



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

Monday, 4 June 2007  
10:30 a.m.  
PROSECUTION OPENING STATEMENT

TRIAL CHAMBER II

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Before the Judges:

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

For the Registry:

Mr Herman von Hebel

For the Prosecution:

Mr Stephen Rapp  
Ms Wendy van Tongeren  
Ms Ann Sutherland  
Mr Alain Werner  
Ms Leigh Lawrie

For the accused Charles Ghankay  
Taylor:

Mr Karim Khan

For the Office of the Principal  
Defender:

Mr Charles Jalloh

1 Monday, 4 June 2007

2 [Prosecution Opening Statement]

3 [Open session]

4 [Upon commencing at 10:30 a.m.]

10:30:40 5 COURT OFFICER: All rise.

6 PRESIDING JUDGE: Please be seated.

7 I call these proceedings to order. I understand there's a  
8 photographer in the house; is that correct? Is that the official  
9 photographer who has five minutes? I suppose as the photographs  
10 are being taken, I'll take the opportunity, before we get --  
11 before we call the case, to introduce the members of the Bench in  
12 this case.

13 On my immediate left is Justice Richard Lussick from Samoa,  
14 on my immediate right is Justice Teresa Doherty from Northern  
10:32:21 15 Ireland, and on my extreme right is Justice El Hadji Malick Sow  
16 from Senegal. Justice Sow will be serving as Alternate Judge in  
17 this trial, pursuant to Rule 16*b*'s of the Rules of Procedure and  
18 Evidence of the Special Court. I also wish to recognize the  
19 presence of the Acting Registrar, Mr Herman von Hebel, and of the  
10:32:57 20 various court managers, Mr Michael Adenuga, Ms Rosette  
21 Muzigo-Morrison, and Rachel.

22 I notice -- I would have called appearances first, but I  
23 notice that the accused is absent. Mr Khan, do you have anything  
24 to say?

10:33:16 25 MR KHAN: Your Honour, yes, I have an explanation, but  
26 perhaps it's more appropriately done after appearances are called  
27 by your Honour.

28 PRESIDING JUDGE: Thank you, Mr Khan.

29 In which case I will now take appearances. I'll start with

1 the Prosecution.

2 MR RAPP: Good morning, your Honours. Appearing today for  
3 the Prosecution is the Prosecutor, myself, Stephen Rapp, our  
4 trial attorneys Mohamed Bangura and Wendy van Tongeren and Ann  
10:33:56 5 Sutherland. Also appearing are Alain Werner, Shyamala Alagendra,  
6 and Leigh Lawrie. Thank you, your Honours.

7 PRESIDING JUDGE: Thank you, Mr Rapp.

8 Mr Khan, for the Defence.

9 MR KHAN: If it please your Honour, my name is Karim Khan.  
10:34:16 10 I'm counsel for Charles -- Mr Charles Ghankay Taylor.

11 MR JALLOH: If it pleases your Honours, my name is Charles  
12 Jalloh, legal officer and duty counsel in the Office of the  
13 Principal Defender. Thank you.

14 PRESIDING JUDGE: Perhaps -- Mr Khan, I was about to call  
10:34:43 15 the case officially and then you'll make your submissions.

16 If I may call upon the court officer to call the case  
17 officially, please.

18 COURT OFFICER: The Special Court for Sierra Leone is  
19 sitting in an open session pursuant to Rule 84 in the case of the  
10:34:59 20 Prosecutor versus Charles Dankpannah Ghankay Taylor,  
21 SCSL-03-01-T, Justice Julia Sebutinde presiding.

22 PRESIDING JUDGE: Mr Khan, I recognize that the accused is  
23 absent. Do you have anything to say?

24 MR KHAN: Indeed I do, your Honour. The accused, of  
10:35:28 25 course, has stated, when he first was brought before the Court,  
26 that he recognizes the jurisdiction of this Court and fully  
27 respects your Honour and your very important, indeed pivotal,  
28 role to play in ensuring a fair trial. Your Honours scheduled,  
29 in your wisdom, a Status Conference on the 7th of May. That, of

1 course, was a Pre-Trial Conference. One of its purposes was to  
2 ensure that today's hearing go smoothly and without any hitch.

3 Your Honour, on that occasion we had the privilege of a  
4 full Bench and issues were raised on behalf and on the specific  
10:36:15 5 instructions of my client that were of import and of great  
6 relevance. They were echoed by duty counsel. And they  
7 concerned -- they were focused on the concerns of my client  
8 regarding the size and composition of his legal team. His view  
9 has been that not only are the --

10:36:40 10 PRESIDING JUDGE: Mr Khan, I'm sorry to interrupt. I was  
11 expecting to hear a reason for the absence of your client in  
12 court.

13 MR KHAN: Your Honour, I will give that reason. Your  
14 Honour may --

10:36:50 15 PRESIDING JUDGE: Let's try and get to it --

16 MR KHAN: Your Honour, I'll be brief.

17 PRESIDING JUDGE: -- as expeditiously as we can, please.

18 MR KHAN: Your Honour, I will. Your Honour made it clear  
19 that there was a bottle-neck, were the words your Honour used,  
10:37:06 20 and it be unblocked, and you instructed that the Principal  
21 Defender be able to communicate with Mr Taylor. Your Honour,  
22 Mr Taylor wished to speak to the Principal Defender. He is  
23 charged, of course, with the principal role, under the authority  
24 of the Registrar, to ensure the facilities and resources to the  
10:37:26 25 Defence.

26 Your Honour, I have a response from the Principal Defender  
27 which I'll hand up in a moment. I won't read all of it, but,  
28 your Honour, it's dated the 1st of June and it states:

29 "I have made every effort and taken every necessary step

1 within my mandate as Principal Defender under the Rules of  
2 Procedure and Evidence to ensure that Mr Taylor's case is  
3 properly serviced in the realization of the Article 17 rights of  
4 the accused under the Special Court Statute. Unfortunately, I  
10:38:03 5 have increasingly been prevented from performing my role. Of  
6 late," the Principal Defender states, a senior court member of  
7 staff states, "Of late, the Registry has inhibited my ability to  
8 perform, to function as Principal Defender."

9 Your Honour, he continues:

10:38:27 10 "It has long been settled that the Principal Defender and  
11 the Defence Office act independently of the Registry in the  
12 performance of their legal duties in the interests of the rights  
13 of the accused. Unfortunately, that has of late been whittled  
14 away. I have always maintained that the credibility of the  
10:38:54 15 process of the Special Court would be measured by how the defence  
16 of the accused is treated, amongst other things. Having recently  
17 been inhibited and prevented by the Registry from performing my  
18 mandated role in the Charles Taylor trial, despite having  
19 passionately performed that role in the Freetown trial for the  
10:39:19 20 last few years, I find it increasingly difficult to assist you  
21 with your concerns."

22 Your Honour, this has been a matter of concern to the  
23 client, one of many, and it was raised before your Honours on the  
24 last occasion and your Honours gave clear, unequivocal  
10:39:37 25 instructions that whatever the bottle-neck was, it be unblocked.  
26 It is a cause of lament and regret that despite your Honours'  
27 advice, still the Principal Defender has been barred from  
28 speaking to my client, and it's a matter for my client, of  
29 course, a matter of concern to him.

1 Your Honour, this takes me on to the next point. Your  
2 Honour, I'll hand up in a moment a letter from my client.

3 "Your Honours --" and it's addressed to your Honours. It's  
4 very brief.

10:40:15 5 "Your Honours, it is with great sadness and regret that I  
6 write to inform you --"

7 PRESIDING JUDGE: Mr Khan.

8 THE INTERPRETER: Your Honours, could counsel please take  
9 his time to read that letter. I'm interpreting it here.

10:40:30 10 MR KHAN: I do apologise. I'm going too fast.

11 PRESIDING JUDGE: Yes. If you could slow down a bit, it  
12 would help.

13 MR KHAN: Perhaps I'll start again, with your indulgence.  
14 Mr Taylor states:

10:40:48 15 "Your Honours, it is with great sadness and regret that I  
16 write to inform you that I no longer feel able to attend and  
17 participate in proceedings against me before the Special Court  
18 for Sierra Leone. Sadness because at one time I had hoped and  
19 had confidence in the Court's ability to dispense justice in a  
10:41:15 20 fair and impartial manner. Over time it has become clear that  
21 such confidence is misplaced. Everyone deserves justice. The  
22 people of Liberia and Sierra Leone, who for too many years have  
23 undergone tragic sufferings, deserve justice. The people of  
24 Africa, for whom the promise of independence was only pyrrhic,  
10:41:43 25 deserve justice. And I too deserve at least a modicum of  
26 justice. I have always, in my small way, been willing to make  
27 sacrifices for peace. I relinquished the presidency of Liberia  
28 and accepted exile in Nigeria to ensure that the people of  
29 Liberia would no longer --"

1           PRESIDING JUDGE: Mr Khan. Mr Khan.

2           THE INTERPRETER: Your Honour, Mr Khan is taking it --  
3 could he please go over the last bit of the letter.

10:42:20

4           PRESIDING JUDGE: Mr Khan, it appears you're still too  
5 fast. If you could read this letter -- and I hope it's not very  
6 long.

7           MR KHAN: It's not.

8           PRESIDING JUDGE: If you could read it, take it a little  
9 bit slowly, realizing that somebody is trying to interpret.

10:42:31

10 But before you continue, Mr Rapp is on his feet. Let me  
11 just hear what he has to say.

12           MR RAPP: Madam President, your Honours. Your Honours,  
13 several days ago, ruled that the accused could not give an  
14 unsworn statement from the dock if he had been here. Now, having  
15 thumbed his nose at this Court and refused to come, his unsworn  
16 statement, his political arguments, are being read out in this  
17 letter by Mr Taylor, and I suggest that this violates your  
18 Honours' decision.

10:42:52

19           PRESIDING JUDGE: Mr Rapp, the accused is not in court. He  
10:43:07 20 is not giving an unsworn statement in the dock. That is the  
21 first thing. As far as I'm concerned, I have no idea why  
22 Mr Taylor is not in court, and I've been encouraging Mr Khan to  
23 get to the reason why and I'm hoping somewhere along the line, in  
24 the not too distant future, he will do that. The least we can do  
10:43:28 25 is to hear the reason why Mr Taylor is not in court. This is not  
26 an unsworn statement by the accused from the dock. I don't  
27 agree.

28           Mr Khan, please continue.

29           MR KHAN: Your Honour, I am much obliged. Part of my

1 excuse for racing through this was not to take too much time.  
2 Your Honour, the client, of course, before I get back to the  
3 statement, he has not thumbed his nose at this Court. That is  
4 rather intemperate language, in my respectful submission, and --

10:43:57 5 PRESIDING JUDGE: Mr Khan, I've overruled Mr Rapp. Please  
6 continue with this letter.

7 MR KHAN: Right. Your Honour, the client continues:

8 "I have always, in my small way, been willing to make  
9 sacrifices for peace. I relinquished the presidency of

10:44:18 10 Liberia --"

11 PRESIDING JUDGE: I think you are crossing the line. We  
12 really are not interested in the political speeches.

13 MR KHAN: Your Honour --

14 PRESIDING JUDGE: I just want you to zero in on the reason  
10:44:31 15 why your client is not in court this morning, if you're able to  
16 do that.

17 MR KHAN: Your Honour, I will read in that case only  
18 selected -- a couple of paragraphs.

19 Your Honour, Mr Taylor states: "Justice is blind, justice  
10:44:43 20 pursues truth, justice is fair, justice is immune to politics.  
21 It is not justice to preordain convictions or emaciate my defence  
22 to the extent that I'm unable to launch an effective defence. It  
23 is not justice to throw all rights to a fair trial to the wind in  
24 a headlong rush to trial."

10:44:55 25 Your Honour, the accused --

26 THE INTERPRETER: Your Honour, he is still going too fast  
27 with this reading. He is just reading -- your Honour, counsel is  
28 still going too fast.

29 PRESIDING JUDGE: Mr Khan, you are still going too fast.

1 Is it possible for you to actually tell the Court why your client  
2 is not in court?

3 MR KHAN: Well, your Honour, it would be far quicker

4 THE INTERPRETER: It would be far quicker if the counsel

10:45:22 5 could --

6 PRESIDING JUDGE: Interpreter, you are not in charge of  
7 this Court. Could you let me sort this out with Defence counsel?  
8 We cannot have three people talking at the same time.

9 Mr Khan, are you able to tell the Court a reason why, in  
10 nutshell, in one minute, why your client is not in court?

10:45:38

11 MR KHAN: Yes.

12 PRESIDING JUDGE: Because if this letter is addressed to  
13 the Judges, then we will get it at some time in writing, will we  
14 not?

10:45:49

15 MR KHAN: Your Honour, you will, but of course the  
16 proceedings are public. This is an important explanation from  
17 the client on one of the most important days.

18 PRESIDING JUDGE: Will you not file this letter publicly?

19 MR KHAN: Your Honour, I will be very brief. I will be  
20 very brief.

10:46:02

21 PRESIDING JUDGE: I will give you exactly 2 minutes to tell  
22 the Court why your client is not in court.

23 MR KHAN: I'm grateful.

24 Your Honour, Mr Taylor states:

10:46:17

25 "Today marks the start of the trial against me. The  
26 Special Court's administration has been so dilatory that I have  
27 only one counsel to appear on my behalf, one counsel against a  
28 Prosecution team fully composed of nine lawyers. This is neither  
29 fair nor just. It is astonishing that as custodians of fairness

1 this Trial Chamber is prepared to countenance this position.  
2 Given the size of the Prosecution team, it is not surprising that  
3 it has been able to produce a seemingly never-ending volume of  
4 material to be considered in this case. The limited Defence  
10:47:00 5 resources have made it impossible to review all of this material  
6 and it is distracted from the proper preparation of my defence."

7 Your Honour, he goes on and talks about the camera issue  
8 and the fact that for three months he wasn't able to speak in  
9 confidence to us and that time wasn't given.

10:47:20 10 Your Honour, I'll move on to the --

11 PRESIDING JUDGE: Mr Khan, you have 1 minute left to give  
12 the Court the reason why your client is not in court.

13 MR KHAN: Indeed. Your Honour, for all of these reasons,  
14 Mr Taylor states:

10:47:34 15 "I am driven to the conclusion that I will not receive a  
16 fair trial before the Special Court at this point. It is  
17 therefore with great regret that I must decline to attend any  
18 further hearings in this case until adequate time and facilities  
19 are provided to my Defence team and until my other long-standing  
10:47:56 20 reasonable complaints are dealt with. It follows that I must  
21 terminate instructions to my legal representatives in this  
22 matter. Despite my complete confidence in their ability and  
23 competence, I must ask that they cease to represent me before the  
24 Special Court and instruct them accordingly.

10:48:16 25 "I cannot participate in a charade that does injustice to  
26 the people of Sierra Leone and Liberia and the people of Africa  
27 and to the international community in whose name this Court  
28 claims to speak. I cannot, I choose not to, be a fig leaf of  
29 legitimacy for this process. I hope and pray for a fair trial

1 that will perhaps bring to an end the cycles of injustice. I  
2 stand ready to participate in such a trial and let justice be  
3 done for myself and for those who have suffered far more than me  
4 in Liberia and Sierra Leone."

10:48:54 5 Your Honour, I have a letter to the Registrar in which the  
6 accused terminates representation and gives notice that he will  
7 represent himself in the manner he deems appropriate at this  
8 point. Your Honour, I do hope that rushed reason is adequate  
9 explanation for my client's non-attendance at court today. I am  
10:49:18 10 grateful.

11 Your Honour, perhaps I can hand letters to the usher to  
12 hand up and perhaps one for my learned friend, the Prosecutor.

13 Your Honour, if there's no usher, I'm very welcome to  
14 approach the Bench.

10:49:47 15 PRESIDING JUDGE: Mr Khan, that won't be necessary. If you  
16 can just hold on, we will get a hold of those letters.

17 MR KHAN: I'm grateful.

18 PRESIDING JUDGE: If you will just take your seat. Was  
19 that all you needed to say?

10:49:57 20 MR KHAN: Your Honour, unless you have more time.

21 PRESIDING JUDGE: On this point, that is, on the reasons.  
22 I've heard your reasons.

23 MR KHAN: Your Honour, those are the reasons of Mr Taylor.  
24 The point of emphasis is that he does not dispute the  
10:50:10 25 jurisdiction of this Court, nor does he intend any disrespect to  
26 anybody in this Court, including my learned friends who have  
27 tried very hard for --

28 PRESIDING JUDGE: Mr Khan, you are assigned counsel, aren't  
29 you? You are assigned counsel?

1 MR KHAN: Indeed I am, your Honour.

2 PRESIDING JUDGE: So the procedures for your withdrawal,  
3 you're aware of?

4 MR KHAN: Your Honour -- well, your Honour, perhaps you  
10:50:31 5 wish to rise and discuss it. This is not an issue of withdrawal.

6 PRESIDING JUDGE: Okay. Just please be seated.

7 MR KHAN: Your Honour, this is termination.

8 PRESIDING JUDGE: I need to hear from Mr Rapp, if there's  
9 anything that he needs to say, before we take a decision.

10:50:49 10 MR RAPP: Your Honours, if it please the Court, I don't  
11 want to engage in extensive argument here, and I don't think that  
12 would be welcomed to your Honours. But suffice it to say that,  
13 in our view, there is nothing that prevents the accused from  
14 being here today to listen to this opening statement, and if he  
10:51:13 15 had respect for this Court, that is where he would be.

16 I would note additionally that under your Honours' order of  
17 25 May 2007, the decision which approved our second amended  
18 indictment which made a small change to count 5, your Honours  
19 ordered that the accused enter a plea to count 5 on 4 June 2007  
10:51:38 20 before the opening statement of the Prosecution. It is not for  
21 him to decide whether he will enter a plea in this case.

22 Certainly we do not want to delay this opening statement by  
23 requiring that he be brought down here to enter that plea before  
24 we begin. But it is consistent, of course, with the practice of  
10:52:04 25 this Court and all other international courts that that can be  
26 done and has been done.

27 Without getting into great detail, the Prosecution believes  
28 very strongly in equality of arms. It believes that the Registry  
29 and the other organs of this tribunal have striven mightily in

1 that direction; that Mr Taylor has been provided a counsel, a  
2 co-counsel, two legal assistants who are lawyers, an  
3 international investigator, a national investigator. They may  
4 not be here today. Currently there is a question about replacing  
10:52:40 5 the co-counsel with another attorney. Everyone is aware of the  
6 progress on that matter and it involves nothing that's the  
7 responsibility of this Court but rather a question of that  
8 individual representing another accused and that other accused's  
9 willingness to let that attorney come to Mr Taylor's side.  
10:52:58 10 Everything that can be done is being done.

11 And we would note additionally that, your Honours, in  
12 regard to that issue of the camera, which was not a camera that  
13 monitored the sounds but only a security camera, that 20 days of  
14 additional time was provided --

10:53:00 15 PRESIDING JUDGE: Excuse me. Please stop. Something has  
16 happened to our channels. We are now hearing the Krio instead of  
17 the English. I don't know what's going on.

18 [Trial Chamber and court officer confer]

19 PRESIDING JUDGE: Sorry, Mr Rapp. Apparently the  
10:53:54 20 interpreter muddled with some buttons and switched off our  
21 channel. But the English channel is the 0 channel, so please  
22 continue.

23 MR RAPP: As your Honour is, I'm sure, aware in regard to  
24 the order of the President that that camera be removed and the  
10:54:08 25 fact that that caused an 18-day interruption after that order in  
26 consultations between Mr Taylor and his attorneys, your Honours  
27 provided a break after today, from the 5th of June to the 25th of  
28 June, 20 days, for a makeup to provide for preparation time to be  
29 ready for the first witness, the first time that Mr Taylor will,

1 in fact, need to be active in these proceedings.

2 So under these circumstances, I think the Court has done  
3 everything that it can do, everything consistent with equality of  
4 arms, to provide Mr Taylor with his fair opportunity, an  
10:54:51 5 opportunity that we in the Prosecution and all of us involved in  
6 the Special Court and international justice believe is sacred,  
7 and that is his opportunity to test the evidence that will be  
8 presented here, to cross-examine these witnesses and eventually  
9 to bring his witnesses from the four corners of the world to  
10:55:07 10 testify on his behalf. In that regard, his team has also been  
11 provided with offices in Freetown and in The Hague and in  
12 Monrovia and expenses to provide for their continuing  
13 investigation.

