27 nature; you disagreed with that, do you recall that, Mr Taylor?

28 A. Yes, I do.

29 Q. And you also said it was not correct that atrocities

1 against civilians in Sierra Leone were simply a continuation of
2 business as usual, the way you treated civilians in Liberia. Do
3 you remember saying that, Mr Taylor?

4 A. Yes, I do.

09:40:20 5 Q. And then over these two days we also engaged in a series of
6 questions and answers related to what I put to you were crimes
7 committed by your subordinates in Liberia, both before and after
8 you assumed the presidency. Do you recall that?

9 A. Yes, I do.

09:40:40 10 Q. And, Mr Taylor, you will also recall that at the time of
11 these questions and answers we did not have recourse to
12 documents; do you recall? We were not able to refer to documents
13 in relation to the questions I put to you?

14 A. Yes.

09:41:01 15 Q. Do you recall that?

16 A. Uh-huh.

17 Q. Now, I would like to revisit these areas today and suggest
18 to you again that crimes committed by all factions in Liberia,
19 including your NPFL, were systematic in nature, contrary to your
09:41:20 20 prior testimony. That is correct, is it not, Mr Taylor?

21 A. What is correct? That you [overlapping speakers].

22 Q. That the crimes committed by all factions in Liberia,
23 including your NPFL, were systematic in nature?

24 A. I would still say it's incorrect

09:41:38 25 MS HOLLIS: And then I would ask your Honours to refer to
26 tab number 6 in annex 3, the Liberian Truth and Reconciliation
27 Commission final report, volume 2, and I would ask that you refer
28 to page 9 of that report.

29 MR GRIFFITHS: It would be helpful, in light of the lead up

1 to this, with reference to this passage, to know which of the
2 passages on page 9 my learned friend intends to refer to.
3 Because you will note that included on that page are two passages
4 which the Prosecution seek to introduce as being relevant to
09:42:56 5 guilt.

6 If reference is to be made to those passages, then it seems
7 to us: Firstly, my learned friend should indicated that that is
8 the case; and secondly, then seek to justify, consistent with
9 your Honours' decision of last November, the basis upon which
09:43:18 10 they now seek to introduce this material at this late stage,
11 bearing also in mind a reference I made last week, if memory
12 serves, to Rule 93 and the obligation upon the Prosecution, if
13 they are seeking to prove a pattern of conduct, to disclose such
14 material consistent with Rule 66.

09:43:42 15 So it would be helpful if I knew at this stage which
16 passage is to be referred to so that we can deal with the
17 procedural requirements as laid down by your ruling.

18 PRESIDING JUDGE: Ms Hollis, this paragraphs 18, 3 and 4,
19 marked in the margin of the copies that we have.

09:44:05 20 MS HOLLIS: That is correct.

21 PRESIDING JUDGE: Could you indicate, regarding your next
22 question, which of these paragraphs you are going to put to the
23 witness.

24 MS HOLLIS: Relating to the question I just asked it would
09:44:18 25 be 3, and I would also ask about number 4.

26 PRESIDING JUDGE: So, Mr Griffiths, does your objection
27 still hold?

28 MR GRIFFITHS: Yes, my objection still holds. The first
29 point I make is this: You will note that this line of

1 questioning related not only to the NPFL, but to other factions
2 involved in the Liberian crisis. Question: To what extent can
3 this defendant be asked about conduct of an organisation over
4 which he clearly had no command and control?

09:45:07 5 So consequently, it seems to us that any questions - and
6 this is my preliminary point - must be directed to any
7 organisation over which he had such command and control, and it
8 must be limited to that. So that's point number one.

9 Point number two: This evidence clearly goes to proof of
09:45:32 10 system, a pattern of conduct. The question then is: If the
11 Prosecution wanted to rely upon such proof, they were required to
12 make it clear during the course of their case so that the
13 defendant could have notice of the case he had to answer during
14 the currency of the Prosecution case. In our submission, Rule 93
09:46:02 15 is quite clear on that.

16 Furthermore my learned friend, consistent with
17 your Honours' ruling, has not sought to address any argument so
18 far to the twin criteria which must be satisfied before this
19 evidence could become admissible, because it's quite clear from
09:46:27 20 the marking in the margin that the content of those paragraphs
21 goes to guilt and it's recognised by the Prosecution. So,
22 consequently, whereas I understand the strategy adopted, you
23 preface reference to the document by reminding the witness of
24 prior testimony so that prima facie it appears that this is being
09:46:53 25 introduced solely to contradict an earlier statement made by the
26 witness, but in reality it is to get in through the back door
27 evidence of system which in our submission should have been
28 introduced as part of their case.

29 PRESIDING JUDGE: Mr Griffiths, whilst I understand your

1 objection based on the lack of compliance with Rule 93(B), I
2 don't quite understand or appreciate your arguments that these
3 paragraphs go to guilt. They clearly speak of atrocities in
4 Liberia, not Sierra Leone.

09:47:33 5 MR GRIFFITHS: Yes, they clearly speak of atrocities in
6 Liberia and Sierra Leone, your Honour, but if we note, for
7 example, the use of the words in paragraph 3, "A systematic
8 pattern of abuse, wanton in their execution and the product of
9 deliberate planning organised and orchestrated to achieve a
09:47:56 10 military or political objective", in essence, that is the nature
11 of the claim being made in respect of this defendant and the RUF,
12 so that introducing this provides the Prosecution with a
13 foundation for saying this man armed and trained the RUF and
14 imparted to them, based on this, a systematic pattern of conduct
09:48:24 15 which they later deployed in Sierra Leone. So it provides a
16 basis in due course for such an argument, so to that extent it is
17 relevant, we say, to guilt.

18 PRESIDING JUDGE: Ms Hollis, I would like your response to
19 those two issues. The first being Rule 93(B), compliance, and
09:48:45 20 the latter being the issue of going to guilt.

21 MS HOLLIS: First of all, Rule 93(B), compliance, could not
22 be provided during our case in chief because these materials did
23 not exist during our case in chief. This final report came out
24 after our case in chief was concluded. Nonetheless, this
09:49:11 25 evidence has been disclosed to the Defence, so the 93(B)
26 requirement says the evidence must be disclosed, it has been
27 disclosed. It has been indicated that we do intend to ask
28 your Honours to consider it for guilt as well as for impeachment,
29 so we have met the requirements of 93(B) now that we have the

1 evidence and wish to use it. That is the Prosecution's response
2 in relation to 93(B).

3 In relation to the use of the evidence for guilt, the
4 Prosecution has indicated that it wishes your Honours to consider
09:49:56 5 this evidence both for guilt and for impeachment. And indeed the
6 Defence is correct in that the relevance of this information for
7 guilt is the pattern that emerges that is relevant to the various
8 mens rea requirements for the various modes of liability. So we
9 do wish your Honours to consider it for guilt, but again it's
09:50:32 10 important to note that in regard to the comment that we should
11 have used it during our case in chief, you can't use what you
12 don't have and this report did not exist at that time.

13 In relation to our ability to use this information, we
14 would rely on our prior arguments to your Honours emphasising two
09:50:58 15 points. Number one, this indeed is new evidence in the sense
16 that it did not exist during our case in chief and, number two,
17 as we have argued before and what we continue to submit is a
18 factor for your consideration, your Honours have the ability,
19 should you so determine, to use this evidence only for
09:51:21 20 impeachment and not for both purposes. Other than that,
21 Madam President, we would rely on our prior arguments on this
22 topic.

23 PRESIDING JUDGE: Thank you. We will confer.

24 [Trial Chamber conferred]

09:56:40 25 PRESIDING JUDGE: We have taken note of the submissions on
26 both sides. Firstly, regarding the objection based on the
27 Prosecution's failure to comply with Rule 93(B) which deals with
28 disclosure of material that shows a consistent pattern of
29 conduct, we have noted the Prosecution's submissions that the

1 findings of the TRC report came out after they closed their case
2 and so we appreciate the fact that the disclosure was done at the
3 time it could have been done because Rule 66(A)(ii) speaks of a
4 rolling disclosure.

09:57:47 5 Now, unless the Defence can show that this rolling
6 disclosure didn't happen, I think we will have to take the
7 Prosecution's word that they disclosed this material as early as
8 they could in the circumstances.

9 But on the second objection of new material that goes to
09:58:06 10 proof of guilt being introduced now before Mr Taylor at this
11 stage of the trial, we will have to uphold the objection based on
12 the reasons that we have always given; that such material, if it
13 is to be used in cross-examination, one, the Prosecution must
14 demonstrate that it is in the interests of justice to do so and,
09:58:32 15 secondly, they must demonstrate that it does not violate the fair
16 trial rights of the accused. Now, in this case we are not
17 satisfied that these two criteria have been fulfilled and for
18 that reason, Ms Hollis, you cannot rely or use the excerpt in
19 paragraph 4. However, I think paragraph 18 is quite benign and
09:59:02 20 you can lead questions relating to that.

21 MS HOLLIS: For some reason I don't have your decision on
22 my LiveNote, but, so that I understand, the decision is we may
23 not use paragraph 4 on page 9 but that we may use paragraph 3?

24 PRESIDING JUDGE: 18. Even paragraph 3 you may not use. I
09:59:40 25 thought that when you were answering my query you said your
26 question was going to relate to paragraphs 18 and 4. When I
27 asked you which of the two paragraphs are you going to include in
28 your question, you said to me 18 and 4.

29 MS HOLLIS: I meant to say 3 and 4, where it talks about a

1 systematic pattern of abuse in 3.

2 PRESIDING JUDGE: Well, in that case --

3 MS HOLLIS: I did not mean to say 18.

4 PRESIDING JUDGE: In that case I will adjust my ruling to
10:00:17 5 include paragraph 3 as one of the paragraphs that you may not use
6 at this stage for the same reasons I have stated before.

7 MS HOLLIS: I think we are having a problem with LiveNote.
8 I have nothing since something showing you conferred.

9 MS IRURA: Your Honours, the internet appears to be
10:00:48 10 fluctuating. I am presently broadcasting my LiveNote which so
11 far is working. Please press PC-1 on the panels next to your
12 monitors to be able to view that.

13 MS HOLLIS:

14 Q. Mr Taylor, it is correct, is it not, that your NPFL
10:01:21 15 recruited and used child soldiers during the armed conflict?

16 A. That is incorrect. I have explained to this Court my
17 position and my evidence on that matter.

18 Q. And indeed, Mr Taylor, you continued to use child soldiers
19 after you became President, isn't that correct?

10:01:42 20 A. That is not correct.

21 Q. And your denials are not truthful, are they, Mr Taylor?

22 A. I have given my evidence to this Court and it is truthful.
23 If you are going to rely on the Truth Commission later on,
24 probably we will talk about the Liberian Truth Commission report,
10:01:57 25 which is the subject of many legal challenges now in the courts
26 of Liberia and is by no means factual --

27 Q. Mr Taylor, I'm asking you to give a speech --

28 A. I'm not giving a speech --

29 Q. -- I'm asking you to answer the question, please --

1 A. I have answered your question, and I'm saying that the
2 factual nature of the Truth Commission is a matter of legal
3 challenges in the courts of Liberia.

4 PRESIDING JUDGE: The transcriber has asked me to let you
10:02:19 5 know to slow down, please, and possibly not to speak over each
6 other. Please continue.

7 MS HOLLIS:

8 Q. If we could please look at page 7 of number 6 in annex 3,
9 the Liberian TRC final report. If we could look at the bottom of
10:03:04 10 that page, please?

11 MR GRIFFITHS: Again, Madam President, I raise the same
12 objection. Now, Madam President, it is somewhat concerning that
13 despite your Honours' ruling, before seeking to address the
14 witness's mind to a passage such as this, clearly marked by the
10:03:34 15 Prosecution that it's relevant to guilt, my learned friend has
16 consistently not sought a priori to justify, based on the
17 two-prong test promulgated by your Honours, the basis upon which
18 she is seeking to use this material.

19 It seems to us that your Honours' ruling on that issue made
10:03:57 20 it incumbent upon the Prosecution to satisfy the two-prong test
21 prior to addressing the witness's mind to the evidence. That's,
22 as I understood it, the procedure to be adopted when reference
23 was to be made to a material of this kind, and consistently it
24 has required an objection on our part to prompt the Prosecution
10:04:26 25 to come forward with a justification why they seek to use this
26 material, and again we object. This material on this page, that
27 is, paragraphs 3, 6 and 7, all go to the issue of guilt.

28 There is a count on the indictment dealing with child
29 soldiers. This is directly relevant to that, and it should be

1 noted whilst we are aware of the date when this TRC report was
2 published, and indeed it was post the conclusion of the
3 Prosecution case, nonetheless, there was no timely disclosure of
4 this document suggesting to the Defence at that time that it was
10:05:16 5 the intention of the Prosecution to rely on this material.

6 And I am looking now for reference to the date of this
7 publication, and I don't know if anyone can assist me, but if
8 memory serves, it's August 2008 - 2009.

9 JUDGE LUSSICK: On my copy, Mr Griffiths, somebody has
10:05:53 10 written "Published 30 June 2009". That's on the front page, but
11 I don't know who wrote that.

12 MR GRIFFITHS: But in any event, it is of note that despite
13 that fact, the intention to use this document was not made
14 apparent until the cross-examination of Mr Taylor commenced in
10:06:16 15 November.

16 Now, it seems to us that there should have been timely
17 disclosure of this document. It's not an argument that I
18 addressed on the last occasion this morning, but nonetheless,
19 that is not timely disclosure. And the remedy for the
10:06:35 20 Prosecution, where, as here, new material has come to light, is
21 in due course to seek to re-open their case. That is the option
22 available to them.

23 Now, returning to the instant page, page 7, argument number
24 one then is reliant, as articulated earlier, on Rule 93 and also
10:07:09 25 the disclosure obligations under Rule 66. The second prong of my
26 argument is based four square on the decision made by
27 your Honours on 30 November of last year. We submit that the
28 Prosecution have not sought, neither can, justify either of those
29 two criteria for the admittance of these three passages or

1 paragraphs. That is my objection.

2 PRESIDING JUDGE: Ms Hollis, on my copy there are two
3 passages on this page, that's paragraphs 3 and 7 on page 7. Am I
4 correct?

10:07:56 5 MS HOLLIS: That is correct.

6 PRESIDING JUDGE: I don't see a third passage.

7 MS HOLLIS: Well, there is actually - there is paragraph 3,
8 which is marked, and then at the bottom both 6 and 7 are included
9 in the marking.

10:08:16 10 PRESIDING JUDGE: But before you address the Bench,
11 Ms Hollis, I think it is pertinent what the Defence has
12 mentioned, that the Prosecution has consistently stood up and
13 sought to use evidence that they know is fresh evidence, that
14 they know goes to proof of guilt, without a prior justification
10:08:43 15 in accordance with our decision, as a result of which we are
16 spending so much time unnecessarily on these objections and
17 responses and rulings. I think this is not in order. I think we
18 are being repetitive here.

19 The test hasn't changed, the burden is clearly on the
10:09:07 20 Prosecution in seeking to use this material to lay the twofold
21 foundation before you seek to use the material rather than to
22 wait for the Defence to stand up and object every time.

23 Now, clearly the two or three passages on this page that
24 you have marked include material that goes to guilt. Now, I am
10:09:29 25 hoping that every time you stand up to attempt to use this
26 material, you will start by addressing the Bench on this twofold
27 test, and anything else, you know, beyond that is then a subject
28 for further submissions.

29 But I would definitely observe that this is indeed a valid

1 objection by the Defence, that you have tended to ignore the
2 ruling of the Bench; that you have this onus on the you to
3 establish the interest of justice and to establish that the
4 matter does not violate the fair trial rights of the accused;
10:10:12 5 where you can see clearly that it contains material that goes to
6 guilt.

7 Now, having said that, I would like you to address us on
8 the objection raised by the Defence.

9 MS HOLLIS: Thank you, Madam President. Madam President,
10:10:24 10 we would suggest that we have not ignored the ruling of the
11 Bench.

12 If you will note the sequence in which events have
13 occurred, we have directed your attention to these pages and
14 passages and once they are before you, the Defence has stood up
10:10:43 15 and objected. Now, unless we speak over the Defence, that
16 forecloses us from going further until they finish their
17 objection. Simply directing your attention to this passage is
18 not using it. Directing your attention to it, waiting until it
19 is before you to make any further comments, and then having the
10:11:03 20 Defence stand up immediately and object, we would suggest, does
21 not mean that we are ignoring your decision on this.

22 We have marked these passages as passages we would like to
23 be used, both for impeachment and guilt, and we do know that we
24 have a two-prong test under your decision in relation to the use
10:11:26 25 for guilt. But we would suggest that indeed we are not ignoring
26 your order in that regard. That is the first point that I would
27 make in relation to the objection.

28 In relation to the objection relating to disclosure, as you
29 will note, the Prosecution has indicated it would use these

1 materials both for impeachment and guilt. Until the accused had
2 completed his direct examination, we did not know to what degree,
3 if any, the accused might actually admit to some of the crimes in
4 Liberia.

10:12:08 5 JUDGE LUSSICK: I think maybe we'll pause there, Ms Hollis.
6 We are trying to fix the LiveNote problem.

7 PRESIDING JUDGE: We apologise for this delay. Our
8 LiveNote has completely disappeared off the screen. We are
9 trying our best to retrieve it.

10:16:41 10 I think we will just have to continue as things are. I
11 hope that the parties have LiveNote running. It's a pity
12 that --

13 MS HOLLIS: The Prosecution has it on the other screen. We
14 have it reconnected.

10:17:06 15 PRESIDING JUDGE: Madam Courtroom Officer, I think it would
16 be best if you would broadcast your LiveNote onto our screens and
17 then we can continue.

18 MS IRURA: Your Honour, in that case we will continue on
19 PC-1.

10:17:32 20 PRESIDING JUDGE: We will do that for the time being,
21 Ms Hollis. You may continue.

22 MS HOLLIS: Thank you, Madam President. The Prosecution,
23 and, for your Honours and the Defence's assistance, it is VII of
24 the report that indicates that it was to be signed by the
10:17:54 25 commissioners on the 29th day of June 2009. Once we had this
26 report, we reviewed it and determined that potentially some of
27 these passages went to guilt.

28 PRESIDING JUDGE: Are you saying 29 June is the publication
29 date?

1 MS HOLLIS: I'm saying that this shows the date that
2 supposedly their signatures were affixed.

3 PRESIDING JUDGE: Yes, but we are interested in the date of
4 publication of this document.

10:18:26 5 MS HOLLIS: And that I do not know.

6 PRESIDING JUDGE: How is it possible not to know? This is
7 a public document.

8 MS HOLLIS: It doesn't show it on anything we've seen as to
9 the actual publication date.

10:18:39 10 PRESIDING JUDGE: This is not something that you can't
11 ascertain by even a phone call to the relevant authorities. I
12 don't have the date of publication on my record, but surely this
13 is not something that is so difficult to ascertain that we should
14 be guessing about at this stage. So then I take it that the
10:19:04 15 Prosecution does not know the date of publication of the TRC
16 report.

17 MS HOLLIS: No, we do not. We believe that it was within a
18 month or two months of the signature.

19 PRESIDING JUDGE: In fact, I believe that probably on some
10:19:23 20 internet site this kind of information is possible, as we sit
21 here. But please address us on the points that were objected to.

22 MS HOLLIS: Yes. In terms of the point that was again made
23 about the timeliness of the disclosure of this document or the
24 portions we intended to use, assuming a scenario that would be
10:19:53 25 the earliest that the Prosecution could have known of it - it was
26 later, but assume that we knew on 29 June 2009 of the existence
27 of this report and actually had it, we did not determine to what
28 extent, if any, we would use this document for guilt and indeed
29 not determined for impeachment until the conclusion of this

1 accused's testimony. To the extent he admitted to any of the
2 findings in this report, we would not have used the report. So
3 that we disclosed once we had determined what we would use and
4 how we would use it, so we do not believe that we have untimely
10:20:39 5 disclosure with this document.

6 We also would point out that in terms of any potential
7 prejudice to the Defence, this is a public document that was
8 available to the Defence as it was to us.

9 Now, moving to the test to be applied, and we are taking
10:21:02 10 this on a case-by-case basis because that is consistent with the
11 determinations your Honours have made on these matters, that we
12 should deal with each issues as it arises, then we would again
13 rely on our prior arguments as to both tests that must be
14 satisfied before this document can be used pursuant to the
10:21:31 15 decision of your Honours. We would, in that regard, point out
16 that whether the document is placed on the screen for
17 your Honours or whether we simply draw your attention to it and
18 you find that page, it's necessary for you to find the page and
19 look at the material before an argument can be made. So we
10:21:55 20 believe that the procedure we have followed has not been unduly
21 burdensome. But we would rely on our prior arguments.

22 And, just so I am clear, I am relying on those arguments as
23 to 7, which dealt specifically with the use and recruitment of
24 children. Your Honours have also mentioned 3 and 6. So to the
10:22:24 25 extent you're asking that I also argue those at this time, I
26 would rely on the same argument, although I have not specifically
27 gone into those with questions yet. But I would rely on the same
28 arguments for those as well.

29 MR GRIFFITHS: Madam President, can I assist to this

1 limited extent: Mr Anyah has searched on the internet and the
2 TRC for Liberia website says that the final report was presented
3 on Tuesday 30 June 2009. Whether presented equates to
4 publication we know not.

10:23:30 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: I have conferred and for the same reason
7 or similar reasons that we have ruled that the Prosecution could
8 not use material that goes to proof of guilt at this stage, for
9 those same reasons we rule that the Prosecution cannot use
10 paragraphs 3, 6 and 7 on page 7 of the TRC report at this stage.

11 MS HOLLIS: Your Honours, I switched back to PC-1, I
12 believe, but - are your Honours getting the transcript correctly
13 on PC-1?

14 JUDGE DOHERTY: I am not, Ms Hollis. I can't speak for my
10:25:23 15 colleagues.

16 MS HOLLIS: I see something just on the --

17 PRESIDING JUDGE: The entire ruling that I just gave is
18 absent.

19 MS HOLLIS: Yes.

10:25:33 20 MS IRURA: Your Honour, I think the network is also
21 experiencing some problems. So whereas the transcribers have
22 captured that ruling, when that happens, the LiveNote skips and
23 then continues. It's now recording properly.

24 PRESIDING JUDGE: Will what I have said be reflected on the
10:25:57 25 final transcript?

26 MS IRURA: Your Honour, your ruling will be reflected on
27 the final transcript.

28 PRESIDING JUDGE: Okay. Please continue, Ms Hollis.

29 MS HOLLIS: Thank you, Madam President:

1 Q. Mr Taylor, contrary to your testimony, the NPFL did not put
2 into place even minimum standards to mitigate against the
3 widespread abuses caused by your soldiers, did it?

