



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

THURSDAY, 10 MARCH 2011  
9.00 A.M.  
DEFENCE FINAL SUBMISSIONS

TRIAL CHAMBER II

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**Before the Judges:**

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

**For Chambers:**

Mr Simon Meisenberg  
Ms Erica Bussey  
Ms Doreen Kiggundu  
Mr Artur Appazov

**For the Registry:**

Ms Fidelma Donlon  
Ms Rachel Irura  
Mr Alhassan Fornah

**For the Prosecution:**

Ms Brenda J Hollis  
Mr Nicholas Koumjian  
Mr Mohamed A Bangura  
Ms Maja Dimitrova

**For the Accused Charles Ghankay  
Taylor:**

Mr Terry Munyard  
Ms Salla Moilanen

1 Thursday, 10 March 2011

2 [Open session]

3 [In the presence of the accused]

4 [Upon commencing at 9.00 a.m.]

09:00:55 5 PRESIDING JUDGE: Good morning. I'll take appearances,  
6 please. Ms Hollis.

7 MS HOLLIS: Good morning, Madam President, your Honours,  
8 opposing counsel. This morning for the Prosecution,  
9 Nicholas Koumjian, Mohamed a Bangura, we are joined by our case a  
09:01:15 10 manager and myself Brenda J Hollis, and our case manager, of  
11 course, is Maja Dimitrova.

12 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Munyard?

13 MR MUNYARD: Good morning, Madam President, Your Honours,  
14 counsel opposite, for the Defence this morning, myself,  
09:01:36 15 Terry Munyard, we are joined by our legal officers,  
16 Kimberley Punt, Kathryn Hovington, Michael Herz, our case  
17 manager, Salla Moilanen and our new intern, Peter Katonene.

18 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no  
19 preliminary matters, then I will invite you to proceed,  
09:02:00 20 Mr Munyard.

21 MR MUNYARD: Thank you, Madam President.

22 Madam President, your Honours, the area that I want to deal  
23 with principally this morning is a fairly discrete area and  
24 relates to matters of credibility. And, in particular,  
09:02:42 25 specifically to the credibility of some of the Prosecution  
26 witnesses.

27 We have, in our final trial brief, set out general  
28 propositions on credibility. In paragraphs 1382 to 1401. And we  
29 set out in those paragraphs our understanding of the

1 jurisprudence in relation to credibility of witnesses, the  
2 approach that a court should take to the credibility of  
3 witnesses, the dangers that arise, particularly from reliance on  
4 insider witnesses, many of whom are, of course, accomplices and  
09:03:30 5 the court will not need to hear from me any lengthy exposition of  
6 the law on accomplice evidence and the caution that the Court is  
7 bound to apply when considering the evidence of accomplices.  
8 Likewise, we have had a great deal of hearsay evidence from  
9 witnesses in this case. Hearsay, of course, is, or can be, an  
09:03:55 10 element affecting the credibility of a witness. And, in  
11 particular, hearsay cannot be corroborated by more hearsay, so a  
12 witness, who is not in the eyes of the Court particularly  
13 credible, can't be made more credible by yet more hearsay on the  
14 same subject. Equally, a witness who gives some evidence about  
09:04:25 15 an incident that he either saw or was told about cannot be  
16 corroborated or supported, his evidence cannot be made more  
17 credible by another witness who comes along and says that the  
18 first witness told me whatever it is that he saw or heard about.  
19 These are all aspects of credibility. They are dealt with,  
09:04:49 20 as I've said, in the opening paragraphs of our final section of  
21 the closing - of the final brief on this matter, and we've given  
22 some examples after paragraph 1401 of particular individual  
23 witnesses whose credibility is especially in issue. That list,  
24 I make absolutely clear, is not exhaustive. There are many other  
09:05:14 25 witnesses whose credibility we called into doubt, in many cases  
26 grave doubt, who are not specifically addressed in that final  
27 section.  
28 But in my remarks to you this morning, what I will be  
29 submitting, in the context of this terribly important case,

1 involving grave charges against Mr Taylor, the accused, we say  
2 that in this case, there are so many examples of egregious  
3 implausibility, and in a number of cases, downright lies by  
4 particular Prosecution witnesses. We submit that it is  
09:06:06 5 appropriate, in the circumstances of this case, to completely put  
6 aside several Prosecution witnesses altogether. And we say,  
7 quite boldly, forget the exercise of looking to see if there is  
8 support for something that that witness says from other  
9 witnesses. If there is, then rely on those other witnesses  
09:06:31 10 alone. In our submission, some of these Prosecution witnesses  
11 have been so damaged that no reliance should be put upon them.

12 Their evidence, in short, is such that their credibility is  
13 so seriously undermined as to render them wholly - wholly -  
14 lacking in credibility.

09:06:56 15 Now, another element of credibility is the whole question  
16 of payments to witnesses. And, indeed, to potential witnesses.  
17 Now, let me try to put that into some kind of context.

18 All the ad hoc criminal tribunals that we are aware of  
19 operate a witness and victims section, which provides services to  
09:07:37 20 witnesses once they are formally declared as a witness, including  
21 reasonable expenses to meet the expenses that they have incurred  
22 by cooperating with whichever branch of the Court it may be.  
23 Those expenses may include the cost of security and protection to  
24 vulnerable witnesses and their dependents, including, in some  
09:08:10 25 cases, relocation expenses. And we have no difficulty with that.  
26 Inevitably, witnesses in cases of this sort are going to have to  
27 be, from time to time, relocated, moved, given certain kinds of  
28 protection, all of which cost money. Inevitably, witnesses are  
29 going to have to travel, in some cases, in order to be

1 interviewed by the Prosecution, or for that matter, the Defence.  
2 That is going to cause them costs, it may involve them in loss of  
3 earnings. All of those are legitimate expenses.

4           However, we say that some of the evidence in this case  
09:09:01 5 demonstrates, very clearly, that some Prosecution witnesses have  
6 been rewarded, have, to put it bluntly, profited from their  
7 connection with the Prosecution. The Prosecution, as you are  
8 aware, has its own fund, in complete contrast to the Defence, has  
9 its own fund from which witnesses are paid money or out of which  
09:09:39 10 witnesses' expenses of one sort or another are defrayed, not  
11 necessarily given directly to the witness but some expenditure on  
12 the witness's behalf has been made.

13           This is a fund whose provenance has never been disclosed,  
14 the Prosecution have never said where they get the money from,  
09:10:04 15 they've never said how much it is, and, indeed, although they  
16 claim to have established clear criteria as to the categories of  
17 money that can be spent, the criteria are, we submit, very vague  
18 and often disputed by the witnesses in question. To take but one  
19 example a witness on a number of occasions in this trial has said  
09:10:32 20 they were paid money, which we see in the documentation is said  
21 to be for loss of earnings, when the witness has said, well,  
22 I wasn't earning anything at the time. That's just one example.  
23 The Court has many such examples in the evidence. We say that in  
24 some cases it is clear beyond doubt, that this fund, this money,  
09:11:00 25 has been used to encourage witnesses to give evidence rather than  
26 simply to put them in a position where they are not economically  
27 disadvantaged or their security at risk by their cooperation with  
28 the Prosecution.

29           Put bluntly, in our submission, this fund has been used in

1 such a way, on occasions, as to taint the testimony of some of  
2 the Prosecution witnesses.

3 By lavishing funds on witnesses which go well beyond  
4 compensating them for their actual expenses or losses consequent  
09:11:46 5 on their giving time to the Prosecution, this money, we say, has  
6 been used to pollute the pure waters of justice and the court  
7 cannot turn a blind eye to the effect that such financial rewards  
8 are likely to have on the evidence, and we invite the Court, when  
9 considering each and every witness about whom you have heard  
09:12:15 10 evidence of receipt of monies, to look very carefully at that  
11 witness's evidence. If there are obvious inconsistencies between  
12 what they have said previously to the Prosecution and what  
13 they've said, either in court or in the run-up to their testimony  
14 in court, look, we submit, look at the way in which they have  
09:12:43 15 been financially rewarded for their cooperation with the  
16 Prosecution.

17 Now, it is, of course, completely and utterly naive to  
18 expect any witness to say, "Well, this money that the Prosecution  
19 spent on me, or spent on me and my family, made me more willing  
09:13:05 20 to tell them what they wanted to know." Life, frankly is not  
21 like that. You, as judges, bring your experience of the world  
22 and your common sense to bear on the evidence that you are  
23 assessing. You, as the finders of fact, of course, apply good  
24 sense to the whole picture.

09:13:30 25 The very practice of giving handouts which go way beyond  
26 the actual cost of the witness's expense, itself strikes at the  
27 heart of justice, and it does so in a particularly insidious way,  
28 precisely because no witness is ever going to admit as much and  
29 in some cases may not even recognise that they have been affected

1 by the largesse that has been lavished on them. We invite the  
2 Court to say that where there are examples of this practice, and  
3 I'm going to turn to some in due course, where there are  
4 examples, the Court should disregard the evidence of witnesses  
09:14:20 5 involved, unless there is strong and real corroboration from  
6 other sources.

7 And may I then move to the way in which this fund has been  
8 operated in practice and take the Court to a particular account.

9 I'm going to do so by reference to a witness who wasn't  
09:14:50 10 actually called but was a potential witness in this case, a  
11 potential Prosecution witness, and indeed, as is the case with a  
12 number of witnesses in this trial, also a potential Defence  
13 witness. There are other examples that I'm going to come to in  
14 due course, but we submit that when you look at the way in which  
09:15:22 15 money has been doled out, it clearly indicates that the  
16 Prosecution have been willing to encourage people to cooperate  
17 with them by financial handouts.

18 JUDGE SEBUTINDE: I'm sorry, Mr Munyard, the computers seem  
19 to have frozen, the LiveNote.

09:15:55 20 MR MUNYARD: Yes.

