SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

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International News

New African
December 2009

The Taylor affair

It took him a long time to say anything in his own defence, but when the former Liberian president, Charles Taylor, got the opportunity in court in The Hague, he did not bite his tongue. So far, his testimony has been riveting. **Osei Boateng** has been following it.

When former President Charles Taylor was arrested in March 2006 and flown to The Hague to stand trial, our editor, Baffour Ankomah, predicted in his column *(Baffour's Beefs, NA, May 2006),* that: "If Taylor gets a fair trial and such a simple thing as an average intelligent lawyer, the prosecution will have a torrid time in Court."

And so it has been, so far. After calling 91 witnesses over a period of 13 months (from 7 January 2008 to 30 January 2009), the prosecution is now slowly finding the testimonies of some of its key witnesses falling apart, four months into Taylor being put on the stand by his lead counsel, Courtenay Griffiths, to answer the charges against him himself.

Taylor faces 11 counts of war crimes and crimes against humanity, as committed in Sierra Leone between November 1996 and December 2001 by the rebel group, the Revolutionary United Front (RUF) which he allegedly "commanded and controlled". Taylor has denied all the charges.

Using largely documentary proof to support Taylor's testimony, Griffiths has taken the former president of Liberia through an "examination-in-chief" that has essentially discredited large sections of the prosecution case.

Taylor has been relying on a rich archive of "presidential papers" and communications, between him and the United Nations, Ecowas, governments in and outside Africa, and other prominent African and world personalities involved in the Sierra Leone saga – including media reports (such as articles in *New African* and other magazines and newspapers), and status reports written by RUF commanders – to dismiss the testimonies of key prosecution witnesses who, in hindsight, appear to have either blatantly lied to the court or told little fibs. Taylor told the Court that he had collected the archives with the hope of building an American-style "presidential library" in Monrovia on his retirement. Now it has come in handy, so much so that it has succeeded in exposing serious inconsistencies, and sometimes sheer fabrications, in the testimonies of many prosecution witnesses.

And this is even before the defence (which opened its case on 13 July 2009) has called any witnesses at all in support of Taylor. The defence has put the Court on notice that it intends to call 227 witnesses. The sheer number of the potential defence witnesses sent shivers through prosecution ranks, forcing Brenda Hollis, the lead prosecutor in the absence of the chief prosecutor Stephen Rapp – who has been given a new job by President Barack Obama – to express concern that if all 227 listed witnesses were to be called by the defence, it would take another two-and-a-half years for them to give their testimonies and be cross-examined.

According to Hollis, the high number of 227 defence witnesses will also run foul of the legal principle of "equality of arms". The prosecution, which has a higher burden of proof, called 91 witnesses, and it would be disproportionate for the defence to counter with 227 witnesses, Hollis argued.

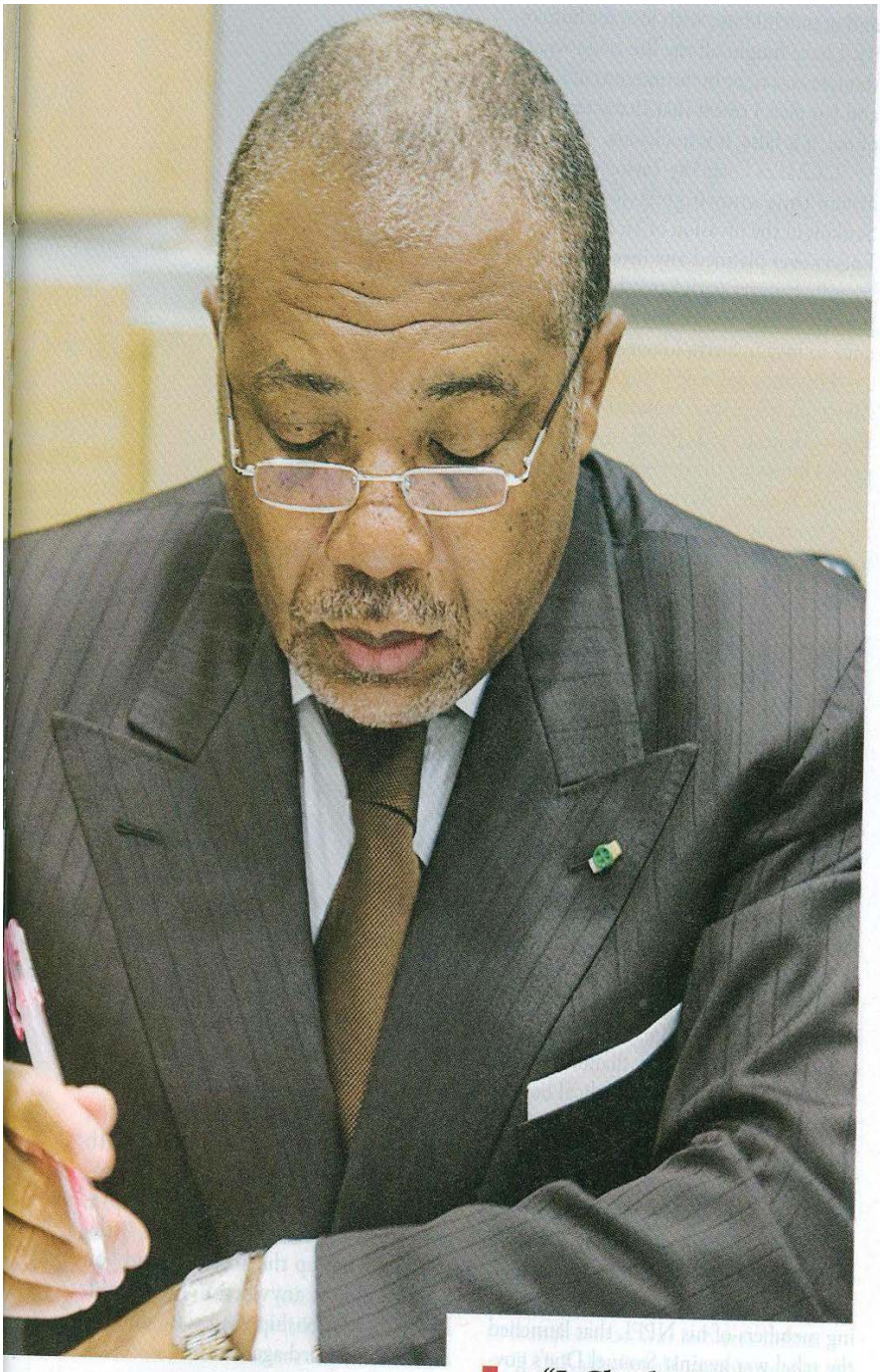
This brought a wry smile to the face of Courtenay Griffiths, a brilliant British QC of Jamaican descent. He allayed the prosecution's fears by reminding Hollis that before the prosecution opened its case on 7 January 2008, it had filed a list of 300 potential witnesses it intended to call, but in the end it called only 91. In the same vein, the defence may not call all the listed 227 witnesses, but it still had to put them on file in case they were needed.

The indictment

Originally the indictment against Taylor covered 17 charges, which were later reduced to 11. The prosecution claims that between November 1996 and December 2001, Taylor, the RUF, and the Armed Forces Revolutionary Council (AFRC) headed by the former Sierra Leonean coup leader, Lt-Col. Johnny Paul Koroma, "shared a common plan and purpose" and formed "a joint criminal enterprise [while training their forces in Libya]...to gain and exercise political power and control over the territory of Sierra Leone, and in particular over the diamond mining areas in order to exploit the natural resources of the country".

Interestingly, on 20 June 2007 the Court ruled in a related case involving former members of Koroma's AFRC, that a "common purpose to take actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas, was not an international crime, nor a crime punishable under statute".

This panicked Hollis and her prosecution team to file an amended case summary, alleging that the common plan shared by Taylor and his co-participants



Charles Taylor in court: "I never met Foday Sankoh in Libya. I didn't even know him"

in the "joint criminal enterprise" was to inflict a campaign of terror on the citizens of Sierra Leone in order to pillage the resources of the country. But in court so far, Taylor's performance and his lead counsel's tactic of going chronologically through, not only the indictment period (Nov 1996–Dec 2001) but also the history of the Liberian civil war (1989 to 1996), has put a different gloss on the whole proceedings.

"I, Charles Taylor, never ever at any time knowingly assisted Foday Sankoh in the invasion of Sierra Leone...I did not provide the RUF with any military assistance to invade Sierra Leone."

The defence case

When the defence opened its case on 13 July 2009, Courtenay Griffiths, in his opening address, reminded the Court that Taylor's "case has been played out over the last six years by the prosecution in the Court of public opinion worldwide; so we are conscious that our audience is far wider than the judges in this courtroom. Inevitably we must address that wider audience, so long as, of course, we adhere to the rules."

Griffiths then referred to an admission by the first chief prosecutor of the Court, David Crane, who said in 2006 that "the United States was given a copy of the Taylor indictment two months before it was unsealed on 4 June 2003", even though "all [other] parties were warned 24 hours in advance of the unsealing".

"Now, one has to ask," said Griffiths, "why was the USA granted this particular favour two months in advance? And was this Court notified, given that the indictment was under seal, that the seal had indeed been broken?"

It is generally believed, and Taylor has repeated it again and again in court, that the trial has been driven by the USA and Britain behind the scenes for their own reasons, which, according to Taylor, were to get him out of power and destroy him in the process.

In his opening address, Griffiths touched on "the deeply ingrained popular prejudice against Mr Taylor ... based, we say, on lies, unsubstantiated rumour and hearsay without independent support – that public opinion, which has already given its outspoken verdict and condemned Charles Taylor. Yes, I'm talking about that prejudice which nullifies objectivity, neutralises independence of thought, and thereby corrupts justice. Surely we are all here for more than that." Griffiths reminded the Court that Taylor "bears no obligation to prove his innocence. His protection is that it is for the prosecution to prove his guilt."

Outlying the defence case, Griffiths said Taylor would give evidence to show that in late 1997, Liberia was made a member of the Ecowas Committee of Five on Sierra Leone and that he was placed on the frontline by his colleagues in Ecowas

to get personally involved in helping to bring peace to Sierra Leone.

"And yet now everything is turned on its head, and that is now used against him as evidence of his control [of the RUF rebels] when he was merely acting in accordance with United Nations policy which [the prosecution] know about, and had they had the diligence to find the documentation and place it before this Court, we would not have been proceeding on a misconception these past few months."

He continued: "There is ample documentary proof of it. And [Taylor] will say that these activities in which he engaged were, in fact, carried out on behalf of Ecowas, and at no stage was he acting in an individual capacity as president of Liberia.

"In this regard, we will ask this Court to note the shadowy role of certain foreign powers [a reference to America and Britain] whose pursuit of their own selfish interests in the region led to the continuation of the wars in both Liberia and Sierra Leone...

"And he will describe how the agreement which led to that momentous decision, him standing down [as president of Liberia in August 2003], was backed by the United States, the UK, the United Nations and several African leaders and how that agreement was betrayed and he was handed over, contrary to the agreement, to this Court for trial."

Griffiths said Taylor's decision to give evidence was because since his arrest on 29 March 2003, he had not said a word in his own defence. "He has kept his own counsel. This is his first and perhaps only chance to give his account. Now he takes the opportunity to put forward his defence, not because in law he has to, but because he wants to. He feels it is important to set the historical record straight."

Taylor's testimony

So far, Taylor has told the Court that descriptions of him in the indictment that he was "everything from a terrorist to a rapist" were "quite incredible ... [It is] very, very, very unfortunate that the prosecution because of disinformation, misinformation, lies and rumours, would associate me with such titles or descriptions. I am none of those, have never been, and will never be whether they think so or not."

He went on: "I am a father of 14 children and grandchildren, with love for humanity. I have fought all my life to do what I thought was right in the interests of justice and fair play. I resent that characterisation of me, it is false, it is malicious.

"I, Charles Ghankay Taylor, never ever at any time knowingly assisted Foday Sankoh in the invasion of Sierra Leone... I never ever planned any invasion of that friendly country with Sankoh... I did not provide the RUF with any military assistance to invade Sierra Leone.

"However, between August 1991 and May 1992, there was cooperation between the RUF and the NPFL [Taylor's rebel group] following the invasion of Liberia by ULIMO [an anti-Taylor group that operated from Sierra Leone]. They had been armed, trained and sent in by President Momoh's government.

"I provided for the protection of the borders of Liberia, as was my duty and responsibility at the time – I provided small amounts of arms and ammunition, more ammunition than arms, to the RUF [to check ULIMO's advance]...

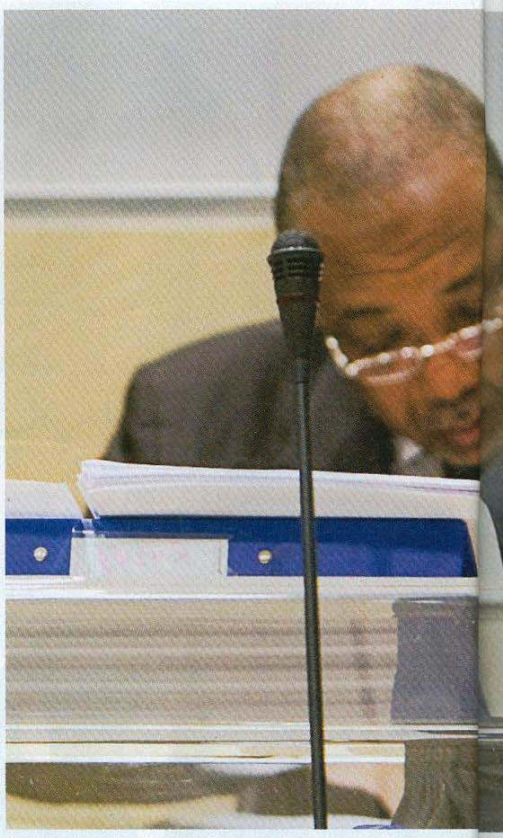
"[But the NPFL-RUF relationship] ended in May 1992 after the [RUF] killed several of my men [who] were providing security on that border, and in fact [were] jointly fighting a common enemy [ULIMO]. We withdrew our men and ceased all, and I mean all, cooperation with the RUF [in May 1992]... Never ever did I receive, whether it [was in a] mayonnaise or coffee or whatever jar, any diamonds from the RUF. It's a lie, it's a diabolical lie."

The highlights

The following are some of the highlights of Taylor's evidence:

Despite strident denials by Liberia's current president, Ellen Johnson-Sirleaf, Taylor told the Court that the three founding members of his NPFL that launched the rebel war against Samuel Doe's government in December 1989 were Ellen Johnson-Sirleaf, Tom Wowieyu and himself, Charles Taylor.

"I did not put the NPFL together alone," Taylor told the Court. "There was a gentleman called Tom Wowieyu, and there was the current president of Liberia, Ellen Johnson-Sirleaf. The three of us were the individuals that put the NPFL together. Ellen raised money throughout while the [NPFL was] training [in Libya]... Ellen raised most of the money that we needed in the early



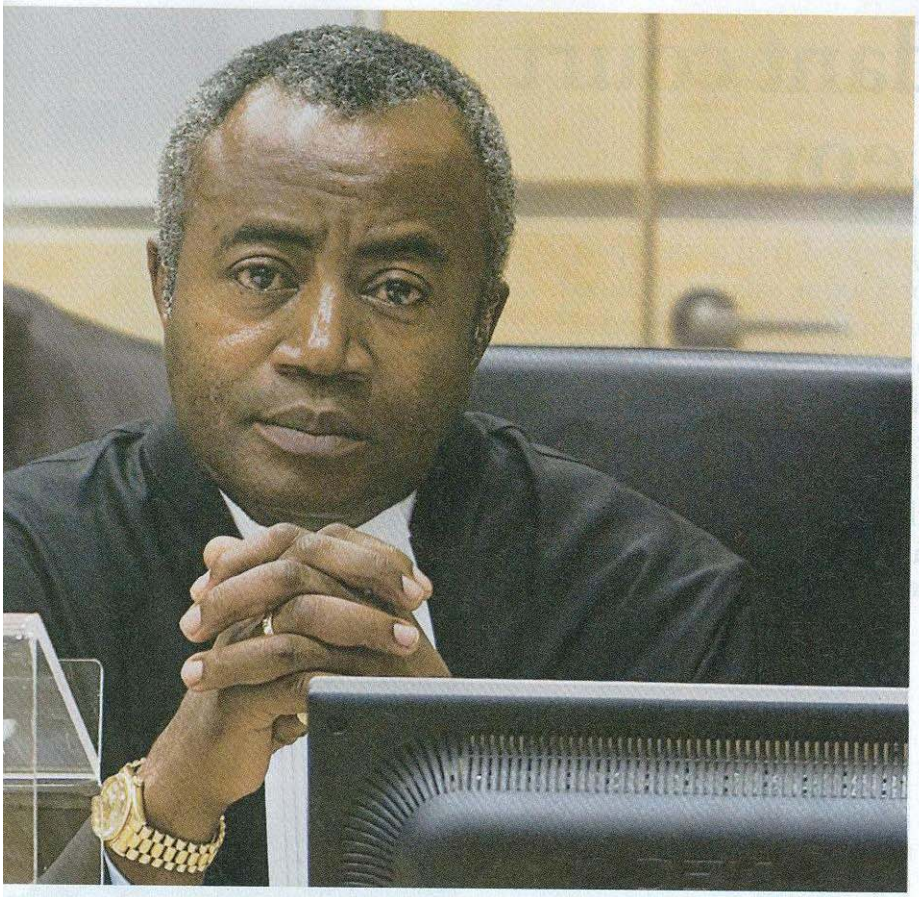
stage and even during combat... Ellen, as she sits there now as president of Liberia, has been part of every guerrilla movement. She was [also] part of LURD."

Taylor told the Court that the Americans via the CIA also helped the NPFL during the war, and while it lasted the NPFL had a good relationship with Washington. The CIA, he said, even provided him with a sophisticated radio system called Fly Away. "And it was little, you just whip up the antennae and you can call almost anywhere," Taylor said. Later the relationship went sour, and the Americans turned against him.

Training in Libya

"Whether people like it or not, [Libyan leader, Muammar] Gathafi is an African hero," Taylor told the Court, adding that but for Libya [where he had trained the 186 NPFL 'special forces' who launched the rebellion in Liberia], the revolutionary struggle in Africa, especially in South Africa and Namibia, would have floundered.

"The Libyans were seriously involved in



Courtenay Griffiths (above): "Taylor bears no obligation to prove his innocence. His protection is that it is for the prosecution to prove his guilt."

trying to free the rest of Africa, and that's why I think that Gathafi, whether people like it or not, is an African hero – by helping people to stand up against some of the terrible things that were going on, on the African continent…

"He was the only leader who had the backbone to stand up to them, and that's the Libya I met. Almost every major functioning government of any revolutionary credentials from East, Central, Southern and West Africa owe it to the Libyan people… If it had not been for Gathafi, apartheid would still be [flourishing] in South Africa and Namibia."