10:26:42

4 A. The NPFL had in place military tribunals and to mitigate
5 some of these issues that have been raised. We did.

6 Q. Indeed, Mr Taylor, only the INPFL and the MODEL put in
7 place even minimum standards to mitigate against these widespread
8 abuses. Isn't that correct?

9 A. Did you say INPFL?

10:27:01

10 Q. Yes, and MODEL?

11 A. That is so incorrect. And you know that. The INPFL never
12 put into place anything for the few months that they were in
13 place. Never.

10:27:17

14 Q. Indeed, Mr Taylor, your NPFL victimised the civilian
15 population of Liberia on a massive scale. Isn't that correct?

16 A. That is not correct.

17 Q. Indeed, Mr Taylor, your NPFL systematically targeted women
18 as victims of crimes. Isn't that correct?

19 A. Totally, totally incorrect.

10:27:40

20 Q. Indeed, the crimes that your NPFL committed against women
21 included rape, sexual slavery and other forms of violence against
22 them. Is that not correct?

23 A. That is not correct.

24 Q. Now, Mr Taylor, it is correct, is it not, that your NPFL
25 were responsible for burning entire villages?

10:28:06

26 A. This is not to my knowledge, no.

27 Q. If we could please look at - and this is to draw your
28 attention to the passage in question. If we could please look at
29 number 6 in annex 3, page 121.

1 PRESIDING JUDGE: I expect to hear the relevant arguments
2 before the witness is shown anything, in line with the ruling I
3 have just given.

4 MS HOLLIS: Do your Honours have that page before you?

10:29:02 5 PRESIDING JUDGE: We have the page before us, but I
6 wouldn't want the witness to see the page until I have heard
7 arguments convincing me that he should.

8 MS HOLLIS: So your Honours are aware of the part that was
9 just referred to, I am looking at the part that is marked, the
10:29:35 10 11th line up from the bottom of that paragraph. Do your Honours
11 see that in reference to massive victimisations, entire villages
12 and towns being burned? We would rely on our prior arguments in
13 relation to the use of this material and the fourth line above
14 that indicates that the group being talked about is the NPFL.

10:30:48 15 [Trial Chamber conferred]

16 PRESIDING JUDGE: Noting that the Prosecution relies on
17 their prior arguments, I rely on our prior reasoning to disallow
18 the use of this passage on page 121 of the TRC report.

19 MS HOLLIS:

10:31:15 20 Q. And Mr Taylor, contrary to your prior testimony, looting
21 was in fact a part of the way the NPFL operated, wasn't it?

22 A. It was not.

23 Q. And the NPFL in fact engaged in widespread looting, did it
24 not?

10:31:35 25 A. Well, again, when you say - I don't want to mislead these
26 judges. I have given testimony that there were times, but that
27 word "widespread" I disagree with, so I will answer to your
28 question: Widespread looting, no.

29 Q. And indeed, Mr Taylor, this widespread looting on behalf of

1 your subordinates continued after you were President, isn't that
2 correct?

3 A. Widespread, I would say no.

10:32:09

4 Q. And indeed, Mr Taylor, you actually ordered your
5 subordinates to pay themselves, isn't that right?

6 A. That's very, very, very obnoxious. No, never did.

7 Q. And by that you meant that they should loot to pay
8 themselves in lieu of you actually paying them salaries, isn't
9 that correct, Mr Taylor?

10:32:27

10 A. Totally incorrect.

11 MS HOLLIS: And, your Honours, I would ask you to again
12 refer to page 121 of number 6 in annex 3, beginning with the
13 sentence the 13th line up from the bottom, "With limited
14 supplies".

10:33:08

15 PRESIDING JUDGE: Bottom of the page?

16 MS HOLLIS: Bottom of the marked paragraph,
17 Madam President. The line begins, "Who were unleashed". The
18 sentence that I'm referring to begins on that same line with
19 "Limited supplies". That sentence, as well as the last line of
20 that marked paragraph, "Charles G Taylor, who commanded".

10:33:44

21 MS IRURA: Your Honour, unfortunately my LiveNote has
22 succumbed and has had an error message and closed. I am trying
23 to reconnect to the system.

24 PRESIDING JUDGE: Ms Hollis, we are listening. We want to
25 continue because we can receive LiveNote, but we have seen the
26 passage that you are referring to and we are listening.

10:34:40

27 MS HOLLIS: And, Madam President, we would rely on our
28 prior arguments as to the permissibility of the use of these
29 passages as it has been so marked, both for impeachment, and as

1 proof of guilt.

2 PRESIDING JUDGE: I do note that the passage indeed
3 contains material that goes to proof of guilt. It's new and is
4 being attempted to be used at this late stage in the trial, and
10:35:19 5 for the reasons that we have given before, we disallow its use.

6 MS HOLLIS:

7 Q. And, Mr Taylor, your directive to your subordinates that
8 they should pay themselves continued into your presidency as
9 well, isn't that correct?

10:35:43 10 A. Did you say my directive?

11 Q. Yes.

12 A. What do you mean by "directive"?

13 Q. You ordered them to pay themselves, and that order to your
14 subordinates continued into your presidency. Isn't that correct?

10:35:56 15 A. Not only is it incorrect, it's total nonsense.

16 Q. Indeed, Mr Taylor, your NPFL committed the greatest number
17 of crimes against civilians in Liberia of any of the factions
18 there. Isn't that correct?

19 A. Well, I would say that is totally incorrect. Maybe someone
10:36:17 20 has a different opinion, but that's totally incorrect.

21 Q. And indeed, Mr Taylor, your NPFL committed some three times
22 as many crimes as the LURD, which had the next highest incidence
23 of crimes. Isn't that correct?

24 A. Well, when you say NPFL and LURD, we are talking about two
10:36:42 25 different times. There was no NPFL during my administration at
26 the time of LURD, so I don't understand your question.

27 Q. Mr Taylor, I am talking throughout the conflict. The NPFL,
28 during its existence, committed three times the amount of crimes
29 that the other factions committed during their existence; that is

1 correct, isn't it, Mr Taylor?

2 A. Well, we did not do any statistics, and I would say it's
3 incorrect. Maybe someone has come up with their own analysis,
4 but that's totally incorrect.

10:37:13 5 Q. And indeed, Mr Taylor, the NPFL was considered one of the
6 significant violator groups of the factions in Liberia from the
7 time you attacked until you left the presidency. Isn't that
8 correct?

9 A. By whose analysis? That's incorrect for me. By whose
10:37:37 10 analysis?

11 Q. So you disagree with that?

12 A. That's what I am asking you. I don't understand the
13 analysis --

14 Q. Mr Taylor, you disagree with that statement?

10:37:43 15 A. I totally disagree with it. And whoever - whose analysis
16 it is is - that person's opinion is wrong.

17 Q. And Mr Taylor, indeed the NPFL accounted for some 39
18 per cent of the violations committed during the course of the
19 conflict in Liberia, and that would include the fighting with the
10:38:12 20 LURD. That's correct, isn't it, Mr Taylor?

21 A. I disagree with that assumption.

22 MS HOLLIS: I would ask that your Honours consider the
23 material on page 214, 215 and page 10 of the Liberian TRC report,
24 and we would rely on our previous arguments as to the
10:40:06 25 permissibility of our use of these materials.

26 PRESIDING JUDGE: I am assuming, Ms Hollis, that the
27 material you are referring to goes to guilt of the accused?

28 MS HOLLIS: That is correct, Madam President. If you see
29 at page 214, the I and G is both impeachment and guilt and at

1 215, impeachment and guilt, and then at page 10, I apologise that
2 it was not marked, but it is impeachment and guilt. That was an
3 oversight on our part.

4 PRESIDING JUDGE: My page 214 has no mark in the margin.
10:40:51 5 I'm therefore assuming that everything on that page, 214, is
6 sought to be relied upon.

7 MS HOLLIS: No, Madam President. Indeed, you should have
8 received a copy that was marked under "Violations by Group", the
9 bottom paragraph on that page of 214. 215 the page is marked.
10:41:15 10 The impeachment and guilt is shown for the paragraph itself in
11 terms of our intended use of it.

12 PRESIDING JUDGE: Ms Hollis, since you rely on your
13 previous arguments, I rely on the previous reasoning of the
14 Chamber to disallow for use the material at the bottom of page
10:41:56 15 10, the material at the bottom of page 214 under the heading
16 "Violations By Group", and the material on the whole of page 215
17 of the TRC report.

18 MS HOLLIS:

19 Q. Now, Mr Taylor, you testified on 19 November that the NPFL
10:42:21 20 did not use terror against civilians. Do you recall giving that
21 testimony?

22 A. I don't remember the date, but I do recall testifying that
23 - to the best of my recollection, my evidence before this Court
24 has been - and I do not disclaim - that there were some times
10:42:43 25 that there were atrocities committed. There were not impunity,
26 and as they were brought to the attention of the authorities,
27 they were dealt with in our commissions - our military tribunals.
28 That's my evidence before this Court.

29 Q. Mr Taylor, the question that was directed to you on the

1 19th was that the NPFL did use terror against civilians, and you
2 testified the NPFL did not use terror against civilians. Do you
3 recall that testimony?

10:43:16

4 A. To the best of my recollection, yes, I do recall that the
5 NPFL did not use terror against civilians.

6 Q. Indeed, that was not truthful testimony, was it, Mr Taylor?

7 A. Very truthful testimony.

8 Q. In fact, terror was one of the main tools that the NPFL
9 used. Isn't that correct?

10:43:26

10 A. Totally incorrect.

11 MS HOLLIS: Your Honours, I would ask you to direct your
12 attention to the marked portions of pages 212 to 213 of the TRC
13 report, and the Prosecution would rely on its prior arguments
14 relating to the permissibility of this material, both as to
15 impeachment and guilt, in relation to terror becoming the main
16 tool of warring factions.

10:44:21

17 PRESIDING JUDGE: For the same reasons as I have given
18 before, the passages that are marked on page 212 and 213 of the
19 TRC may not be used.

10:45:22

20 MS HOLLIS:

21 Q. And Mr Taylor, indeed you, as the leader of the NPFL,
22 intended the use of terror by your subordinates; isn't that
23 correct?

24 A. That is totally incorrect.

10:45:35

25 Q. And you used terror against the civilian population as a
26 means of control of the civilian population; isn't that correct?

27 A. If I had used terror, I would not have been elected. That
28 is totally incorrect.

29 Q. And indeed, Mr Taylor, part of the reason you were elected

1 is the fear you would return to such conduct if you were not
2 elected; isn't that true?

3 A. Well, that is totally untrue. Except I could control the
4 international community, that is totally untrue and unfounded.

10:46:09 5 Q. Mr Taylor, you recall us talking about NPFL checkpoints?

6 A. Yes, I do.

7 Q. And you agreed that they were also called gates. Do you
8 recall that?

9 A. Yes, I do.

10:46:22 10 Q. Now, you also told the Court that the NPFL checkpoints were
11 not the scene of very serious crimes against civilians. Do you
12 recall that?

13 A. I don't know if these were my exact words, that, you know,
14 based on the way you put the question.

10:46:52 15 Q. Mr Taylor, these NPFL checkpoints, they were indeed the
16 scene of very serious crimes, weren't they?

17 A. No, but you have referred to evidence that I gave, so
18 that's why I am referring to it now. So if I gave that evidence
19 that you tried to get me to agree or disagree, it would be fair
20 to me if you were to state where that evidence is.

10:47:10

21 Q. Now, Mr Taylor, let's look at what you said about that.
22 Mr Taylor, allow me to return to that so I can give your exact
23 quote and we, for the moment, will move on to other topics, but I
24 will get back with that so we know exactly what you said.

10:48:08

25 A. You misquoted me then.

26 Q. No, I didn't say that, Mr Taylor. I said we will get back
27 to that so that we can show exactly what you said. Now,
28 Mr Taylor, indeed it is correct, is it not, that NPFL checkpoints
29 were the scene of very serious crimes against civilians?

1 A. What's your question now?

2 Q. It is correct, is it not, that your NPFL checkpoints were
3 the scene of very serious crimes against civilians?

4 PRESIDING JUDGE: This is in Liberia, no doubt.

10:48:47 5 MS HOLLIS: This is in Liberia, yes.

6 THE WITNESS: The way you put the question, is it correct
7 that your NPFL checkpoints were the scene of various serious
8 crimes, I would disagree with the way the proposition is put.

9 Again, my evidence before this Court is that there were some
10:49:06 10 crimes committed at some of these areas and it was an issue, I
11 said, as it was brought to the authority's attention they were
12 dealt with. Now, the way it's generalised - the purpose of these
13 gates were not to commit crimes. That's the way the proposition
14 is stated by you. So I would have to say no, based on my
10:49:28 15 understanding of your proposition.

16 MS HOLLIS:

17 Q. Mr Taylor, your NPFL had checkpoints throughout your entire
18 area of control, didn't it?

19 A. There were checkpoints.

10:49:39 20 Q. And those checkpoints were manned by armed fighters of
21 yours. Isn't that correct?

22 A. That is correct.

23 Q. And indeed these armed fighters at these checkpoints even
24 included children, didn't they?

10:49:53 25 A. That is not correct.

26 Q. And at your checkpoints throughout your territory your
27 fighters committed crimes against civilians who came to those
28 checkpoints. Isn't that right?

29 A. Well, again, no, the way the it's done, I would say no.

1 You say that at all of those checkpoints, I would say no.

2 Q. And indeed, Mr Taylor, it was a practice at those
3 checkpoints to commit crimes against civilians. Isn't that
4 correct?

10:50:21 5 A. That is totally incorrect.

6 Q. And that practice at those checkpoints included singling
7 out people because of their ethnicity. Isn't that right?

8 A. Well, no, the way the proposition is put, I would say no to
9 the proposition.

10:50:38 10 Q. And indeed your fighters singled out people based on
11 ethnicity such as Krahn, people you considered to be your
12 enemies. Isn't that correct?

13 A. No, that is totally incorrect, the way in which the
14 proposition is put, but I rely on my evidence that I have given

10:50:56 15 that I do not deny that there were times that individuals, but
16 the way you have generalised it, I would say no.

17 Q. And, Mr Taylor, indeed when these Krahn were singled out,
18 they were often killed because of their ethnicity at these
19 checkpoints. Isn't that right?

10:51:16 20 A. Well, again that's very general. I would say I would rely
21 on the evidence that I have given. In fact I have answered that
22 question in so many different forms as you have brought it. I
23 rely on my evidence.

24 Q. And this singling out of people based on ethnicity was
10:51:38 25 systematic by your NPFL. Isn't that correct?

26 A. What period are you talking about?

27 Q. Throughout the time of your early conflict before you
28 became President.

29 A. What do you mean by early conflict before I became

1 President?

2 Q. Mr Taylor, you know what we are talking about, we are
3 talking about the civil war that you were engaged in before you
4 were elected President?

10:52:03 5 A. I don't read minds, counsel. I'm asking you a specific
6 question. If you are speaking between 19 - because I become
7 President in 1997. Are you speaking about the period between
8 1990 and '97?

9 Q. Yes, I am.

10:52:14 10 A. Then I would say no.

11 Q. Was there some period within there that your NPFL did
12 systematically commit these crimes based on ethnicity?

13 A. Well systematically what you've put it I would say no. My
14 evidence before this Court speaks for itself that at the early
10:52:32 15 stages, at the very early stages, there were incidents where
16 certain elements of NPFL engaged in such practices between I
17 would say January to March. That was brought under control and
18 that's my evidence before --

19 PRESIDING JUDGE: Which year?

10:52:50 20 THE WITNESS: Of 1990. And, to the best of my
21 recollection, it was brought under control and that evidence I
22 have given previously before this Court. But not for the entire
23 period, no.

24 MS HOLLIS: Your Honours, first I would refer you again to
10:53:19 25 page 121 of the TRC report. And if you would direct yourselves
26 to beginning with the last word on the ninth line above the
27 bottom of that paragraph, "Ethnic cleansing and ethnic
28 profiling".

29 PRESIDING JUDGE: You mean the sentence beginning,

1 "Massacres".

2 MS HOLLIS: Yes, the portion of that sentence that we are
3 speaking to at this point is the portion that begins on the next
4 line with "ethnic" and speaks of, "Ethnic cleansing and ethnic
10:54:34 5 profiling was standardised." I would rely on previous arguments
6 of the Prosecution in support of the permissible use of this
7 information.

8 PRESIDING JUDGE: This sentence definitely contains
9 material that goes to proof of guilt and, based on my previous
10:55:23 10 reasoning, we disallow its use.

11 MS HOLLIS:

12 Q. Mr Taylor, your question about what your prior testimony
13 was in relation to the commission of very serious crimes against
14 civilians, on my LiveNote at line 24 today I asked you:

10:55:53 15 "Q. You also told the Court the NPFL checkpoints were not
16 the scene of very serious crimes against civilians. Do you
17 recall that?

18 A. I don't know if these were my exact words that, you
19 know, based on the way you put the question."

10:56:08 20 And then you said:

21 "You have referred to evidence I gave, so that's why I am
22 referring to it. It would be fair to me if you were to state
23 where that evidence is."

24 So, Mr Taylor, if we could please look at 19 November, page
10:56:25 25 32240. And we'd find that on PC-1, Madam Court Officer?

26 MS IRURA: Please give me a moment to locate it and remove
27 my LiveNote so that I would be able to show the transcript.

28 MS HOLLIS:

29 Q. And if we could look at line 19, I asked you:

1 "Q. Your NPFL checkpoints were very frequently the scene
2 of very serious crimes against civilians. That's
3 correct, is it not, Mr Taylor?

4 A. I wouldn't say so, no. I wouldn't say so, no."

10:57:53 5 So, Mr Taylor, that was your prior answer to that question?

6 A. Yeah, but your question here is you say were very frequent.
7 Now, your original question you asked today was to the extent of
8 widespread, right? Now very frequent and widespread are two
9 different things.

10:58:14 10 Q. I said - let's look at it again:

11 "You also told the Court that the NPFL checkpoints were not
12 the scene of very serious crimes against civilians. Do you
13 recall that?"

14 That was the question.

10:58:27 15 A. Yeah, but then the whole essence of the two questions are
16 different.

17 Q. Well, Mr Taylor, I am not going to argue with you over the
18 plain language of the --

19 PRESIDING JUDGE: Ms Hollis, can you ask a question - for
10:58:37 20 the sake of progress, can you ask a question now if you wish to,
21 or has your question been answered?

22 MS HOLLIS: I simply was referring him back for his benefit
23 to the prior question and answer, Madam President.

24 PRESIDING JUDGE: And do you wish to put a question after
10:58:58 25 referring him to his prior testimony?

26 MS HOLLIS: Yes, I do.

27 PRESIDING JUDGE: Please do that.

28 MS HOLLIS:

29 Q. So, Mr Taylor, despite your prior testimony, it is indeed

1 true, is it not, that your checkpoints were the scene of very
2 serious crimes against civilians?

3 A. Again as it is put, I would say - well, you know, even as
4 you have put the question now, I have admitted into evidence here
10:59:34 5 that there were some crimes at some of these gates and as they
6 were brought to our attention we dealt with it. Now that's a
7 little different from the way it was put. Very frequent crimes,
8 no. I would say that --

9 PRESIDING JUDGE: Mr Taylor, the question as put now is
10:59:52 10 what you are requested to answer, which is:

11 "Mr Taylor, despite your prior testimony, it is indeed
12 true, is it not, that your checkpoints were the scene of very
13 serious crimes against civilians?"

14 That is the new question.

11:00:09 15 THE WITNESS: Well, the way the question is put I would
16 have to say no. The way it is put now, I will have to say no.

17 PRESIDING JUDGE: Well, the way the question is put is the
18 way the question is put. Counsel is not going to put questions
19 as you wish it to be put. Just answer the question as put to
11:00:26 20 you. There will be much progress in that way.

21 THE WITNESS: I will say no.

22 MS HOLLIS:

23 Q. Mr Taylor, also on 19 November I asked you about your NPFL
24 subordinates committing crimes against Krahn and Mandingo in
11:00:43 25 Kakata in 1990. Do you recall me asking you about that?

26 A. I don't recall the specific question.

27 Q. This is at page 32245 of your testimony of 19 November. It
28 was in the context of targeting Krahn and Mandingos as well as
29 government officials, and if we look to line 12:

1 "When your NPFL took the town or city of Kakata in 1990,
2 your subordinates committed those kinds of crimes against Krahn
3 and Mandingo in that area."

4 And we are referring back up to what was put to you at
11:01:43 5 lines 7 to 9, that is, separating them out and killing them in a
6 brutal manner. And your answer was - in relation to the town or
7 city of Kakata in 1990, your answer was, "That is so far from the
8 truth. It is so incorrect." And you indicated:

9 "In Kakata, the situation in Kakata, the day that the NPFL
11:02:08 10 forces moved in, the business centres closed for a few hours and
11 re-opened. Not even one bit of looting. In fact, one of the
12 commanders that took over Kakata, one of my Special Forces, is
13 still alive. Nothing happened in Kakata."

14 And you indicated General William Sumo was the commander
11:02:26 15 you were referring to. Now, Mr Taylor, that testimony was not
16 accurate, was it?

17 A. Very accurate.

18 Q. And indeed, the crimes of killing based on ethnic identity
19 were committed by your NPFL as they entered Kakata, that is the
11:02:52 20 truth of it, isn't it, Mr Taylor?

21 A. That is not the truth of it, no.

22 MS HOLLIS: Now, if your Honours could please keep number 6
23 at tab 3 available, but I would like to move to another document,
24 number 32 in annex 4. This is the ECOMOG book, Lieutenant
11:03:14 25 Colonel Festus Aboagye. I am referring to page 37 of that book.
26 That is number 32 in annex 4.

27 PRESIDING JUDGE: This is the book by Festus Aboagye?

28 MS HOLLIS: That is correct, Madam President, page 37. And
29 you will note that there are three areas on that page that are

1 marked. My interest at this point relates to the top two
2 portions that are marked, the portions that are marked in the
3 centre paragraph.

11:05:02

4 PRESIDING JUDGE: The passage beginning, "The military
5 situation"?

6 MS HOLLIS: That is correct, Madam President. And the
7 passage in particular I am interested in goes down to the 13th
8 line, which begins, "Control Bong Mines with yet more massacres".
9 That is the portion that I am referring to. You will note that

11:05:40

10 the markings do not show a letter I and a letter G, and as we
11 complained in our cover letter, we are not asking that you
12 consider this passage for purposes of guilt, but for purposes --

13 PRESIDING JUDGE: Ms Hollis, I have said this before. Our
14 ruling has not changed. It's not what you intend to use the
15 passage for; it's for its content objectively. Now, does this
16 content, in your opinion, contain material that goes to proof of
17 guilt, or not?

