



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 26 NOVEMBER 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura
Mr Momodu Tarrawali

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munday
Mr Morris Anyah

For the Office of the Principal Defender:

Mr Silas Chekera

1 Wednesday, 26 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:25:20 5 PRESIDING JUDGE: Good morning. Mr Koumjian, appearances.

6 MR KOUMJIAN: Good morning, your Honours, counsel opposite.

7 For the Prosecution this morning, Brenda J Hollis, Maja Dimitrova
8 and myself Nicholas Koumjian.

9 PRESIDING JUDGE: Thank you. Mr Griffiths, good morning.

09:30:40 10 MR GRIFFITHS: Good morning, Madam President, your Honours,

11 counsel opposite. For the Defence today, myself Courtenay

12 Griffiths and my learned friends Mr Terry Munyard, Mr Morris

13 Anyah and we are also joined by Silas Chekera.

14 PRESIDING JUDGE: Thank you, Mr Griffiths. Before I remind

09:30:58 15 the witness of his oath and we proceed with the

16 cross-examination, may I just take the opportunity to remind

17 counsel and the parties that tomorrow and Friday the judges are

18 meeting in plenary and the Court will not be sitting. I think

19 this was circulated quite a few weeks ago, but I remind you. If

09:31:17 20 there are no other matters I will remind the witness of his oath.

21 MR GRIFFITHS: Can I remind everyone that we are supposed

22 to be in private session. I am still continuing with topics

23 which may well identify the witness.

24 PRESIDING JUDGE: Yes. Let me just check the status,

09:31:32 25 because that statement of mine should have been in open session

26 as there may be monitors, et cetera, present. Madam Court

27 Officer?

28 MS IRURA: Your Honour, we are in open session presently.

29 PRESIDING JUDGE: Very well. I will therefore remind the

1 witness of his oath, we will continue in private session and I
2 will invite Mr Griffiths to proceed with his cross-examination.

3 Mr Witness, I again remind you this morning that you are
4 still under oath, the oath continues to be binding on you and you
09:31:59 5 must answer questions truthfully. Do you understand?

6 THE WITNESS: Yes.

7 WITNESS: TF1-579 [On former oath]

8 PRESIDING JUDGE: Please put the Court into private
9 session, Madam Court Officer, and again, for those members of the
09:32:13 10 public and monitors that are present, this is a continuation of
11 yesterday afternoon's private session for reasons of security of
12 the witness.

13 [At this point in the proceedings, a portion of
14 the transcript, pages 21154 to 21271, was
15 extracted and sealed under separate cover, as
16 the proceeding was heard in private session.]

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1 [Open session]

2 MR KOUMJIAN: Your Honours, if I could start by asking your
3 Honours to turn, for convenience, to the Defence bundle, tab 8:

4 Q. You were asked some questions about your first statement
16:10:16 5 and stating you were in hiding after Sam Bockarie's death and at
6 what point you came out of hiding. I am now going to read from,
7 in the notes of the additional information from 31 October to 3
8 November, page 2, paragraph 12 and 13. Sir, there it says when
9 Bockarie called you to come to the Ivory Coast you stayed there
16:10:48 10 for about a month or so.

11 Excuse me. Let me just skip to paragraph 13. I think I
12 called out the wrong paragraph. Paragraph 13. After the killing
13 of Bockarie, Yeaten asked you what you would have done if you had
14 been ordered to kill your chief Bockarie. You responded that you
16:11:10 15 would have followed the order of Yeaten because the only reason
16 you were with Bockarie was because Yeaten had ordered you to be
17 his bodyguard. Yeaten ordered that Bockarie's Sierra Leone men
18 be killed and you yourself arrested two Sierra Leoneans who had
19 come to Liberia with Bockarie. One was called the Toasty and you
16:11:36 20 can't remember the name of the other. You brought them to
21 Yeaten.

