



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 12 JANUARY 2009
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Carolyn Buff
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Monday, 12 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:32 5 PRESIDING JUDGE: Good morning. I would like to open our
6 new session of the year by wishing you all a very happy new year
7 and hope you feel revived after the break. Ms Hollis, we will
8 take appearances please.

9 MS HOLLIS: Good morning, Madam President, your Honours,
09:30:53 10 opposing counsel, and happy new year to everyone as well. This
11 morning for the Prosecution are Nicolas Koumjian, Christopher
12 Santora, Maja Dimitrova and myself Brenda J Hollis.

13 PRESIDING JUDGE: Thank you. Mr Griffiths?

14 MR GRIFFITHS: Good morning, Madam President, your Honours,
09:31:11 15 counsel opposite. For the Defence today are myself, Courtenay
16 Griffiths, and my learned friends Mr Terry Munyard and Mr Morris
17 Anyah. Can we also take the opportunity to wish everyone a very
18 productive year in this Court.

19 PRESIDING JUDGE: Thank you, Mr Griffiths. Ms Hollis, I
09:31:32 20 note there is no witness in the stand.

21 MS HOLLIS: That's correct, Madam President. We do have a
22 witness who is waiting. However, before we do call the next
23 witness I would ask that we be allowed to deal with some
24 evidentiary matters that arose in the testimony of TF1-023. You
09:31:50 25 may recall this was a witness who was called for
26 cross-examination, it was a 92 bis witness, on 22 October 2008.

27 In addition to the transcript of the witness's prior
28 testimony in the Brima et al case, the AFRC case, there were
29 three exhibits connected with that prior testimony. They were

1 marked for identification as MFI-2, MFI-3 and MFI-4. When they
2 were tendered by the Prosecution issues arose as to the
3 legibility of those exhibits. The one that was marked MFI-2, had
4 been exhibit P-1 in the AFRC case. MFI-3 had been exhibit P-2
09:32:40 5 and MFI-4 had been exhibit P-3. CMS has obtained the original
6 exhibits which were filed in the AFRC case and has provided the
7 Prosecution and the Defence with copies of those originals, each
8 one with a cover sheet indicating the exhibit number in the AFRC
9 case.

09:33:05 10 So at this time I would ask that the Court Attendant
11 provide MFI-2, 3 and 4, the originals that she has, for
12 admission, first showing them to the Defence and then providing
13 them to you, Madam President. Then one by one I would ask that
14 they be admitted into evidence.

09:33:31 15 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Griffiths, you
16 are aware of the application?

17 MR GRIFFITHS: I am aware of the application and in fact I
18 dealt with the witness and I recall very well the situation which
19 arose and there is no objection.

09:33:45 20 PRESIDING JUDGE: Thank you. We will then proceed to have
21 the originals shown as indicated by Ms Hollis.

22 Ms Hollis, we've seen the original documents and counsel
23 for the Defence has indicated he has got no objection. Just for
24 purposes of record I would like to note and confirm that the
09:37:27 25 document, that's the transcript that is listed on this sheet
26 supplied by the Court Management, MFI-1, if my recollection is
27 correct that is already admitted.

28 MS HOLLIS: Yes, that's correct.

29 PRESIDING JUDGE: Likewise MFI-5, the disbursement sheet,

1 if I recall is already admitted.

2 MS HOLLIS: That is correct. It was only these three that
3 were outstanding.

09:37:56

4 PRESIDING JUDGE: Thank you for that clarification. In the
5 light of counsel's statement that he does not object I will
6 proceed to mark these as Prosecution exhibits. So what was
7 MFI-2, a handwritten sheet, one page, becomes exhibit P-267.
8 MFI-3, again a handwritten sheet, becomes Prosecution exhibit
9 P-268. MFI-4, a handwritten one page sheet, becomes Prosecution
10 exhibit P-269.

09:38:36

11 [Exhibits P-267 to P-269 admitted]

12 MS HOLLIS: Madam President, at the time these were
13 tendered on 22 October it was requested that they be confidential
14 exhibits and the Prosecution renews that request.

09:38:52

15 PRESIDING JUDGE: Yes, I recall the reasoning behind that.
16 Mr Griffiths, again you dealt with this matter.

17 MR GRIFFITHS: No objection to that.

18 PRESIDING JUDGE: Each of these exhibits, 267, 268 and 269,
19 will be confidential. Thank you. Please proceed, Ms Hollis.

09:39:13

20 MS HOLLIS: Thank you, Madam President. Madam President,
21 next witness will be TF1-355 and that witness will be led by
22 Christopher Santora.

23 PRESIDING JUDGE: Which language will the witness speak,
24 Mr Santora?

09:39:29

25 MR SANTORA: Good morning, Madam President, your Honours.
26 Good morning, counsel opposite. Madam President, the witness
27 will be speaking in English and before I do call the witness
28 there is one small preliminary matters in relation to the
29 witness's protective measures.

1 PRESIDING JUDGE: I see.

2 MR SANTORA: Originally he was covered in the decision of 5
3 July 2004 from Trial Chamber I for the RUF trial Prosecutor v
4 Sesay et al. The witness testified in Freetown in the RUF trial
09:39:58 5 on 28 October 2004. At the time the witness testified the
6 Prosecution rescinded protective measures related to that
7 witness; all protective measures except for where the witness was
8 residing in terms of his street, city and State. Everything else
9 was rescinded.

09:40:21 10 I have copies of the transcript for your Honours and
11 counsel opposite with regards to when these measure were
12 rescinded. At this point the witness still wishes to testify
13 openly and with the same conditions that apply to him currently,
14 meaning that he is testifying openly and the only information
09:40:44 15 that is kept confidential is his actual street, city and State in
16 terms of his address.

17 PRESIDING JUDGE: If you have that transcript, it will be
18 helpful to read it.

19 MR SANTORA: Yes, Madam President, and with the assistance
09:41:02 20 of Madam Court Officer I can pass this out. The specific
21 reference, just before I give it to your Honours, is page 3 of
22 this transcript, lines 16 to 18, with Judge Boutet's response
23 then.

24 PRESIDING JUDGE: Mr Santora, I am just looking quickly
09:42:47 25 through this transcript and I am looking for an actual order
26 saying that there was a rescission of the protective measures.

27 MR SANTORA: I pointed to the reference I was pointing to
28 on page 3 I guess to say this in a way that it was often the
29 practice in Trial Chamber I perhaps that they would not announce

1 an order in relation to protective measures in a formal sense.

2 That is why I just point to where we notified as to what we were
3 doing and they just never formally said "We therefore order". I
4 understand that is different than the practice in this Chamber.

09:43:33 5 It just, quite frankly, was not as formal as that in that Chamber
6 at this stage in that trial when it came to protective measures.

7 PRESIDING JUDGE: I understand. Counsel for the Defence, I
8 am not sure which counsel has carriage of the matter?

9 Mr Griffiths, you have heard the application. Do you have any
09:43:51 10 observations?

11 MR GRIFFITHS: I heard the application and I am happy with
12 the application, but for clarification's sake can I enquire
13 whether there is any difficulty referring to the witness's
14 current employment?

09:44:02 15 PRESIDING JUDGE: Can you assist, Mr Santora?

16 MR SANTORA: There is no difficulty in that.

17 PRESIDING JUDGE: Very well.

18 MR SANTORA: As long as - yes, exactly. Thank you.

19 [Trial Chamber conferred]

09:44:25 20 PRESIDING JUDGE: We have noted the application. In the
21 light of the fact that there was no formal rescission, I am of the
22 view that the order of 5 July 2004 may still stand. Therefore I
23 rescind protective measures provided therein with the exception
24 of protective measure (b); that is that the address and
09:44:49 25 whereabouts and other identifying information of the witness
26 shall not - shall be sealed and not included in the public
27 records. So, in effect his address, street and city and State
28 will not be public.

29 MR SANTORA: And I can just note that country is not a

1 problem. In the context of his evidence it is going to be fairly
2 obvious what country he is residing in and there is no problem
3 with that. That will be led in evidence, just to make that
4 clear.

09:45:38 5 PRESIDING JUDGE: We understand that his name, his
6 employment and information other than his address and city can be
7 public and will be public.

8 MR SANTORA: That is correct.

9 PRESIDING JUDGE: Very well. That will be the order. Only
09:45:56 10 his address, residence and city will be not revealed. Please
11 proceed, Mr Santora, and call the witness.

12 MR SANTORA: Then at this point the Prosecution will call
13 TF1-355. His name is Hassan Bility.

14 WITNESS: HASSAN BILITY [Sworn]

09:48:01 15 PRESIDING JUDGE: Mr Santora, please proceed.

16 MR SANTORA: Thank you, Madam President.

17 EXAMINATION-IN-CHIEF BY MR SANTORA:

18 Q. Good morning, Mr Witness.

19 A. Good morning, counsel.

09:48:17 20 Q. Mr Witness, before I ask you some questions I am going to
21 just advise you to please speak slowly. There are people who are
22 recording what you are saying and it's very important to speak
23 slowly. I may interrupt you, or others may interrupt you, if you
24 are speaking too quickly. If you don't understand one of my
09:48:38 25 questions please say so and I will repeat the question, okay?

26 A. Okay.

27 Q. And please address your answers - please address your
28 attention to the judges when you give your answers, okay?

29 A. Okay.

1 Q. Can you just for the record state your full name for the
2 Court?

3 A. My full name is Hassan Bility.

4 Q. Go ahead and spell that.

09:49:03 5 A. Hassan is spelt as H-A-S-S-A-N and Bility B-I-L-I-T-Y.

6 Q. Did you ever go by any nickname?

7 A. Yes, sir.

8 Q. What was the nickname?

9 A. Bill. B-I-L-L.

09:49:32 10 Q. How old are you?

11 A. I turn 40 on 20 June 2009.

12 Q. So you are currently 39 years old?

13 A. Yes, sir.

14 Q. Where were you born?

09:49:45 15 A. I was born in Yekepa, Nimba County, Liberia.

16 Q. Can you go ahead and spell Yekepa?

17 A. Yes, sir, it's Y-E-K-E-P-A.

18 Q. I believe you said - did you say "B" or "P", just for the
19 record?

09:50:09 20 A. "P" like in Paul.

21 Q. Okay. And did you grow up in Liberia?

22 A. Yes, sir, I did.

23 Q. And did you attend school in Liberia as a child?

24 A. Yes, sir, I did.

09:50:25 25 Q. Where did you go to school?

26 A. I did go to school in Monrovia, the capital city of
27 Liberia.

28 Q. Okay. Are you in any particular ethnic group in Liberia?

29 A. Yes, sir.

1 Q. What is that?

2 A. Mandingo.

3 Q. Okay. Now, how far did you get in your schooling?

4 A. College.

09:50:53 5 Q. Okay. Where did you go to college?

6 A. University of Liberia and University of Lebanon, Nigeria.

7 Q. Okay, the latter one I am going to ask you the spelling of
8 the actual name of the university in Nigeria. What was the name
9 of it, first of all.

09:51:14 10 A. University of Ibadon, that is I-B-A-D-O-N.

11 Q. I-B-A-D-O-N?

12 A. Right.

13 Q. O-K-A-Y. What age were you when you attended university in
14 Nigeria? Do you remember?

09:51:28 15 A. Yes, sir, I was 23/24.

16 Q. So when was this when you attended?

17 A. It was in the early 1990s.

18 Q. Okay. And before - is it before that that you attended
19 university in Liberia?

09:51:50 20 A. Yes, sir.

21 Q. What was the university in Liberia you attended?

22 A. That is the official name, the University of Liberia.

23 Q. And where is that located?

24 A. It's located around the general Capitol Hill area in
09:52:07 25 Monrovia, across the street from the Capitol building. That is
26 the legislature.

27 Q. Do you know what years you attended the university in
28 Liberia?

29 A. Up to the December 24th 1989 war.

1 Q. What happened at that point?

2 A. A rebellion to unseat the government of Samuel Doe began
3 and everything else in Liberia was interrupted.

4 Q. What happened for you personally?

09:52:45 5 A. A number of things happened. Like many other Liberians, I
6 suffered what I personally referred to as persecution because of
7 my ethnic background. I was arrested several times by forces
8 loyal to the Independent National Patriotic Front, led by its
9 commander then Prince Yeadu Johnson, and accused only as being
09:53:30 10 Mandingo. Well, not accusation. That is a fact.