11:06:00

18 MS HOLLIS: If we are talking about the probative of guilt
19 standard which your Honours have set forth, then we believe that
20 someone could consider this probative of guilt, yes.

11:06:23

21 PRESIDING JUDGE: In which case, I am listening for your
22 justification for its use at this stage.

23 MS HOLLIS: And the justification is the same argument that
24 we have relied on previously, noting in this particular case as a
25 factor we continue to suggest is a significant factor to be
26 considered, that we are not asking that you consider this passage
27 for purposes of guilt.

11:06:44

28 PRESIDING JUDGE: Based on my previous reasoning that this
29 is evidence that goes to proof of guilt, it is being introduced

1 late in cross-examination of the accused, did not form part of
2 the Prosecution case in chief, and the twofold justification has
3 not been met, so it cannot be used.

4 MS HOLLIS:

11:07:27 5 Q. Indeed, Mr Taylor, this killing of people in Kakata based
6 on their ethnicity, that killing was reported to you, was it not?

7 A. That - no, it was not.

8 Q. And indeed, it would have been reported to you as the
9 commander-in-chief. Such a killing would have been reported to
10 you, wouldn't it?

11:07:51 11 A. Well, I would say it should be reported. I don't know if
12 it would have been reported.

13 Q. Mr Taylor, you took no action against the fighters who
14 committed these crimes in Kakata, did you?

11:08:10 15 A. Well, if - I mean, the way - you see, again no report came
16 to me, so I could not take any action. How do I take action
17 against a report that never came to me?

18 Q. Now, Mr Taylor, you indicated that the commander that took
19 over Kakata was a General William Sumo. When you say he took
20 over Kakata, what do you mean?

11:08:33 21 A. He was the commander - one of two commanders that moved
22 into Kakata.

23 Q. So he was part of the operation to capture Kakata?

24 A. In factual, there was no fighting in Kakata. That's what I
11:08:48 25 mean by "moved in". There was no fighting in Kakata.

26 Q. And did you ever court-martial him for his actions in
27 Kakata?

28 A. For what actions?

29 Q. Any action, Mr Taylor. Did you ever court-martial this man

1 for his actions in Kakata?

2 A. You are a soldier. Do you court-martial people that have
3 not committed --

4 Q. Mr Taylor, I ask the questions; you answer them --

5 A. -- well, you know --

6 Q. -- did you court-martial this man for his actions in
7 Kakata?

8 A. What actions? You have to spell out to me what actions
9 did he --

11:09:16 10 Q. Well, Mr Taylor --

11 PRESIDING JUDGE: Mr Taylor, if there was no
12 court-martialing, that's all you need say. You never
13 court-martialled him for any action. It's a simple question.

14 THE WITNESS: Well, there were no unlawful acts on the part
11:09:31 15 of General Sumo, so he was not - that was reported to me, so he
16 was not court-martialled.

17 MS HOLLIS:

18 Q. In fact, Mr Taylor, William Sumo - now, did you have more
19 than one William Sumo in the NPFL - Special Force in the NPFL?

11:09:49 20 A. Special Force, no. There was one William Sumo.

21 Q. Indeed, he was one of the most notorious perpetrators in
22 your NPFL, wasn't he?

23 A. No, that is totally incorrect.

24 Q. And the action in Kakata was not at all atypical of William
11:10:05 25 Sumo's conduct, was it?

26 A. Ask that question again?

27 Q. The action against civilians in Kakata was not at all
28 atypical of William Sumo's actions, was it?

29 A. General Sumo did not commit any crimes in Kakata that was

1 brought to me.

2 Q. Mr Taylor, did you ever at any point court-martial William
3 Sumo?

4 A. No, I did not court-martial William Sumo, as no unlawful
11:10:32 5 acts were brought to my attention.

6 Q. You didn't court-martial this man because you didn't
7 court-martial those who carried out crimes against civilians;
8 that's the correct answer to that, isn't it, Mr Taylor?

9 A. That would be a totally incorrect answer, because there is
11:10:47 10 evidence here that we did court-martial people, including Special
11 Forces, that committed crimes. So that would be inaccurate.

12 Q. You court-martialled people you felt were a threat to your
13 power, isn't that correct, Mr Taylor?

14 A. Totally incorrect.

11:10:59 15 Q. Now, Mr Taylor, indeed, the singling out of people based on
16 ethnicity and killing them and committing other crimes against
17 them, this type of conduct was carried out by your subordinates
18 when they took control of Bong Mines as well, isn't that true?

19 A. That is not true.

11:11:28 20 MS HOLLIS: Madam President, page 37 that you have just
21 looked at, also we were speaking before of Kakata, but it also
22 indicates massacres at Bong Mines. Now, it may be that you had
23 included that in your prior ruling. If not, I would ask that you
24 consider it for use based on the same arguments we had advanced
11:11:57 25 before.

26 PRESIDING JUDGE: What passage are you referring to?

27 MS HOLLIS: Madam President, this is again page 37, and it
28 is the line beginning with "The" and then the next line
29 "recapture of Kakata, however diverted the rebels to the

1 German-controlled Bong Mines with yet more massacres". That is
2 the portion of that page I am now referring to.

3 PRESIDING JUDGE: Yes, but you did refer to it previously,
4 the whole chunk that is marked in the middle of that page.

11:12:39 5 MS HOLLIS: That is correct for --

6 PRESIDING JUDGE: So what are you asking me to do? I have
7 already ruled on the whole chunk.

8 MS HOLLIS: So you have ruled on Bong Mines as well?

9 PRESIDING JUDGE: Yes.

11:12:51 10 MS HOLLIS: All right.

11 Q. Now, Mr Taylor, you also testified on 19 November that
12 there was no massacre in Bakedu. Do you remember that testimony?
13 And we are talking about a massacre in Bakedu in 1990 by your
14 subordinates.

11:13:18 15 A. Yes, I can recall the Bakedu question.

16 Q. And Mr Taylor, that is not correct testimony on your part,
17 is it?

18 A. There was no massacre in Bakedu by the NPFL, was your
19 question, and I said no.

11:13:38 20 Q. And indeed, Mr Taylor, in Bakedu your NPFL killed some 500
21 ethnic Mandingos, isn't that right?

22 A. That is totally incorrect.

23 Q. And that included an Imam, isn't that right?

24 A. Totally incorrect.

11:13:59 25 Q. And that report was made to you, was it not, Mr Taylor?

26 A. It was not.

27 Q. And again, these people were singled out because of their
28 ethnicity, isn't that right, Mr Taylor?

29 A. That is not correct.

1 MS HOLLIS: I would ask your Honours to look at page 123 of
2 the Liberian Truth and Reconciliation Commission report. If you
3 see that page you see that it is marked "I" and "G" and I would
4 direct your attention to the information beginning the 10th line
11:15:28 5 up from the bottom of that first paragraph. It is the line that
6 begins, "NPFL-held territories were killed" and the part that I
7 wish to direct your attention to begins at the end of that line,
8 "500 ethnic Mandingos including an Imam killed in Bakedu by the
9 NPFL." We rely on our prior arguments as to the permissible use
11:16:13 10 of that information.

11 PRESIDING JUDGE: Ms Hollis, I rely on the Chamber's
12 previous ruling to disallow the use of this line as it contains
13 fresh evidence that goes to guilt.

14 MS HOLLIS:

11:16:34 15 Q. Now, Mr Taylor, you said in part of your response to the
16 question about Bakedu that there was no massacre by the NPFL
17 because the NPFL was miles away. Do you recall telling the Court
18 that?

19 A. Yes, in 1990, yes.

11:16:53 20 Q. But indeed, Mr Taylor, the NPFL was able to go to Bakedu
21 and carry out this massacre of some 500 people. Isn't that
22 correct?

23 A. That is incorrect.

24 Q. And you conducted no court martial against anyone for
11:17:13 25 killings in Bakedu, did you, Mr Taylor?

26 A. There was no court martial because of any issue that was
27 brought before the authorities of any killings in Bakedu.

28 Q. Now, Mr Taylor, you may also recall that I asked you about
29 killings by your NPFL in Grand Gedeh County, killings of Krahn

1 civilians and I asked you about those killings that occurred in
2 1990. Do you remember that? And you said that in 1990, citizens
3 of Grand Gedeh were not bothered. Do you recall that, Mr Taylor?

11:18:01

4 A. In 1990, yes, I recall - not the specific words, but we
5 didn't capture Grand Gedeh County until very - depending on the
6 period. I remember the testimony.

7 Q. Now, Mr Taylor, it's correct, is it not, that you may
8 attack an area but not capture it?

9 A. That is correct.

11:18:19

10 Q. And that's what happened in 1990 in Grand Gedeh County.

11 Isn't it, Mr Taylor?

12 A. What part of 1990 are you talking about.

13 Q. Well, Mr Taylor, let's try around August of 1990.

11:18:41

14 A. I can say there could have been attacks around that period
15 in 1990.

16 Q. In fact, Mr Taylor, your NPFL carried out massacres in
17 Grand Gedeh County during that time, didn't it?

18 A. That is not correct. There was fighting in Grand Gedeh
19 around late 1990. The Armed Forces of Liberia were still up in
20 Grand Gedeh.

11:18:58

21 Q. Now, Mr Taylor, you did testify that the NPFL were in fact
22 present in Grand Gedeh County in 1991. Do you recall testifying
23 to that?

24 A. By 1991 - there was heavy fighting in late 1990. By 1991,
25 I would say the NPFL - while we did not have the entire Grand
26 Gedeh, the NPFL occupied parts of Grand Gedeh in 1991, yes.

11:19:33

27 Q. And indeed, Mr Taylor, in 1991 your NPFL was responsible
28 for killing hundreds of members of the Krahn ethnic group and
29 Mandingos in Grand Gedeh County. Isn't that correct?

1 A. No, that is totally incorrect.

2 Q. And your NPFL targeted these individuals for supposedly
3 supporting the Doe government. Isn't that correct?

4 A. That is not correct.

11:20:13 5 Q. And, in fact, throughout this time, Mr Taylor, your NPFL
6 continued to detain civilians, torture and kill them in areas
7 under your control. Isn't that right?

8 A. That is not right.

9 MS HOLLIS: I would ask your Honours to look at page 178 of
11:20:31 10 the Liberian TRC report, the second entry from the top of the
11 page. We would rely on our - it is the 1991, setting out NPFL
12 responsibility for killings in Grand Gedeh County, Krahn and
13 Mandingos. It is marked as both impeachment and guilt, and we
14 would rely on our prior arguments in relation to the permissible
11:21:25 15 use of this information.

16 PRESIDING JUDGE: This passage on page 178 - is it page
17 178?

18 MS HOLLIS: It is page 178.

19 PRESIDING JUDGE: The second passage with the year "1991"
11:21:50 20 from the top contains material that does go to proof of guilt of
21 the accused and, for the reasons given before, we disallow its
22 use at this stage.

23 MS HOLLIS:

24 Q. Mr Taylor, do you recall in 1991 court-martialling anyone
11:22:13 25 for any killings in Grand Gedeh County?

26 A. 1991, not specifically, I don't. It could have happened,
27 but I don't recall. There were several tribunals, so I don't
28 recall.

29 Q. Do you recall if any commanders were prosecuted in 1991 for

1 any killings in Grand Gedeh County?

2 A. No, I don't recall. If there were some commanders, it
3 could have happened without my knowledge, but I have no
4 recollection of it.

11:22:55 5 Q. Mr Taylor, do you recall on the 19th we also talked about
6 the rounding up of individuals from ECOMOG contributing countries
7 in late 1990. Do you recall?

8 A. Rounding up of citizens from ECOMOG contributing countries?

9 Q. That is correct.

11:23:15 10 A. Yes.

11 Q. And you indicated that individuals from ECOMOG contributing
12 countries - that you had rounded some of them up and questioned
13 them and in some cases incarcerated them. Do you recall telling
14 the Court that?

11:23:36 15 A. Yes. Not incarcerate. I said we questioned them and
16 released them. Some were arrested, yeah. You did that during
17 World War II to the Japanese.

18 JUDGE DOHERTY: I didn't understand the last part of that
19 answer. Who did what to the Japanese?

20 THE WITNESS: The Americans --

21 JUDGE DOHERTY: You said "you", are you referring to
22 counsel?

23 THE WITNESS: Yes. The issue of questioning people during
24 times of war and crisis is not unusual and I am referring to what
11:24:15 25 the Americans did in World War II. The British did it on the
26 Isle of Man. That's a normal procedure and they were let go.

27 PRESIDING JUDGE: Mr Taylor, what would be helpful is if
28 you didn't regard counsel as a representative of the Americans.

29 THE WITNESS: No, no, no, I am not referring to counsel. I

1 am saying the practice is not unusual.

2 PRESIDING JUDGE: But when you say "you", "You did this to
3 the Japanese", that is in fact what you are insinuating.

4 THE WITNESS: Yes, but counsel is American.

11:24:49 5 PRESIDING JUDGE: It's not called for.

6 MS HOLLIS:

7 Q. Mr Taylor, in relation to your testimony now where you
8 said, "We questioned them and released them and not" - you said,
9 "Yes, not incarcerate. We questioned them and released them.

11:25:13 10 Some were arrested, yes." Mr Taylor, arrest - do you include
11 incarceration in arrest?

12 A. Well, when you arrest you have to incarcerate for a time,
13 yes. I am looking at incarceration as being put in jail for a
14 crime. I am looking at - but arrest and detention, yes, but not

11:25:36 15 incarceration.

16 Q. Okay, let's look at what you told us on 19 November
17 beginning on page 32251 and going to page 32252. If we could
18 look at the very bottom of page 32251, you are talking about,
19 beginning at line 27:

11:26:17 20 "But now you have introduced the ECOMOG side. Now we are
21 talking about this August when ECOMOG comes. So if I am
22 answering your question now, when ECOMOG started the combat later
23 in the year, those individuals that were from ECOMOG contributing
24 countries, we had them rounded up and questioned them and in some
11:26:39 25 cases incarcerated some of them."

26 So, Mr Taylor, back on 19 November you did tell these
27 judges that you had in some cases incarcerated some of these
28 people, correct?

29 JUDGE LUSSICK: You didn't see the whole of your answer,

1 did you, Mr Taylor?

2 THE WITNESS: No, I'm not seeing --

3 MS HOLLIS:

11:27:08

4 Q. I'm sorry, Mr Taylor. If we could go to the next page,
5 please. I apologise for that, Mr Taylor. Do you see on page
6 32253 your answer began: "Now we are talking about this August
7 when ECOMOG comes, so if I am answering your question now when" -
8 and then we move over:

11:27:27

9 "When ECOMOG started the combat later in the year, those
10 individuals that were from ECOMOG contributing countries, we had
11 them rounded up and questioned them and in some cases
12 incarcerated some of them, yes."

13 So, Mr Taylor, on the 19th you told these judges that in
14 some cases you incarcerated some of these individuals, yes?

11:27:46

15 A. That is correct.

16 Q. Now, Mr Taylor, you disagreed that you had incarcerated any
17 of these nationals before ECOMOG actually came to Liberia. Do
18 you remember that, Mr Taylor?

19 A. Before ECOMOG came to Liberia?

11:28:09

20 Q. Yes, you disagreed that --

21 A. I disagreed.

22 Q. -- you had rounded up or held any of these individuals
23 before ECOMOG actually came to Liberia. You recall?

11:28:25

24 A. Yeah, to the best of my knowledge, no, we had not arrested
25 anyone before ECOMOG came in August 1990.

26 Q. But indeed before August - before ECOMOG actually came to
27 Liberia in August 1990, you already held about 3,000 civilians
28 from the ECOMOG contributing countries, didn't you?

29 A. No, not to my knowledge. I would disagree.

1 Q. But you would have known that, wouldn't you, Mr Taylor?

2 A. If anybody - 3,000 individuals, we would not even have had
3 the capacity, no. Not to my knowledge, no.

4 Q. And, Mr Taylor, you held these some 3,000 individuals
11:29:03 5 because you were already aware of the creation of ECOMOG. Isn't
6 that correct?

7 A. No, we did not hold 3,000 people. Now you asked me two
8 questions. Was I aware of the creation of ECOMOG, yes. Did I
9 incarcerate people before, no. There were two questions.

11:29:21 10 Q. So before they landed you were actually aware of the
11 creation of ECOMOG, correct?

12 A. Before ECOMOG had landed?

13 Q. Yes.

14 A. I was aware of the creation of ECOMOG.

11:29:29 15 Q. And you were aware that it was a force that had a mandate
16 that included coming to Liberia. Isn't that correct?

17 A. Yes, I was aware that ECOMOG's mandate was to come to
18 Liberia, yes.

19 Q. And it was because of that that you rounded up some 3,000
11:29:46 20 citizens of the contributing countries even before ECOMOG landed.
21 Isn't that right?

22 A. That is totally incorrect. I didn't even know the full - I
23 did not know the composition of ECOMOG, no, so it's not possible.
24 No.

11:30:04 25 Q. And, Mr Taylor, indeed you continued to capture and hold
26 foreigners from contributing countries after ECOMOG had come to
27 Liberia, correct?

28 A. But, no, you see, you say "you continued". I have just
29 said that we did not hold. If you say "you continue", but that

1 was not my answer. So, the way you put it, I have to say no
2 because there was no continuation of something that had never
3 started before they arrived. So no.

11:30:45 4 Q. And indeed, Mr Taylor, you did hold foreign nationals of
5 the contributing countries after ECOMOG came to Liberia. Isn't
6 that correct?

7 A. Could you ask that question again, please.

8 Q. Yes. You, the NPFL, did hold foreign nationals of
9 contributing countries after ECOMOG came to Liberia, didn't you?

11:31:02 10 A. Again, I am confused by that question, quite frankly.
11 Would you please, probably - I am confused by the question.

12 Q. Well, let's break it down.

13 PRESIDING JUDGE: That question is plain. The previous
14 question was holding - related to holding people before ECOMOG.
11:31:23 15 Now, this question is: Did the NPFL hold people from these
16 countries, civilians from these countries after ECOMOG came to
17 Liberia.

18 THE WITNESS: Your Honour, I'm not going to argue with you,
19 Madam President, but that "hold" in the English that -
11:31:39 20 your Honours, when you say - if counsel asked me: Did you arrest
21 people after ECOMOG came? Yes. But to say if you - did you
22 hold? That is a continuing process to me. And these are the
23 trick questions that I can't just answer. Did I arrest people
24 after ECOMOG came? Yes, your Honours. But when Prosecution
11:31:58 25 says: Did you hold? It means that there was a continuing
26 process to me.

27 PRESIDING JUDGE: I appreciate the difference. So,
28 Ms Hollis, what is your question?

29 MS HOLLIS:

1 Q. Well, Mr Taylor, when you arrested people you held them,
2 correct?

3 A. Yes, when I arrested people I held them.

4 Q. And you arrested and held these people after ECOMOG came.

11:32:18 5 Isn't that correct?

6 A. I arrested and held people after ECOMOG came, that's
7 correct.

8 PRESIDING JUDGE: This is a good time to take a break. The
9 tape has certainly run out. We will continue after the break at
10 12 o'clock.

11:32:30

11 [Break taken at 11.30 a.m.]

12 [Upon resuming at 12.00 p.m.]

13 PRESIDING JUDGE: Ms Hollis, please continue.

14 MS HOLLIS: Thank you, Madam President:

12:01:45

15 Q. Mr Taylor, you recall also on 19 November we talked about
16 the killing of five American nuns during Operation Octopus. Do
17 you remember that?

18 A. That is correct.

19 Q. And you told the Court that the nuns died trying to get
12:02:03 20 away in a car in combat and the car was sprayed with bullets
21 because it was on the road. Do you remember telling the Court
22 that?

23 A. That is correct.

24 Q. Now, Mr Taylor, is it your recollection that all five of
12:02:16 25 these nuns were killed in that manner?

26 A. Well, first of all, let me say it was a tragic incident.
27 No, to the best of my recollection, it's been a long time, I
28 think there were about two - two nuns died in - in the - I think
29 in the car and I think the other three nuns tragically, I think,

1 died at - I'm not sure if it was a monastery or what. Where they
2 were lodging. That's my recollection of the incident.

3 Q. And this took place in Monrovia. Is that your
4 recollection?

12:03:06 5 A. Well, a suburb of Monrovia. A suburb of Monrovia. Not
6 Monrovia itself. I think a suburb of Monrovia.

7 Q. Indeed, Mr Taylor, it is correct, isn't it, that two of
8 these nuns were killed while they were driving one of their
9 security men?

12:03:31 10 A. They were driving one of their security men?

11 Q. Yes.

12 A. Counsel, I don't know the specific details. I still have
13 to say it was a tragic situation. The report that reached to me,
14 very tragically, was that there was combat in the area - I think

12:03:53 15 in an area called the Freeway - we call it the Freeway - that is
16 coming around Monrovia. And that it was right after a major

17 combat and there were ECOMOG soldiers in the vehicle, and those
18 that were in ambush saw the ECOMOG soldiers and opened fire on

19 the car and the nuns. Two of the nuns were in that car. That's
12:04:22 20 the best of my recollection. I could be wrong. That's how I

21 understood it at the time. And that's how the two nuns and the
22 soldiers, the ECOMOG soldiers, were killed in the car. And even
23 the report that reached to me about the - well, you only asked
24 about two, so I will leave - I will wait for the next question.

12:04:40 25 Q. And, indeed, they had provided transport for two ECOMOG
26 soldiers and were ambushed by the NPFL. That's correct, is that
27 your recollection?

28 A. No, no, no. My recollection is not that they had provided.
29 I don't know who provided the transport. From my recollection is

1 that there were ECOMOG soldiers in the car with these people at
2 the time that the car was ambushed. It was during combat.
3 That's my recollection.

12:05:12 4 Q. And their vehicle was actually taken by your NPFL after the
5 ambush. Isn't that correct?

6 A. No. My recollection is that the vehicle was burned on the
7 site. If I recollect correctly, the vehicle was burned and the
8 bodies that were in that vehicle were burned after the bullets
9 hit the car. I think there was some either explosion of the
10 tank, but they were burned in the car. That's the information
11 that reached me, if I recollect properly.

12 Q. Actually, Mr Taylor, the two nuns that were killed in the
13 car in the ambush, their bodies were left alongside the road.
14 Isn't that right?

12:05:53 15 A. No, that's not the information that reached me. Sadly, it
16 was unfortunate. My information is that they were burned in the
17 car, that's - along with the soldiers.

18 Q. In relation to the other three nuns who were killed, six of
19 your soldiers entered where they were living and killed those
12:06:12 20 three nuns. Isn't that correct?