Ali Kabbah

Taylor said that when his NPFL fighters arrived in the training camp in Libya, outside Tripoli at a place called Tajura which used to be an American military base built before Gathafi came to power in 1969 (the base can hold 15-20,000 soldiers at any one time), they met a Sierra Leonean group already in training led by one Ali Kabbah, who said he had been sent there by his "uncle" Tejani Kabbah, the former president of Sierra Leone, to train a group to launch a rebel war in Sierra Leone.

"[Ali Kabbah] told me that within the Armed Forces of Sierra Leone and the police and the other security apparatus, he had all the assistance that he needed, and that the men he was training in Libya would return directly to Sierra Leone and launch the revolution. Ali Kabbah's group was called the Sierra Leonean Pan-African Revolutionary Movement, so the RUF is something that doesn't even play. I didn't know them. The Sierra Leoneans that I got to know [of] and did not meet, except for their leader Ali Kabbah, were called the Sierra Leonean Pan-African Revolutionary Movement that was registered in Libya… It was not called the RUF at all.

"So when [in 1991] I heard about the RUF, I was shocked because I had never heard that name before. And when they said Sierra Leoneans, what clicked was: 'Oh, maybe these are the Sierra Leoneans that were in Libya, but they were not called the RUF in Libya'."

Pressed by his lead counsel, Griffiths, on the issue of having planned with Foday Sankoh, leader of the RUF, in Libya to take over Sierra Leone, Taylor reiterated that he did not meet Sankoh at all in Libya. The first time he heard of Sankoh, he said, was when Sankoh was speaking on the *BBC* in 1991. "Now, it did not take Charles Taylor to tell Ali Kabbah and his people that were at Fourah Bay College to plan to fight. I met these people in Libya. They were there in their numbers. They didn't go there for a party. They went there to train to fight.

"So this nonsense that Taylor was supposed to be the brains and godfather [of the RUF]… I didn't take them there. These people went there, they were in a military camp training to launch a revolution… And in fact, how would a young man like Ali Kabbah [get] all the way to Libya? Ali got there through Tejani. His family met Tejani Kabbah, former President Tejani Kabbah, [he] was the one who – from what Ali told me – made the arrangement for Ali to go to Libya through Ghana. So as far as I can tell, from what Ali told me, their revolution was something that they had planned.

"And it would not be fair to me – it would not be in the interests of justice – if this gentleman, Ali Kabbah, doesn't show himself up here in this Court to tell the truth. He is alive. We've tried to track him down in Canada, and he has been hiding, for what reason I don't understand…

"Now Ali, if you can hear me, wherever [you are] in the world, come forward and tell these people that I didn't know Sankoh, because they [claim] I knew him; and I think in the interests of justice, if [you've] got any heart [you] should come forward. I mean I'm suffering here on a lie that I planned this whole thing when he [Ali] was the one. Their roots come from Sierra Leone based on what he told me … They put their stuff together…"

The trial continues. NA

Charlestaylortrial.org
Monday, 4 January 2009

Welcome back: One Week to Go Before Charles Taylor's Trial Restarts

By Tracey Gurd

Happy New Year, dear readers, and welcome back.

We have one more week to go before former Liberian President, Charles Taylor, returns to the stand at the Special Court for Sierra Leone to restart his cross-examination by prosecutors. He has been testifying in his own defense since July 14, 2009, trying to fend off 11 charges of crimes against humanity, war crimes and other serious violations of international humanitarian law committed during Sierra Leone's civil conflict. Mr. Taylor has pleaded not guilty to all charges against him.

As you will see from the post below — a detailed overview of Mr. Taylor's defense case under direct examination by his counsel, kindly provided by Jennifer Easterday and Kimberley Punt, trial monitors from U.C. Berkeley War Crimes Studies Center – Mr. Taylor's testimony has been fascinating. Over the course of four months, Mr. Taylor has provided (although not always consistently) a narrative of a regional peacemaker made into a scapegoat by other international powers. He rejects allegations that he was in a position to prevent or punish crimes committed by Sierra Leone's rebel group, the Revolutionary United Front, during Sierra Leone's conflict. He also denies aiding and abetting the rebel group by providing arms and ammunition in exchange for diamonds, which prosecutors allege were brought to him by Sierra Leonean rebel leaders, and rejects the notion that he collaborated with the rebels in a joint criminal enterprise to destabilize Sierra Leone in order to instal a friendly governernment which would allow greater exploitation of the country's natural resources and mineral wealth.

Just before the recess last year, prosecutors started their cross-examination, confronting Mr. Taylor with, among other things, a covert bank account kept in his name through which millions of dollars are alleged to have flowed during the time of his presidency. Mr. Taylor denied that the bank account was for personal enrichment but instead was used for covert operations on behalf of the Liberian government. This cross-examination will continue next Monday, and U.C> Berkeley will kindly provide another report for us covering Mr. Taylor's cross-examination once that is complete too.

Meanwhile, the site has been quiet, but we have not forgotten about the trial.

Alpha arrived in Sierra Leone not long after the court took its early recess. Over the past few weeks, he has been meeting with journalists, students and civil society organizations in the country to get people's thoughts on the Taylor trial to date. We will be posting updates from his trips and what he found out over the coming weeks.

The holidays also got me thinking about the broader context of the trial. Many people who comment on this site identify themselves as Liberians or Sierra Leoneans, and regularly provide such rich analyses and discussions of places, people and background to the trial which enormously enrich the legal narratives emerging from the courtroom each day. I realized that a number of other readers are, like me, not from West Africa but are increasingly fascinated with the discussions, ideas and analyses emerging from readers on the site, and want to learn as much as possible about the context and background of Sierra Leone, Liberia, the conflicts in both countries, and more about Mr. Taylor and his current trial. It struck me that the best people to recommend reading/films/analyses for those of us who are not from the region but who want to deepen our understanding of the issues and events which underpin this trial, would actually be many of the readers and regular commentators on this site who are from Liberia and Sierra Leone. So I now ask a request of you, dear readers: Might you be able to offer us some good reading/viewing recommendations as we wait for the trial to begin?

Good to be back on board with you again and I look forward to our continued conversations throughout 2010.

Best,
Tracey

Charlestaylortrial.org
Monday, 4 January 2010

Charles Taylor on the Stand: An Overview of His Examination-In-Chief (by U.C. Berkeley monitors)

Monthly Summary

By U.C. Berkeley War Crimes Studies Center

Thanks to the U.C. Berkeley Monitoring Program, below is an extensive and detailed overview of Charles Taylor's testimony as he took the stand in his own defense in his current trial before the Special Court for Sierra Leone. This report, by Berkeley trial monitors, Kimberley Punt and Jennifer Easterday, covers Mr. Taylor's direct testimony, where he defense counsel, Courtenay Griffiths, led him through his direct testimony for a period spanning four months. The views and opinions expressed in the following are those of U.C. Berkeley War Crimes Center and do not necessarily represent the views, opinions or analysis of the Open Society Justice Initiative.
Please enjoy! Best, Tracey

1. Introduction

This report provides an in-depth review of the examination-in-chief of Charles Taylor in the Special Court for Sierra Leone case Prosecutor v. Charles Taylor. With much anticipation and media attention, Charles Taylor, former president of Liberia, took the stand in his own defense on July 13, 2009. His testimony came after ninety-one Prosecution witnesses provided evidence against him over the course of a year, supporting allegations of eleven counts of war crimes and crimes against humanity committed in Sierra Leone during a decade-long civil war.

Taylor's direct-examination, conducted by his Lead Counsel, Courtenay Griffiths, QC, lasted thirteen weeks. Taylor's testimony involved a detailed account of his rise to power, West African politics, his efforts at making peace in Sierra Leone, and his ongoing struggle to retain power and promote stability in Liberia. The Defense focused on distancing Taylor from the Revolutionary United Front (RUF), and highlighted the myriad of regional and international players involved in the Sierra Leone conflict; Taylor's role as a peacemaker in Sierra Leone; the ongoing battles for control Taylor faced as president of Liberia; and the porous and uncontrolled border with Sierra Leone. The Defense also led evidence aimed at generally discrediting Prosecution witnesses.

The Judges of Trial Chamber II, in keeping with their generally passive approach to Courtroom management, did not attempt to limit the scope, duration, or manner of questioning during the direct examination. The Court applied a lenient standard to the introduction of documentary evidence, particularly documents from Taylor's personal archives, on which the Defense relied heavily throughout Taylor's testimony. After the Trial Chamber repeatedly overruled Prosecution objections to this approach, the Prosecution limited itself to intervening only when evidence raised concerns about witness protection and security.

The Court issued no major procedural decisions during Taylor's testimony, nor were any major motions filed by either party. As such, this report concentrates on Taylor's oral testimony, while identifying a few legal and procedural issues that have arisen during the reporting period. As with previous WCSC monitoring reports, this document is available online at http://socrates.berkeley.edu/~warcrime/SL-weekly.htm. A subsequent report will take an in-depth look at Taylor's cross-examination, and regular monthly reports will recommence with the testimony of regular Defense witnesses.

Contents

2. Defense Themes and Strategies

Following a spirited and rather fierce opening statement by Counsel for the Accused, Courtenay Griffiths, QC, Charles Taylor took the stand to testify in his own defense. Although the Defense estimated that the direct examination would last six to eight weeks[1], it ultimately lasted thirteen weeks. Griffiths initially indicated that he would lead his client chronologically through the direct examination for the sake of clarity. However, after approximately nine weeks of examination focusing on events reaching the end of 2002, Griffiths abandoned the chronology for several weeks in order to confront Taylor with various points of testimony from Prosecution witnesses. This confrontation exercise was an important aspect of the Defense case, as it allowed Taylor to address and discredit the allegations against him. It also allowed the Defense another opportunity to impeach Prosecution witnesses and juxtapose their testimonies.[2] This strategy bolstered the Defense case and undermined the Prosecution case. However, the timing of this line of questioning was awkward, as it cut into the middle of the Defense's otherwise easy-to-follow chronology of events. Once Defense Counsel finished his questions about prior witness testimony, he continued to lead the accused in a chronological account of events from 2003 through Taylor's arrest on March 29, 2006.

By taking the stand, Taylor was able to provide the Court with his own views on certain events. When Taylor began testifying, he was very enthusiastic and was often ahead of the Defense when referring to dates and events due to his excellent memory. Indeed, leading up to his testimony and during the first week, Griffiths publically noted Taylor's excitement and enthusiasm for testifying.[3] Many were eager to hear Taylor speak for the first time in his own defense, and the public gallery was nearly full for the first week of his testimony. Observers were surprised by Taylor's eloquence, calmness, and detailed recollection of events that transpired decades ago. Although Taylor sometimes lost his temper when confronted with the statements and testimony of previous witnesses, he still managed to provide meaningful testimony by pointing out inconsistencies in and contrasting the testimony from prior witnesses. Taylor attempted to show the Court a rational, reasonable, and empathetic character. This "humanizing" strategy can help improve the credibility of Taylor's testimony in the eyes of the Judges.

Taylor repeatedly stated that he had always acted in the best interests of Liberia and that he wanted to establish a democratic system in Liberia. However, the Defense and Taylor argued that especially during Taylor's presidency, he was consistently hindered by major powers within the international community in economically rebuilding Liberia. Taylor specifically accused the United States and the United Kingdom of purposefully thwarting his efforts to promote peace and prosperity in Liberia. Moreover, Taylor stated that Liberia's economic development was dependant on peace in Sierra Leone. Hence, an important aspect of the Defense's case is demonstrating to the Court that Taylor had nothing to gain by supporting the RUF and the continuing conflict in Sierra Leone.

To refute the Prosecution's allegations against him, Taylor's testimony focused on distancing him from the RUF, and emphasizing that any contact he had with the RUF or AFRC during the Sierra Leone conflict was due to his role as a peacemaker. Taylor admitted that he had contact with the RUF, but not for the reasons described by the Prosecution. Taylor said that he only had contact with the RUF between August 1991 and May 1992 in order to protect the Sierra Leone/Liberia border from incursions by the rebel group the United Liberation Movement of

Liberia for Democracy (ULIMO). He claimed that while he provided the RUF with small amounts of ammunition for this purpose, he never provided arms to the RUF. Taylor maintained that contact with the RUF after May 1992 was necessary since he was appointed as mediator by the Committee of Six of the Economic Community of West African States (ECOWAS) to negotiate peace in Sierra Leone during his presidency. The Defense emphasized Taylor's efforts in the peace negotiations and especially the Lomé peace talks in July 1999. In order to demonstrate Taylor's efforts, the Defense introduced many official documents varying from reports to correspondence between Heads of State and United Nations (UN) Resolutions. Taylor adamantly denied any allegation concerning the transport of arms and ammunition into Sierra Leone to the RUF in exchange for diamonds. In addition, Taylor denied that he ordered and directed the RUF to undertake operations in Sierra Leone.

Despite Taylor's impressive testimony, he was inconsistent at various times; one example is discussed in more detail below. This may result in difficulties for Taylor during cross-examination if the Prosecution confronts him with these inconsistencies and damages Taylor's credibility as a witness.

Nevertheless, Taylor remained enthusiastic and sharp throughout his testimony. Even after thirteen weeks of testimony, Taylor managed to recollect most facts and could discuss the events surrounding the issuance of the indictment, his exile in Nigeria and his capture in detail. In general, Taylor maintained his impressive demeanor until the end of his testimony.

a. Opening Statement: Blaming International Politics and Utilizing Media Attention

Counsel for the Accused used his opening statement as a platform to argue that the trial of Charles Taylor is merely a political process. Griffiths repeatedly referred to the involvement of the United States in the trial, noting that the US had been a significant benefactor to the Special Court for Sierra Leone, and that several members of the Prosecution team were US nationals, including the lead Prosecutor Steven Rapp.[4] The Defense maintained that the Office of the Prosecutor (OTP) issued the indictment in June 2003 as a calculated move to "publicly strip, in front of the world, this war lord of his power."[5] Further, Griffiths alleged that the fact that the US was given a copy of the indictment two months before the indictment was formally unsealed was indicative of the political forces at interfering with a legal process behind the Taylor trial. Griffiths noted that the core of the indictment dates from February 1998 until January 1999. According to the Defense, this period is situated "conveniently" during the time Charles Taylor was president of Liberia, supporting its argument that the case was "created" by the international community in an attempt to delegitimize Taylor's presidency.

Throughout the opening statement, the Defense argued that the indictment was edited more than once, thereby compromising the clarity of definitions, such as joint criminal enterprise and terrorism, two legal principles at the heart of the case. As a result, Griffiths argued, the indictment is still unclear to the Defense, constituting a violation of Taylor's right to a fair trial.

During the first two days of the Defense case, the media expressed a keen interest in the Charles Taylor trial, and reported widely on the commencement of the Defense case.[6] Demonstrating his media savvy, Taylor's testimony during the first week was dramatic and comprehensive. He appeared to be directing his testimony more towards the media audience and followers from Liberia than towards the Judges in the courtroom.[7] Taylor and Griffiths provided the media with a character sketch of a sympathetic individual who is being scapegoated by the international community, especially the US and the UK. Griffiths went so far as to claim, during his opening statement, that the international media had already convicted Taylor. Griffiths took the opportunity to demand that the trial proceed in an unprejudiced manner, and to implore the Court and the media not to form premature conclusions. The Defense returned frequently to the scapegoat theme throughout Taylor's testimony.

b. Humanizing Taylor

Taylor's examination-in-chief began by covering his personal and family history. By extensively questioning the Accused about his social and economic background, the Defense attempted to humanize him. In order to exemplify Taylor's humble origin, the Defense highlighted the fact that he grew up in poverty without basic facilities. Also of importance to the Defense was Taylor's testimony regarding the ethnic composition in Liberia, Taylor's ethnic origins, and the effect it had on him and his career.[8] The Defense claimed that this background made Taylor unique as the president of Liberia.

In order to provide an explanation for Taylor's actions during his political career, Griffiths asked the Accused about his political aspirations and the general political background of Liberia. Taylor also testified about his educational background in the US, and the extent of and reasons for Taylor's participation in the coup d'état which was organized by Samuel Kenyon Doe in the 1980s. The Defense aimed at presenting Taylor as an educated person merely wanting what was best for Liberia, and as an African leader who eventually became a scapegoat for the international community.

The Defense also sought to distance Taylor from Prosecution allegations that he had developed ideas to terrorize the civilian population in Liberia and Sierra Leone, and that he had met Foday Sankoh when the NPFL was in Libya for training. In order to counter allegations regarding terrorism, it was important for the Defense to illustrate to the Court that Libya did not train terrorists. Rather, Taylor contended, Libya's General Gaddafi supported Pan-African revolutionary activities for almost every government on the African continent. Taylor claimed that revolutionary groups rebelling against the Apartheid regime in South Africa were trained in Libya, thereby alluding that the NPFL is comparable to those rebel groups. This line of questioning can help legitimize the Libyan training and paint Taylor as a legitimate revolutionary who sought the empowerment of Africans.

The Defense also sought to portray Taylor as a just and rational leader, trying to bring justice to Liberia by enforcing the law as the leader of the NPFL and as the President of Liberia. To demonstrate that he did not condone any outbursts of violence against the civilian population, Taylor testified extensively about the judicial mechanisms in place to prosecute crimes committed by NPFL members.

c. Distancing Taylor from the RUF

The most important aspect of the Defense case is distancing Taylor from the RUF. The Prosecution alleges that Taylor helped Foday Sankoh create the RUF, commanded the RUF to commit crimes in Sierra Leone, participated in a joint criminal enterprise with the RUF, and assisted the RUF by providing arms, ammunition, and other tactical support during the conflict. The Defense has attempted to convince the Court that Taylor never had a leadership position within the RUF, and that he did not participate with the RUF in any criminal activities, although Taylor readily admitted that he had contacts with the RUF before and throughout the indictment period.

Griffiths asked Taylor detailed questions about his relationship with the RUF. He deliberately distinguished between the period of Taylor's leadership of the NPFL and Taylor's presidency. Taylor staunchly denied that he knew Sankoh or anyone else from the RUF while NPFL troops were training in Libya, or that he had any role in creating the RUF. The Defense emphasized that Taylor maintained contacts and cooperated with the RUF between August 1991 and May 1992 in order to jointly protect the Liberian borders against an incursion by ULIMO from Sierra Leone into Liberia. In this regard, Griffiths emphasized that the NPFL provided the RUF with ammunition—but not arms—on several occasions. Hence, Griffiths tried to illustrate that Taylor merely cooperated with the RUF for practical reasons, but that the cooperation did not go further, nor did it lead to any joint criminal activities. Also, Griffiths emphasized that the RUF and the NPFL only had contact for a short amount of time and that the cooperation ended on bad terms in May 1992. Therefore, the Defense argued, Taylor had no motive to maintain contacts with the RUF and support them in their operations in Sierra Leone.