11 Q. This was during the time you were in Monrovia at
12 university. Is this correct?

13 A. Well, this was after everything else had shut down. This
14 was like in 1990s now, you know?

09:53:52 15 Q. I just want to focus on the time you left Liberia to go to
16 Nigeria. When was that?

17 A. I left Liberia on the first ship actually referred to as
18 Tano River, T-A-N-O. It was a Nigerian ship. That was a few
19 days after Samuel Doe was killed at the Freeport area in
09:54:15 20 Monrovia, so I jumped on a ship along with a number of other
21 Liberians and travelled to Ghana.

22 Q. And then from Ghana did you proceed to Nigeria?

23 A. Yes, sir, from Ghana I did proceed to Nigeria.

24 Q. And how long were you at university in Nigeria?

09:54:42 25 A. I was there for two plus years.

26 Q. Do you know when approximately you returned to Liberia?

27 A. Yes, sir, I returned to Liberia some time in 1992.

28 Q. In university, did you study any subjects in particular?

29 A. Journalism.

1 Q. I am sorry, can you repeat that?

2 A. Journalism.

3 Q. When you returned - first of all before I go any further,
4 what languages do you speak?

09:55:17 5 A. I speak and write English, Arabic and a little French.

6 Q. Okay. Now, when you returned to Liberia where did you
7 specifically return to?

8 A. I returned to Monrovia.

9 Q. And what did you do at that point?

09:55:39 10 A. I did a lot of odd jobs and I sold plastic bags in the
11 Waterside area, that's a market area. So generally I did odd
12 jobs to be able to survive and also - yeah, basically that's it.

13 Q. How long did you do these odd jobs for?

14 A. I did these odd jobs up until 1994/'95.

09:56:15 15 Q. Now, you said that you studied journalism. Did there come
16 a point where you were able to practice journalism?

17 A. Yes, sir. 1997.

18 Q. Prior to that had you been a journalist?

09:56:35 19 A. Prior to that I had been writing a number of articles and
20 distributing them to some publications in Monrovia where they
21 were published.

22 Q. So when did you actually start writing articles after you
23 returned from Nigeria?

09:56:57 24 A. Well, I started writing articles around late '94 up to '95,
25 six.

26 Q. And who were you writing for?

27 A. Well, at that time I was freelancing.

28 Q. And at that time in Liberia when you say freelancing who
29 was actually publishing these - if anyone, who was publishing

1 these articles you were writing?

2 A. Several newspapers were publishing them like The Daily
3 Times, like sometimes The Democrat, sometimes The National. A
4 number of other basic newspapers in Liberia were publishing these
09:57:29 5 articles.

6 Q. What were you - at this point when you returned from
7 Nigeria and you were freelancing, what were you writing about?

8 A. I was writing about three basic issues. One was the
9 disappointment of the Liberian people in the leaders of the
09:57:56 10 various warring factions as they had gone to numerous press - I
11 mean numerous peace conferences and refused to reach agreement.

12 That was one area I was focusing on. Another area I was focusing
13 on was the human rights situation in Liberia; abuses committed by
14 the warring factions. Another one I was also writing about was
09:58:27 15 the situation in Sierra Leone, a neighbouring country to the west
16 of Liberia.

17 Q. And at this time about how often - what was the frequency
18 of your writing when you were freelancing?

19 A. Not very frequent. I would say like sometimes - well, it
09:58:54 20 depended on the paper and the judgment of the editorial board of
21 those papers. So sometimes it would be published weekly,
22 sometimes two weeks, sometimes in three weeks.

23 Q. And how would you go ahead and make - how would you try to
24 have these published; what would you usually do?

09:59:15 25 A. I will write the article. I will speak to some of the
26 editors to see - either the editors or the reporters, I would
27 give them copies to review them and determine if they were
28 interested in publishing those articles.

29 Q. Now, you said at this point when you were freelancing you

1 also wrote about the situation in Sierra Leone. Do you know what
2 was - what was going on at that point in Sierra Leone?

3 A. There was a rebellion going on in Sierra Leone that was led
4 by the Revolutionary United Front led by a Corporal Foday Sankoh.

10:00:17 5 Q. How long did you continue freelancing for?

6 A. Up until 1997, July.

7 Q. And at that point what happened?

8 A. At that point, July 17 or 19, either 17th or 19th, I am not
9 exactly sure about the date, the ECOWAS - the joint ECOWAS-UN

10:00:49 10 sponsored elections. UN-ECOWAS specially sponsored elections
11 were held and Mr Charles Ghankay Taylor overwhelmingly won 75 per
12 cent of the popular vote cast.

13 Q. In this time period what happened to you personally? You
14 said this election occurred in July either 17th or 19th?

10:01:31 15 A. Right.

16 Q. At the time of the election where were you working?

17 A. I was in Monrovia, Liberia.

18 Q. Okay.

19 A. I was still doing articles covering a number of other
10:01:48 20 election issues.

21 Q. Did there come a point when you stopped freelancing?

22 A. Yes, sir.

23 Q. Describe what happened at that point.

24 A. This was in August 1997. Very early August 1997. I got a
10:02:07 25 job, I started working with The National - the name is The
26 National newspaper.

27 Q. And what was your position at The National newspaper?

28 A. Managing editor.

29 Q. Can you describe for the Court what the duties of a

1 managing editor are for a newspaper?

2 A. The duties of a managing editor for a newspaper vary from
3 newspaper to newspaper. There are basic general things. You
4 manage the activities of the paper in terms of editorial and
10:02:49 5 stuff like that. My job was to serve as a sort of gatekeeper for
6 new stories and other publications including opinions and letters
7 that were published in the paper and I was solely responsible to
8 write the opinion of the paper. I was solely responsible, with
9 the consent of the editorial board, to write the opinions of the
10:03:25 10 paper.

11 Q. So, just to be clear, when you say the opinion of the
12 paper, is that different than the actual news articles of the
13 paper?

14 A. Yes, sir. That's different from the actual news article.
10:03:39 15 And in addition to writing - the opinion is the editorial of the
16 paper. In addition to writing that, I also wrote front page
17 stories, news stories.

18 Q. So you were responsible for the editorial - when you say
19 the opinion do you mean the editorial page of the paper?

10:04:06 20 A. Yes, sir.

21 Q. The National at this time in Monrovia, can you estimate as
22 to the readership of this newspaper? Do you know about how many
23 people were reading it?

24 A. The readership - the estimation of the readership was not
10:04:29 25 scientifically proven to be at an exact number. However, we
26 published sometimes 1,000 copies, 1,500 copies. Sometimes 1,200
27 copies.

28 Q. And where were these copies distributed?

29 A. These copies would generally be distributed in the general

1 Monrovia area. That is Monrovia and its environs.

2 Q. How often did The National publish around this time?

3 A. Twice a week.

10:05:11

4 Q. Okay. How was The National - do you know how The National
5 raised revenue?

6 A. Like other newspapers in the city at the time, The National
7 raised revenues from sales and advertisement.

10:05:43

8 Q. Now I just would like you to - before I go into some more
9 specific areas to ask you about your time at The National - just
10 to canvass briefly where you worked at from this point. Well,
11 first of all let me ask did there come a time when you left
12 Liberia?

13 A. Yes. You mean for good?

14 Q. Yes, or at least --

10:06:00

15 A. Yes. I left Liberia, 7 December 2002.

16 Q. Okay. I would like you to canvass - describe where you
17 worked between the time you've just referred to, August '97 at
18 The National, to the time you left in December 2002? Other
19 organisations that you worked at.

10:06:29

20 A. I worked with The National newspaper as managing editor. I
21 worked with The Analyst newspaper as news editor and later on
22 editor-in-chief. I worked with --

23 Q. When was that, by the way, just The Analyst newspaper?

10:07:04

24 A. I started in early 2000 to my departure from Liberia. I
25 also worked with the European Union under the ambassador Brian
26 O'Neill as press officer. I also worked with the Press Union of
27 Liberia as editor of the official newsletter of the Press Union
28 of Liberia, which is an umbrella organisation of media
29 institutions in Liberia, as editor of Media Line. That's the

1 name. I also worked with International Alert and Press Union of
2 Liberia jointly run programme in Monrovia as project coordinator.
3 I also worked with the - when I left Liberia I worked with the
4 International Institute For Justice and Development, IIJD,
10:08:12 5 located in Roxbury.

6 Q. Before you - I just want to focus on the time you were in
7 Liberia, okay?

8 A. Right.

9 Q. Now you said during the course of the time you were in
10:08:36 10 Liberia you worked at another newspaper called The Analyst. Is
11 that correct?

12 A. Yes, sir, I did.

13 Q. I will ask you a few more details about these positions,
14 but just you worked as the EU press officer?

10:08:46 15 A. Yes, sir.

16 Q. You also worked as editor of the newsletter for the Press
17 Union --

18 A. Of Liberia.

19 Q. What else did you do during the course of your time in
10:08:57 20 Liberia?

21 A. In terms of work or in terms of the work description?

22 Q. In terms of places you worked, either people you worked for
23 or worked with?

24 A. I worked with - I worked for the Liberia Refugee
10:09:13 25 Repatriation and Resettlement Commission. I also worked with
26 Tearfund, which is also a UK based organisation. Then I worked
27 with Amnesty International.

28 Q. Now in terms of other media, you've mentioned The National
29 and The Analyst and you've mentioned something called Media Line.

1 In terms of any other media, did you work with any other media
2 organisations in Liberia?

3 A. Yes, I worked with, that is - well, I frequently appeared
4 on radio talk shows with - I may add that Radio Veritas is a
10:10:03 5 Catholic run media institution and I also was a frequent guest on
6 the DC and another radio station called Radio Monrovia. This is
7 actually a Ducor Radio. I appeared on that. I also appeared on
8 Radio Monrovia, that was run and operated by Mr Charles Sneder,
9 on their programmes and specifically on a programme called Press
10:10:38 10 Fire.

11 Q. Okay, I am going to slow down. I just have to go back
12 because you said some things and I don't think they were picked
13 up properly. You said that you were a guest on what was the
14 radio you said?

10:10:49 15 A. Radio Veritas.

16 Q. And the next radio you said was?

17 A. Ducor Radio, DC.

18 Q. DC?

19 A. Right.

10:10:57 20 Q. And that is Dukor, is it? Is that spelled D-U-K-O?

21 A. No, D-U-C-O-R.

22 Q. Oh, I am sorry.

23 A. It's actually a local - and I am not sure which Liberian
24 language that is - name for the city of Monrovia. Ducor.

10:11:14 25 Q. Okay. And then you also said that you were guest on a show
26 operated by Mr Charles and you called out a name?

27 A. Sneder. The radio station is called Radio - was called
28 Radio Monrovia. It was located round the street opposite the old
29 Executive Mansion.

1 Q. What was the name of the individual again? Say it slowly
2 and spell it.

3 A. Charles Sneder.

4 Q. Spell the last name, if you know?

10:11:49 5 A. I am not very sure about a spelling, but I think it should
6 be S-N-E-D-E-R. I am not 100 per cent sure.

7 JUDGE SEBUTINDE: Mr Santora, when the witness says he
8 worked with Amnesty International that presupposes that it was
9 not for Amnesty, so what does that mean?

10:12:05 10 MR SANTORA: I will clarify:

11 Q. You heard Justice Sebutinde's question. Can you explain?

12 A. Yes, sir. When I say I worked with, it means we
13 collaborated and we shared reports. We collaborated on issues.
14 I copied - I mean, did investigations on human rights abuses and
10:12:25 15 the excesses of the security forces in Liberia and their
16 involvement in the war in Sierra Leone. Once I deemed at some
17 point that the publication would get me and my colleagues at the
18 newspaper in trouble, what I did is I e-mailed them to Amnesty
19 International and specifically to their researchers on Africa.
10:12:53 20 The first person was called Marcella Favretto and the second
21 researcher who replaced Marcella is called Tania Bernath,
22 B-E-R-N-A-T-H.