21 A. I - no, that's not my - in fact, the report that reached me
22 at the time from the commander - in fact, my commanders continued
23 to deny. They continued to say that other soldiers, the AFL and
24 some of their affiliates, had reached the property before they
12:06:36 25 got there. In fact, all of the people that were in that area,
26 the NPFL successfully evacuated them from the area. And they,
27 from my recollection, said that those people had been killed by
28 other people. The ones that they took responsibility for are the
29 two that were in the car, and it was very sad and there's no - we

1 had protected Americans throughout that period and it was very -
2 it was a sad situation even for me.

3 Q. Mr Taylor, in addition to the three nuns that were killed
4 by your NPFL soldiers, your NPFL also killed a Lebanese
12:07:16 5 businessman who was there with the nuns. Isn't that correct?

6 A. That - no, that report did not reach me. I'm sorry, I -
7 that report did not reach me.

8 Q. And also your NPFL abducted the businessman's wife, along
9 with other individuals. Isn't that correct?

12:07:34 10 A. No, that report did not reach me. I have no knowledge of
11 that report, that a Lebanese businessman was killed, no.

12 Q. Mr Taylor, that's not really correct, is it? You were told
13 about this incident, weren't you?

14 A. Ms Hollis, the situation of foreigners getting killed in
12:07:59 15 Liberia was very, very serious to me and it did not reach me as
16 you've suggested, no.

17 Q. Mr Taylor, you didn't court-martial anybody as a result of
18 this incident relating to these five nuns, did you?

19 A. Well, again, like I said, the two - because there was an
12:08:16 20 incident that involved an ambush and not a deliberate killing,
21 no. Nobody was court-martialled for the - and I keep referring
22 to it as the tragic loss of those nuns' lives, and I just hope
23 nobody tried to capitalise on a tragic situation as that.

24 MS HOLLIS: Madam President, I would direct your attention
12:08:42 25 to page 179 of number 6 in annex 3, the Liberian TRC report, page
26 179. And on that page, the entry October 23, 1992. You see it
27 relates to the killing of the three American nuns and a Lebanese
28 businessman and the abduction of other persons by the NPFL. We
29 would ask that you consider this both for impeachment and for

1 guilt, and we would rely on our prior arguments as to the
2 permissible use of this material.

3 PRESIDING JUDGE: This is the paragraph on page 179 that
4 has the date October 23, 1992. The Prosecution concedes that it
12:10:54 5 has content that goes to guilt. And based on their former
6 arguments, we rule as we've reasoned before in our ruling that
7 this new evidence that goes to guilt cannot be used at this time
8 in light of our ruling of 30 November 2009.

9 MS HOLLIS:

12:11:18 10 Q. Now, Mr Taylor, in relation to the killing of these five
11 nuns, we had also spoken about the Catholic Church later deciding
12 that it would investigate the killing of those nuns. Do you
13 recall us talking about that?

14 A. You see - but, your Honour, you know, I don't want to
12:11:39 15 argue. You see, the way you posed the question, as a result of
16 the killing of those nuns, you've already established that we've
17 killed them when I have my - my evidence to this Court is that
18 the NPFL did admit that two of those nuns, okay, died in this
19 ambush. Now, killing for me in my interpretation means that they
12:12:04 20 were wilfully killed by the NPFL. So I don't know how to answer
21 this question. If you are talking about as regards the death of
22 the nuns, for me the death of the nuns and the killing of those
23 nuns are two different things. So please, please help me here so
24 I can answer your question.

12:12:21 25 Q. Well, Mr Taylor, we talked about the Catholic Church's
26 decision that it would investigate what it termed as the killing
27 of these nuns and you said you didn't know about the Catholic
28 Church attempting to set up an investigation into those murders,
29 but it was possible. Do you recall that testimony, Mr Taylor?

1 A. Well, not verbatim, but I recall the discussion where I
2 said that it was possible, but I was not - about their
3 investigation. I said it was possible. In fact, I'm sure they
4 should have.

12:12:58 5 Q. And, Mr Taylor, we also discussed the reaction of
6 Sando Johnson to the Catholic Church's decision to investigate
7 the killing of these nuns. And I put to you that Sando Johnson
8 reacted very negatively toward the church when they attempted
9 this investigation and you said you didn't know of that. Do you
12:13:21 10 remember telling the Court that?

11 A. Something to that effect, yes.

12 Q. Well, indeed, Mr Taylor, you knew the Catholic Church had
13 decided to investigate this matter, didn't you?

14 A. I just told you, I said I didn't know. I said it's
12:13:36 15 possible, but I said I did not know.

16 Q. And you also knew of Sando Johnson's reaction to that,
17 didn't you?

18 A. No, I didn't follow - a member of the House of
19 Representative of Liberia and their actions in the House, I did
12:13:50 20 not follow Representative Johnson's specific view on the
21 situation. I can't tell this Court that I knew of it. No, I
22 didn't.

23 Q. Mr Taylor, in fact, your government took the position that
24 Sando Johnson's allegations, in particular against Bishop
12:14:07 25 Francis, were his personal views. You recall your government
26 taking that position, don't you?

27 A. You say my government. An official of my government. I
28 don't recollect any statement issued. It very well could have
29 been. An official could have spoken, but I don't recollect any -

1 I have no recollection of the specific statement.

2 Q. So you are saying you don't recollect your government, and
3 that would be someone in your government, indicating that Sando
4 Johnson's allegations were his personal views. You are telling
12:14:44 5 the Court you have no recollection of this?

6 A. I have no - I was President. Millions of things happened.
7 That particular incident of my government coming out and saying
8 that, it very well could have been that an official spoke on the
9 issue which could have happened. I, sitting here, don't have any
12:15:04 10 recollection and I promise you if you bring a document and is
11 from an official I will tell the judges, "Oh, yes this is from an
12 official." I have no personal recollection as I sit here now.

13 Q. Indeed, Mr Taylor, Sando Johnson's negative comments about
14 the church's decision to investigate - and these included
12:15:33 15 specific allegations about Bishop Francis. Sando Johnson's
16 allegations led to a decision by the Catholic Church to shut down
17 all of its services except for emergency services. Isn't that
18 right?

19 A. During which period of time? During the war?

12:15:50 20 Q. No, when the Catholic Church decided it was going to go
21 forward with this investigation?

22 A. I don't remember. I know Honourable Johnson and Archbishop
23 Francis had problems. They are from the same town, the same
24 village, from the same tribe. They always had problems. But as
12:16:15 25 to your question where the Catholic Church shut down all of its
26 activities except, for what did you say, humanitarian? Did you
27 get you right?

28 Q. Except for emergency services.

29 A. Except for emergency services, quite frankly, I don't - I

1 don't have any recollection of the Catholic Church shutting down
2 because of that controversy.

12:16:48 3 Q. Mr Taylor, this situation arose in 2002. You recall that,
4 don't you; this situation of the church deciding to investigate
5 and Sando Johnson responding?

6 A. My dear, 2002 - excuse me. I'm sorry. I said "my dear".
7 I'm sorry. 2002 we are in total war and chaos. Quite frankly, I
8 don't recall that. It's possible that there was this controversy
9 at the time. 2002, Liberia - in fact, Monrovia comes under
10 attack several times. I don't remember that, counsel, really.

11 Q. Indeed, Mr Taylor, you remember it because the Liberian
12 Council of Churches in protest and in support of the Catholic
13 Church also called for a three-day shutdown of schools and other
14 facilities. You remember that, don't you?

12:17:35 15 A. I don't remember this for what specific reason. There were
16 controversies going on. I met with the Council of Churches a few
17 times, but to my recollection for different - different reasons,
18 from my recollection. I don't know as to whether it was because
19 of the problem between Honourable Johnson and Archbishop Francis
12:17:58 20 concerning the investigation of the nuns. I have no specific
21 recollection of that.

22 Q. Mr Taylor, you remember that because you actually - you
23 yourself actually were involved in a four-hour discussion with
24 representatives of the Liberian Council of Churches. Isn't that
12:18:16 25 correct?

26 A. I just told you I met with the Council of Churches many
27 times. And we discussed many issues. But I did not meet them
28 specifically to deal with the issue of the nuns. There were
29 several pressing issues at the time and I said before you even

1 asked the question that I met with the council several times.

2 Q. And you met with them for one of these issues which was the
3 allegations of Sando Johnson and the reaction of the churches.
4 Isn't that correct?

12:18:49 5 A. We discussed many things. 2002 the Catholic Church --

6 Q. Mr Taylor, the question was very specific. One of the
7 things that you met with them about was the situation that arose
8 based on Sando Johnson's allegations and the church's reaction.
9 Isn't that correct?

12:19:09 10 A. No, I don't think that was the - that was the case specific
11 because of Sando Johnson, no.

12 MS HOLLIS: May I please ask your Honours to look at tab 64
13 in annex 3. That is in binder 3 of 3.

14 PRESIDING JUDGE: Yes, Mr Griffiths.

12:20:37 15 MR GRIFFITHS: Madam President, we note that the passage
16 sought to be relied upon does not bear either the letter I for
17 impeachment or the letter G for guilt. Nonetheless, our
18 submissions are as follows:

19 First of all, the first rule of admissibility as regards
12:21:01 20 evidence is relevance. Question, therefore: To what is this
21 evidence relevant? It is the evidence of the killing of five
22 nuns in Liberia. Is it being suggested, first of all, that this
23 is admissible to show, for example, system? If so, what is the
24 event in the Sierra Leonean conflict to which such a principle
12:21:37 25 would apply?

26 We also need to bear in mind that nowhere on this document
27 sought to be admitted is there any date which would assist us in
28 deciding whether or not this is material which could have been
29 introduced during the currency of the Prosecution case.

1 Furthermore, in our submission if this material is to be
2 introduced in order to impeach or contradict any prior testimony
3 of the accused, it needs to be borne in mind that the defendant
4 has repeatedly said that he does not recollect the full details
12:22:21 5 of this incident. Had he committed himself to certain
6 propositions during the course of his questioning, then of course
7 different considerations may apply. But he has made it quite
8 clear that today he is not fully conversant with all the facts of
9 an incident which took place as long ago as 1992.

12:22:48 10 However, going beyond that, this evidence clearly prima
11 facie is relevant to guilt because it's suggestive of forces
12 under the command and control of this defendant carrying out
13 atrocities during the course of the Liberian conflict which,
14 given the nature of the allegations he faces, would necessarily
12:23:15 15 be relevant to a pattern of behaviour, if that is the purpose to
16 which it is intended. And in our submission, based on our prior
17 submissions, that could be the only purpose.

18 So even though it has not been indicated on the document
19 that this is being admitted as proof of guilt, the content of the
12:23:38 20 passages are such that it can have no other purpose and,
21 consequently, we submit that the two-prong test enunciated by
22 your Honours applies to this document.

23 PRESIDING JUDGE: Ms Hollis, could we hear from you,
24 please, in response?

12:24:02 25 MS HOLLIS: Thank you, Madam President. In this instance
26 the test need not and should not be applied. This information is
27 being used for impeachment and we do not agree that even in the
28 world of theoretical possibilities it is probative of guilt. We
29 suggest that the broader issue on which it impeaches this accused

1 - there are really two, but the first one is this accused's
2 statements to the Court about the upholding of freedom of
3 expression in his country, the individuals' and groups' rights to
4 pursue actions that they felt were appropriate, that he supported
12:24:53 5 that type of thing, and also that during his presidency they
6 lived under the rule of law.

7 We also believe that this is significant to impeach the
8 picture he has painted of himself as a tolerant person who is
9 open to other views, and we suggest that indeed the reaction
12:25:25 10 about the investigation by the Catholic Church on behalf of Sando
11 Johnson, a person who is very loyal and very close to this
12 accused, is in effect this accused indirectly reacting to this
13 investigation. It would paint him in a bad light. It would
14 impact the public image that he wishes to portray and he used
12:25:48 15 this means to shut it down.

16 We also suggest that it impeaches his supposed inability to
17 recollect this incident and recollect that the Catholic Church
18 was going to investigate, and we suggest that again this is his
19 attempt to try to avoid talking about an incident which would
12:26:11 20 portray him and his subordinates in a bad light and instead he
21 says he doesn't recollect.

22 Now, he did tell your Honours just a few moments ago in
23 relation to meeting with the Council of Churches about this
24 particular issue that he said, "I don't think that was - that was
12:26:37 25 the case specific because of Sando Johnson, no." So we believe
26 that there is a basis to use this to impeach him, but in this
27 instance we do not agree that even under a hypothetical standard
28 probative of guilt that it meets that test and that the two-prong
29 test would be required. We certainly only intend to use it to

1 impeach this accused.

2 PRESIDING JUDGE: Ms Hollis, your submissions relate only
3 to the content of page - there is no page on this, but just the
4 one page, or the entire document behind divider 64?

12:27:33 5 MS HOLLIS: The first page would be included, Madam
6 President.

7 PRESIDING JUDGE: Along with what else?

8 MS HOLLIS: Then when we look at the second page of the
9 document down to - well, the four paragraphs, the first four
10 paragraphs and the second page of the document ending with the
11 paragraph that talks about "in solidarity with the Catholic
12 Church". Then if we look at the next page of the document, the
13 second paragraph, the first full paragraph, ending in "frank and
14 open discussions with Mr Taylor." Those would be the portions
15 that we would ask your Honours to consider for the purpose of
16 this questioning.

17 PRESIDING JUDGE: Please give us a moment to actually read
18 these portions.

19 [Trial Chamber conferred]

12:30:50 20 PRESIDING JUDGE: Ms Hollis, we've conferred and we're of
21 the view that this article - this one article entitled "Murder of
22 the five American nuns" read as a whole is prejudicial to the
23 accused in that its content is probative of guilt, and what you
24 are asking us to do is to select paragraphs from it, namely, the
12:36:53 25 paragraphs - four paragraphs out of the second page and one
26 paragraph out of the third page and the whole of the first page.
27 Now, if we did that, it would be tantamount to taking passages
28 out of context and one cannot - for this article, one cannot do
29 that and meaningfully understand the passages that you are asking

1 us to - so we find actually that in order to understand passages
2 that you are referring to, some of which don't direct go to guilt
3 but a lot of which do go to guilt, you would, in fact, have to
4 read the whole article. And if you do read the whole article, we
12:37:37 5 hold that that would be prejudicial to the accused within the
6 meaning that we gave in our decision of 30 November, and
7 therefore, I rule that you really cannot use the paragraphs that
8 you want to use out of this article for those reasons.

9 MS HOLLIS:

12:38:02 10 Q. Now, Mr Taylor, again, it just isn't true that you have no
11 recollection of this incident, is it? This was a very serious
12 incident in Liberia at the time, wasn't it?

13 A. What incident are you referring to, counsel?

14 Q. The controversy that arose based on Sando Johnson's
12:38:26 15 responses to the Catholic Church's decision to investigate the
16 killing of these five nuns. It was a very serious incident in
17 Liberia, wasn't it?

18 A. Now what is the question now?

19 Q. This was a very serious incident in Liberia, wasn't it,
12:38:45 20 Mr Taylor?

21 PRESIDING JUDGE: Ms Hollis, the incident of the - the two
22 incidents when the nuns died or the incident of the Legislator
23 Sando Johnson taking on the Catholic Church?

24 MS HOLLIS: The incident of the legislator taking on the
12:39:08 25 Catholic Church:

26 Q. That was a very serious matter at that time in Liberia,
27 wasn't it?

28 A. Not to my knowledge, that it had been a very serious
29 incident between - if such happened between Sando Johnson and

1 Bishop Francis. For me, personally, I didn't see controversy
2 between Johnson and Archbishop Francis as being a very serious
3 incident for me.

12:39:33 4 Q. And, Mr Taylor, it was so serious to you that you took four
5 hours out of your schedule to speak with the Liberian Council of
6 Churches about their decision to close down their facilities.
7 Isn't that right?

8 A. Well, which question you want me to answer now? Let me
9 answer your question. Meeting - did I meet with them for four
12:39:57 10 hours? I mean, I'm not sure if it's four. I met with the
11 Council of Churches on many issues. Now, if your question
12 emborders [sic] that that meeting was about the Sando Johnson
13 controversy, I would say no.

14 Q. And, in fact, the Liberian Council of Churches only agreed
12:40:14 15 to resume the functioning of the schools and other institutions
16 after you had your four-hour meeting with them. Isn't that
17 right?

18 A. I can recall after - I'm not sure if I met them once.
19 You're referring to four hours. I could have met them several
12:40:34 20 times and I do not know as to whether this is the specific
21 incident that you are referring to. But after one of meetings
22 that I had with them on some of the issues about irregularities,
23 what some soldiers were alleged to be doing, the Council of
24 Churches did agree to resume their work across the country. It
12:40:59 25 was not just because of the Catholic situation. The Council of
26 Churches were working across Liberia.

27 Q. And, Mr Taylor, indeed, as a result of this meeting with
28 representatives of the Liberian Council of Churches, you promised
29 to bring the parties to the dispute together, didn't you?

1 A. Which parties? To what dispute?

2 Q. Mr Taylor, the dispute we're talking about is the
3 controversy between the Catholic Church supported by the Liberian
4 Council of Churches and Sando Johnson based on his negative
12:41:39 5 remarks.

6 A. But I've already told you I don't recollect what his
7 negative remarks were or what they were between the churches. I
8 said I met with the Council of Churches because of different
9 reasons. And after those meetings, the Council of Churches
12:41:55 10 resumed their work. So as you posed the question, I mean, it has
11 again embodied what I've already said to this Court, that I was
12 not fully aware.

13 Q. And, indeed, Mr Taylor, you promised to bring the parties
14 together to examine the evidence over the claims made. Isn't
12:42:15 15 that correct?

16 A. I don't - I don't - again, if you're referring to the nuns'
17 business, I don't recollect that those meetings were about that,
18 so I could not have told them that I would bring the parties
19 together to do anything. No.

12:42:34 20 MS HOLLIS: I would ask the attention of the Court and the
21 accused to be directed to tab 11 in annex 3. This is a BBC News
22 report, "Liberia's church strike ends", Tuesday, 13 November
23 2002:

24 Q. You see, Mr Taylor, "BBC News, World Edition, Africa,
12:43:42 25 Tuesday, 19 November 2002, Liberia's church strike ends." You
26 see that, Mr Taylor?

27 A. Yes, I see that.

28 Q. "Church representatives in Liberia have called off a
29 protest that closed schools and health centres run by the church.

1 The decision was taken after a meeting with President Charles
2 Taylor to discuss accusations made against the head of the
3 Catholic Church, Archbishop Michael Francis. The Reverend
4 Pelessant Harris, Secretary-General of the Liberian Council of
12:44:20 5 Churches, said that President Taylor had promised to bring the
6 parties to the current dispute together to examine the evidence
7 over claims made"

8 So, Mr Taylor, it is in fact true that you met with the
9 Liberian Council of Churches over this dispute. Isn't that
12:44:42 10 right?

11 A. But, again, what's the dispute, counsel? What dispute?
12 According to these people, what - I said I met with the Council
13 of Churches on many issues.

14 Q. The dispute involving Sando Johnson and the Catholic Church
12:44:57 15 in which the Liberian Council of Churches supported the Catholic
16 Church.

17 A. Maybe I need to take a look at this entire document,
18 because I am still saying to this Court I met for many reasons
19 and they did agree to open up their situation - you know, their
12:45:17 20 centres. I'm not sure, I can't see this full document, as to
21 whether it is specifically saying this is about Sando Johnson and
22 Archbishop Michael Francis, about the nuns. So I haven't seen
23 the document if full, so.

24 Q. "'I think very soon the whole issue will be resolved,' he
12:45:32 25 told the BBC's Network Africa." That's Reverend Pelessant
26 Harris.

27 "The church and the government have been trading
28 accusations since Archbishop Francis launched an investigation
29 last week into the murder of American nuns ten years ago."

1 Then if we drop down to the last paragraph beginning:

2 "A Member of Parliament, Sando Johnson responded by
3 accusing the archbishop of failing to address homosexuality in
4 the Catholic Church. Activities at all church-related health and
12:46:15 5 learning institutions throughout the country were seriously
6 disrupted on Monday, the first of three days of planned
7 disruption. Archbishop Michael Francis has often criticised
8 President Taylor's government saying it has a poor human rights
9 record. In a statement on Monday, the government urged church
12:46:37 10 leaders to call off the protest in the interest of education and
11 the health of the Liberian people. The government maintained
12 that Sando Johnson's allegations against Bishop Francis were his
13 personal views but the Council of Churches disagreed. It's said
14 that when an official who holds such a high office speaks he
12:46:58 15 cannot separate himself from his office."

16 So, Mr Taylor, you promised that you would bring the
17 parties to this dispute over the Catholic Church investigation
18 and Sando Johnson's response, you promised you would bring those
19 parties together to examine the evidence over claims made. Isn't
12:47:21 20 that right, Mr Taylor?

21 A. Well, that's not - well, maybe I got it wrong. I will say
22 no, because my understanding of this and the controversy here in
23 this BBC report is about Sando Johnson and homosexuality. That's
24 how I understand this.

12:47:37 25 Q. In the Catholic Church, Mr Taylor?

26 A. Yes, in the Catholic Church.

27 Q. And that was his response after the Catholic Church decided
28 it would open an investigation?

29 A. Look, my evidence is on the record. I don't have any

1 recollection of Sando Johnson saying this particular situation -
2 I mean, getting involved in this particular situation. In fact,
3 Sando Johnson was not an official of the Liberian government.

12:48:07 4 PRESIDING JUDGE: Mr Taylor, the initial question of which
5 you are losing sight is: Did you promise that you would bring
6 the parties to the dispute over the Catholic Church investigation
7 as you promised? That is the question on the issue at hand.

8 THE WITNESS: No, that was not the - no. I did not promise
9 that I would bring the parties together, your Honour. No.

12:48:28 10 MS HOLLIS: Madam President, I would ask that that article
11 be marked for identification.

12 PRESIDING JUDGE: The BBC News article entitled "Liberia's
13 church strike ends", dated 19 November 2002, is marked MFI-386.

14 MS HOLLIS: Thank you, Madam President:

12:49:17 15 Q. Mr Taylor, perhaps you also recall on 19 November 2009 I
16 asked you about NPFL massacring hundreds of civilians in Belle or
17 Bella [phon] district in May 1993. Do you remember me asking you
18 about that?

19 A. In the Belle District, I don't - yes. Yes, I have some
12:49:47 20 recollection of that.

21 Q. And at the time you said you did not know of any district
22 called Belle District and it was probably my spelling and
23 pronunciation, but do you recall saying you weren't aware of any
24 district called Belle District?

12:49:54 25 A. Yes, I'm aware that I said I'm not aware of any district
26 called Belle District.

27 Q. Now, as I said, perhaps it's my pronunciation and my
28 spelling, but you are certainly aware of the Belleh District are
29 you not, Mr Taylor?