Regarding Taylor's contacts with the RUF after he had been elected President of Liberia, the Defense argued that Taylor was in charge of maintaining contacts with the RUF in order to negotiate peace in Sierra Leone. Taylor testified that he was a member of the Council of Six of ECOWAS and that ECOWAS had specifically appointed him to fulfill this task. Taylor stated that he had no part in planning operations in Sierra Leone and did not give any orders to the RUF, since Liberia would have had nothing to gain from such participation. Thus, Griffiths did not attempt to conceal the relationship between Taylor and the RUF, but merely tried to disassociate Taylor from any involvement in the Sierra Leone conflict or any support to the RUF during that period.

d. Shifting the Blame to the International Community

Throughout Taylor's direct examination, the Defense alleged that the trial was a politically motivated sham engineered by international powers. Counsel focused in part on regional politics and other countries that supported the RUF. The Defense also focused on international politics and the regional policies of the United Kingdom and the United States. The Defense suggested that other countries, such as Mauritania, Burkina Faso, Côte d'Ivoire, and Israel, as well as organizations such as the International Committee for the Red Cross, supported the activities of the

RUF. The Defense also emphasized the political interests of Western countries, in particular the UK and the US, in the conflict Sierra Leone civil war.[9] This is consistent with the Defense strategy of highlighting the multitude of foreign bodies influencing the Sierra Leone conflict to show that Taylor was one of many who had a relationship with the RUF. This is also important in light of the mandate of the SCSL, which is to prosecute those "most responsible" for the crimes committed in Sierra Leone. By focusing attention on the numerous actors in the region, the Defense calls into doubt whether Taylor can be considered the "most responsible" for the crimes.[10]

Taylor noted that UN forces (UNAMSIL), backed up by the Economic Community of West African States Monitoring Group (ECOMOG), and non-UN forces from the UK were present in Sierra Leone. Taylor testified that he questioned the legitimacy of the UK's presence in Sierra Leone. He noted that the UK is a permanent member of the UN Security Council and had consequently agreed to send the UNAMSIL forces to Sierra Leone while at the same time sending their own forces. Taylor opined that the UK had been intrusive in the Sierra Leone conflict because they were more concerned with the Nigerian presence in West Africa (through ECOMOG, which was comprised of primarily Nigerian soldiers) than actually achieving peace in Sierra Leone.

Griffiths also questioned Taylor about the ECOMOG mandate in Sierra Leone that provided the ECOMOG forces with full control over the security in the country. The Defense argued that, in accordance with the mandate, ECOMOG was responsible for the establishment of roadblocks and checkpoints to monitor of the transfer of arms and ammunition throughout Sierra Leone. Through Taylor's testimony, the Defense advanced the position that ECOMOG must have been aware of the transport of weapons to the RUF in Sierra Leone and that ECOMOG, not Taylor, provided the RUF with weapons. This directly shifts the blame for RUF assistance from Taylor to ECOMOG soldiers.

To further this point, Taylor discussed the process of the destruction of weapons in Liberia and testified that ECOWAS and the UN had been in possession of the weapons before they were destroyed. Since the Government of Liberia did not have any weapons in its possession, Griffiths argued that Taylor could not have ordered the transportation of weapons to Sierra Leone. Moreover, Taylor alleged that Nigerian forces within ECOMOG provided these weapons to the RUF in exchange for diamonds. This provides an alternative theory of the case that directly refutes the Prosecution's characterization of facts.[11]

In addition to spreading any potential blame for RUF support to these other foreign bodies, Taylor also claimed that he became a scapegoat for the international community.[12] He testified that the United Nations never had any evidence of his involvement in the Sierra Leonean conflict. Nevertheless, Taylor stated that the international community has always implicated him in the conflict. Griffiths emphasized that whenever Taylor would have any contact with the RUF, the contact was made after consultations between Taylor and the other members of the ECOWAS Committee of Six. Taylor stated that whatever the international community may have thought, the ECOWAS members were fully aware of the factual situation and Taylor's sincere efforts at achieving peace.

e. Taylor as Peacemaker in Sierra Leone

Previously the Prosecution alleged that Taylor was involved in the peace negotiations for Sierra Leone, but that his motive for this involvement was actually to cooperate with the RUF to obstruct peace in Sierra Leone. The Prosecution argued that Taylor profited substantially from his dealings with the RUF, and had nothing to gain by negotiating peace in Sierra Leone. Hence, according to the Prosecution, Taylor's involvement in the peace process was merely a diversion.

To counter this, Taylor's role in the peace negotiations has been a major tenet of the Defense case. In reaction to the Prosecution's allegations, the Defense tried to convince the Court that Taylor had significant motivations for promoting peace in Sierra Leone. Griffiths argued that Taylor's efforts at negotiating peace in Sierra Leone would have had positive effects for Liberia, since the international community would have been more willing to invest in and send aid to Liberia. The Defense argued that due to Taylor's problematic relationship with the US and the UK and his alleged involvement in the Sierra Leonean conflict, Liberia received very little aid from the international community. In order to gain economic support from the international community, peace in Sierra Leone was necessary. Consequently, Taylor suggested through testimony that he had nothing to gain and everything to lose by supporting the conflict in Sierra Leone.

In addition to showing that Taylor had no motive to spread violence in Sierra Leone, Taylor's role as a peacemaker helps promote the image of Taylor as a dedicated statesman looking for peace and regional stability. It also shows that Taylor had official sanction for his contacts with the RUF during his presidency, and provides a plausible explanation for his direct involvement with RUF and AFRC leaders. The Defense emphasized the decision of the Committee of Six of ECOWAS to accept Liberia into the Committee as the sixth member in specifically in order to appoint Taylor as the principal mediator for the conflict in Sierra Leone. The Defense frequently questioned Taylor about his contact with the other Committee members concerning the peace negotiations, and about Taylor's contact with the RUF. Taylor consistently argued that he sought approval of the other Committee members before having contact with the leaders of the RUF.

In particular, Taylor discussed the Lomé peace talks in July 1999 and his involvement in arranging the negotiations between the warring parties. Furthermore, the Defense addressed Taylor's efforts to negotiate with the RUF for the release of Johnny Paul Koroma, and his attempts to negotiate the release of hostages who were taken by the West Side Boys after Koroma, their leader, was detained by the RUF. Taylor testified that, after the release of Koroma and the hostages, a conflict erupted between Koroma and Foday Sankoh. The Defense stressed Taylor's efforts to resolve the conflict between the two individuals. Furthermore, to show that Taylor wanted to realize peace in Sierra Leone, the Defense called attention to Taylor's frustrations regarding the continuing conflict and the constant difficulties he encountered when negotiating peace between the warring factions in Sierra Leone. Taylor testified that in 2000 he had expressed his desire to disassociate himself from anything relating to the conflict in Sierra Leone to the other members of the Committee of Six of ECOWAS. According to Taylor, he first contemplated disassociating himself from the Sierra Leone peace process in 2000 because he felt that the parties in the conflict were not willing to achieve peace. He also claimed that his mediation efforts consumed most of his time while Liberia was also dealing with its own internal problems.

Despite Taylor's threat to disengage from the peace process in Sierra Leone, he in fact continued his involvement, though less intensively. The Defense claimed that Taylor continued the mediation between the parties in Sierra Leone because he had been appointed as the principal mediator, and because, without Taylor's contribution, the peace process in Sierra Leone would have been negatively affected. By 2001, Taylor had mostly disengaged himself from the peace process in Sierra Leone, but not completely, since the disarmament and demobilization process in preparation for elections was not completed. Taylor testified that the Committee of Six requested that he maintain contact with interim RUF leader, Issa Sesay, in order to further the process. These arguments support the contention that Taylor's motivation for his involvement in Sierra Leone was purely peaceful.

This portion of Taylor's testimony relied on extensive documentary evidence from ECOWAS records. It may ultimately become difficult for the Prosecution to prove Taylor's efforts to hinder the peace process in Sierra Leone, taking into account the large number of official ECOWAS documents the Defense introduced that demonstrated Taylor's negotiation efforts throughout his presidency, and considering the dearth of official documents proving otherwise.

f. Diplomatic Relations between Liberia and Sierra Leone

The Prosecution alleged that Taylor, together with the RUF and AFRC, committed crimes in Sierra Leone with the objective of taking political and physical control of the country. Consequently, the Defense focused much of its examination of Taylor on his relationship with President Tejan Kabbah of Sierra Leone during the conflict in Sierra Leone. By emphasizing Taylor's efforts at maintaining good diplomatic relations with the government of Sierra Leone, the Defense tried to show the Court that Taylor was sincere in his efforts to achieve stability in Sierra Leone, and that he respected the established government of Sierra Leone. According to Taylor, stability in Sierra Leone would also positively affect the stability in Liberia and it would directly benefit Liberia on an economic level.

Taylor testified about his continued communication with President Kabbah on the telephone and during meetings of ECOWAS, the Organization of African Unity (OAU), and the Mano River Union (MRU). Taylor stated that President Kabbah always had opportunities to confront him with intelligence reports and allegations about his alleged involvement in the conflict in Sierra Leone. Taylor told the Court that despite the reports President Kabbah received concerning Taylor's involvement in the Sierra Leonean conflict, they maintained a good diplomatic relationship during 1998. In late 1998, Taylor claimed that his relationship with Kabbah became tense due to allegations from the international community of Taylor's involvement in the Sierra Leonean conflict. Nevertheless, the Defense maintained that Taylor and President Kabbah continued communications during this period. The

Defense acknowledged that in spite of Taylor's best efforts, the diplomatic relationship between the Government of Liberia and the Government of Sierra Leone further deteriorated after the January 1999 Freetown invasion.

The Prosecution alleged that Taylor tried to influence the composition of the Sierra Leonean government through the Lomé Peace Agreement, by creating a situation in which the RUF could transform into a political party and participate in the Sierra Leonean government. The Defense, on the other hand, argued that Taylor continued his efforts at negotiating peace by engaging equally with all of the parties. According to the Defense, Taylor's mediation efforts resulted in all of the parties making concessions in order to sign the Lomé Peace Agreement. One of these concessions included allowing the RUF to transform into a political party, the Revolutionary United Front Party (RUFP). In addition, Taylor told the Court that all parties were present at the Lomé peace negotiations and that they all gave their consent to that condition.

g. Self Defense

Self-defense was also a prominent theme the Taylor Defense used to counter the Prosecution's allegation that Taylor had imported weapons into Liberia in order to fuel the Sierra Leone war. Counsel for the Accused argued that Taylor, aside from negotiating peace in Sierra Leone, was also preoccupied with incursions by the Liberian dissidents entering Liberia from Guinea, the Liberians United for Reconciliation and Democracy (LURD). Defense counsel emphasized that Taylor had requested the Sanctions Committee of the UN to lift the arms embargo in order to counter the attacks by the Liberian dissidents.

Taylor argued that after the UN Security Council refused to lift the arms embargo, he was forced to purchase weapons from Serbia, since the conflict situation in Liberia was pressing, and warranted his decision to import arms. Taylor insisted that even though the arms embargo against Liberia was still in effect, the Liberian government had the right to exercise self-defense. Taylor said that the UN denied the Liberian government the right to exercise self-defense under Article 51 of the United Nations Charter.

In addition to explaining the purpose of the weapons purchases, Taylor's testimony limited the timing of the purchases to the beginning of 2002. Taylor denied that arms were imported into Liberia before that period and argued that if it had occurred before 2002, it was without his knowledge. Taylor further noted that at the beginning of 2002 President Kabbah announced the end of the conflict in Sierra Leone. Hence, Taylor reasoned that the allegation by the Prosecution regarding the importation of arms in 2002 to support the conflict in Sierra Leone is not logical.

In general, the Defense tried to demonstrate that Taylor was convinced that there was no other option than to purchase arms in violation of the arms embargo in order to defend Liberia against the LURD rebels in the beginning of 2002. In addition, the Defense argued that prior to 2002, Liberia did not have access to arms due to the disarmament and demobilization process in Liberia. Furthermore, the Defense argued that Taylor could not have provided arms and ammunition to the RUF, since he was not even able to protect Liberia properly from incursions by dissidents.

3. Prosecution Themes and Strategies

During Taylor's examination-in-chief, the Prosecution generally remained passive and posed few objections. One reason for this approach may be the fact that the Court has overruled most objections of the Prosecution during Taylor's testimony, and has been reluctant to place limitations on the Defense's questioning. The Court routinely overruled Prosecution objections to leading questions and inadequate foundation for documentary evidence, among other objections.

However passive the Prosecution may have been as regards its objections, it was very keen on protecting the identities of witnesses who are subject to protective measures. This Prosecution position did not meet with any opposition from the Defense. In fact, on several occasions, when discussing the testimonies of Prosecution witnesses that are subject to protective measures, Taylor feared that his answers would reveal the identity of those witnesses. As a result, Taylor asked the Court to proceed in a private session in order to have the opportunity to effectively address the witness testimonies. The Prosecution never opposed such requests, in fact preferring private sessions.

When Griffiths was confronting Taylor with the testimony of prior witnesses, the Prosecution frequently stated that it found that the Defense mischaracterized several witness statements and that the Prosecution wanted to state for the record that it would confront Taylor with this during cross-examination.[13] An in-depth report looking at the Prosecution's cross-examination of Taylor will follow the conclusion of Taylor's testimony.

4. Legal and Procedural Issues

Neither party submitted any procedural motions during Taylor's examination-in-chief. However, several important legal and procedural developments occurred in the courtroom. The first, a decision by the Court just before the Defense opened it case, led to the entire thirteen-week examination proceeding with no more than two weeks advance notice about when the examination would end. The Court also decided early in the Defense case that the Defense could introduce documentary evidence from Taylor's presidential archives into the record with a lower standard of foundation than that previously required of the Prosecution. The trial bench, adopting its standard passive approach to courtroom management, overruled Prosecution objections about leading questions, and was very lenient in allowing Taylor to stray off-topic during long and tangential answers to direct questions. As has been a recurring issue in the Taylor case, the Court also had to decide how to manage Defense questions that threatened to reveal the identity of protected witnesses, and adopted its previous approach of using ad hoc private sessions when necessary to protect a previous witness. This section discusses each of these issues in turn, followed by a commentary on Taylor's overall credibility and demeanor, including an example of inconsistencies that appeared during his examination-in-chief.

a. The Duration of the Defense Case

The entire thirteen-week examination-in-chief was conducted without any indication from the Defense about how long it would last. This lack of notice was made possible by a ruling from the Judges in a status conference a month before the Defense began its case.[14] The Prosecution requested that the Defense provide notice one month in advance of the witnesses the Defense would intend to call during a particular week. The Prosecution argued that this notice was necessary to allow it to organize its work and prepare its cross-examinations; moreover, the Prosecution noted that this was the same notice it had provided the Defense during the Prosecution case. The Defense responded by arguing that it did not have adequate resources to provide this kind of advance notice of witnesses it intended to call. The Court held that it would readdress the issue at the end of Taylor's evidence, but held that that Defense would have to provide lists of exhibits it intended to submit two weeks in advance. This holding essentially denied the Prosecution any advance notice beyond potentially two weeks of when Taylor's testimony would end, if the Defense intended to introduce exhibits on the final days of testimony, giving the Prosecution little time to prepare for cross-examination or subsequent witnesses.[15]

Moreover, the Prosecution has had to wait nearly six months without knowing how many witnesses the Defense intends to call and how long its case is likely to last. During the July status conference, the Prosecution estimated that with the Defense's initial witness list, the Defense case could last as long as four years.[16] The Defense responded that it did not intend to put on a four-year case, but that it did not have adequate resources to provide the requested information before Taylor took the stand. Moreover, the Defense argued that there was no requirement under the Rules of Procedure and Evidence to provide such information. The Court held that the Defense would not be required to provide a revised list of witnesses,[17] but would have to distinguish between back-up and core witnesses before the end of Taylor's testimony. The Court also noted that under Rule 73ter(D) of the Rules of Procedure and Evidence, the Judges had the power to reduce the number of witnesses if the evidence became redundant. Thus, months into the Defense case, neither the Prosecution nor the Court knew how long the Defense needed or wanted to present its case, or how many witnesses it would call.

Taylor faces an eleven-count indictment spanning six years.[18] Moreover, the Prosecution called ninety-one witnesses and presented evidence about events from 1987 until 2002. Thus, it is not surprising that the Defense took its time in presenting a long and detailed examination of the Accused, allowing Taylor to address each allegation and statement made against him. Furthermore, as noted above, decisions by the Trial Chamber also added to the length of Taylor's examination-in-chief. First, the Court did not give the Defense a time limit for its case or for Taylor's testimony. Second, the Court agreed to the Defense's request to sit for four days instead of the normal four-and-a-half for the duration of Taylor's testimony due to likely exhaustion on Taylor's part from the questioning. Finally, the Court has allowed Taylor to give long, off-topic and irrelevant answers throughout his testimony. This judicial passivity has contributed to a longer examination-in-chief due to the time that the Court

must wait for Taylor to finish his digression and get back on topic, which usually required a repetition of the original question by the Defense.

b. Judicial Management

A clear distinction can be made between the first weeks of Taylor's testimony and the rest of his testimony. The start of the Defense case brought with it uncertainty for the Court regarding how to direct the Court sessions. Since the Special Court for Sierra Leone is the first international tribunal in which a former head of state from Africa has taken the stand in his own defense, it appeared as though the Trial Chamber was treading carefully and hesitated to intervene during Taylor's examination-in-chief. This resulted in leniency towards the Defense and extremely long answers from Taylor that went completely beyond the topic without any interruption. During the first weeks of testimony, the Court mostly decided in favor of the Defense when the Prosecution would pose an objection, even if the Prosecution presented a solid argument. Further, the Court's passive approach extended to its own questions for Taylor. The Court posed very few additional questions to Taylor at the start of trial, although it grew noticeably more active throughout Taylor's testimony in asking additional questions for clarification or other issues.