23 Q. You said you gathered information and you e-mailed this to
24 and you said Marcella Favretto. Is that who you said?

10:13:18 25 A. Yes, sir, Marcella Favretto. She was the research officer
26 on Liberia at the time - researcher on Liberia - and when she
27 left she was replaced with Tania Bernath.

28 Q. So when you say working with as opposed to working for,
29 just in simple terms what do you mean exactly? Do you mean what

1 you just described?

2 A. Right, exactly, that is what I meant. I don't mean - like
3 I wasn't hired and paid, no. I just thought that it was
4 necessary if we couldn't give voice to victims in the conflict
10:13:59 5 zones in Liberia and Sierra Leone because of the prevailing
6 security situation, you know, I thought that such information
7 should get out anyway and so the best way to do that was to have
8 it sent to Amnesty International who at times also sent
9 verification teams on the ground in Liberia to verify some of
10:14:25 10 these reports before they published them.

11 Q. I will - I am going to ask you some details about some of
12 these positions you mentioned but, since we are talking about
13 Amnesty now at this point, first of all how did you have the
14 contact information of Mrs Favretto when you e-mailed them?

10:14:45 15 A. This was back I think it was some time in 2000 and Amnesty
16 International visited Liberia. The researcher, Marcella
17 Favretto, she was looking for - I actually don't know how she
18 made her determination, but she contacted me to - you know,
19 regarding some of the publications in previous articles that I
10:15:19 20 had written and she wanted to know first of all if these things
21 were true and if they were real victims. I told her yes, and so
22 she wanted to see and speak for herself with these victims.
23 Though the victims had requested anonymity, I thought it was
24 necessary - I thought I could trust her and I spoke with the
10:15:49 25 victims and the victims told me - some of them told me that they
26 could trust her and then based on that I took her to where the
27 victims were. The victims were in different parts of Monrovia,
28 Bushrod Island, Sinkor area, Congo Town, PHP, different locations
29 in Monrovia, so she personally spoke with them and she was able

1 to do her verification. Then from that point on we had a sort of
2 understanding. I am not sure I would like to really go into all
3 of the details.

10:16:41

4 Q. That is fine. I just want to know when did this working
5 with Amnesty - if you can just put an approximate time frame on
6 when?

7 A. 2000.

8 Q. Until when?

10:16:54

9 A. Until 7 December 2002 when I left Liberia. It continued
10 thereafter up to this point, because I worked in the United
11 States with Grass Roots Campaign working with Amnesty
12 International to tackle three basic issues in the United States:
13 (1) to shut down Guantanamo Bay Prison; (2) to hold US officials
14 accountable for - you know, to end impunity by US officials; and
15 (3) to end torture under the guise of the war on terror. That is
16 currently what I work on in the United States.

10:17:22

17 Q. Okay, I will ask you more about what you are doing now.
18 Let me just go back to the time.

10:17:38

19 JUDGE SEBUTINDE: Mr Santora, there are a lot of spellings
20 that we need in the past including the name of the lady from
21 Amnesty International.

22 MR SANTORA: I apologise:

23 Q. Marcella Favretto is --

24 A. I think it is --

10:17:49

25 Q. Yes, if you can spell it, go ahead.

26 A. Marcella is M-A-R-C-E-L-L-A, Favretto is F-A-V-R-E-T-T-O
27 and Tania Bernath is T-A-N-I-A B-E-R-N-A-T-H.

28 Q. I think you also mentioned a few areas of where victims
29 were. I think you said Bushrod Island?

1 A. Bushrod Island.

2 Q. What was the next area you said, do you remember?

3 A. Sinkor area. Sinkor is S-I-N-K-O-R. PHP, well that is
4 somewhere in central Monrovia. It is actually Lynch Street, the
10:18:48 5 end of Lynch Street, towards the beach - the sea - adjacent to
6 the Barclay Training Centre, a military barracks in Monrovia.
7 Then, of course, we did go to Bong County.

8 Q. Okay, I just wanted to make sure. I believe that covers
9 the locations, unless I am mistaken?

10:19:09 10 JUDGE SEBUTINDE: But the spellings. It's not the
11 locations. It's the spellings of the locations.

12 THE WITNESS: Right, I could spell that. Which specific
13 location?

14 MR SANTORA:

10:19:19 15 Q. The spelling of Bushrod Island?

16 A. B-U-S-H-R-O-D, Bushrod Island.

17 Q. Okay. I think the other spelling that came up, which I
18 thought was spelt on the record but perhaps it is not and so we
19 can spell it again, is Sinkor?

10:19:34 20 A. S-I-N-K-O-R.

21 JUDGE SEBUTINDE: And Lynch Street?

22 THE WITNESS: L-Y-N-C-H.

23 MR SANTORA: We have the names, both names were spelt, and
24 so I hope that covers it. I will look at the record again to
10:19:57 25 make sure when we go back:

26 Q. Now, Mr Witness, taking you back again now to the time you
27 were in Liberia, you said you started working at The National
28 newspaper in approximately August of 1997. Is that correct?

29 A. Yes, sir.

1 Q. How long did you remain there for?

2 A. I remained there up until 1998 when it was shut down.

3 Q. Approximately, do you know when in 1998? Approximately
4 when?

10:20:30 5 A. I would say the first half of 1998. I can't put a specific
6 date on it, but the first half of 1998.

7 Q. Now, you also said you worked at a newspaper called The
8 Analyst?

9 A. Yes, sir.

10:20:43 10 Q. You may have said it, but when did you start working there?

11 A. Early 2000.

12 Q. And that was until you left Liberia?

13 A. Yes, sir.

14 Q. Now, at The Analyst - I just want to ask you a little about
10:20:56 15 The Analyst newspaper. What was the reader - well, let me just
16 ask you how many issues were published when The Analyst was
17 published typically?

18 A. We didn't have a specific number. It's not like your, you
19 know, average Western media. We published based on the capacity
10:21:17 20 of the paper to - the financial position of the paper to pay for
21 publishing costs, so we will publish anywhere between 800 copies
22 to 1500 and 2000 copies.

23 Q. How often - what was the publication frequency of The
24 Analyst?

10:21:41 25 A. The publication frequency was news dependent, meaning it
26 depended on how much we thought a particular news story was worth
27 telling. So there were weeks that we published The Analyst twice
28 a week - certainly no more than twice, but there were weeks
29 there, you know, depending on ourselves and our inability to pay

1 for publishing costs that we published once a week.

2 Q. What was - where was this paper distributed?

3 A. Monrovia and its environs.

4 Q. When you say "its environs", what do you mean?

10:22:27 5 A. Duala, Paynesville, Monrovia and its generally outlying
6 areas. There were times that other - some vendors would take
7 copies of The Analyst to Kakata, which is in Margibi County, or
8 to Harbel which is also in Margibi County, or to Tubmanburg which
9 is in Bomi County, or sometimes to Robertsport which is in Grand
10:23:07 10 Cape Mount County. We didn't have direct control over those, but
11 vendors would determine where they would make better sales and
12 they would go there.

13 Q. Now, going back then in terms of The National. I know I
14 asked you, but where was that distributed? When you say - when
10:23:32 15 you were there, where was that distributed, that paper?

16 A. The National was distributed in generally the same areas.
17 We did not have direct control on where the vendors, who would
18 take the papers, sell them, bring back sales money, where they
19 would want to go and sell. Of course there were times that we
10:23:58 20 tried to have the paper sold in other neighbouring countries,
21 like Sierra Leone, like Cote d'Ivoire, like Guinea, but those
22 weren't very successful and so we pulled the plug on that
23 programme.

24 Q. And just before I go on, to make sure I don't lose track of
10:24:23 25 spellings of locations you said Duala and then I believe you said
26 Paynesville. Is that correct?

27 A. That is correct. Duala is spelled as D-U-A-L-A.

28 Q. Paynesville is on the record and so I think that is okay.

29 A. P-A-Y-N-E-S-V-I-L-L-E.

1 Q. And you said to Kakata and you named a county?

2 A. Margibi. Kakata is K-A-K-A-T-A and Margibi is
3 M-A-R-G-I-B-I.

4 Q. And Harbel?

10:24:59 5 A. Harbel is H-A-R-B-E-L.

6 Q. What county is that in?

7 A. It is in Margibi County as well.

8 Q. Now, just to finalise on the newspapers, the National
9 newspaper, about how many people were working for them?

10:25:20 10 A. We had at least 13 people working with The National
11 newspaper.

12 Q. How many reporters?

13 A. We had about nine reporters.

14 Q. The Analyst, what was the size of that in terms of
10:25:42 15 employment?

16 A. The size of The Analyst actually differed from year to
17 year. Early on it was like a staff of about six and later on the
18 staff increased. By 2001, late 2001 to early 2002, the staff
19 increased to about - let me make sure that I've got this
10:26:06 20 correctly. To at least eight.

21 Q. Now, you've mentioned several other organisations and some
22 of your activities related to those organisations. I am just
23 going to ask you a few more questions on that. You referred to
24 something called Media Line. First of all, what is Media Line?

10:26:33 25 A. Media Line is the official newsletter of the Press Union of
26 Liberia, which is an umbrella organisation of all media
27 institutions in Liberia.

28 Q. About how many people were at Media Line?

29 A. Well, not many. It was I, and it was the typesetter.

1 About four staff about. But there were other members of the PUL
2 who submitted articles to Media Line as well.

3 Q. Let me perhaps put the question in a different way. You
4 said it was an umbrella organisation of all media institutions in
10:27:23 5 Liberia. About how many media institutions in Liberia?

6 A. I mean the Press Union of Liberia is an umbrella
7 organisation of all media institution of Liberia. That included
8 then The Analyst newspaper. I can't put a number. I will have
9 to like name them. The Analyst newspaper, The Concord Times
10:27:44 10 including all the electronic media institutions like Veritas,
11 Radio Monrovia, Veritas, Star and The Inquirer newspaper, The
12 News newspaper.

13 Q. You can't put a number on it but it incorporated all print
14 and broadcast journalists - media organisations, is that correct?

10:28:07 15 A. Right.

16 Q. And how often would this newsletter be published that you
17 referred to?

18 A. Sometimes we will publish them like every two weeks.

19 Q. And what was the topic of those publications? Was there
10:28:21 20 one particular topic or did they vary?

21 A. They varied.

22 Q. Was there some subject matter that was focused on or was
23 it --

24 A. Yes, subject matters - there were subject matters that we
10:28:36 25 focused on absolutely. We focused on, for example, ethics in
26 journalism. We would focus on what was happening at the various
27 media institutions. We would focus on the relationship between
28 the Press Union of Liberia and the National Patriotic Party led
29 government. We focused on a variety of issues.

1 Q. You mentioned something called Radio Veritas. What is
2 that?

3 A. Radio Veritas is a Catholic - the Catholic church owned and
4 operated radio station in Mamba Point area in Monrovia run by the
10:29:23 5 Catholic church, the Catholic Archdiocese of Liberia.

6 Q. What was your position with relation to Radio Veritas
7 during the time you were in Liberia?

8 A. I didn't work for. I worked with, cooperate. I mean
9 appeared on various shows. I was during that time regularly a
10:29:43 10 guest on their programmes and specifically on one programme
11 called Topical Issues which was hosted by a John Stewart.

12 Q. Okay. What would be discussed on this programme?

13 A. What would be discussed also ranged from the situation in
14 the media to the war in Liberia, then in Lofa County and in
10:30:20 15 Sierra Leone.

16 Q. You also mentioned an organisation called International
17 Alert?

18 A. Yes, sir.

19 Q. What is International Alert?

10:30:32 20 A. International Alert is a United Kingdom based organisation
21 that worked with the Press Union of Liberia to promote
22 reconciliation by using the traditional local Liberian and modern
23 ways of communication. By that I mean we used the local forms of
24 communicating with people. You know, taking the microphones, the
10:31:03 25 bullhorns, and sending out town criers moving from place to place
26 talking to people promoting reconciliation. And we would also do
27 the western style which will be like, you know, holding
28 workshops, writing periodicals and stuff like that. So the goal
29 was to promote reconciliation in Liberia.

1 Q. And what was your position in vis-a-vis - in terms of
2 International Alert what was your position?

3 A. I worked - this was a joint project so in effect I was
4 seconded by the Press Union as their representative to that
10:31:38 5 programme as the coordinator.