1 A. I'm aware of a district, the Belleh District.

2 Q. B-E-L-L-E-H?

3 A. Yes, that's Belleh. That's correct.

12:50:26

4 Q. And the Belleh District is located in what is now Gbarpolu
5 County. Isn't that correct?

6 A. Let me see if I can think about that. Belleh, yes, that
7 would be in Gbarpolu County now, yes.

8 Q. And it is sometimes referred to as the Belleh Fassama
9 District, Mr Taylor?

12:50:45

10 A. Yes, sometimes, because there are two. You have Belleh
11 Fassama. You have Belleh Yella. So, yes, sometimes it's
12 referred to as Belleh Fassama. I'm not sure if it's the Belleh
13 Fassama District, but there's a combined name sometimes as Belleh
14 Fassama, yes.

12:51:01

15 Q. If we look at the Belleh District in Gbarpolu County, in
16 that district we have Fassama, correct?

17 A. I know Fassama is in - it's in Gbarpolu County. I'm not
18 sure, counsel, I will be corrected on this, if it's in the same
19 district, but there is a Belleh Fassama and there's a Belleh

12:51:28

20 Yella. I agree.

21 Q. And do you recall if Belleh Yella is actually in Belleh
22 District?

23 A. It could very well be. I'm not - I don't - I wouldn't deny
24 or dispute this. If the map shows it, fine. I don't know all of
25 these districts and their placement, but it's possible.

12:51:46

26 Q. Now, Mr Taylor, you said at the time that you didn't know
27 that district. Now we have talked about Belleh District and
28 you've indicated you know that it is a district in Gbarpolu
29 County, so now let me ask you: You are aware, are you not, that

1 in 1993 your NPFL massacred more than 200 civilians in Belleh
2 District. You're aware of that, aren't you, Mr Taylor?

3 A. No, but - but again, you see, you are - I don't want to
4 argue for the judges warned me. Your proposition that I said
12:52:42 5 that I was not aware of the district at the time is not correct.
6 It's not correct, counsel. You asked me if I knew of a place
7 called Belle and I said no. Now I have never said I do not know
8 of a Belleh District.

9 Q. Well, that's what I'm saying, Mr Taylor. That initially
12:53:01 10 you indicated Belle and probably my spelling, my pronunciation.
11 Now we have talked about Belleh District. So now, Mr Taylor, I
12 am asking you again in relation to Belleh District and hopefully
13 I've pronounced that correctly --

14 PRESIDING JUDGE: Is that Bellah [phon] or Belleh?

12:53:19 15 THE WITNESS: Belleh.

16 MS HOLLIS: It's probably my pronunciation. It's
17 B-E-L-L-E-H District:

18 Q. Are you aware that in May 1993 your NPFL massacred more
19 than 200 civilians in Belleh District?

12:53:38 20 A. No, I'm not aware of any massacre in Belleh District at the
21 time that you mention, no.

22 Q. And this was in Fassama, Mr Taylor, which is in Belleh
23 District, correct?

24 A. If what is correct now?

12:53:57 25 Q. Fassama is in Belleh District, correct?

26 A. I've said I'm not too sure that Fassama is in Belleh
27 District because there's a Belleh Fassama, there's a Belleh
28 Yella, so I would say Fassama is there but I'm not aware of any
29 killing in that particular district.

1 Q. Mr Taylor, Belleh Yella is also in Belleh District, is it
2 not?

3 A. I don't know, counsel. I know there's a Belleh Yella and a
4 Belleh Fassama. As to whether they are two districts or one
12:54:31 5 district, I really can't recall now. Maybe the map could help me
6 out. I'm not - there are two names. As to whether they are in
7 the same district, I'm sorry, I don't know.

8 Q. Are you aware that in May 1993 your NPFL massacred more
9 than 200 civilians in Fassama and other villages and towns near
12:54:51 10 Fassama? Are you aware of that, Mr Taylor?

11 A. No, I'm not aware.

12 Q. And that includes massacres in Belleh Yella. Are you aware
13 of that, Mr Taylor?

14 A. No, I'm not aware of any - in 1993 that would have been
12:55:07 15 impossible. No, I'm not aware of it, because Lofa - most of our
16 fighters in that region were people from that region, so I doubt
17 it. It didn't come to me, I'm sorry.

18 Q. Mr Taylor, a massacre of civilians in that area would have
19 been reported to you, would it not?

12:55:24 20 A. Yes, if a massacre had occurred it should have been
21 reported to me.

22 MS HOLLIS: Your Honours, firstly if I could ask that you
23 look at page 180 of tab number 6 in annex 3, under "May 1993". I
24 would ask that your Honours allow the Prosecution to use the
12:56:40 25 entry on that page, May 1993. We have indicated that the use is
26 both for impeachment and for guilt, and we would again rely on
27 our prior arguments as to the permissible use of this information
28 in cross-examination.

29 PRESIDING JUDGE: Ms Hollis, you are talking about the

1 three entries marked on that page - all the three entries?

12:58:30 2 MS HOLLIS: No, Madam President. I'm talking about the
3 entry "May 1993" relating to the attack on Fassama. I will in
4 due course be asking your Honours to consider the September 1993
5 entry on that page and October 1993 entry on that page, but at
6 this point in time specifically the May 1993 entry.

7 PRESIDING JUDGE: In our view the passage under "May 1993"
8 does contain information that's probative of guilt and, based on
9 your prior arguments, we rule as we have done before; that you
12:58:58 10 cannot use this passage as the two-prong test has not been met by
11 your arguments before.

12 MS HOLLIS: Madam President, I have two other documents I
13 wish to refer you to in relation to the same issue, and that is
14 number - that is tab number 48 in annex 4, which is "Chronology
12:59:32 15 of terroristic acts committed by the NPFL from August 24, 1990,
16 to June 12, 1993". It will be page 10 of that article, tab 48 in
17 annex 4, page 10. We're looking at the bottom of page 10. It is
18 the second entry from the bottom, "May 1993". It talks about
19 massacres of more than 200 civilians in Fassama Town and other
13:00:55 20 villages and towns in Belleh District in Lofa County.

21 PRESIDING JUDGE: I'm not sure what article it is that
22 we're looking at. The article that you are just citing, what is
23 it?

24 MS HOLLIS: If you look at the - what in my document is the
13:01:28 25 third page, the large numbers at the top of that page would end
26 in "810" is the title page of the document, "Chronology of
27 terroristic acts committed by the NPFL from August 24, 1990, to
28 June 12, 1993, published by the Ministry of Information, Culture
29 and Tourism, Interim Government of National Unity, Republic of

1 Liberia, June 21, 1993."

2 PRESIDING JUDGE: Ms Hollis, the paragraph under the
3 heading "May 1993" is couched in more or less the same words as
4 the previous document, and for the same reasons that you have
13:02:31 5 given, we consider that the article is prejudicial to the accused
6 and you have not laid the two-prong foundation that we require in
7 our previous decision.

8 MS HOLLIS: Thank you, Madam President, for that ruling. I
9 would simply note, to put it on the record, that we did intend
13:02:52 10 this particular document for impeachment only.

11 Now, your Honours, the next document I would ask that you
12 look at in relation to the same matter is tab 61 in annex 4 that
13 is entitled - it is a Truth and Reconciliation Commission of
14 Liberia, "NPFL fighters massacred 450 civilians in Belle
13:03:34 15 District, survivor". And in that relation we would ask that you
16 consider the entire article as impeachment and we would rely on
17 our prior arguments.

18 PRESIDING JUDGE: Having read the article, we are of the
19 view that the article does contain material that goes to proof of
13:04:48 20 guilt, and regardless of the intention for which it's intended,
21 we find that the Prosecution has not justified its use in light
22 of the two-prong criteria spoken of in our earlier decision. So
23 you cannot use this article at this stage.

24 MS HOLLIS:

13:05:12 25 Q. Now, Mr Taylor, contrary to your testimony, you were made
26 aware of this killing of several hundred civilians in this
27 district in 1993, weren't you?

28 A. I would not have been aware. It was not - the NPFL was not
29 in that particular area in 1993, so I was not aware. ULIMO had

1 taken over that particular part of the world. I was not aware.
2 It never reached to me, no.

3 Q. Mr Taylor, you were informed of mass murder on the part of
4 your NPFL subordinates, weren't you?

13:05:51 5 A. That's a general question now. What do you want me to do?
6 That's a global question.

7 Q. When mass murders were committed by your NPFL, you were
8 made aware of that, weren't you, Mr Taylor?

9 A. Well, again, that's too general, but I'll be specific to
13:06:04 10 try to help to move from this. When an NPFL commander of mine
11 killed several people in Maryland County, I was made aware and he
12 was put on trial.

13 Q. Indeed, Mr Taylor, you were made aware of such incidents
14 and you took no action unless it was in your best interest to do

13:06:30 15 so. Isn't that right?

16 A. That is not correct.

17 Q. Mr Taylor, let's take a look at your testimony on 19
18 November at page 32255. Mr Taylor, if you look at line 6, so we
19 get the context:

13:07:50 20 "Q. Mr Taylor, in December 1992 your NPFL killed some 35
21 people at Firestone. Isn't that correct?

22 A. Not to my knowledge. The only one I know at Firestone
23 was the accusation at Carter Camp which was not the NPFL."

24 Q. So you're not aware that in December 1992 some 35
13:08:12 25 people being killed by your NPFL?

26 A. I would say no. Because if that - if those people had
27 been killed in '92, they would have ended up before a
28 tribunal. So I would say --

29 Q. You have no knowledge of anyone being prosecuted at a

1 tribunal for killing 35 people at Firestone?

2 A. I have no knowledge of that so I have to assume it
3 didn't happen. Because that at least - at that level it
4 would have reached me. That's mass murder. That's not
13:08:47 5 just - that's mass murder. It would be dealt with and it
6 would definitely reach me.

7 Q. It would definitely reach you?

8 A. Yes. Mass murder? I would have been told of the
9 horrific situation and I would have - it would have reached
13:09:06 10 me."

11 So, Mr Taylor, on 19 November, "Mass murder? It would be
12 dealt with and it would definitely reach me." Those were your
13 words, Mr Taylor. That's what you told the Court.

14 Now, Mr Taylor, if some 200 or more people were killed,
13:09:29 15 that would have reached you, wouldn't it, Mr Taylor?

16 A. Well, counsel --

17 Q. Because that's mass murder.

18 A. Well, this is going to prolong it. That mass murder that I
19 described in my evidence here is referring to the specific case
13:09:42 20 of the 35 people that I'm responding to the question. That's why
21 I answered in the way. Now, if your question now is would this
22 separate and distinct case of 200, if that had happened,
23 something like that would - should reach me. That's what I'm
24 saying. But my --

13:10:01 25 Q. And it did reach you, didn't it?

26 A. No, it did not reach me. That did not reach me.

27 Q. And you are just not being truthful about that, are you,
28 Mr Taylor?

29 A. I'm being truthful, counsel.

1 Q. Because that information reached you and you did nothing to
2 punish your subordinates who perpetrated that massacre.

3 A. That is incorrect.

4 Q. That's correct, isn't it, Mr Taylor?

13:10:22 5 A. Totally, totally false and misleading. No.

6 Q. And, Mr Taylor, we just read at that page when you
7 mentioned the Carter Camp Massacre, but you said that wasn't the
8 NPFL. In fact, Mr Taylor, it was your NPFL who committed the
9 massacre at Carter Camp. Isn't that correct?

13:10:44 10 A. That is not correct. We all rely on the UN and their
11 investigators. If the UN came into Liberia and lied and were in
12 complicit with the NPFL, then your assumption would be right.
13 No.

14 Q. And, Mr Taylor, the reason that this story initially came
13:11:03 15 out as it was is because you and other commanders of the NPFL
16 threatened the survivors. Isn't that right?

17 A. That's a lie. It's not correct. A blatant lie.

18 Q. Mr Taylor, before we address that, it is correct, is it
19 not, that during the Carter Camp massacre, inhabitants were
13:11:24 20 actually locked up in their homes and then those homes were set
21 on fire. That's correct, isn't it?

22 A. I don't know what happened down there. What we were told
23 is that the AFL soldiers went in there and shot and maimed
24 people. I don't - I don't remember the specific details, if
13:11:46 25 people were locked up. It could have been.

26 Q. And, Mr Taylor, those who tried to flee these burning
27 buildings were shot and - isn't that right?

28 A. Well, if that's what the report says, yes, then it
29 happened.

1 Q. And they were shot by your NPFL, weren't they?

2 A. I've already answered that question. It's asked and
3 answered.

13:12:16

4 Q. And, indeed, Mr Taylor - are you giving a legal objection
5 to that, Mr Taylor?

6 A. I'm not a lawyer. I'm saying I've answered it. You've
7 asked me that question three times, except if you want me to
8 change my evidence. I've said to you, the NPFL did not do it.

13:12:30

9 I've said to you, the UN investigated. And I'm saying to you
10 that the United Nations, with all of their experts, concluded it
11 was not the NPFL. I've answered that.

12 Q. And, Mr Taylor, as part of the Carter Camp massacre, your
13 NPFL also raped girls and women. Isn't that correct?

14 A. I said, no, that is not correct. I've answered that. No.

13:12:47

15 Q. And, indeed, during these killings, one of the NPFL
16 commanders there told the fighters that he wanted to drink soup.
17 That is correct also, is it not, Mr Taylor?

18 A. That is not correct. To my knowledge, no, that's not
19 correct.

13:13:03

20 Q. And as a result five young men were killed and their hearts
21 were extracted. Isn't that correct?

22 A. That is not correct, to my knowledge - well, the way the
23 question is coming; is that correct; is that correct, I disagree
24 that this was done by the NPFL. As a part of the horrific things

13:13:21

25 that happened down there, I'm not - I'm not contesting the
26 horrific things that were reported by the United Nations because
27 I will be confronted in the future by saying, "Well, you said
28 this, but look in the UN report." I don't know the details of
29 what happened down there. I'm not contesting the UN report. I'm

1 just trying to say that it was not done by the NPFL. That's my
2 response.

13:13:51 3 Q. And, indeed, Mr Taylor, after the hearts were extracted,
4 the commander was given those hearts for a meal. Isn't that
5 correct?

6 A. I wouldn't know, counsel. That's not correct.

7 Q. And, indeed, contrary to your evidence, you and some of
8 your subordinates forced survivors of the massacre to lie to
9 investigators. That's the truth, isn't it, Mr Taylor?

13:14:05 10 A. Then they were not real investigators. That's not the
11 truth.

12 Q. After the massacre your fighters took some of the survivors
13 to your marine base. Isn't that correct?

14 A. No. After the massacre, some of the survivors of the
13:14:22 15 massacre who had family in Gbarnga and other places were taken
16 there and the NPFL gave them humanitarian assistance. To that I
17 say yes.

18 Q. And, Mr Taylor, at your marine base, your commander
19 Sogbandi told the survivors that they should say that the people
13:14:44 20 who did the killings came from Harbel Garden way. Isn't that
21 correct?

22 A. That is not correct.

23 Q. Indeed, your commander Sogbandi told the people that others
24 will come and ask the survivors about the massacre. Isn't that
13:15:03 25 correct?

26 A. That is not correct. Not to my knowledge.

27 Q. You told them how to answer. Isn't that correct?

28 A. That's total fantasy on the part of the Prosecution. No.

29 Q. And your commander Sogbandi also forced these survivors to

1 tell investigators that the survivors had walked the 45 miles
2 after the massacre before reaching your forces. Isn't that
3 right, Mr Taylor?

4 A. That is not correct.

13:15:34 5 Q. And your commander Sogbandi threatened to eliminate anyone
6 who told investigators the true story of the massacre. Isn't
7 that correct?

8 A. Wherever you are reading from, that's totally incorrect. I
9 fully believe that the United Nations report that was made was
13:15:51 10 authentic and it was properly investigated. I disagree with
11 whatever opinions you are reading.

12 Q. And indeed, Mr Taylor, Mrs Musuleng-Cooper sent a pick-up
13 truck for these survivors and they were taken to Cuttington
14 University. Isn't that correct?

13:16:18 15 A. Yes, a lot of the survivors I said were taken to Gbarnga.
16 Some of these people had friends and relatives and I'm sure that
17 Liberians would show more care for their Liberians than others.
18 Some of those people did go to Gbarnga, yes.

19 Q. Indeed, she also asked these survivors to attribute the
13:16:42 20 massacre to the AFL. Isn't that correct?

21 A. God forbid. Dr Cooper was a decent woman. Very decent and
22 would have never, ever gotten involved in such nonsense. And I
23 strongly, strongly object to that. Mrs Cooper was a decent,
24 decent woman and your standards I would not want to apply to her.

13:17:04 25 Q. And, Mr Taylor, it's also true, isn't it, that later that
26 same day you met with these survivors?

27 A. I met with survivors that came, yes, and it was a horrific
28 thing. I met with survivors.

29 Q. And you told them to relay to the investigators what

1 General Sogbandi had told them to relay. Isn't that correct?

2 A. That's a total black lie. That's not correct.

3 Q. And you also told these survivors that if they said your
4 men did the killings, these survivors would be killed. Isn't
13:17:38 5 that right?

6 A. Total nonsense. That is not correct.

7 Q. You also told them they had to say the people who did the
8 killings came from Harbel Garden way. Isn't that correct?

9 A. That's not correct.

13:17:55 10 Q. And you told them that they had to say that these survivors
11 had met your men 45 miles away. Isn't that right?

12 A. That is not right.

13 MS HOLLIS: Madam President, at this time I would ask the
14 Trial Chamber to look at tab 6 in annex 3, pages 128 to 129. And
13:19:04 15 at page 128 at the bottom of the page, the last full paragraph on
16 that page, the paragraph which begins, "By 1993". I would ask
17 your Honours to consider the information provided beginning with
18 the line seven lines above the ending of that paragraph, the line
19 that begins, "Buried on the Catholic Saint Dominic campus". Then
13:19:43 20 the sentence that begins, "As part of the NPFL's terror

21 campaign", I would ask your Honours consider from that sentence
22 to the end of that paragraph and also consider the next paragraph
23 that begins on page 128 and goes over to 129, and I would ask
24 that you consider the information in that paragraph all the way
13:20:17 25 down to the last sentence, but not including the last sentence.

26 And on that same subject, in the same annex at page 180 also the
27 entry "September 1993" relating to the killing of nearly 600
28 unarmed civilians. And we note that both of these are marked
29 with an I and a G, indicating the Prosecution's request that you

1 consider it both for impeachment and for guilt. And we rely on
2 our prior arguments.

3 PRESIDING JUDGE: The aforesaid passages, that's on page
4 128 flowing over into 129, and the passage under the title
13:22:00 5 "September 1993" on page 180, all of which contain material that
6 is probative of guilt and that is being sought to be used during
7 cross-examination are disallowed for the reasons that were given
8 earlier; that the two-pronged test has not been met through your
9 prior arguments, so you cannot use them.

13:22:27 10 MS HOLLIS: And, Madam President, in relation to the Carter
11 Camp massacre as well we would ask that your Honours consider the
12 information - the document at tab 52 in annex 4. It's a Truth
13 and Reconciliation Commission of Liberia press release entitled,
14 "Taylor, Sogbandi, Musuleng-Cooper forced victim to lie to UN,
13:23:00 15 says Carter Camp survivor", and we would ask that you consider
16 the entire document and we are asking that you consider it only
17 for purposes of impeachment.

18 PRESIDING JUDGE: The article entitled, "Taylor, Sogbandi,
19 Musuleng-Cooper forced victims to lie to the UN" which the
13:24:44 20 Prosecution indicates is a press release of the TRC of Liberia
21 basically contains the same information that's probative of guilt
22 as in the previously ruled upon passages and, based on the
23 reasoning - or the arguments by Prosecution counsel given before
24 the Court, we disallow the use of this article for the same
13:25:15 25 reasons that we have given previously.

26 MS HOLLIS: Madam President, your Honours, we would ask you
27 look at two other documents in relation to the same Carter Camp
28 massacre. Number 34 in annex 4. It is again a Truth and
29 Reconciliation Commission of Liberia press release, day 5 of the

1 Truth and Reconciliation Commission of Liberia public hearings,
2 and the information to which we would direct your attention in
3 this article is found on the second and third pages of this
4 article, the pages with the large numbers at the top ending in
13:26:34 5 194 and 195, and if we look at the second page we would ask you
6 to consider --

7 PRESIDING JUDGE: We must be looking at different pages.
8 The article under our tab 34 is entitled "Former Deputy Public
9 Works Minister's widow testifies."

13:26:59 10 MS HOLLIS: I'm sorry, I'm misstating the pages, Madam
11 President. "Former Deputy Public Works Minister widow
12 testifies", and, your Honour, looking at page with the large
13 numbers 205, this is the second page of this document, and we
14 would ask you to consider the information that is contained about
13:27:34 15 half the way down the page, the paragraph that begins, "The only
16 perpetrator to testify, Morris Padmore, recounted atrocities he
17 committed when he joined the NPFL." And the next paragraph,
18 "Padmore admitted involvement in the Carter Camp massacre."

19 PRESIDING JUDGE: It's just those two paragraphs that you
13:28:08 20 want us to take notice of?

21 MS HOLLIS: We will be returning to Padmore's admission
22 that he was also involved in the Duport Road massacre, which is
23 in that same - second of the paragraphs that we talked to your
24 Honours about. "Padmore admitted involvement in Carter Camp and
13:28:33 25 the Duport Road massacre," and we will be referring to the Duport
26 Road massacre as well, Madam President. So those two paragraphs
27 of that article for impeachment purposes and we would rely on our
28 prior arguments, Madam President.

29 PRESIDING JUDGE: I'm looking at the two paragraphs

1 mentioned by counsel that begin, "The only perpetrator to
2 testify" and that end with the words "the Duport Road massacre."
3 In so far as these paragraphs show that these were atrocities
4 committed by the NPFL, the information therein is probative of
13:29:49 5 the guilt of the accused and given the fact that this would be
6 prejudicial for you to use it at this stage, there is nothing in
7 your prior arguments that, in our view, satisfies the two-prong
8 test. So you cannot use these two paragraphs.

9 MS HOLLIS: Madam President, how much time do you show that
13:30:10 10 we have before the break; three minutes, four minutes?

11 PRESIDING JUDGE: I think you have one minute, according to
12 my watch.

13 MS HOLLIS: Then I don't have enough time to go into this
14 next document, Madam President.

13:30:36 15 PRESIDING JUDGE: In which case we'll take our luncheon
16 break now and resume at 2.30.

17 [Lunch break taken at 1.30 p.m.]

18 [Upon resuming at 2.30 p.m.]

19 PRESIDING JUDGE: Good afternoon. Ms Hollis, please
14:32:22 20 continue.

21 MS HOLLIS: Thank you, Madam President. Madam President,
22 before the luncheon break I was about to ask your Honours to look
23 at tab 40 in annex 4. This is a reference that includes the
24 Carter Camp massacre as well as the Duport Road massacre.