21 MS IRURA: Your Honour, I will get a technician to assist.

22 MR MUNYARD: Madam President, normally when this has  
23 happened the Court officer has been able to stream her LiveNote  
24 on a screen. Like Mr Koumjian, I've now forgotten which button  
09:16:18 25 to press to get that, but no doubt we'll receive some assistance.

26 JUDGE LUSSICK: If you press "transcript".

27 MS IRURA: Your Honour, my transcript is being broadcast  
28 but we will not be able to view any exhibits while that is  
29 happening because we are using one screen.

1           PRESIDING JUDGE: We'll deal with that problem when we come  
2 to it, but if you can broadcast yours to the counsel and the  
3 bench, please, so we can proceed.

09:17:22 4           Mr Munyard, I understand Madam Court Officer's is now being  
5 broadcast, so if you can please proceed.

6           MR MUNYARD: I'm happy to proceed. I can't see anything on  
7 any of the array of screens in front of me that shows the  
8 transcript.

09:17:35 9           MS IRURA: Counsel would need to switch to the courtroom  
10 button on his computer away from his present screen, which is  
11 probably his LiveNote.

12           MR MUNYARD: Can I say - ah, there it is.

13           PRESIDING JUDGE: Please keep going and if there is a need  
14 for exhibits, as I said we will deal with them when it arises.

09:18:06 15           MR MUNYARD: Yes. May I, before I start taking the Court  
16 through examples, make this point? Where a culture has arisen  
17 where witnesses expect to be paid sums of money, not merely their  
18 expenses, but a very generous amount of money in relation to  
19 their expenses, what is the effect of that on the administration  
09:18:45 20 of justice, of such a system? And let me illustrate that with an  
21 anecdote. If people expect to be paid to give evidence, then it  
22 can lead to a bidding war. I think everybody's seems to be now -  
23 yes.

24           And I want to tell the Court an anecdote, I'm not giving  
09:19:17 25 evidence as such; it's simply an illustration, in our submission,  
26 of the effect of this system of doling out money to people to  
27 cooperate with the Prosecution.

28           At an Outreach meeting in Freetown that I went to and spoke  
29 on behalf of the Defence at, this question of witness expenses



1 and money paid to witnesses was raised, and I made the point that  
2 I'm making now, the Prosecution have a fund out of which they pay  
3 witnesses, to which came the immediate rejoinder from a member of  
4 the audience, "Well, what's the problem with that? Why don't the  
09:20:04 5 Defence offer more money to the witnesses?" And that - that  
6 vignette captures perfectly the effect on the administration of  
7 justice of making sums of money available that go way beyond the  
8 actual expense to the witnesses themselves.

9 And let us consider the realities of life in Sierra Leone  
09:20:29 10 and Liberia. Desperately poor people in a country still  
11 devastated by civil war, by the effects of civil war, ten years  
12 later. People managing their best, but, as we all know,  
13 struggling to survive, struggling to make ends meet, large  
14 numbers of people without regular employment. Some who do have  
09:20:58 15 regular employment not regularly paid, teachers is a well-known  
16 example of that situation in Sierra Leone. And finally, what is  
17 an insignificant sum to someone from Western Europe or from North  
18 America, what would amount to loose change in their pocket, in  
19 fact, can make a huge difference in the hands of a poor person in  
09:21:29 20 Sierra Leone, someone who has a family to support. 10,000  
21 Leones, three United States dollars a year or two back, is a  
22 significant sum of money that can help to buy food and to put  
23 someone in a better position than they would otherwise have been  
24 to a Sierra Leone citizen. Whereas to somebody such as many of  
09:22:01 25 those in this courtroom now, it's a sum of such trifling order  
26 that they wouldn't even notice if it was lost.

27 Now, may I turn then to illustrate first of all the way in  
28 which the system has been operated and then I will go to some  
29 specific examples of witnesses. And I'm going to deal with the

1 situation relating to a potential witness who ended up with the -  
2 the anonymous title of DCT-032.

3 PRESIDING JUDGE: Please clarify, Mr Munyard, are you  
4 saying this witness was not called and did not give evidence  
09:23:00 5 before the Court?

6 MR MUNYARD: Yes, but he -

7 PRESIDING JUDGE: How can you adduce evidence in relation  
8 to what he said or did?

9 MR MUNYARD: Because you have it, Madam President, I'm  
09:23:12 10 going to come to that. You have it actually in the form of  
11 certain documents admitted under rule 92 bis. And there is a  
12 history here that is illustrated by the documents admitted  
13 through the Appeal Chamber under rule 92 bis. This was a witness  
14 who eventually came to the attention of the Prosecution in the

09:23:43 15 middle of 2008. Now, the timing and the way in which the  
16 Prosecution dealt with this potential witness is very  
17 interesting. On the 12th of March 2008, a man called

18 Zigzag Marzah gave evidence in this Court in public session, and  
19 he mentioned the witness - I'll call him the witness, because  
09:24:15 20 although he didn't give evidence he was a potential witness - he

21 mentioned 032 in the course of his evidence, and it was in a  
22 significant context. Then, on the 15th of May 2008, Moses Blah,  
23 a former President of Liberia, gave evidence, and I've no doubt  
24 the Court has his evidence very much in mind still. He also gave

09:24:47 25 evidence about the incident that Zigzag Marzah had given evidence  
26 about in which Marzah named this particular person. On that same  
27 date, the 15th of May, the Prosecution interviewed a person,  
28 Witness TF1-375 who actually did give evidence. They interviewed  
29 that witness for the 17th time on the 15th of May 2008. That

1 witness had never, prior to that date, talked at all about the  
2 incident in which 032 was said by Marzah to have been involved,  
3 but on that day, the 15th of May, 375 suddenly came out with an  
4 account of the same incident, naming 032.

09:25:53 5 Now, the Prosecution then approached 032, and we have, in  
6 the exhibits, confidential exhibits, and so I'm not going to go  
7 into them in any great detail, but we have confidential exhibits  
8 D-479 and D-480, that both relate to witness 032. And I don't  
9 believe that - I don't want them put up in any event because they  
09:26:40 10 are confidential, but D-479 shows a long list of disbursements,  
11 that means quite simply money paid either to or on behalf of 032,  
12 starting on the 8th of June of 2008, going through on nine  
13 different occasions during June, when he was paid several hundred  
14 United States dollars, and when I say dollars - I'm not going to  
09:27:29 15 say United States dollars, all the time, if I use the expression  
16 dollars throughout my submissions then I refer to the United  
17 States dollar and no other country's dollar. He was seen nine  
18 times - sorry, he was seen 11 times or paid 11 times in June. He  
19 was paid eight times - nine times in July of 2008. In August  
09:28:07 20 2008, he was paid two amounts of money. And in October 2008, he  
21 was paid more money on three different occasions. And that came  
22 to in excess of \$3,000.

23 Now, that money was -

24 JUDGE SEBUTINDE: These being payments from which unit?

09:28:34 25 MR MUNYARD: Oh, from the Prosecution's fund.

26 That money was paid to him whilst he was said to be  
27 providing information, and it covers transport, lost wages, but  
28 essentially it is for information and support, financial support,  
29 to him.

1 I should say that on the 5th occasion when he was paid that  
2 money, he was also given a letter of immunity from Prosecution  
3 should he give evidence in this trial.

4 Now, what was interesting about that was that he was  
09:29:34 5 clearly a confidant of witness TF1-375. Witness 375 started to  
6 give evidence in June of 2008, and he gave evidence in June 2008  
7 about the very incident that he had only suddenly remembered the  
8 previous month when being interviewed by the Prosecution. In the  
9 meantime, he had to be - his evidence had to be interrupted. He  
09:30:20 10 was sent back to West Africa and returned here to resume his  
11 evidence in August of 2008. Throughout all that time, the  
12 Prosecution are lavishing this large amount of money, over \$3,000  
13 over a matter of a few months, on this friend, contact, of 375,  
14 who they were clearly, in our submission, clearly hoping to  
09:30:57 15 persuade to give evidence. And there can be no better  
16 illustration of that fact than the letter of immunity from  
17 Prosecution that he was given as early as June of 2008.

18 So here is somebody who is put into the hands of the  
19 Prosecution as a result of other evidence that was given in this  
09:31:27 20 case, who is provided with a very considerable sum, and the  
21 sweetener of the offer of immunity from prosecution. He, in our  
22 submission, is a clear example of the process that has been  
23 followed in financial support for witnesses who the Prosecution  
24 are hoping to persuade to come to court and give evidence. As  
09:32:13 25 you know, he himself didn't but his friend, 375, did come to  
26 court to give evidence and I'm now going to turn, if I may, to  
27 that particular witness. I should say that we have touched on  
28 this witness in paragraphs 1410 to 1423 of the final trial brief  
29 and I'm going to just highlight some of the relevant evidence of

1 that witness.

2 Now, this was a witness who was seen in total, I think I'm  
3 right in saying, 24 times by the Prosecution, certainly it was a  
4 figure in that order, interviewed many, many times by the  
09:33:59 5 Prosecution. He was seen between September 2005 and May 2008,  
6 and in that time he was provided by the Prosecution with over  
7 \$4,000 and 825,000 leones, and he did not come into the  
8 protection - sorry, he came into the protection of the Court,  
9 that's to say he was also under the care of the witness and  
09:34:38 10 victims service from the 20th of August 2006. So the Court will  
11 appreciate that from the 20th of August 2006 up to May of 2008,  
12 he was being paid monies, expense was being incurred on his  
13 behalf by both the Prosecution and by the witness and victims  
14 section, and as we saw in the course of his evidence, the witness  
09:35:10 15 and victims section, from the 20th of August 2006 to the 15th of  
16 August 2008 spent a total of 38,359,200 leones, that's roughly  
17 speaking at that time I think about \$10,000, bearing in mind the  
18 exchange rate at the time. That included 13 million, nearly a  
19 third of that, was subsistence allowance and a category called  
09:35:59 20 miscellaneous of 3 and a half million leones, over that period of  
21 time. Miscellaneous being explained by him as payment for an  
22 expensive computer course that he was sent on. But while he's in  
23 receipt of \$10,000 worth of court money, he's also in receipt,  
24 for most of that same period of time, of over \$4,000 worth of  
09:36:34 25 Prosecution money, as well as 825,000 leones.