6 Q. When was that, approximately?

7 A. That was 2000. Late 2000 through to 2001.

8 Q. Okay. I will take you back in time to when you first
9 started. You referred to the election of Mr Taylor in July of
10:32:03 10 1997. At that time, when Mr Taylor was elected, can you name
11 some of the newspapers that were publishing in Monrovia?

12 A. Yes, sir, I can.

13 Q. Go ahead and name some of them.

14 A. The New Democrat was being published, The National
10:32:27 15 newspaper, The Inquirer newspaper, The News newspaper, the Daily
16 Times newspaper and a number of other smaller newspapers.

17 Q. After Mr Taylor became President, and after you started
18 working at The National, did you have any personal interactions
19 with him?

10:32:53 20 A. Yes, sir.

21 Q. What was that first - well, describe what you mean?

22 A. Personal interaction, I mean a press conference was called
23 at President Charles Taylor's residence. Then he lived at the
24 Nigeria House where the old German embassy was. At his residence
10:33:23 25 a press conference was called and I attended the press
26 conference.

27 Q. Before you start describing this, when was this press
28 conference approximately?

29 A. This was after his election - his inauguration. I think he

1 was inaugurated 4 August. I am not sure about the date, but it
2 was in August. This was in August.

3 Q. Describe what happened at this press conference.

10:33:52

4 A. Well, at this press conference President Charles Taylor
5 came and met journalists and talked about many issues which
6 included rebuilding Liberia and at some point he mentioned that
7 he needed the cooperation of journalists. He said that he didn't
8 want journalists to report on anything that would undermine the
9 NPP led government. He did not want to see reporting that would
10 tarnish, quote on quote, his reputation.

10:34:28

11 And after he spoke and I asked, "Mr President, don't you
12 think that is tantamount to censorship?" When I said that,
13 President Taylor became furious, in my judgment, he began wagging
14 his fingers and he said that, I mean, nobody could challenge what
15 he was saying. And, I mean, he was very specific about the fact
16 that he thought there were journalists who would report on stuffs
17 that have gone in the past and the events and let bygones be
18 bygones. And if anybody reported on something that wasn't
19 promotive of his government that person would be undermining the
20 government. When I asked the question he responded by saying
21 that, well, we can't challenge that authority. We can't
22 challenge that unless we wanted to undermine his government.

10:35:11

10:35:42

23 And, in my estimation, all the journalists there were surprised
24 and even became fearful of his initial comments after he was
25 sworn in office as President of the Republic of Liberia.

10:36:04

26 Q. What was your impression after you heard this response from
27 Mr Taylor?

28 A. I was scared. Honest. I was scared.

29 Q. Why?

1 A. Well, I don't know, but I was scared because I couldn't
2 really draw a line between if he was telling me a proverb, if he
3 was saying - if that was a proverb or he really meant that and I
4 had followed track of President Charles Taylor's warnings when he
10:36:47 5 led the National Patriotic Front as NPFL, when he led it, and I
6 know that generally he would follow on his threats. So that, in
7 my opinion, was a reminder that, well, he has got to be serious.
8 But I was trying to - I had a hard time trying to figure out how
9 he was going to do that now he was already President. I mean, I
10:37:17 10 didn't - I just didn't think that, you know, it was the right way
11 to start off with journalists. So I was actually scared and I
12 was bewildered, overwhelmed.

13 Q. About how many journalists were at this press conference if
14 you can recall?

10:37:36 15 A. I cannot recall the number but there were many journalists.
16 Basically there were representatives, either at reporters level
17 or at editorial level, of the majority of the media houses in
18 Liberia.

19 Q. And just to be clear, where was this press conference held?

10:37:57 20 A. This was held at his first residence in Congo Town. That's
21 the location right after the Nigerian embassy, called Nigeria
22 House, and I think it was around the old German embassy.

23 Q. After this press conference, what happened?

24 A. I don't understand that, sir.

10:38:25 25 Q. Let me rephrase that question. After this press conference
26 did you return to work at The National?

27 A. Yes, sir, I did. I did return to work as usual.

28 Q. And did anything significant happen to you then during the
29 yours of your employment at The National?

1 A. Yes, sir. Several.

2 Q. Can you start sequentially. What was the first thing that
3 happened?

10:39:05

4 A. We had a publication, I wrote an editorial, an opinion of
5 the paper, that was entitled "Who is the Judas in ECOWAS?" Judas
6 making reference to the Biblical Judas. That article focused,
7 amongst other things, on what we saw and believed to be the
8 involvement of President Charles Taylor and his government in the
9 war in Sierra Leone at several levels. One level was sponsorship
10 of the RUF. Another level was --

10:39:39

11 Q. Well, before I ask you about the contents of this, this you
12 said was an editorial?

13 A. Yes, sir.

14 Q. And where was this published?

10:39:54

15 A. This was published at The National in Monrovia, Liberia.

16 Q. Do you know approximately when it was first published?

17 A. It was first published in August.

18 Q. Of '97?

19 A. 1997.

10:40:11

20 Q. Was that the only time it was published?

21 A. No, it was published several times as was generally
22 customary in Liberia for newspapers and/or editors to run the
23 same editorial several times.

24 Q. And after the first time it was published did anything
25 happen to you?

10:40:32

26 A. Yes. Well, the first time it was published, the first
27 appearance of the editorial, nothing happened.

28 Q. Okay. Then what happened after that?

29 A. After that it was re-run by what we used to refer in

1 Liberia as popular demand. Readers would call us and say, "You
2 know what, I heard about a particular editorial in the paper but
3 the paper I know was sold out so I didn't get a copy. It will be
4 better if you re-run that". You know, popular demand. So once
10:41:12 5 we republished it --

6 Q. First of all, do you know how people heard about it?

7 A. Generally, yes.

8 Q. No, this particular instance.

9 A. In this particular instance, yes. The editorial was read
10:41:30 10 on British Broadcasting Corporation, that's the BBC, on a
11 programme called Press Review where editorials and specific
12 commentaries from those papers in Africa were read then and I
13 think that drew the attention of the government and all hell
14 broke loose.

10:41:55 15 Q. Okay, well, if we can take it in sequence.

16 A. Okay.

17 Q. You said it was published first and then you said that it
18 was referred to on a BBC programme called Press Review. Is that
19 correct?

10:42:09 20 A. That's correct.

21 Q. And then was it published again?

22 A. It was published again.

23 Q. Okay. What happened after the second time it was
24 published?

10:42:17 25 A. It was published. After that security forces led by Saah
26 Gbolie, who was a deputy at the Liberia national police at the
27 time under Joseph B Tate, stormed our offices.

28 Q. Let me just stop you just to get the names straight. You
29 said Saah Gbolie?

1 A. Saah Gbolie. It's an African name so it's variously spelt.
2 In some cases is spelt like S-A-A-H, in some cases it's spelt
3 S-A-A. Gbolie is G-B-O-L-I-E.

4 Q. And you also referred to Joseph Tate.

10:43:06 5 A. Yes, Joseph Tate. T-A-T-E.

6 Q. Okay. Now go ahead. First of all, where was The National
7 office located in Monrovia?

8 A. The offices of The National newspaper were located above
9 the Sabanoh Printing Press, Johnson and Broad Streets, right
10:43:27 10 after the old Eurobank.

11 Q. That was above the Sabanoh, you said, right?

12 A. Right. Sabanoh Printing Press was the only --

13 Q. Just go ahead for the record and spell Sabanoh.

14 A. I think it's S-A-B-A - I am not sure if it is N-O or N-A-H.

10:43:49 15 Q. So, describe what happened after the publication. Just
16 take it in order. You said security forces came?

17 A. After the publication security forces led by an assistant
18 director of police, Mr Saah Gbolie, stormed our offices with
19 rocket propelled grenade in the hands of one of his bodyguards
10:44:26 20 who entered the office and said they were looking for me. One of
21 the reporters said, "Well, that's his office". They pushed the
22 door opened - they pushed the door opened and attacked me and
23 beat me until I bled from my ears.

24 Q. The office that you were in, just describe how big is the
10:44:59 25 office?

26 A. I'm not good at numbers so I will say from here to the back
27 wall over there squared.

28 Q. You are referring to the wall that you're sitting next to?

29 A. Yes, this wall to that back wall squared.

1 MR SANTORA: I think over the - we were going to have
2 actually dimensions of the Court so I am not going to try and
3 estimate and get it wrong again. I think we actually have
4 distances now on the court.

10:45:31 5 PRESIDING JUDGE: Do we have some actual measurements,
6 Madam Court Officer?

7 MS IRURA: Your Honour, we do not yet have actual
8 measurements of the courtroom, but we should get those in soon.

9 PRESIDING JUDGE: Perhaps during one of the breaks today
10:45:50 10 that can be done.

11 MS IRURA: Much obliged, your Honour.

12 THE WITNESS: About that distance squared was the size of
13 my office.

14 MR SANTORA: Just for the record, referring to the width of
10:46:01 15 the courtroom squared as the size of the office.

16 PRESIDING JUDGE: Yes, that's the glass wall at the back of
17 the witness to the wall at the back of the judges.

18 MR SANTORA:

19 Q. Now, before I ask you further about what happened to you,
10:46:11 20 Mr Witness, you said this was published on several occasions.

21 You called it "Who is the Judas in ECOWAS?"

22 A. Right.

23 MR SANTORA: I ask that the witness be shown what is behind
24 tab 6. I request the witness be shown what is behind tab 6:

10:47:01 25 Q. Just take a moment to look at that.

26 A. Yes, sir, that's it.

27 Q. Do you recognise this?

28 A. Why?

29 Q. No, do you recognise this?

1 A. Yes, sir, I do.

2 Q. What is it?

3 A. It is the article in question, "Who is the Judas in
4 ECOWAS."

10:47:15 5 MR SANTORA: That's all. I ask that this be marked for
6 identification.

7 MR GRIFFITHS: For my part, Madam President, I have
8 difficulty reading the script on this document which is rather
9 small. It might be of assistance to everyone if the witness, who
10:47:28 10 is the author of the document, could read it out to us so that we
11 know what the content of the editorial is.

12 PRESIDING JUDGE: I notice it seems to have been
13 photocopied at a bit of an angle but I'm able to read it.
14 Perhaps I can show you my version to ensure you have the same
10:47:49 15 version, Mr Griffiths.

16 MR GRIFFITHS: That might be helpful.

17 THE WITNESS: I need to use the bathroom, please.

18 PRESIDING JUDGE: Yes, the witness may be escorted out.

19 Let him leave. Please go, Mr Witness.

10:54:09 20 Mr Griffiths, have you been able to get a better copy and
21 to be able to read it?

22 MR GRIFFITHS: I had an opportunity to read the Court copy
23 which is very much clearer than the copies available to anybody
24 else in the Courtroom I think.

10:54:24 25 PRESIDING JUDGE: Mr Santora, would there be a clearer copy
26 for the Defence counsel?

27 MR SANTORA: The copy that we distributed and the one that
28 I have and unless - it's fairly legible. And I am not just
29 saying that as - we are going to go ahead and give another just

1 to make sure, but the one I'm looking at right in front of me,
2 which is the packet distributed, it's fairly legible.

3 MR GRIFFITHS: Can I make it plain I am not being critical.
4 It may well be my own eyesight. I am not being critical at all.

10:54:50 5 PRESIDING JUDGE: Well, I have been able to read it so I am
6 prepared to mark it for identification, but it is important that
7 you equally are able to read it, Mr Griffiths.

8 MR SANTORA: If counsel would like they can see the exact
9 one I am looking at.

10:55:04 10 PRESIDING JUDGE: In the meantime I will mark this for
11 identification. Is the document beside the witness the original,
12 an original?

13 MR SANTORA: It is not, Madam President. It is not an
14 original.

10:55:24 15 THE WITNESS: I could read it, your Honour.

16 PRESIDING JUDGE: I beg your pardon, Mr Witness? I didn't
17 hear you.

18 THE WITNESS: I could read it.

19 PRESIDING JUDGE: Don't worry. We have been able to read
10:55:32 20 it. Thank you. That's a copy of an editorial in a newspaper. I
21 note the date on the copy I have before me is Tuesday, 14 October
22 1997 and it's headed The National and it is MFI-1.