14 Now, your Honours, as far as how we progress today, it is,  
10:55:26 15 of course, something that is not unheard of in these  
16 international proceedings that accused decide not to come to  
17 court, and rather than force them to come and face the  
18 possibility of disruption of the proceedings, the rules and the  
19 practice provide that we continue with the proceedings.

10:55:45 20 Obviously, the rules also provide, as I think your Honours were  
21 approaching, for the counsel who is assigned to continue to  
22 represent the accused and to diligently make sure that the  
23 evidence presented by the Prosecution is tested and all legal and  
24 appropriate objections are raised.

10:56:08 25 So it's our position that today these proceedings can  
26 continue; however, that Mr Taylor needs to be brought as soon as  
27 possible here to fulfil a legal obligation, a pleading to this  
28 fifth count. I think, as I will submit in my opening statement -  
29 and perhaps I should defer comment until that point - but it is,

1 of course, part of our position that Mr Taylor ignored the  
2 profound suffering that the execution of his plan visited and  
3 rained down on the people of Sierra Leone, and as he ignored the  
4 suffering that he caused today, he also wishes to ignore the  
10:56:47 5 presentation of the evidence of the crimes that he committed.  
6 Thank you.

7 PRESIDING JUDGE: Mr Khan, a brief reply, please.

8 MR KHAN: Your Honour, I do note, and I think it's only  
9 right and proper to say, of course my learned friend has a right  
10:57:04 10 to respond and I note your Honours did him the great courtesy of  
11 allowing him to respond without interruption. I hope the same  
12 courtesy is extended to me.

13 Your Honour, Mr Rapp, my learned friend, has sought to  
14 respond to the letter of Mr Taylor. The submission in response  
10:57:31 15 is replete with inaccuracies.

16 PRESIDING JUDGE: Mr Khan, Mr Rapp was responding to your  
17 submissions as you presented them. You're the one that read the  
18 letter.

19 MR KHAN: Well, your Honour, he was allowed to --

10:57:44 20 PRESIDING JUDGE: So please respond -- respond or reply,  
21 exercise your right of reply, appropriately.

22 MR KHAN: Your Honour, I will. Your Honour, I'm most  
23 grateful.

24 Your Honour, none of these issues are new. Mr Taylor was  
10:57:57 25 transferred in June 2006 and the Defence have been round the  
26 houses - and the accused knows this, has been fully kept  
27 informed - to the President, to the Trial Chamber, to the  
28 Registry, complaining from the get-go, from the first  
29 opportunity, that there had been lamentable resources and that

1 this Registry in The Hague is not, frankly put, fit for purpose.  
2 Whether it's teething trouble that Mr Registrar referred to or  
3 severe toothache is perhaps a matter for conjecture. But what is  
4 clear is that from July until March -- June until March, the  
10:58:38 5 Defence of Mr Taylor will work in cafes and restaurants because  
6 the Registry had failed to perform its function.

7 In December 2006, the 15th of December, we sent a letter to  
8 the Prosecution -- well, to the Registrar, only copying the Trial  
9 Chamber, in which we complained of these issues.

10:58:57 10 PRESIDING JUDGE: Mr Khan, I'm sorry. I'm sorry to pull  
11 you up again. This is not a reply.

12 MR KHAN: Your Honour --

13 PRESIDING JUDGE: A reply is a response to some of the  
14 issues that Mr Rapp has raised. It's not an opportunity to raise  
10:59:08 15 new additional matters.

16 MR KHAN: Of course. Of course, your Honour.

17 PRESIDING JUDGE: So please confine yourself.

18 MR KHAN: Of course. Your Honour, my learned friend was  
19 purporting to state that everything was hunky-dory, everything  
10:59:21 20 was dandy, perfect, as far as the facilities of the Defence. My  
21 learned friend is one that opened the door and said that we have  
22 a local investigator and we have an international investigator  
23 and the Court's done everything it can. But Principal Defender  
24 is not a whining Defence lawyer, your Honour. The Principal  
10:59:45 25 Defender, who is charged as the most senior official of the  
26 Court -- in the Registry with the legal aid and charged with the  
27 responsibility for giving adequate facilities and resources, has  
28 said he is being hampered in fulfilling his mandate. That is a  
29 matter that, in my respectful submission, should give any

1 reasonable court pause for thought. It's a matter, in my  
2 respectful submission --

11:00:15 3 PRESIDING JUDGE: Mr Khan, could you perhaps tell the  
4 Court, what is the current team, the composition of your current  
5 team?

6 MR KHAN: Your Honour, I'm the only counsel of record. I  
7 have two legal assistants. I have a pro bono -- two legal  
8 assistants: One of two years' call; one not called at all. I  
9 have a pro bono legal assistant who's working part time in  
11:00:36 10 Liberia.

11 PRESIDING JUDGE: Is that it? You don't have an  
12 investigator?

13 MR KHAN: I have an international investigator who was  
14 appointed in March 2007. I have a local Liberian investigator  
11:00:47 15 who was given a contract in May - in May - 2007. Your Honour,  
16 those investigators are contracted separately to the Office of  
17 the Principal Defender.

18 Your Honour, my learned friend trespassed, in my respectful  
19 submission, and it was interesting, of course, to hear what no  
11:01:13 20 doubt will be a riveting opening, but the hyperbole that he  
21 displayed I think was inappropriate given the focus of my initial  
22 submissions.

23 The accused cannot be compelled, in my respectful  
24 submission, to attend court against his will. Not-guilty pleas  
11:01:30 25 have been put; not-guilty pleas remain in relation to all counts  
26 of the indictment. Under the rules, my learned friend is well  
27 aware that if an accused stays mute, if an accused, for whatever  
28 reason, is disruptive or is removed from court, not-guilty pleas  
29 will be entered.

1           So, your Honours, there's no reason to delay proceedings.  
2           I don't seek to delay matters. My learned friend can proceed,  
3           with your Honours' leave, to give an opening speech. I think the  
4           matter is straightforward given the client's letter and his  
11:02:03 5           letter to the Registrar.

6           PRESIDING JUDGE: Thank you, Mr Khan.

7           MR KHAN: I'm grateful.

8           PRESIDING JUDGE: Please be seated.

9           [Trial Chamber confers]

11:04:05 10           PRESIDING JUDGE: Okay. This is what the Court has to say  
11           in respect of these developments:

12           Having heard the submissions of Mr Khan on behalf of  
13           Mr Taylor and the submissions of Mr Rapp on behalf of the  
14           Prosecution, the Trial Chamber is of the view that section 60 --  
11:04:28 15           sorry, Rule 60 of the rules is applicable. The rule says as  
16           follows:

17           "An accused may not be tried in his absence, unless:

18           (i) the accused has made his initial appearance, has been  
19           afforded the right to appear at his own trial, but refuses so to  
11:04:50 20           do; or

21           (ii) the accused, having made his initial appearance, is at  
22           large and refuses to appear in court.

23           (B) In either case the accused may be represented by  
24           counsel of his choice, or as directed by a Judge or Trial  
11:05:09 25           Chamber. The matter may be permitted to proceed if the Judge or  
26           Trial Chamber is satisfied that the accused has, expressly or  
27           impliedly, waived his right to be present."

28           It is the view of the Chamber that in this case, pursuant  
29           to Rule 60(A)(i) and 60(B), the accused is deemed to have waived

1 his right to attend -- to be present. We have heard the reasons  
2 given and his purported withdrawal of instructions from Mr Khan.  
3 However, we are directing Mr Khan, for the duration of these  
4 proceedings, to represent -- today, to represent Mr Taylor, to  
11:06:05 5 continue representing Mr Taylor as of today.

6 The other matters that have been raised, in our opinion,  
7 have at one time or another before today been addressed by this  
8 Chamber. The Chamber has tried its best to deal expeditiously  
9 with every issue that has arisen - the issue of the camera, the  
11:06:27 10 issue of adequate time, the issue of adequate facilities, et  
11 cetera. That is not to say that the issues raised by Mr Taylor  
12 as of now and the failure of the Defence -- Principal Defender to  
13 link up with him are not valid. These are matters that would be  
14 addressed, of course, by the Registry. But for today we would  
11:06:50 15 wish these proceedings to continue with the opening statements.  
16 These matters will be handled appropriately later. As of today  
17 we direct that Mr Khan continue to represent Mr Taylor who has  
18 absented himself voluntarily.

19 With that ruling, that is, the ruling of the Chamber,  
11:07:11 20 pursuant to Rule 60(B) of the Rules of Procedure and Evidence,  
21 the opening of this trial will commence, will continue, and I  
22 will ask Mr Rapp to start with his opening statement.

23 MR KHAN: Your Honour, I do apologise, and I do apologise  
24 to my learned friend. Your Honour, I must, with respect --

11:07:34 25 PRESIDING JUDGE: Mr Khan, would you care to ask for  
26 permission before you run off with whatever submission? I have  
27 called upon the Prosecutor to stand up.

28 MR KHAN: Indeed.

29 PRESIDING JUDGE: If you have anything to say, to

1 interrupt, you need to ask our permission.

2 MR KHAN: Your Honour, I hadn't even said four words. I  
3 was about to say, with respect, I must ask to interject. Your  
4 Honour cut me off. It simply was not possible.

11:08:00 5 PRESIDING JUDGE: Yes, because you're running off.

6 MR KHAN: Well, your Honour, no. But with respect I would  
7 ask leave --

8 PRESIDING JUDGE: Why do you need to interrupt?

9 MR KHAN: Your Honour, Article 18 of my Code of Conduct  
11:08:10 10 before the Special Court for Sierra Leone makes it patently  
11 clear, in my respectful submission -- and, your Honour, perhaps  
12 I'll pause until your Honours get it to hand. It's Article  
13 18(A). Do your Honours have it to hand? Well, your Honours,  
14 perhaps I can read it.

11:08:30 15 "Subject to subparagraph (B), Defence shall not" - it's  
16 mandatory, your Honours, it's mandatory - "Defence counsel shall  
17 not represent a client if Defence counsel's representation is (i)  
18 terminated by the client."

19 It's very clear, your Honour. Your Honour, the only  
11:08:50 20 caveat, in my respectful submission, is 19(D). And 19D says, if  
21 your Honour would allow me to read, 19(D) says:

22 "If representation by Defence counsel is to be terminated  
23 or withdrawn" - of course there is a distinction - "unless  
24 otherwise ordered by a Chamber, such termination or withdrawal  
11:09:16 25 shall not take effect until" - this is the caveat - "until a  
26 replacement Defence counsel is engaged by the client or assigned  
27 by the Principal Defender, or" - and this is critical, in my  
28 submission - "or the client has notified the Registrar in writing  
29 of his intention to conduct his own defence."

1 Your Honour, Mr Taylor has complied with this rule and has  
2 given in writing a notice to the Registrar in which he has  
3 terminated by representation and is representing himself. Under  
4 the clear language, by the plain language of Article 18 of the  
11:09:52 5 Code of Conduct, I am terminated as far as legal counsel is  
6 concerned. Your Honours, I view that, in fulfillment of my own  
7 professional responsibilities, as completely non-negotiable and a  
8 primary duty from which I am not able to reconcile -- resile  
9 from.

11:10:17 10 PRESIDING JUDGE: Mr Khan, as far as we're concerned, first  
11 of all, this letter you intend to file -- I don't think you have  
12 filed it. It has not arrived yet --

13 MR KHAN: Your Honour, I do apologise. I didn't hear that.

14 PRESIDING JUDGE: If you would wear your earmuffs, you  
11:10:36 15 would hear.

16 MR KHAN: Your Honour, I was talking to your court usher.  
17 I think the earphones had to come off anyway.

18 PRESIDING JUDGE: What I'm saying is this letter you're  
19 referring to that you read in court has not been filed, as far as  
11:10:49 20 we're concerned.

21 MR KHAN: Your Honour, it's been served on the Registrar  
22 today in person, in front of the full attention --

23 PRESIDING JUDGE: I see. And he has not had an opportunity  
24 to read it, nor has anyone had an opportunity to think of  
11:10:56 25 replacing. Now, that aside, your Code of Conduct cannot override  
26 a court order which I just made a few minutes ago. As far as  
27 we're concerned, you're still assigned counsel by direction of  
28 this Trial Chamber.

29 MR KHAN: With the greatest of respect, your Honour,

1 counsel is not hired help.

2 PRESIDING JUDGE: Mr Khan, I do not know how to say this so  
3 that you may understand. You are directed to represent Mr Khan  
4 for today -- sorry, to represent Mr Taylor. I beg your pardon.

11:11:53 5 Additionally, Mr Khan, it's been brought to my attention,  
6 if you look at Rule 45(D) of the rules of the Special Court.  
7 Rule 45(D). I do not know if you have a copy handy.

8 "Any request for replacement of an assigned counsel shall  
9 be made to the Principal Defender. Under exceptional  
11:12:23 10 circumstances, the request may be made to a Chamber upon good  
11 cause being shown and after having been satisfied that the  
12 request is not designed to delay the proceedings."

13 Now, in our opinion, this rule overrides anything, any  
14 attempt by you to step down or any attempt by Mr Taylor to  
11:12:50 15 otherwise disable you from representing him today, in light of  
16 the order that we have just made. Therefore, I will repeat and  
17 emphasize that you are directed to represent Mr Taylor throughout  
18 the opening statement today.

19 MR KHAN: Your Honour, with your leave, perhaps, as Rule 45  
11:13:09 20 has simply been mentioned for the first time, I may be permitted  
21 your indulgence to say a few words in response.

22 PRESIDING JUDGE: No, I have not permitted you. There's  
23 nothing to respond to a court order.

24 MR KHAN: Your Honour, it's only fair that when an issue of  
11:13:22 25 law is raised for the first time, natural justice, which  
26 must form all your decisions --

27 PRESIDING JUDGE: It is not an issue of law raised. It's a  
28 court directive.

29 MR KHAN: Your Honour, it's the interpretation of Rule 45

1 and if it's just been brought to your attention --

2 PRESIDING JUDGE: Mr Khan, you are verging on contempt of  
3 court. You are verging on contempt of court.

4 MR KHAN: Well, your Honour, before that happens, perhaps

11:13:42 5 let me refer to Lord Brougham and his --

6 PRESIDING JUDGE: You do not need to refer me to anything.

7 MR KHAN: Well, your Honour, I have. I am in a very  
8 difficult position.

9 PRESIDING JUDGE: Please, please, please. Would you please  
11:13:53 10 sit. Take your seat.

11 MR KHAN: Your Honour, I'm not able to continue  
12 representation. Your Honour, I'd consider it an --

13 PRESIDING JUDGE: Please take your seat.

14 MR KHAN: -- extremely serious matter. Your Honour has  
11:14:00 15 raised the spectacle of counsel, a member of the English and  
16 Pakistan Bar, being cited for contempt. This is not a matter to  
17 be taken lightly or to be brushed under the carpet.

18 PRESIDING JUDGE: Of course not, Mr Khan. Of course not  
19 and I said you are verging.

11:14:12 20 MR KHAN: Either it's a vain threat --

21 PRESIDING JUDGE: You are verging, you are verging on  
22 contempt because you keep arguing after I've handed down a  
23 directive.

24 MR KHAN: Your Honour, there is a pressure point between a  
11:14:28 25 counsel's duty to a client and the duty to the rest of the world.  
26 Lord Brougham states, and it's cited by the Appeals Chamber --

27 PRESIDING JUDGE: Mr Khan, we really don't need a lecture.

28 MR KHAN: Your Honour, I do not --

29 PRESIDING JUDGE: We don't need a lecture to do our job.

1 What you probably need to do is to have some respect for the  
2 directives of this Court. That's what you need to do. If you  
3 would kindly take your seat, sanity will return to this court.

4 MR KHAN: Your Honour, in my submission, sanity has not  
11:15:00 5 left it for a moment.

6 PRESIDING JUDGE: Then please do take your seat.

7 MR KHAN: Your Honour, I will if that is your final word.

8 PRESIDING JUDGE: Yes, it is my final word.

9 MR KHAN: Your Honour, may it --

11:15:07 10 PRESIDING JUDGE: Please take your seat.

11 MR KHAN: Your Honour, I'm no longer represented and I'm  
12 not engaged for today's proceeding.

13 PRESIDING JUDGE: Mr Khan, please take your seat.

14 MR KHAN: Your Honour, does your Honour wish to assign  
11:15:19 15 independent counsel to advise me of the possibility of contempt?

16 PRESIDING JUDGE: Mr Khan, please take your seat. Please  
17 take your seat.

18 MR KHAN: Your Honour, I would ask for independent counsel  
19 to advise me on the possibility of contempt. Under the Bar Code  
11:15:32 20 of Conduct --

21 PRESIDING JUDGE: Mr Khan, if you would sit down, we would  
22 find a way forward.

23 MR KHAN: Your Honour, under the Bar Code of Conduct, under  
24 the Bar Counsel Code of Conduct --

11:15:37 25 PRESIDING JUDGE: Mr Khan, could you please take your seat.

26 MR KHAN: -- I may not continue to represent an accused.

27 JUDGE LUSSICK: Mr Khan, you are very well aware that you  
28 haven't been charged with anything yet. Now, you've been  
29 politely asked to sit down. Sit down please.

1 MR KHAN: Your Honour, I will do that, as long as it's  
2 clear for the record I am not instructed today. And your Honour  
3 has not heard proper submissions on the issue.

11:16:07

4 PRESIDING JUDGE: Mr Rapp, could you please proceed with  
5 your opening statement.

6 MR RAPP: Madam President, your Honours, may it please the  
7 Court.

11:16:33

8 I rise to begin the opening statement of the Prosecution in  
9 the case against the accused, and I will be joined in this  
10 presentation by my learned colleague, Mohamed Bangura. In my  
11 part I will provide a general outline of our case, stating what  
12 we believe the evidence will show about the pattern of conduct  
13 which we allege the accused is responsible, and to explain how  
14 that alleged conduct was criminal under our Statute as charged in  
15 the second amended indictment.

11:16:55

16 In rising, I first want to state my appreciation to our  
17 host, the International Criminal Court --

11:17:17

18 PRESIDING JUDGE: Mr Khan, you have not been given leave to  
19 withdraw. You don't just get up and waltz out of here. You have  
20 not been permitted to leave.

21 MR KHAN: Your Honour, I had asked for time --

22 PRESIDING JUDGE: If you do, you will verge on contempt.

23 MR KHAN: Your Honour, I formally asked for counsel to  
24 advise me on the law of contempt. There is a breach --

11:17:31

25 PRESIDING JUDGE: Contempt proceedings have not arisen,  
26 Mr Khan. We are dealing with opening statements. There is a  
27 directive of this Court asking you to sit down and to represent  
28 your client, which you apparently have defied, and now you are  
29 walking out with further defiance, without leave. You are

1 withdrawing from the Court without leave. Now you're really  
2 verging on contempt.

3 MR KHAN: Your Honour, it's immensely regrettable --

11:17:57

4 PRESIDING JUDGE: You are disturbing the opening statements  
5 because you're walking out --

6 MR KHAN: Your Honour, it's immensely regrettable --

7 PRESIDING JUDGE: If that's the decision you've taken, so  
8 be it.

11:18:06

9 MR KHAN: Your Honour, there are two aspects only that I  
10 can lean on. I have sought to lean on authority, given that I'm  
11 in a position of huge disability and huge disadvantage --

12 PRESIDING JUDGE: Mr Khan, what you have done is you've  
13 chosen to disobey a directive of the Court and you have walked  
14 out.

11:18:20

15 MR KHAN: Your Honour --

16 PRESIDING JUDGE: If you choose to do that, do so.

17 MR KHAN: Your Honour, I am no longer instructed in this  
18 case. You have the letter from --

11:18:30

19 PRESIDING JUDGE: Of course you are no longer instructed.  
20 You are directed by the Trial Chamber. That's the difference.