22 Then the next paragraph on the next page. You were
23 assigned as one of the front line commanders around St Paul
24 Bridge after the killing of Bockarie. There was fierce fighting
16:11:51 25 at that time against enemy forces trying to enter Monrovia.
26 Later you moved to Saclapea which was cut off from Monrovia when
27 the LURD took Gbarnga. Is that correct, sir?

28 A. Yes, sir.

29 Q. Sir, in the questioning of the Defence you were shown some

1 photographs of persons around Charles Taylor and you said in some
2 of those you recognised a diamond formation of close protection
3 and named some of the individuals. In one of those you named
4 Benjamin Yeaten as standing next to the President - to President
16:12:42 5 Taylor. How tall was Benjamin Yeaten?

6 A. Benjamin Yeaten and I have the same height.

7 Q. You also were asked - in one of the photographs you
8 identified a man in a light suit you said was Musa N'jie. First
9 of all, what is his nationality, if you know?

16:13:07 10 A. A Gambian.

11 Q. And can you tell us approximately how tall he is, perhaps
12 in referring to myself, if that helps you. In comparison to me
13 or anyone else in the courtroom.

14 A. Musa N'jie is a bit taller than me. Not that all.

16:13:34 15 Q. Is he as tall as I am or the same height?

16 A. No, no, no, you are taller than Musa N'jie.

17 PRESIDING JUDGE: Before you move on, Mr Koumjian, for the
18 record - I don't know what height you are and neither does the
19 record.

16:13:51 20 MR KOUMJIAN: Your Honour, at one time I was just under six
21 foot one. I don't know if I've remained that tall.

22 PRESIDING JUDGE: I think we will leave the record at that.

23 MR KOUMJIAN:

24 Q. Sir, on page 21119, line 3, you gave the following answer.

16:14:36 25 You said Jungle was the chief liaison officer between the RUF and
26 the NPRG government. Sir, what did you mean - what do you mean
27 by the NPRG government?

28 A. NPRAG, national patriotic party government. NPRAG.
29 National patriotic party.

1 Q. What government is that?

2 A. It was Mr Taylor's government. So we used to say NPRAG.
3 But it was a rebel group. It was NPFL. But when Taylor became
4 President it became NPRAG government.

16:15:35 5 Q. Mr Witness, do you know which person or persons Jungle,
6 Daniel Tamba, took orders from.

7 A. Daniel Tamba used to take orders directly from Benjamin
8 Yeaten and Mr Taylor.

9 Q. Then I would like to refer you, sir, to - excuse me, the
16:16:08 10 Court and counsel to page 21121 from yesterday beginning at line
11 15. It's where you were talking about a uniform that you saw in
12 a photograph and I believe you said that you recognised one of
13 the people in the uniform. You said:

14 "This particular uniform, when Mr Taylor took over, when we
16:16:33 15 went to Monrovia for the very first time, it was the SSS that
16 were using this black suit. But later it was turned over to the
17 police and it was after that that we started using the navy blue
18 and the blue in the SSS."

19 I just want you to clarify, sir, if you can recall, when
16:16:54 20 was it approximately that the SSS was wearing the black uniform
21 and when did they change? When were they wearing the black
22 uniform as far as you can recall?

23 A. When Mr Taylor first took over as President they issued
24 that black uniform to the motorcade with a green beret.

16:17:29 25 Q. Do you recall when it was that the SSS switched to the blue
26 uniforms approximately?

27 A. Yeah, we used the black uniform for about a period of three
28 months and then we turned it over to the police.

29 Q. Thank you. Now I would like to go to, I believe it's page

1 21044 of the same day's transcript, yesterday. At that time,
2 yesterday, you were being asked some questions about the
3 execution of Oliver Varney and some other names were mentioned by
4 you in your testimony. You were asked some questions about them
16:18:30 5 and you gave some answers. You were asked on line 12, 21044 if
6 One Man One was arrested and you said:

7 "No, they arrested De Gbun and others and later they
8 arrested One Man One. One Man One was arrested after they had
9 already executed Oliver and the others."

16:18:53 10 Sir, do you know what happened to One Man One after he was
11 arrested? And if you don't know, just tell us.