23 MR GRIFFITHS: Madam President, there is a world of
24 difference between the two copies. This is the one I have just
10:55:55 25 been given. This is the one that we were struggling with. There
26 is a world of difference between the two.

27 PRESIDING JUDGE: Well, as long as you have a good copy
28 now, Mr Griffiths.

29 MR GRIFFITHS: Well, I am wondering whether I am depriving

1 my learned friend of his own copy.

2 MR SANTORA: My eyesight is - I can read the bad copy.

3 MR GRIFFITHS: Thanks.

4 PRESIDING JUDGE: Please proceed, Mr Santora.

10:56:16 5 MR SANTORA: Excuse me. I believe I did request the
6 marking of that:

7 Q. I just have one more question about that document.

8 Mr Witness, do you see at the top where it says The National?

9 A. Yes, sir.

10:56:25 10 Q. In journalistic lingo, what does that refer to?

11 A. Masthead.

12 Q. I just want to make sure that was picked up. Can you say
13 that slowly?

14 A. Masthead of The National newspaper.

10:56:41 15 Q. And what is the masthead of a paper?

16 A. It's basically the logo, it's the symbol, you know, that
17 people recognise when they see the paper. For example, you have
18 a Nike, you have that little sign. So in journalism it's a
19 recognisable symbol of the newspaper.

10:57:05 20 Q. During the course of your time at The National, did the
21 masthead remain the same?

22 A. Yes, sir, it did remain exactly this.

23 MR SANTORA: I would request - the document can be taken
24 away from the witness at this point. It has been marked, I
10:57:32 25 believe, is that correct?

26 PRESIDING JUDGE: I did mark it as MFI-1 and I read the
27 date and name into the record.

28 MR SANTORA: Thank you, Madam President:

29 Q. Mr Witness, I want to take you back to what happened after

- 1 this article was published which you said was the second time it
2 was published after it was commented on in the BBC. And I
3 correct myself, I should ask you about when this editorial was
4 published, "Who was the Judas in ECOWAS?" You said that Saah
10:58:09 5 Gbolie and some others came to the offices of The National.
6 A. Yes, sir, correct.
7 Q. And beat you, is that correct?
8 A. That's correct, sir.
9 Q. What happened after this?
10:58:30 10 A. I was arrested and taken to the headquarters of the
11 National Patriotic Party.
12 Q. Where is the headquarters of the National Patriotic Party
13 located at this point?
14 A. It's located - at this point it is located in Sinkor,
10:58:52 15 Monrovia. That's after the GSA, that's the General Services
16 Agency, OGSA, office and slightly after a Vamoma building, on the
17 right to Congo Town and shortly before Fish Market.
18 Q. You just called out - some of these names are familiar to
19 the Court, others are not. You referred to a building called the
10:59:22 20 Vamoma building. What did you say?
21 A. V-A-M-O-M-A, Vamoma building. That is the building that is
22 at the junction, the T-junction on Tubman Boulevard going towards
23 James Spriggs-Payne Airfield in Monrovia. So the building is at
24 the T-junction in a corner. Slightly after the building on the
10:59:49 25 main Tubman Boulevard on the right, a big fence, a big compound
26 extending all the way down with a dirt road by it, was the
27 headquarters at this time of the National Patriotic Party which
28 President Charles Taylor headed.
29 Q. So what happened when you arrived at the headquarters of

1 the NPP?

2 A. I met with the late director of police, Mr Joseph B Tate,
3 and I am taken to President Charles Taylor, then President
4 Charles Taylor.

11:00:44 5 Q. And where was he? Where was President Taylor?

6 A. President Taylor was in the building there, at the office,
7 at the headquarters.

8 Q. What happened after you were taken to President Taylor?

9 A. Well, President Taylor came forward and spoke with me and
11:01:06 10 warned me to desist from writing what he thought were
11 publications or articles designed to undermine his government and
12 expose it to ridicule. And he also said that he was averse to me
13 against continuing to publish stories, you know, of that nature
14 and he said whatever was, you know, going on between him and the

11:01:54 15 - between Mr Taylor and the Revolutionary United Front was
16 nobody's business. He also did mention that he didn't pick on
17 anybody, it was the government with the government then in Sierra
18 Leone, then headed by President Ahmad Tejan Kabbah, collaborating
19 with ECOMOG that attacked him, that picked on him. So he didn't
11:02:36 20 think that anybody could twist the hands of the RUF and in his
21 opinion the RUF was fighting - that's the Revolutionary United
22 Front was fighting a just war. I mean, the conversation lasted a
23 long time and he said a wide range - he talked about a wide range
24 of issues and then warned that I was too young, too young a man,
11:03:13 25 you know, to lose my life pursuing such a course.

26 Q. Who else was present when you had this conversation with
27 Mr Taylor?

28 A. The director of police, Joseph B Tate, now late.

29 Q. Was anybody else present?

- 1 A. There were a few other people there, but at the entrance
2 going - when I was being brought into the compound one of
3 President Taylor's Special Security Service, SSS bodyguards,
4 called Varmuyan Sheriff - I mean basically he was someone that I
11:04:12 5 recognised was there.
- 6 Q. After this conversation with Mr Taylor, what happened?
- 7 A. What do you mean what happened?
- 8 Q. After you said that Mr Taylor - you said he said certain
9 things to you. Is that correct?
- 11:04:34 10 A. Right. That's correct.
- 11 Q. Then what happened to you after that?
- 12 A. I was detained and then released.
- 13 Q. How long were you detained for?
- 14 A. I was - I am not sure what Mr Taylor and the police
11:04:51 15 director, Joseph Tate, discussed regarding how long I will be
16 detained, but I was taken back to the police headquarters where I
17 was detained for a while. Up to the end of the day I was
18 detained there and released.
- 19 Q. So you were detained for a period of approximately one day,
11:05:17 20 is that fair to say?
- 21 A. Right. From the morning. That's right.
- 22 Q. Now, after that, did there come a time when you were
23 arrested again?
- 24 A. Yes, sir.
- 11:05:30 25 Q. And approximately when was that?
- 26 A. That was also in - it wasn't long after this first
27 publication. This was also in August/September, thereabouts, and
28 that was about a story, a news story, that I personally read and
29 it was the front page story of The Analyst newspaper. It was

1 titled, "In Sierra Leone, who is government supporting?"

2 MR GRIFFITHS: I hesitate to interrupt, but I am somewhat
3 confused. The item marked for identification is dated October
4 '97 and we are told that arrest number one follows the

11:06:37 5 republication of the article on that date. We are now being told
6 about a second arrest which appears to come in August. So it
7 would be helpful to know what the true sequence of events is.

8 The Judas arrest, was that the first or was it the second based
9 on what we have already been told?

11:06:59 10 PRESIDING JUDGE: I note there isn't a year for the
11 August/September, Mr Santora, so I am not clear if it's the first
12 year.

13 MR SANTORA: I will clarify that and also, just to perhaps
14 take some of the worry from my learned friend, I am going to -
15 after the second article some of these issues will be clarified.

11:07:15 16 It was established though - the witness did say that the
17 publications dates themselves were more than once at different
18 times. So this is why I think it will make sense after this
19 particular incident is described.

11:07:32 20 PRESIDING JUDGE: I will allow counsel for the Prosecution
21 to put those questions, Mr Griffiths, and if it isn't clarified
22 you can renew your application and we will clarify it.

23 JUDGE SEBUTINDE: Mr Santora, when the witness said this
24 was also in August/September, could we have a year?

11:07:49 25 MR SANTORA: Yes, that was the exact - I am going to
26 clarify that:

27 Q. Mr Witness, let's talk about - just to be clear on time
28 frame, you said - when was your second arrest, approximately?

29 A. My second arrest was after the first, obviously. It was

1 some time - I am not specifically sure about the date. Some time
2 in September, late August, September, October. It was some time
3 within that time frame.

4 Q. Of what year?

11:08:19 5 A. Of 1997, the same year.

6 Q. About how long - how much time passed between your first
7 arrest and second arrest. If you can approximate, how much time
8 passed between the two?

9 A. I am not sure. I am not sure in terms of times, in date.

11:08:36 10 Q. Would you say it's a matter of days or weeks or months?

11 Can you put it in that term?

12 A. Yeah, I can put it in the context of months.

13 Q. Okay. Now, you said that the name of the article the
14 second time, the second article you have referred to, is called

11:08:57 15 "In Sierra Leone, who is the government supporting?"

16 A. Correct.

17 Q. Was this a news article or was this an editorial?

18 A. This was a news article.

19 Q. And approximately can you recall when this was first
20 published?

11:09:10

21 A. Approximately.

22 Q. Just to the best of your ability, if you can.

23 A. I can't. Honest.

24 Q. That's fine. What were the contents of this article?

11:09:26

25 A. This article was talking about, this article discusses the
26 papers, our investigation - conclusion of our investigations that
27 the Liberian government was involved in propping up the RUF, the
28 government of Liberia - ECOWAS had called a meeting, the
29 Committee of Five, which encompassed at that time Cote d'Ivoire,

1 then represented by its foreign minister Amara Essy, I think
2 Ghana and several - I mean five countries and the Liberian
3 government, a meeting was being held in Abuja, refused to send a
4 representative. Not only did the government refuse to send a
11:10:21 5 representative, the government refused to send its ambassador in
6 Nigeria which would be representing - I mean the foreign ministry
7 because it was at foreign ministerial level to the meeting. So
8 based on that and other comments that were made by the Liberian
9 government, including saying that it did not, that it thought
11:10:44 10 that the RUF was not being treated fairly in the article, led us
11 to believe in our present investigations, as well with some
12 government officials, led us to - you know, to come out to say
13 that, you know, to ask questions and leave it with the public,
14 you know, to talk about, you know, the government's reluctance to
11:11:06 15 resolve the Sierra Leonean crisis.

16 MR SANTORA: I ask that the witness be shown what is behind
17 tab 7 at this point.

18 PRESIDING JUDGE: Just before we go to that point,
19 Mr Santora, it has been noted that MFI-1 is dated October 14.
11:11:23 20 The witness has made it clear now that these two arrests were in
21 the same year; one was August, and that was, or September, and
22 that was the second arrest. The first arrest arose out of the
23 article headed "Who is the Judas in ECOWAS?" Now, there is that
24 confusion as to the time date, and whether it was a different
11:11:45 25 one.

26 MR SANTORA: I will clarify it. Just to point, Madam
27 President, to assist, I did establish - the witness did say that
28 articles were published more than once.

29 PRESIDING JUDGE: I am very clear on that point, Mr

1 Santora, hence - but I don't wish to reach conclusions. I need
2 facts.

3 MR SANTORA: That's why - I will clarify - I will clarify
4 that point, Madam President.

11:12:16 5 Q. I may have asked you this already, Mr Witness, but the
6 first arrest, can you recall approximately the month in 1997?

7 A. August.

8 Q. Okay. And the second arrest, approximately? I know you've
9 given us - actually, you already answered that you can't recall

11:12:32 10 exactly when. I know you have given a three month range but you
11 said it was months after the first arrest, is that correct?

12 A. That's correct.

13 Q. Okay. Now, can you take a look at the document in front of
14 you? Do you recognise that document?

11:13:01 15 A. Yes, sir.

16 Q. What is that?

17 A. It's a front page story of The National newspaper.

18 Q. And you see on the top of that, what is the date of that?

19 A. 14 October, Tuesday, 1997.

11:13:28 20 Q. Now, earlier you talked about an article, or an editorial
21 called "Who is the Judas of ECOWAS?" whose publication date was
22 also 14 October 1997, but you said that "Who is the Judas of
23 ECOWAS?" came out prior to this article. Can you explain that?

11:13:55 24 A. Yes, sir. The Judas of - who the Judas in ECOWAS appeared
25 earlier, and what happened was, it was not uncommon for us to
26 write a news story and then look for a previous editorial to go
27 with it because the way our editorial staff worked was that we
28 thought generally our editorial, in some respect, would reflect
29 what was the main news story, front page story. So "Who is the

1 Judas in ECOWAS?" was therefore, because if you generally look at
2 this news story and the editorial basically they have one
3 underlying factor; the support of the Liberian government for the
4 Revolutionary United Front. So that was not uncommon.