21 MR KHAN: Your Honour, with the greatest of respect, I am  
22 privy to my -- I'm not an amicus, like Milosevic, that's then  
23 become court-appointed. I'm privy. I'm in a different position,  
24 your Honour. With the greatest of respect, I'm trying not to be  
25 difficult; I'm trying to be principled. Your Honour, I'm privy  
26 to the instructions of my client, and the reason I was seeking to  
27 lean on Lord Brougham was that Lord Brougham, in the Caroline's  
28 case --

11:18:47

29 PRESIDING JUDGE: Mr Khan, if you are not inclined to obey

1 the directive of the Court, make it abundantly clear by walking  
2 out --

3 MR KHAN: Your Honour --

4 PRESIDING JUDGE: -- if that's what you plan to do.

11:19:07 5 MR KHAN: Your Honour, I must. I do apologise.

6 PRESIDING JUDGE: Mr Jalloh, you are duty counsel.

7 MR JALLOH: Yes, your Honour.

8 MR KHAN: Your Honour, I do apologise to the Court and to  
9 my learned friends for the disruption.

11:19:32 10 PRESIDING JUDGE: You are now directed to take charge of  
11 Mr Taylor's case throughout these opening statements.

12 MR JALLOH: I'm most obliged, your Honour.

13 [Mr Khan withdrew from court]

14 PRESIDING JUDGE: Mr Rapp, I apologise for the  
11:19:58 15 interruption. Please continue.

16 MR RAPP: Thank you, your Honours.

17 In rising, I also wanted to state my appreciation to our  
18 hosts, the International Criminal Court and the Government and  
19 the people of the Netherlands. I also want to recognize all of  
11:20:15 20 those who have worked at the Special Court both at the present  
21 and in the past to bring us to this day. In that regard I would  
22 like to take special note of the presence today in the gallery of  
23 my predecessors as prosecutors of the Special Court, David Crane  
24 and Sir Desmond de Silva, and the first Registrar of the Court,  
11:20:35 25 Mr Robin Vincent.

26 This morning we also received news that resonated with all  
27 of us who have worked at the Special Court and with the citizens  
28 of Freetown. One of the ancient helicopters that provides  
29 transport across the wide estuary, the Sierra Leone River, fell

1 from the sky at Lungi Airport, killing more than 20 passengers.  
2 All of us I'm sure have taken that helicopter, as have many  
3 citizens of Freetown and of Sierra Leone, and our thoughts and  
4 prayers are with the families and loved ones of those who  
11:21:13 5 perished.

6 During this trial, as I've submitted in our discussions  
7 already this morning, the Prosecutor will seek at all times to  
8 ensure that it embodies the fundamental principles of fairness,  
9 due process and justice that, along with the other trials at the  
11:21:34 10 Special Court, will help ensure a future respect for law and the  
11 maintenance of a just and peaceful and safe society. In that  
12 regard we understand that justice is a system that we must all  
13 obey and that no individual is above the law and can be in a  
14 position to walk away from the system of justice.

11:22:05 15 We acknowledge at the outset of this important judicial  
16 exercise the responsibility of the Prosecutor to bear the very  
17 heavy burden - and that is part of the reason why sometimes  
18 prosecution assets or resources or staff at various times are  
19 greater than those of the Defence - because it has the burden of  
11:22:29 20 proving the charges against the accused in an indictment beyond a  
21 reasonable doubt, a very heavy burden but a burden that preserves  
22 and protects the rights of the innocent.

23 With my learned colleague, we will, of course, be  
24 presenting an opening that is not evidence. Rather, it is a  
11:22:55 25 preview of the evidence that we will lead against the accused and  
26 which may eventually be weighed by your Honours in your final  
27 deliberations. Of course, if there is a conflict between what is  
28 said here today and what is eventually admitted to evidence,  
29 whether from witnesses or in documents, it is of course the

1 admitted evidence that you will exclusively consider.

2 As your Honours are well aware, this Special Court has  
3 jurisdiction over crimes committed after 30 November 1996, and  
4 because many of these were war crimes, the indictments have  
11:23:37 5 generally limited the focus to the period before 18 January 2002  
6 when President Kabbah declared the war at an end in Sierra Leone.  
7 However, there are events outside this timeframe that must be  
8 described in order to understand the suffering visited on the  
9 people of Sierra Leone during this period.

11:24:02 10 It is, above all else, that we are seeking justice for the  
11 people of Sierra Leone that we are all here today.

12 How are we to grasp what happened in Sierra Leone? The  
13 world, I think, knows only part of the story. A small West  
14 Africa nation on the Atlantic Ocean. From it, in the late 1990s,  
11:24:29 15 came images in the media of some of the ugliest scenes of  
16 viciousness in recent memory. Human beings, young and old,  
17 mutilated. Rebels chopping off arms and legs, gouging out eyes,  
18 chopping at ears. Girls and women enslaved and sexually  
19 violated. Children committing some of the most awful crimes.

11:24:52 20 The exploitation of the resources of Sierra Leone used not for  
21 the benefit of its citizens but to maim and kill its citizens.  
22 The very worst that human beings are capable of doing to one  
23 another.

24 For those of us who were not there, it is almost  
11:25:11 25 impossible, I think, to comprehend the horrors suffered by the  
26 people of this small country.

27 How did it happen? Sierra Leone has not been without its  
28 problems, and by the early 1990s its citizens had grievances  
29 against the government in place. But the country had also had

1 many successes and had been a land of near constant peace. Its  
2 capital, Freetown, where the seat of the Court is based, was  
3 named for the freed slaves who settled it. It was the site of  
4 the first English-speaking university in Africa established  
11:25:48 5 almost two centuries ago. The city would come to be described by  
6 domestic and foreign observers alike as "the Athens of Africa."  
7 There was not a history of ethnic hatred or religious conflict.  
8 There were not the ancient rivalries that one often sees where  
9 great atrocities have been committed.

11:26:12 10 One of our early witnesses that you will soon see in this  
11 courtroom, who himself saw hundreds of victims, will offer  
12 evidence of his observations and those observations have been  
13 contained in statements disclosed to the Defence many months ago.  
14 And he said in those statements, and we believe he will say in  
11:26:35 15 this Court, he saw no animosity between Sierra Leoneans. He  
16 simply could not understand it. There had not been conflict  
17 between tribes or religious groups. There had been nothing. He  
18 wondered how it could be called a war between groups. In his  
19 view, it was a case of terror being rained down on the people of  
11:27:00 20 Sierra Leone.

21 How does one understand the occurrence of such a rain of  
22 terror? The Defence has provided a pre-trial brief asserting the  
23 non-involvement of the accused, best summed up by learned counsel  
24 who has now absented himself in the public quotation, his public  
11:27:23 25 quotation to the press of a line from Shakespeare's Julius  
26 Caesar. "The fault ... lies not in the stars, but in ourselves."  
27 And from his explanation, it's clear that the accused is the  
28 star, the absent star today, without fault. The "ourselves" who  
29 bear the blame and the true responsibility for the horrors

1 visited upon Sierra Leone are apparently Sierra Leoneans  
2 themselves. The savagery experienced was evidently a part of a  
3 national predisposition dormant for many years and then set off  
4 without external catalyst. In short, Sierra Leone has only  
11:28:07 5 itself to blame.

6 That is not the view of the Prosecution and it is not what  
7 the evidence will show.

8 The witnesses that we will call and the documents that we  
9 will present will prove that the accused is responsible for the  
11:28:26 10 development and execution of a plan that caused the death and  
11 destruction in Sierra Leone. That plan, formulated by the  
12 accused and others, was to take political and physical control of  
13 Sierra Leone in order to exploit its abundant natural resources  
14 and to establish a friendly or subordinate government there to  
11:28:47 15 facilitate that exploitation.

16 Your Honours will hear in this address that within that  
17 overall plan there were, of course, sub-plans and strategies and  
18 operations, and the execution of that plan, of course, changed  
19 and varied in its tactics due to the unfolding of events and the  
11:29:06 20 resistance that it faced. The parties, however, to that plan  
21 engaged in a multitude of activities designed to ensure its  
22 fulfillment.

23 The evidence will show that the accused's involvement in  
24 the crimes alleged in the indictment took a variety of forms -  
11:29:26 25 committing acts, planning, instigating, ordering, aiding and  
26 abetting, all in the commission of the alleged crimes, and  
27 otherwise participating in the execution of a common plan, design  
28 or purpose, what in some courts is referred to as a joint  
29 criminal enterprise. Additionally, we allege that he is

1 responsible because persons under his effective control committed  
2 the crimes for which he had knowledge or reason to know and he  
3 failed to prevent or punish their conduct.

4 The accused is indicted for 11 crimes under the Statute of  
11:30:06 5 the Special Court for Sierra Leone, a Statute drawn from  
6 international humanitarian law as it existed as of 1996. The  
7 counts in the indictment are five for crimes against humanity,  
8 those specific crimes being murder, rape, sexual slavery,  
9 enslavement for forced labour, and inhumane acts against the  
11:30:35 10 civilian population of Sierra Leone. Five are war crimes under  
11 the Geneva Conventions and their Additional Protocol, those being  
12 terrorism against the civilian population of Sierra Leone,  
13 killing, other physical violence, in particular cruel treatment,  
14 outrages upon personal dignity and pillage, the looting of  
11:31:00 15 civilian property. And finally one count, a war crime, of other  
16 serious violations of international humanitarian law, being the  
17 conscription or enlisting of children under the age of 15 into  
18 armed forces or groups for their use to participate actively in  
19 hostilities.

11:31:20 20 The Prosecution alleges that these crimes occurred in  
21 Sierra Leone between 30 November 1996 and 18 January 2002.

22 It is, in fact, one over-arching crime, in the view of the  
23 Prosecution, and that crime is in and of itself a war crime, the  
24 crime of terrorism. But it was also committed through violent  
11:31:47 25 acts that are, in this context, also crimes themselves under  
26 international law. These component crimes included killing;  
27 cruel and physical violence, such as mutilations; the sexual  
28 assaults, such as rape, sexual slavery and other outrages; the  
29 enslavement for forced labour; the recruitment and combat use of

1 children; the burning that killed and maimed human beings; and  
2 together with looting and pillage that deprived them of all that  
3 they had built.

4 As we will explain in greater detail, they are crimes  
11:32:25 5 against international humanitarian law, as enshrined in our  
6 Statute. Some are charged -- some acts charge both as crimes  
7 against humanity and as war crimes, if that's permitted under our  
8 Statute; some charged as one or the other based upon their  
9 connection to the armed conflict and because they were committed  
11:32:46 10 as part of a widespread or systematic attack against a civilian  
11 population.

12 We are talking about all of this that was done in the  
13 implementation of a common plan, a common plan that necessarily  
14 involved as part of the plan, design or purpose, the commission  
11:33:11 15 of these criminal acts, but in any case a plan that necessarily  
16 involved these acts as foreseeable consequences.

17 From its inception, the accused and the other participants  
18 in the common plan used criminal means to achieve and hold  
19 political power and physical control over the civilian population  
11:33:34 20 of Sierra Leone. These criminal means involved the campaign of  
21 terror waged against the civilian population of Sierra Leone that  
22 I have described. The crimes identified in the indictment also  
23 were involved in the criminal plan and were the natural and  
24 foreseeable consequences of it. As one of the members of the  
11:33:55 25 common criminal plan, the accused was fully aware of the horrific  
26 consequences that its implementation would visit on the civilian  
27 population of Sierra Leone and did nothing to stop them or to  
28 prevent or punish these crimes, and indeed continued to act in  
29 ways that caused or aided their commission.

1           It's important to note, as we begin this address, that  
2 Sierra Leone is located in a region where borders exist only on  
3 paper. These lines were drawn during the colonial period and do  
4 not follow ethnic or linguistic groupings. Many in up-country  
11:34:36 5 border areas have closer relations to people across the borders  
6 than to those in their capital cities. Sierra Leone is divided  
7 into 12 districts, plus the Western Area that includes the  
8 capital Freetown. Liberia is divided into 15 counties and its  
9 capital Monrovia.

11:34:56 10           Our amended indictment focuses on six districts or areas in  
11 Sierra Leone, and particularly significant in the indictment are  
12 the areas where the diamond resources are found, in Kono and  
13 Kenema Districts. Specifically in Kono, there are diamond fields  
14 in Koidu and Tombudu and Yengema. In the Kenema District,  
11:35:20 15 there's the Tongo Fields, and among those fields and in those  
16 fields is the so-called Cyborg Pit.

17           Very significant and often mentioned in our indictment is  
18 the Kailahun District, and as I'm sure you've seen the map, you  
19 know that Kailahun is on a distant arm of Sierra Leone, in the  
11:35:44 20 far east and north, adjacent to Lofa County, also a county far  
21 distant from the capital city of Liberia, Monrovia. According to  
22 our evidence, Kailahun District was a long-term corridor between  
23 Sierra Leone and Lofa County, with forces moving back and forth  
24 at will during much of the time that we are dealing with under  
11:36:13 25 the indictment.

26           To fully understand the crimes that we have described in  
27 the indictment and the central role that the accused had in the  
28 commission of them, it's important to look at the history and  
29 understand the major political events that led to the campaign of

1 terror against the civilian population of Sierra Leone.

2 As we have said, the jurisdiction of this Court is limited  
3 by the Statute to the crimes committed on the territory of Sierra  
4 Leone since 13 November 1996, and of course the crimes charged in  
11:36:50 5 this indictment were indeed committed between that date and the  
6 end of the Sierra Leone war on 18 January 2002. However, the  
7 planning and preparation of these crimes began long before 1996  
8 and critical acts which furthered the plan and led to the crimes  
9 often occurred far from the borders of Sierra Leone. The  
11:37:12 10 evidence will show that the accused's plan to control territory  
11 in Sierra Leone through a campaign of terror began at least in  
12 1991 when forces supported by him, including many of his own  
13 Liberian fighters of his force called the NPFL, or National  
14 Patriotic Front for Liberia, first invaded the territory of  
11:37:35 15 Sierra Leone in March 1991. But in some respects the planning  
16 and the preparation began even sooner.

17 To understand the accused's motivation and his links to  
18 other members of the common plan and the Revolutionary United  
19 Front rebels, the Liberian group, and the Armed Forces  
11:37:58 20 Revolutionary Council, the eventual allies of the RUF, a group of  
21 soldiers that took over the country in 1997 and lost it in 1998,  
22 one must examine evidence going back to the period before 1996  
23 and look at the international context in which the accused's  
24 intervention in Sierra Leone took place. It's also necessary to  
11:38:19 25 understand his own rise to power in Liberia and the ends to which  
26 he was prepared to go to achieve that power; his links to allies  
27 in the region and why he saw others as obstacles to his rule.

28 One cannot fully comprehend the accused's ability to  
29 influence and control forces in Sierra Leone without some

1 understanding of the uniquely personal nature of the accused's  
2 leadership of his armed forces, his political party and his  
3 government. The relationship often went far outside the *de jure*  
4 or formal chain of command. It ensured that these subordinates  
11:38:53 5 understood that the accused had the power and the will to reward  
6 those that assisted his plans and to punish or destroy those that  
7 displeased him. By the time the crimes charged in this  
8 indictment took place, the accused had well-established  
9 relationships with those on the ground in Sierra Leone who  
11:39:16 10 carried out the crimes. The RUF and its allies in Sierra Leone  
11 were clearly dependent on the accused and the individual  
12 commanders understood his power to reward or punish each and  
13 every one of them.

14 Moreover, many of the crimes committed by the rebel forces  
11:39:36 15 supported by the accused in Sierra Leone mirrored crimes that had  
16 been committed by the accused's forces in Liberia. The RUF  
17 trained and learnt war and methods of guerilla warfare in Liberia  
18 in camps with the forces of the accused, specifically his NPFL.  
19 An example is the recruitment of child soldiers. The rebel  
11:39:58 20 forces in Sierra Leone carried out wide-scale recruitment of  
21 children, as was done by the NPFL in Liberia, and organized and  
22 utilized these children in their military campaign against the  
23 civilian population of Sierra Leone in the same manner that they  
24 had been organized and utilized in Liberia. The most obvious  
11:40:18 25 proof that the crimes committed by the RUF and allied forces in  
26 Sierra Leone were foreseeable is the fact that very similar  
27 crimes were carried out by the NPFL in Liberia.

28 Further, the Prosecution submits that it will be essential  
29 for this Court to examine evidence of the accused's action after

1 the indictment period. The Prosecution will seek to introduce  
2 evidence of post-offence conduct, in particular the murders of  
3 men who were in the accused's inner circle and who were aware of  
4 the crimes perpetrated by the accused. The evidence will show  
11:40:52 5 that these men were eliminated so as not to expose the accused,  
6 which behaviour goes to the accused's consciousness of his  
7 criminal responsibility for the crimes in Sierra Leone that come  
8 under the jurisdiction of this Court.

9 Of course, the accused did not participate in this common  
11:41:10 10 plan alone. He was the leading individual but he worked closely  
11 and in concert with others in both Liberia and Sierra Leone to  
12 achieve the objectives of this enterprise.

13 In Liberia, the accused's key subordinates who were  
14 directly involved in the conflict in Sierra Leone for the  
11:41:31 15 relevant period I'll list now. But it's important to note that  
16 many of these individuals were leaders in the bush, so to speak,  
17 in the period between 1989 and 1997, when Taylor was the  
18 Commander-in-Chief of this National Patriotic Front for Liberia,  
19 the NPFL, but that thereafter when he became President and took  
11:41:53 20 over the Republic of Liberia in August of 1997, they gained  
21 formal positions directly under him in the government and  
22 military of that country.

23 Those key individuals include the following, here from  
24 Liberia:

11:42:09 25 Benjamin Yeaten, aka 50 or General 50, was the right-hand  
26 man of the accused. The only man that Yeaten took orders from  
27 was the accused. No one else. According to the evidence, this  
28 man was the director of the Liberian Security Service once Taylor  
29 was President, but was a chief subordinate prior to that time.

1 And throughout this period he was the principal liaison officer  
2 between the accused and his forces in Sierra Leone and involved  
3 in many aspects of their involvement and the accused's  
4 involvement in the Sierra Leone conflict.

11:42:48 5 Another Liberian is Ibrahim Bah, aka General Ibrahim or  
6 Balde. Ibrahim Bah was a Senegalese from the southern area of  
7 Cassamance and was part of the accused's trusted inner circle.  
8 While he had no formal title, he played a central role in  
9 directly setting up most of the arms and diamond transactions for  
11:43:16 10 the accused involving Sierra Leone.

11 A third individual whose name we will often hear, from  
12 Liberia as well, Daniel Tamba, sometimes referred to as simply  
13 Jungle. He was the bodyguard of Yeaten and the main liaison  
14 officer between those on the ground in Sierra Leone and Yeaten  
11:43:34 15 from 1997 onwards. Jungle was instrumental in the delivery of  
16 arms and ammunition to Sierra Leone and also the main provider of  
17 reports direct from Sierra Leone to the accused and Yeaten.  
18 Jungle's relationship with the RUF was based on links forged on  
19 the ground in Sierra Leone with many of the RUF prior to 1997.

11:43:56 20 The evidence will show that he was one of the individuals  
21 murdered in 2003 on the orders of the accused to prevent his  
22 turning against and exposing the accused.

23 A fourth individual of great importance from Liberia, Musa  
24 Sesay, or Musa Cisse. He served as the accused's Chief of  
11:44:20 25 Protocol and was instrumental in setting up arms deals outside of  
26 Liberia and Sierra Leone for arms to be used in the conflict, and  
27 was involved in many important meetings with RUF commanders from  
28 Sierra Leone.

29 Other Liberians who were under the direct command and

1 control of the accused and whose names will feature prominently  
2 in the supply of arms in Sierra Leone or in the use of RUF forces  
3 in Liberia's own civil war, a very important fact showing  
4 Taylor's control of the RUF, the fact that he could bring the RUF  
11:44:53 5 into Liberia to fight there when he needed them, were Sampson  
6 Weah, a member of the Liberian SSS bodyguard of Yeaten. Others  
7 who were commanders in the first circle of the military forces of  
8 the accused were Christopher Varmoh, sometimes referred to as  
9 Liberian Mosquito; Joe Tuah; Duopo Merkazon; and Roland Duoh.  
11:45:25 10 And then there was the accused's own son, Charles Taylor Jr., who  
11 was the first commander of the accused's anti-terrorist unit in  
12 1998.