12 A. Yeah, I know what happened.

13 Q. What happened?

14 A. They killed him. Mr Taylor gave orders and they executed
16:19:11 15 him.

16 Q. Just a few lines down you were asked about Anthony
17 Mekunagbe. And forgive me if I mispronounce it. Mekunagbe?

18 A. Yes.

19 Q. And you said, "Anthony Mekunagbe, he was arrested later in
16:19:27 20 Lofa and at that time they had already killed Oliver and De
21 Gbun". Do you know what happened to Anthony Mekunagbe after he
22 was arrested?

23 A. Yes, yes. After they arrested him Mr Taylor also gave an
24 order and executed him and I was trying yesterday to name those
16:19:51 25 Gio and Mano who were executed but I was not given the chance.

26 Q. Well, are there others that you haven't mentioned? Would
27 you tell us now the names of others that you know were executed?

28 A. Yeah. We are starting from Oliver. Oliver Varney. Yegbeh
29 De Gbun. The late One Man One. The late Aloysius Menden. The

1 Late Anthony Mekunagbe. The Late Timothy Mulbah. The Late John
2 Yormi. The Late Isaac Vaye. The Late Cooper Teah. The Late
3 Jackson F Doe. The Late Ojuku Larry. The Late Otis Klie. The
4 Late Cassius Jacobs. And so far I rest. And the Late Joe Doe,
16:21:20 5 Special Forces. All of those people I've named were all Gio and
6 Manos that were executed by Mr Taylor in cold blood.

7 Q. How do you know that Mr Taylor was behind these executions?

8 A. That was the order he used to give. And at the time that
9 we were in Gbarnga - and one more. The Later Border Patrol,
16:21:54 10 Special Forces. At the time that we were in Gbarnga, when he
11 gave the orders, these people were arrested. He will say that
12 they wanted to connive, so they should be executed. That was how
13 I came to know. He used to give the order live.

14 Q. Who was Jackson F Doe?

16:22:17 15 A. Jackson F Doe was a former presidential candidate --

16 THE INTERPRETER: Your Honours, can he repeat this answer.

17 PRESIDING JUDGE: Mr Witness, your answer was not heard
18 properly by the interpreters. Please repeat it. Start where you
19 say, "Jackson F Doe was a former --" Complete from there.

16:22:45 20 THE WITNESS: I knew him to be the presidential Kennedy
21 [sic] that was running against --

22 PRESIDING JUDGE: I heard the word "candidate".

23 THE WITNESS: Candidate, candidate, yes, he had a party.

24 PRESIDING JUDGE: I understand. Please continue.

16:23:08 25 THE WITNESS: He was one of the top men from Nimba and
26 later when Mr Taylor came he was executed by Mr Taylor and also
27 Samuel Doki.

28 JUDGE SEBUTINDE: Before we leave the point of the
29 executions, the witness said, "He used to give the order live.

1 That is how I came to know". What does that mean, "He used to
2 give the order live"?

3 MR KOUMJIAN: Thank you.

4 JUDGE SEBUTINDE: I am not sure I understand.

16:23:40 5 MR KOUMJIAN:

6 Q. Mr Witness, can you explain what you meant when you said he
7 used to give the order live?

8 A. When we were on duty at that time at Gbarnga, when we go to
9 work he will tell Benjamin Yeaten that go and arrest so and so
10 persons, those people that I have just named. Sometimes they
11 would send the task force or most of the units to arrest those
12 people and they would bring them to Gbarnga. Some of them were
13 brought to Gbarnga and they were killed and some of them, like
14 Mekunagbe, he was killed in Lofa.

16:24:32 15 Q. Sir, I am going to try and go through some of the names.
16 Some you have already given to us and some were new. I will see
17 if you can help us with the spellings of some. If you cannot,
18 you cannot. You said Isaac, and please restate the last name
19 because I think it came out garbled. One of the persons
16:24:55 20 executed. Isaac?

21 A. Isaac Vaye.

22 Q. Do you know how to spell Vaye?

23 A. V-A-Y-E.

24 Q. You also said somebody named Menden or - is that --

16:25:19 25 A. Yeah, I said Mr Taylor ordered.