11:14:40 5 Q. What was not uncommon? What actually happened then on this
6 - when this was published?

7 A. The repetition of an editorial, of an editorial, a
8 newspaper, ranging from two, three, four, five times was really
9 not uncommon for us at The National.

11:14:58 10 Q. So in this particular instance when this article "Whom is
11 the government supporting?" was the repetition of the previous
12 editorial?

13 A. Exactly. It was a repetition of "Who is the Judas in
14 ECOWAS?" so --

11:15:15 15 MR SANTORA: Thank you. I ask this be marked for
16 identification.

17 MR GRIFFITHS: I will raise this with my learned friend
18 when it comes to the break, Madam President, but the copies we
19 have of the newspaper articles, and I am sure it's not my learned
11:15:36 20 friend's fault, really are not that legible. And I am just
21 wondering whether there are copies of the glossy type which my
22 learned friend has access to which appear to be much clearer than
23 the photocopied documents that we have. I hope I am not putting
24 the Prosecution to too much trouble.

11:15:58 25 MR SANTORA: No, it's - I apologise, it's not. I am on the
26 same copy, the non-glossy copy as well. I do note the second
27 page of this particular article was extremely difficult to try to
28 enhance. And I think we tried our best. I do have a glossy
29 copy, however, that counsel can have as well of this article as

1 well, if that is of assistance.

2 MR GRIFFITHS: I am most grateful.

3 JUDGE SEBUTINDE: Mr Santora, is the evidence of the
4 testimony that this second article is a reprint of the editorial?

11:16:35 5 Is that what he said?

6 MR SANTORA: I don't want to characterise what he said.

7 JUDGE SEBUTINDE: He said this, answer, exactly. It was a
8 repetition of "Who is the Judas in ECOWAS?" which was the first
9 article, MFI-1. Is that the evidence?

11:16:49 10 MR SANTORA: Right. Let me clarify it a little further.

11 JUDGE SEBUTINDE: Because contextually it is not.

12 MR SANTORA:

13 Q. Mr Witness, try to be clear. When you were talking about
14 repetition of editorials, okay?

11:17:04 15 A. Okay.

16 Q. Earlier, you talked about - you were shown an article, I am
17 sorry, you were shown an editorial "Who is the Judas in ECOWAS?"
18 and it was dated 14 October 1997. Now, in front of you is an
19 article that is titled differently, "Whom is the government
20 supporting?" also dated 14 October 1997. In the course of your

11:17:27 21 testimony, you've said that "Who is the Judas in ECOWAS?" came
22 out first and prior to this article at an earlier date. Can you
23 explain why the article that was viewed before by the Court and
24 yourself, I am sorry, why the editorial that was viewed by the
11:17:52 25 Court and yourself was dated 14 October 1997, the same date as
26 this article. Can you explain that again, slowly?

27 A. Okay. Thanks. My first arrest was for "Who is the Judas
28 in ECOWAS?" I don't see that article here with the date of
29 publication. So that was "Who is the Judas in ECOWAS?" is older,

1 in terms of publication, than "Who is government supporting?" So
2 that it appeared first and we had problem with the government
3 regarding that. That was aired on the BBC. And then we chose to
4 have it republished along with this lead story, since this
11:18:42 5 headline story is also talking about the same basic issues. We
6 didn't want to write, I didn't want to write another editorial
7 which will be basically talking about the same thing, so "Who is
8 the Judas in ECOWAS?" appeared first before "Who is government
9 supporting?" We have problem with it. And then, when, for this
11:19:06 10 particular newspaper date, the arrest was not for "Who is the
11 Judas in ECOWAS?", in this, on this 14 October, it was for "Who
12 is government supporting?" So one appeared first.

13 Q. So in the 14 October 1997 edition --

14 A. Right.

11:19:27 15 Q. -- what appeared? Simply what appeared? Which appeared?

16 A. In October 14, 1997 edition, I see two articles. One is
17 "Who is government supporting?" which is the lead story of the
18 newspaper, and then the editorial attached to it, there is two -
19 the editorial has the same date.

11:19:44 20 Q. And is that the one we looked at prior to this? Is that
21 the one that the Court viewed prior to this --

22 A. I didn't look at the date. If it is October 14, then it
23 is, it appeared with that because this article, this news story
24 appeared with that same editorial but the editorial had been
11:20:03 25 published earlier.

26 JUDGE SEBUTINDE: Mr Santora, what is the title of this
27 newspaper in which this second article is contained? It doesn't
28 appear from the page we are looking at.

29 MR SANTORA: I will clarify that. Thank you, Justice

1 Sebutinde.

2 Q. This article we are looking at right now, "Whom is the
3 government supporting, junta or democracy?", what newspaper did
4 that appear in?

11:20:33 5 A. Is that question referred to me? The National newspaper.

6 Q. And I apologise because I thought the masthead, I am going
7 to - can I have one moment, your Honour, because I want to make
8 sure the Court has the best copy of this?

9 PRESIDING JUDGE: I might require the original copy because
11:20:52 10 somebody stapled through the dates on mine, so I want to be able
11 to --

12 MR SANTORA: I think we actually have a copy with the
13 masthead on. Perhaps, I apologise but perhaps that should be the
14 one that is shown for the witness and marked. Can I have one
11:21:07 15 moment, your Honour? At this point, just to save the - not to
16 waste the Court's time, I can move on at this point. Can come
17 back and have the proper one marked and then - just to make sure
18 we have the best copy available for the Court and for counsel
19 opposite.

11:21:41 20 JUDGE SEBUTINDE: Mr Santora, just to clarify, it appears
21 that MFI-1, along with this new article, appeared in the same
22 edition. That is why they are both dated 14 October.

23 MR SANTORA: Yes, yes.

24 THE WITNESS: Can I make a comment on that? Can I make a
11:22:04 25 comment, your Honour? Your Honour, that is an accurate
26 statement. "Who is the Judas in ECOWAS?" and "Whom is government
27 supporting?" appeared on the same date but the difference is this
28 date October, Tuesday 14 October, 1997, was the first appearance
29 of the article, this news story here, "Who is government

1 supporting, the junta or democracy?" It was not the first
2 publication of "Who is the Judas in ECOWAS?" It was a repetition
3 of "Who is the Judas in ECOWAS?"

11:22:42 4 PRESIDING JUDGE: Thank you, Mr Witness. I did understand
5 that. Thank you.

6 MR SANTORA: Just to be clear for the record, I believe the
7 witness said, your Honour, that is an accurate statement, not an
8 inaccurate statement. That is what I believe the witness said.
9 It picked up opposite on the LiveNote.

11:22:52 10 THE WITNESS: Accurate is what I said.

11 MR SANTORA: Thank you.

12 PRESIDING JUDGE: That is what I heard also. Please
13 proceed, Mr Santora, we will come back to the --

14 MR GRIFFITHS: I am sure it's my fault but I am still in a
11:23:04 15 state of confusion, Madam President, because I clearly recall the
16 witness saying before that the second arrest was shortly after
17 the first, and we are told that the first is in August. We are
18 now --

19 PRESIDING JUDGE: I understood it was - the second was
11:23:25 20 August or September. But it --

21 MR GRIFFITHS: So when did the first occur?

22 MR SANTORA: With all due respect to learned counsel, I
23 think these matters can be clarified in cross. The witness
24 didn't say shortly after though. For the record he said months
11:23:41 25 after. He didn't say shortly thereafter.

26 JUDGE SEBUTINDE: He did say he was arrested after the
27 reprint of the editorial, or the republication --

28 MR SANTORA: That is - the republication of the editorial,
29 along with the news article.

1 JUDGE SEBUTINDE: -- of the editorial, which is pertinent,
2 which is pertinent. He was not arrested after the first
3 publication of the editorial but after the republication.

11:24:12

4 MR SANTORA: I understand. That's correct. I understand,
5 I apologise.

6 JUDGE SEBUTINDE: But the witness has his hand up.

11:24:30

7 THE WITNESS: I just have clarification. I have said that
8 we, at The National, published or reproduced an editorial once, I
9 mean, twice, thrice or four times, depending on how we deemed it.
10 When "Who is the Judas in ECOWAS?" first appeared, the government
11 did not pick on it. By popular demand, when we reprinted it I
12 was arrested. That was when we reprinted it. And then it was
13 picked up by the BBC in their press review, that is when the
14 first arrest came after the second publication. When we went to

11:24:56

15 do this particular news story, the news story there for an
16 opinion which is the editorial, "Who is government supporting?"
17 I as editor deemed it necessary to accompany this news story with
18 this same editorial. So the arrest because of this date was not
19 therefore as a result of "Who is Judas?" We had the problem with
20 "Who is Judas?" It was because of this particular front page
21 story.

11:25:19

22 JUDGE SEBUTINDE: In other words, in spite of his arrest
23 for the editorial, he deemed it fit to republish the editorial
24 yet again.

11:25:35

25 MR SANTORA: That's correct.

26 JUDGE SEBUTINDE: Is that correct?

27 THE WITNESS: That's correct.

28 MR SANTORA:

29 Q. Now, Mr Witness, taking you to this second article, in

1 Sierra Leone, "Who is the government supporting?" what happened
2 after this was published?

3 A. What happened after this was published, I was arrested as
4 well.

11:26:02 5 Q. From where?

6 A. From our - what do you - I don't understand.

7 Q. Where were you when you were arrested?

8 A. I was at the newspaper's offices.

9 Q. And describe what happened?

11:26:11 10 A. I was taken to the offices of the Director of Police,
11 Joseph B Tate.

12 Q. Who arrested you?

13 A. Police. The government sent police officers to have me
14 arrested.

11:26:32 15 Q. And what happened when they actually came and arrived at
16 the office? What actually happened?

17 A. The usual thing, they will ransack your office. They will
18 beat me, you know, beat me, and if there were other reporters
19 close by, if they didn't leave because they would come to me
20 first, so if they saw the tension they would just sneak out.

11:26:53 21 They will beat me and arrest me and take me to wherever they
22 wanted to. So, in this specific case, I was taken to the
23 headquarters of the Liberian National Police, where waiting was
24 the President of the Press Union of Liberia.

11:27:17 25 Q. So just to --

26 PRESIDING JUDGE: Sorry to interrupt, Mr Santora, but we
27 have been alerted that the tape has just about run out.
28 Unfortunately, we will have to adjourn at this time. Mr Witness,
29 we normally take a half hour break at this time. We resume Court

1 at 12 o'clock.

2 THE WITNESS: Okay.

3 PRESIDING JUDGE: So we will be adjourning. Please adjourn
4 now until 12.

11:27:38 5 [Break taken at 11.30 a.m.]

6 [Upon resuming at 12.00 p.m.]

7 PRESIDING JUDGE: Just before we resume the evidence of the
8 witness, unfortunately we will have to rise and adjourn court an
9 hour earlier than normal today. It's purely because I have a
10 medical appointment and there is no later times available. I
11 would also ask if first of all we have had the measurements -
12 have they been able to do it during this break, Madam Court
13 Officer?

14 MS IRURA: Your Honour, we have the measurements. The
12:00:48 15 width from the glass that the witness indicated to the glass
16 behind the judges is 550 centimetres and the length of the
17 courtroom is 1,335 centimetres from the back door to the glass
18 behind the Defence counsel.

19 PRESIDING JUDGE: So it's 550 centimetres and 1,335
12:01:18 20 centimetres for consistency.

21 MS IRURA: That is correct, your Honour.

22 PRESIDING JUDGE: And counsel accept those measurements,
23 or, Mr Munyard, I do recall that you prefer things in feet and
24 inches, but metres is --

12:01:35 25 MR MUNYARD: I am very grateful to your Honour. You recall
26 accurately and it certainly - it simply helps the picture I have
27 in my mind, because I am afraid I still see things in those
28 old-fashioned English terms.

29 PRESIDING JUDGE: I will calculate them for you during the

1 break, Mr Munyard. Counsel for the Prosecution have no comment
2 on those measurements, have you?