Throughout Taylor's testimony, the Court allowed Taylor to discuss issues that did not directly relate to the questions asked by the Defense. The Court has wide discretion to allow evidence into the record, as the Rules allow it to admit "any relevant evidence."[19] This means that in the Taylor trial the Court has heard a large body of evidence that is not directly related to the indictment but that the Judges have determined is relevant to the case. Although this is normal for international criminal tribunals, it has become problematic in the Taylor trial due to Trial Chamber II's passive judicial management style. The Court has generally not limited the scope of evidence or witness testimony, although Rule 91 gives them the power to exercise control over witness testimony to avoid wasting time.[20] During Taylor's testimony, there have been several occasions in which the Court could have exerted more control over Taylor's answers to avoid wasting time. Given the length of Taylor's testimony, the financial constraints of the Court, and the need to conduct an efficient trial, this is an important consideration. Below, this report describes two concrete examples of time wasted that demonstrate the Court's overly passive approach to managing Taylor as a witness. These are only two of multiple instances from the trial thus far, and represent two of the very few occasions in which the Court took action to limit or clarify an answer from Taylor.

The first example arose while Griffiths was discussing the establishment of an Expert Panel by the UN Security Council under Resolution 1306 (2000) to write a report on the situation in Sierra Leone. Griffiths referred to a letter Taylor wrote to the Secretary General of the UN complaining about the construction of the panel, and how this resulted in a biased report. Taylor argued that Security Council members pressured the panel members in order to undermine the objectivity of the report. When Griffiths asked Taylor which Security Council members were pressuring the panel members, Taylor provided a two-minute rambling answer that confused the judges. Although a simple recitation of names would have been sufficient to answer the question, Taylor instead discussed the politics between the five permanent members of the UN Security Council. Judge Sebutinde stated that Taylor's response to the question was too long and that therefore the answer had gotten lost. In reaction, the Defense counsel requested Taylor to specifically answer the question.

After specifically answering the question, Taylor asked Griffiths whether he could add something in order to provide a better understanding to the Court. The Defense allowed Taylor to proceed and Taylor elaborated on his first long answer to discuss the workings of the UN in depth and emphasized that the UN was a political, not a legal, institution. In this regard, Taylor provided two examples. First, Taylor referred to the power of the UN to impose a travel ban on members of a government. Taylor claimed that the UN is not obligated to answer to States and that UN Security Council Resolutions can override the national laws of a country. Second, Taylor referred to his own situation in which the UN Security Council, according to Taylor, froze all of his bank accounts without any legal grounds. Taylor argued that the UN Security Council merely needs probable cause to impose such sanctions and there does not have to be any formal charge by a national court within Liberia to impose sanctions.

It is not clear to what extent Taylor's arguments could be of value to the Court, because this answer had little to do with the formation of an the expert panel writing the Sierra Leone report, and nothing to do with individuals on the panel being pressured by the Security Council. Nevertheless, Taylor was allowed to continue without interruption from either the Prosecution or the Court.[21] This diversion cost the Court another three minutes.

Another example arose when the Defense was reviewing a salute report from Sam Bockarie to Foday Sankoh. Griffiths asked Taylor, merely as confirmation, whether Taylor had noticed any mention of his name in the document. Taylor responded, going beyond the subject to discuss the allegations against him concerning the transportation of arms, diamond trafficking and the extent of his contact with Sam Bockarie. Taylor finalized his answer to Griffiths by stating that "[i]t's just like I remember the OJ Simpson case with the gloves, it just doesn't fit, as simple as that, of Charles Taylor being involved in diamonds and arms smuggling through little bush trails going into Sierra Leone."[22] This answer cost the Court seven minutes. Although the Court did not object to the fact that Taylor went completely off topic, the Bench did reprimand the Defense. The Presiding Judge stated that the Defense counsel should lead the evidence and should not let itself be guided by the account given by the witness.

This type of response was common during Taylor's direct examination. More than once, Defense Counsel and the Court allowed Taylor to go well beyond the subject under discussion at that moment, thereby introducing other subjects to the Court that should have been introduced by the direct examination of Defense Counsel. It is not clear why the Court thought it was necessary to reprimand the Defense on this occasion, since Taylor had already been testifying for five weeks. Nevertheless, ever since the Court reprimanded Griffiths for allowing Taylor to discuss issues that go beyond the question that is asked, the Defense attempted to restrict Taylor more often. However, as these examples demonstrate, these types of answers added up over the course of a thirteen-week direct examination and much time was wasted on tangential and irrelevant answers.

c. Documentary Evidence: Foundational Issues

Another major legal matter that arose during the Defense's examination of Taylor involved the foundational requirements for introducing documents through a witness. The Court appears to be applying a double standard in favor of the Defense with regard to documentary evidence. It is important to note that at this point no documents have been admitted into evidence yet. Thus far, they have only been marked for identification; the Defense will move to enter them into evidence at the end of Taylor's testimony. The Prosecution still has the opportunity to object to the introduction of these documents as evidence, an objection the Prosecution has indicated it will make. However, this is an important issue, since the court has overruled almost all objections by the Prosecution on the grounds of foundation, and will likely admit into evidence all of the documents tendered through Mr. Taylor.

Unlike the Prosecution, the Defense has relied heavily on documentary evidence to corroborate Taylor's testimony, and to introduce evidence. In particular, the Defense has used many documents originating from Taylor's personal archives. The Prosecution has objected to the introduction of such documents on several occasions, arguing that there was insufficient foundation based on Taylor's lack of personal knowledge of the documents.[23] In overruling the Prosecution's objections on these matters, it would appear that Trial Chamber II has failed to fairly apply its own standard of foundation to the Defense in the same manner as it applied this standard to the Prosecution.[24]

The Rules of Procedure and Evidence provide the Court with discretionary power to determine the foundational requirements for the introduction of evidence before a witness. Rule 89(C) of the Rules provides that "A Chamber may admit any relevant evidence" but it does not set out any requirements.[25] The Court previously sustained objections of the Defense when it argued that the Prosecution should provide foundation as to where the document came from, who wrote it, where the original came from, and the possibilities of further inspection of that document.[26]

The Appeals Chamber affirmed this oral decision by ruling: "When determining the relevance of a document, the Trial Chamber must require the tendering party to lay a foundation of the witness's competence to give evidence in relation to that document."[27] According to the Appeals Chamber, the only test at the admissibility stage is relevance. Issues such as probity and reliability are not conditions for admission, but are to be considered at the judgment stage.[28] Under the new standard, however, foundation becomes a precondition, under the aegis of Rule 95, for determining relevance. In the context of the new standard, foundation the word used "to cover a range of issues from 'the origins' of the document and its authenticity and authorship … to the relationship between the witness and the document."[29] At the very least, where a witness has no personal knowledge of the document offered through that witness, there is no connection or link with the document and therefore no foundation had been laid.[30]

During his presidency, Taylor ordered the establishment of a personal archive for historical purposes. Since the personal archives contained a large number of documents, it has become difficult for Taylor to account for the origin of every document—and therefore the Prosecution has objected that he does not have sufficient personal knowledge of the documents to lay an adequate foundation. The Defense maintained that due to Taylor's position as President of Liberia he must have been confronted with many documents on a daily basis. It was the assertion of the Defense that they had literally cartons of documents from this presidential archive. Griffiths stated that the Court should take into account that it is nearly impossible for Taylor to recollect every document that came past him approximately twelve years ago. Consequently, this has resulted in difficulties when fulfilling the foundational requirements the Defense argued for during the Prosecution's case-in-chief.

The Court seemed to acquiesce to the request of the Defense to allow documents from the presidential archive with very little foundation. The only foundation required of Taylor seemed to be that he was familiar with the contents of a document. He was not required to know all of the specifics of the document.[31] The Court held that "[t]he mere fact that this document is part of Mr. Taylor's archives does not establish that he knows the contents sufficiently to incorporate the document as part of his oral evidence."[32] It appears that if Taylor could read a document and identify its author and contents, he could overcome a foundation objection.

While the issue of the presidential archives seemed to be determinative on early foundational objections, the Court later held that the acceptance of documents did not depend on whether it was a part of Taylor's personal archives. The Court argued that it has never held that a relation of a document to Taylor's personal archives was set as a foundational requirement, but that it being a part of Taylor's archives was merely "helpful" to the Court. Thereby the Court implicitly argued that any relation between Taylor and a document could be sufficient to fulfill the foundational requirements.

The Trial Chamber formally announced this apparently new standard on 4 November 2009. In overruling a Prosecution objection for lack of foundation, the Chamber held that "Mr. Taylor has read the document and he gave evidence that makes it relevant."[33] The document at issue did not come from the archive. It was a transcript of a telephone interview to which Taylor was not a party at all, nor was any party functioning as his agent at the time.[34] Further, the question he was answering when he brought up the document was, "Are there any remaining topics that you would like us to deal with before we conclude this stage of your testimony?"[35]

Other rulings by the Trial Chamber on foundation objections seemed to follow Trial Chamber II's new standard on foundation and conflict with the Appeals Chamber holding. The Trial Chamber also overruled foundation objections for:

* An article about measures for polling stations during Liberian elections which Taylor had read but did not demonstrate a personal connection,[36]
* A document Taylor had read and that his foreign minister had received at an international conference and brought back to the Liberian president,[37] and
* An intelligence report not from his archives for which Taylor could not even identify the country[38] that authored the report.[39]

It is hard to understand how this ruling followed the decision of the Appeals Chamber on foundation. Taylor did not testify that he had personal knowledge of the document or a particular connection or link with it. Trial Chamber II apparently ignored any requirement by the Appeals Chamber for a personal connection or personal knowledge of the document, let alone a confirmation of the origins or author of a document. This is not the same standard to which Trial Chamber II and the Appeals Chamber held the Prosecution in this case. Accordingly, the Defense has been permitted to submit any document Taylor has had read to him—even if it was after his indictment and imprisonment—on the stand, so long as it is somehow relevant to his testimony under Rule 89(C). The Prosecution, by contrast, was forced to produce witnesses who could at least demonstrate personal knowledge of and connection to a document for foundation. When the Prosecution was unable to produce such a witness, it was required to tender the document under Rule 92bis.

The Prosecution stipulated to the Court's lenient approach to the foundational requirements for documents because Taylor is testifying in his own trial. However, the Prosecution argued that if documents were introduced in this fashion through any other witness, there would be insufficient foundation to proceed. Throughout the direct examination, the Prosecution has been very clear in their objection to the decision of the Court to lower the

foundational requirements for the introduction of documents by the Defense as compared to the Prosecution case.[40] Also, the Prosecution has indicated that it will continue to object to some documents and address their admissibility if the Defense at a later stage will attempt to introduce them as evidence.[41]

d. Leading Questions

During Taylor's testimony, the Prosecution raised several objections stating that the Defense Counsel was asking leading questions and was trying to rehabilitate Taylor on direct examination on inconsistent answers he had given during his testimony. Although the Prosecution had a solid argument on several occasions, the Court overruled most of these objections. The Court held that Taylor was not in the ordinary position of a witness, since he has been indicted with eleven counts containing the most serious crimes in international criminal law. Therefore, the Court was of the opinion that Taylor had the "right to fully reply to those allegations."[42] Consequently, the Prosecution eventually stopped raising objections concerning leading questions, although the Defense did not change its style of questioning.

The position of the Court on this matter is unconvincing, given that there are many other accused, both at the SCSL and at other international tribunals, who have testified in their own trials for more counts than Taylor faces. Requiring the Defense to follow accepted methods of questioning and examination would not violate Taylor's right to a fair trial or threaten his opportunity to provide a full response to the allegations against him.

e. Private vs. Open Session

One important issue that has been prevalent in the Taylor trial is the use of private sessions. This issue arose again towards the end of Taylor's examination-in-chief when Griffiths repeatedly referenced witness statements that were previously made in closed or private sessions. In questioning Taylor, the Defense quoted several passages of witness testimonies and asked Taylor about the allegations included in those passages. Also, more than once the Defense mistakenly referred to the names of protected witnesses.[43] The Prosecution objected to these breaches of witness protection, and asked the Court to move into private session.

There are two considerations the Court must take into account when deciding to go into a private session. First is witness safety and standing Court orders for protective measures—these witnesses have been provided a protected status, and their identities should remain protected. Second, the defendant has the right to a fair trial, which includes the right that the trial be conducted in public. In balancing these competing interests, the Court determined that if the Defense was able to formulate its questions in terms general enough to guarantee the protected status of the witness, the session could continue in public.

Unfortunately, it remained difficult for the Defense to pose its questions in a manner that would not compromise the protected status of the witnesses. Consequently, on several occasions, the Court was forced to continue in a private session at the request of either Griffiths or Charles Taylor himself. In making these requests, Taylor argued that he needed the opportunity to address certain allegations fully, and he claimed this would not be possible if the Court were to proceed in an open session. Taylor noted that the restriction to discuss certain details concerning the testimony of protected witnesses would be a hindrance to his own testimony, since such details could reveal the identity of that witness. Taylor stated that he did not care whether the Court would proceed in a private or closed session if that would allow him to defend himself properly before the Court, and said he feared that he would accidentally reveal the identity of those witnesses if he continued his testimony in open session. Taylor further stated that he preferred to continue his testimony without the possible interruption of the Prosecution. The Prosecution did not oppose these private sessions.

f. Taylor's Credibility

Although the Prosecution has not had the opportunity to impeach Taylor as a witness, some general observations about his credibility can be made after seeing him testify for over three months. Taylor generally maintained a cool demeanor, although he was prone to occasional fits of anger or emotion. Moreover, although he usually presented clear, logical answers, he did contradict himself at times.

i. Demeanor

During his testimony, Taylor has presented himself as an intelligent and charismatic individual. Taylor has shown his emotions, but he also remained focused during direct examination. All these aspects together had a humanizing effect. This, in combination with Taylor's excellent memory, positively affected his general believability. However, he would at times speak in "absolute" terms and demeaned other witnesses, which detracted from his credibility.

Although Taylor had a tendency to stray off topic and occasionally burst into angry tirades during his testimony, his behavior was generally exemplary. Even Taylor's long answers provided the Court with additional details that illustrated Taylor's excellent memory. Taylor could easily provide the Court with information regarding events that occurred many years ago, such as the specific day, month, or year in which the event took place. Taylor could further recall the names of many individuals, such as colleagues and subordinates. His recollection of when and how long individuals were assigned to a certain position was impressive. It is possible that Taylor, in preparation for his trial, has had the opportunity to review many of these details with his attorneys and review the contents of his Presidential archive. Nevertheless, his general consistency and good recollection will likely help his credibility before the Judges.

Taylor seemed well aware that his appearance before Court was an important aspect of his testimony. He appeared intent upon portraying himself as a rational, normal human being, and not the evil warlord cannibal he claims to have been painted by the Prosecution. Taylor addressed the Court several times out of fear that his appearance would bias the Court in their judgment. For example, Taylor told the Court that although he may often be smiling, "[t]hese smiles are not funny smiles to say Mr. Taylor is not taking it seriously."[44]

In spite of Taylor's apparent attempts to prevent the Court from being negatively influenced by his demeanor during the testimony, he became emotional several times during his testimony. Taylor openly expressed his feelings when he was upset. For example, when confronted with the testimony of Zigzag Marzah, who had testified that Taylor ordered several massacres and ritual killings and that Taylor engaged in cannibalism, Taylor became very upset and needed a few minutes to calm down. Taylor frequently became angry during confrontations with specific allegations by the Prosecution or other witness testimonies. During one of his angry outbursts, Taylor referred to the name of a Defense witness, requiring a redaction due to possible violation of protective measures. During another outburst, Taylor referred to a piece of evidence that the Prosecution had provided to the Defense.[45] However, this evidence was subject to special measures for disclosure and should therefore not have been discussed in an open session.[46] As a result, Taylor's reference had to be redacted from the transcripts and the Court had to continue in a closed session. On the one hand, such slips during his emotional outbursts can tarnish the appearance Taylor is trying to portray of an even-headed and rational politician. However, on the other hand, Taylor is expressing the normal range of human emotion that one would expect by someone facing allegations of atrocities. By showing surprise, indignation, and anger at the accusations he faces, Taylor may appear to be more human.

ii. Inconsistency

During his testimony, Taylor was not always consistent when giving his account of the facts. An example is provided below.

Throughout Taylor's testimony, he maintained that between August 1991 and May 1992 the NPFL and the RUF cooperated to secure the Liberian/Sierra Leonean border and to fight ULIMO together. Taylor acknowledged that the NPFL had provided the RUF with small amounts of ammunition and other supplies during that period. Griffiths confronted Taylor with a letter that was written by Sankoh. In this letter Sankoh complained to Taylor about the amount of ammunition that was provided to the RUF by the NPFL and requested more ammunition.[47] In previous statements, Taylor had maintained that the NPFL barely had enough ammunition for their own cause and, therefore, the NPFL could not provide the amount of ammunition to the RUF that was requested. According to Taylor, this situation led to the letter of complaint written by Sankoh in May 1992.[48] During another session, however, Taylor noted that in fact he had sufficient ammunition available, and could have increased the amount of ammunition to the RUF if he had wanted to, but that the NPFL did not have a strategic objective in the conflict in Sierra Leone. Taylor admitted he deliberately under-supported the RUF and that there was a degree of deception in Taylor's dealings with Sankoh, since Taylor led Sankoh to believe that the NPFL could not provide more ammunition.[49]

When juxtaposing Taylor's statements on the matter, a clear inconsistency arises and one is forced to question his statements concerning all his dealings with the RUF, especially considering that Taylor's second account of his dealings with the RUF portrayed him as manipulative. If Taylor is prepared to acknowledge that he manipulated the RUF since "in diplomacy deception is a tool,"[50] questions could arise as to whether Taylor has also manipulated the Court throughout his testimony and twisted the truth to his advantage.

5. Charles Taylor's Testimony

In the sections above, this report discussed Defense themes and strategies relating to the examination-in-chief of Charles Taylor, Prosecution themes and strategies, and legal issues that arose during his thirteen-week direct examination. Here, this report turns to a detailed description of the testimony Taylor provided. It is organized thematically, loosely in the order the evidence was presented by the Defense. The summary deals in turn with testimony related to Taylor's leadership over the NPFL, Liberia's relationship with the United States, Taylor's relationship with Liberians fighting in Sierra Leone, Taylor's relationship with the RUF, international politics, the LURD invasion of Liberia, confrontations with the testimony of previous witnesses, and Taylor's resignation and exile in Nigeria.

a. Taylor's Leadership over the NPFL

When Taylor was questioned about the establishment of the NPFL, he claimed that he, Tom Woweiyu and Ellen Johnson-Sirleaf were the founders of the NPFL. Taylor stated that the NPFL was created in order to start a revolution against the regime of Samuel Kenyon Doe and to establish a democratic government in Liberia.

In order to train his forces, Taylor said he sought the assistance of Muammar al-Gaddafi in Libya. However, Taylor argued that his men did not receive any philosophical or ideological training in accordance with Gaddafi's "Green Book." Taylor stated that his men received extensive training in the laws and customs of war and the treatment of civilians during their training in Libya. Although the NPFL was located at a training base in Libya, together with other groups, Taylor maintained that there was a clear division between the leaders and the soldiers and that the different groups would not intermingle.