26 Q. I am just trying to get the names so we can write them
27 correctly because these are all new to us.

28 A. Yeah, no problem.

29 Q. Can you repeat clearly, the name of Mr Menden?

1 A. Menden. M-E-N-D-E-N.

2 Q. Thank you. And Aloysius we will spell phonetically. Sir,
3 you said Cooper Teah. Do you know how to spell Teah?

4 A. Teah. T-E-A-H.

16:26:03 5 Q. You said another name I think we had earlier, but it was
6 Larry Ojuku?

7 A. Ojuku Larry. Ojuku.

8 Q. Which is the family name? Do you understand? Which name
9 is his first name and which is his last name, the family name?

16:26:24 10 A. His first name is Ojuku and his last name is Larry.

11 Q. I wrote down that you said Joe --

12 A. Joe Doe. D-O-E.

13 Q. Thank you. I believe there were some others I didn't
14 catch. Let's see if my colleague has got it. Somebody named

16:26:49 15 Clay, did you mention someone named --

16 A. Cassius Jacobs.

17 Q. Did you say a name close to Otis Clay?

18 A. Otis Klie. Klie.

19 Q. How do you spell that last name? If you don't know, just
16:27:17 20 say so.

21 A. It's supposed to be K-L-I-E, Klie.

22 JUDGE SEBUTINDE: Was there a person called Border Patrol?

23 THE WITNESS: Yeah, yeah. A Special Forces, Border Patrol.

24 JUDGE SEBUTINDE: That was the full name Border Patrol

16:27:36 25 Special Forces?

26 THE WITNESS: That was the popular name that we used.

27 JUDGE SEBUTINDE: Please listen to the question. Was the
28 name Border Patrol Special Forces?

29 THE WITNESS: Yeah.

1 JUDGE SEBUTINDE: All those four words?

2 THE WITNESS: Yes.

3 MR KOUMJIAN: I am not sure you understand the question:

4 Q. Sir, how many words in that name?

16:28:03 5 A. Border Patrol. It's just one name.

6 Q. When you said Special Forces, what did you mean? You said
7 Border Patrol, Special Forces?

8 A. He was one of Taylor's Special Forces that came along with
9 him and his name was Border Patrol.

16:28:21 10 Q. Do you know his real name? If not, just tell us?

11 A. No.

12 JUDGE SEBUTINDE: The name after Oliver Varney was Yegbeh
13 something.

14 THE WITNESS: Yegbeh De Gbun.

16:28:46 15 MR KOUMJIAN: Thank you. I believe we have that De Gbun
16 was one of the names mentioned in earlier testimony.

17 PRESIDING JUDGE: Mr Koumjian, I think we are just about
18 out of time.

19 MR KOUMJIAN: Your Honours, could I just ask, I probably
16:28:59 20 have five or ten minutes left, at most ten minutes, if we could
21 conclude the witness. If we have to change the tape, we change
22 the tape.

23 PRESIDING JUDGE: Yes, we will allow that. If the tape can
24 be changed, please. Although I note there may be some
16:29:16 25 applications and they may have to be deferred.

26 MS IRURA: Your Honour, I am informed it will take five - a
27 maximum of ten minutes, but about five minutes.

28

29 MS IRURA: Your Honour, a new tape is in place.

1 PRESIDING JUDGE: Thank you for that.

2 MR KOUMJIAN: Thank you.

3 Q. Mr Witness, you gave a name that we understood as Timothy
4 something, do you recall did you mention someone named Timothy?

16:33:58 5 A. Yes.

6 Q. Can you say the whole name clearly, slowly, please?

7 A. The late Timothy Mulbah.

8 Q. Could you help us by trying to spell that? If not, tell
9 us.

16:34:17 10 A. Mulbah. M-U-L-B-A-H.