26 Now, what was the money spent on? Why was he given this  
27 money? He is somebody who told the Court in the course of his  
28 evidence that on one occasion at least he was paid \$50, \$50, for  
29 taking another witness to see the Prosecution on his motorbike, a

1 distance of five minutes.

2 When asked, "Have you been paid \$50 for spending that small  
3 amount of gasoline in your motorbike before?" He said, "Yes,  
4 they have been giving me gas more than that before."

09:37:35 5 He was also - he also told the Court that he wasn't  
6 satisfied with being given only \$50 for a five-minute motorbike  
7 ride and was then given a hundred dollars for a second visit to  
8 the Prosecution and on that second visit, in fact, on both of  
9 those visits he admitted that he hadn't even told the Prosecution  
09:38:01 10 the truth when he'd seen them on those two visits.

11 And yet, he didn't even know what the money was for. He  
12 told this Court, in August of 2008, that he received in  
13 June 2006, \$100 on one occasion. Bear in mind that, of course,  
14 by that time he's also in the care of the witness service. He  
09:38:37 15 received a hundred dollars from the Prosecution. "They gave me  
16 money, the money, I accepted it, I didn't know what it was for.  
17 I knew it was for the same transport purpose but for the meantime  
18 I took this amount of money, I can't remember what it was for."

19 And he went on to say when his actual expenditure was  
09:39:01 20 analysed in the course of cross-examination, he went on to accept  
21 that he'd made a \$90 profit on that particular occasion. Now,  
22 just pause there for a moment. What is \$90, US dollars, worth to  
23 a Liberian or a Sierra Leonean, your average Liberian or  
24 Sierra Leonean, when in Sierra Leone your average decent hotel  
09:39:32 25 receptionist earns roughly about \$88 a month? What is \$90 pure  
26 profit, not subject to tax, worth in the hand of someone in one  
27 of those countries?

28 Regularly, this man was being paid these round sums, and we  
29 see these round sums all the time, the evidence is littered with

1 examples of round sums. Only occasionally will you actually see  
2 97,000 leones or \$28.50 or some obviously specific expenditure.  
3 Most of the time they are round sums. And inevitably, we submit,  
4 inevitably, those round sums represent not just the cost to the  
09:40:30 5 witness, but a reward for attending. Even, in our submission,  
6 even the most innocent and impartial witness is bound to feel a  
7 sense of obligation to the party paying him or her money of that  
8 sort, particularly when the money is being paid regularly and in  
9 some cases over a period of years.

09:41:03 10 And indeed sticking with 375, he also said that, on one  
11 occasion, when returning from a trip from one country to the  
12 neighbouring country, for which he was paid \$200, he was given an  
13 additional \$100, which he said was an appreciation from the  
14 Prosecution for him to use for his family.

09:41:38 15 Well, what, I ask rhetorically, is an appreciation, if it's  
16 not a gift?

17 He is also a witness who described - or agreed that the \$50  
18 that he was paid for, in effect, crossing the road, he agreed  
19 that - sorry, he took the view that that wasn't enough.

09:42:17 20 Now, how does the Court assess the impact of that sort of  
21 payment, or those sorts of payments, on witnesses? It is, in our  
22 submission, inevitable that it is going to have an effect on the  
23 witness, and where you find, as you will have seen in his  
24 evidence, where you find that there are a number of  
09:42:53 25 inconsistencies in the evidence of the witness, a number of  
26 brand-new pieces of evidence coming out, a number of wholly  
27 implausible pieces of evidence from the witness, in our  
28 submission you will be driven to the conclusion that by coming  
29 out with all of this additional evidence, all of which of course

1 hostile to Mr Taylor, the accused, you will be driven to the  
2 conclusion, we say, that the financial benefits have had an  
3 impact, whether desired or not, on the testimony of the witness.  
4 And in his case, I need give you no better example than something  
09:43:56 5 that he said about a witness who was involved in the killing of  
6 Sam Bockarie. Now, I'm being very careful in the way in which  
7 I phrase this: That witness told you -

8 MR KOUMJIAN: Excuse me. All of this evidence was brought  
9 out, I believe the subject counsel is getting to, was in closed  
09:44:27 10 session so I suggest we do this in private session.

11 MR MUNYARD: I -

12 MR KOUMJIAN: One of the reasons we have to pay money to  
13 witnesses is to protect their lives, and it would exacerbate  
14 things if we put people at risk by saying information in open  
09:44:45 15 session.

16 MR MUNYARD: Can I simply reiterate that I'm being -

17 PRESIDING JUDGE: Mr Munyard, you know what you're going to  
18 say, we don't, but are you going to quote something that was in  
19 closed session?

09:44:57 20 MR MUNYARD: I'm going to quote something that a witness  
21 said. It was said in closed session and if you wish me to go  
22 into closed session for this, then I'm happy to do so. It won't  
23 take long.

24 PRESIDING JUDGE: The question is one of identification.

09:45:13 25 MR MUNYARD: Yes.

26 PRESIDING JUDGE: You consider it could identify?

27 MR MUNYARD: Well, the way I was hoping to phrase it, I  
28 don't think it would, but I think it's going to be clearer if we  
29 go briefly into closed session and I deal with it in that way.



1           PRESIDING JUDGE: In that case, we will have a private  
2 session. And for purposes of record and the public, this short  
3 private session will enable people in the gallery to see but not  
4 to hear, and it is for the protection and security of a protected  
09:45:48 5 witness. Madam Court Officer, please put the Court into private  
6 session briefly.

7                                 [At this point in the proceedings, a portion of  
8 the transcript, pages 49487 to 49489, was  
9 extracted and sealed under separate cover, as  
10 the proceeding was heard in private session.]

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1 [Open session]

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

3 MR MUNYARD: And my last point on that witness is just as  
4 he starts to talk about 032, so the Prosecution then start to  
09:52:14 5 lavish money and attention on 032. The link is obvious. The  
6 method is the same.

7 Now, I'm going to mover to a completely different witness  
8 now by way of further example, of the way in which money can  
9 impact on a witness's testimony, and this is a witness called

09:52:45 10 Suwandi Camara, TF1-548. This is the witness who you may  
11 remember was engaged in heavy weapons training in Dr Manneh's  
12 bedroom. In the Mataba, which I think was in Tajura, a suburb of  
13 Tripoli about which we have been hearing a great deal in recent  
14 days. Suwandi Camara, of course, was called to bolster the  
09:53:21 15 Prosecution's argument that appeared to be live for quite a long  
16 time in the case that the whole joint criminal enterprise had  
17 started off in Libya. I think you'll search long and hard before  
18 you find that repeated or referred to at all in the Prosecution  
19 final trial brief, but they called evidence about Libya, as a  
09:53:53 20 result of which we had to call evidence in due course, and  
21 Suwandi Camara was called to say that he'd seen Foday Sankoh and  
22 Charles Taylor together at the Mataba.

23 No doubt in the intervals what he'd emerged from  
24 Dr Manneh's bedroom and left the heavy weapons behind. He is the  
09:54:19 25 man, uniquely, of the witnesses in this case, who purported to  
26 claim a connection between those two, Mr Taylor and Mr Sankoh,  
27 whilst in Libya. He was in regular receipt from the Prosecution  
28 of nice round sums of \$100 a time, for his travel expenses. He  
29 told you, and we'll look at it in a moment, he told you how he

1 used to hire a car to go and see the Prosecution, to be  
2 interviewed. And he'd get travel expenses. And the car turned  
3 out to be, in local currency, dalasis, turned out to vary, the  
4 car hire turned out to vary from anything between about 30 cents  
09:55:21 5 to just under a dollar.

6 Now, let's give him the benefit of the doubt. Let's assume  
7 when he told you about that that he was talking about one way  
8 only. Let's assume - let's take the higher sum because he said  
9 at a later stage the hire car cost went up. So let's assume he  
09:55:42 10 had to pay two whole dollars out of his hundred dollars. What's  
11 his profit? Well, he said that he was given a hundred dollars  
12 once for a list of items, including loss of wages, that he was  
13 adamant that he hadn't lost wages. He said, They regularly -  
14 they usually give me \$100. And when we looked at the amounts

09:56:21 15 that he was being given, sometimes the heading would be, "loss of  
16 wages and transportation" and so on, and sometimes it would be  
17 for "meals, transportation and communication". Now, when he was  
18 asked about \$100 that he received for "meals, transportation and  
19 communication", he said he didn't know how much the phone calls,  
09:56:46 20 that's communication, he didn't know how much the phone calls  
21 that he had to make cost, he said he thought they were expensive.  
22 But why is it, again, I ask rhetorically, because you know the  
23 answer, I would suggest, you would hardly need me to tell you,  
24 why is it he's being given these handouts of \$100 at a time?

09:57:09 25 Because clearly in each and every case he's not just receiving  
26 his legitimate expenses, he's also being rewarded. This was the  
27 witness you may recall who constantly demanded that I should not  
28 use the expression "you were paid \$100". In his culture, being  
29 paid had a different connotation from simply receiving or being

1 given assistance, if that helps you to identify him in your  
2 minds.