This testimony was an apparent attempt by Taylor to distance himself from the RUF and Foday Sankoh, since the Prosecution alleges that Sankoh and Taylor met at the training grounds in Libya. Although he admitted that there were Sierra Leoneans present in Libya when his NPFL soldiers were there, Taylor denied that there was any cooperation between the NPFL and the Sierra Leoneans or any other group present at the training camp in Libya. Furthermore, Taylor argued that Foday Sankoh was not in a leadership position of the Sierra Leonean group at that time, and that they did not have contact. Taylor argued that the Sierra Leoneans who were present at the training camp were not part of the RUF, but a different group that was led by Ali Kabbah. The Defense argued that Foday Sankoh set up the RUF in 1989, but that it could not have been created with Taylor's assistance. Taylor noted that he was preoccupied with the NPFL invasion into Liberia and would, logically, have been unable to organize both the NPFL and the RUF.

Taylor also addressed accusations about the NPFL committing atrocities against Liberian civilians during the Liberian war. Since the NPFL forces originally only consisted of a small group, Taylor claimed that he was dependent upon the local population to join the NPFL forces and to support the coup d'état. Hence, Taylor argued, it would not be logical to mistreat civilians since the NPFL was dependant on civilian volunteers. Taylor spent many days giving a detailed account of the NPFL's incursion into Liberia and its progress during the war. According to Taylor, the incursion into Liberia on December 25, 1989, was successful and the NPFL managed to occupy most of Liberia except for Monrovia during the first half of 1991.

Taylor elaborated on the involvement of ECOWAS in the Liberian conflict and ECOWAS's fear that the situation in Liberia would destabilize West Africa. Taylor explained that the political interests of the different heads of state in the region resulted in the intervention of the ECOMOG. Taylor noted that the NPFL construed the intervention by ECOMOG as an attempt to support the presidency of Samuel Kenyon Doe and, consequently, considered it a threat to its objective. According to Taylor, the NPFL warned ECOMOG forces that they would be attacked if they entered Liberia. In keeping with this warning, Taylor explained that after ECOMOG arrived in Liberia they were attacked by the NPFL. However, Taylor stated that ECOMOG continued to occupy Monrovia until the elections in July 1999.

Taylor discussed his efforts to establish a democratic system within the NPFL occupied area in Liberia. He noted that a distinction was made between civil courts and military tribunals and that the NPFL did not allow impunity. Taylor testified that although he had problems controlling his forces, and that some atrocities were committed, he attempted to hold the persons responsible for the crimes they had committed. Additionally, Taylor discussed the creation of the Black Kaddafa, an organization he claims was set up by NPFL officers during their training in Libya with the intent to take over the NPFL and eliminate Taylor. Taylor argued that an NPFL Military Tribunal tried the leaders of the Black Kaddafa and subsequently executed after Taylor had approved the Military Tribunal's recommendation. Hence, Taylor argued that judicial mechanisms were in place to hold subordinates responsible for their actions regardless of even when these individuals belonged to an opposing group, such as the Black Kaddafa. By arguing that individuals were tried in an indiscriminate manner, Taylor tried to show the Court that an independent and fair justice system was established by the NPFL.

By discussing his leadership of the NPFL in depth, Taylor tried to demonstrate that he did not condone any atrocities against civilians and that he tried to control his forces. The Prosecution, however, alleges that Taylor controlled both the NPFL and the RUF. The Prosecution also alleges that the similarity of the atrocities that were committed during the Liberian war and the conflict in Sierra Leone proves this. Taylor, on the contrary, argued that the atrocities that were committed during the war in Sierra Leone did not mirror those in Liberia. Taylor stated that amputations, massacres, and mass rape were not a part of the NPFL policy. Subsequently, Taylor noted that the Prosecution has not been able to present any amputation victim of the Liberian war before the Court, because there are no victims in Liberia that can testify about an amputation policy within the NPFL. Although Taylor did not deny that atrocities were committed during the Liberian war, he argued that they were not widespread and systematic as opposed to the atrocities that were committed in Sierra Leone. In this regard, Taylor emphasized that the NPFL established a Military Tribunal in order to punish the NPFL soldiers that were responsible for atrocities. Hence, Taylor tried to distance the NPFL from the RUF and argued that he did not have control of the RUF and its actions during the conflict in Sierra Leone.

b. Diplomatic Strains with the United States

A recurring theme in Taylor's defense case is the argument that Taylor is a scapegoat and victim of US and UK foreign policy objectives in West Africa. Accordingly, an important aspect of Taylor's testimony concerned the Camp Johnson Road incident that resulted in increased tension between the Liberian Government and the US Government. Although the diplomatic relations between Liberia and the US were already tense due to allegations against Taylor for his alleged involvement in the Sierra Leone crisis, the relations deteriorated after the Camp Johnson Road incident. According to Taylor, the Camp Johnson Road incident marked an important point in the allegations against him. Taylor argued that from this moment onwards the US started its campaign to effectuate a regime change in Liberia by expressing allegations of Taylor's involvement in the Sierra Leonean crisis and by eventually indirectly supporting the LURD rebels. According to Taylor, the US tried to destabilize the Government of Liberia and to effectuate a regime change in Liberia, since he was the first president of Liberia who dared to defy the US. In the process of realizing this aim, Taylor argued that the US trained Guinean forces that also included LURD rebels.

Taylor stated that the Camp Johnson Road incident occurred on September 19, 1998. According to Taylor, Roosevelt Johnson, a minister in Taylor's government and former leader of ULIMO-J, had used ex-ULIMO-J combatants to confiscate an enclave within Monrovia. Taylor testified that government forces were forced to move in to protect the citizens in that area, leading to a conflict with Roosevelt Johnson. Taylor stated that after several hours of heavy fighting, Johnson approached the area where the US Embassy is located. Taylor claimed that after the US Embassy opened their gates, Johnson and several others succeeded in entering the US Embassy premises. Taylor further claimed that although the Liberian government forces shot Mr. Madison Wion (a member of Roosevelt's group) outside the premises of the Embassy, he still managed to enter the premises of the US Embassy, where he died.

Consequently, Taylor said, this resulted in a diplomatic conflict between Liberia and the US. Taylor claimed that the US alleged that Liberia had violated the Geneva Convention concerning the protection of diplomatic property. The US subsequently ordered the assistance of a US warship, the USS Chinook, to provide protection to the US Embassy due to the deteriorated security situation in Monrovia. According to Taylor's account, the Government of Liberia refused to apologize for the situation, and their diplomatic relationship deteriorated thereafter.

c. Superior Responsibility over Liberians operating in Sierra Leone

An important part of the Prosecution's case focused on the presence of Liberians in Sierra Leone, and Taylor's alleged control over these Liberians. Taylor's testimony systematically addressed each group of Liberians allegedly present in Sierra Leone. He attempted to distance himself from these groups and negate the suggestion that he had control over them.

i. Liberian Forces in Lofa County

Taylor began by trying to shift blame for alleged arms sales, crimes, and other activities that were carried out on the Sierra Leone/Liberia border near Lofa County. Taylor noted that from approximately July 1997 until July/August 1998 there was no fighting in Lofa County. Nevertheless, the Government of Liberia encountered great difficulties in controlling its forces in that area, since those soldiers were former ULIMO. Taylor further argued that he did not have the means to provide disciplined training or pay these forces. Taylor stated that, although those forces were supposed to respond to and accept orders from the Government of Liberia, the execution of those orders was either questionable or they were not executed at all. Taylor acknowledged that although the Government of Liberia tried to discipline those insubordinate soldiers that could be identified, it did not have effective control over the forces in Lofa County. By arguing that the Liberians there were not under his effective control, Taylor can shed doubt onto the theory that he was responsible for crimes that Liberians may have committed in the area.

ii. Special Security Service (SSS)

Much of the Prosecution's case concerned the activities of members of Taylor's Special Security Service (SSS), specifically Daniel Tamba, a.k.a. "Jungle." Taylor acknowledged that the Liberian security agents of the SSS became unruly and were responsible for human rights violations within Liberia when ECOMOG left Liberia for Sierra Leone. Although Taylor claimed that he tried to address the issue and deal with the violations, he argued that there were other more important issues taking up his time.

Taylor adamantly denied any involvement in human rights violations that were committed by the SSS. Taylor argued that in addition to having more important matters to address, he did not have complete control over the SSS, and that parts of the SSS acted autonomously. Taylor also stated that he never ordered the transportation of weapons into Sierra Leone. Instead, Taylor blamed key-Prosecution witness Varmuyan Sherif for the SSS atrocities and arms sales with the RUF. Taylor told the Court that the SSS was composed of members from all of the Liberian warring factions, including ULIMO. Taylor said that Sherif, a former ULIMO general, was appointed assistant director of the SSS as an act of reconciliation in order to rebuild the political system in Liberia. Taylor noted to the Court that he had never trusted Sherif. Taylor argued that he did not know that Varmuyan Sherif had contacts with the RUF, and that he did not order Sherif to maintain contact with the RUF at any time.

In order to illustrate the unreliability of Sherif's testimony, the Defense referred to Sherif's statements regarding the period before Taylor's presidency. Sherif had alleged that Taylor ordered the transportation of arms into Sierra Leone through Lofa County. However, Taylor argued that Lofa County was occupied by ULIMO at the time. Therefore, since an enemy group controlled Lofa County, Taylor claimed that he could not have ordered the transportation of arms into Sierra Leone through that area, contrary to what Sherif testified. Since many SSS individuals were former ULIMO, especially in Lofa County, Taylor maintained it was difficult for him to have any control over them. Taylor argued that it would have been easy for Varmuyan Sherif to transport small amounts of weapons from Lofa County into Sierra Leone. Accordingly, Taylor stated that the trading routes Sherif discussed in his testimony were Sherif's own routes and that he acted on his own accord without the knowledge or consent of Taylor.

iii. Liberian Mercenaries

The recruitment of Liberian mercenaries to fight for Kabbah and the SLA was an issue raised by the Defense during the Prosecution's case. Charles Taylor stated that the existence of mercenaries fighting in the Sierra Leone conflict was a regional problem, and was not limited to only Liberian ex-combatants. Taylor did acknowledge that Liberia was a source of mercenaries in Sierra Leone operating on both sides of the conflict. However, he maintained that he had no control over the mercenaries and did not approve of their involvement in Sierra Leone's conflict.

Taylor argued that he tried to prevent Liberians from crossing the border into Sierra Leone by setting up projects in order provide those mercenaries, usually ex-combatants from the Liberian civil war, with the opportunity to become

productive citizens in Liberia. However, Taylor complained that Liberia did not receive sufficient financial assistance from the international community to allow him to effectively address the issue. Taylor told the Court that in order to reduce the presence of Liberian mercenaries in Sierra Leone, he had invoked a general amnesty for the mercenaries to return to Liberia and not participate any further in the Sierra Leonean conflict. Additionally, Taylor stated that when ex-combatants crossed the border into Sierra Leone, he lost control over them and could not discipline them. Taylor claimed that "you cannot be responsible for people that are not under your direct command and in fact you must have knowledge (…) and you must have command (…) in order to control."[51] Taylor argued, "If anyone actually had control of those men it was the Government of Sierra Leone at the time."[52]

d. The Extent of Taylor's Relations with the RUF

The Prosecution alleges that Taylor participated in a joint criminal enterprise with the RUF to gain control over Sierra Leone through the commission of a campaign of terror and the commission of crimes against humanity and war crimes. The Prosecution also alleges that Taylor controlled the RUF, and is guilty of crimes it committed vis-à-vis command responsibility. Therefore, a critical component of the Defense case has been distancing Taylor from the RUF and explaining the contact he did have with members of the RUF leadership.

i. Taylor's Involvement in the Creation and Training of the RUF

The Defense addressed the allegation by the Prosecution that Taylor had created the RUF, trained them in Camp Naama in Liberia, and then unleashed them into Sierra Leone. Taylor repeatedly denied that he created the RUF. As noted above, Taylor testified that the Sierra Leoneans he met in Libya were not members of the RUF. He maintained that the only time he had contact with the RUF was in 1991 and 1992 in a cooperative effort to protect the Sierra Leonean/Liberian border against ULIMO.

Griffiths also introduced documentary evidence that challenged this sequence of events. In particular, the Defense noted that the NPFL invaded Liberia in 1989, the same year the RUF first invaded Sierra Leone. Taylor also testified that he did not have control over Liberian territory until 1990. Thus, the Defense argued, Taylor could not have trained the RUF at Camp Naama before sending them into Sierra Leone.

ii. Contact with the RUF between 1991 and 1992

Throughout his testimony, Taylor claimed that the only contact he had with the RUF before his presidency occurred between August 1991 and May 1992. Taylor posited that his contact with the RUF during this period is the main source of all the allegations against him. According to the Accused, when ULIMO invaded Liberia from Sierra Leone in the second half of 1991 and attacked the NPFL, Taylor was forced to seek contact with the RUF. Taylor acknowledged that he had met Foday Sankoh, but only after he received confirmation that the government of Sierra Leone and Guinea supported ULIMO. Taylor stated that in order to protect the border between Liberia and Sierra Leone from ULIMO forces, he needed to cooperate with the RUF. When Taylor and Foday Sankoh allegedly met in August 1991, Taylor said he proposed a common plan to enhance the border security. However, Taylor denied that he effectively assisted the RUF in the Sierra Leone conflict, arguing that both sides cooperated only on the border security problem. Moreover, Taylor considered his decisions and actions to be justified because he was being attacked by ULIMO insurgents.

Taylor further elaborated on his relationship with Foday Sankoh, which he also limited to the period between August 1991 and May 1992. Moreover, he confirmed that Foday Sankoh had complained about the misbehavior of NPFL forces operating on the Sierra Leonean border. Thereafter, Foday Sankoh lost control over the forces and a conflict between the NPFL and the RUF forces erupted at the border of Sierra Leone in May 1992, which was called Top 20, Top 40, and Top Final. Subsequently, after providing a written order for the withdrawal of the NPFL forces from the Sierra Leonean border in May 1992, Taylor claimed that he and Foday Sankoh did not have any further contact.

iii. RUF Facilities in Monrovia

Taylor's contact with the RUF purportedly did not resume until after he was elected President of Liberia in 1997 and was appointed a peace negotiator for the Sierra Leone conflict. Taylor acknowledged that he provided the RUF with facilities in Monrovia in 1998, but he maintained that these facilities were established pursuant to his role as peacemaker after having received the approval of the Committee of Six of ECOWAS. Taylor argued that he replicated the facilities that were previously provided by the President of Cote d'Ivoire upon the arrival of Foday Sankoh in Monrovia in 1996, including radio equipment to allow them to maintain communication with the RUF

combatants in Sierra Leone. However, Taylor denied that he allowed the RUF to maintain stocks of arms and ammunition at the premises. With the exception of handguns for the security of Bockarie, Taylor testified, no weapons were allowed on the premises. Taylor also discussed his meetings with Sam Bockarie, but maintained that these meetings were approved by the Committee and concerned the cessation of hostilities in Sierra Leone. Taylor claimed that Sierra Leonean President Ahmad Tejan Kabbah was informed of the meeting's purpose, and notified before the commencement of the first meeting between Taylor and Sam Bockarie.

iv. Pulling Sam Bockarie out of Sierra Leone

Taylor stated that in November 1999, after clashes between the Armed Forces Revolutionary Council (AFRC) and the RUF, and following President Kabbah's failure to act in accordance with the Lomé Peace Agreement, Sam Bockarie challenged Foday Sankoh's leadership and refused to proceed with the disarmament process. Consequently, a conflict commenced within the RUF. According to Taylor, this prompted him to organize meetings with Sam Bockarie and Foday Sankoh in Monrovia to solve the conflict. Taylor stated that he acted with the knowledge and the consent of the other members of the Committee of Six for Sierra Leone and President Kabbah of Sierra Leone. Taylor testified that President Olusegun Obasanjo of Nigeria was also present at the second meeting at Roberts International Airport with the conflicting RUF members.

According to Taylor, he and President Obasanjo decided at the meeting that the Lomé Peace Agreement could not fail, and that the disarmament process in Sierra Leone had to continue. They also decided that if Bockarie decided to obstruct the process, he would be forced to leave Sierra Leone and remain in Monrovia until the disarmament process had been finalized. Because of these discussions, Bockarie was forced to leave the RUF and remain in Liberia. Taylor stated that Bockarie's departure from the RUF enabled Taylor to continue the peace negotiations. Upon the arrival of Bockarie and his supporters in Liberia, Taylor provided them with Liberian nationality. He ordered Bockarie's supporters to be trained and placed in the Anti-Terrorist Unit (ATU) in order to control them. However, Taylor denied that Sam Bockarie was trained in Liberia and placed in the ATU. Taylor also stated that he and Bockarie did not maintain further contact after Bockarie's arrival. Moreover, Taylor denied that the ATU, which was led by his son, Chuckie, was Taylor's personal army.[53]

Taylor claimed that he assumed that, by resolving the Bockarie problem, he would be able prove to the international community that he undertook every effort to put an end to the conflict in Sierra Leone. However, Taylor stated that this and all of the decisions he made in furthering the peace process had the opposite effect, and resulted in even more accusations of his wrongdoing. Taylor argued that Bockarie was an important source of these allegations, since it was alleged that Taylor allowed Bockarie to plan new attacks on Sierra Leone from Liberia and to train men to re-enter Sierra Leone from Liberia. Taylor maintained that, because of the worsening of the allegations against Taylor, the Government of Liberia revoked Sam Bockarie's citizenship and all RUF individuals were forced to leave Liberia in February 2001.[54]

v. "Appointing" Issa Sesay as Commander of the RUF

According to Taylor, after the arrest of Foday Sankoh in May 2000, the RUF did not have a leader, resulting in difficulties in negotiating peace in Sierra Leone. Accordingly, Taylor found it necessary to convene a meeting on July 26, 2000 with the Heads of State of the Committee of Six of ECOWAS, and to invite Issa Sessay in order to discuss the leadership problems within the RUF. Issa Sesay reportedly argued that although he was the most senior officer within the RUF, he needed the approval of the RUF War Council and of Foday Sankoh in order to be appointed as interim leader of the RUF. Subsequently, Taylor claimed that Alpha Konare, President of Mali, and President Obasanjo of Nigeria brought Sankoh a letter written by Issa Sesay about the change in RUF leadership. Furthermore, Taylor maintained that President Konare and President Obasanjo met with President Kabbah when delivering the letter to Sankoh early in August 2000. Taylor testified that Foday Sankoh's decision to appoint Issa Sesay as interim leader of the RUF was made public through an RUF press communiqué when Issa Sessay returned to Monrovia on August 21, 2000. According to Taylor, every decision concerning Sesay's appointment was made in consultation with the other members of the Committee of Six on Sierra Leone and with the knowledge of President Tejan Kabbah.