11 Q. Then - now I've lost the next name. John something?

12 A. I said --

13 PRESIDING JUDGE: If it's any help my notes are John
14 Yombay.

16:35:21 15 MR KOUMJIAN:

16 Q. Did you say a name like John Yombay?

17 A. I said John Yormi.

18 MR KOUMJIAN: I believe we've had that spelling before,
19 your Honours:

16:35:31 20 Q. Sir, just a few more questions. You said that when Oliver
21 Varney was executed his body was left out. Why was it that
22 no-one buried Oliver Varney's body?

23 A. Me? The body was on the Bong Mines Road. We passed by, we
24 stopped and I saw it.

16:35:59 25 Q. My question was, if you know, why was it that the body was
26 left out there on the road and not buried, if you know?

27 A. No, I don't know. The two bodies that I saw on the road, I
28 did not know why they were left there.

29 Q. Sir, I believe I only have one more question for you and

1 this is from yesterday's transcript, page 21118, line 27. At
2 line 25 the question to you was:

3 "Q. So Jungle was housed in Monrovia at Bockarie expense.
4 Jungle, a member of the RUF, was housed in Monrovia at
16:36:53 5 Bockarie's expense, is that right?

6 A. Yes. The RUF and the government, by then they were
7 one."

8 A. Yes.

9 Q. Can you please explain to us, sir, exactly what you meant
16:37:08 10 when you said, "The RUF and the government, by then they were
11 one"?

12 A. They were one in the sense that any of the RUF commanders
13 can come to Monrovia and any of the NPFL commanders could go to
14 the RUF controlled areas and arms and ammunition were taken from
16:37:42 15 Liberia to RUF controlled areas, so everything was in line. So
16 when the RUF comes to - came to Liberia they had a special
17 guesthouse for them where they used to stay.

18 MR KOUMJIAN: Thank you, your Honour. That concludes the
19 re-examination. I would be moving my exhibits into evidence. I
16:38:07 20 don't know it's necessary to keep the witness. I would say I
21 have no objection to any of the Defence exhibits that have been
22 marked for identification.

23 MR GRIFFITHS: Madam President, I rise to make a request,
24 please, that the schedule at the back of my --

16:38:42 25 PRESIDING JUDGE: Just before you do, Mr Griffiths, if it
26 relates to exhibits could you please allow - there are questions
27 from the Bench, so if it's relating to exhibits if you could just
28 pause.

29 MR GRIFFITHS: I was just asking to mark for identification

1 the schedule.

2 PRESIDING JUDGE: I understand. There are two schedules.
3 There is this document and there is a document behind tab 11.

16:39:11

4 MR GRIFFITHS: Well, it's that document that I would ask to
5 be marked for identification.

6 PRESIDING JUDGE: I understand, Mr Griffiths. That is a
7 two page document headed "Table 1, schedule of interviews and
8 payments". It becomes MFI-11.

16:39:32

9 MR GRIFFITHS: Can I say, so far as we're concerned, the
10 photographs which were marked for identification during the
11 course of this witness's examination-in-chief, I have no
12 difficulty in those photographs being exhibited.

16:39:56

13 JUDGE LUSSICK: Mr Witness, I have a question for you. I
14 am trying to understand why you went around to the Defence office
15 to see Mr Gray so often. I think you told us you went there four
16 times, didn't you?

17 THE WITNESS: Yes, sir. Mr Gray sent for me.

16:40:26

18 JUDGE LUSSICK: But I take it you had resolved not to give
19 evidence for the Defence. Is that right? I take it you had made
20 up your mind that you were not going to give evidence for the
21 Defence?

22 THE WITNESS: Yes.

23 JUDGE LUSSICK: So when Mr Gray sent for you why didn't you
24 just say that to him, instead of going all the way around there.

16:40:42

25 THE WITNESS: They said they wanted to see me, sir, and I
26 went, he repeated the same thing and I said, "No, I am not part
27 of it" and I left and he said I should go and think about it
28 again.

29 JUDGE LUSSICK: But how did he contact you? Did he phone

1 you or send a messenger?