3 In any event, he was given a similar amount of money under  
4 the heading, "Security." Well, he couldn't really work out what  
09:57:59 5 the security was that he was given the money for. He started off  
6 by saying to you, "I think it was because when people from the  
7 Prosecution came to see me, I took them on a cultural tour," and  
8 he seemed to be implying that that was what the \$100 for security  
9 was all about. And then he said, "Well, actually, I did ask them  
09:58:24 10 for money to put a fence around my orchard."

11 When he was asked if he'd actually done it, if he'd put the  
12 fence around his orchard, he said, "Well, I'd started it by the  
13 time I left for The Hague." I mention that in case it's in your  
14 minds that the security that he needed putting a fence around his  
09:58:54 15 orchard, was somehow to protect his premises from potential  
16 people who would do him no good because of his cooperation with  
17 the Prosecution. But it's perfectly plain that it was nothing to  
18 do with that. He wanted a fence around his orchard, he hadn't  
19 even completed it by the time he left for The Hague, having had  
09:59:16 20 the money some good time before.

21 Now, that is an example of someone else who was paid  
22 handsomely for the evidence that he was going to come to court  
23 and give, evidence which, as I said, was unique in this case in  
24 that it put Mr Taylor and Mr Sankoh together, meeting together,  
09:59:45 25 in the Mataba in Libya. As it happens, that aspect of the case,  
26 that aspect of the Prosecution's case, appears to have fallen  
27 away over time, and you do not see it reflected in their final  
28 trial brief. But that isn't the point. My point is, another  
29 witness, who, we submit, very clearly and very obviously, has

1 received financial incentives to tell stories that are favourable  
2 to the Prosecution.

3 And my final note on Suwandi Camara was this: When he was  
4 asked about receiving regular payments of nice round sums of a  
10:00:35 5 hundred dollars a time, he said it meant very little to him  
6 because, as he put it, "I'm used to being given far more than  
7 \$200 by people, brothers" who he met presumably at home in the  
8 Gambia. That was actually his evidence to you. Oh, a hundred  
9 from the Prosecution to me is nothing. People give me far more  
10:01:06 10 than that all the time.

11 Clearly, someone you may think who is prepared to make it  
12 up as he goes along and presumably, because he's had the  
13 advantage of these rewards.

14 Now, I want to turn, then, to Isaac Mongor,  
10:01:45 15 Witness TF1-532. Now, this is a classic example, in our  
16 submission, of a witness who we say the Court should exercise  
17 such a degree of caution about as to completely disregard his  
18 testimony. From start to finish, Isaac Mongor is somebody who  
19 contradicted himself, who told obvious lies, who couldn't  
10:02:20 20 remember from one day to the next what he'd told you in the  
21 course of his testimony, and who, of course, was another one who  
22 was a beneficiary of the generous largesse of the Prosecution  
23 fund. He was somebody who we established at the outset had a  
24 good command of English. In 24 interviews, he only had an  
10:02:50 25 interpreter present on five occasions. He had had schooling in  
26 English, up to a late age. He attempted to answer my questions  
27 before I had finished asking them, and therefore before they had  
28 been fully translated. And answer my questions in English. And  
29 if you want an example of that, and it's a particularly

1 appropriate date, it's the 1st of April 2008, April Fools' Day  
2 2008. Mr Mongor started to answer my question in English before  
3 I'd even finished it, demonstrating his grasp of the language.  
4 And it's important to understand his grasp of English because  
10:03:49 5 there were so many contradictions in the course of his evidence  
6 as between what he was saying to you in court and what he'd said  
7 on up to 24 previous occasions when seen by the Prosecution.

8 He was a man who usually blamed the Prosecution  
9 investigators and, indeed, lawyers, who interviewed him, he was  
10:04:16 10 somebody who regularly - who claimed that every interview was  
11 read back to him and he was able to correct the interviews at the  
12 end, and yet he failed to correct any of the significant  
13 contradictions in interview when compared with his testimony.  
14 And I'm going to look at his testimony until a little detail.

10:04:44 15 He began by denying that he had any interest in receiving  
16 the letter of immunity from Prosecution that had been given to  
17 him at the time that he started being interviewed by the  
18 Prosecution. Interestingly, he was adamant at the beginning of  
19 his cross-examination that he had already indicated a willingness  
10:05:13 20 to be interviewed and had been interviewed on a couple of  
21 occasions before getting the letter of immunity, which I think,  
22 going from memory, was dated 12 September 2006, I might have that  
23 wrong. But in any event he was absolutely adamant that that  
24 letter came later. When it did arrive he said he had no fear of  
10:05:38 25 being prosecuted. He wasn't one of those who bore the greatest  
26 responsibility, and he had no concern about the Court, and the  
27 letter really, you may feel, he was telling you meant nothing to  
28 him.

29 That was what he said at the beginning of his

1 cross-examination. It was pointed out to him, that Mr Koumjian  
2 had described him in his evidence-in-chief as one of the top  
3 senior commanders of the RUF, but he still pooh-poohed the idea  
4 that he was at any real risk of Prosecution under the ambit of  
10:06:19 5 this Court's jurisdiction. At the beginning of his  
6 cross-examination.

7 He began his evidence-in-chief on this very day three years  
8 ago.

9 Now, it then turn out, by the time he'd been cross-examined  
10:06:47 10 for a little while, it then turned out that he had received the  
11 letter of immunity from Prosecution before starting to be  
12 interviewed, on 7 April he admitted, finally, that he knew before  
13 he was interviewed that he would be getting the letter of  
14 immunity, and he said, on that date, the 7th of April, that even  
10:07:21 15 having received the letter of immunity, he still had a shaky  
16 heart. That was obviously his way of describing anxiety. He  
17 still had a shaky heart about the prospect that even though  
18 they'd given him the letter of immunity they might still  
19 prosecute him.

10:07:45 20 Compare and contrast those two different positions that he  
21 took in the course of cross-examination. It didn't matter a jot  
22 to me, I'd already started being interviewed, I wasn't one of the  
23 ones at risk of being prosecuted, and then, actually, I knew  
24 I was getting the letter before I started to cooperate with them,  
10:08:12 25 and nevertheless I still didn't even trust the letter, I was  
26 still very worried that I might be prosecuted before this Court.

27 Well, you make what you will of that, but in our  
28 submission, he can't have it both ways. And how can you resolve  
29 the inconsistencies in a witness of that sort? How can you say,

1 we'll take this bit of his evidence and we'll accept it and we'll  
2 reject this bit of his evidence? Because, as we saw across the  
3 whole panoply of issues that he gave evidence about, he was  
4 constantly in testimony contradicting, baldly and at times  
10:09:07 5 shockingly, contradicting what he had earlier told the  
6 Prosecution, in some instances several times before.

7 Now, he - he couldn't even get his story straight about how  
8 he joined the NPFL. I should say that he is a Sierra Leonean  
9 with a Liberian mother, he told you, had done some of his - had  
10:09:33 10 grown up in Sierra Leone but had gone to Liberia. You heard  
11 evidence to that effect from a large number of witnesses. He was  
12 in Liberia at the time of the NPFL invasion, depending on which  
13 of his interview accounts you accept, if you could accept any of  
14 them. On one he says he joined the NPFL and on another he claims  
10:09:59 15 that he'd been captured by them, in early 1989. I repeat, early  
16 1989. That was the account the interviewers wrote down that he'd  
17 given them. Well, you know that that's obviously nonsense  
18 because the NPFL don't invade until Christmas eve of 1989. He  
19 sought to correct that in his evidence and said that he'd never  
10:10:29 20 told the Prosecution interviewers that he was captured in early  
21 1989.

22 He is somebody who had, in the mid-80s, spent two months as  
23 a soldier, a volunteer, he joined up, in the Armed Forces of  
24 Liberia, and he lasted just two months before he, as he put it,  
10:10:59 25 ran away. It wasn't for him. The military life didn't suit him.  
26 He went back to being a businessman. So he's got two months'  
27 training in the mid-1980s with the AFL, he's captured, let's do  
28 him the benefit of the doubt, he's either captured or joins the  
29 NPFL around Christmas of 1989, and he told you, in his testimony,



1 that he was then sent to train the RUF, to be the training  
2 commander, at Camp Naama, of the RUF in March of 1990. And who  
3 was it who sent him? He couldn't wait to tell you that it was  
4 Mr Taylor who sent him, Isaac Mongor, with his wealth of military  
10:11:58 5 experience by that time, a total at best of five months spread  
6 over more than five years, it was him who Mr Taylor sent to train  
7 those RUF people at Camp Naama. He was the one who said that the  
8 RUF was Mr Taylor's organisation, Foday Sankoh was nothing more  
9 than a front man. And Mr Taylor sent him there to carry out that  
10:12:29 10 very important job.

11 Now, Mr Taylor, you may remember, pointed out in the course  
12 of his evidence, and of course he wasn't contradicted on this in  
13 cross-examination, he pointed out the very important fact that  
14 this same Prosecution called General John Tarnue in the RUF case  
10:12:56 15 to say that he was the one sent by Mr Taylor to train the RUF at  
16 Camp Naama. Well, how plausible is Mongor's account that with  
17 his two months' training in the AFL from which he ran away, and  
18 end of December to some unspecified date in March with the NPFL,  
19 he's the one who is appointed to go and train the combatants at  
10:13:33 20 Naama? Or was it General John Tarnue, the horse that the  
21 Prosecution backed in the RUF trial?

22 We have a concept, not just domestically but  
23 internationally, that the Prosecution is indivisible. The  
24 Prosecution, in our submission, cannot face two different ways.  
10:14:05 25 In the RUF trial, they called General Tarnue. In our trial, they  
26 call Isaac Mongor. Now, interestingly, when we looked at what  
27 Mr Mongor told the Prosecution when he was first interviewed,  
28 knowing he was safe with his letter of immunity on the way, who  
29 did he say recruited him to Camp Naama? Foday Sankoh.

1 "Foday Sankoh recruited me to Camp Naama. I was introduced  
2 to Foday Sankoh by John Kargbo, a former Sierra Leonean police  
3 officer now in the special security division in Liberia."