13 From the Sierra Leone side, the senior leaders who operated  
14 under the accused's effective control and who were, in effect,  
11:45:42 15 his Sierra Leonean subordinates included Foday Sankoh, the  
16 founder and leader of the Revolutionary United Front, or RUF.  
17 It's our evidence that he agreed on and launched a common plan  
18 with the accused. He was a former comrade of arms of the accused  
19 who shared experiences stretching back to the days that they were  
11:46:03 20 together in training camps in North Africa. It's important to  
21 note that for long periods of time from 1996 to 1999 and again  
22 after May of 2000, Foday Sankoh was in prison; first in Nigeria  
23 on suspicion arms trafficking and later after the attacks on  
24 civilians near his home in Freetown in May of 2000. So the  
11:46:30 25 accused often dealt directly not with Sankoh but with other  
26 subordinates in the RUF and alliance structure.

27 The key one of those individuals is Sam Bockarie, aka  
28 Mosquito; as Sierra Leoneans would say in Krio, Maskita. He  
29 played the lead role, according to the evidence, in the link

1 between the accused and the RUF and eventually the RUF and AFRC  
2 alliance. He's an indictee, of course, of the Special Court in  
3 2003, and the evidence will show that he was murdered before he  
4 could be arrested in 2003 in Liberia, another of the individuals  
11:47:15 5 eliminated by the accused to prevent his turning against and  
6 exposing him.

7 Another individual is Issa Sesay, a Sierra Leonean.  
8 Between 1998 to 1999, he was Maskita Bockarie's deputy. He  
9 became interim leader of the RUF in 2000, continuing into 2001, a  
11:47:38 10 central link between the accused and the AFRC/RUF alliance. Of  
11 course an indictee of the Special Court on trial as we speak  
12 today in Freetown before Trial Chamber I.

13 Two other individuals also on trial in that same case:  
14 Morris Kallon and Augustine Gbao, high-ranking officers of the  
11:48:01 15 RUF, who, according to our evidence, played an important role in  
16 the link between the RUF/AFRC alliance and the accused.

17 Another individual is Dennis Mingo, aka Superman. This is  
18 an individual active in Sierra Leone but nonetheless a Liberian.  
19 He had been an NPFL commander under Taylor who had stayed on with  
11:48:27 20 the RUF from early on and became one of the highest commanders in  
21 the RUF. He played an important part in the link between these  
22 forces and was killed in 2001 under suspicious circumstances.

23 Another individual whose name is quite familiar to all  
24 citizens of Sierra Leone and to this Court is Johnny Paul Koroma,  
11:48:52 25 a Sierra Leonean, a former member of the Sierra Leone Army,  
26 chairman of the AFRC Junta or Junta as they called it in 1997 and  
27 1998, and during that time played an important role in the link  
28 between the accused and the AFRC and the alliance that it had  
29 formed during that regime of the RUF. He is, of course, an

1 indictee of the Special Court for Sierra Leone whose whereabouts  
2 remain unknown.

3 Now I will only carefully mention three other individuals.  
4 Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu,  
11:49:31 5 aka 55, because of course they are on trial before your Honours,  
6 and here today I will only say that in this trial we will present  
7 evidence to show that they played a role as well in the link  
8 between the accused and the AFRC/RUF alliance.

9 Finally, there is Eddie Kanneh, a Sierra Leonean, a former  
11:49:55 10 SLA officer who joined the RUF in 1998. It's our evidence that  
11 he was a main diamond man for the alliance in dealings with the  
12 accused, especially from 1998 onwards.

13 There will be other names for which you will become  
14 familiar during the course of this trial. Like the accused, each  
11:50:15 15 member of this criminal enterprise participated in and  
16 contributed to the execution of the common plan in different  
17 ways.

18 Your Honour, I think you may be approaching the button and  
19 perhaps we could look at a break at this time. It's a good point  
11:50:31 20 in my speech, your Honour.

21 PRESIDING JUDGE: Thank you, Mr Rapp. We're breaking a bit  
22 late, but we will take a 15-minute break. According to my watch,  
23 it's ten minutes to 12:00, so we will reconvene in 15 minutes'  
24 time at five minutes past 12:00.

11:50:53 25 [Recess taken at 11:50 a.m.]

26 [Upon resuming at 12:07 p.m.]

27 COURT OFFICER: All rise.

28 PRESIDING JUDGE: Please be seated.

29 Where is Defence counsel?

1 MR JALLOH: If I may, your Honour. I apologise. I was in  
2 the restroom facilities.

3 PRESIDING JUDGE: Mr Rapp, could you please continue with  
4 your opening statement.

12:08:27 5 MR RAPP: Your Honours, it's important, I believe, to make  
6 a review of the history, not all of the history but the relevant  
7 portions, of the execution of this plan, and it really begins, as  
8 we indicated, before 1991, before 1996, in 1988 or 1989, with the  
9 military training in North Africa of Charles Taylor and Foday  
12:08:55 10 Sankoh and other people who later became leaders of the RUF and  
11 NPFL.

12 A plan was there formulated by the accused and others to  
13 take over political and physical control of Sierra Leone in order  
14 to exploit its abundant natural resources and to establish a  
12:09:12 15 friendly or subordinate government there to permit -- to  
16 facilitate this exploitation. This was part of a larger strategy  
17 that included helping others militarily in their respective  
18 revolutions to take over their respective countries, and the  
19 first one was to be Liberia. For that there was created the  
12:09:32 20 National Patriotic Front of Liberia, the NPFL, and then of course  
21 there was the RUF, the Revolutionary United Front, created for  
22 Sierra Leone.

23 The agreement made by the accused and Sankoh was to begin,  
24 as I say, in Liberia with the help of Sankoh's forces, and  
12:09:54 25 Liberia would then be used as a base from which to move into  
26 Sierra Leone with the help of the forces of the accused. As  
27 we've indicated many times, access to Sierra Leone's abundant  
28 resources was a primary objective, but Sierra Leone would also be  
29 a source of manpower. And, as we've noted, the RUF and NPFL

1 personnel were at various times interchangeable, with the NPFL  
2 sometimes fighting in Sierra Leone and the RUF sometimes in  
3 Liberia and even elsewhere.

12:10:31 4 Some say that the RUF was fighting in Sierra Leone for a  
5 kind of national liberation, for the betterment of the people of  
6 that country. But we submit that the evidence will show that  
7 there was really only a thin veneer of ideology that masked the  
8 real motives of destruction and exploitation.

12:10:57 9 At the very end of 1989, the relevant events began to  
10 unfold in the region. On 24 December 1989, Christmas Eve, there  
11 was the beginning of the Liberian civil war with the attack of  
12 NPFL in Nimba County in Liberia from across the border in Ivory  
13 Coast. Help was provided even at this very early stage by RUF  
14 forces.

12:11:17 15 By August 1990, the Economic Community of West African  
16 States had deployed a peacekeeping force under the leadership of  
17 Nigeria and Ghana, known as ECOMOG, to enforce a cease-fire in  
18 Liberia, to establish stability in a way that would permit free  
19 elections to be conducted. Its deployment was opposed by the  
12:11:42 20 accused and he was soon in conflict with its forces. The then  
21 government of Sierra Leone, under President Momoh, was a  
22 contributing member of ECOMOG and allowed ECOMOG to be based on  
23 its territory.

12:12:02 24 But meanwhile the accused gained firm control over large  
25 parts of Liberia but not the capital city, and he was a regular  
26 guest of Robin White on BBC Radio.

27 On the 1st of November, 1990, he was interviewed by White,  
28 the broadcast of which you will hear in this courtroom as we  
29 intend to present it as an exhibit of evidence. But let me just

1 recount and read that broadcast, its transcript. You'll hear the  
2 voice of Charles Taylor.

3 "... I have had enough of the Sierra Leonean government  
4 permitting Nigerian aircraft to come out and kill my people. I'm  
12:12:41 5 saying that planes are taking off from bases at the international  
6 airport in Freetown at the end of the runway, that leave and they  
7 come and blow Liberian babies, women and old people away and my  
8 patience has run out in Momoh permitting this to happen from his  
9 territory."

12:13:04 10 To which White asks: "But how exactly do you propose to  
11 stop 2?"

12 Taylor responds: "It's anybody's guess. Maybe Momoh  
13 doesn't know, but he'll soon find out."

14 "Are you," asks White, "suggesting that you will go and  
12:13:26 15 attack Sierra Leone yourself?"

16 Taylor responds: "That's not what I'm saying, but it's for  
17 Momoh to determine."

18 It's also important to note during this 1989-1991 period  
19 that there was training in the areas of Liberia controlled by  
12:13:42 20 Sierra Leone -- controlled by Taylor of Sierra Leoneans at Camp  
21 Nama specifically, or Naama, outside Gbarnga in Bong County.  
22 Gbarnga had become Taylor's headquarters. That training was done  
23 mainly by NPFL Liberians as instructors. But in that training,  
24 certain individuals from Sierra Leone became known as the  
12:14:10 25 Vanguard. These included Issa Sesay, Morris Kallon, Augustine  
26 Gbao, leaders of the RUF during the 1990s and even into this  
27 century in Sierra Leone.

28 Of course, as could be expected from that radio broadcast  
29 and as could be expected as well from the plan that had been

1 developed to move next on Sierra Leone, on 23 March 1991, there  
2 was a cross-border attack on Bomaru town, the Upper Bambara  
3 Chiefdom, by NPFL forces, an attack from Liberia into Sierra  
4 Leone.

12:14:59 5 On 27 March 1991, a group of RUF and NPFL entered Kailahun  
6 District from Liberia through the town of Koindu in the north of  
7 the district.

8 On 28 March 1991, another RUF/NPFL crossed the Moa River  
9 forming the border between Liberia and Sierra Leone in the  
12:15:20 10 south-east part of the country. They immediately occupied Zimmi,  
11 the southern-most town on the road network in Pujehun District in  
12 the south of Sierra Leone.

13 Early in April 1991, the Liberians launched an attack on a  
14 full scale with their RUF allies, and by mid-April had joined  
12:15:37 15 their fronts in Sierra Leone.

16 The continuing role of the accused in that offensive is  
17 clearly shown by a letter that we will offer in evidence, a  
18 letter written by Foday Sankoh, the head of the RUF, to the  
19 accused on 5 May 1992 that will be offered in evidence, and that  
12:16:00 20 letter reads as follows:

21 "Dear Brother: I am thanking you very much for the  
22 brotherly help you are rendering me in my liberation  
23 struggle ..."

24 "I appreciate the five boxes of AK-47 rifle ammunition and  
12:16:16 25 ten boxes of RPG gun rockets which I should receive from you  
26 today ... I believe that what you have offered is still not  
27 enough to carry out the "Operation Capture Daru." So I'm asking  
28 you in the name of Almighty God to kindly increase the number of  
29 boxes of AK-47 ammunition to (20) twenty and that of the RPG

1 rockets to (12) twelve plus some berretta rounds. This will  
2 sustain me for some time while awaiting the long term supply that  
3 you have promised me."

12:17:00 4 In this period of 1991-1992, we see the total involvement  
5 of the NPFL under the accused in the war and its commission of  
6 massive atrocities against the people of Sierra Leone, atrocities  
7 that became so serious that the RUF in fact began to raise  
8 questions with the accused about the conduct of his men. But  
9 there was no punishment; there was no effort to stop that  
12:17:30 10 conduct, a pattern established then that we'll see revisited  
11 later. Instead, supplies kept coming from the accused in Liberia  
12 as he directed the war in Sierra Leone. In that conflict the RUF  
13 and NPFL gained ground in the first periods of the war, and in  
14 1992, for at least a brief period, took control of the diamond  
12:17:54 15 fields in Kono.

16 In that same period of 1991-1992, Ibrahim Bah created ties  
17 with the RUF - remember Mr Bah, a leading Liberian subordinate to  
18 the accused, a man from Senegal - created ties with the RUF, with  
19 Sankoh, on behalf of the accused and started to organize and set  
12:18:18 20 up arms shipments for the RUF from third countries. We saw  
21 regular shipments of arms and ammunition by trucks from the  
22 accused in Gbarnga, in Bong County in Liberia, his headquarters,  
23 to the RUF in Sierra Leone using that main road in Lofa County  
24 that goes into Kailahun in the north and east of Sierra Leone.

12:18:46 25 As we talk about these events before the temporal  
26 jurisdiction of this tribunal, of this Special Court, it must be  
27 remembered that these weapons do not dissolve or melt or go away;  
28 they stay in the country, they stay in Sierra Leone, and  
29 according to the evidence are used repeatedly in the conflicts

1 far beyond 1991 and 1992 and in the activities of the years to  
2 come.

3 In 1992 and 1993 the conflict continued in Sierra Leone,  
4 but on the Liberian side - and I know this all becomes confusing  
12:19:22 5 - a new force, ULIMO, the United Liberation Movement for  
6 Democracy in Liberia, comes into being to fight the accused and  
7 it leads a rebellion in Lofa County, this county bordering on  
8 Sierra Leone, against the forces of the NPFL, of the accused, and  
9 cuts the main road in the county where the arms and ammunitions  
12:19:47 10 had been going from Gbarnga to Sierra Leone. From that time  
11 until 1996 or 1997, no deliveries of arms and ammunitions from  
12 the accused to the RUF by trucks can take place. But the  
13 evidence will show that there are ongoing communications and  
14 movements of troops from the NPFL to RUF, from Liberia to Sierra  
12:20:10 15 Leone, and this continued using footpaths.

16 In 1992 and 1994, some RUF elements come into Liberia and  
17 fight alongside the NPFL and other armed groups that are also  
18 resisting the accused in Lofa County and elsewhere in attempts to  
19 re-supply -- to re-establish that supply line so that they can  
12:20:33 20 get their supplies from the accused in Liberia to their war in  
21 Sierra Leone.

22 In March 1994, as a result of the end of the accused's  
23 delivery of weapons to Sierra Leone, the RUF decides to change  
24 tactics and to retreat within the bush and do hit-and-run  
12:20:53 25 operations, and there's the creation of the base in Zogoda, in  
26 the Kambui Hills in Kenema District which will remain the RUF  
27 base until the end of 1996.

28 Sometime between 1993 and 1996, some NPFL troops are pushed  
29 by ULIMO out of Lofa County and retreat to RUF territories held

1 in Sierra Leone. They fight in Sierra Leone alongside the RUF  
2 until the accused becomes president in 1997. One of the Liberian  
3 commanders of these fighters was Daniel Tamba, this person called  
4 Jungle who we mentioned earlier, who because of his past links  
12:21:33 5 with the RUF becomes the main liaison officer with the accused  
6 between Liberia and Sierra Leone from 1997 onwards.

7 Without going into great detail, of course, there is an ebb  
8 and flow of this conflict in Sierra Leone, and in February and  
9 March 1996, Abdul Tejan Kabbah is elected President of Sierra  
12:21:59 10 Leone after two rounds of the presidential election. This  
11 polling is characterized by RUF violence to prevent public  
12 participation in the election. But after the election there is  
13 eventually a peace agreement signed at Abidjan in the Ivory Coast  
14 in November 1996 between the RUF and the Kabbah government.

12:22:18 15 However, less than six months after the Abidjan peace  
16 accord there's a coup d'état in Freetown with a group of soldiers  
17 of the Sierra Leone Army taking over the country, taking over the  
18 capital, overthrowing the elected government and establishing  
19 themselves as a Junta under the name Armed Forces Revolutionary  
12:22:45 20 Council, but immediately entering into an alliance with the RUF  
21 that many of the Sierra Leone Army officers had fought previously  
22 and referred to themselves as an AFRC/RUF Junta, and many of the  
23 leaders of the RUF become members of this Junta, or Junta,  
24 government.

12:23:05 25 Meanwhile, for Liberia there's a peace agreement signed at  
26 Abuja in Nigeria which will pave the way for elections in which  
27 the accused is elected President of the Republic of Liberia in  
28 July of 1997.

29 Back in Sierra Leone, the AFRC/RUF Junta is not recognized

1 by the international community and is soon in conflict with the  
2 ECOMOG forces and a Civil Defence Force that fights in support of  
3 the elected government of Sierra Leone.

4 In July-October 1997, Ibrahim Bah is sent by Charles Taylor  
12:23:44 5 to Freetown. Liberia is one country under Charles Taylor that  
6 will support the AFRC/RUF government and wants to find ways to  
7 provide that regime, unrecognized by all the world, with weapons.  
8 Ibrahim Bah arranged both the payment for and delivery of an arms  
9 shipment at Magburaka which arrived in October 1997 and helped  
12:24:14 10 the AFRC/RUF Junta to keep power for four months after October  
11 1997. Another of the accused's liaisons is sent from Freetown at  
12 that time, and that's our friend that we've mentioned before, Mr  
13 Tamba, or Jungle.

14 On 14 February 1998, ECOMOG pushes the AFRC/RUF alliance  
12:24:38 15 out of Freetown. There's a massive retreat of the AFRC/RUF  
16 troops into the countryside. Interestingly, on 14 February 1998,  
17 some members of the AFRC go to the man -- go to the country of  
18 the man that had supported them and managed to flee Freetown on  
19 board a plane and land in Monrovia, but there's still an ECOMOG  
12:25:03 20 force at the Monrovia airport and they arrest those AFRC/RUF  
21 Junta members. This angers the accused who orders ECOMOG in  
22 Liberia to leave the country. The same day the accused calls  
23 Bockarie in Sierra Leone and tells him that he will get arms and  
24 ammunition to fight the ECOMOG in Sierra Leone. They'll engage  
12:25:27 25 the ECOMOG militarily in that country through the AFRC and the  
26 RUF, now in the bush, who will continue their alliance after the  
27 retreat from Freetown.

28 As we will see - and this will be particularly highlighted  
29 in the presentation from my learned colleague Mr Bangura - this

1 leads to massive atrocities, atrocities clearly within the  
2 temporal jurisdiction of this Special Court.

3           Around February and March of 1998, the accused sends people  
4 to get Bockarie in Kailahun and bring him to Monrovia. Bockarie  
12:26:03 5 is given money and a satellite phone by the accused and he gives  
6 him orders: Hold Kono. Hold the mining fields.

7           In February and April 1998, a clever move by the accused,  
8 Liberian disarmament. Evidence will show that the accused  
9 orchestrates a scheme whereby the RUF purchases weapons from the  
12:26:27 10 ULIMO, the ULIMO combatants, the group that had been opposed to  
11 the accused in the Liberian civil war in Lofa County, thereby  
12 effectively disarming his domestic opposition in Liberia while  
13 arming the RUF in Sierra Leone. The accused gives money to  
14 Bockarie, the *de facto* leader of the RUF, because as we indicated  
12:26:50 15 early during this period Sankoh is in jail in Nigeria; money for  
16 the purchase of some of these arms and ammunition.

17           Throughout 1999, there are ongoing communications between  
18 Benjamin Yeaten, the key lieutenant to the accused, and Sam  
19 Bockarie, the acting head of the RUF, and between the accused and  
12:27:12 20 Bockarie; radio communications between Sierra Leone and Liberia;  
21 numerous trips of the accused's representatives in Kailahun,  
22 specifically the town of Buedu and in Monrovia; numerous  
23 deliveries of arms, ammunition and other supplies. Regular  
24 updates come to the accused from his representatives in Sierra  
12:27:35 25 Leone about the situation in that country and in the AFRC/RUF  
26 alliance. And there are several trips by RUF High Command from  
27 Sierra Leone to Monrovia to meet with and take instruction from  
28 Yeaten and the accused.

29           Then in September-October 1998, the accused sends Liberian

1 troops to Sierra Leone to reinforce the AFRC/RUF.

2 Let's talk about where we are. At this point the accused  
3 has taken eight years to conquer power in Liberia and he's now  
4 the head of state. He has spent a great deal of money on arms  
12:28:15 5 and other materiel for men in Sierra Leone. Sankoh is in jail.  
6 The accused does not want young bush commanders in the RUF  
7 sabotaging his efforts and the accused sends explicit  
8 instructions, radio communications, and he puts eyes and ears on  
9 the ground in Kailahun and elsewhere to know what's happening.  
12:28:37 10 Among those were the eyes and ears of our friend Mr Tamba, or  
11 Jungle.