14:32:45 25 MR GRIFFITHS: Can I just interrupt my learned friend
26 briefly just to announce that there's been a change on the
27 Defence Bench. We've now been joined by Mr Chekera.

28 PRESIDING JUDGE: Thank you, Mr Griffiths. That's noted.
29 Ms Hollis, please continue.

1 MS HOLLIS: That would be tab 40 in annex 4. I would ask
2 your Honours to look at this document, day 5 of the Truth and
3 Reconciliation Commission of Liberia public hearings. Truth and
4 Reconciliation Commission of Liberia, I would ask you to look at
14:33:38 5 the second page of that document. At the top you see the large
6 numbers "194", the last numbers of the large numbers at the top
7 of the page. I would ask your Honours to consider beginning with
8 the last paragraph on that page, the only paragraph that is
9 marked relating to Mustapha Allen Nicholas, alias Arab Devil, and
14:34:10 10 atrocities committed by him and other combatants of the NPFL.
11 And then on the next page, the top paragraph, admitting
12 involvement in the Carter Camp and Duport Road massacres.
13 Atrocities committed in Gbarnga and other places. And gives a
14 listing of the generals under whose command he says these
14:34:48 15 occurred. Please note that we have marked these for
16 consideration for impeachment only and we would rely on our prior
17 arguments, Madam President.

18 PRESIDING JUDGE: Ms Hollis, I'm not sure if this actually
19 is text from the TRC report or if it's a text out of a newspaper.
14:35:20 20 Or what is this?

21 MS HOLLIS: It's my understanding that this is a Truth and
22 Reconciliation Commission of Liberia press release, not out of
23 the report itself, predating the report, based on day 5 of the
24 public hearings.

14:36:22 25 PRESIDING JUDGE: Ms Hollis, these passages that you've
26 indicated on the pages you've marked contain new information that
27 goes to the guilt of the accused. Based on your previous
28 arguments, I find, as I've found before, that those arguments do
29 not illustrate that you've complied with the two-prong test laid

1 in our earlier decision. I therefore rule that you cannot use
2 these passages in your cross-examination.

3 MS HOLLIS:

14:37:06

4 Q. Mr Taylor, the truth is that it was your subordinates who
5 carried out this massacre at Camp Carter. Isn't that right?

6 A. That is not right.

7 Q. And you and other senior members of your group ensured that
8 false information was given out as to who perpetrated this crime.
9 Isn't that right?

14:37:22

10 A. That is not right.

11 Q. And you did this in order to use the massacre as an
12 opportunity to discredit the Armed Forces of Liberia, correct?

13 A. That is incorrect.

14 Q. And also you did it to undermine support for them?

14:37:40

15 A. That is incorrect.

16 Q. On 19 November you testified that the NPFL was in control
17 of Nimba County in 1993. Do you recall telling the Court that,
18 Mr Taylor?

19 A. That is correct.

14:38:00

20 Q. And you said this in relation to our putting to you that in
21 August 1993 your NPFL had killed civilians in Nimba County. Do
22 you recall that, Mr Taylor?

23 A. Could you say that again?

24 Q. You made this statement that you were in control of Nimba
25 County was part of your answer in response to the Prosecution

14:38:25

26 putting to you that in August 1993 your NPFL had killed civilians
27 in Nimba County. Do you recall that?

28 A. Yes --

29 Q. You said it was impossible that - and you used the term

1 Nimbadians, who were fighting the war would go back and kill
2 their own people. Do you recall that, Mr Taylor?

3 A. What is the question now?

4 Q. Do you recall saying that?

14:39:03 5 A. If I recall --

6 Q. That it was impossible that --

7 A. -- for Nimbadians to go back? Yes, I have some
8 recollection of that.

9 Q. -- who were fighting the war would go back and kill their
14:39:13 10 own people. You recall that?

11 A. Yes.

12 Q. You also told the Court that no court-martials had occurred
13 for killings in Ganta because there were no killings. Do you
14 recall that, Mr Taylor?

14:39:25 15 A. In 1993, you said, yes.

16 Q. Mr Taylor, that account of yours was not a truthful
17 account, was it?

18 A. It was a truthful account.

19 Q. Indeed, in August 1993 your subordinates killed people in
14:39:49 20 Nimba County. Isn't that right?

21 A. Now, you said Ganta. Are you referring to Ganta? Because
22 I responded to Ganta.

23 Q. Ganta is specifically in Nimba County, yes, Mr Taylor?

24 A. Ganta - are you referring to Ganta?

14:40:03 25 Q. Well, first of all let me ask you: In August 1993 your
26 subordinates killed people and civilians in Nimba County. Isn't
27 that correct?

28 A. That is not correct.

29 Q. And specifically your subordinates killed people in Ganta.

1 Isn't that correct?

2 A. That is not correct.

3 MS HOLLIS: If I could ask your Honours to turn to tab 22
4 in annex 3, "Tears of sorrow at TRC hearings in Liberia",
14:40:37 5 29/01/08. Number 22 in annex 3. "Tears of sorrow at TRC
6 hearings in Liberia", New Vision from Monrovia, Liberia, January
7 29, 2008.

8 MR GRIFFITHS: Madam President, point of clarification.
9 Could I inquire through you what is the source of this document?
14:41:49 10 Does it constitute minutes taken from the hearings at the TRC, or
11 what?

12 PRESIDING JUDGE: Ms Hollis, what is this document that
13 we're looking at?

14 MS HOLLIS: If we look under "Tears of sorrow at TRC
14:42:12 15 hearing in Liberia, Liberian journalists catalogue gross human
16 rights abuses by rebel fighters." So it is Liberian journalists
17 cataloguing human rights abuses.

18 PRESIDING JUDGE: Which journalist? It's not
19 "journalists". It's "journalist" --

14:42:28 20 MS HOLLIS: That's correct.

21 PRESIDING JUDGE: -- in singular. And therefore the
22 question is who is the author of the document?

23 MS HOLLIS: There is no author listed.

24 PRESIDING JUDGE: Is it a newspaper article? What is it?

14:42:43 25 MS HOLLIS: It is a newspaper, and if we look at page 11 of
26 this document it's the last page of the document. It does not
27 list an individual journalist. It indicates the New Vision
28 Newspaper published by International Center For Media Studies and
29 Development in West Africa. It gives contact information for it.

1 PRESIDING JUDGE: Mr Griffiths, I think that answers your
2 question.

3 MR GRIFFITHS: I'm grateful.

4 MS HOLLIS: And, Madam President, in particular if you
14:43:25 5 would look at the fifth page of that document with the heading
6 "Massacre in Nimba County". The first entry is what I am
7 speaking to now, "In August 1993", and it relates an incident
8 concerning Matthew Cheplay, an NPFL general, and Wild Geese and
9 executions in Ganta.

14:44:26 10 Now, your Honours, while you are considering this document
11 it may expedite matters if we tell you what other portions of
12 this document we would also seek to refer to. I understand that
13 your Honours have said this should be on a case-by-case basis,
14 but it would be the same basis for referring to all of these. It
14:44:46 15 is for impeachment, and it might speed up matters if I were to
16 tell you all of it now. Or we can take it one by one, whatever
17 you prefer.

18 PRESIDING JUDGE: Ms Hollis, let me tell you what I think I
19 would prefer is for you to take us to the extracts of this
14:45:12 20 document that you wish to refer to and to submit as to whether
21 their content goes to proof of guilt, and thereby to then proceed
22 to justify their use at this stage. I am not interested in what
23 the intentions are behind using them, simply the content of the
24 document and the extracts. That's what I'm interested in. And
14:45:39 25 once you are satisfied that the content goes to guilt, I then
26 want to hear you on your justification as to its use at this
27 stage.

28 So one of the passages is found at page 5 of 11.

29 MS HOLLIS: That's correct.

1 PRESIDING JUDGE: That's three paragraphs there.

2 MS HOLLIS: That's correct.

3 PRESIDING JUDGE: Under "Massacre in Nimba County".

4 MS HOLLIS: I had drawn your attention specifically to the
14:46:02 5 first one; however, the Prosecution would ask you to consider all
6 three of those paragraphs in addition to the paragraphs under
7 "Massacre in Grand Bassa County" and then at the bottom of the
8 page, "Massacre in River Cess County".

9 Then if we look at the next page, which would be page 6, if
14:46:51 10 we look under the heading "Yeaten and Duo hacked to death 350
11 civilians", then that passage which is marked on that page under
12 "Yeaten and Duo hacked to death 350 civilians" down to "listened
13 pensively to the witnesses and took note". Then, your Honours,
14 if you were to look at page 9 of the document, we would at some
14:47:50 15 point ask you to consider the bottom portion of that page
16 beginning, "Former Vice-President linked to looting". That would
17 go over to page 10 through the fourth paragraph beginning, "Jah
18 said the containers were burst open by the fighters". And at the
19 bottom of that page, "Isaac Musa witnessed mass killings", and
14:48:41 20 that would go over to page 11, the last paragraph of text on page
21 11.

22 Those would be the portions of this document to which we
23 would, in the course of questioning on this topic, ask your
24 Honours to consider.

14:49:03 25 Again because of our position on the matter we would simply
26 point out, understanding that your Honours have ruled
27 differently, that we have marked these passages for impeachment
28 only. We would rely on our prior arguments as to the
29 permissibility of our use of these portions of this document and

1 would ask that your Honours allow that we be able to use those
2 passages of this document.

3 PRESIDING JUDGE: Thank you, Ms Hollis. I will confer.

4 [Trial Chamber conferred]

14:52:42 5 PRESIDING JUDGE: Ms Hollis, we've considered the passages
6 that you've taken out of this article or catalogue called "Tears
7 of sorrow at the TRC hearing" by the New Vision, Monrovia, 28
8 January 2008. All the passages that you've mentioned directly or
9 indirectly go to proof of guilt of the accused in that they make
14:53:14 10 certain allegations against the NPFL or persons that would be
11 under the accused's command and control.

12 Now, based on the arguments that you have given previously,
13 which we have ruled that they do not meet the two-prong test, I
14 have no alternative to say that you cannot use this information
14:53:42 15 because you haven't illustrated that you've met the two-prong
16 test. So you cannot use any of the paragraphs that you have
17 outlined.

18 MS HOLLIS:

19 Q. Mr Taylor, relating to 1994, do you recall on 23 November I
14:54:05 20 put it to you that your NPFL subordinates had killed over 30
21 people in River Cess County because it was occupied by the LPC,
22 and I put it to you that they were killed because they were
23 accused of being supporters of the LPC. Do you recall that,
24 Mr Taylor?

14:54:27 25 A. Yes, I have some - yes - recollection.

26 Q. And you said that that was totally incorrect. Do you
27 recall that, Mr Taylor?

28 A. I said that was incorrect. It was occupied by the LPC,
29 yes.

1 Q. And you said it was incorrect that your NPFL subordinates
2 had killed over 30 people in that county. Correct, Mr Taylor?

3 A. That is correct.

4 Q. In fact, Mr Taylor, in January 1994 it was your NPFL who
14:55:00 5 killed 32 people in River Cess County. Isn't that correct?

6 A. That's not correct.

7 Q. And these people were killed because they were accused by
8 your subordinates of being supporters of the LPC. That's
9 correct, isn't it?

14:55:17 10 A. That's not correct.

11 MS HOLLIS: Your Honours, I would ask that you look at page
12 197 of the Liberian TRC report which is tab 6 of annex 3. That
13 is page 197 at entry 8, "January 15, 1994, massacre, Neeswen
14 Town, River Cess County, NPFL fighters kill 32 persons". That is
14:56:33 15 the entry and your Honours will note that the Prosecution has
16 marked that for use for both impeachment and guilt. We would
17 rely on our prior arguments to the Bench as to why either or both
18 of these uses are permissible and would ask that we be allowed to
19 use this portion of page 197.

14:57:08 20 PRESIDING JUDGE: Ms Hollis, based on the reasons we've
21 given before, or similar reasons, you are not allowed to use this
22 passage in cross-examination.

23 MS HOLLIS:

24 Q. Mr Taylor, also on 23 November I asked you about attacks by
14:57:33 25 your NPFL after your headquarters in Gbarnga had been attacked.
26 Specifically I asked if in September 1994 your NPFL subordinates
27 robbed and killed civilians who were fleeing from the fighting in
28 Gbarnga. Do you recall that, Mr Taylor?

29 A. I'm trying to think back.

1 Q. Your reply was: "We don't kill our own people. No, that
2 is not correct."

3 A. Okay. I remember that reply, yes.

4 Q. Do you recall that, Mr Taylor?

14:58:10 5 A. Yes, I recall that.

6 Q. Now, again, that was not a truthful reply, was it?

7 A. Very truthful.

8 Q. Because, indeed, the NPFL in September 1994 robbed and
9 killed these civilians as they fled from the fighting for control
14:58:27 10 of Gbarnga. That's the truth, isn't it, Mr Taylor?

11 A. No, that's not what I know as the truth. That's incorrect.

12 MS HOLLIS: Your Honours, we would ask that you consider
13 page 182 of the Liberian Truth and Reconciliation Commission
14 report, final report. Your Honours, in relation to that, the
14:59:07 15 specific incident about which the question was just asked related
16 to September 1994 - the fifth entry for September 1994 relating
17 to killing of civilians as they fled fighting for the control of
18 Gbarnga.

19 Please note also, your Honours, that on this same page the
14:59:40 20 second entry for September 1994 is also marked and that relates
21 to the NPFL fighters shooting dead some 100 people in Palala,
22 Bong County, on suspicion of being ULIMO supporters. And then
23 October 1994, the first reference to October 1994, "From October,
24 NPFL fighters reportedly killed scores of civilians in Maryland
15:00:15 25 County whom they suspected of supporting the LPC".

26 Then, your Honours, at the bottom of the page, December 15,
27 1994, relates to the massacre of 48 civilians at Cow Field,
28 Duport Road, Montserrado County, the civilians being murdered and
29 burned by Paul Vaye, Sam Larto and other soldiers from the NPFL

1 while they were asleep in their homes. So for efficiency we
2 would ask that your Honours consider all of those entries. We
3 would ask questions that would relate to them in the course of
4 questioning on this topic and we would rely on our prior
15:01:06 5 arguments as to the permissible use of these portions of page
6 182.

7 PRESIDING JUDGE: For the reasons that we've given before,
8 we similarly disallow use of these passages.

9 MS HOLLIS:

15:01:38 10 Q. Now, Mr Taylor, in relation to the Duport Road, Monrovia,
11 massacre, that massacre did result from houses being set ablaze.
12 Isn't that correct?

13 A. I'm not aware of the massacre, so I don't know if houses
14 were set ablaze. I'm not aware of it.

15:02:00 15 Q. Indeed, Mr Taylor, the massacre was planned in Gbarnga.
16 Isn't that correct?

17 A. Did you say in 1994?

18 Q. That's correct.

19 A. And that if I recall properly, you say Sam Larto was
15:02:18 20 involved in that, right?

21 Q. That's correct.

22 A. 1994. But that is not correct, except he came back from
23 the grave, but that is not correct because Sam Larto, by 1994,
24 had been executed for the killing in Maryland. That's totally
15:02:33 25 incorrect.

26 Q. Now, Mr Taylor, you were involved in the planning of that
27 operation, that massacre at Duport Road, were you not?

28 A. I don't plan with ghosts. That's not correct.

29 Q. And, in fact, General Isaac Musa was sent to be the overall

1 head of that operation. Isn't that correct?

2 A. That is not correct. In 1994, General Isaac Musa is a
3 member of the Council of State in Monrovia. A member of the
4 Council of State. That's totally, totally a lie.

15:03:02 5 Q. And, Mr Taylor, the executors of the massacre were divided
6 into three groups. Isn't that correct?

7 A. That's not correct.

8 Q. And during this massacre, victims were amputated, raped and
9 tortured. That is correct, is it not?

15:03:16 10 A. It's another lie.

11 Q. And that was done by your subordinates. Isn't that
12 correct?

13 A. There were no amputations in Liberia whatsoever. That's a
14 blatant diabolical lie.

15:03:27 15 Q. And during this massacre, looting also took place. Isn't
16 that correct?

17 A. That is not correct.

18 Q. And that was carried out by your subordinates as well.
19 Isn't that correct, Mr Taylor?

15:03:37 20 A. That is not correct, Ms Hollis.

21 MS HOLLIS: Your Honours, I would ask that you look at tab
22 35 in annex 4. "More perpetrators give startling revelations",
23 TRC hearing day 8, January 21, 2008. This is a Truth and
24 Reconciliation Commission press release. The Prosecution would
15:04:51 25 ask that you consider the article beginning with the third
26 paragraph down on page 1 and considering the third paragraph,
27 fourth, fifth, sixth and seventh paragraph of that article. We
28 would rely on our prior arguments and would note that we have
29 asked they be considered for impeachment purposes only.

1 PRESIDING JUDGE: Ms Hollis, the paragraphs on that page of
2 this press release, the TRC press release, contain material that
3 could go to proof of guilt, and for the reasons that we've given
4 before, you cannot use this material in cross-examination.

15:06:48

5 MS HOLLIS:

6 Q. Mr Taylor, you recall that also on 23 November I asked you
7 about a November 1994 killing by your subordinates that occurred
8 in Foloblah, Bong County. Do you remember that, Mr Taylor?

9 A. That I not mislead the Court, would you please spell that?
10 Maybe I could help you with the pronunciation.

15:07:15

11 Q. Maybe you could and maybe with the spelling as well.

12 F-O-L-O-B-L-A-H, or perhaps it's L-A-I, Bong County.

13 A. That would be - you're close to it, Foloblah. I don't know
14 of a town in Bong County called Foloblah, but I'm not aware of
15 any massacre that went on in - in 1994 there was a massacre in
16 Bong County that was done by the coalition forces, but the town
17 was - I forgot the name, but it was not Foloblah.

15:07:42

18 Q. Mr Taylor, this is a massacre that was carried out by your
19 subordinates under the command of Joe Tuah.

15:08:22

20 A. No, that's not correct.

21 Q. And the civilians were killed during a counteroffensive
22 against LPC fighters. That's correct, isn't it, Mr Taylor?

23 A. In Bong County? LPC fighters in Bong County in 1994? No.

24 Q. And the houses in that town were set on fire with people
25 being burned in their homes. That's correct, isn't it,

15:08:55

26 Mr Taylor?

27 A. No, I don't know of any - no, that's not true. LPC in
28 Gbarnga - in Bong County in 1994, no. No, I wouldn't say that,
29 no.

1 Q. Mr Taylor, your subordinates also shot and killed people as
2 they ran from their burning homes. Isn't that correct?

3 A. That is not correct.

4 MS HOLLIS: Your Honours, I would ask that you turn to tab
15:09:28 5 55 in annex 4. Truth and Reconciliation Commission of Liberia
6 press release, "'Joe Tuah ate human grease and flesh', witness
7 tells TRC Bong hearings", specifically relating to the killings
8 in Foloblah or Foloblai. It would be the fourth paragraph on the
9 first page, fifth paragraph, sixth, and you would note as well,
15:10:34 10 your Honours, that we would also be asking about the first three
11 paragraphs, the first two relating to acts of cannibalism, and we
12 would also be asking about --

13 PRESIDING JUDGE: Did you say the first two paragraphs on
14 this page?

15 MS HOLLIS: Yes, we would at some point be asking about
16 those as well, Madam President, as well as the seventh and eighth
17 paragraph; the seventh paragraph dealing with the massacre of 24
18 civilians in "Bellah", Bong County, and the paragraph indicating
19 the fighters claim they were acting on orders from NPFL leader
15:11:45 20 Charles Taylor. Again, Madam President, for our purposes we
21 would be using it for impeachment only. We would rely on our
22 prior arguments relating to permissible use of this document.

23 PRESIDING JUDGE: Ms Hollis, we've taken note of the page
24 and the paragraphs that you have alluded to. That's paragraphs 1
15:12:24 25 and 2, 4 to 7 and possible 8 up to "Liberian Peace Council" and
26 obviously these paragraphs contain information, material that
27 goes to proof of guilt. And in light of your arguments that
28 you've given before in this Court, I would rule for the same
29 reasons that you cannot use these paragraphs.

1 MS HOLLIS:

2 Q. Mr Taylor, you have talked to this Court about Tom Woveiyu
3 being one of the first members with you of your group, yes?

4 A. [Microphone not activated].

15:13:14 5 Q. And you have also said that he was involved in fundraising
6 efforts for the NPFL. Isn't that correct?

7 A. [Microphone not activated].

8 Q. And that he also acted as the spokesperson for the NPFL?

9 A. [Microphone not activated].

15:13:30 10 PRESIDING JUDGE: You have to ask again, because the
11 microphone was not on.

12 THE WITNESS: Sorry, the microphone was off.

13 PRESIDING JUDGE: If you could go back to, "We talked about
14 Tom Woveiyu." From there none of the answers was recorded.

15:13:52 15 MS HOLLIS:

16 Q. And, Mr Taylor, you've indicated that he was one of the
17 first members with you of your group, yes?

18 A. That is correct.

19 Q. And that he was a fundraiser for the NPFL. I believe you
15:14:08 20 answered just now that, "At the beginning" --

21 A. Yes, yes, he did a little bit, yes.

22 Q. And that he also was a spokesperson for the NPFL?

23 A. Yes, at the beginning.

24 Q. And you testified that while your men were training in
15:14:22 25 Libya, Mr Woveiyu made trips to Libya. Isn't that correct?

26 A. That is correct.

27 Q. And he was, in your testimony, the Minister of Defence --

28 A. That is correct.

29 Q. -- in the NPRAG, is that correct?

1 A. Up to a time, yes.

2 Q. Up until when he was the Minister of Defence?

3 A. I would say up to about 19 - I would say the first half of
4 1994.

15:14:56 5 Q. Now, Mr Taylor, do you recall on 23 November I asked you
6 about your brother Nelson Taylor being responsible for killings
7 in the Lofa Bridge area, Bong Mines and Sinoe areas of Liberia.
8 Do you recall that, Mr Taylor?

9 A. Yes. Lofa Bridge, Bong Mines and Sinoe?

15:15:21 10 Q. Yes.

11 A. Yes.

12 Q. And you responded that he could not have killed civilians
13 in those areas because he was living in the State of Rhode Island
14 for most of the war. Correct?

15:15:35 15 A. That is correct. Based on the time you're talking about,
16 that is correct.

17 Q. And he came to Liberia only after there was a cessation of
18 hostilities?

19 A. Yes, that's correct.

15:15:47 20 Q. Mr Taylor, you recall I also asked you if in Sinoe County
21 your NPFL continued killing civilians there until the LPC came
22 into existence. Do you remember that? And you said that was
23 incorrect?

24 A. That is correct.

15:16:05 25 Q. And I also asked you if large-scale killing of people
26 associated with your brother - and by that I mean the killings
27 were associated with your brother - actually caused ULIMO to
28 launch its resistance. Do you remember that, Mr Taylor? And you
29 said that was totally incorrect?