4 Oh, no, he said, that's completely wrong, they've got that  
10:15:17 5 wrong, the interviewers have misunderstood me, I didn't say that  
6 it was Foday Sankoh who recruited me. I've always said -

7 PRESIDING JUDGE: Sorry to interrupt, Mr Munyard, but it  
8 looks as though the LiveNote has hung again, if you could pause a  
9 moment to see what the situation is.

10:15:40 10 MR MUNYARD: Certainly.

11 MS IRURA: Your Honour, I'll have a technician in shortly.  
12 Please press the transcript button on the panel next to your  
13 monitors and you can be able to view the feed from the AV booth  
14 of the LiveNote.

10:16:12 15 PRESIDING JUDGE: Has everyone else got transcripts? Can  
16 we continue? Yes. Please proceed.

17 MR MUNYARD: Thank you.

18 Well, no, I didn't mean Foday Sankoh recruited me. I mean  
19 Mr Taylor sent me there and then I had a chat with Foday Sankoh.  
10:16:35 20 And the Prosecution interviewers got it all wrong when they wrote  
21 down that Foday Sankoh recruited him via the good offices of  
22 John Kargbo and no mention in that interview of Charles Taylor  
23 having anything to do with it.

24 Now, bear in mind that he never corrected those notes of  
10:17:01 25 interview, he never pointed out the error of the ways of these,  
26 no doubt, experienced Prosecution interviewers, that he insisted  
27 that although there was no mention of Mr Taylor sending him  
28 there, he insisted that it was definitely him and he knew - he  
29 knew, when he was first interviewed in 2006 and onwards, that he

1 had been asked to tell the Prosecution all he knew about  
2 Charles Taylor. So this isn't somebody who's not got his mind  
3 focused on Charles Taylor when he's being interviewed. And yet  
4 he manages to get something as fundamental as that wrongly  
10:17:54 5 recorded and fails to point out the error of the interviewers'  
6 ways.

7 Now, again, if you just pause for a moment and apply common  
8 sense and reality to the facts of the situation, the NPFL, as you  
9 know, from evidence you'd heard, had plenty of Special Forces  
10:18:17 10 trained at - trained in Libya. We can't - although it doesn't  
11 appear any more in the Prosecution's final brief, we can't get  
12 away from Libya at the moment, but you know that those forces, a  
13 lot of them, were there being trained systematically over a  
14 period of time. And yet, for some reason, according to him,

10:18:40 15 Mr Taylor chooses this run-away, this inexperienced nobody, to  
16 head up the training in Camp Naama. And the evidence that is  
17 contained in those interviews about him being recruited by Kargbo  
18 and then Sankoh to go and join the RUF in Camp Naama, no doubt  
19 rang bells later on when you heard exactly the same kind of story  
10:19:16 20 from other witnesses, both Prosecution and Defence, and surely at  
21 this stage, nobody disputes the fact that Sierra Leoneans living  
22 in Liberia at the time were recruited, some with no option,  
23 people who were in prison, some voluntarily, no doubt, but  
24 Sierra Leoneans were recruited by Sankoh and Sankoh's men, and  
10:19:47 25 that you may feel is how Isaac Mongor ended up at Camp Naama.

26 What did he say about Charles Taylor and Foday Sankoh,  
27 about this special relationship? Well, in his interview, when  
28 he's originally telling the Prosecution all he knows about  
29 Charles Taylor, he says, "When I saw Foday Sankoh and

1 Charles Taylor at Gbarnga, I had no special impression of them."  
2 That's all that interview says about the two of them. Fast  
3 forward to 2008, to this day three years ago, and, suddenly, the  
4 whole situation, the whole picture, has changed. Mr Mongor, of  
10:20:53 5 course, is another one who benefited financially from his  
6 cooperation with the Prosecution. But as we will see in his case  
7 it goes further, because, of course, when the truth finally came  
8 out and it was like drawing teeth, pulling teeth, when it finally  
9 came out, it emerged that he was practically quaking at the fear  
10:21:20 10 of being prosecuted unless he gave the Prosecution all that he  
11 "knew", and I put the word "knew" in quotation marks.

12 I mentioned that he had benefited financially. He said, in  
13 giving evidence on the 1st of April 2008, he said that he didn't  
14 normally work on Sundays, but when we looked at the financial  
10:21:56 15 documents from the Prosecution's fund, we identified three  
16 separate Sundays on which he was paid for, surprise, surprise,  
17 lost wages. Lost earnings.

18 Well, it gets worse, because he said that Charles Taylor  
19 sent him to Camp Naama, and yet, in interview, he said he'd never  
10:22:29 20 spoke to Charles Taylor. He then changed it later on to say,  
21 "Well, actually, I did speak to him a couple of times when I was  
22 a frontline commander." This is in his interviews. So this  
23 trustee who has been sent by Taylor to Naama to act as his eyes  
24 and ears, no doubt, as well as to help build up Mr Taylor's  
10:22:54 25 surrogate organisation, the RUF, doesn't - there is no evidence  
26 even of regular reporting back to the boss in Gbarnga. It is, in  
27 short, a pathetic collection of lies to which you were treated by  
28 this witness, at every single stage of his evidence. This is  
29 just the beginning.

1           And what does this senior NPFL figure do in May of 1992,  
2 when the Top Final operation is on? Does he, like his brothers,  
3 the other NPFL people, does he go back into Liberia? No. He  
4 fights the Liberians and ends up with a cutlass in his head for  
10:23:49 5 his pains. That was the evidence he gave you. The evidence  
6 overwhelmingly suggests that it was nonsense that he was  
7 recruited by Mr Taylor, and it is obvious that he fell  
8 four-square into that class of person who was recruited by Sankoh  
9 and finally, when the Liberians withdrew, he stayed with the RUF,  
10:24:13 10 all the way through up to the year 2000, when the poor man finds  
11 himself arrested, falsely accused of a crime, and languishes in  
12 prison for five years or more.

13           This is a man whose story grew and grew as time passed. As  
14 time went on, when you look at the interviews and you come to his  
10:24:41 15 testimony, he becomes more and more a confidant of Mr Taylor.

16           Now, on one occasion, I've said where is the evidence of  
17 him communicating with his boss? On one occasion, he said in  
18 evidence that he communicated directly with Mr Taylor whilst in  
19 the field. It was pointed out to him that in his third interview  
10:25:15 20 with the Prosecution, and on any account the beginning of the  
21 cross-examination, the nonsense about not being bothered about  
22 the immunity letter or the end of it, on any account he's got the  
23 letter of immunity by this time, by this interview, what do the  
24 Prosecution investigators record him as telling them? "I never  
10:25:38 25 communicated directly with Charles Taylor whilst in the field."

26           Oh, well, he said, oh, well, you know, the record may be  
27 wrong because of the language barrier. Unfortunately for  
28 Mr Mongor, this was one of the five interviews out of 24 when he  
29 actually had an interpreter present. So the language barrier

1 collapsed in front of his very eyes.

2 And before we move on to other elements of his evidence  
3 that demonstrate beyond any doubt whatsoever that he was simply  
4 making it up as he went along, as he got further and further into  
10:26:36 5 the thrall of the Prosecution, if he was so important at  
6 Camp Naama, why did he constantly go backwards and forwards  
7 between Naama and working at the Executive Mansion in Gbarnga in  
8 the year from March 1990 to March 1991, when the RUF invades

9 Sierra Leone? That's what he told the OTP investigators in his  
10:27:07 10 interviews, "I went back and forth between the two". And yet  
11 when it comes to his evidence he said, oh, no, once I'd been sent  
12 to Naama in March 1990, there I stayed. No doubt to emphasise to  
13 you, the triers of fact, how important he was as the training  
14 commander in Naama. Unfortunately for him, again, in black and

10:27:29 15 white, never corrected, there it was in one of his earlier  
16 interviews.

17 Now, I'm going to turn to a separate issue that he gave  
18 evidence about, the Magburaka air shipment.

19 Well, for a start, he told you it was in early 1998 that  
10:27:56 20 the air drop happened. He said, "It was in 1998 and not long  
21 after it we were pushed out of Freetown." That's to say the  
22 intervention occurred.

23 Well, I am not somebody who would criticise any individual  
24 for getting a date wrong after a period - so long a period of  
10:28:22 25 time when they are being asked to remember all sorts of events  
26 over a span of at least ten years. However, you have to bear in  
27 mind with Isaac Mongor that he, unlike I suspect most of us, is  
28 someone who claims that his memory improves as time passes,  
29 unlike mere mortals whose memory sadly tends to fade and become

1 less reliable as time passes. So, although I still don't  
2 criticise him for getting a date wrong, you have to bear in mind  
3 that he claimed that his memory got better and he remembered all  
4 sorts of things later when he was later being interviewed that  
10:29:16 5 he'd forgotten, things of vital importance you may think, that  
6 had somehow slipped his mind when being interviewed about them.

7 Well, of course, in evidence, he puts the Magburaka air  
8 shipment down to Mr Taylor. He put pretty well everything down  
9 to Mr Taylor. Why? Because you know that in his interviews he  
10:29:43 10 didn't. He said Mr Taylor arranged that shipment from - and I'm  
11 afraid I'm going to have to mention the country again - Libya.  
12 Well, that was another story that he told you in evidence that  
13 had grown and grown as time went on.

14 Where did the story begin? Well, in interview in July of  
10:30:13 15 2007, we saw him telling not just a Prosecution investigator,  
16 experienced investigator, but also one of the Prosecution's own  
17 counsel, he said, "Oh, well, they were expecting that shipment  
18 from Burkina Faso." And he denied in cross-examination ever  
19 telling the interviewer, and it was Mr Werner, the lawyer, he  
10:30:50 20 denied ever saying anything about Burkina Faso. He said this:  
21 "I talked about Libya. How can I move from that to talk about  
22 Burkina Faso?" And yet this was one of the interviews that he  
23 specifically was asked about.