12 In November and December 1998, some of the closest men to  
13 the accused spend a lot of time in Kailahun with Bockarie to  
14 prepare a major country-wide offensive. Around the same period,  
12:28:55 15 Bockarie and the accused's men travel to organise a major arms  
16 and ammunition shipment which is delivered to Kailahun in Sierra  
17 Leone in December 1998.

18 All of this coincides with a major offensive fought on  
19 several fronts, but in the end a coordinated offensive between  
12:29:18 20 AFRC and RUF forces to recapture Koidu Town where there are  
21 diamond fields, to reach Makeni and many other towns. And of  
22 course there is the invasion of Freetown done specifically by  
23 AFRC forces, though their success is aided by the RUF otherwise  
24 in the field, as my colleague will show in his presentation.

12:29:44 25 In January 1999, Bockarie himself is promoted to general by  
26 the accused and we will hear at some point, as my colleague will  
27 describe, the famous conversation by Bockarie on BBC Radio where  
28 he refers to Mr Taylor as chief.

29 In 1999, Charles Taylor sends his men to assess the diamond

1 fields in Sierra Leone.

2 Throughout 1999 there is ongoing communications between  
3 Yeaten and Bockarie, between the accused and Bockarie, radio  
4 communications in Sierra Leone and numerous trips back and forth.  
12:30:28 5 And there are, of course, these several trips as well from these  
6 RUF individuals as in the previous year to Monrovia.

7 Then in 1999, Charles Taylor, who has been in control as  
8 President, begins to face again his own revolt in Liberia, an  
9 organisation called the LURD, L-U-R-D, comes into being, formed  
12:30:57 10 mainly by Mandingo or former ULIMO fighters. It attacks Liberian  
11 positions from Guinea. The accused fears that the LURD, as ULIMO  
12 did in the 1990s, would cut off the Liberian-Sierra Leone supply  
13 line. The war starts again in Liberia which has consequences in  
14 Sierra Leone.

12:31:20 15 After 1999 the accused uses the RUF to fight the LURD in  
16 Lofa County in Liberia. The accused's various battles against  
17 the rebel movement known as the LURD, he was able to draw on  
18 these reinforcements from the RUF.

19 There were two significant offensives of the LURD which the  
12:31:41 20 AFRC/RUF from Sierra Leone fought in Liberia: One in April 1999;  
21 the other in mid-2000 onwards. During this first deployment,  
22 there was massive looting in Liberia by the Sierra Leone forces,  
23 the AFRC/RUF alliance.

24 Meanwhile, there were negotiations for peace in Sierra  
12:32:03 25 Leone. Though the AFRC/RUF alliance no longer controlled  
26 Freetown, the offensive had left it in control of much of the  
27 country, including the diamond fields. The accused's  
28 representatives are present in Lomé, in Togo, for the peace  
29 talks, and he and the RUF are able to strike a very favourable

1 bargain in the accords that were finalised on 9 July 1999.

2 Despite immense atrocities that will be outlined more  
3 specifically by my colleague that have been committed across  
4 Sierra Leone just weeks before, an amnesty is declared for all of  
12:32:45 5 the perpetrators and the RUF's Sankoh, recently released from  
6 jail, is actually put in charge of the Sierra Leone mining  
7 industry.

8 In October 1999, the UN Security Council Resolution 1270  
9 establishes UNAMSIL, a peacekeeping force to monitor and enforce  
12:33:10 10 the Lomé Peace Accords.

11 In the year 2000 the RUF is in control and remains in  
12 control of a large part of Sierra Leone and continues to exploit  
13 its mineral resources. There are several trips of the RUF High  
14 Command to see the accused in Monrovia. There are regular  
12:33:27 15 shipments of arms from the accused to the RUF in Sierra Leone.  
16 The accused's men continue to visit the RUF-held territories and  
17 update the accused on what's going on.

18 Then in May 2000, there's the abduction of the peacekeepers  
19 by RUF folks -- by RUF forces, by RUF troops. There's a  
12:33:49 20 demonstration in Freetown outside Sankoh's house and 25 civilians  
21 are killed. Sankoh is arrested some days later with many of his  
22 RUF commanders. The ECOWAS appoints the accused to ensure that  
23 the RUF complies with the terms of the Lomé Agreement, and in  
24 that role he negotiates or orders the release of the UN  
12:34:16 25 peacekeepers. The UNAMSIL hostages in mid-2000 are sent by the  
26 RUF not into neutral territory in Sierra Leone for their  
27 liberation but to Monrovia, to be released there by the accused.

28 Why is this relevant to the criminal charges? Because,  
29 again, it demonstrates the power of the accused to control the

1 RUF. It may seem like a benign act, but by it he was showing  
2 that when he wanted to prevent crimes or end crimes committed by  
3 these forces he could do so, and also showing that before he had  
4 not acted to prevent the crime or to end their commission.

12:35:04 5 In mid to late 2000, the accused orders the RUF to start  
6 operations in Guinea, a third country, as the accused thinks that  
7 the Guinean government is backing the LURD. There is a second  
8 offensive that we discussed by the LURD at this time. RUF  
9 fighters were sent to Liberia by Sesay, the Deputy Head of the  
12:35:26 10 RUF at this time, on orders of the accused. The focus of the  
11 attack was an attack on the Guinean town of Guekuedou in order to  
12 try to assist the forces of the Liberians in Foya. The man who  
13 attack the Guinean town are given orders by the accused and his  
14 subordinates: Kill everyone and burn down all the houses.

12:35:55 15 Materiel in support of this operation are supplied from Liberia  
16 through Kailahun in Sierra Leone.

17 In December 2000, there's a UN report on Sierra Leone which  
18 details extensive support by the RUF -- for the RUF by the  
19 accused's government and recommends a complete embargo on all  
12:36:17 20 diamonds that are coming through and out of Liberia.

21 In May 2001, the United Nations Security Council imposes an  
22 arms embargo to punish the accused for trading weapons for  
23 diamonds with the RUF. Sanctions are imposed which include a  
24 travel ban on many associates of the accused.

12:36:34 25 In January 2002, the war is declared over in Sierra Leone,  
26 but the AFRC/RUF troops are still fighting in Liberia.

27 In January-February 2002, the LURD defeats the RUF in Lofa  
28 County and by mid-February are 44 kilometres from Monrovia. The  
29 accused declares a state of emergency in Liberia. The war is

1 over in Liberia and a demobilisation programme has begun,  
2 weakening the accused in Liberia, and within 18 months, the LURD  
3 has pushed the accused out of power but not before the accused  
4 has killed Tamba Jungle and Sam Mosquito Bockarie.

12:37:33 5 The Prosecution will lead evidence that the accused,  
6 through the senior leaders of the organized group known as the  
7 Revolutionary United Front, instructed commanders to follow a  
8 certain modus operandi, sometimes referred to as an MO, same as  
9 the -- and it was the same MO as employed by the NPFL at all  
12:37:54 10 times during the Liberian civil war in the years 1989 to 1996 and  
11 1999 to 2003.

12 That method of operation had its hallmarks. It included,  
13 particularly in Sierra Leone, attacks against the civilian  
14 population, beginning with an armed attack against a civilian  
12:38:19 15 village, a town or a city, carried out by members of the RUF, or  
16 the AFRC/RUF Junta, or its alliance after it was in power, or by  
17 Liberian subordinates to the accused.

18 Two, the attackers would use a variety of arms and other  
19 materiel to take control of all or part of the village, town or  
12:38:43 20 city.

21 The attack against the civilian population included the  
22 murder, sometimes almost the random murder, of many civilians.

23 Typically, the attackers would enslave large numbers of the  
24 civilians to use as fighters, miners, farmers, domestic workers,  
12:38:59 25 not allowing them to leave the control of the attackers.

26 Those who objected to their captivity or attempted to flee  
27 were routinely killed or beaten.

28 Typically, the attackers would rape women and girls, often  
29 repeatedly, turn them into sexual slaves or sometimes long-term

1 bush wives.

2 The attackers would mutilate the captive civilians,  
3 amputating arms, legs, gouging at eyes.

4 Children were conscripted by attackers, often after killing  
12:39:37 5 their own parents, with the children provided with drugs and  
6 weapons and conditioned to view their commanders as the new  
7 leaders of their family.

8 In addition, the attackers would typically loot and burn  
9 the homes of civilians.

12:39:49 10 This was the brutal and bloody strategy which, under the  
11 command and control of the accused, was followed by those on the  
12 ground in Sierra Leone.

13 It wasn't, in essence, the military capability of their  
14 opponents that the RUF targeted for destruction. If the accused  
12:40:08 15 and the groups subordinate to him or associated with him had  
16 limited themselves to active hostilities against government  
17 forces in Sierra Leone and the organized groups aligned with  
18 those forces, we would not be here today.

19 But this was a campaign of terror against civilians, not  
12:40:32 20 combatants. It reached its peak in 1998 and the senseless  
21 carnage which was wrought in Sierra Leone was succinctly summed  
22 up by a report of the UN High Commissioner of Refugees issued on  
23 28 January 1999. Let me quote the exact words.

24 "It soon became clear that the scale and nature of the  
12:40:59 25 crimes perpetrated served only two purposes: intimidation and  
26 humiliation." "... perpetrators of these crimes do not  
27 discriminate with regard to the age, sex, ethnic origin or other  
28 criteria in the choice of their victims."

29 My colleague, Mr Bangura, will now rise to outline the

1 evidence about this campaign of terror, specifically as to the  
2 crimes perpetrated against the people of Sierra Leone as alleged  
3 in our amended indictment.

4 I will return after his remarks to conclude this opening  
12:41:39 5 statement. Thank you, your Honours.

6 PRESIDING JUDGE: Thank you, Mr Rapp.

7 It is now 20 minutes to 1:00. Originally we had scheduled  
8 that we would take an early lunch break at a quarter to 1:00,  
9 which is in five minutes' time, and I'm just wondering, we could  
12:41:58 10 either break now and return later after the lunch break or we  
11 could go on for another 20 minutes and adjourn at 1:00, in which  
12 case we would interrupt Mr Bangura's presentation. I don't know  
13 what you prefer.

14 MR BANGURA: Your Honours, I'd rather that we start after  
12:42:18 15 the lunch break.

16 PRESIDING JUDGE: Okay. In that case, we will take a break  
17 of one and a half hours and we will reconvene at 2:00. We will  
18 reconvene at exactly 2:00 to continue with the opening statement  
19 of the Prosecutor.

12:42:39 20 Court is adjourned.

21 COURT OFFICER: All rise.

22 [Recess taken at 12:42 p.m.]

23 [Upon resuming at 13:59 p.m.]

24 PRESIDING JUDGE: Good afternoon. We'll continue with the  
14:00:02 25 opening statement of the Prosecutor. I call upon Mr Bangura.

26 MR BANGURA: Thank you, your Honour.

27 Your Honours, this afternoon I will present to the Court  
28 the crimes charged in the second amended indictment as they  
29 unfolded in Sierra Leone between November 1996 and January 2002.

1 We have told you that you will hear evidence from which you can  
2 infer there was a plan, that the accused was involved in the  
3 creation of this plan, that he participated in this plan with  
4 others.

14:00:48 5 What I will present now to the Court are the details of the  
6 devastating effect which this plan had on the civilians of Sierra  
7 Leone. Evidence will be led showing that the accused knew of  
8 these devastating effects but continued with the plan.

9 I will touch on what actually happened in Sierra Leone as  
14:01:13 10 stated in the indictment and the crimes which were perpetrated  
11 there, crimes that were perpetrated with the aim of causing  
12 terror.

13 Your Honours, the Prosecutor has already enumerated the  
14 crimes which we charge in the indictment. This Court will hear  
14:01:35 15 evidence that the people of Sierra Leone suffered.

16 From Kenema to Kono, whole villages were destroyed. The  
17 capital was under siege. No one was safe, young or old.  
18 Families were forced to turn on each other and then were torn  
19 apart. The main victims of the war in Sierra Leone were poor,  
14:01:58 20 defenceless civilians, ordinary folks on the countryside who had  
21 nothing to do with politics, governance or corruption and who had  
22 nowhere to hide. They longed for peace but were instead  
23 subjected to years of atrocities, atrocities which are reflected  
24 in the indictment and for which we stand here and allege that the  
14:02:25 25 accused, Charles Ghankay Taylor, bears responsibility.

26 Your Honours, you will hear the perpetrators of these  
27 crimes being referred to by various names: RUF, rebels, RUF  
28 rebels, People's Army, AFRC, AFRC/RUF, Junta, Junta rebels.

29 No matter what name they were called, the story is the

1 same - all these groups committed mindless acts of violence,  
2 terror and degradation, devoid of any human reason. You will  
3 hear that the man who gave orders to the leaders of these groups,  
4 who provided safe haven to these groups, who provided much-needed  
14:03:22 5 weapons and supplies to these groups, who encouraged and aligned  
6 himself to these groups, is the accused Charles Ghankay Taylor.

7 Your Honours have heard the names of some of the associates  
8 and subordinates of the accused who provided many of the links to  
9 the crimes perpetrated in Sierra Leone and through whom the

14:03:45 10 accused acted alongside to further the common plan. Your Honours  
11 have heard the names Sam Bockarie, Mosquito; Ibrahim Bah;  
12 Benjamin Yeaten; Colonel Jungle; and Issa Sesay. Your Honours, I  
13 ask you to remember these names which will echo in these chambers  
14 throughout this trial. The accused may not have set foot in

14:04:12 15 Sierra Leone during the time period, but he stamped his mark  
16 indelibly on the whole country.

17 The crimes included in the indictment took place between  
18 the 30th of November, 1996 and the 18th of January, 2002. This  
19 was but part of a conflict that lasted over ten years. However,  
14:04:37 20 it was in this period that the seeds sown by the accused and the  
21 other participants in the common plan bore their most bitter  
22 fruits.

23 Your Honours, let me describe the significance of Kailahun  
24 and Kono Districts.

14:04:57 25 Kailahun District, bordering Liberia, was throughout the  
26 conflict the corridor between Liberia and Sierra Leone. This  
27 district has a long history with the RUF and the NPFL and was one  
28 of the first targets of the RUF and NPFL forces in 1991. Your  
29 Honours will hear that later the town of Buedu became the RUF

1 stronghold and the location of its headquarters.

2 During the conflict, for fighters on either side of the  
3 border, Kailahun District and Lofa County, Buedu and Foya were  
4 one territory, one group of people, all fighting the same fight,  
14:05:41 5 aiming towards the same goal. Geographical boundaries had no  
6 meaning.

7 What had meaning in this conflict were diamonds. Between  
8 1998 and 2000, diamonds mined by forced labour were first taken  
9 to the headquarters in Buedu and from there to the accused in  
14:06:00 10 Liberia. In return, arms, ammunition and supplies were regularly  
11 transported through Lofa County to Buedu. The Prosecution will  
12 present evidence that Buedu was a place stocked with arms and  
13 ammunition supplied by the accused. These arms were then  
14 distributed to the AFRC/RUF forces throughout the country.

14:06:25 15 Buedu was, for a large part of the conflict, the epicentre  
16 of operations. As the Prosecutor has highlighted, in 1998 and  
17 1999, Bockarie directed, planned and ordered operations from  
18 Buedu, including the 1998 attacks on Kono and Makeni. These  
19 attacks killed and maimed hundreds of innocent civilians.

14:06:50 20 Your Honours, right next door to Kailahun District is Kono  
21 District, a major diamond mining area. Diamonds were at the  
22 heart of the common plan because they helped fuel the war.

23 In exchange for diamonds, the accused provided the RUF, and  
24 later the Junta, with much needed arms and ammunition, enhancing  
14:07:14 25 their ability to continue the war. It is clear that the  
26 district's strategic importance lay in its economic value.

27 In February 1998, on losing control of Freetown, the need  
28 to control the country's other strategic areas became even more  
29 critical. The accused's order to the Junta in around March 1998

1 was to hold Kono. This order was conveyed by Bockarie to his  
2 men. But in April 1998, the AFRC lost control of Koidu Town in  
3 the heart of Kono. This loss triggered the launch of two brutal  
4 attacks to try to retake the town in order to obey the accused's  
14:08:04 5 command.

6 With assistance provided by the accused, including a supply  
7 of arms, the RUF and AFRC rebels launched their attacks on ECOMOG  
8 and the Civil Defence Forces, known as the CDF, in Koidu Town and  
9 its surrounding areas. In the coming months you will see and  
14:08:29 10 hear evidence of the crimes committed during these attacks.

11 These series of attacks was called Fiti-Fata in Krio, the local  
12 parlance in Sierra Leone.

13 Your Honours, I would like to use the words of a witness to  
14 describe what Fiti-Fata meant in the context of the attacks. It  
14:08:45 15 meant 24 hours without any control. If any fighter wished to  
16 kill someone, he could kill anyone he wished. In other words,  
17 your Honours, there were no rules and no one was safe.

18 The civilians of Kono paid a heavy price for living in such  
19 a mineral-rich area. During the indictment period, many areas of  
14:09:10 20 Kono were razed to the ground. You will hear evidence of the  
21 order given by Morris Kallon of the RUF to burn Koidu Town. You  
22 will also hear evidence of the order of another rebel commander,  
23 given casually to his men, to light candles, which meant to burn  
24 houses. However, the evidence will show that the destruction  
14:09:32 25 that resulted from was anything but casual. The destruction was  
26 part of the overall campaign of terror charged under count 1 of  
27 the indictment.

28 Your Honours, this campaign of terror also included the  
29 unlawful killings which occurred in Kono and Kailahun and are

1 charged under counts 2 and 3. Let me describe two incidents,  
2 your Honours.

3 The Prosecution will call a witness who will describe the  
4 joint AFRC/RUF attack on Koidu Town around May 1998. This  
14:10:12 5 witness will describe how he was taken captive and forced to walk  
6 to Koidu Town. On this walk, the witness stepped over corpses,  
7 stepping in blood, pools of blood. The witness estimated that he  
8 stepped over about 50 corpses. However, this is not where his  
9 trauma would end. Instead, on arrival the men, women and  
14:10:37 10 children were divided into groups, made to stand in line, and  
11 then RUF rebels opened fire on them. On that day, your Honours,  
12 101 people were killed.

13 In Kailahun, the killings were equally as shocking. One  
14 particularly horrific killing during this period was the  
14:10:59 15 execution of approximately 65 men in Kailahun Town who were  
16 suspected CDF fighters. These men were captured and detained for  
17 several days before Bockarie ordered their execution. Bockarie  
18 himself participated in the killing, shooting some of the men in  
19 the head at close range.

14:11:25 20 Physical violence is also charged for Kailahun and Kono  
21 under counts 7 and 8 of the indictment. The Prosecution alleges  
22 that the AFRC/RUF engaged in widespread acts of physical violence  
23 in Kono, Kailahun, and other parts of the country, and that in  
24 Kono villages such as Tombodu, Kaima and Wonedu suffered brutal  
14:11:51 25 attacks that took many forms, including but not limited to the  
26 application of force with weapons, the mutilation of civilians,  
27 and amputation of limbs.

28 The Prosecution will lead evidence of what can only be  
29 described as a barbaric practice of the RUF and AFRC, namely to

1 carve the letters RUF, AFRC, or RUF/AFRC into the flesh of  
2 captured civilians. The evidence will include testimony as well  
3 as demonstrative and photographic evidence which show the scars  
4 that still exist on the bodies of some.

14:12:33 5 The evidence will suggest that this practice had a  
6 strategic element in that the AFRC/RUF fighters were of the view  
7 that carving their letters into their captives would result in  
8 them being identified by other free civilians as RUF or AFRC  
9 fighters. Consequently, the scarred captives would be unwelcome  
14:12:57 10 in civilian villages and back in their own homes. This practice  
11 was part of an overall strategy to terrorize civilians, thus  
12 holding a large population of people not only in Kono but  
13 throughout the country in a state of physical and psychological  
14 captivity.

14:13:15 15 The Prosecution will introduce evidence of what we  
16 respectfully suggest is the most well-known atrocity inflicted on  
17 persons in Sierra Leone at the relevant times of the indictment,  
18 namely amputations. We will call witnesses who either saw or  
19 were themselves victims of amputations, and they will describe  
14:13:40 20 not only the physical acts of cutting off limbs but also the  
21 words of the rebels who allegedly committed these acts.