3 MR SANTORA: No objection or comment, no.

4 PRESIDING JUDGE: Thank you. We will therefore note that
12:02:01 5 the measurement given by the witness is now 550 centimetres
6 square and the tab 7 you were to --

7 MR SANTORA: That is correct, Madam President. Over the
8 break I did investigate within our office. This is the best copy
9 available. So I did look and upon further investigation this is
12:02:23 10 the best copy available which is the one we will - for that
11 reason I would ask that it be shown again to the witness. I have
12 one more question with relation to the document that would be
13 before requesting a marking on it.

14 PRESIDING JUDGE: Well, please put your questions, because
12:02:40 15 I will need to clarify it and I will wait for you to finish the
16 question before I raise my comments.

17 MR SANTORA:

18 Q. Mr Witness, do you see the document in front of you?

19 A. Yes, sir.

12:02:54 20 Q. Just to be clear, what newspaper was this published in?

21 A. The Analyst newspaper in Monrovia.

22 Q. Okay. Earlier you said The National newspaper.

23 A. I'm sorry. Yes, The National, sorry, because I work for
24 both papers. Actually, it is The National newspaper in Monrovia.

12:03:12 25 Q. And do you see on the right corner where it says "Motto" on
26 the upper right-hand corner? Can you see that?

27 A. Where it says what?

28 Q. I don't know what you are seeing on the screen. One
29 moment.

1 A. What I am seeing is --

2 Q. If Mr Court Officer could just lower the document a little
3 to where the motto is visible on the upper right-hand portion
4 just above the price, or perhaps focus in on that. Mr Court
12:03:47 5 Officer, if you could put - do you see above the price?

6 A. Yes, sir.

7 Q. Okay. Point to it. Above the price it says "Motto". What
8 paper's motto was that?

9 A. The National newspaper which is "Justice, Justice,
12:04:06 10 Justice".

11 MR SANTORA: I would ask at this point that this be marked
12 for identification.

13 PRESIDING JUDGE: Which brings me to my question.

14 Mr Santora, tab 7 consists of two pages. The first page that we
12:04:19 15 are seeing on the screen and that particular article says on it,
16 "Continued at page 4". Then there is a not at all clear, very
17 big print copy of another - I don't know what it is. Can you --

18 MR SANTORA: That is the attempt at our office to enhance
19 this to a point of legibility. Unfortunately this was after some
12:04:44 20 work, I am told, by our office to try to get it legible. This
21 was as close as we could come. Of course because it was enhanced
22 so much the page is not visible on it. If your Honours - Madam
23 President, I can have the witness look at it to just identify
24 that as well.

12:05:13 25 PRESIDING JUDGE: I think that would be necessary,
26 Mr Santora, in the light of it. Plus, really the entire writing
27 is not on this copy that I have. So if there is a better copy
28 please show it to the judges.

29 MR SANTORA: You should have the best copy available and I

1 will just verify that.

2 JUDGE SEBUTINDE: Mr Santora, why are we dealing with
3 copies?

12:05:39

4 MR SANTORA: Because the originals are not available to us,
5 Justice Sebutinde.

6 JUDGE SEBUTINDE: And this copy was obtained from where, or
7 these copies were obtained from where? I am asking the
8 Prosecutor. Where did you get these copies from?

9 MR SANTORA: From Monrovia.

12:05:51

10 JUDGE SEBUTINDE: Where in Monrovia, if the originals are
11 not available?

12 MR SANTORA: The originals - my understanding - are in an
13 NGO in Monrovia called the Justice and Peace Commission which is
14 an NGO in the office of the Catholic Secretariat where there are
15 archives - original newspaper archives located. It is the
16 property of that organisation and therefore the Prosecution tried
17 to - I believe used either photography or tried to make copies of
18 the actual articles.

12:06:08

19 JUDGE SEBUTINDE: Can we at least look at the second page
20 of what is being shown to the witness?

12:06:25

21 MR SANTORA: Mr Court Attendant, can you put on the second
22 page of this particular document:

23 Q. Take a moment to look at that, Mr Witness, before I ask
24 you. And to try your best, if you can, to read. Can you read
25 that?

12:07:08

26 A. Yeah, I can, but I am trying to figure out if this blurred
27 line or something, you know, is actually the middle of the page,
28 because there is other stuffs on the back here, so I am looking
29 at it.

1 JUDGE SEBUTINDE: Mr Santora, is the content of this MFI --

2 THE WITNESS: Yes, I remember it.

3 JUDGE SEBUTINDE: Is it logical - is it relevant to your
4 case, or not?

12:07:43 5 MR SANTORA: The publication of the article is relevant and
6 the content - but not the actual underlying content of the --

7 JUDGE SEBUTINDE: Because if the content is relevant to
8 your case then you haven't given us anything to work with on the
9 second page.

12:07:57 10 MR SANTORA: That's correct. The second page in terms of
11 what is actually written there, this is the best we can do in
12 terms of determining what is there. The Prosecution, however, is
13 not seeking to admit as evidence the particular contents, the
14 assertions in this article, but rather the publication thereof.

12:08:16 15 If that distinction - if I have made that distinction - if that
16 helps assist the Court in determining the purpose of these
17 articles.

18 JUDGE SEBUTINDE: It's really your case, Mr Santora, but if
19 your case is that this witness was tortured and threatened
12:08:31 20 because of the content, I don't see how you can segregate the
21 two.

22 MR SANTORA: I am going to ask questions on content to the
23 point as Justice Sebutinde has just said to explain that
24 connection. However, the actual legibility of this particular
12:08:47 25 second portion of this article; this is the best we can do. It
26 is not undermining the evidence of the witness, because we can't
27 - the purpose is still served by seeking to - by marking the
28 article. The purpose is still served for the Prosecution's
29 purposes.

1 PRESIDING JUDGE: Mr Witness did say he was able to read
2 i t.

3 MR SANTORA: And I was going to explore that now:

12:09:13

4 Q. Mr Witness, this portion here, what do you recognise this
5 to be?

6 A. This portion is part of the article that we sought to do
7 justice balance to the article - I mean to the story - by
8 contacting the Liberian government officials.

12:09:35

9 Q. Well, before you explain that, what article is this a part
10 of? Which article are you referring to?

11 A. This is part of the article of the who is the - I mean
12 "Whom is government supporting?" in the first article showed. So
13 this is actually a part where we sought clarification from the
14 Liberian government through its assistant manager of information,
15 Mr Robert Lormia, to ask him why Liberia was not represented at a
16 meeting. So it's a continuation, you know, of that article.

12:09:58

17 Q. Just to be clear, so the article that you referred to,
18 "Whom is the government supporting?" Is that the article you are
19 referring to?

12:10:15

20 A. Yes, sir, "Whom is the government supporting?"

21 MR SANTORA: I would ask at this point that this be marked
22 now for identification.

23 PRESIDING JUDGE: We understood Mr Witness was going to
24 read the second page.

12:10:33

25 MR SANTORA:

26 Q. Did you read the second page?

27 A. Yes, I did read it, but not audibly though.

28 JUDGE SEBUTINDE: Mr Santora, don't you think it would help
29 the record, since the witness is well acquainted with this

1 article, if he can indeed read the second page into the record?

2 MR SANTORA: Yes, I will have him do that is.

3 JUDGE SEBUTINDE: Because that's not the best you are
4 doing.

12:10:55 5 MR SANTORA:

6 Q. Can you go ahead and read the second page since the
7 legibility is difficult to decipher? Can you read this into the
8 record as best as you can?

9 A. Right, as best as I can. "When the assistant Minister of
12:11:09 10 Public Affairs in the Ministry of Foreign Affairs was contacted"
11 - "Robert Lormia was contacted to confirm that Liberia was
12 represented at the meeting he said he" - I mean, "Why Liberia was
13 not represented at the meeting. He said he did not know why."

14 JUDGE SEBUTINDE: Can you please slow down a bit because
12:11:29 15 something is being written as you speak. It is important that we
16 get this accurately.

17 THE WITNESS: Okay. "When the assistant Minister for
18 Public Affairs at the Ministry of Foreign Affairs, Mr Robert
19 Lormia, was contacted, he confirmed that Liberia was not
12:11:54 20 represented at the meeting." The meeting in question is the
21 Committee of Five meeting that was held in Abuja to resolve the
22 Sierra Leone crisis. "He said he did not know why. Diplomatic
23 sources say such development has the potential to create serious
24 instability and distrust in the West African community."

12:12:27 25 JUDGE LUSSICK: I can see, Mr Santora, that reading in
26 future times is going to cause problems because he put in a
27 personal comment there and when somebody is later reading the
28 transcript he won't know whether that was personal comment or
29 part of the article.

1 MR SANTORA: I understand your point.

2 THE WITNESS: Can I re-read it?

3 MR SANTORA:

4 Q. If you just - just re-read it and please do not say
12:12:56 5 anything as you are reading it. Just please re-read it slowly
6 into the record. I think that's appropriate.

7 A. Okay:

8 "When the assistant Minister of Public Affairs at the
9 Ministry of Foreign Affairs, Mr Robert Lormia, was contacted, he
12:13:14 10 confirmed that Liberia was not represented at the meeting. He
11 said that he did not know why.

12 Diplomatic sources say such development has the potential
13 to create serious instability and distrust in the West African
14 community."

12:13:52 15 MR SANTORA: At this point I would request that the article
16 be marked for identification.

17 PRESIDING JUDGE: Very well. This is a two page document,
18 an extract from a newspaper which has been identified by the
19 witness as The National and as dated on Tuesday, 14 October 1997.
12:14:13 20 It consists of two pages and it is MFI-2.

21 MR SANTORA: It can be removed now. Thank you, Mr Court
22 Officer:

23 Q. Mr Witness, I am taking you back to what you were
24 describing earlier and this is with relation to your second
12:14:38 25 arrest after the publication of this article "In the Sierra
26 Leone, who is the government supporting"?

27 PRESIDING JUDGE: Is that the evidence, that it was
28 published in Sierra Leone?

29 MR SANTORA: No, I meant the title of the article. I can

1 see what you are saying in context. Let me re-read the question:

12:15:13 2 Q. You were describing earlier your second arrest after the
3 publication of an article entitled "In Sierra Leone, who is the
4 government supporting?" I apologise for that. And you were
5 describing what happened during the course of this arrest. Now,
6 during the course of your answer I was asking you about this
7 particular arrest and you said - I apologise for losing my
8 reference. You said, "The usual thing" - and just for counsel's
9 reference I am at 55, line 1. "The usual thing, they ransacked
12:15:46 10 the office, they would beat me and there were other reporters
11 close by." Now I am not asking you generally what happened. In
12 this particular incident, the second arrest, what actually
13 happened in terms of when they came to your office, the police?

14 A. The police beat me.

12:16:12 15 Q. Okay. How many police were there?

16 A. I don't remember how many there were.

17 Q. Did you know any of the police?

18 A. I knew some of them. I knew them, not by name though. I
19 knew them by face and I can recognise - I recognised them once I
12:16:32 20 see them.

21 Q. Where did they beat you this time, in terms of where
22 physically were you beaten?

23 A. You mean in terms of location or my body parts?

24 Q. Your body parts.

12:16:43 25 A. They beat me in the office, in The National offices and as
26 we walked down the stairs they were also beating and kicking me.

27 Q. How were they beating you?

28 A. Punching - I mean, hitting and using the butt of the gun to
29 hit me and using baton. Whatever their hands got on. I didn't

1 see everything because it was like being rained on me. And then
2 it continued as we entered the police - the headquarters of the
3 Liberian national police.

4 JUDGE LUSSICK: Mr Santora, you have stipulated with the
12:17:29 5 witness that he was going to tell us what parts of his body were
6 beaten. So far we haven't heard anything.

7 MR SANTORA: I was about to move on. Thank you, Justice
8 Lussick:

9 Q. Did you say rained? Is that the word you said, "It was
12:17:36 10 being rained on me"?

11 A. Yeah, punches being rained. R-A-I-N-E-D.

12 Q. I asked you earlier what part of the body was being beaten.
13 What part of your body was being beaten?

14 A. My face. My jaws. You know, my back. All over my body.

12:18:14 15 Q. Now, you said you were taken to the police station. Is
16 that correct?