2 THE WITNESS: He sent somebody to my house. Then, the
3 second one, he said we should hire a motorbike to go to the
4 office and we went, both of us, my friend whose name I called
16:41:22 5 today. Then --

6 MR KOUMJIAN: I just recalled, are we in open session?

7 PRESIDING JUDGE: Yes. He hadn't called a name.

8 MR KOUMJIAN: Correct. But I think we should be for
9 security. This area was covered in private session. I would
16:41:39 10 just submit that.

11 JUDGE LUSSICK: I don't see any need, but if --

12 MR GRIFFITHS: I don't see any need for us to go into
13 private session for this because you haven't mentioned any names
14 at all, your Honour.

16:41:57 15 JUDGE LUSSICK: I don't intend to, either. Well, where
16 were we? Had you finished answering that question?

17 THE WITNESS: Yes.

18 JUDGE LUSSICK: Well, did you have any idea, on each of
19 these occasions, why Mr Gray wanted to see you.

16:42:29 20 THE WITNESS: Yes.

21 JUDGE LUSSICK: Why not simply send a message back to him
22 that you are not interested?

23 THE WITNESS: Yes, sir. This is why, for the last time
24 that he called over the phone, I told him that I was not going
16:42:45 25 there, that I will not go to his office, because I tried to - I
26 was trying to avoid him for me not to be embarrassed, and he was
27 trying to cajole me into giving a statement. Each time I went to
28 him he would take out a copy book for them to write.

29 JUDGE LUSSICK: That's what I can't understand. If you

1 were trying to avoid him why did you go around there four times?

2 THE WITNESS: Oh, each time he will send and when he sent
3 and one of the main reasons I was doing this was because I didn't
4 want them to suspect me. It could be that if I had refused at
16:43:36 5 all to go to the office they will say maybe something was going
6 on because they knew that there were people in Liberia talking to
7 the Prosecution to come to The Hague to testify. So when he sent
8 for me I went there and told him I wasn't interested in what he
9 was saying, and I would leave easily and walk and come to the
16:43:57 10 road and get a car and come home and nothing else, we did not
11 discuss anything else.

12 JUDGE LUSSICK: Yes, thank you.

13 PRESIDING JUDGE: Questions arising from the Bench's
14 questions? Mr Koumjian?

16:44:18 15 MR KOUMJIAN: No, your Honour.

16 PRESIDING JUDGE: Mr Griffiths?

17 MR GRIFFITHS: No, thank you, Madam President.

18 PRESIDING JUDGE: Thank you. That completes the witness's
19 evidence. And Mr Griffiths, you have already indicated that you
16:44:32 20 are not objecting to the tender of the photographs. When you say
21 the tender of the photographs, may I presume it also includes the
22 tender of the copy photographs?

23 MR GRIFFITHS: Yes, it also includes that, Madam President.

24 PRESIDING JUDGE: Mr Koumjian?

16:44:53 25 MR KOUMJIAN: Your Honour, we would be moving all of the
26 photographs into evidence. However, the one thing I want to be
27 careful about is at least some of them we wanted to be marked
28 confidential. I think we could do this on Monday, if Your
29 Honours would like.

1 PRESIDING JUDGE: We will defer that application until
2 Monday. May I take it that that application can be made in the
3 absence of the witness?

4 MR GRIFFITHS: As far as we are concerned, yes.

16:45:29 5 PRESIDING JUDGE: Yes. In that case, if there are no other
6 matters, I will discharge the witness.

7 Mr Witness, that is the end of your evidence here in the
8 Court. We thank you for coming to court and for coming back.

9 THE WITNESS: Thank you, sir.

16:45:44 10 PRESIDING JUDGE: And we wish you a safe journey. Now, I
11 would ask you to remain where you are until all the blinds are
12 lowered and you can be escorted from the court.

13 THE WITNESS: Thank you, sir.

14 PRESIDING JUDGE: Please adjourn Court until Monday morning
16:46:01 15 at 9.30.

16 [Whereupon the hearing adjourned at 4.46 p.m.
17 to be reconvened on Monday, 1 December 2008 at
18 9.30 a.m.]

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