22 You will hear evidence that victims were told that they  
23 should go to President Kabbah to ask for new hands. In the words  
24 of one rebel commander after ordering the amputation of many  
14:14:05 25 civilians, he said: "You see, you don't want Foday Sankoh, you  
26 want Tejan Kabbah. Well, go to him to get new hands."

27 Your Honours, sexual crimes were also committed in Kailahun  
28 and Kono and are charged under counts 4, 5 and 6.

29 Our evidence will show that the practice of using women as

1 sex slaves became widespread and commonplace among the RUF, and  
2 later the AFRC/RUF fighters throughout the war.

3 You will hear that Sierra Leonean women captured by the RUF  
4 or AFRC were forced to make strategic choices that no woman  
14:14:50 5 should ever have to make. These women would seek to become  
6 attached to a single commander or fighter as a "bush wife"  
7 because this was the best way to limit the abuse they would  
8 suffer. The alternative was that, and I quote a witness, "to be  
9 treated like a football in the field," being exposed to one rape  
14:15:15 10 after another perpetrated by many men without any consideration  
11 for health, feelings or lives.

12 Your Honours will hear evidence that the girls and women of  
13 Sierra Leone were subjected to extreme sexual violence; that they  
14 were abducted and raped, oftentimes publicly, oftentimes by  
14:15:38 15 numerous fighters, oftentimes for extended periods of time, and  
16 then generally forced into sexual slavery.

17 You will hear that girls and women were forced to continue  
18 performing sexual acts as well as domestic duties for their  
19 fighter husbands. Those who dared to escape and who were caught  
14:16:02 20 were either killed or were marked with RUF on their bodies.

21 During the indictment period, as set out in count 10,  
22 civilians in Kono and Kailahun were harnessed and forced to work  
23 intensively towards the war effort.

24 Aside from domestic duties forced upon female captives, men  
14:16:28 25 and women of all ages throughout Sierra Leone were forced to  
26 perform other types of work for the rebels without pay.

27 Abductees were forced to work on RUF farms in Kailahun  
28 District. They were also forced at gunpoint to carry arms,  
29 ammunition, food, fuel and other supplies from Buedu to Koidu

1 Town - a distance of over 70 miles following narrow bush paths.

2 In Kono, diamond miners were often forced to work without  
3 food. Those who were too tired to work were stripped and beaten  
4 and, in some instances, killed. Diamonds mined under these  
14:17:10 5 conditions were given to senior AFRC/RUF commanders and were then  
6 sent to the accused in exchange for arms, ammunition and  
7 supplies. Evidence will show that the accused sent his  
8 subordinates from Liberia to provide advice to Sam Bockarie and  
9 Issa Sesay on the Kono mining operations, thus protecting his own  
14:17:33 10 economic interests.

11 You will hear evidence that in an effort to strengthen the  
12 rebel forces and to sow the seeds of the common plan, AFRC/RUF  
13 commanders ordered the training of captured civilians and then  
14 forcibly conscripted them into the ranks of the fighting force.

14:17:54 15 In Kailahun and Kono, abducted civilians were trained at  
16 Bayama, Pendembu, Bunumbu, Koinadugu and Yengema.

17 The training often involved severe beatings of those who  
18 were uncooperative and sometimes resulted in deaths of the  
19 trainees. Your Honours will hear evidence that from Liberia, the  
14:18:18 20 accused provided arms and ammunition, rice and food for these  
21 trainees -- for these training camps where abducted civilians and  
22 children were forcibly trained.

23 Your Honours, let me move to another diamond-rich area,  
24 which is Kenema District.

14:18:41 25 This district is home to the famous Tongo Fields. As we  
26 already saw in Kono, such wealth attracted much violence. In  
27 1997 and 1998, these fields produced a bitter harvest which  
28 resulted in counts 1, 2, 3, and 10 being charged for this  
29 district in the indictment.

1 In the context of the indictment, the crimes charged for  
2 Kenema are those which took place largely during the Junta  
3 period. The significance of diamonds to the survival of the  
4 Junta regime cannot be overemphasised and this was evidenced by  
14:19:22 5 the very presence of Sam Bockarie himself in Kenema throughout  
6 this period.

7 That being said, the need for diamonds was so great that  
8 they were to be mined no matter what the human price.

9 The governing body of the AFRC regime - the Supreme  
14:19:44 10 Council - which was located in Freetown, received frequent  
11 updates from the mining commanders on the number of diamonds  
12 extracted and other essential information regarding productivity.  
13 The Junta government was not recognized by the international  
14 community and had to rely on its own resources. Therefore,  
14:20:01 15 simply as a matter of survival and to pay for the rice for its  
16 soldiers and the weapons needed to fight the ECOMOG troops, the  
17 diamond fields in Kenema needed to be intensively mined by  
18 civilians.

19 This internationally isolated regime did have one friend,  
14:20:22 20 though, and that friend was the accused.

21 Your Honours have heard the name Ibrahim Bah and about the  
22 Magburaka arms shipment. This shipment was paid for partially by  
23 illegally mined diamonds.

24 Your Honours, the conditions of miners working in the  
14:20:45 25 diamond fields was harsh and brutal. Mining was undertaken in  
26 areas such as the notorious Cyborg Pit, which has been mentioned  
27 before. Child soldiers renowned for their brutality guarded the  
28 miners at gunpoint.

29 This period of intense forced mining was punctuated by

1 frequent killings. Many civilians were killed at Cyborg Pit;  
2 some because they were suspected of stealing diamonds, others  
3 because their deaths helped instill a climate of terror that  
4 would deter escapes. Terror was guaranteed to be generated when,  
14:21:22 5 on the orders of Bockarie, miners in Cyborg Pit were fired on  
6 indiscriminately.

7 Indeed, this was a district controlled by fear. You will  
8 hear evidence about one famous event in the township of Kenema  
9 where several community leaders accused of supporting the CDF  
14:21:41 10 were detained and tortured. Subsequently, several of the  
11 detainees, including BS Massaquoi, a former cabinet minister and  
12 municipal leader of Kenema, were killed on the orders of  
13 Bockarie.

14 Your Honours, I move to Port Loko. Count 11, pillage, is  
14:22:05 15 charged for this district between 1 February 1998 and 30 April  
16 1998.

17 In February 1998, the Junta, which had ruled for just short  
18 of a year, was finally routed by ECOMOG forces. This event,  
19 known as the intervention, resulted in the withdrawal of the  
14:22:27 20 RUF/AFRC forces from Freetown. As the forces withdrew, their  
21 passage was marked by violence and looting. This passage from  
22 west to east is reflected in the districts and towns charged in  
23 the indictment under count 11 for the crime of looting.

24 Masiaka is a town in Port Loko District. It was here that  
14:22:53 25 the defeated members of the former Junta and their men received  
26 the infamous order for the forces to pay themselves, popularly  
27 known as Operation Pay Yourself.

28 Your Honours, this journey of retreat and looting took the  
29 forces to Bombali and accordingly this district is included under

1 counts 1 and 11 of the indictment.

2 Makeni is a strategic town in Bombali District which  
3 controls the route between Freetown and Kono and facilitates  
4 access to the northern and eastern areas of Sierra Leone.

14:23:29 5 Once Operation Pay Yourself had been announced in Masiaka  
6 in February 1998, the forces simply kept heading east back to  
7 their strongholds, taking whatever they came across in the  
8 villages and towns they passed through.

9 Your Honours, Freetown and the Western Area encompasses the  
14:23:51 10 city of Freetown and the entire peninsula. Freetown is the  
11 capital of Sierra Leone and the seat of political power. After  
12 the May 1997 coup, Freetown was the Junta's headquarters. In  
13 February 1998, Johnny Paul Koroma and many other senior Junta  
14 leaders fled from Freetown. In their wake, their forces abducted  
14:24:19 15 civilians and took them to Kono and other areas in Sierra Leone.  
16 Freetown again came into focus at the end of 1998. The final  
17 objective of the operation commencing with the attack on Kono  
18 District was to retake control of Freetown in order to  
19 re-establish political control over the country.

14:24:40 20 The movement towards Freetown, the invasion of Freetown and  
21 then the retreat from Freetown covering the period from 1998  
22 until 19 -- covering the period from end of 1998 until early  
23 1991 -- 1999 is the focus of the crimes charged in the  
24 indictment.

14:25:02 25 On re-establishing control over Koidu Town, AFRC/RUF forces  
26 from Kono, under the command of Issa Sesay, and from Koinadugu,  
27 under the command of Superman, launched coordinated attacks on  
28 Makeni which led to the takeover of the town.

29 In the meantime, the forces of Alex Tamba Brima and SAJ

1 Musa were on their way to the next target, which was Freetown.

2 The advance to Freetown began in Rosos and took the route  
3 through Waterloo in the Western Area to Benguema, from Hastings  
4 to Jui, from Allen Town to Calaba Town, from Wellington to Kissy,  
14:25:49 5 and from Uppun into the city centre. A large number of Liberian  
6 former NPFL fighters were sent to Buedu from Liberia in 1998 to  
7 reinforce the AFRC and RUF forces on their planned attacks. A  
8 good number of these Liberian fighters went from Buedu with  
9 Superman to Koinadugu in mid 1998 to join SAJ Musa in the  
14:26:18 10 Northern Jungle. They later reinforced the forces of Alex Tamba  
11 Brima at Colonel Eddie Town and entered Freetown with the  
12 predominantly AFRC forces. Throughout the attack, AFRC/RUF  
13 commanders in the Freetown area were communicating with AFRC/RUF  
14 commanders on the other fronts.

14:26:37 15 For the people of Freetown, the January 6 invasion did not  
16 come as a complete surprise. What astounded the population was  
17 the viciousness of the attack.

18 With the State House under their control and the central  
19 prison gates flung wide open, the invaders had free reign over  
14:26:57 20 the eastern and central parts of the city for almost two weeks.

21 AFRC/RUF forces were eventually forced to retreat eastwards  
22 by ECOMOG and other SLA forces. However, they took with them a  
23 huge band of abductees. In this band were able-bodied men and a  
24 large number of young girls and children. Left behind in the  
14:27:24 25 now-empty streets, thousands lay dead as vultures fed on  
26 decomposing bodies.

27 You will hear evidence that the city's hospitals and  
28 clinics were full beyond capacity with wounded and the dying.  
29 Whole streets lay abandoned, houses burnt, wrecked and abandoned

1 vehicles littering the streets. As if this was not enough, your  
2 Honours, waives of freshly amputated civilians began streaming  
3 into the city from the eastern outskirts, sending a grim reminder  
4 that the invaders were still close. Hospital corridors soon  
14:28:05 5 became lined with amputees.

6 The accused's responsibility for the events of January 6  
7 and its aftermath will be established through Prosecution  
8 witnesses who will testify to the following facts:

9 First, that throughout the invasion period, Bockarie became  
14:28:24 10 the only spokesman for the forces. Such was Bockarie's  
11 importance that he negotiated the cease-fire on behalf of the  
12 fighters on the ground. Bockarie was known for his vanity. He  
13 had no hesitations about making public his role and gave a number  
14 of interviews on the BBC. In one he threatened to burn Freetown  
14:28:48 15 and in another he referred to the accused as his chief.

16 Second, there was ongoing radio communication throughout  
17 the -- communications throughout the Freetown invasion between  
18 Bockarie and Alex Tamba Brima. These communications increased as  
19 the fighters took over State House, gained control over the city  
14:29:11 20 until they eventually retreated from State House. Orders from  
21 Bockarie to Alex Tamba Brima included holding the city while RUF  
22 reinforcements were being provided. Later, they dealt with  
23 issues of cease-fire, the burning of embassies, the retreat, as  
24 well as other orders. Brima complied with these orders.

14:29:34 25 Third, RUF fighters and some Liberian fighters sent by the  
26 accused weeks before the invasion reinforced the fighters of Alex  
27 Tamba Brima and enhanced the military strength of the forces  
28 which entered Freetown on that fateful day of 6 January 1999.

29 In addition, Bockarie ordered that the RUF fighters in

1 Waterloo -- excuse me. In addition, Bockarie ordered that the  
2 RUF fighters in Waterloo ensure the safe passage of the  
3 retreating RUF/AFRC forces from the city by holding the Guinean  
4 ECOMOG contingent at bay.

14:30:17 5 The scale of the atrocities also indicates that the  
6 invasion should be set in context. This was the culmination of  
7 years of assistance by the accused towards the common plan to  
8 take over the political control of Sierra Leone. In order to  
9 achieve this objective, from May 1997 to January 1999, the  
14:30:39 10 RUF/AFRC alliance and the Liberian fighters supplied by the  
11 accused engaged the ECOMOG forces throughout the country in  
12 constant combat and attacked their military bases. This had the  
13 effect of considerably reducing the ECOMOG capacity to defend  
14 Freetown, which made the January 1999 invasion of Freetown an  
14:31:01 15 inevitable success for the RUF/AFRC allied forces.

16 The scale of the terror that was unleashed on Freetown is  
17 unparalleled as a single event in the entire conflict. No other  
18 incident, event or attack by the RUF or AFRC throughout the war  
19 involved such large-scale burning of civilian property in  
14:31:27 20 locations throughout Freetown; such killing of civilians; such  
21 widespread beatings and amputations; such abduction of civilians;  
22 such widespread looting; and such abuse of young girls and women.

23 At the end of this period of extreme violence which shocked  
24 the entire world, the accused called Bockarie to Monrovia and  
14:31:53 25 promoted him.

26 A few months after the invasion, in mid 1999 in Monrovia,  
27 the accused hosted Johnny Paul Koroma and some senior leaders of  
28 the AFRC. At this meeting the accused praised the rebel advance  
29 into Freetown and gave the delegation \$15,000 as a show of

1 support.

2 Your Honours, yet another haunting image of the conflict in  
3 Sierra Leone is that of children carrying guns taller than they  
4 were. Children were conscripted, enlisted and/or used in active  
14:32:32 5 hostilities throughout the war in Sierra Leone.

6 Count 9 of the indictment states that between about 30  
7 November 1996 and about 18 January 2002, members of the RUF,  
8 AFRC, RUF/AFRC Junta or alliance, and/or other armed factions  
9 fighting in Sierra Leone routinely used hundreds of boys and  
14:33:00 10 girls under the age of 15 to participate in hostilities.

11 The evidence will demonstrate that a pattern was followed  
12 throughout the war. Children were abducted by the rebel fighting  
13 forces during attacks on their villages and taken to training  
14 camps.

14:33:19 15 The training in these camps was harsh beyond measure. When  
16 learning to crawl to avoid fire, real bullets were often fired  
17 above the heads of the child recruits. Those who failed to  
18 follow instructions on how to crawl and who raised their heads  
19 were killed by these bullets.

14:33:40 20 After training, some of these children were given military  
21 ranks. The children were then used by the rebels to fight at the  
22 front lines, to carry arms and ammunition to the front lines, to  
23 act as bodyguards, and to provide security to commanders and  
24 fighters and conduct reconnaissance.

14:34:02 25 This was a pattern which had been followed by the forces  
26 under the command of the accused in Liberia in the late 1980s and  
27 which was continued until about 2003.

28 The boys and girls that were trained in Sierra Leone were  
29 grouped into units called the Small Boys Unit, or SBU, and Small

1 Girls Unit, SGU. These names were used by the NPFL in Liberia  
2 from the early 1990s.

3 Your Honours, I would like to thank the Bench for the  
4 opportunity to address you on this historic day. It has truly  
14:34:43 5 been an honour for me to do so.

6 The people of Sierra Leone have a saying: "Net long so  
7 tay, doh mus clean." No matter how long the night, light will  
8 come. For years the accused's crimes have remained in the dark.  
9 Today we start to shed light on his responsibility for the  
14:35:06 10 suffering of the people of Sierra Leone.

11 That ends my portion of the opening statement.

12 PRESIDING JUDGE: Thank you, Mr Bangura.

13 Mr Rapp, you wish to continue?

14 MR RAPP: Madam President, your Honours, thank you, and  
14:35:21 15 thank you, Mr Bangura, for that eloquent representation and  
16 review of the crimes committed against the people of Sierra Leone  
17 as alleged in our indictment.

18 This indictment, of course, accuses Mr Charles Ghankay  
19 Taylor of direct responsibility for these individual crimes.  
14:35:48 20 Based upon Article 6(1) of our Statute. Of course, that article  
21 deals with committing, planning, ordering, instigating, and  
22 aiding and abetting the commission of crimes. It is, as we've  
23 said earlier, a case founded as well on the idea that this plan  
24 was a common plan in which the accused participated over an  
14:36:21 25 extended period of time, and so in the execution of that common  
26 plan, he also was involved in planning, ordering, and instigating  
27 particular offences.

28 In our pre-trial brief and, to some extent, in Mr Bangura's  
29 presentation we've heard about some of the instances of ordering

1 and instigating and planning these crimes, but I would like to  
2 focus in a little more depth with the aiding and abetting aspect  
3 of the case, because it is on this that the evidence is  
4 absolutely overwhelming.

14:36:56 5 Throughout the relevant period, the accused provided vital  
6 and substantial assistance, encouragement or support to the RUF,  
7 then to the Junta, and finally to the AFRC/RUF alliance in the  
8 bush which enabled these forces to conduct this widespread and  
9 systematic attack against the civilian population of Sierra  
14:37:21 10 Leone.

11 To support this indictment, during the course of this trial  
12 we will, of course, present many witnesses who will testify and  
13 be examined and cross-examined, and we will also present many  
14 documents. I'd like just to mention two of those documents, two  
14:37:43 15 of those documents which were found in the Sankoh home/residence  
16 in Freetown after his arrest in May of 2000.

17 One was a narrative report provided by one of his  
18 followers, prepared almost like a diary during the periods of  
19 1997 and 1998 and early 1999 in order that the leader, when and  
14:38:10 20 if he were released, could have an account of what happened while  
21 he was sitting in prison in Nigeria.

22 In that ten-page letter, a report, which is signed by a  
23 Black Guard Commander and addressed to his commander Foday  
24 Sankoh, there are many very interesting passages, but I'd just  
14:38:35 25 like to quote from one, describing events in 1998 between the  
26 fall of the Junta, the intervention in February of 1998 of ECOMOG  
27 that caused the defeat of the group that had controlled the  
28 country for nine months and its withdrawal into the countryside,  
29 and the attack on Freetown by some of the same forces some ten

1 months later during that year of 1998 which saw such enormous  
2 brutality across Sierra Leone.

3 "The High Command was called to report by the President of  
4 Liberia, Charles Taylor. Wherein the President seriously  
14:39:27 5 briefed" the person in "the High Command and gave him the  
6 confidence that he should not give up, but to keep up the  
7 struggle and uphold the revolution until the leader" - that would  
8 be Sankoh - "returns. The President gave full assurance to the  
9 High Command and promised to give his maximum support to the RUF.  
14:39:47 10 The President also took an oath that he will never betray his  
11 brother (Corporal Foday Sankoh). From that point, the President  
12 gave huge logistics" - and then the author says - "(ammunition)  
13 to the High Command for us to start repelling the ECOMOG  
14 advancement or to contain the situation ..."

14:40:08 15 Another document found in the residence on Spur Road in  
16 Freetown was essentially the minutes of a meeting that occurred  
17 among the RUF leadership following Sankoh's release and before  
18 the Lomé Accord, and it goes through and discusses the comments  
19 of many as they reported to the leader on the events that had  
14:40:41 20 transpired over the course of the period 1996 to 1999. One of  
21 them is quite instructive of how the diamond transactions worked  
22 with the top individual, the person they referred to as Big  
23 Brother and who, it is evident from the context, is clearly  
24 Charles Taylor.

14:41:09 25 The particular account and the part that I would like to  
26 read begins with a description of a troubled mission in which  
27 they had arrived at Koindu in the evening, which is, if I'm not  
28 mistaken, on the Sierra Leone side, in Kailahun.