The Prosecution alleges that Taylor maintained a close relationship with the RUF leadership and commanded them during the conflict. By emphasizing that Taylor continuously acted with the consent of the other members of the Committee of Six on Sierra Leone and President Tejan Kabbah of Sierra Leone, the Defense attempted to show the Court that Taylor did not unilaterally appoint Sesay as the new leader of the RUF or command the RUF. Thus, the

Defense argued that Taylor did not have a leadership position within the RUF, but that he worked with the RUF leadership only to further the peace process in Sierra Leone.

vi. Arms Transports to the RUF

As mentioned above, an important aspect of the Defense's case is shifting the blame to other parties that were involved in the mediation process in Sierra Leone. Taylor stated that in 1996 the demobilization and disarmament process commenced in Liberia under the supervision of the ECOMOG forces and the UN and that this process continued until the destruction of the weapons on July 26, 1999. Taylor argued that, due to the disarmament and demobilization process, the NPFL did not have access to any arms and, consequently, could not have provided arms to the RUF. Taylor claimed that the ECOMOG forces were stationed at the most important airports in Liberia and at checkpoints throughout Liberia. Had Taylor ordered the transportation of arms to the RUF, he pointed out, this would have necessarily involved the ECOMOG forces.

As regards the transport of small amount of arms, Taylor maintained that he did not order such transportation to the RUF in Sierra Leone. Taylor especially referred to statements of witnesses who claimed that Taylor ordered the transportation of arms through Lofa County into Sierra Leone. However, as discussed above, Taylor argued that the SSS, which was present in the area, consisted of former ULIMO fighters that did not have a special allegiance to him and were not trustworthy. Taylor maintained that he did not have any knowledge and did not consent to the transportation of small amounts of arms in the border area between Liberia and Sierra Leone. He argued that such dealings related to his lack of control over his forces. Had he been informed of such activities, Taylor insisted, those responsible would have been disciplined for their actions.

vii. Diamond Trafficking into Liberia

Taylor denied all of the allegations concerning the exchange arms and ammunition for diamonds with the RUF, as well as the allegations regarding Taylor's function as a safe keeper of diamonds for the RUF. Taylor noted that diamond trafficking within the Mano River Union region was common and dated back long before his presidency in Liberia. Taylor argued that such trafficking had always been very difficult to combat in the region. He acknowledged that he did not have in place a proper mechanism to counter the illicit sale of diamonds in Liberia. However, Taylor argued that he did not need diamonds from Sierra Leone, since Liberia was already rich in diamonds.

Taylor stated that he did not approve or have any knowledge of any illicit diamond trade within Liberia. Taylor claimed that for years he had repeatedly requested monitors from the UN to investigate the matter and to exonerate Taylor from the allegations that were expressed by the international community. Despite what Taylor claims were continuous requests, the UN did not send monitors.

e. Origin of the Allegations: the International Community

On the stand, Taylor opined that his indictment before the Special Court for Sierra Leone for his involvement in the conflict was an "accident waiting to happen."[55] Taylor claimed that although the UN recognized that there was no evidence to suggest his involvement in the conflict in Sierra Leone, accusations from UN representatives and ECOMOG had already caused the necessary damage and that this eventually resulted in the indictment and the subsequent trial against him.

i. Accusations of UN and ECOMOG

Taylor testified that Francis Okelo, the Special Representative for the Secretary General of the United Nations (who was located in Freetown) and General Shelpidi of ECOMOG initiated the allegations against him well-before the establishment of the SCSL. Taylor claimed that although the UN recognized on several occasions that there was no evidence of Taylor's involvement in the Sierra Leone conflict, the allegations that ultimately appeared in Taylor's SCSL indictment always lingered at the surface. Taylor attempted to discredit Okelo and Shelpidi during his testimony, and addressed allegations contained in a December 2000 UN Panel of Experts Report about Taylor's involvement in Sierra Leone. Taylor claimed that Okelo tried to discredit Liberia within the UN by providing a damaging report to the UN Security Council in June 1998 about Liberian involvement with the Junta in Sierra Leone. Taylor argued that Okelo was biased against Liberia, and that Okelo would often express unfounded allegations. According to Taylor, this in turn resulted in a complaint by Felix Downes-Thomas, the Special Representative for the Secretary General of the United Nations for Liberia, to the Undersecretary-General for the United Nations. To impeach the credibility of ECOMOG's General Shelpidi, Taylor alleged that ECOMOG had

fired Shelpidi for making wrong decisions during the period he was stationed in Sierra Leone. According to Taylor, despite General Shelpidi's termination by ECOMOG and the lack of evidence, the international community always kept his accusations against Taylor in mind.

ii. UN Panel of Experts Report (Published in December 2000)

According to Taylor, a UN Panel of Experts Report, published in December 2000, was the most important factor in the aggravation of the allegations against him. Previously, Taylor maintained, allegations had been loosely expressed, but they had not been specifically formulated. Taylor argued that despite the lack of substantial evidence and accurate facts this report had an accelerating effect on the accusations against him and the Government of Liberia. He observed that the mere fact that the report was formulated by a UN Panel created certain reliability within the international community that intensified the allegations against him.[56]

Taylor dismissed the report as biased and untrue. He specifically argued that the appointment of Ian Smillie, a Prosecution expert witness, to the UN panel compromised the objectivity of the report. Taylor noted that Smillie was the co-author of a publication from 2000, "The Heart of the Matter – Sierra Leone, Diamonds and Human Security," which concluded that diamonds were at the heart of the conflict in Sierra Leone. Taylor testified that the Government of Liberia fiercely objected to Smillie's appointment to the UN panel on the basis that Smillie had already formulated conclusions about the situation before the UN panel had the opportunity to investigate the Sierra Leone conflict.

The Defense spent considerable time going through each allegation in the UN Report, asking Taylor to explain and respond to the content of the report. Many of the UN allegations mirror the Prosecution's allegations against Taylor. Interestingly, the Prosecution did not use this document in its case against Taylor.

1. Taylor's Involvement in the Sale of Sierra Leonean Diamonds

The Expert Panel report implicated Taylor in the sale of Sierra Leonean diamonds. Also, the report noted that Taylor had contacts with Ibrahim Bah, and collaborated in the sale of diamonds. Taylor denied this allegation. He insisted that he and Bah did not maintain any relationship, least of all a business relationship. Taylor argued that he did not know that the RUF, Ibrahim Bah and other business associates of the RUF engaged in the sale of Sierra Leonean diamonds in Liberia. Additionally, Taylor stated that he did not know that the guesthouse of the RUF in Monrovia was used as a business place to sell diamonds. Taylor argued that if he had known it, the guesthouse would have been shut down.

The report alleged that Taylor maintained close contacts with Sam Bockarie during Bockarie's exile in Liberia. In reaction, Taylor said that there was no truth in the allegation. He claimed that the Expert Panel should have known the process behind Bockarie's removal from Sierra Leone, and the reason why Taylor had allowed Bockarie to remain in Monrovia, since the situation was well known within the international community, especially ECOWAS. Taylor further stated that he did not know that Bockarie brought diamonds to Liberia. He denied that he held diamonds for safekeeping pending the release of Foday Sankoh after his arrest in May 2000.

2. Involvement of Liberian Government Officials in Diamond Smuggling

The Expert Report concluded that illegal smuggling of Sierra Leonean diamonds occurred in Liberia, Guinea, and Gambia. However, the report claimed that only in Liberia were government officials—Charles Taylor, in particular—involved in the smuggling. Taylor said that he could not understand this conclusion. Although Taylor did not deny that diamonds were smuggled through Liberia, he said he did not understand why the Panel would assume Taylor was involved. According to Taylor, no government involvement was needed in order to sell diamonds in Monrovia. Taylor elaborated on the lack of a diamond certification regime in Liberia, Guinea, and Gambia and he noted that until the establishment of the Kimberley Process, there was no official system that dealt with the movement of diamonds. Further, Taylor acknowledged that he could not categorically deny the involvement of Liberian government officials in the smuggling of Sierra Leonean diamonds. However, Taylor stated that if any government officials were involved, they acted without his knowledge and consent. Taylor testified that the sale of illicit diamonds was not part of the official policy of the Government of Liberia.[57]

Additionally, Taylor stated that the Expert Panel was present in Liberia for merely a week. He added that the Panel remained in Monrovia during their stay in Liberia, and did not travel further into Liberia to undertake a comprehensive investigation into the allegations. Therefore, Taylor claimed, the Panel could not possibly have obtained sufficient factual knowledge to make any accurate conclusions on the matter.

As to Taylor's involvement in diamond smuggling, Taylor stated that he had written a letter to the Secretary General of the UN in which he allowed the UN Security Council to establish a Blue Ribbon Panel to investigate the allegations of Taylor's involvement in the sale of Sierra Leonean diamonds. In this letter, Taylor waived all non-disclosure regulations, stated that he would resign from office if money would be found by the Panel, and allowed the results of the investigation to be made public. However, Taylor noted that the UN never established the Blue Ribbon Panel he proposed.

3. Weapons Provided by Taylor to the RUF

Amongst other allegations in the report, the Government of Liberia publically addressed the UN panel's allegation concerning the trade of weapons across the border with Sierra Leone. During his testimony, Taylor stated that he was not aware of cross border trade of weapons. Taylor argued that although some level of cross border trade could have existed, he disputed the amount of trade that was alleged in the report of the Panel of Experts. Taylor claimed that although he had received information that the former ULIMO was selling arms across the border with Sierra Leone, he did not have the capacity or capability to stop these activities, since he did not have any control over the former ULIMO. Further, Taylor emphasized that these activities were not undertaken with his consent or acquiescence.

f. LURD Incursion into Liberia

An important part of Taylor's Defense has focused on the argument that his involvement in the Sierra Leone conflict was impossible because he was too busy dealing with events occurring in Liberia. Aside from negotiating peace in Sierra Leone, Taylor was also preoccupied with incursions by Liberian dissidents into Liberia from Guinea. In this regard, Taylor's agreement with ECOWAS and the UN to destroy weapons on July 26, 1999 and the subsequent incursion by an armed group into Liberia from Guinea is an important aspect of the Defense's case. The Defense suggested that Taylor's efforts to cooperate with the UN and ECOWAS demonstrated his efforts at showing goodwill to the international community, but it also left him vulnerable to opposing groups. Taylor explained how the incursion into Lofa County by an armed group of Liberian dissidents, which was later called Liberians United for Reconciliation and Democracy (LURD), from Guinea, resulted in a diplomatic conflict between Liberia and Guinea. This prompted Taylor to request that the UN lift the arms embargo against Liberia in order to allow Liberia to act in self-defense if it became necessary. Nevertheless, Taylor stated that he first undertook peaceful negotiations to resolve the diplomatic conflict with Guinea instead of resorting to the use of force.

Taylor elaborated on the efforts that were undertaken to counter the incursions by LURD into Liberian territory from 1998 onwards. Taylor discussed his interpretation of the right to self-defense by States and that he had the best interests of Liberia at heart when he decided to purchase weapons, despite the fact that the arms embargo against Liberia was still in force. Taylor argued that UN denied Liberia the basic internationally recognized right of self-defense, since the UN refused to lift the arms embargo and allow the Government of Liberia to protect its country against the incursions. Taylor stated that he did not consider the purchase of arms to be in violation of the arms embargo, since he had merely tried to defend Liberia from further harm.

The Defense also discussed the extent of the occupation by LURD. Taylor stated that from August 2001 onwards LURD had exclusive control over Lofa County, thereby demonstrating that it would have been practically impossible for him to order the transportation of arms and ammunition to the RUF in Sierra Leone during that period.

g. Confrontation with Witness Testimonies

After the Defense had questioned Taylor about events leading up to 2002, it changed its tactics and began to confront Taylor with specific allegations from the testimony of Prosecution witnesses. The Defense took Taylor through the testimony of all thirty-one Prosecution insider witnesses.

By confronting the accused with witness testimonies, the Defense provided Taylor the opportunity to address the specific allegations against him. Griffiths was able to juxtapose some witness statements concerning specific events in order to question the truth of some facts. However, this portion of Taylor's examination-in-chief was repetitive in that Taylor would simply deny that the allegation was true, and declare that the trial was based on lies.

Moreover, Taylor's credibility suffered during this portion of the direct examination as he frequently spoke in absolute terms that the Prosecution can use to impeach the accuracy of his testimony, and denigrated other witnesses through observations about their lack of education, mental acuity, and at times their poverty. The pace of the trial languished as the Defense read long portions of witness testimony onto the record for Taylor to categorically reject and deny.

The Defense also used prior testimony to compromise the credibility of several witnesses as a whole, although Taylor's arguments in this regard were not altogether convincing. For example, when discussing the testimony by Zigzag Marzah, Taylor referred to Zigzag's testimony in which he had stated that he could not read or write, but that he was one of the leaders within the NPFL. Taylor argued that he would have never appointed an individual to a high position in the NPFL who could not read or write. In addition to arguing that appointing an illiterate person to a high-level position was illogical because Taylor himself was so well educated, Taylor claimed that such a position would also require some form of literacy in order to write reports. The Defense similarly addressed the testimony that was given by Varmuyan Sherif, who the Defense attempted to present the witness as a psychologically ill individual whose testimony would not be credible. When Griffiths questioned Taylor about Sherif's position within the NPFL and the Liberian government, Taylor claimed that Sherif "lost it" and had to be reassigned within the Liberian government.

h. Taylor's Resignation and Exile in Nigeria

After the Defense concluded its discussion of witness statements, Griffiths continued to discuss Taylor's considerations to resign from office, his exile in Nigeria and the events leading up to Taylor's arrest. After thirteen weeks of testimony, it was surprising how little time the Defense needed to discuss the remaining years leading up Taylor's arrest in 2006.[58] However, it is possible that because those remaining years mostly fall outside the scope of the indictment, the Defense did not explore them in depth.

Taylor elaborated on his reasons for resigning as President of Liberia in August 2003. According to Taylor, the situation in Liberia deteriorated in January 2003 when the rebel group called the Movement for Democracy in Liberia (MODEL) developed strength and, consequently, the government of Liberia was confronted with two invading rebel groups, MODEL and LURD. Taylor argued that sanctions by the UN Security Council on Liberian timber and diamonds crippled the Liberian Government to the extent that it could not finance and establish an effective defense mechanism against MODEL and LURD, enabling MODEL to advance even further into Liberia.

Taylor further stated that, when the fighting reached Monrovia in February/March 2003, he realized that the conflict would continue if he would remain president and in order to bring peace and security to the country he would have to resign from office. In April 2003, Taylor attended a summit with other heads of state of ECOWAS in Accra, Ghana, to discuss the peace process in Liberia. Taylor said that while he was in Accra, he expressed the will to the other heads of state to resign from office. However, when the meeting was initially finalized, it came to their attention that the SCSL had issued an indictment against Taylor. According to Taylor, he and the other heads of state reconvened the meeting in order to discuss their disapproval of SCSL warrant. Taylor testified that he promised the other leaders that he would step down, and they decided to complain to the UN Security Council about the SCSL issuing the indictment. According to Taylor, he discussed his position with other heads of state, and with the consent of these regional leaders, as well as and with the knowledge and consent of the US Government, he arranged for his eventual departure to Nigeria. During these discussions, Taylor claimed, President Obasanjo of Nigeria assured him that the situation surrounding the indictment against would be brought before the UN Security Council and overturned. However, the UN Security Council did not quash the indictment.

Taylor referred to a letter that he wrote to the then President of the United States, George W. Bush, in which he expressed the will to step down as President of Liberia, but communicated that he required the presence of a peacekeeping force in order for the Liberian peace process to continue without any violence. Taylor arrived in Nigeria on August 11, 2003, and soon after his arrival, he received a letter from the Government of Nigeria presenting the conditions for his stay in Nigeria. As Taylor testified, he was provided political asylum, but he was disappointed, since he thought that he was invited by President Obasanjo to remain in Nigeria indefinitely. According to Taylor, he abided by all the conditions enlisted in the letter, but he argued that President Obasanjo failed to comply with their agreement when he agreed to Ellen Johnson-Sirleaf's request for extradition. Taylor speculated that there was considerable pressure by the international community, especially the UK and the US, to hand him over to the SCSL. Taylor further considered that 1) there were discussions at the time within the UN to

create a permanent seat with the Security Council for an African State, and 2) that President Obasanjo was considering whether to run for President of Nigeria for a third term. Taylor reasoned that those matters compelled President Obasanjo to violate his promise to Taylor that he would not be handed over to the SCSL.

Taylor claims that he did not attempt to flee Nigeria to Chad when he was arrested at the Chadian border.[59] He testified that he had informed President Obasanjo about plans to go to Chad before Obasanjo left for a visit in the US. Taylor claims that Obasanjo approved of Taylor's travelling plans. In this regard, Taylor argued that the Cameroon border would have been closer to his residence if he had planned to flee Nigeria. Further, Taylor stated that Nigerian security and Secret Service forces escorted him on this trip, with President Obasanjo's knowledge.

Taylor also alleged that his arrest was pre-arranged by the UN and President Ellen Johnson-Sirleaf of Liberia. Taylor referred to a letter by the President of Liberia requesting him to turn himself over to the SCSL. Taylor also referred to a UN Security Council Resolution that was created three or four months prior to Taylor's arrest. This Resolution mandated UN forces to arrest Taylor upon his arrival in Liberia.[60] Taylor argued that he was surprised at the time, since he was residing in Nigeria and did not plan to return to Liberia. Thus, Taylor opined that his arrest was prepared and set up by the international community by pressuring President Obasanjo.

Finally, Taylor denied that he possessed millions of dollars but instead stated that Obasanjo provided Taylor with $500.000 for investment purposes since he encountered financial difficulties. Taylor argued he merely brought $50.000 with him for his trip to Chad and that any allegation relating to the presence of millions at the time of his arrest is false.

[1] Prosecutor v. Taylor, Case No. SCSL-01-03-T, Trial Transcript, 1 October 2009, page 2 (lines 25 – 29).

[2] For instance, the Prosecution had consistently alleged that Taylor and Foday Sankoh agreed to terrorize the civilian population when the NPFL and the Sierra Leonean trained in Libya. The Prosecution also presented witnesses confirming this allegation. However, the Prosecution also presented a witness who had testified that an agreement was made in Burkina Faso between Taylor, Sankoh and Dr. Manneh to help each other in their wars. Consequently, Griffiths juxtaposed the conflicting allegations.

[3] See, e.g., Corder, Mike, "Liberia's Taylor Rejects War Crimes Charges," ABC News (AP), July 15, 2009, available at http://abcnews.go.com/International/wireStory?id=8085987.