24 "Was this interview read back to you at the end?"

10:31:08 25 "Yes," he said.

26 Well, what else is he recorded as saying in that interview?  
27 And bear in mind that's less than a year before he comes into  
28 this - not this, but he comes into the courtroom and gives you  
29 his testimony, all down to Mr Taylor. From Libya.

1 He said this in that interview, "The RUF had arranged for  
2 it to be shipped in from Burkina Faso, but when they joined the  
3 AFRC, the contract was renewed by Johnny Paul Koroma." You have  
4 to say to yourselves, "Well, have the experienced interviewer and  
10:32:03 5 Mr Werner got it so wrong that when someone talks about Libya,  
6 they hear the words Burkina Faso?"

7 No mention at that stage of Charles Taylor's involvement in  
8 any of that.

9 Mr Taylor comes in as time passes. And what was his excuse  
10:32:34 10 for that? "Oh, well, I must have just forgotten to mention  
11 Charles Taylor's involvement in it." What on earth, I ask again  
12 rhetorically, what on earth is going on with this witness? We  
13 will see in due course.

14 While we are mentioning the junta period, one thing he did  
10:33:14 15 say in his evidence to you is, "Oh, there was no mistrust between  
16 the AFRC and the RUF," a somewhat bizarre statement, you might  
17 have thought, when you heard it in his evidence, because by then  
18 it was already well established that there was mistrust from the  
19 outset between the two parties to what was described in one  
10:33:37 20 exhibit as this marriage of convenience.

21 No, no, no, he said, he insisted there was no mistrust, and  
22 then we looked at his earlier interview, where he said, "There  
23 was mistrust between the RUF and the AFRC", and he was talking  
24 then about an early stage in the junta period. Why was he at  
10:34:10 25 such pains in his evidence to contradict a fact that we all know  
26 to be true? Who was he trying to help? What was he trying to  
27 achieve? What were the pressures on him? And what were the  
28 inducements that came into play in his mind, consciously or not?

29 We move to the Freetown invasion.



1 At the time of the Freetown invasion - sorry, at the time  
2 that he's first interviewed, interviewed, being asked tell us  
3 everything you know, everything you can remember about  
4 Charles Taylor, he's asked about the Freetown invasion in 2006.

10:35:02 5 And there is no mention of Charles Taylor. So he's specifically  
6 asked, and he says, "I didn't really know anything about  
7 Charles Taylor's role in the Freetown invasion."

8 Later, in 2007, there is a clarification interview, one of  
9 the 24, and he's asked specifically about the Freetown invasion,  
10:35:39 10 and whose idea it was, and no doubt, whether or not Mr Taylor had  
11 anything to do with it, he's asked actually about what he'd  
12 previously said, I don't know about Charles Taylor's role, and he  
13 says then in 2007, in interview, "Oh, I thought it was largely an  
14 AFRC affair." Still no mention of Charles Taylor. Then it turns  
10:36:10 15 out that it was Mr Taylor's idea all along after all.

16 What on earth are you to make of this kind of testimony?  
17 Why didn't he tell the Prosecution that when he was first  
18 interviewed? Well, he was asked about that and he said, "Well,  
19 I didn't trust the Prosecution when I was first being interviewed  
10:36:42 20 by them. I thought they might turn against me." Despite the  
21 fact that he's clutching the letter of immunity from very early  
22 on in his long series of interviews with the Prosecution. And  
23 bear in mind that it is in 2007 when he's asked to clarify his  
24 remark about not knowing anything about Charles Taylor's  
10:37:06 25 involvement in the Freetown invasion, that he says, it's an AFRC  
26 affair. Well, is he trotting along to see the Prosecution time  
27 after time after time, still not trusting them, still thinking  
28 he's going to be prosecuted? Do you think that's plausible? Do  
29 you think that's credible? Or do you think it's a lot of

1 nonsense? And Charles Taylor, once again, by the time we are  
2 getting close to his evidence and by the time he comes into  
3 court, suddenly, everything is down to Mr Taylor, that hitherto  
4 he knew nothing of Mr Taylor's involvement in.

10:37:52 5 Put simply, it stinks. I am touching on a selection of the  
6 contradictions and inconsistencies in this witness's evidence.  
7 If I was to go through them all -- well, I won't - I don't need  
8 to finish that sentence.

9 He gives a wholly implausible explanation as to why, if it  
10:38:20 10 was Mr Taylor's idea all along, why he didn't tell the  
11 Prosecution that.

12 What has been going on here? Well, I'm not saying it's the  
13 full picture or the whole answer, but it is instructive in his  
14 case to look at what happened in one of his interviews that we  
10:38:59 15 saw in his evidence on the 7th of July - sorry, 7th of April  
16 2008. And it starts at page 6765 and this is the only transcript  
17 that I'm going to ask if it's possible to be displayed. If it's  
18 not, I can read it. It's not a terribly long excerpt. I'm very  
19 grateful to Madam Court Officer. I think it's going to be  
10:39:42 20 displayed.

21 PRESIDING JUDGE: I note that it's open session but if you  
22 know the content.

23 MR MUNYARD: It was all open session, Madam President.

24 Despite the fact that there's all these screens in front of  
10:40:08 25 me the one that it appears on is at the far end of the bench. I  
26 will go from my hard copy here. 6765. I'll start at line 9.  
27 I'm very grateful to Ms Punt who has found it on a screen much  
28 closer to home.

29 I'll start at line 9.

1 "Judge Sebutinde: Mr Koumjian, as I understand it, we're  
2 dealing with prior inconsistent statements. I, for one, have not  
3 had a satisfactory answer to the numerous questions by Mr Munyard  
4 around this issue. Every time he asks the question we get a  
10:40:49 5 slightly different answer from what he's asked, and I would like  
6 to get an answer to this prior inconsistency."

7 And I then go back to what he told the interviewer in  
8 February - and - February 2007, when he was trying to find out  
9 what you meant in October 2006. That's to say, Charles Taylor -

10:41:11 10 I don't know anything about Charles Taylor's involvement. He's  
11 asked again in February 2007, and bottom of the page, line 26:

12 "Q. Why did you tell the interviewer in February 2007,  
13 when he asked you what you meant in 2006 October when you told  
14 him, 'I don't know about Charles Taylor's involvement in the  
10:41:31 15 decision to attack Freetown in January 1999', why did you tell  
16 the investigator that when he asked you for the second time, that  
17 by that you meant you understood the Freetown invasion was  
18 largely an AFRC project?

19 A. I think when you said it was the AFRC that planned that  
10:41:53 20 to enter Freetown, but I was able to make it explicit to you that  
21 the AFRC were unable to enter Freetown without the help of the  
22 RUF because the enemy did occupy the other areas where we  
23 attacked them before SAJ Musa's group were able to get a free  
24 access to enter.

10:42:10 25 Justice Sebutinde: Mr Mongor, I think you're avoiding the  
26 question. Nobody asked you to tell us the logistics of who  
27 entered or when they entered. For the nth time: Why did you  
28 tell in 2007 the investigators what you told them, that it was  
29 largely an AFRC project?

1 The witness: The reason why I told them that is because if  
2 you look at the group that moved for the Freetown invasion, many  
3 of them were AFRC men who were soldiers. They refused to wait  
4 for the RUF group to join them. They were just doing it by  
10:42:43 5 themselves."

6 Now, I then move on to something else, line 24:

7 "Q. There came a time, did there not, in November 2007  
8 when you tell them, the investigators, that Sam Bockarie told you  
9 he'd had a meeting with Charles Taylor and a plan had been  
10:43:03 10 developed to attack Koidu, Makeni, Kenema and other strategic  
11 areas prior to advancing to Freetown. Why did you tell them that  
12 in November 2007 when you'd been saying on several occasions  
13 before that you didn't know about Charles Taylor's involvement in  
14 the decision to attack Freetown?

10:43:22 15 A. This was the time I said they had not asked me anything  
16 concerning the plans and I did say that it was when Sam Bockarie  
17 came with the ammunition, he explained to us the things that they  
18 discussed with regards our advancement.

19 Q. But they asked you about Charles Taylor's involvement  
10:43:41 20 in the decision to attack Freetown on a number of occasions  
21 before November 2007. What made you change your story in  
22 November 2007?

23 A. It was because I knew and I later realised something  
24 about the plans that Sam Bockarie brought with regards to the  
10:44:03 25 advancement that I later told the investigators.

26 Q. Are you saying you'd forgotten about what Sam Bockarie  
27 told you of Charles Taylor's big idea to attack Freetown when you  
28 were questioned in 2006 and 2007, and that you suddenly  
29 remembered in November 2007? Is that what you meant by, 'I later

1 realised something about the plans that Bockarie brought'?

2 A. Yes. I am a human being. I am liable to forget. And  
3 you cannot say what I'm saying I will sit in one place and  
4 explain everything about it because it's history."

10:44:47 5 And then this:

6 "Q. Were you being pressed in November 2007 to give the  
7 Prosecutors more than you had given them on this subject before?

8 A. Well, I have told you, yes, the Prosecution would want  
9 more information.

10:45:16 10 Q. Yes. Were you being pressed?

11 A. Yes. When they asked me over and over.

12 Q. And did you feel that you had to give them more than  
13 you had already given them to satisfy them?

14 A. Well, it was not something to satisfy them that I was  
10:45:44 15 to say but it was because it came to my mind that I told them at  
16 that time."

17 Now, just pausing there, do you accept for one moment that  
18 he had forgotten until he was being pressed and asked over and  
19 over that he'd forgotten before November 2007? Before a date,  
10:46:17 20 I remind the Court, when this trial should have been well  
21 underway and anyone who was being interviewed as a prospective  
22 witness probably had been aware that they were likely, especially  
23 someone who has been interviewed since 2006, likely to be coming  
24 to The Hague at some point in 2007. We know the reasons. We  
10:46:42 25 don't need to go into that, why it didn't happen.