29 "We ... met Benjamin," presumably Yeaten, "Memuna and

1 others where we left them and gave them the feedback on our  
2 mission. Bra," who they refer to and, from the context, it  
3 appears to be Ibrahim Bah, the person that we discussed earlier  
4 in our outline of the persons involved in this case, a close  
14:41:52 5 subordinate of the accused, "said 'No problem. This is how God  
6 works out things,' that he could have been arrested. He said we  
7 should write a letter and hand over the 1,832 pieces in 9  
8 plastics to Papay," the person that -- the common name used for  
9 the accused. "Bra" or Bah, "approved the letter. General  
14:42:24 10 Ibrahim Memuna and Jungle went to Liberia while we returned to  
11 Buedu. When Pa Rogers and others went to Gbarnga later, these  
12 diamonds were shown to him. Big Brother told them he is going to  
13 reserve them until you," Papa, Pa Sankoh, "return ... With regard  
14 to the 244 pieces that we sold, I have a record in a ledger with  
14:42:49 15 the quantity and everything ... we haggled on prices for the gems  
16 and we agreed on 17,000 US dollars."

17 As you see further in the letter, certain people took money  
18 from the 17,000, but 15,000 was available for "items that the  
19 boys needed at the front."

14:43:11 20 So a story is told of the delivery of 1,832 pieces, which  
21 we believe must be inferred from the evidence to have been  
22 diamonds; that 244 of them, some one-eighth, were then liquified,  
23 in a sense, to provide materiel for the front; seven-eighths of  
24 the diamonds were kept by Big Brother in anticipation of Sankoh's  
14:43:40 25 return.

26 The evidence, I think, will later show in our case that  
27 when Sankoh returned those diamonds were unavailable to him.

28 That's just some of the evidence we'll be presenting in  
29 this case to show the continuing assistance to the RUF and to the

1 Junta and to the AFRC/RUF, assistance that allowed the war to  
2 continue with its brutality to civilians, a key aspect of its  
3 strategy, but also a transaction of profound benefit to the  
4 accused himself.

14:44:22 5 Of course, we're dealing with the ways that he's  
6 responsible for what happened in Sierra Leone and that is based  
7 upon the fact that he was providing arms; he was providing  
8 ammunition and other materiel; he was providing manpower; he was  
9 providing military training; he was providing facilities and safe  
14:44:42 10 havens in Liberia; he was providing strategic and tactical  
11 advice, direction, encouragement, as well as other assistance.  
12 And this enabled the members of the RUF, Junta and AFRC/RUF to  
13 carry out the campaign of terror charged in counts 1 through 11  
14 of the indictment and to commit the crimes outlined by my learned  
14:45:08 15 colleague.

16 The accused's assistance had a substantial effect on the  
17 ability of these groups to commit these murders, mutilations,  
18 beatings, rapes, sexual slavery, enslavement for forced labour,  
19 looting and other crimes charged in the indictment.

14:45:24 20 As we will later show, the accused provided this assistance  
21 with full knowledge that these crimes had been and were being  
22 committed, or with the awareness of the substantial likelihood  
23 that his assistance, encouragement, or support would assist the  
24 commission of these crimes.

14:45:42 25 We earlier heard about the arms in the original offensive  
26 back in 1991 for which Sankoh thanked Taylor, but significantly  
27 and certainly within our temporal jurisdiction, we had great  
28 shipments of arms from 1997 and on into 2002. The materiel  
29 provided included the shipment of arms and ammunitions to the

1 Magburaka airstrip in Tonkolili District in the fall of 1997 and  
2 the shipments used for the attacks throughout 1998, including the  
3 attack against Koidu, Makeni and other locations in 1998 as part  
4 of the operation to retake Kono and to march on Freetown.

14:46:30 5 The materiel was stored, these arms and other material were  
6 stored in facilities at various locations in Liberia before being  
7 sent into Sierra Leone, including the accused's own residences in  
8 Gbarnga and Monrovia and at the Executive Mansion in Monrovia.  
9 Subordinates of the accused working at these storage facilities  
14:46:52 10 would provide the materiel to the RUF, Junta and AFRC/RUF on the  
11 instructions of the accused. These instructions were usually  
12 communicated through a senior level subordinate such as Benjamin  
13 Yeaten.

14 There was manpower provided. The accused provided  
14:47:08 15 subordinate Liberian personnel to assist the RUF, Junta, in  
16 particular the RUF component and AFRC/RUF, throughout the early  
17 1990s and throughout the conflict.

18 In 1998, the accused sent several hundred men of the  
19 Scorpion Unit to fight with the RUF. The accused drew these  
14:47:28 20 personnel from the NPFL, other organized armed groups within  
21 Liberia, the Liberian population in general, and, after the  
22 accused became President, from the AFL, which are the Armed  
23 Forces of Liberia, and specialized units such as his SSS, his  
24 Special Security Service, and his ATU, the Anti-Terrorist Unit.  
14:47:45 25 These personnel functioned in a variety of roles, for example, as  
26 fighters, trainers, and communications operators.

27 In addition to the fighters, military trainers and  
28 communications operations, the accused also provided personnel to  
29 facilitate the movement of RUF, Junta, and alliance members

1 between Sierra Leone and Liberia. These personnel also  
2 facilitated the movement of arms and ammunition and the movement  
3 of diamonds. They served as security escorts, drivers,  
4 messengers, and acted as liaison between the accused and the RUF,  
14:48:18 5 Junta, and AFRC/RUF. The accused's subordinates also provided  
6 these groups with passes to get them through check-points in  
7 Liberia.

8 Then there was military training. We've discussed that in  
9 passing in the past, but let's note that the accused provided  
14:48:34 10 facilities at bases in Liberia, such as at Camp Nama, or Naama,  
11 and at Cobra Base and the Bomi Hills, where members of these  
12 groups or forces were trained. The training included basic  
13 military and combat skills and advanced combat skills and  
14 training in communications systems, techniques and procedures.

14:48:53 15 The Sierra Leonean and Liberian trainees at these bases had no  
16 separate chain of command; they were all treated as one  
17 body.

18 The trainers in Liberia included Liberians and Gambians  
19 subordinate to the accused. The commanders of these bases were  
14:49:13 20 personnel subordinate specifically to him. He held ultimate  
21 authority over the operation of these bases and the commanders,  
22 trainers and trainees at the bases would attend graduation  
23 ceremonies at these bases when they concluded their training.

24 The accused also provided military trainers and training  
14:49:28 25 commanders to the RUF in Sierra Leone. The trainees in Liberia  
26 and Sierra Leone included children under the age of 15, and they  
27 were given the same training as adults, that is, were given  
28 military training to include basic and advanced combat skills.

29 Then there were facilities and safe havens in Liberia. The

1 accused provided facilities to the RUF, Junta, and AFRC/RUF  
2 alliance at the training bases as described above. In the early  
3 years of the conflict, Sankoh and the RUF made use of safe havens  
4 in Liberia. The RUF fighters would retreat to NPFL areas and  
14:50:05 5 bases or facilities, such as those in the Bomi Hills, where they  
6 would rest and reorganize. The accused would reposition --  
7 re-provision these fighters with arms and ammunition to prepare  
8 for their return to Sierra Leone to continue their attacks  
9 against civilians there.

14:50:21 10 The accused provided Sankoh with a residence in Gbarnga, in  
11 Bong County, from which he made trips to RUF locations in Sierra  
12 Leone to distribute arms, ammunition, and other materiel,  
13 supplies provided -- and supplies provided by the accused.  
14 Additional facilities that were made available to the AFRC/RUF  
14:50:43 15 included a guesthouse in Monrovia at the time Taylor was  
16 President from 1998 through about 2001. The accused provided the  
17 security for the guesthouse, the domestic staff, the equipment  
18 for the communications centre established there to enable  
19 continuous communication between the guesthouse and the RUF,  
14:50:58 20 Junta, and AFRC/RUF alliance back in Sierra Leone.

21 Additionally, the accused provided strategic and tactical  
22 advice, direction and encouragement. Throughout the conflict,  
23 the accused did this, particularly with the RUF and the Junta and  
24 its RUF component and the alliance. Leaders of these groups  
14:51:21 25 conferred with the accused before making significant decisions  
26 and were in frequent contact with him, as those two documents  
27 that I just read indicated. In addition, from 1998 until the end  
28 of the conflict, the accused regularly sent Liberian subordinates  
29 and associates to Sierra Leone to provide guidance and advice to

1 Bockarie and Issa Sesay, and, as I indicated earlier, to be the  
2 eyes and ears to make sure that the provisions that he was  
3 furnishing were well used in the conflict. These personnel  
4 included, but were not limited to, Yeaten; Bah; Musa Sesay; Duopo  
14:52:01 5 Merkazon; Christopher Varmoh, the famous Liberian Mosquito; and  
6 Daniel Tamba, whom we know as Jungle.

7 There was, of course, other assistance. Throughout the  
8 conflict, the accused provided financial assistance to the RUF,  
9 Junta, particularly its RUF component, and later to the AFRC/RUF  
14:52:17 10 alliance.

11 In 1998, the accused gave Bockarie cash to purchase arms  
12 and ammunition from the former ULIMO fighters in Lofa County, as  
13 I earlier described, in Liberia. Between 2000 and 2001, the  
14 accused provided large amounts of cash on several occasions to  
14:52:35 15 senior leaders of the AFRC/RUF, including Sesay and Kallon, in  
16 addition to supplies of arms and ammunition.

17 Throughout the armed conflict in Sierra Leone, the accused  
18 provided the RUF, Junta, and AFRC/RUF alliance with rice and  
19 other food, military uniforms, fuel, mining supplies, vehicles,  
14:52:57 20 medicine, and morale boosters, such as cigarettes, drugs, which  
21 were often used in the indoctrination of the young, alcohol, and  
22 other items. The accused's subordinates brought these supplies  
23 to Sierra Leone or personnel from the groups collected them in  
24 Liberia.

14:53:14 25 Throughout the armed conflict in Sierra Leone, the accused  
26 provided communications equipment to the RUF, Junta, and  
27 AFRC/RUF, including VHF radio sets and satellite phones. The  
28 accused also provided these organized armed groups with an FM  
29 radio station in Kailahun District which was used to broadcast

1 instructions and propaganda in areas controlled by these  
2 organized groups.

3 It is our position that the accused knew that his  
4 assistance, encouragement or moral support would assist in  
14:53:47 5 carrying out the campaign of terror against the civilian  
6 population of Sierra Leone.

7 Why do we state that? Well, he had abundant notice.  
8 Indeed, the only inference that can be drawn from that notice is  
9 that he intended the crimes charged in the indictment. This can  
14:54:10 10 be proven in a number of ways.

11 First, there were national and international media reports  
12 discussing the crimes committed in both Liberia and Sierra Leone.  
13 The United Nations and other international and non-governmental  
14 organisations widely reported and condemned these crimes, and  
14:54:29 15 some of these reports were published in Liberia itself, in  
16 newspapers in Monrovia within sight of the accused's residence in  
17 the presidential mansion.

18 In February and March of 1996, let's look at a particular  
19 newspaper, the New Democrat Weekly, published in Monrovia.  
14:54:50 20 Headline: "Votes Counted in Sierra Leone Amidst Protests."  
21 Excerpt: "Some voters did not vote because of the rebel  
22 activities of Foday Sankoh's Revolutionary United Front elements,  
23 putting the voters at great risks. Several persons were killed  
24 and others were maimed. The RUF recently vowed to disrupt the  
14:55:08 25 voting."

26 And then, of course, if there had been ever any question  
27 about the way the RUF conducted itself during the conflict, one  
28 only need turn to the very famous RUF speech to the nation  
29 presented in June of 1997 after the RUF was invited to rule by

1 the AFRC in a joint group known as the Junta. In this communique  
2 to the nation, they confess to the way they conducted the war and  
3 they said:

4 "We looked at our brothers and killed them in cold blood.  
14:55:46 5 We removed our sisters from their hiding places to undo their  
6 femini nity. We slaughtered our mothers and butchered our  
7 fathers. We have wronged the great majority of our countrymen.  
8 We have sinned both in the sight of man and of God. We therefore  
9 openly and publicly apologize to you, our Sierra Leonean brothers  
14:56:09 10 and sisters, for all the terror and the mayhem we unleashed on  
11 you in our bid to make Sierra Leone a country that all Sierra  
12 Leoneans would be proud of."

13 But, of course, that was not the end of RUF activities.  
14 After the ECOMOG intervention, the RUF, in alliance with the  
14:56:34 15 AFRC, was back in the field conducting the same kind of campaign  
16 that involved killing mothers, raping sisters.

17 17 February 1998, just after the overthrow of the FRC.  
18 Sierra Leone, Humanitarian Situation Report. "Many civilians  
19 have been killed and injured." Another excerpt: "Widespread  
14:57:06 20 looting has been reported in Kenema and Bo towns as the AFRC have  
21 commandeered vehicles and food and other supplies from relief  
22 agencies."

23 20 February 1998. Daily Times. Headline in Monrovia where  
24 Charles Taylor was President: "In Sierra Leone, 52 Burned Alive  
14:57:28 25 as Junta Goes on Rampage."

26 1 May 1998, a Mediciens Sans Frontieres report. Atrocities  
27 against civilians in Sierra Leone. Excerpt:

28 "On 6 April 1998, Connaught Hospital started receiving  
29 small or large groups ... the following overview gives the number

1 of patients admitted with arm amputations: 115 total number of  
2 patients interviewed; 4 with double arm amputations; 23 with  
3 single arm amputations; 5 men had, in addition to having their  
4 arm amputated, a part of, or one or both ears cut off; tendons,  
14:58:13 5 broken ulna and radius, as a result of cutlass attacks; 7  
6 patients with either a complete hand or several fingers missing  
7 as a result of cutlass attacks; 20 patients with gunshot wounds;  
8 2 women who were raped and had foreign objects inserted in their  
9 vaginas. Only one interviewee could be identified as a combatant  
14:58:33 10 (in this case a Kamajor fighter). All others were civilians,  
11 with occupations ranging from housewives, trader, farmer to  
12 diamond digger and miner."

13 10 May 1998. AAP Newsfeed:

14 "AFR: Sierra Leone Villagers Tell of Rebel Atrocities."  
14:58:54 15 "Ousted from power by a West African force loyal to Sierra  
16 Leone's president, former junta members hiding in the countryside  
17 were wreaking revenge with ethnic killings and maimings. Aid  
18 workers today transported 18 amputees from the northern town of  
19 Karina to a hospital in the capital of Freetown after rebel  
14:59:12 20 fighters hacked off their hands on Thursday."

21 12 to 15 June 1998, news article from Heritage, a Monrovia  
22 newspaper. Excerpt and the headline:

23 "In Sierra Leone: Massacre Again, As Mercenaries Still  
24 Flood In. The disintegrated empire of the deposed junta, now  
14:59:32 25 under the command of Samba Bockarie, alias CO Mosquito, is now  
26 leaving behind a heap of corpses as remnants of the rag-tag  
27 militiamen loyal to him have no resort but to wanton killing of  
28 civilians."

29 24 July 1998, news article from Daily Times, a Monrovia

1 newspaper. Excerpt:

2 "Across Liberia-S/L Border: Guns, Rice Traded for  
3 Diamonds. AFRC/RUF military Junta disclosed that they receive  
4 supplies of rice and arms from Liberia in exchange for diamonds.

15:00:03 5 They told General Shelpidi and party that the gruesome atrocities  
6 being perpetrated by them are being committed with a view to  
7 pressuring for the release of RUF leader Foday Sankoh ..."

8 13 July 1998, an Amnesty International report. "The United  
9 Nations Special Conference on Sierra Leone: The protection of  
10 human rights must be a priority for the international community."

15:00:24

11 Excerpt:

12 "AFRC and RUF forces in the east and north of Sierra Leone  
13 are deliberately and arbitrarily killing and torturing unarmed  
14 civilians. A deliberate and systematic campaign of killing, rape  
15 and mutilation -- called by the AFRC and RUF 'Operation No Living  
16 Thing' has emerged since April 1998."

15:00:38

17 15 October 1998. "Tejan Kabbah Points Finger at AFL -  
18 Blames Liberians for Turmoil. As accounts continue to filter in  
19 about countless massacres that are being committed by heartless  
20 Liberian bandits against Sierra Leoneans, President Tejan Kabbah  
21 over the weekend expressed disgust over the continued  
22 participation of soldiers of the Armed Forces of Liberia in  
23 prolonging the Sierra Leonean crisis."

15:01:06

24 11 November 1998. After the rebel attack on Gbendembu  
25 where at least 100 bodies were found, a survivor told Reuters:

15:01:26

26 "... he had watched the attack as he hid on the roof of a  
27 building next to the Wesleyan Church. 'They searched from house  
28 to house ... Then I saw them march 11 people, men, women and  
29 children from the nearby bush into the church. The rebels closed

1 the door after they entered. After two or three minutes, I heard  
2 the hostages screaming. It was horrible. They were screaming  
3 that the rebels were killing them, cutting their throats.' The  
4 survivor said the rebels, numbering about 20, left the church  
15:01:59 5 after about 30 minutes. 'I waited another half hour and stole  
6 into the church. There were the bodies of the 11, all of them  
7 with their throats cut and blood still gushing out.'"

8 27 December 1998. "Rebels Nearing African Capital Two  
9 Burned Alive in Sierra Leone. Rebel commander Sam Bockarie said  
15:02:20 10 yesterday his forces dragged the bodies of the dead Nigerian  
11 soldiers through the streets of Makeni with an armoured car 'as  
12 an example to everyone.'"

13 Then in early 1999, an Amnesty International report that  
14 details events in 1998. Excerpt from page 3:

15:02:41 15 "The town of Koidu, in Kono District, Eastern Province, was  
16 virtually destroyed by rebel forces in April, and more than 650  
17 bodies were reported to have been found there. More than 200  
18 unarmed civilians were killed during an attack on Yifin, a  
19 village in Koinadugu District, Northern Province, in late April."

15:03:01 20 That's from the media; some published in Liberia itself and  
21 from international reports in the United Nations and other  
22 non-governmental organizations. But, of course, let's remember  
23 that the accused had his own reporting systems. He had  
24 communications and a variety of mechanisms within the NPFL, the  
15:03:22 25 RUF, the Junta, the alliance, his eyes and ears, including in  
26 those direct subordinates or agents who were present in Sierra  
27 Leone, and those individuals were meeting in Liberia with senior  
28 leaders under his command.

29 The inference, I think, is clear that he committed this

1 crime -- these crimes with clear intent and knowledge. But we  
2 should note as well that under our Statute it is possible to hold  
3 an official, particularly an official in a military organization,  
4 as Mr Taylor was when he was the Commander-in-Chief of the NPFL  
15:04:10 5 and the chief of state who is also the Commander-in-Chief of his  
6 armed forces, responsible under 6(3) of our Statute for his  
7 acts -- for the acts of his subordinates.

8 Prior to and throughout the armed conflict in Sierra Leone,  
9 the accused exercised formal or *de jure* as well as *de facto*  
15:04:37 10 authority and direct control over his Liberian subordinates.

11 People like Yeaten, Bah, Jungle, Cisse, Weah, Varmoh, Tuah,  
12 Merkazon, Duoh, and his son Charles Taylor Jr., particularly  
13 after he became President when these individuals were under him  
14 in the Liberian government and military, those are individuals  
15:05:00 15 for whose acts he is very directly responsible on both a *de jure*  
16 and *de facto* basis. But he also exercised informal or *de facto*  
17 authority, what we call effective control, over the RUF and  
18 AFRC/RUF alliance because he had the material ability to prevent  
19 or punish the criminal conduct of members of these groups, in  
15:05:28 20 particular the RUF component, but certainly after it became an  
21 alliance, the whole group as well.

22 When the accused ordered senior level leaders of these  
23 groups to travel to Liberia to meet with him, they did so. When  
24 the accused ordered them to provide personnel to fight with his  
15:05:47 25 forces in Liberia, those senior leaders always obeyed those  
26 orders. When the RUF took UN peacekeepers hostage in 2000, the  
27 accused ordered Issa Sesay, then the interim leader of the  
28 AFRC/RUF, to release the peacekeepers. Issa Sesay obeyed that  
29 order but indicated that had it not been for the accused's order,

1 he would not have released them. That makes these individuals  
2 his subordinates for whom he is responsible if the other  
3 conditions of Article 6(3) of our Statute are met, and that of  
4 course requires knowledge or reason to know what these  
15:06:28 5 individuals were doing.