1 A. That is correct.

2 Q. Now indeed, Mr Taylor, your testimony about your brother
3 was - and his involvement in killings was not correct, was it?

4 A. It was correct.

15:16:47 5 Q. And your testimony about NPFL killings in Sinoe County
6 continuing until the LPC came into existence, that wasn't correct
7 either, was it?

8 A. It was correct.

9 Q. Indeed, Mr Taylor, your brother in Lofa Bridge, Nelson
15:17:11 10 Taylor, killed and killed until ULIMO people had to launch
11 resistance. Isn't that right?

12 A. That is not correct.

13 Q. And then your brother moved on to Bong Mines. Isn't that
14 correct?

15:17:42 15 A. That is not correct. I think ULIMO stated why they
16 launched their revolution already in a document that you
17 presented. No.

18 Q. And, Mr Taylor, at Bong Mines your brother continued to
19 kill civilians. Isn't that correct?

15:17:58 20 A. That is not correct.

21 Q. And as a result of that, ULIMO got the support of the local
22 community. Isn't that correct?

23 A. That is not correct.

24 Q. And when your brother then moved on to Bassa, the same
15:18:15 25 thing happened there. Isn't that correct?

26 A. That is not correct.

27 Q. He then moved on to Sinoe, and at Sinoe he harassed and
28 killed the people until the LPC came into that area. Isn't that
29 correct?

1 A. That is not correct.

2 Q. Indeed, Mr Taylor, most of the LPC who started fighting in
3 Sinoe and Bassa were NPFL fighters. Isn't that right?

15:18:58

4 A. Totally incorrect. LPC were former AFL, mostly the same
5 Krahn and other - Krahn and Sapo ethnic group. That's incorrect.

6 Q. Mr Taylor, do you recall on 23 November denying that your
7 subordinate John T Richardson and your subordinate Kuku Dennis
8 were involved in cutting off people's ears?

9 A. That is correct.

15:19:27

10 Q. That denial was not true either, was it, Mr Taylor?

11 A. That is true.

12 Q. Indeed, Mr Taylor, LPC in particular, most of the fighters
13 who started to fight in Sinoe and Bassa were NPFL fighters whose
14 ears had been cut off by John Richardson, Charles Bright and Kuku

15:19:51

15 Dennis. Isn't that correct?

16 A. That's a blatant lie. That's not correct.

17 MS HOLLIS: Madam President, your Honours, I would ask that
18 you turn to tab 36 in annex 4, which is a transcript of statement
19 by Honourable Tom Womeiyu, Minister of Labour, Liberia National
20 Transitional Government, delivered in Monrovia July 19, 1994. We
21 would ask that you look at page 343, the last paragraph on that
22 page, in particular the fourth line down in that paragraph with
23 the sentence beginning, "You take the situation with ULIMO" and
24 continuing all the way to the end of that bottom paragraph that
25 goes over to the next page, page 344.

15:21:59

26 We are again asking that you consider this document for
27 impeachment. We would rely on our prior arguments as to meeting
28 the two-prong test or the theoretical possibility of its being
29 probative of guilt.

1 PRESIDING JUDGE: Ms Hollis, are you conceding that the
2 paragraph does contain information that is probative of guilt?

3 MS HOLLIS: And that it is theoretically probative of
4 guilt, we would definitely concede that, Madam President.

15:23:50 5 PRESIDING JUDGE: [Microphone not activated]. I beg your
6 pardon. My microphone was off.

7 MS HOLLIS: I apologise.

8 PRESIDING JUDGE: Just to repeat the ruling that for
9 the same reasons I have given before, based on your arguments
10 that you have given before, you cannot use this passage as it
11 contains new material that goes to proof of guilt.

12 MS HOLLIS: Madam President, for efficiency, while you have
13 the document before you, we would also intend to refer to
14 information in the second full paragraph on page 343, the
15 paragraph beginning, "Over the years". In particular, Madam
16 President, going up nine lines from the bottom of that paragraph
17 - actually, eight lines, beginning with, "Those young children
18 who fight in the NPFL and died" and ending with the lines, "With
19 other people's eight-year-olds dragging AK-47s behind him, but he
20 knows that those children belong to a group of people that he has
21 no regard for. This has been the nature of this war, the nature
22 of how the NPFL", so the last all the way down to the end of that
23 paragraph.

24 PRESIDING JUDGE: It's just those nine lines out of that
25 paragraph?

26 MS HOLLIS: Actually, I miscounted, Madam President. I
27 think it's eight. Eight lines up beginning, "Those young
28 children". From there to the end of the paragraph. And we would
29 accept that this is theoretically probative of guilt, though we

1 are asking you only to consider it for impeachment. We would
2 rely on our prior arguments about the permissible use of this
3 information.

4 PRESIDING JUDGE: Ms Hollis, this passage obviously
15:27:05 5 contains material that goes to proof of guilt, regardless of your
6 intended use, and for the reasons I've given before, we disallow
7 its use.

8 MS HOLLIS:

9 Q. Now, Mr Taylor, Lavalie Supuwood is the same Mr Supuwood
15:27:31 10 that is currently on your Defence team. Is that correct?

11 A. That is correct.

12 Q. And he had served for you in prior capacities in the NPFL.
13 Is that correct?

14 A. In the NPRAG, that is correct.

15:27:43 15 Q. And what were his positions in the NPRAG?

16 A. He was Minister of Justice in the NPRAG.

17 Q. And for what period of time was he was Minister of Justice
18 for the NPRAG?

19 A. Up until the first quarter of 1994 when he, Woveiyu and the
15:28:11 20 rest broke away and formed a new faction.

21 Q. Mr Taylor, as your Minister of Justice in the NPRAG, during
22 the time he held that position, Mr Supuwood would have been aware
23 of crimes committed by your subordinates, would he not?

24 A. As Minister of Justice, it's possible that he could have
15:28:31 25 been aware and it would have been his responsibility to
26 prosecute, yes.

27 Q. Indeed, Mr Taylor, from the very start of the war,
28 atrocities were perpetrated by members of your NPFL throughout
29 your area of control. Isn't that correct?

1 A. Well, that's a very big question, because my evidence
2 before this Court is that there were atrocities and there were
3 punishment. So, to the best of my knowledge, both of them
4 occurred. So the way how you broaden the question, I would say
15:29:15 5 there were problems, but there were also punishment. There was
6 not impunity, once it came to the attention of the authorities.

7 Q. Mr Taylor, you in fact took no effective action to stop
8 these atrocities, did you?

9 A. Ms Hollis, when you try people and execute them, I don't
15:29:37 10 know what can be more effective than that. So we can't have it
11 both ways. We did try a lot of people. Some of them were
12 executed, some of them were imprisoned, to the best of my
13 knowledge, and even that has been brought before this Court. So
14 I disagree with you.

15:29:56 15 Q. Mr Taylor, those people that you had executed were people
16 that you were concerned were going to be a threat to your power.
17 Isn't that correct?

18 A. No, not at all. No.

19 Q. Or people who had disobeyed your orders?

15:30:08 20 A. No, no, no, no.

21 Q. And, indeed, Mr Taylor, in 1993 you were aware that your
22 subordinates were killing a large number of civilians around the
23 Gbarnga area. Isn't that correct?

24 A. That would be just so foolish and incorrect. I mean, we're
15:30:50 25 headquartered in Gbarnga, 1993, and then people running around
26 killing people when there's an assembly, there's a government.
27 It's just totally incorrect, counsel. Totally incorrect.

28 Q. In fact, Mr Taylor, you received complaints about these
29 killings. Isn't that right?

1 A. Ms Hollis, no. I was the leader of the NPFL at the time
2 the government existed. Those complaints did not come to me.
3 And, again, if those statements are from the breakaway people,
4 there's a lot to be desired for whatever those that broke away in
15:31:26 5 1994 said. So it's not correct.

6 Q. Indeed, Mr Taylor, you did confront your commander, Cassius
7 Jacobs, about these incidents, did you not?

8 A. How would I confront my commander? If my commander did
9 something wrong, I would have arrested him, or the justice

15:31:49 10 minister or Defence Minister would have arrested him. I never
11 confronted my commander about any atrocities. The rules were
12 there. If they violated it, they were arrested, not confronted.

13 Q. Indeed, Mr Taylor, you simply instructed Cassius Jacobs to
14 bury the bodies. Isn't that right?

15:32:16 15 A. No, that is totally incorrect. There were - I can
16 remember, for the sake of the Court, I can remember a situation
17 where a trial had been conducted, there was a court martial and
18 there was an execution and the bodies were not buried and I told
19 them they had to have respect for the dead, that they should bury
15:32:48 20 the bodies. I remember that situation very well. That it didn't
21 matter that somebody was guilty and executed, but they should be
22 buried properly. I remember that. But not in terms of a
23 massacre or something that somebody had carried out, no.

24 Q. Mr Taylor, the question was directed to civilians being
15:33:15 25 killed in --

26 A. There were no civilians killed, counsel.

27 Q. -- Commander Cassius Jacobs's area and you confronting him
28 and telling him to bury the bodies. That is the context of the
29 order to bury the bodies, Mr Taylor.

1 A. Well, that is totally incorrect.

2 Q. And you did that. Isn't that correct?

3 A. That is totally incorrect. Based on what you stated, that
4 is incorrect.

15:33:49 5 Q. And, Mr Taylor, indeed, during the time that Mr Supuwood
6 worked for your government, the NPRAG, a number of atrocities
7 were committed on your orders. Isn't that correct?

8 A. That is not correct.

9 Q. And, Mr Taylor, you also were aware of atrocities and took
15:34:24 10 no action against them. Isn't that right?

11 A. Well, that is not correct. There was a government. If
12 there were atrocities, the laws were there, the Minister of
13 Justice would have acted. That's totally incorrect.

14 Q. And, Mr Taylor, one instance of this had to do with the
15:34:48 15 rape and murder of a woman by the name of Jayneh Seekie in April
16 1993. Isn't that correct?

17 A. That is not correct. Anybody - any NPFL soldier that raped
18 in NPFL area, God knows, they were tried and executed. That is
19 true. I did not tolerate rape, no.

15:35:17 20 Q. And, Mr Taylor, this young lady was a political activist.
21 Isn't that correct?

22 A. No, not that I know of.

23 Q. You did know her, didn't you, Mr Taylor?

24 A. No, I did not know her.

15:35:39 25 Q. She was a political opponent of Samuel Doe. Isn't that
26 correct?

27 A. But if she had been - no - I didn't know her. But if she
28 had been a political enemy of Samuel Doe, she would have been our
29 friend.

1 Q. And --

2 A. Especially in NPFL area in 1993, she would have been a
3 friend of ours and not an enemy.

4 Q. Indeed, she was the girl friend of one of your generals,
15:36:06 5 James - and you'll have to help me with the spelling of -
6 pronunciation here, Kpeh, K-P-E-H.

7 A. K-P-E-H, the pronunciation, we would call it Kpeh.

8 Q. And you had a General James Kpeh, didn't you?

9 A. Yes, I did have a commander called James Kpeh.

15:36:28 10 Q. And he was responsible for controlling the southeastern
11 region of the country, that portion you had control over. Isn't
12 that right?

13 A. No. Kpeh by that time would not have been able to - he was
14 not a Special Forces, so he would not be in control of a region,
15:36:49 15 no.

16 Q. And this situation with Jayneh Seekie came about because
17 your sister Edna had been romantically involved with General
18 Kpeh. Isn't that correct?

19 A. I was not involved in people's personal love life. I have
15:37:02 20 no idea. I'm sorry, I didn't know.

21 Q. And because of this romantic involvement, your sister Edna
22 asked your brother Nelson to arrange to have her intimidated.
23 Isn't that correct, Mr Taylor?

24 A. No, not that I know of. No. I think you're looking at
15:37:24 25 propaganda now. No, that's not - that's propaganda there.

26 Q. And, Mr Taylor, your brother Nelson's bodyguard
27 subsequently kidnapped Mrs Seekie and gang raped her. Isn't that
28 right?

29 A. I have no idea of that, no.

1 Q. And you know about that, Mr Taylor, because she then
2 returned to Gbarnga and made an official complaint to you, didn't
3 she?

4 A. That's not true. That's not true. I'm saying maybe you're
15:37:51 5 looking at propaganda material and that's different, but that's
6 not factual.

7 Q. And now, Mr Taylor, you actually confronted your brother
8 about this subject. Isn't that right?

9 A. That is totally, totally incorrect, no.

15:38:09 10 Q. But, Mr Taylor, you simply told your brother to leave for a
11 time to avoid trouble. Isn't that right?

12 A. To leave and go where for a time? That is not correct.

13 Q. You took no action against your brother for that, did you?

14 A. That is not correct. In fact, one of my brothers Baccus
15:38:31 15 that acted terribly in Kakata, I arrested him. So that's
16 totally - that's not me, no.

17 Q. Mr Taylor, Nelson Taylor, your brother, was he killed?

18 A. Yes, he was killed.

19 Q. And where was he killed?

15:38:49 20 A. He was killed --

21 Q. He was killed in Sinoe, wasn't he?

22 A. -- en route - well, I don't know precisely. He was killed
23 en route to Sinoe, somewhere between I think Nimba and Sinoe.

24 Q. And, Mr Taylor, you blamed your brother's death on Jayneh
15:39:08 25 Seekie and General Kpeh, yes?

26 A. No, no, no. My brother was ambushed by LPC operating in
27 the area. That's all forest. No, I never blamed - it was done
28 by LPC.

29 PRESIDING JUDGE: Ms Hollis, could you spell this lady's

1 name for us, please.

2 MS HOLLIS: Yes. The spelling that I have is J-A-Y-N-E-H,
3 last name S-E-E-K-I-E:

4 Q. And, Mr Taylor, Ms Seekie was then visited by Paul Vaye.

15:39:50 5 Isn't that correct?

6 A. I don't know about that.

7 Q. And was told that you wished to speak to her. Isn't that
8 right?

9 A. I have no idea that Paul Vaye went to see someone called
15:40:04 10 Ms Seekie. No, I have no idea.

11 Q. And, Mr Taylor, she was then taken from her house and raped
12 by these men. Isn't that right?

13 A. I have no idea. I doubt very much that it happened. I
14 have no idea.

15:40:15 15 Q. And then she was actually killed in Tappita. Isn't that
16 correct?

17 A. I have no idea.

18 Q. Indeed, Mr Taylor, these events were investigated on orders
19 on behalf of the Ministry of Justice. Isn't that correct?

15:40:37 20 A. Like I say, I don't know. If it happened and the Minister
21 of Justice investigated it, that was his job. He would have had
22 to - I don't have any knowledge of what you're explaining.

23 Q. But nothing was ever done as a result of that
24 investigation. Isn't that right, Mr Taylor?

15:40:56 25 A. Well, I just told you I didn't know that the Minister of
26 Justice was investigating, as he should have, and the question
27 would be why didn't he do something about it.

28 Q. Now, Mr Taylor, it's correct, is it not, that at some point
29 you actually arranged for Counsellor Supuwood to be treated

1 violently. Isn't that correct?

2 A. You're talking propaganda now. You --

3 Q. Mr Taylor, I'm asking a question --

4 A. You're talking propaganda [overlapping speakers].

15:41:34 5 Q. Isn't it true --

6 A. That is not --

7 Q. -- that you arranged for him to be treated violently?

8 A. I know what you're talking about. That is not correct.

9 That's the propaganda I'm referring to. That's not correct.

15:41:43 10 Q. And, Mr Taylor, you did this because he was trying to
11 prevent your NPFL from carrying out atrocities in Lofa County.
12 Isn't that correct?

13 A. But that's not correct. That's why Counsellor Supuwood is
14 with me today. There were years of conflict. That's not
15:42:08 15 correct.

16 Q. Indeed, Mr Taylor, you had him arrested and beaten. Isn't
17 that right?

18 A. That is not right.

19 Q. And you also had him threatened with death by NPFL
15:42:22 20 soldiers?

21 A. That is not right.

22 Q. Now, he was eventually released, was he not, on the orders
23 of Cassius Jacobs?

24 A. Now, you know that's a misnomer. I mean, if he had been on
15:42:48 25 my orders arrested and beaten and Cassius Jacobs would order his
26 release? Nonsense. That's not correct. That's pure propaganda.
27 That's not correct.

28 Q. So, Mr Taylor, if you had ordered his arrest, you would
29 have been the one with the authority to release him. Is that

1 what you're saying?

2 A. If. I mean, but, you know, to ask the question that a
3 general would release somebody without the order of the President
4 that the President was supposed to order, that's why I'm saying
15:43:15 5 that's not correct. It never happened that way, and all of those
6 years of conflict all passed because it never happened, and
7 that's why very much Counsellor Supuwood is with me today
8 voluntarily and doing his work, because those were years of
9 crisis and anyone looking any other way at some of the material
10 that you're looking at, and you've disclosed those material, we
11 know - I fully disagree with them. Those were years of
12 propaganda. Simple.

13 Q. And, Mr Taylor, it's also correct, is it not, that the NPFL
14 - not all the NPFL. Persons within the NPFL did engage in acts
15:43:59 15 of cannibalism?

16 A. Well, I have told this Court that there are - there are
17 groups in Liberia today that engage in acts of cannibalism. So
18 if you - as you rightly put it, if some elements, I have - I can
19 say yes. As my evidence has been before the Court, there are
15:44:24 20 some people that really now do - were these cases brought to me?
21 No. But there are - up until today, there are still acts of
22 cannibalism being carried out in some parts of Liberia, yes.

23 Q. And indeed, Mr Taylor, you were aware of these acts of
24 cannibalism, weren't you?

15:44:45 25 A. Oh, I was aware of the facts of cannibalism, that that
26 issue existed. I'm not - I don't have any direct case that were
27 brought before me, but like I say, it's something that continues
28 until today. So as to awareness, I would say not a specific
29 awareness; but awareness as to this phenomena, I'm aware of the

1 phenomena.

2 Q. And, Mr Taylor, you did nothing to prevent these acts of
3 cannibalism by your subordinates, did you?

4 A. How do you prevent something that you don't know? I know
15:45:23 5 the phenomena, I said. But unless somebody is caught doing it
6 and brought to authorities, how do you stop it? So, that's my
7 response.

8 Q. Mr Taylor, you had talked about a general order that you
9 had issued for all of your troops when you began your attack on
15:45:42 10 Liberia. Do you remember talking about that?

11 A. I remember talking about an operational order.

12 Q. And that operational, did it include standards of conduct
13 and prohibited actions by your personnel?

14 A. Fully, yes. The NPFL prior to even entering Liberia, yes.

15:46:04 15 Q. And did you include acts of cannibalism in prohibited acts?

16 A. Well, no, that - I don't recall cannibalism being put. But
17 murder is there, and you have to kill someone before you
18 cannibalise them. And so murder was covered, and those that
19 violated that act were dealt with.

15:46:32 20 MS HOLLIS: Madam President, at this time I would ask that
21 your Honours consider two documents in conjunction: One would be
22 the document at tab 37 in annex 4, "Draft statement of Lavalie
23 Supuwood"; and the other document we would ask you to consider in
24 connection with tab 37 would be the document at tab 98 in annex

15:47:14 25 1. So we have tab 37 in annex 4 --

26 MR GRIFFITHS: Madam President, I rise at this point to
27 submit that in this particular instance your Honours should not
28 even look at these documents, and I say that for this reason:
29 The document at tab 37 in annex 4 is allegedly an affidavit made

1 by Counsellor Lavalie Supuwood who, let us remind ourselves, is a
2 lawyer on the Defence team, an affidavit unsigned by him, and
3 supposedly taken by none other than Stephen Ellis, an expert
4 called by the Prosecution during the course of their case, but at
15:48:19 5 that stage never once asked to introduce this document, which
6 would have given us the opportunity to cross-examine him as to
7 its provenance, its accuracy and so on. The Prosecution, who had
8 this document available, effectively kept it up their sleeves in
9 order to spring a surprise on the defendant at this late stage in
15:48:45 10 the proceedings.

11 Now, it may well be that the strategy behind this is to
12 coerce a Defence lawyer into becoming a witness because, given
13 their failure to introduce it during the currency of their case,
14 the only avenue now available to us to challenge the
15:49:14 15 circumstances surrounding it would be to call Counsellor Supuwood
16 as a Defence witness to explain the circumstances of how he came
17 allegedly to provide this affidavit, unsigned, to Stephen Ellis.

18 In our submission, such a course cannot be countenanced,
19 because, in effect, it is an attempt to lift the protective veil
15:49:45 20 which covers what passes between an accused and his counsel, we
21 submit it does that. So that we're not here talking about fresh
22 evidence. This was available, quite clearly, during the currency
23 of the Prosecution case, and we remind ourselves that Ellis was
24 called at a very early stage in the Prosecution case, and we
15:50:13 25 submit from the questions asked by my learned friend in the
26 preamble to the desired introduction of these documents, it is
27 quite clear that the content of this document is, or may be,
28 probative of guilt.

29 Now, the reason why I rise at this early stage to register

1 is this objection is this: We have now reached a stage where
2 this is the 27th document sought to be introduced by my learned
3 friend today where your Honours have ruled - correctly, in our
4 submission - that it cannot be used because it's probative of
15:51:05 5 guilt.

6 Now, that number in itself is a matter of concern to us for
7 this reason: Yes, we have been constantly reminded that we are
8 here dealing with professional judges who can put certain matters
9 out of their minds, but we submit that the potential prejudice
15:51:24 10 here is uniquely grave, given the identity of the individual who
11 supposedly is the author of that affidavit, and we are concerned
12 about the collective and cumulative effect of having your
13 attention drawn to so many documents containing information which
14 is later ruled to be unusable by the Prosecution, because we
15:51:54 15 submit that subconsciously, even despite a self-administered
16 admonition that the content of the document is to be ignored,
17 that cumulatively over time that effect might not be avoided.

18 And so in our submission, in this instance we submit that
19 my learned friend, if it is conceded that the document is
15:52:26 20 probative of guilt, that should be conclusive of the matter
21 without your Honours having to go through the exercise of having
22 your attention drawn to the content of that affidavit and also a
23 covering statement allegedly made by Stephen Ellis. Those are my
24 submissions.

15:52:48 25 PRESIDING JUDGE: Ms Hollis, do you have anything to say in
26 response?

27 MS HOLLIS: Thank you, Madam President. First of all, we
28 did not keep this document up our sleeve. We disclosed it to the
29 Defence in June 2008.