26 "A. It came to my mind that I told them at that time.

27 Q. Did you have a shaky heart in November 2007 when you  
28 were being interviewed again?

29 A. Well, I have so many other things, so many problems

1 that disturbed me, but I cannot say that it was because of that  
2 at that time that my mind was shaky but I am a human being.  
3 I normally have problems I think about."

4 Now:

10:47:17 5 "Interview number 19, it was. Did you worry, Mr Mongor,  
6 that you were being interviewed now for the 19th time and they  
7 still - and that they really needed something more out of you or  
8 that you might be in trouble yourself?

9 A. I have my mind on so many other things. I think about  
10:47:39 10 so many things, my Lord. I'm a human being. I will have  
11 something in my mind as I'm sitting here, then maybe I'll forget  
12 about it and start thinking about some other things. You will  
13 not tell me as a human being that it is always that you have a  
14 steady mind."

10:47:56 15 I then - I'm not going to read all this out. I, then, in  
16 summary form, I asked him - I pointed out that the week before,  
17 he said he didn't know that the RUF accused were on trial but  
18 then had changed his account later. And over the page, line 7.

19 "Q. Do you recall whether I first asked you that you said,  
10:48:24 20 'no, I didn't know they were on trial'?"

21 And he agrees, "Yes, I recall."

22 "Q. When you were interviewed in November 2007, were you  
23 told that the RUF trial was taking place?

24 A. Even if it happened, I can't recall now whether they  
10:48:40 25 said it and that I heard it."

26 I then asked for a document to be put on the screen, and  
27 you'll pick it up at line 24, that we had very recently been  
28 handed. And I read from the question, line 24".

29 "Q. It's the Special Court of Sierra Leone Office of the

1 Prosecutor interview notes, dated the 29th of November 2007,  
2 being interviewed by an investigator S Streeter, the language is  
3 in English, and the Prosecutor, who is present in the interview,  
4 Alain Werner."

10:49:29 5 Over the page, line 2. Actually we don't need to know  
6 about the time of the interview. Line 6.

7 "It would be 1310 in 24 hour clock.

8 "Q. 'Alain Werner discussed'" - I'm going to read out the  
9 initials in full - "'Alain Werner discussed trial date and  
10:49:51 10 assured the witness knew the process involved in trial transport,  
11 accommodations, et cetera.'"

12 That bears out my point that by that time he would have  
13 been advised about the arrangements that would be made for him to  
14 come to give evidence in this trial. Line 13:

10:50:11 15 "Q. Now this is the end of November, last year. It's not  
16 very many months ago. Can you remember when you went to be  
17 interviewed then by Mr Werner and another that they were talking  
18 to you about transport and all the processes involved in your  
19 giving evidence in the trial?

10:50:28 20 A. I think so.

21 Q. 'Alain Werner explained that RUF Prosecution was  
22 complete.' Can you remember Mr Werner telling you the  
23 Prosecution part of the RUF trial was now complete?

24 A. Maybe he said but I forgot."

10:50:48 25 Again I'm not going to bother with the rest of that. If  
26 I go over the page, line 6:

27 "Q. And you knew perfectly well that the RUF accused were  
28 on trial because you'd been visiting the detention yard in 2005  
29 and 2006, hadn't you?

1 A. I'd gone there.

2 Q. Let's go back to the page."

3 I repeated what Mr Werner had said.

4 "Q. Did he not only tell you that the Prosecution part of  
10:51:24 5 the RUF trial was over, but the information they were seeking now  
6 concerns the Taylor Prosecution? Did he tell you that?

7 A. Yes. As you're explaining now I recall, yes."

8 He then went on to say he didn't think he'd taken part in  
9 the RUF prosecution, and he said that he didn't think he'd been  
10:51:50 10 asked questions with a view to being a Prosecution witness in the  
11 RUF case.

12 Over the page, and this, I suggest, is very telling indeed.  
13 Because this is the interview where he starts to say that  
14 Charles Taylor, contrary to everything he'd said in the past,  
10:52:16 15 Charles Taylor was the brains behind the Freetown invasion.  
16 I quote to him line 2 from the note.

17 "Q. 'Alain Werner explained that the information being  
18 sought now,' that's November 2007, 'concerns the Taylor  
19 prosecution. Alain Werner explained to the witness,' that's  
10:52:40 20 you," to the witness, and I'm pointing out to him that's him,  
21 "'that as a top level commander he would be privy to more  
22 information than he has disclosed so far.'

23 A. Yes. They told me they've heard some information  
24 concerning me so that was why they called me to explain as part  
10:53:01 25 of the high command."

26 And then I point out: "It doesn't say there that they told  
27 you they had information concerning you."

28 He then says, "They had information."

29 Line 14 - sorry, line 15:



1 "Q. What was the information?

2 A. I only know they had information that I was part of the  
3 high command and I was someone who had been with the NPFL before  
4 and the RUF, so I should be able to give some more -- some  
10:53:32 5 information concerning the two parts."

6 Another telling answer. Then I put to him:

7 "Q. This is interview 19. They knew perfectly well before  
8 then you'd been part of the high command, because that's what  
9 you'd been telling them."

10:53:49 10 And of course, pausing there why else had he been given a  
11 letter of immunity the year before?

12 "A. Yes, I've not denied that, I told them that."

13 And then, he persists in saying there was information.

14 Over the page:

10:54:07 15 "Q. What was the information they had on you?

16 A. I can't know that now but I've told you they said I was  
17 one of the RUF high command and they asked me whether I was and  
18 I agreed."

19 Line 7:

10:54:21 20 "A. They had known but suppose I'd come and if I was  
21 called by somebody, I come, they ask if I'm one of the high  
22 command and I said no. How would you believe that?"

23 Then line 13:

24 "Q. Alain Werner explained to you that as a top level  
10:54:38 25 commander you would be privy to more information that you  
26 disclosed to the Prosecution in the 18 previous interviews,  
27 that's what he was telling you, wasn't it?"

28 I had to repeat that. And then you see, he answers, line  
29 23:

1 "A. Yes, he told me.

2 Q. They wanted you to give them something you hadn't given  
3 them already, is that right?

10:55:09

4 A. Maybe it was not something that I'd not given to them  
5 before, but maybe they wanted me to add to what I had given them  
6 before."

7 And then I put to him that he'd added to it by making up a  
8 pack of lies about Mr Taylor.

10:55:29

9 Now, standing back from this witness, standing back and  
10 looking at every stage of his evidence, he changes his story  
11 fundamentally. Look at the facts, look at the financial support,  
12 look at the payments for loss of earnings when he wasn't even  
13 working, look at the financial inducements, look at the pressure,  
14 look at the fear on him, look at his shaky heart even though he  
15 had in his hand a letter of immunity from Prosecution, and look  
16 at the contradictions, the inconsistencies, the lies, the  
17 implausibility, and in our submission, no reasonable court could  
18 possibly rely upon a word that a witness like that was saying.

10:55:59

19 He is but one example. There are others, there are certainly  
20 others. We have referred to some of them in our final brief in  
21 that final section. We have referred to others in other parts of  
22 the final brief. But in our submission, if this Court was to  
23 place any reliance at all on witnesses of this sort, then the  
24 tide of justice in this International Criminal Court is at a very  
25 low ebb indeed.

10:56:59

26 Madam President, those are my submissions.

27 PRESIDING JUDGE: Thank you, Mr Munyard. As I understand,  
28 there are no other matters this morning, I will adjourn the case  
29 until tomorrow morning at 9.

1 My apologies. I think there may be questions from the  
2 Bench.

3 JUDGE SEBUTINDE: Mr Munyard, I know that you in the  
4 Defence team, you've organised your closing arguments by dividing  
10:57:44 5 certain topics between yourselves, but I have questions that I'm  
6 not sure which of you should be answering them, but I'll place  
7 the questions any way.

8 MR MUNYARD: Certainly.

9 JUDGE SEBUTINDE: The first one relates to, I think  
10:57:59 10 paragraph 439 of the Defence brief, which deals with the ULIMO  
11 buffer zone. Paragraph 439. Closure of the border by ULIMO. In  
12 this paragraph the Defence argue that ULIMO controlled the  
13 borders between Liberia and Sierra Leone from late 1992, early  
14 1993, to, and I quote, "June 1996." But in the closing  
10:58:41 15 arguments, I think it was Mr Griffiths who stated that this  
16 buffer zone was in existence until the election of the accused in  
17 July 1997. So that there is almost like a year's difference.  
18 Now, which of these times does the Defence wish the Trial Chamber  
19 to take into account?

10:59:12 20 MR MUNYARD: Your Honour, I think the position is that  
21 there is evidence to both of those effects. There is evidence  
22 from some witnesses, and indeed, a document to the effect that at  
23 the very least it was until 1996. There is other evidence that  
24 it was until Mr Taylor's election in 1997. And so I'll certainly  
10:59:38 25 have that investigated for you, and no doubt, in the course of  
26 tomorrow's session, we will be able to give you a resolved  
27 position on that by reference to evidence. But there is evidence  
28 from different people that says different things. What you see  
29 in paragraph 439 is the most conservative. In other words, in

1 effect, it's the most generous account from the point of view of  
2 the Prosecution. Whereas, in fact, there is other evidence that  
3 suggests that the border closure went on for longer.

4 JUDGE SEBUTINDE: Supplementary to that, is it the Defence  
11:00:20 5 submission that ULIMO controlled the entire border from 1992,  
6 1993, or does the Defence accept the Prosecution's submission or  
7 position that ULIMO controlled the entire border over a period of  
8 time commencing from late 1992, 1993 progressively.