[4] Griffiths made a special point to congratulate Rapp on his recent appointment as the U.S. Ambassador-at-Large for War Crimes Issues.

[5] Taylor, Trial Transcript, 13 July 2009, page 7 (lines 10 – 12).

[6] It is important to note that some media falsely related Taylor's trial to the International Criminal Court (ICC) as being a part of it. See for instance: BBC News, Taylor defiant as testimony begins, by Adam Mynott, July 14, 2009 at http://news.bbc.co.uk/2/hi/africa/8149469.stm; Radio France Internationale, Taylor says ICC charges are lies, by John Collie, July 14, 2009 at http://www.rfi.fr/actuen/articles/115/article_4328.asp. For an additional discussion on this topic, see the report by the Open Society Justice Initiative, Charles Taylor and the ICC: What's up with that?, by Tracy Gurd, August 27, 2009 at www.charlestaylortrial.org. The Charles Taylor trial is a part of the Special Court for Sierra Leone and, contrary to what those news reports suggest, the Special Court for Sierra Leone is sitting in The Hague—only for the trial of Charles Taylor—to avoid potential unrest in the region.

[7] For example, a prominent figure in Liberian politics, Minister Supuwood, was in the courtroom as a member of the Defense team during the first week of testimony. Taylor and Griffiths mentioned him several times during that week's testimony. However, it appears he was merely used for dramatic impact, and as one court insider noted, "window-dressing." Minister Supuwood has not been mentioned or seen in Court since.

[8] This emphasis on the ethnic composition and tensions in Liberia also adds support to the Defense's previous attempts to impeach Liberian witnesses by showing bias against Taylor because of their ethnicity.

[9] Taylor, Trial Transcript, 13 August 2009, page 17 (lines 13-20).

[10] The Prosecution painted a picture of Taylor as the "mastermind" behind the conflict and diamond exploitation; by showing that various other groups were heavily involved in the war, the Defense can potentially convince the Judges of reasonable alternative explanations for the facts.

[11] Taylor, Trial Transcript, 13 July 2009, page 34 (lines 9-23).

[12] For further discussion see the report by the Open Society Justice Initiative, The International Community Had Its Mind Made Up Against Taylor, He Says, by Alpha Sesay, August 27, 2009 at www.charlestaylortrial.org.

[13] See, e.g., Taylor, Trial Transcript, 1 October 2009, page 78 (lines 12-15).

[14] Taylor, Trial Transcript, 8 June 2009, page 23 (lines 24-29) – page 24 (line 1).

[15] This situation became so extreme that in the week before the Court's October recess commenced, the Prosecution requested the Defense to provide an estimation of the number of weeks it would need to finalize the direct examination. Griffiths indicated that the Defense would be able to finish its direct examination a couple of weeks after the Court would resume on October 26, 2009. In his response to the Court, Griffiths also commented that after considering other external factors, such as the amount of time the Prosecution would need for cross-examination, the decision of the Court not to sit on the Friday, and the extended Christmas vacation, it was likely that Taylor's testimony would continue into the new year. Taylor, Trial Transcript, 1 October 2009, page 2 (line 25) – page. 4 (line 1-15).

[16] Taylor, Trial Transcript, 6 July 2009, page 4 (lines 14-18).

[17] From an initial list of 257 witnesses it intended to call which was not separated into core witnesses and back-up witnesses. However, the Defense noted that the Prosecution had provided a list of some 220 witnesses, although this list was organized into core and back-up witnesses. Taylor, Trial Transcript, 6 July 2009, page 15 (lines 12-19).

[18] Taylor, Case No. SCSL-03-01-PT, "Prosecution's Second Amended Indictment," 29 May 2007.

[19] Rule 89, Rules of Procedure and Evidence.

[20] Rule 91(F)(ii), Rules of Procedure and Evidence.

[21] Taylor, Trial Transcript, 24 August 2009, page 77 (line 24) – page 79 (line 6).

[22] Taylor, Trial Transcript, 13 August 2009, page 110 (lines 4-7).

[23] Taylor, Trial Transcript, 19 August 2009, page 14 (line 29) – page 15 (lines1-2).

[24] The trial chamber has only sustained a foundation objection by the Prosecution twice. Even then, it was only the first two times the Prosecution raised the objection and only briefly. The first time, on 21 July 2009, the Defense asked more questions of Taylor and the Prosecution then withdrew its objection. Taylor, Trial Transcript, 21 July 2009, pages 67-75. The last time, on 23 July 2009, the Defense once again asked more questions of Taylor, and the trial chamber itself then overruled the objection. Taylor, Trial Transcript, 23 July 2009, pages 25-8. Since 23 July 2009, it seems that the trial chamber has overruled every objection based on foundation by the Prosecution.

[25] Rule 89(C), Rules of Procedure and Evidence.

[26] The original objection was raised as the Prosecution was questioning once of their witnesses, the former manager of a diamond mining operation alleged to play a part in Mr. Taylor's blood diamonds for war schemes. They attempted to show a document from the same mining operation to the witness, and although he was familiar with its context, he had never seen the document before and it was created after he had left the mining operation. The Defense objected that there was not a proper foundation laid to show the document to the witness, and that the Prosecution was attempting to circumvent the more stringent conditions of the proper rule for admission of a document, 92bis. The Prosecution then said that they wanted the document offered into evidence not so much

through the witness, but under Rule 89(C) because it was relevant to the witness's testimony. The Trial Chamber ruled that: "If the Prosecution wishes to tender a document under Rule 89(C) through a witness, they need to lay some foundation and in the instant case there is no sufficient foundation. If a document is to be tendered without a witness, then the application should be made under Rule 92bis of the Rules." Taylor, Trial Transcript, 21 August 2008, pages 56-64.

[27]Taylor, Case No. SCSL-03-01-AR73-721 (Appeals Chamber), Decision on "Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents," 6 February 2009, ¶ 40.

[28]Id. ¶ 37 (citing Prosecutor v. Norman et al., Case No. SCSL-2004-l4-AR73, "Fofama – Decision on 'Appeal Against Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence,'" 16 May 2005, ¶ 24).

[29] Taylor, Case No. SCSL-03-01-AR73-721 (Appeals Chamber), "Decision on 'Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents,'" 6 February 2009, ¶ 39.

[30]Id., ¶ 41.

[31] Taylor, Trial Transcript, 21 July 2009, page 75 (lines 15-19).

[32] Taylor, Trial Transcript, 23 July 2009, page 26 (lines 12-15).

[33]Taylor, Trial Transcript, 4 November 2009, page 95 (lines 13-15).

[34]Taylor, Trial Transcript, 4 November 2009, page 94 (lines 1-5).

[35]Taylor, Trial Transcript, 4 November 2009, page 90 (lines 9-10).

[36]Taylor, Trial Transcript, 23 July 2009, page 115 (line 21).

[37]Taylor, Trial Transcript, 28 July 2009, page 111 (lines 13-21).

[38] The transcript reads:

A. [Mr. Taylor] That's another intelligence report that was obtained through the OTP that deals with, again, the issue of diamonds, the issue of arms and all these issues of insecurity that were sought by the Prosecution to validate their claims against me. And I think this report was done by a major western government.

Q. Which government?

A. Well, the way I see the topic – the title of the report – the word looks Dutch to me – bijlage. It looks Dutch to me. It could be Belgium, or whatever these people – but it's either by the Dutch or the Belgian, but the word, I think we can verify which country it is.

Taylor, Trial Transcript, 9 November 2009, page 85 (lines 9-19).

[39]Taylor, Trial Transcript, 9 November 2009, page 88 (lines 16-21). Interestingly, Presiding Judge Lussick indicated that this ruling was only by "the majority" of the trial chamber, but did not specify the dissenter.

[40] For instance, the Prosecution argued, "We would suggest that, even with the lowered foundational requirements, there still needs to be a question about whether it was part of his archives." Taylor, Trial Transcript, 19 August 2009, page 14 (line 29) – page 15 (lines 1-2).

[41] Taylor, Trial Transcript, 30 September 2009, page 78 (line 28) – page 79 (line 1).

[42] Taylor, Trial Transcript, 16 July 2009, page 63 (lines12-21).

[43] See, e.g. Taylor, Trial Transcript, 01 October 2009, page 78 (line 19) – page 79 (line 9).

[44] Taylor, Trial Transcript, 20 August 2009, page 46 (lines17 – 18).

[45] The evidence was provided to the Defense in accordance with Rule 70 of the Rules of Procedure and Evidence, which requires the Prosecution to provide the Defense with potentially exculpatory evidence. Rule 70, Rules of Procedure and Evidence.

[46] This is common when evidence is provided by governments or inter-governmental bodies like the UN. Such bodies will provide evidence to the Court with the stipulation that it cannot be made public without specific approval.

[47] This specific contradictory statement was made during a confrontation with a testimony that was given by a protected witness in closed session. Taylor, Trial Transcript, 15 September 2009, page 105 (lines 3-14).

[48] Taylor, Trial Transcript, 20 July 2009, page 93 (line 5) – page 94 (line 2).

[49] Taylor, Trial Transcript, 15 September 2009, page 100 (line 18) – page 106 (line 5).

[50] Taylor, Trial Transcript, 15 September 2009, page 105 (line 28).

[51] Taylor, Trial Transcript, 10 August 2009, page 99 (lines 21-23).

[52] Taylor, Trial Transcript, 10 August 2009, page 102 (lines 5-6).

[53] Chuckie Taylor (also known as Roy Belfast, Jr, Charles Taylor II and Charles MacArthur Emmanuel) was found guilty of torture and related crimes on October 31, 2008 by a United States Federal Court and was sentenced to 97 years of imprisonment on January 9. Chuckie Taylor served as the head of the Anti Terrorist Unit (ATU) in Liberia between 1999 and 2003; Chuckie was tried by the US Court under the US Torture and Victim Protection Act of 1994. This Act allows the US to exercise universal jurisdiction and try individuals that have committed international crimes. Amnesty International USA, Chuckie Taylor convicted of torture, October 31, 2008; BBC News, Taylor's son jailed for 97 years, January 9, 2009.

[54] In 2001, Sierra Leone was regaining peace due to the ongoing talks between the warring factions and the demobilizations and disarmament process that was put in place after the Lomé Peace Agreement. Additionally, the talks for the Special Court for Sierra Leone were already underway. According to Taylor, the allegations by the international community of his involvement with the RUF worsened.

[55] Taylor, Trial Transcript, 11 August 2009, page 81 (lines 829) – page 82 (lines 1-7; page 84 (lines 18-22); Taylor, Trial Transcript, 13 August 2009, page 14 (line 12).

[56] For a further discussion on the issue see the report by the Open Society Justice Initiative, Charles Taylor Dismisses United Nations Expert Report on Sierra Leone As "Disgraceful," Says Report Is At The Heart Of The Case Against Him, by Alpha Sesay, August 29, 2009 at www.charlestaylortrial.org.

[57] To demonstrate his argument that diamond smuggling was nearly impossible to control in Liberia, Taylor referred to the US policy concerning the smuggling of drugs from Mexico into the US. Taylor noted that the US spends billions of dollars to address its border problems and referred to the attempts of the US government to create a fence to counter the drugs problem. Taylor compared this to the former to diamond smuggling from Sierra Leone into Liberia and argued that it is very difficult to detect diamond smuggling, since diamonds are small stones that are easy to hide as compared to drugs entering the US in bulk and stashed in trucks. Furthermore, Taylor stated that the border area between Sierra Leone and Liberia consists of forest, which makes the detection of diamond smuggling across the border even more difficult.

[58] Out of thirteen weeks of testimony, the Defense only spent two days discussing the remaining years.

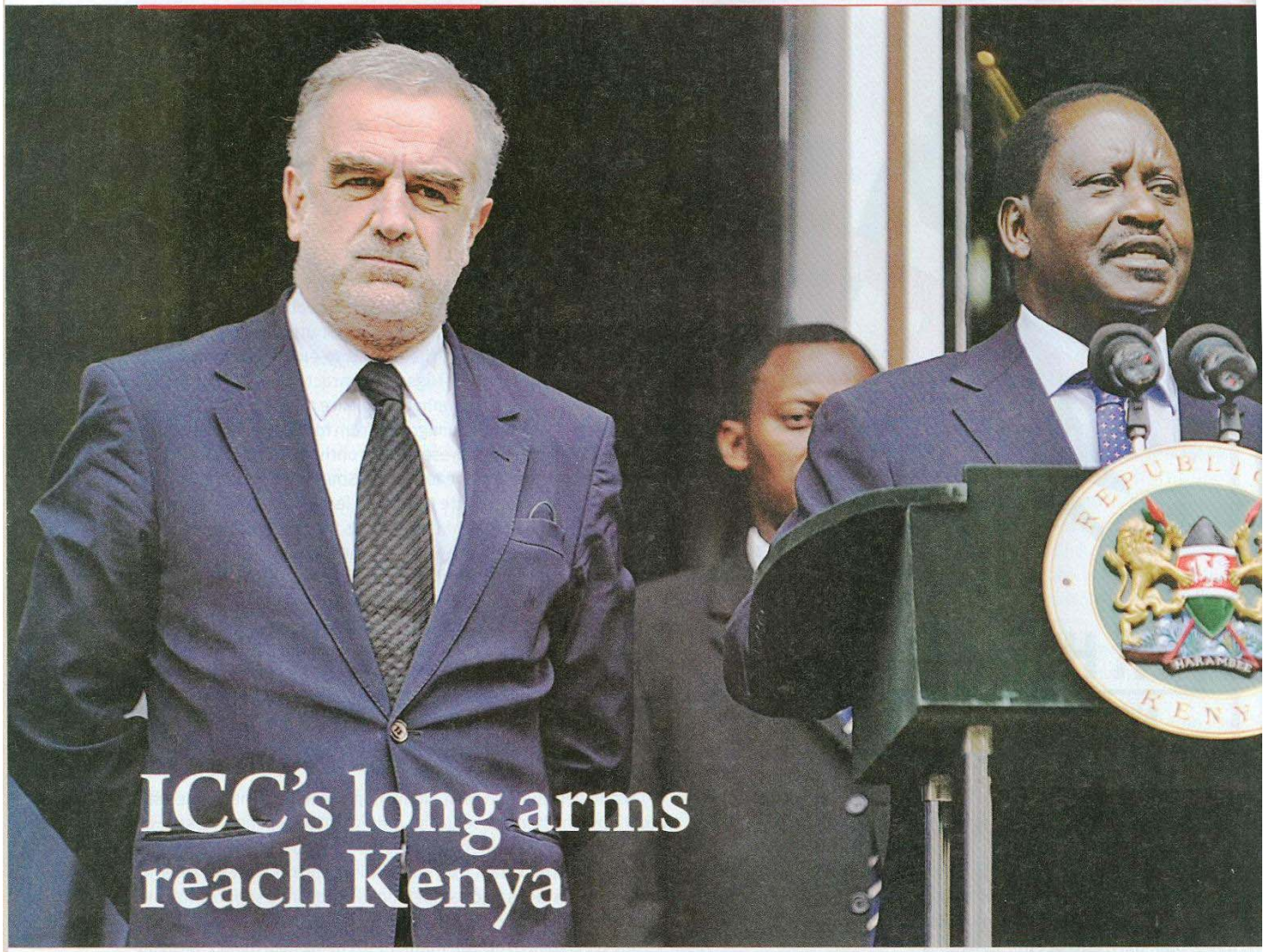
[59] Taylor, Trial Transcript, 10 November 2009, page 42 (lines 8-10).

[60] Taylor referred to UN Security Council Resolution 1638 (2005), November 11, 2005.

New African
December 2009

Feature

KENYA



ICC's long arms reach Kenya

"Crimes committed in Kenya [after the 2007 elections], are crimes against humanity," says the ICC chief prosecutor, Luis Moreno-Ocampo. "In December 2009, I will request the judges of the ICC to open an investigation." His words have created jitters in Nairobi, reports **Wanjohi Kabukuru**.

KENYA WILL SHOW HOW TO MANAGE past violence, and how to create a peaceful process for the upcoming elections in 2012. Kenya will be an example to the world." With these words, Luis Moreno-Ocampo, the chief prosecutor of the International Criminal Court (ICC), served notice in Nairobi in early November that Kenya would not be the same after his visit.

While the Kenyan government did not directly give Ocampo a free hand, he managed to get a firm commitment from President Mwai Kibaki and Prime Minister Raila Odinga that Kenya "will cooperate with the ICC to ensure that those who bear the responsibility for crimes committed during the post-election conflict [in 2008] are brought to justice."

That the ghosts of Kenya's moment of infamy continue to haunt the masterminds of the election violence is obvious. Some cabinet ministers and prominent politicians from both sides of the governing coalition are said to be on the list of 10 politicians alleged to be the initiators and financiers of the post-election trouble. However, 21 months after the violence, not a single man or woman has been charged and this is what has given rise to more questions than answers on the political future of Kenya if the ICC takes charge. Since July this year when Ocampo received the envelope containing "the names of the accused" from former UN secretary-general Kofi Annan, Kenyan politics has taken on a new dimension.

When the coalition government was cobbled together in mid-2008, the real-

of the issues pertaining to the post-election violence have been discussed in The Hague and Geneva and not in Addis Ababa (the AU headquarters) nor in Arusha (home of the East African Community).

Besides, the Obama administration in Washington has been pressing for "reforms"

of issues around land ownership, poverty, political representation, inequitable resource-sharing and wealth allocation, politically-fanned clashes mostly instigated by politicians have taken root in the country. The cycle of violence began in 1992 at the onset of multiparty politics

"Crimes committed in Kenya," Ocampo said in Nairobi, "are crimes against humanity. In December 2009, I will request the judges of the International Criminal Court to open an investigation."

In hindsight, "time will heal" was not a good policy. ■NA

United Nations Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 5 January 2010

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Mentoring Medics and Female Troops in Liberia

By Rick Scavetta
U.S. Army Africa

CAREYSBURG, Liberia, Jan 5, 2010 — When local residents near Camp Sandi Ware in Careysburg, Liberia told medics that a six-year-old boy was severely burned by a pot of boiling water, Sergeant 1st Class Dedraf Blash joined Armed Forces of Liberia medics to assist. The AFL effort was a good way for the Liberian military to show local people that they are there to help, said Blash, a senior U.S. Army Africa noncommissioned officer (NCO) who spent three months in Liberia mentoring medical soldiers and females serving within the Liberian ranks. "The Liberian medics offered care as a goodwill gesture to the local community," Blash said. "The boy's family had no money for a hospital." As Corporal Carroll George, an AFL medic, tended to the boy's burns, small children gathered around Blash. "The smaller ones held on to my legs to the point I could barely take a step," Blash said. The boy's father, who was also the village chief, explained their curiosity. He told Blash that they had never seen an American woman in the army. Blash is the first female NCO from U.S. Army Africa to take part in the Liberia Security Sector Reform program, a U.S. State Department-led effort to help build leadership capacity within Liberia's military -- a force recently reestablished after years of civil war.