1 Secondly, just as your Honours could consider statements or
2 alleged confessions of an accused in terms of whether they could
3 be used without any prejudice to the accused's fair trial rights,
4 because you are professional judges and you may disregard
15:53:44 5 anything you find not admissible or not allowed for use, so too
6 may you consider this material. In fact, in an earlier argument
7 before your Honours when it was suggested that perhaps we could
8 treat this issue as a package and simply add additional materials
9 to the package, the Defence argued that really a case-by-case
15:54:11 10 evaluation was necessary, and your Honours have also talked about
11 the need for a case-by-case assessment.

12 We suggest that there is nothing inappropriate or
13 prejudicial for your Honours to consider this document. In fact,
14 you would need to consider this document before you would be able
15:54:31 15 to rule on its potential use, and we think that you cannot
16 discount the fact that you are professional judges and have the
17 ability to view material objectively and disregard it where
18 appropriate.

19 In terms of the cumulative effect of the information that
15:54:50 20 has been put before you for your consideration which you have
21 ruled we cannot use, we would suggest the same argument. That
22 your Honours looked at that information, determined it could not
23 be used after reviewing it and that then your Honours, should
24 that decision remain the decision of the case, your Honours
15:55:11 25 simply would disregard it, and the Prosecution is certainly
26 confident that professional judges can do that and do that with
27 frequency. So we don't believe there is a cumulative impact.
28 You're reviewing this. We do believe that you do need to review
29 it in order to make your decision.

1 We are using it for impeachment. And the only way we have
2 an opportunity to ever use any of these documents is if we bring
3 them to your attention and ask you to consider them so that there
4 is a possibility of our use of them, either based on your ruling
15:55:52 5 at this time or if an appeal is allowed and is successful, based
6 on a later use by us. If we do not bring the material to you for
7 your review, then arguably we have lost the ability to ever use
8 that material during this case, at least certainly at the trial
9 level.

15:56:12 10 So we think that the procedure has been proper. We would
11 ask that you do consider this along with the document at tab 98,
12 the two together, and we would suggest that, again, relying on
13 our prior arguments, that this document is permissible as to use
14 for impeachment. We are not asking your Honours to consider it
15:56:40 15 for guilt.

16 The arguments as to the questioning about whether the
17 affidavit or declaration you have before you from Stephen Ellis
18 is accurate or truthful is a matter that goes to weight. It is
19 is not a matter that is decisive of your decision at this point.
15:57:03 20 So we would ask that you consider this document as you have
21 considered the others in your role as impartial professional
22 judges reviewing this information and we would rely on our prior
23 arguments before you for the permissible use of this document in
24 connection with the document at tab 98.

15:57:53 25 PRESIDING JUDGE: Please allow us to confer and to consider
26 the documents in question.

27 Ms Hollis, in tab 98 of annex 1 there are several documents
28 that we have, one of which is entitled "Authentication and
29 Compulsory Identification Act Declaration". It has a passport

1 number, et cetera.

2 MS HOLLIS: Your Honours, should you allow this document to
3 be used, what we would ask is that we be allowed to provide a
4 redacted version for the public, not for your Honours or the
15:59:00 5 Defence, but a redacted version that would take out on the
6 "Authentication and Compulsory Identification Act Declaration",
7 take out the number, authority and date of issue relating to the
8 passport and that the passport itself would not be in the public
9 version. So that we would basically have a confidential and a
15:59:25 10 public version of the document.

11 PRESIDING JUDGE: Yes, but are these documents part of the
12 declaration?

13 MS HOLLIS: Yes, they are.

14 [Trial Chamber conferred]

16:02:33 15 PRESIDING JUDGE: As a matter of preliminary clarification,
16 Ms Hollis, I've browsed the statement or declaration by
17 Professor Ellis that is in annex 1, tab 48, and it speaks of a
18 draft affidavit by Mr Supuwood. Would that be the draft in tab
19 37, annex 4?

16:02:56 20 MS HOLLIS: That is correct, Madam President.

21 PRESIDING JUDGE: So, in other words, annex 4, tab 37, is
22 in fact a draft.

23 MS HOLLIS: That is correct. That was, according to the
24 declaration or the affidavit, reviewed by Counsellor Supuwood and
16:03:14 25 he made handwritten changes to the document.

26 PRESIDING JUDGE: But it's not an affidavit?

27 MS HOLLIS: Pardon me?

28 PRESIDING JUDGE: It is not an affidavit. It's a draft.

29 MS HOLLIS: The draft statement?

1 PRESIDING JUDGE: It's a draft.

2 MS HOLLIS: Yes.

3 PRESIDING JUDGE: It's not an affidavit that's sworn and
4 signed.

16:03:29 5 MS HOLLIS: No, it is not.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: Ms Hollis, you've read the statement
8 allegedly made by Mr Supuwood, and in your assessment, does it
9 contain material that goes to proof of guilt?

16:07:13 10 MS HOLLIS: Madam President, we would suggest to you that
11 there is in these materials material that would hypothetically be
12 probative of guilt regardless of how we ask your Honours to use
13 it. Yes, we do.

14 PRESIDING JUDGE: That's enough sufficient for me. We've
16:07:33 15 considered two matters here. One is the nature of this statement
16 allegedly made by Counsellor Supuwood at a time I think when he
17 was not counsel yet on the Defence team and it was allegedly made
18 for a different kind of proceeding according to Mr Ellis's
19 statement. It is a draft, it remains a draft, and the fact of
16:08:06 20 whether or not the handwritten material was actually inserted by
21 Mr Supuwood or not is a matter in issue. And the only way such a
22 matter would have to be settled is by calling either Mr Ellis,
23 who cannot be called any more because he's already testified, or
24 Mr Supuwood himself who is now one of the Defence counsel.

16:08:35 25 Now, we think it is grossly unfair to put the accused in a
26 situation where in his own defence he's being compelled to call
27 one of his counsel, one of the team, Defence team, to the witness
28 stand to either accept or nullify the alleged statements in this
29 statement. The accused should not be put to this kind of test.

1 More importantly, the Prosecution concedes that the
2 statement contained in annex 4, tab 37, that is the alleged
3 statement of Supuwood, contains potentially material that could
4 go to proof of guilt, and on that note alone, seeing that you've
16:09:33 5 had this statement for way back as long as you've had it and
6 you're now seeking to rely upon it at this late stage, and given
7 the fact that you have not illustrated or demonstrated to the
8 Chamber the two-prong test that we require, we cannot allow you
9 to use this statement of Mr Supuwood. And since you ask us to
16:10:05 10 consider it in conjunction with Professor Ellis's statement in
11 annex 1, tab 98, then I'm afraid you cannot use either of the two
12 documents in cross-examination.

13 MS HOLLIS:

14 Q. Now, Mr Taylor, contrary to the evidence you have given
16:10:28 15 these judges, during the time you were the leader of the NPFL it
16 is true, is it not, that your subordinates were engaged in
17 ongoing crimes against the civilians of Liberia?

18 A. Well, I'll put it this way: During - there were problems,
19 there were ongoing activities and there were ongoing
16:11:00 20 prosecutions. So during the time I was the head of the NPFL
21 there were still difficulties, yeah.

22 Q. And, Mr Taylor, indeed these crimes were not the isolated
23 events you would have the Court believe, but indeed these crimes
24 were widespread in nature throughout the time you were the leader
16:11:19 25 of the NPFL. Isn't that correct?

26 A. That I would disagree with.

27 Q. And indeed they were systematic in nature, were they not?

28 A. They were not.

29 Q. And they were part of a campaign of terror that you were

1 waging against the civilians of Liberia. Isn't that correct?

2 A. [Indiscernible] indictment. That is not correct, no.

3 Q. And some of these crimes were ordered by you directly,
4 isn't that correct?

16:11:40 5 A. None - no crime. I have never ordered in any shape or form
6 or condoned any act that was brought to authority - those acts
7 that were actually perpetrated that were brought to the attention
8 of the authority, we took the maximum action and the maximum
9 punishment were accorded those individuals.

16:12:10 10 Q. Mr Taylor, do you recall on 19 November I suggested to you
11 that after you became President forces under your control
12 continued to commit crimes against civilians in Liberia, and you
13 disagreed with that. Do you recall that?

14 A. Yes, I do.

16:12:29 15 Q. That was not truthful testimony on your part, was it,
16 Mr Taylor?

17 A. That was truthful, Ms Hollis.

18 Q. Indeed, Mr Taylor, the crimes against civilians, which had
19 been ongoing during your time as leader of the NPFL, those crimes
16:12:51 20 continued to be committed by your subordinates after you became
21 President. That's the truth of it, isn't it?

22 A. Well, I tell you, after I became President, I would be
23 deceiving this Court if I didn't say that there were some crimes
24 being committed. But I was President at the time, and I'm sure
16:13:14 25 the Ministry of Justice dealt with crime. There were people that
26 were prosecuted during my administration and incarcerated, given
27 sentences by the courts. So, I mean, as President of the
28 country, I cannot tell anyone in this world that I would know
29 everything. My God, I'm not God. But to the best of my

1 knowledge, to the extent that the system was working, I can say
2 without stupor that I did not condone or act in any way to permit
3 impunity in Liberia, no.

16:14:04 4 Q. Mr Taylor, as President of Liberia, under your leadership
5 your security forces reported directly to you, didn't they?

6 A. That's total nonsense. How would a little security come to
7 the President? No. That's what - that's what people want to -
8 I've heard from outside there was not a government, it was just -
9 that's blatantly false.

16:14:23 10 Q. And, Mr Taylor, the Anti-Terrorist Unit reported directly
11 to you, didn't it?

12 A. No, the Anti-Terrorist Unit did not report directly to me.
13 There was a chain of command. Yes, some activities reached to
14 me, but the Anti-Terrorist Unit had its command structure and
16:14:41 15 reported - actually, they fell under the director of SSS,
16 actually.

17 Q. And the commander of the Anti-Terrorist Unit reported
18 directly to you. Isn't that correct?

19 A. Not necessarily. Not necessarily. There were times if I
16:15:00 20 wanted information they would come to me, but the line - the
21 Anti-Terrorist Unit was an auxiliary of the Special Security
22 Services.

23 Q. And indeed, Mr Taylor, the Special Security Services
24 director reported to you directly, didn't he?

16:15:15 25 A. No. Under the laws of Liberia, the SSS director reports to
26 the Minister of State. He does not fall under the office of the
27 President, no.

28 Q. The President can direct that the director of the Special
29 Security Services report to him directly. That is true, isn't

1 i t, Mr Taylor?

2 A. Depending on the situation, yes, the President could ask
3 the SSS director to - you know, certain questions if certain
4 issues came up. But the SSS director reported to the Minister of
16:15:46 5 State under our system. Under some other systems it's a little
6 different.

7 Q. Indeed, Mr Taylor, that's not true. That person reported
8 directly to you upon your direction. Isn't that right?

9 A. I don't understand your question. What's not true?

16:16:03 10 Q. It's not true that the director of the SSS reported to the
11 Minister of State. He reported directly to you, and that was at
12 your direction. Isn't that correct, Mr Taylor?

13 A. That is not correct. I don't think you are aware of our
14 laws. That's not correct.

16:16:19 15 Q. And, Mr Taylor, you had militia units in Liberia while you
16 were President, didn't you?

17 A. I had militia? No, I - I did not have militia units, no.
18 Militia units existed during the time. I did not have them.

19 Q. And, Mr Taylor, from what date do you say militia units
16:16:41 20 existed in Liberia?

21 A. During my presidency?

22 Q. Yes.

23 A. Militia units existed, I would say, beginning 1999. When
24 we came under attacks with the failure of our armed forces that
16:17:05 25 was not yet structured, the government called upon former
26 fighters to report for duties. But between 1997 to '99 we had
27 what we call a quasi AFL, where units that fought were brought
28 together. But I would say militia units started from the advent
29 of the attack from LURD.

1 Q. And these militia units were made up heavily, if not
2 exclusively, of your former NPFL fighters. Isn't that correct?

3 A. I would not - to an extent you - you could give some
4 credence, because the NPFL was always the largest fighting force
16:17:51 5 in the country. But by this particular time I would like for a
6 reflection to show that all former - all former warring factional
7 groups that joined the government, LPC, the AFL, ULIMO-J,
8 ULIMO-K, all of those fighters formed the new militia units that
9 fought LURD. I had LPC - former LPC generals, you know,
16:18:17 10 commanding at the time of their call.

11 Q. The great majority of the members of these militias were
12 your former NPFL. That's the correct statement, is it not,
13 Mr Taylor?

14 A. Well, you've added "great" and "majority" already - I mean,
16:18:34 15 already shows. So if we want to - I would say a majority. A
16 majority of the fighting force that were put together was, you
17 know, former fighters of the NPFL.

18 Q. And, Mr Taylor, these militias were used because you
19 refused to restructure the AFL in a timely manner. Isn't that
16:18:59 20 correct?

21 A. That's a blatant lie, counsel. I put together a commission
22 in Liberia from all walks of life to put together a plan for the
23 restructuring of the armed forces. That plan was viewed and
24 approved by the international community, including the United
16:19:15 25 States, but we were waiting for funding. No, a plan was done and
26 it was - it was chaired by a member of the Opposition who is now
27 a member of the Senate. Senator Blamoh Nelson chaired it, and he
28 was an Opposition leader. He chaired the commission to put
29 together a restructuring of the armed forces.

1 Q. And, Mr Taylor, you did not engage in a timely
2 restructuring of the armed forces because you didn't trust the
3 AFL. Isn't that right?

16:19:46 4 A. Well, I don't understand the question. Because the armed
5 forces we're talking about is the AFL, so what are you - I don't
6 understand the question.

7 Q. You didn't trust their loyalty, did you, Mr Taylor?

8 A. The Armed Forces of Liberia was not loyal to the President;
9 they're loyal to the Republic. So the issue was because - for
16:20:00 10 the sake of the Court, the AFL has splintered and part of ULIMO-J
11 was the AFL, ULIMO-K was the AFL, LPC was the AFL, the coalition
12 forces were the AFL. The AFL itself had splintered so much that
13 it was no longer considered the constitutional armed forces of
14 the Republic of Liberia, and so all sides - opposition, elders in
16:20:26 15 the country, all sides agreed that they there should be a
16 restructuring. That's why we restructured a programme that we're
17 waiting for funding to have done.

18 Q. Mr Taylor, that's not correct, is it?

19 A. That is correct.

16:20:39 20 Q. Because you made a point that the AFL wasn't being created,
21 that it was already a force in being. You made that point in one
22 of your public statements, didn't you?

23 A. A legal point, yes, that the armed forces --

24 Q. It was the constitutional force of Liberia, wasn't it?

16:20:59 25 A. No, no, no. Hold it. Excuse me, counsel. For the sake of
26 the Court we need to clarify this. The Armed Forces of Liberia
27 exists in the constitution as an issue of law. The composition
28 at that time did not represent the armed forces, that's the
29 point. But as a matter of law the armed forces existed. There

1 was no need for a new one. So what we were doing was building
2 off what we called the old mat.

3 Q. So, Mr Taylor, you're saying that when you told the Court
4 just a few moments ago: "The AFL itself had splintered so much
16:21:34 5 that it was no longer considered the constitutional armed forces
6 of the Republic of Liberia", you're talking about the composition
7 of the AFL --

8 A. The personnel, counsel.

9 Q. -- is that what you're saying now?

16:21:51 10 A. Yes, yes, I'm talking about the personnel. I could not
11 dissolve the army. The army was created by an Act of the
12 Legislature under the constitution. So I'm speaking about the
13 personnel. You're right; the personnel.

14 Q. Now, Mr Taylor, during your presidency the director of the
16:22:08 15 police also reported to you, did he not?

16 A. No. The director of police under the Liberian law is a
17 deputy - he carries the title of Director of Police and I think,
18 if it's not assistant, I think Assistant Minister of Justice or
19 Deputy Minister of Justice. He reports directly - the police in
16:22:37 20 Liberia falls directly under the orders of the Minister of
21 Justice.

22 Q. Mr Taylor, the true situation when you were the President
23 of Liberia was that the law of Liberia was whatever you decided
24 it to be. Isn't that right?

16:22:54 25 A. Nonsense. Total nonsense.

26 Q. Now, during your presidency your subordinates in the ATU
27 routinely committed crimes against civilians. Isn't that right?

28 A. Well, that is not right. You had an ATU officer here, and
29 he didn't say that, so I think you would have put him through

1 that. That is totally, blatantly untrue. You had a senior
2 officer here.

3 Q. Your subordinates in the Special Security Services
4 routinely committed crimes against civilians during your
16:23:33 5 presidency. Isn't that right?

6 A. No. I would say no. The Special Security Services were
7 there for VIP protection. They were not involved in that, no.

8 Q. And indeed, your police force during your presidency
9 routinely committed crimes against civilians. Isn't that
16:23:48 10 correct?

11 A. Well, not - well, not to my knowledge. And if they had, it
12 was a responsibility of the Minister of Justice to deal with it.
13 The President doesn't go out on the street to see which police is
14 doing what. So, I would --

16:24:04 15 Q. Indeed, Mr Taylor, these subordinates of yours in the
16 militias also routinely committed crimes against civilians during
17 your presidency. Isn't that correct?

18 A. No, not to my knowledge. When we - when those militias
19 came to fight LURD, if anything had gone wrong and it had reached
16:24:24 20 to the authorities, I'm sure they would have dealt with it.

21 Q. Mr Taylor, are you saying as President you kept yourself
22 totally divorced from wrongdoing by subordinates in these
23 different units?

24 A. I don't know what you mean, "totally divorced" from
16:24:41 25 wrongdoing. What do you mean by --

26 Q. You have indicated that it would be other people who would
27 deal with it. You would be briefed on ongoing crimes committed
28 by members of these different forces, wouldn't you, Mr Taylor?

29 A. No, the fact that Liberia is a small country doesn't make

1 the President or the presidency any less important. What
2 President in the world is going to be out there looking at what
3 police is operating except, you know, from your belief that the
4 President of Liberia is supposed to be some criminal. But that's
16:25:13 5 not how it happened, no.

6 PRESIDING JUDGE: Mr Taylor, what would help is if you
7 answered this directly. The argument could be held - the
8 converse argument could be held, some Presidents say the buck
9 stops with them where some of these activities are concerned. So
16:25:30 10 what would assist is if you answered the question directly.

11 MS HOLLIS:

12 Q. Mr Taylor, these militias that you said were created in
13 1999, can you tell us what these militias were?

14 A. Well, listen, when LURD attacked in 1999 I granted the
16:25:53 15 authority of the Minister of Defence to ask all former
16 able-bodied fighters to come in defence of the motherland. And
17 how they were formed, where they were formed, who participated,
18 that fell under the Ministry of Defence. But I gave the
19 authorisation for ex-fighters from all factions that were now
16:26:18 20 loyal to the government to defend the republic.

21 Q. And these militias were organised into groups or units with
22 what names? What were the names of these various militias?

23 A. I don't - I have no idea of all of the names of the
24 militias and how they were put together by the Defence Ministry.

16:26:38 25 Q. Now, Mr Taylor, you've earlier talked about some units that
26 you referred to as divisions. For example, navy division, marine
27 division. Were these members of the - were these units of the
28 AFL or were these militias?

29 A. Yeah, but now - excuse me, counsel, you're talking about

1 during - before my election. Before my election, I would answer
2 that, but not - you have been asking me questions about the time
3 of my presidency. There were no such - I'm not aware of how the
4 Defence Ministry put together whatever they did do in my
16:27:15 5 government.

6 Q. So you don't know if there was a continuing navy division
7 during your presidency?

8 A. Well, no, that's not the question. No. I mean, members of
9 the navy unit from the NPFL days I'm sure came to fight, but how
16:27:36 10 they were grouped during that particular time, I do not know the
11 groupings. But I know former officers of all of the old
12 divisions prior to my election, a lot of them came to fight. And
13 as to whether they were constituted as in the old days, that was
14 a decision for the Defence Ministry.

16:27:54 15 Q. Mr Taylor, we've talked about one of your commanders by the
16 name of Mark Guahn. Do you remember that?

17 A. Yes.

18 Q. And he was one of your commanders in what unit?

19 A. At what time, counsel?

16:28:11 20 Q. During your presidency.

21 A. Mark Guahn, I do not know what unit Mark Guahn fell in
22 during my presidency, but before my presidency, Mark Guahn fought
23 with the marine division.

24 Q. And during your presidency, what was his rank?

16:28:32 25 A. Mark Guahn, I'm not sure. I don't know, because all of
26 these big ranks of general and all that kind of stuff during the
27 days of the - before my election were all broken down.
28 Mark Guahn was an old AFL soldier. He was an old soldier with
29 many years of experience. I think Mark - by that time, most of

1 those ranks were broken back down to normal. I don't know his
2 rank at that time.

3 Q. Now, to your knowledge, was Mark Guahn ever prosecuted
4 while you were President?

16:29:03 5 A. Not my to knowledge. If he was court-martialled as
6 defence, or whatever - prosecuted, I don't know. If he was
7 court-martialled, I don't know.

8 MS HOLLIS: Madam President, I'm not sure of this clock up
9 here. How much time do we have left?

16:29:26 10 MS IRURA: Your Honour, let me confirm, but it should be a
11 couple of minutes.

12 JUDGE DOHERTY: Ms Hollis, perhaps while that's being done,
13 I would appreciate a clarification of the meaning of the phrase
14 "most of those ranks were broken down" - sorry, "broken back down
15 to normal".

16:29:43

16 THE WITNESS: Okay.

17 MS HOLLIS:

18 Q. Mr Taylor, you've heard Madam Justice's question.

19 A. Yes. During the war there were ranks. General this,
16:29:55 20 general that, major general, lieutenant general. After my
21 election where we said we were going to restructure the armed
22 forces, they went to defence and some of those major generals,
23 some of them became lieutenants or maybe sergeants. They were
24 just brought down to normal ranks that people felt they were
16:30:16 25 qualified to do, pending the restructuring of the armed forces.

26 PRESIDING JUDGE: Ms Hollis, I don't think there's
27 sufficient time to refer to a document, which I think is what you
28 wanted to do. However, before we close, perhaps you could supply
29 us with the name of this General Guahn, his surname.

1 MS HOLLIS: Yes. We have different spellings, but the
2 spelling that I have is G-U-A-H-N. First name Mark.

3 PRESIDING JUDGE: Thank you.

4 MS HOLLIS:

16:30:42 5 Q. Is that correct, Mr Taylor?

6 A. Yeah, I would agree with you, counsel, on that.

7 PRESIDING JUDGE: So I think this would be a good time to
8 adjourn to tomorrow. But before we do, I'd like to caution
9 Mr Taylor, as we normally do, not to discuss your evidence. The
16:31:00 10 proceedings are adjourned to tomorrow at 9.30.

11 [Whereupon the hearing adjourned at 4.30 p.m.
12 to be reconvened on Tuesday, 26 January 2010 at
13 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DANKPANNAH DR CHARLES GHANKAY TAYLOR	33935
CROSS-EXAMINATION BY MS HOLLIS	33935