9 MR MUNYARD: Again, there is contradictory evidence on  
11:00:50 10 this. Some of the evidence is to the effect that by the time  
11 ULIMO split into the two groups, between them they contained the  
12 whole of the border. Some in the north and some in the southern  
13 counties.

14 PRESIDING JUDGE: Mr Munyard, please have a seat. We are  
11:01:58 15 just looking into the logistics of continuing now because the  
16 tape has either run out or about to.

17 We understand that it will take ten minutes to change the  
18 tape, and since we are already into a mid-morning break scenario  
19 and I understand that there are logistics relating to Mr Taylor  
11:04:09 20 and others, we'll take the mid-morning break and resume at 11.30.

21 MR MUNYARD: Very well. I was going to suggest a possible  
22 solution that Justice Sebutinde gives me her questions now and  
23 that we deal with them tomorrow in our rebuttal. And so  
24 obviously the questions would be repeated on the record tomorrow  
11:04:31 25 and then we could supply the answers as well. I don't know how  
26 many more questions your Honour has but if it was only a few,  
27 then that might be a sensible and practical solution.

28 JUDGE SEBUTINDE: I have about three or four questions, but  
29 the problem of course was with the record, the tape having run

1 out.

2 MR MUNYARD: Yes, that's the way I was suggesting of  
3 getting your questions on the record tomorrow.

11:05:00

4 JUDGE SEBUTINDE: If you prefer for me to ask these  
5 questions tomorrow and thereby to eat into your two hours of  
6 rebuttal, I can do that.

11:05:17

7 MR MUNYARD: What I was actually suggesting is if you give  
8 the questions to me now, then it would probably speed things up  
9 if we give you the answers tomorrow. In other words, it would  
10 eat less into our two hours.

11 JUDGE SEBUTINDE: As Madam President said we will adjourn  
12 for half an hour, and return. I'll give you the questions, you  
13 can give us the answers whenever.

14 PRESIDING JUDGE: Please adjourn court to 11.30.

11:06:44

15 [Short recess at 11.06 a.m.]

16 [Upon resuming at 11.30 a.m.]

17 MR MUNYARD: Madam President, a change on the Defence  
18 bench; our case manager, Mrs Moilanen, has now left us.

19 May I answer Justice Sebutinde's first question?

11:30:46

20 Moses Blah, Prosecution witness, said the border was closed in  
21 effect until 1997, I am reliably informed. I haven't in the  
22 short time been able to check that but the source it came from is  
23 usually impeccable. So there is a Prosecution witness for you  
24 who said that.

11:31:06

25 JUDGE SEBUTINDE: All right. My next question,  
26 Mr Griffiths, is during your presentation, you've asked the  
27 Trial Chamber to - when addressing credibility of witnesses,  
28 you've said some witnesses are not to be believed completely, one  
29 example being Isaac Mongor. You just gave us that one example.

1 You didn't give us a list. Am I to take it that in the written  
2 brief, this list is indicated of witnesses that should be totally  
3 disregarded?

4 MR MUNYARD: Your Honour, certainly those at the back.

11:31:44 5 There are others referred to, and I'm just anxious that I don't  
6 call out a name when I should be calling out a number but can  
7 I mention two numbers to you? If you'll give me a moment to put  
8 my glasses on, I'll get the numbers for you. I say two numbers,  
9 there is one in particular. And I'm afraid I can't now remember  
11:32:08 10 if he was protected or not.

11 JUDGE SEBUTINDE: I think it will be safe if we go by  
12 TF1-numbers.

13 MR MUNYARD: Yes, certainly I just need to get it TF1-338  
14 is another example of a witness who was so discredited in  
11:32:32 15 Prosecution - who so contradicted his previous statements with  
16 his testimony.

17 JUDGE SEBUTINDE: I think the question that I'm asking or  
18 the clarification is not for more examples, because your  
19 submission was there are some witnesses who fall in the category  
11:32:51 20 of not reliable, and then there are others who are so unreliable  
21 that the chamber should just throw them out.

22 MR MUNYARD: Yes.

23 JUDGE SEBUTINDE: It's this latter category that I'm  
24 asking. Do you indicate in your final trial brief, the written  
11:33:07 25 brief, this distinction? Or not?

26 MR MUNYARD: I don't think we put it in quite those terms.  
27 I've certainly put it in those terms this morning and I would  
28 invite the Court to take on board my approach to the witnesses  
29 listed in the final section of the brief, together with 338, who

1 is not dealt with specifically there, but is dealt with in other  
2 parts of the final brief, as a group of witnesses to whom my  
3 submissions, we, the Defence, wish to apply.

4 JUDGE SEBUTINDE: Very well. My second-last question  
11:33:47 5 relates to Mr Taylor's being the "ECOWAS point president", in  
6 quotes, in 1998. Now, Mr Griffiths, during his presentation,  
7 mentioned ECOWAS minutes showing that ECOWAS asked Mr Taylor to  
8 quote unquote "get involved" in Sierra Leone. And this is  
9 referred to at the transcript at pages 49465 to 49466.

11:34:24 10 Mr Griffiths then mentioned documents referring to Taylor's  
11 involvement in 1999, and I think it was Mr Koumjian who raised  
12 this issue that there is lack of documentation supporting  
13 Mr Taylor's mediating role in 1998.

14 Now, can the Defence refer to any documentation on  
11:34:54 15 Mr Taylor's role in Sierra Leone in 1998? Or not? That is one  
16 question. If you can't answer it today.

17 MR MUNYARD: I can't. We'll seek to give you an answer to  
18 that tomorrow.

19 JUDGE SEBUTINDE: Right. And again the last question is  
11:35:11 20 document-related, and this is the issue of Sam Bockarie's trips  
21 to Monrovia in the year 1998. I think the evidence somewhere  
22 between the Prosecution and the Defence, is that Sam Bockarie  
23 made trips in September, October and November of 1998, and  
24 Mr Griffiths during his presentation indicated to the chamber  
11:35:33 25 that the way you had divided the work between yourselves, you  
26 would address the issue of documentation supporting these trips.  
27 We've now come to the end of your presentation. You didn't. But  
28 I wanted to give the Defence this opportunity, really, to tell us  
29 if there is documentation or there isn't. There would be my last

1 question to you.

2 MR MUNYARD: That would not be the first time - I suspect  
3 it probably is the last time, however - when Mr Griffiths has put  
4 something forward on behalf of the Defence team about which  
11:36:10 5 perhaps not all of them knew. I have in mind court sitting  
6 hours, by way of example. However, I will attempt to give an  
7 answer to that tomorrow.

8 I wasn't in court yesterday during Mr Griffiths's  
9 submissions, and I only learned late in the day of matters that  
11:36:34 10 he anticipated I might be dealing with that I might or might not  
11 have been dealing with. I don't want to say any more than that  
12 but I will attempt to deal with that or to have that dealt with  
13 tomorrow.

14 Your Honour, Justice Sebutinde, is that the last of your  
11:36:54 15 questions? Because I just want to go back to the first two. In  
16 our submission - I've answered the first one about who says the  
17 border was closed until 1997, the Prosecution witness Moses Blah.  
18 As far as the entire border is concerned, I hoped I'd made it  
19 clear it's our position that the two ULIMO groups, I think K were  
11:37:18 20 in the north, Lofa County, and J were in Grand Cape and Bomi  
21 County in the south. And it's our position that the entire  
22 border was closed off for the period that we've stated in the  
23 final trial brief. And again I emphasise that the final trial  
24 brief date of 1996 is one that I don't think anyone disputes,  
11:37:43 25 whereas from Prosecution witnesses, there may be differing  
26 accounts as to whether or not it was closed until 1997. But  
27 there you have in the evidence of one Prosecution witness,  
28 Moses Blah, that it was closed until 1997. And we don't dispute  
29 that.



1 JUDGE SEBUTINDE: Thank you. That would be all from me.

2 MR MUNYARD: Madam President, are there any other questions  
3 from the Bench?

11:38:16

4 PRESIDING JUDGE: Perhaps I can expand on a question asked  
5 by Justice Sebutinde relating to the - Mr Taylor's role as a  
6 point President, Justice Sebutinde limited it to certain events.  
7 And I would broaden it to ask for any documentary evidence  
8 relating to that position. We have had several ECOWAS reports,  
9 et cetera, tendered. Perhaps if you could define in those or  
10 related documentation.

11:38:42

11 MR MUNYARD: Madam President, are you asking for more  
12 documentation in addition to what you've received or are you  
13 asking for clarification?

11:38:57

14 PRESIDING JUDGE: Oh, no, I'm only limiting my questions to  
15 documents tendered before the Court, because that is what we are  
16 going to consider, what is in evidence. I'm not going to  
17 consider any extraneous.

11:39:12

18 MR MUNYARD: I'm sorry I used the wrong word when I said  
19 received, I really meant addressed upon. Are you asking if there  
20 is any other material that you weren't addressed upon?

21 PRESIDING JUDGE: That's basically it, yes.

22 MR MUNYARD: Certainly. Again can I put that over to  
23 tomorrow?

11:39:25

24 PRESIDING JUDGE: Indeed, I would anticipate it would  
25 require a little research. Maybe a lot more than a little  
26 research.

27 MR MUNYARD: Can I say straight away I'm not going to  
28 commit anyone to deal with anything in their submissions  
29 tomorrow, but we will do our best to answer all of your

1 questions.

2 PRESIDING JUDGE: Thank you, Mr Munyard. That is all we  
3 have from the bench and I will therefore restate that we will  
4 adjourn now and resume court tomorrow at 9 o'clock.

11:39:54 5 Please adjourn court.

6 [Whereupon the hearing adjourned at 11.40 a.m.,  
7 to be reconvened on Friday, the 11th day of  
8 March 2011, at 9.00 a.m.]

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