International Clips on West Africa

Sierra Leone

Japanese government donates US $ 1.3 grant for the reduction of maternal and child maternity in Sierra Leone

FREETOWN, Sierra Leone Tuesday, 05 January 2010(Cocorioko) -The Japanese Ambassador to Sierra Leone, H.E. Ambassador Keiichi Katakami has exchanged notes with the UNICEF Representative to Sierra Leone, Mahimbo Mdoe for the Government of Japan's grant of 1.3 million dollars for the prevention and control of infectious diseases, in support of efforts by the Government to reduce child and maternal mortality in Sierra Leone. "As a government, we are committed to lift Sierra Leone from the bottom of the Human Development Index. Reducing maternal and child mortality is therefore a crucial priority," said Deputy Minister of Finance and Economic Development Dr. Richard Conteh. The goal of the project is to contribute to the reduction of child and maternal mortality by one-third by 2010 through low cost, high impact interventions from health personnel, families and communities. These interventions will focus on malaria, acute respiratory infections, diarrhoea, HIV/AIDS treatment and prevention and an expanded programme on immunization as well as maternal and child nutrition. "The Government of Japan highly welcomes the initiative to achieve such ambitious goals," said Ambassador Katakami. "We also agree that the participation of the caregivers, family and communities are some of the vital elements for the success of the project."

Ivory Coast

Ivorian electoral body wants 2010 elections to usher peace

The Independent Electoral Commission (CEI) in **Cote d'Ivoire** has said it would like to see the year 2010, when Ivorians go to the polls to elect a new president, as the year "for a definite and effective return of peace to the country," CEI said in a communique, received here Monday by PANA. It said it

was therefore working hard to achieve this objective, adding that all partner institutions and technical experts involved in the electoral process should work towards meeting the targets set at the last meeting of stakeholders. The stakeholders' meeting had planned the first round of the presidential elections to hold between February and March, 2010. It said that of the 20 applications from candidates wishing to run for president, 14 had been approved. They include those of Alassane Ouattara of the Rally of the Republicans (RDR) and Adama Dahico, an artist of Malian origin who has naturalized in **Cote d'Ivoire**.

Source: Abidjan - Pana 05/01/2010

UN probing death of Jordanian peacekeeper

AMMAN - 5 January (Jordanian Times) A UN committee is investigating the death of Jordanian warrant officer Iyad Batayneh who passed away in **Côte d'Ivoire** last week while serving as a peacekeeper, a top Jordanian official said on Monday."We are in contact with the United Nations to follow up on the death of Batayneh," Minister of State for Media Affairs and Communications Nabil Sharif told The Jordan Times yesterday. He said the officer is a member of the Gendarmerie Forces. The United Nations Operation in **Côte d'Ivoire** (UNOCI) announced in a statement e-mailed to The Jordan Times the death of Batayneh, who was a member of the police force Jordan contributed to the peace mission in the African country. Batayneh, who was 33 years old, was on mission in **Côte d'Ivoire** since September 10, 2009, the UNOCI statement indicated.

Local Media – Newspaper

Suspended Information Minister Vows Not to Restitute Any Money
(Heritage, The News, New Vision, New Democrat)

- Suspended Information Minister, Dr. Laurence Bropleh has described the GAC findings as baseless and characterized by inconsistencies vowing not to restitute any money he does not know about.
- The suspended Minister said he was innocent of all charges brought against him in the GAC report and frowned at the release of the draft report to the public.
- Meanwhile, the Executive Mansion says it has received the draft audit report on the Information Ministry's financial scandal conducted by the General Auditing Commission (GAC).
- Presidential Press Secretary Cyrus Badio said President Ellen Johnson Sirleaf will officially respond to the GAC's findings when the final report has been submitted to her.
- The final report on the Information Ministry's financial scandal will formally be released when Dr. Laurence Bropleh who is at the centre of the scandal responds.
- The Presidential Press Secretary indicated that Dr. Bropleh was given three days to respond but has asked for ten days.

Amidst Reports of Financial Impropriety at Ministry of Gender, GAC Confirms That Audit at the Ministry Commences Tomorrow
(The News, The Parrot, New Democrat, Heritage)

- The General Auditing Commission (GAC) has announced that it will beginning tomorrow, Wednesday January 6 commence an audit of the Ministry of Gender and Development.
- The GAC said the audit to cover the period from July 1, 2006 to December 31, 2009 will look at the financial statements and other related records of the Ministry.
- The Minister of Gender and Development, Vabah Gayflor has of late been wrapped up in allegations of financial impropriety coupled with claims of abuse of office among other things.
- Although a Liberia Anti-Corruption Commission investigation linked Minister Gayflor to the illegal disbursement and expenditure of about US$23,000 representing allowances from employees at the Ministry, the LACC said the action by the Minister had "no criminal intent."
- Meanwhile, the ECOWAS Civil Society Women of Liberia have called for the unconditional resignation of the head of the Liberia Anti-Corruption Commission (LACC), Cllr. Frances Johnson Morris saying her failure to recommend the prosecution of Minister Gayflor was unacceptable.

Government Constitutes Zoning Council
(Daily Observer The Inquirer)

- President Ellen Johnson Sirleaf has constituted the Zoning Council to be chaired by the Ministry of Public Works.
- According to an Executive Mansion release, other members of the Council include the Ministries of Lands, Mines and Energy; Internal Affairs; the Environmental Protection Agency; Liberia Chamber of Architects; and a representative of Civil Society.
- The constitution of the Zoning Council by President Sirleaf is in keeping with the Zoning Act of 1958, which is currently undergoing revision.
- Meanwhile, the President has appointed with immediate effect Mr. Elijah B. Karnley as Zoning Officer.

Multi-Million Dollar Rubber Concessionaire Finally Takes Over 'Controversial' Guthrie Rubber Plantation
(The Inquirer, Daily Observer)

- The multi-million dollar rubber concession company, Sime Darby has formally taken over the 'controversial' Guthrie Rubber Plantation in Bomi and Grand Cape Mount Counties.
- Although details of the arrangements have not been officially unveiled, Sime Darby is to invest a total of US$800 million into the plantation.
- Government turned over the plantation at a brief ceremony Friday.
- Reports say the new management held a strategic meeting Monday aimed at reviewing the security status of the plantation, which has been at the centre of violent confrontations.

President Sirleaf to Participate in Former U.S. President Bush Library Collection
(New Democrat)

- President Ellen Johnson Sirleaf has been listed as perhaps the only African Leader to participate I the collection for former United States President George Bush's Institute Library.
- The participants in the collection include Czech President Valca Havel, Iranian Activist, Moshen Sazegara and Kang Cholhwan, a prisoner of a North Korewasn gulag for 10 years.
- According to President Bush, the institute's mission is to advance policy initiatives that will expand freedom, opportunity, responsibility and compassion.

UNMIL BANENGR 11 Begins Ganta-Tappita Road Rehabilitation
(Daily Observer)

- The United Nations Mission in Liberia's (UNMIL) Bangladeshi Engineering Battalion, BANENGR 11, in Ganta has begun the rehabilitation of Ganta-Tappita highway.
- According to the contingent's commander, Lt. Col. Nuhul Huda, rehabilitation works are being carried out by three groups of his contingent.
- Lt. Col. Huda explained that one group will start from Ganta to Flumpa with the group starting from Saclepea to meet their colleagues in Flumpa while the third group will cover Saclepea to Tappita.
- He said that they were focusing on the bad portions of the 100-kilometer road which has been almost impassable.

Bong, Nimba Tops Marijuana Trade, Drug Enforcement Agency Records Reveal
(The Inquirer)

- The Drug Enforcement Agency of Liberia (DEA) say latest records in it possession have placed Bong and Nimba counties on top as two areas that are largely trading in marijuana in the country.
- The Director of the DEA, James Jaddah said records with the agency clearly suggest that it has made more arrests in tracking down marijuana cases in the two counties than any other counties.

- Mr. Jaddah said suspected marijuana traders who have been arrested by the agency in other counties have informed the agency that they have acquired the substances in either of the two counties.

LCAA Toughens Screening at Airports

- Following the recent unsuccessful terrorist attack by Nigerian-born Farouk Abdulmutallab, who managed to board Northwest Airlines Flight 253 from Amsterdam to Detroit carrying undetected explosives, the Liberia Civil Aviation Authority (LCAA) has announced that airports within the jurisdiction of the Republic of Liberia are safe.
- In a release issued in Monrovia, the LCAA said it had put in place appropriate safeguards and has increased security procedures to enforce tougher screening measures aimed at guaranteeing the security of all travellers.

Four Arrested For Murder in Grand Cape Mount County
(The Inquirer)

- Police in Grand Cape Mount County have arrested and detained four persons who are reportedly linked to the death of a 38-year old man in the county.
- The deceased identified as Blamo Nelson-no affiliation to Senator Blamo Nelson of Grand Kru-was brutally murdered on Christmas Day and his body dumped in a river.
- Police in the area rounded up the alleged suspects following a tip-off from some residents linking them to the commission of the gruesome act.

Local Media – Star Radio *(culled from website today at 09:00 am)*

Executive Mansion Finally Receives Information Ministry's Audit Report
(Also reported on Radio Veritas, Sky F.M., and ELBC)

Government Constitutes Zoning Council
(Also reported on Radio Veritas, Truth FM, Sky F.M., and ELBC)

Dual Currency Hinders Liberia's Development, Says President Sirleaf

- President Ellen Jonson Sirleaf says the dual currency regime has been a hindrance to the country's economic and social development.
- President Sirleaf said the dual currency situation has placed the country in a dare situation in terms of meeting development goals.
- She said efforts were underway to address the situation and described Liberia's move to join the West African Monetary Zone as the most practical step.
- President Sirleaf said joining the monetary zone will help government urgently address the dual currency difficulty the county is faced with.
- Liberia currently has a dual currency regime with both the United States and Liberian Dollars serving as legal tender.

Sime Darby Finally Takes Over 'Controversial' Guthrie Rubber Plantation
(Also reported on Truth FM, Sky F.M., and ELBC)

USAID Provides Grant of US$71,000 TO LET

- The US Agency for International Development has provided a grant of over US$71,000 to the Liberian Education Trust (LET).
- According to LET, the grant is intended to provide 450 scholarships for girls in primary and secondary schools in five counties including Montserrado, Grand Cape Mount, Nimba, Margibi and Grand Bassa.
- LET, which has since managed 850 scholarships said the scholarship would cover the second semester of 2009 school year and the first semester in 2010.

(Also reported on Radio Veritas, Sky F.M., and ELBC)

Dismissed Assistant Postal Affairs Minister Rejects Theft Charges

- Former Assistant Postal Affairs Minister for Administration Thierry Genesis who begged government to prosecute him says the theft case against him is false and misleading.

- Mr. Genesis however admitted power sale at the Post and Telecommunications Ministry but said the initiative was a policy matter which started on the order of then Minister Jackson Doe.
- He accused Minister Jeremiah Sulonteh of starting the theft case against him because he asked the minister for the breakdown of some US$75,000 from an international group.

(Also reported on Radio Veritas, Sky F.M., and ELBC)

Truth FM *(News monitored today at 10:00 am)*

Women Group Calls For The Resignation Of LACC's Boss Frances Johnson Morris

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AFRICA

DRC

The International Criminal Court (ICC) began hearings in a second trial involving two Ituri warlords on Nov. 24. Germain Katanga and Mathieu Ngudjolo-Chui are charged with three counts of crimes against humanity and seven counts of war crimes including murder, sexual slavery, pillage and the use of child soldiers in the DRC, and for their role in planning and commanding an attack on the village of Bogoro in February 2003, which left over 200 civilians dead.

On Dec. 2, the Appeals Chamber of the ICC reversed an earlier decision that would have freed Jean-Pierre Bemba from detention during his trial, and ordered him to remain in custody in The Hague. Bemba is charged with alleged war crimes and crimes against humanity committed by his troops in the Central African Republic. His trial is scheduled to begin Apr. 27.

- "DR Congo: ICC Opens Second Trial for Ituri Violence," *Relief Web* (http://www.reliefweb.int/rw/rwb.nsf/db900SID/AMMF-7Y4TNE?OpenDocument)
- "International Court: Ex-Congo VP must stay in jail," *AP* (http://www.google.com/hostednews/ap/article/ALeqM5jim5vol2x-nmRWY8Ss2RzsQ5kBKwD9CB6P2O1)

Guinea

A United Nations Commission of Inquiry began an initial investigation Nov. 15 into the September 28 events in Conakry, where an estimated 150 people were killed by the Guinean military. Military personnel opened fire on civilians peacefully demonstrating against the expected presidential candidacy of Guinea's military ruler Moussa Dadis Camara. Though Camara has expressed willingness to cooperate with the Commission, the ongoing arrests of activists including human rights leader Muctar Diallo have raised concerns about the protection needed for witnesses who testify on the events.

Camara was wounded in an assassination attempt Dec. 3 and flown to a military hospital in Morocco. Reports say the shooting followed an argument between Camara and military aide Aboubacar Sidiki Diakite about who should assume responsibility for the Sept. 28 killings.

- "Unearthing the truth of Guinea 'bloodbath'," *BBC World News* (http://news.bbc.co.uk/2/hi/africa/8376800.stm)
- "Guinea Military Arrest Human Rights Official," *VOA News* (http://www1.voanews.com/english/news/africa/Guinea-Military-Arrest-Human-Rights-Official-78107702.html)
- "Guinea's Military Leader Recovering in Morocco from Gunshot Wounds," *VOA News* (http://www1.voanews.com/english/news/africa/Guineas-Military-Leader-Recovering-in-Morocco-From-Gunshot-Wounds-78693047.html)

Kenya

A majority of members of Kenya's parliament, in an apparent boycott, skipped a Dec. 2 debate on the Special Tribunal Bill which calls for the creation of a court to try suspects allegedly involved in the post-election violence of Jan. 2008. The boycott came shortly after ICC Chief Prosecutor Louis Moreno-Ocampo urged the ICC to investigate the violence.

To enhance the effectiveness of Kenya's Truth, Justice and Reconciliation Commission (TJRC), ICTJ organized two workshops in Nyeri. One targeted civil society organizations and focused on strategies for advocacy, monitoring and support of the TJRC. The second, organized for reporters and editors, highlighted the opportunities and challenges in reporting on transitional justice issues.

- "Kenyan MPs frustrate special courts Bill again," *Capital News Kenya* (http://www.capitalfm.co.ke/news/Kenyanews/Kenyan-MPs-frustrate-special-courts-Bill-again-6700.html)

Liberia

The Truth and Reconciliation Commission on Dec. 2 released an edited version of its final report, some five months after the release of an earlier version. The three-volume report, containing the TRC's findings and recommendations, includes recommendations for public sanctions and prosecutions as well as a wide range of public interest issues, including public integrity, corruption, human rights, economic empowerment, governance, national identity and reparations.

- "Liberia: Truth Commission Releases Final Report," *All Africa* (http://allafrica.com/stories/200912020713.html)

Rwanda

German authorities arrested Ignace Murwanashyaka, leader of a rebel group held responsible for the Rwandan genocide in 1994, on Nov. 17. He and his deputy, Straton Musoni, are being held in Germany on charges of war crimes, crimes against humanity and international terrorism.

The International Criminal Tribunal for Rwanda (ICTR), whose mandate has been extended by the UN Security Council to 2012, acquitted Father Hormisdas Nsengimana, a priest at a Catholic secondary school during the genocide, for lack of evidence. Nsengimana

had been charged with weapons gathering, organization, recruitment of students at his school and participation in the 1994 genocide.

Also acquitted was former Rwandan presidential advisor Protais Zigiranyirazo, charged with being an architect of the violence. The ICTR Appeals Chamber ordered the immediate release of Zigiranyirazo after finding "serious errors" in his 2008 conviction and his sentence of 20 years imprisonment.

On Dec. 14, the ICTR sentenced journalist Valerie Bemeriki to life imprisonment for planning genocide and inciting and participating in murder. Bemeriki was one of the most prominent radio announcers for Radio Millie Collines, a station used for the organization and encouragement of the genocide.

- "Germany Arrests Hutu Militia Leaders," *New York Times* (http://www.nytimes.com/2009/11/18/world/africa/18briefs-Hutubrief.html)
- "Rwanda genocide tribunal ICTR extended until 2012," *BBC News* (http://news.bbc.co.uk/2/hi/africa/8421625.stm)
- "Rwanda: Government Disappointed as ICTR Acquits Key 'Akazu' Member," *All Africa* (http://allafrica.com/stories/200911170004.html)
- "Rwanda jails journalist Valerie Bemeriki for genocide," *BBC News* (http://news.bbc.co.uk/2/hi/africa/8412014.stm)

South Africa

The South African Constitutional Court heard an appeal Nov. 10 to reinstate a political pardons process that does not require victim consultation and could release over 100 alleged political perpetrators from prison. Civil society organizations, including ICTJ, argued against the appeal and for the continued participation of victims in the appeals process. The court ruling is expected in early 2010.

On Nov. 25, ICTJ filed an amicus brief in an apartheid reparations case before the U.S. District Court in New York. The brief supports a decision by the South African government not to oppose legal action against five international companies accused of aiding and abetting crimes committed by the apartheid government.

- "Constitutional Court Battle Looms for Rights of Apartheid Era Survivors," ICTJ (http://ictj.org/en/news/press/release/3272.html)
- "ICTJ Amicus Brief for South Africa Reparations Case," ICTJ (http://www.ictj.org/en/news/features/3330.html)

B92 News
Tuesday, 5 January 2010

"ICJ to consider lawsuits in single proceeding"

BELGRADE -- Tibor Varadi says the ICJ will “probably consider Croatia's genocide lawsuit against Serbia and Serbia's countersuit in the same proceedings”.

“I think the most rational and logical thing is to have joint proceedings, because the suits deal with the same period and the same series of events that are best viewed together,” the international law expert told B92.

On Monday, Serbia formally filed its lawsuit against Croatia with The Hague-based International Court of Justice (ICJ).

Varadi, who was one of Serbia's legal representatives in the suit filed by Croatia, said that it is “unlikely that the proceedings could result in a conviction".

“The genocide lawsuit most likely doesn't stand a chance, because not only has the International Criminal Tribunal for former Yugoslavia in The Hague not convicted anyone, but it has not even indicted anyone on charges of genocide related to the events in Croatia, so the suit will probably be thrown out,” said Varadi.