6 It's certainly our position, given all of the notice that  
7 was provided to him, both publicly and directly through his own  
8 means, that he did know and, beyond all question, had reason to  
9 know that his Liberian subordinates in Sierra Leone and the RUF,  
15:06:52 10 Junta, in particular its RUF component, and the AFRC/RUF, were  
11 engaged in a campaign of terror in Sierra Leone. And we have  
12 just shown that some of this notice was available regarding the  
13 campaign of terror conducted by his subordinates against the  
14 civilian population including the reports of killings, rapes,  
15:07:10 15 mutilations, beatings, abductions, sexual slavery and forced  
16 marriage, use of child soldiers, and the looting and burning of  
17 civilian property.

18 Finally, of course, your Honours, we are here today  
19 charging crimes under Articles 2, 3, and 4 of the Statute of the  
15:07:33 20 Special Court for Sierra Leone. These are crimes which are  
21 violations of international law, and at least in the case of ten  
22 of the crimes charged, or the ten counts charged here, those are  
23 crimes that might otherwise be domestic offences but become  
24 international crimes because of contextual elements, because of  
15:07:58 25 their nexus to certain other factors.

26 I doubt whether there will be great dispute that these  
27 crimes were connected to an armed conflict, and indeed I have  
28 outlined already in my history the progress of this armed  
29 conflict in Sierra Leone and the related conflict in Liberia.

1           They are to be found to have sufficient nexus if they were  
2 closely related to the armed conflict that they play -- that this  
3 conflict played a substantial part in the perpetrator's ability  
4 to commit the crimes, the decision to commit the crimes, the way  
15:08:39 5 in which the crimes were committed, and the purpose for which  
6 they were committed. The crimes were shaped or dependent on the  
7 environment or were committed in the furtherance of, or at least  
8 under the guise of, the situation created by the fighting.

9           I think from all we've learned what was happening, even  
15:08:56 10 though this was no way, and no legal way, to fight a war, there  
11 was a conflict ongoing closely related to these offences.

12           Secondly, of course, to the extent we've charged crimes  
13 against humanity, we must show a nexus to widespread or  
14 systematic attacks against the civilian population of Sierra  
15:09:17 15 Leone, and that, I think, is throughout our proof that there had  
16 been, indeed, a campaign of terror against the civilian  
17 population of Sierra Leone that had taken place in the context of  
18 the armed conflict, but that the target of this violence was not  
19 opposing combatants; rather, the target were those not taking any  
15:09:38 20 active part in these hostilities, the civilian population of the  
21 Republic of Sierra Leone.

22           Of course, as we discussed earlier, the evidence will prove  
23 that the accused was aware of these continuing widespread and  
24 systematic attacks and crimes, and with this knowledge continued  
15:10:00 25 to provide substantial support and to participate in the common  
26 plan that he himself developed. And the evidence is no where so  
27 compelling in the evidence -- than the evidence that Mr Bangura  
28 has presented of the re-supply and of the other things that the  
29 accused did at the very time that these attacks were occurring

1 against civilians, providing the means that permitted the attacks  
2 to become only worse, culminating in the attacks in Freetown and  
3 elsewhere in 1999.

4 The only reasonable evidence, we submit -- the only  
15:10:35 5 reasonable inference, we submit, that can be drawn from the  
6 evidence is that the accused in fact intended the crimes charged  
7 in the indictment. But even if it were somehow not proven that  
8 he intended these crimes, he would be responsible because they  
9 were committed by his subordinates, with his actual or  
15:10:55 10 constructive knowledge, and he failed to do anything to prevent  
11 or punish this conduct.

12 Your Honours, the crimes which we have described to you in  
13 this opening statement are nothing short of enormous, and we  
14 submit that the evidence that we will present will be strong and  
15:11:23 15 compelling and be more than sufficient to prove the accused  
16 guilty on each count beyond a reasonable doubt.

17 As we begin this trial, we are about to take another major  
18 step forward in the name of justice for Sierra Leone. The people  
19 of Sierra Leone have high expectations. They are the ones who  
15:11:48 20 still bear the scars of this brutal conflict and for whom this  
21 process of accountability, no matter what the eventual outcome,  
22 will have its greatest meaning.

23 A judgment will not bring back the dead from their graves,  
24 nor give back limbs to the thousands of amputees; nor will it  
15:12:14 25 remove the physical scars that remain from the deep gashes and  
26 gruesome injuries inflicted, nor heal the thousands of women who  
27 were raped or sexually abused. It will not restore the  
28 childhoods of countless boys and girls. Your Honour, this trial  
29 will not erase even the emotional scars etched on the memory of

1 the people of Sierra Leone. What this trial will do is give them  
2 some small measure of closure.

3 Your Honour, there's a Sierra Leonean expression in Krio,  
4 which I do not speak, a quotation given to me by my colleague  
15:12:58 5 Mr Bangura. "A hundred days for tiff man, wan day for master  
6 ose," meaning that the wrongdoer may escape for a long time but  
7 eventually will have to answer in the most important house, the  
8 house of justice.

9 This historic trial shows that while mayhem and terror were  
15:13:25 10 rained upon Sierra Leone and its people, there are those in this  
11 world who are ready to uphold the law and to decide that no  
12 matter how high the position of the person responsible, there  
13 will be a day of justice.

14 Thank you.

15:13:54 15 PRESIDING JUDGE: Thank you, Mr Rapp and Mr Bangura, for  
16 that opening statement.

17 As stated in one of our earlier decisions, today we would  
18 only hear the opening statement of the Prosecutor and then we  
19 will have an adjournment of 18 days which would bring us to the  
15:14:17 20 25th of June for a continuation of the Prosecution case.

21 However, before we adjourn, there is a matter that greatly  
22 concerns the Trial Chamber and this is the matter of the  
23 fair-trial rights of the accused, Mr Taylor, who's not with us in  
24 court today for one reason or another.

15:14:46 25 On the 7th of May, 2007, when we had the Pre-Trial  
26 Conference here, we did hear from Mr Taylor's Defence lawyer,  
27 Mr Khan, who expressed a concern on behalf of his client that  
28 Mr Taylor had expected to speak with the Principal Defender  
29 before the Pre-Trial Conference and to speak with him in

1 confidence over a matter that neither Mr Taylor, nor Mr Khan,  
2 were willing to divulge to the Court for confidentiality reasons.  
3 However, Mr Khan did make it abundantly clear that that matter  
4 did touch upon the fair-trial rights of the accused and that, if  
15:15:31 5 not addressed at that time, had the potential to delay this  
6 trial.

7 That matter lay with precisely the Principal Defender being  
8 able to speak with the accused, a matter that we at the time  
9 thought really there would be no problem. We were concerned  
15:15:52 10 then, and I remember saying that although no official orders were  
11 sought from the Court or directives were sought from the Court,  
12 we did express a concern and said that if there was a bottle-neck  
13 in the Registry, this bottle-neck should be attended to and  
14 removed, and that Mr Taylor should be availed the opportunity to  
15:16:16 15 meet with the Principal Defender and address his concerns.

16 Now, obviously that did not happen and therefore we found  
17 ourselves in the unhappy situation this morning. We are  
18 disappointed as a Trial Chamber because the Office of the  
19 Principal Defender was established precisely to look after the  
15:16:40 20 fair-trial rights of the accused. That we would rise up in the  
21 morning and come to court and be confronted with a situation  
22 where the accused has repeatedly been denied this opportunity,  
23 the bear minimum to be able to address his concerns, is very,  
24 very disappointing and we take it seriously.

15:17:05 25 We still do not know why the Principal Defender could not  
26 meet with the accused to address his concerns. What we do know  
27 is that this is fraught with potential to delay this trial. And  
28 if a delay does ensue, this delay will, to a large measure, be  
29 the responsibility of the Registry for failure to address the

1 concerns of Mr Taylor as and when they arose.

2 I realise that duty counsel, Mr Jalloh, is in the house.

3 He was in the house at the Pre-Trial Conference. But we were

4 told then, and I think the matter still holds, that Mr Jalloh,

15:17:56 5 given his standing, was not in a position to address Mr Taylor's  
6 concern.

7 Mr Jalloh, could you let me finish. I stand to be

8 corrected afterwards. I'll give you an opportunity to speak.

9 We have heard this morning a number of reasons given by

15:18:13 10 Mr Khan culminating in his withdrawal from the case. A number of  
11 the issues he touched upon, really, in our view, were not valid  
12 complaints because the Trial Chamber has at one time or another  
13 addressed each of these issues.

14 For example, the camera surveillance that was installed in

15:18:34 15 Mr Taylor's detention room -- cell, I think -- no, in the room  
16 where he has interviews with his client. That also was an

17 unfortunate incident that went on for a period of time,

18 culminating in the counsel and the accused not being able to

19 consult because they were being surveilled, in spite of a court

15:19:01 20 order. There was a court order in place, I think -- no, the

21 President did issue an order. This order was not complied with

22 for 18 days, but those 18 days were compensated for by the Trial

23 Chamber, and that is why today we've only heard opening

24 statements and we granted the accused a further 18 days towards

15:19:27 25 preparation time.

26 There is the issue, I think, that Mr Khan has mentioned of

27 lack of a full team. That I cannot blame -- I don't understand

28 where the blame lies other than some kind of disorganization

29 somewhere. It is a given that Mr Taylor is being defended by

1 assigned counsel. He is indigent, or partially indigent, and  
2 therefore basically it's the responsibility of the Office of the  
3 Principal Defender to ensure that Mr Taylor is adequately  
4 represented.

15:20:10 5 Article 17 of the Statute is very clear. The accused is  
6 entitled to adequate time and facilities to prepare. And from  
7 the time that the accused was indicted, formally arraigned, until  
8 now there's been a continuous attempt to delay the proceedings  
9 and there's been continuous complaint from the accused that he  
15:20:33 10 does not have adequate facilities, he does not have adequate  
11 time.

12 One of the facilities that he lacks, or his lawyer lacks,  
13 is an office from which to operate. This has been, time and  
14 again, brought to the attention of the Chamber and we believe  
15:20:51 15 this, again, falls in the province of the Principal Defender  
16 under the Registrar. And, really, there is no need for the Trial  
17 Chamber to tell the Registrar how to do his job. It's the bottom  
18 line. The article is very clear: The accused is entitled to  
19 adequate time and facilities to prepare his case. That's the  
15:21:16 20 bottom line. That his lawyer would stand up today and tell us  
21 that he's operating from the cafeteria is most unfortunate.

22 Today he's still operating from the cafeteria. I don't know if  
23 that is true or not, but it doesn't sound good to our ears. And,  
24 really, if we are to pretend that this trial is going to be fair,  
15:21:44 25 as indeed we hope it will be fair, then there's got to be some  
26 kind of equality of arms.

27 Therefore, I'm going to make certain directions, after  
28 hearing from Mr Jalloh, I want to make some specific directions  
29 to the Registrar before we rise.

1 Mr Jalloh, I want to hear from you if you have anything  
2 either by way of clarification or correction in what I've said so  
3 far. Thank you.

4 MR JALLOH: Thank you, your Honour. I venture to say  
15:22:17 5 perhaps I would be able to shed a bit of light into the matters  
6 that raised the initial concerns at the Pre-Trial Conference.  
7 You would be aware -- of course, your Honours would be aware, of  
8 course, that the Defence team, as you have rightly pointed out,  
9 have always complained about the adequacy of the resources that  
15:22:38 10 have been provided to them, but there are a number of issues, if  
11 I may, with your leave, just quickly go through.

12 The key issue has been the overriding funding concern.  
13 This has affected the ability of the Principal Defender's Office  
14 to assemble a good legal Defence team to meet the size and  
15:23:01 15 complexity of Mr Taylor's case. That is the first point.

16 Secondly, the level of financing available for Defence  
17 investigations was a matter of concern to Mr Taylor.

18 Thirdly, the status of composition of the team, or lack  
19 thereof, as we got closer and closer to the opening of trial.  
15:23:23 20 Mr Khan at the last occasion made mention of the fact that at  
21 least up to 12 QCs have been approached by the Defence seeking  
22 their involvement in the case and all of them had declined to  
23 represent Mr Taylor because of the funding that is available  
24 through the Defence Office from the Registry.

15:23:45 25 Of course, we've done all we can within the mandate of the  
26 office to address the issues, to bring them up to the Registry so  
27 that the Registry would be engaged. And I'm happy that the  
28 Acting Registrar is here. He may be able to clarify from that  
29 point of view why there is, as your Honour put it, a bottle-neck.

1 Now, aside from reporting on those concerns, Mr Taylor had  
2 repeatedly, I must say, requested to meet with the Principal  
3 Defender, and the reason for the meeting specifically with the  
4 Principal Defender is that only the Principal Defender, not duty  
15:24:21 5 counsel, myself, can address some of the more fundamental issues.  
6 But as your Honours are aware, again at the Pre-Trial Conference,  
7 the Principal Defender could not travel here and subsequently his  
8 attempt to travel to The Hague for this opening was also not  
9 permitted.

15:24:41 10 We are, of course, again aware of some of the logistical  
11 complaints in terms of setup of offices and the teething problems  
12 of the The Hague office at this time, which your Honours would  
13 confirm with respect to things like filings with motions and  
14 legal documents and all of this.

15:25:00 15 In short, in my respectful submission, the Defence team has  
16 faced a number of difficulties, ranging from the adequacy of the  
17 funding that our office could provide from the Registry to them,  
18 our inability to assist them to compose the team because of that  
19 lack of funding, and the hampering of the role of the Defence  
15:25:21 20 Office in facilitating the rights of the accused to the extent -  
21 to the extent - that the Principal Defender's direct involvement  
22 could result in resolution of some of the problems.

23 I would, of course, state for the record, your Honour, that  
24 Mr Taylor is partially indigent and, from the point of view of  
15:25:42 25 the Defence Office, he's going to be on a legal aid case, of  
26 course, until we can find evidence to the contrary. This is  
27 very, very important. And we are concerned, of course, as to  
28 Mr Taylor's rights in the sense of both having a properly  
29 composed legal team to meet the complexity of his case and at the

1 same time for his trial to begin. He is anxious about that. He  
2 has stated that before. But there must be some areas of -- that  
3 we would have to jointly address with the Acting Registrar in the  
4 Defence Office.

15:26:11 5 I see Mr Herman had one or two comments, so I will leave it  
6 at that for now, subject to further clarifications from your  
7 Honours. Thank you.

8 PRESIDING JUDGE: Mr Herman von Hebel, the Acting  
9 Registrar, you want to say something before I make some  
15:26:27 10 directives?

11 MR VON HEBEL: Yes, your Honour, I will be very brief on  
12 this matter.

13 The Defence for Mr Taylor entered into a contract with the  
14 Principal Defender in September of last year, and as of then the  
15:26:40 15 resources for him to prepare his case has been clear. There have  
16 been discussions with the Principal Defender and also with the  
17 Registrar's Office since then, and in March of this year there  
18 was an agreement with the Defence counsel, Mr Khan, on which we  
19 would increase the amount of support for the Defence Office and  
15:27:04 20 for -- in particular, for the Defence counsel.

21 The final situation -- financial situation is now  
22 comparable with the support that is used in other tribunals, like  
23 the Yugoslav tribunal, and actually his position is a better one  
24 than the one in -- than the system that is applied in other  
15:27:27 25 tribunals. So also for us it was a bit of a surprise this  
26 morning to see some of the complaints. As you, your Honour,  
27 yourself indicated just a couple minutes ago, some of the  
28 comments by the counsel were not justified.

29 I'm more than happy, in detail, to write to the Chamber in

1 order to clarify those certain matters. In particular, the  
2 question about being -- sitting in the cafeteria or otherwise to  
3 work is certainly not correct. The Defence has always had the  
4 opportunity of using office space in Freetown and in The Hague as  
15:28:07 5 of February of this year. But there may be other issues. I'd be  
6 more than happy, of course, in writing later on to inform the  
7 Chamber of all the measures taken in the past, and of course we  
8 will be in full support of any further orders from the Judges in  
9 order to ensure that there is no delay in the proceedings for  
15:28:31 10 this case. Thank you very much.

11 PRESIDING JUDGE: Mr Herman, there is one question we would  
12 like you to answer for us. Has the Principal Defender been  
13 refused money to come to The Hague for the purposes of talking to  
14 Mr Taylor? Is that correct?

15:28:48 15 MR. VON HEBEL: Your Honour, on this question, there have  
16 been consultations between myself and the Principal Defender. He  
17 has indeed requested to travel to The Hague in order to be at the  
18 Pre-Trial Conference. Since Mr Jalloh is the representative of  
19 the Defence Office and can deal with all matters relating to the  
15:29:08 20 functioning of the Defence Office, I thought it was not  
21 necessary, in addition to the presence of the duty counsel, to  
22 have Mr -- the Principal Defender being here, which is also in  
23 conformity with the practice in Freetown. It was therefore my  
24 decision indeed not to have him travel over here to Freetown --  
15:29:31 25 to The Hague because all issues of contact with Mr Taylor could  
26 have been addressed through the duty counsel.

27 As far as I was informed at that time by the Principal  
28 Defender, the issue related to the financial aspects and those  
29 aspects, as I said earlier, were already discussed with the

1 Defence counsel himself and with the duty officer as part of  
2 those proceedings. And so the agreement was already there on the  
3 financial support for the Defence by myself, by the Defence  
4 Office and by Mr Khan as the Defence counsel for Mr Taylor.

15:30:18 5 Thank you.

6 PRESIDING JUDGE: Well, that definitely sheds some light on  
7 the reason why we find ourselves in this unhappy situation.

8 Mr Jalloh, you wanted to say another word? We need to  
9 bring this to a close.

15:30:32 10 MR JALLOH: I will be very brief. Your Honours, to state  
11 for the record, I am aware of some of the discussions between the  
12 Defence Office and the Acting Registrar. Since we are concerned  
13 about facilitating the process going forward, I think it is  
14 important to note that at the Pre-Trial Conference I did mention  
15:30:50 15 that the Principal Defender had tried to come to The Hague to  
16 meet with Mr Taylor, and subsequently there was another attempt.  
17 There have been repeated requests. In my meetings with  
18 Mr Taylor, he has asked me to communicate, communications that  
19 the Registry was copied on, that "I immediately need to speak to  
15:31:08 20 the Principal Defender directly."

21 So to the extent that that would assist the Court in its  
22 orders for the Registry, I think it would be important, going  
23 forward, so we can avert, hopefully avert, further delays in now  
24 dealing with the fallout from this situation. Thank you, your  
15:31:23 25 Honours.

26 PRESIDING JUDGE: Thank you, Mr Jalloh.

27 It is clear to me that Mr Taylor's request to speak with  
28 the Principal Defender is not an unreasonable one in the  
29 circumstances. Obviously, there will be situations and there

1 will be issues over which Mr Taylor, for one reason or another,  
2 would rather speak to the Principal Defender than Mr Jalloh and I  
3 think that is perfectly reasonable. It's a reasonable request  
4 and falls within his rights to do so. The Office of the  
15:31:57 5 Principal Defender was set up precisely for reasons like that.

6 Now, we've not heard a convincing reason why the Principal  
7 Defender has repeatedly been denied the opportunity to come to  
8 Freetown and perform his -- to come to The Hague and perform his  
9 duties. On the contrary, what we have seen is that the trial --  
15:32:18 10 the smooth running of the trial is being hampered by this kind of  
11 development and it's not good.

12 I'm therefore going to issue certain directives  
13 addressed -- directed at the Office of the Registrar, the Acting  
14 Registrar, and the order or the directive is in these terms:

15:32:43 15 The Registrar is directed to immediately facilitate the  
16 Principal Defender to travel to The Hague for the purpose of  
17 speaking with Mr Taylor and sorting out his defence problems.  
18 The Registrar is further directed to ensure that logistically the  
19 accused has adequate facilities, in accordance with Article 17 of  
15:33:11 20 the Statute, without further delay.

21 I think with those directives that should bring us to the  
22 close of today's proceedings. The trial will adjourn to Monday,  
23 the 25th of June, at 9:00.

24 Please adjourn the court.

15:33:47 25 COURT OFFICER: All rise.

26 [Whereupon the hearing adjourned at 3:33 p.m.]

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29