17 A. That's correct.

18 Q. Where is the police station in Monrovia located?

19 A. It is located on Capitol Hill, in the general area of
12:18:27 20 Capitol Hill, very close to the Temple of Justice and the
21 Liberian Legislature. And across the street behind it slightly
22 to - when you face the police station, slightly to the left
23 across the street is Executive Mansion which is the official
24 residence - I mean, official office of the President of the
12:18:54 25 Republic of Liberia.

26 Q. What happened after you arrived at the police station?

27 A. I arrived at the police station and met the president of
28 the - president of the Press Union of Liberia in the offices of
29 the director of police, Mr Joseph B Tate, and I bled from my ears

1 and as I entered he was there and he said well - first he
2 pretended not to have known --

3 Q. Who is he? When you say "he" Try to call out names, if you
4 can?

12:19:41 5 A. Joseph Tate pretended not to have known that I was beaten -
6 that I had been beaten - and he made comments about my continuous
7 writing about the Sierra Leonean situation and said that was none
8 of my business. He really didn't say much to console me. And I
9 don't even know why he had called the president of the Press
12:20:10 10 Union of Liberia into his offices. And I was detained after
11 being beaten and taken to his office and later on released.

12 Q. Now, before you continue, you said that Mr Tate "made
13 comments about my continuous writing about the Sierra Leonean
14 situation and that it was none of my business." What exactly did
12:20:30 15 he say, if you can recall, when you said that he made comments
16 about your continuous writing of the Sierra Leonean situation?
17 Do you recall what he said exactly?

18 A. I recall some. I don't recall all, because the meeting was
19 long, so he said many things. Amongst them he did say that, you
12:20:48 20 know, the RUF didn't have - we didn't have - reporters didn't
21 have to concentrate on what the RUF was doing in Sierra Leone and
22 that, you know, the President had cautioned me, you know, against
23 - cautioned the media against reporting such things and that he
24 thought that if I continued I would be in serious trouble. And
12:21:15 25 he gave what he referred to as a piece of advice that I should
26 desist from reporting the activities of the RUF in connection
27 with the Liberian government officials, that is with respect to
28 the alleged involvement of Liberian government officials and
29 soldiers and security forces in Sierra Leone.

1 JUDGE SEBUTINDE: Mr Witness, there you have spoken both of
2 Mr Tate and of the President. Now when you say, "He cautioned
3 the media against reporting such things and that he thought that
4 if I continued I would be in serious trouble", who are you
12:22:06 5 referring to here?

6 THE WITNESS: I am referring to the director of police,
7 Joseph Tate. He said that we, the media, had been cautioned by
8 President Charles Taylor against such reports, against writing
9 articles that will link the activities of the RUF to the Liberian
12:22:33 10 government.

11 PRESIDING JUDGE: Mr Griffiths?

12 MR GRIFFITHS: I think part of the confusion arises, Madam
13 President, because if one looks at page 66 there is reference to
14 the police station and thereafter we find at line 21 this answer,
12:22:53 15 "I arrived at the police station and met the president - the
16 president of Liberia in the offices of the director of police",
17 but I think what the witness in fact said was that the president
18 of the Press Union of Liberia.

19 PRESIDING JUDGE: That is what I understood.

12:23:12 20 MR GRIFFITHS: I think that's where the confusion arises.

21 MR SANTORA: I think counsel is exactly right, because that
22 is my recollection as well. I will clarify the matter anyway:

23 Q. Now, Mr Witness, you were describing a conversation or
24 listening to some comments by Mr Tate. You also said the
12:23:35 25 president of - well, who else was present besides from Mr Tate?

26 A. The president of the Press Union of Liberia.

27 Q. The President of the Press Union, okay. Was anybody else
28 present at this moment during the course of this conversation you
29 were having with Mr Tate?

- 1 A. Initially there were other security force - security
2 personnel. One specific person I remember, I don't know his full
3 name, but he was referred to as Jackie and his friends called him
4 Rabbit Ears, Rabbit Ear, because his ears stood like mine. You
12:24:20 5 know, like that. So that guy, he was there. Then later on they
6 were asked to out --
- 7 Q. Sorry, did you say Rabbit Ears as in the animal?
- 8 A. Right. Rabbit ear, you know.
- 9 Q. Okay.
- 12:24:27 10 A. Protruding ear like that.
- 11 Q. After your conversation - after this interaction with
12 Mr Tate what happened to you?
- 13 A. I was detained and released later on.
- 14 Q. How long were you detained for this time?
- 12:24:46 15 A. Briefly. Brief detention. When I was - when I say brief,
16 comparing to other arrests, it was like a whole day activity,
17 affair.
- 18 Q. Did you return to work at The National?
- 19 A. The same day, no.
- 12:25:03 20 Q. Okay. Did you eventually return to work at The National?
- 21 A. Yes, sir, I did eventually return to work at The National
22 newspaper.
- 23 Q. Okay. Was there any other incidents occurred to you while
24 you were at The National?
- 12:25:22 25 A. Yes, sir.
- 26 Q. What was the next incident that occurred to you? That
27 occurred.
- 28 A. The next incident that occurred was in relation to a news
29 story we published that was titled "Police ECOMOG Clash".

1 Q. And can you recall approximately when this story was
2 published?

3 A. Sequentially, it was actually after the second one. I am
4 not like 100 per cent sure in terms of date. I just want to make
12:26:05 5 a quick point here. I didn't have access to anything when I left
6 Liberia. I left Liberia. I had been expelled from prison on a
7 plane and out, so not even a pen. I had access to nothing
8 personal, personal, so I didn't have - I never had a chance to
9 look at, you know, those things and as editor we published
12:26:28 10 numerous papers so date, what I can say in sequence, it was after
11 the publication of "Whose is Government Supporting?" in Sierra
12 Leone in The National newspaper.

13 Q. And can you say the year at least?

14 A. 1997.

12:26:44 15 Q. Okay. And can you recall approximately how long this
16 publication - this publication you are referring to now, which is
17 "Police ECOMOG Clash" about how long in terms of days, weeks or
18 months was this after the prior article published in Sierra Leone
19 that published - entitled in Sierra Leone - "Who is Government
12:27:07 20 Supporting?" Can you give an approximate time frame between the
21 two articles?

22 A. Approximate - my approximation, my best approximation,
23 would be that it was towards the end of the year. It was
24 sometimes in - ranging from mid-October to December. It was
12:27:25 25 certainly after the publication of this last one.

26 Q. About how long after, if you can approximate?

27 A. Within a range of about a month.

28 Q. Okay. Now, what was this article about, if you can recall?

29 A. Tension had been building between the West African

- 1 peacekeeping forces in Liberia and the Government of Liberia
2 security forces and the Government of Liberia had been saying
3 that there will be no parallel authority in Monrovia, and it was
4 beginning to call for ECOMOG to leave the country and somewhere
12:28:13 5 on Bushrod Island in Duala, I mean on Bushrod Island, the police
6 and the ECOMOG forces clashed. There were varying accounts from
7 ECOMOG and the police which we reported on, so it was actually,
8 the basis was strenuous relationship that had begun to build - I
9 mean to build between the Government of Liberia's security forces
12:28:44 10 and ECOMOG, which is the Economic Community of West African
11 Monitoring Group forces that were in Liberia to keep the peace.
12 Q. And you said the basis was - what was the word you used.
13 Extraneous relationship? What do you mean?
14 A. No, strenuous, from the word strain.
12:29:04 15 Q. Strenuous?
16 A. Relations were beginning to be strained between the two
17 forces, the peacekeepers ECOMOG, and the Liberian government
18 security forces which was primarily then the police and the
19 presidential bodyguards.
12:29:21 20 Q. Was this article - was there any content in this article
21 related to Sierra Leone?
22 A. Pardon?
23 Q. In this article was there anything related to Sierra Leone,
24 in this particular article?
12:29:34 25 A. Well, this article, not specific as related to the
26 incident. What we usually did was we - our style of reporting,
27 we will introduce the story and give backgrounds and then in the
28 end --
29 Q. Okay. But this particular article --

1 A. Right.

2 Q. -- did it have anything?

3 A. No, it didn't have anything to do with the Sierra Leonean
4 situation specifically.

12:30:00 5 Q. Okay. After this was published, first of all this was
6 published in what newspaper?

7 A. This was published in The National newspaper.

8 Q. And what happened after this was published? What happened,
9 if anything, to you personally?

12:30:18 10 A. I was arrested and beaten and taken to Joseph B Tate, the
11 director of the Liberia national police.

12 Q. Where were you arrested from?

13 A. I was arrested from the offices of The National newspaper
14 as well.

12:30:38 15 Q. And who arrested you specifically?

16 A. I was arrested by a number of security forces who took me
17 to the offices of the director of police which also included Saah
18 Gbolie at the time. I am trying to figure out what his position
19 was; assistant director of police for operation, I think, I am
12:31:03 20 not 100 per cent sure that was his position.

21 Q. When you say arrested by a number of security forces, when
22 you say the words "security forces" what do you mean?

23 A. I mean that they included people from at least more than
24 one branch of the security forces. That would include the police
12:31:21 25 and the Special Security Service, SSS, which is primarily charged
26 constitutionally to be responsible for the security of the
27 President.

28 Q. Now, we are speaking of this third arrest with relation to
29 this article "Police ECOMOG clash". Do you know why you were

1 arrested?

2 A. Why?

3 Q. Yes, do you know the reason?

4 A. They didn't tell me specifically why, except that the
12:32:05 5 director of police said that, first of all the government denied
6 that there was a clash, that was there a fight, or whatever it
7 was, you know, that they wanted to describe it. The government
8 denied that it happened and we had eyewitnesses' account and we
9 had statements from ECOMOG officials that it did happen so the
12:32:33 10 government - that is my - what we know is that the government
11 said it didn't happen and Joseph Tate said that we shouldn't be
12 reporting on that.

13 Q. Okay. Now, how long were you detained this time?

14 A. This was brief, shorter than a day, and I was released.

12:32:58 15 Q. And did you return to work at The National newspaper?

16 A. Not the same day.

17 Q. Okay. About how long after?

18 A. The following day I did return to work.

19 Q. Did anything else occur to you while you were at The
12:33:13 20 National newspaper?

21 A. Yes, sir.

22 Q. What was the next thing that happened to you while you were
23 working at The National?

24 A. Arrest and beaten and taken to see the President of
12:33:31 25 Liberia, Mr Charles Taylor.

26 Q. First of all, start from the beginning. What happened?

27 A. Okay. What happened was President Charles Taylor had
28 travelled out of the country and, traditionally, the President
29 designates not the Vice-President but someone else from the

1 cabinet to act in his stead while he is away. So in this
2 specific instance he had asked the minister of state for
3 presidential affairs, Mr Ernest Eastman, to act in his stead and
4 also traditionally, once the President returned he would be
12:34:13 5 briefed and sometimes he would be at a press conference, he would
6 - a statement will be read to him regarding the state of affairs
7 in the country. So in reporting that, that is Mr Eastman
8 reporting back to President Charles Taylor, which was carried on
9 radio and on a certain television station, Mr Eastman recounted
12:34:44 10 some of the stories that were reported - that had been reported
11 in The National while President Charles Taylor was away. And
12 after that it was President Taylor's turn to respond to
13 Mr Eastman's comments and President Taylor made a wide range of
14 statements and he specifically focused his comments on what he
12:35:18 15 referred to as the behaviour of journalists in Liberia tending to
16 undermine his government and expose the Government of Liberia to
17 international - what he referred to as international ridicule and
18 then he stood up and said - I would like to gesture how he did
19 it. He said "Stop. Stop. Stop. If you don't stop, when I
12:35:50 20 catch you, you will regret it. Stop. You journalists going over
21 there reporting all sorts of things, stop". So I decided to
22 write another opinion in the paper, another opinion in the paper,
23 that was titled "S-t-o-p", S-T-O-P just to attract attention, and
24 so that article was part of the editorial/commentary and was
12:36:26 25 titled "S-t-o-p".

26 PRESIDING JUDGE: For purposes of record the witness, when
27 saying "Stop" three times, also gesticulated by shaking his index
28 finger up and down.

29 MR SANTORA:

1 Q. Mr Witness, now you were describing what President Taylor
2 was doing after he returned and was being briefed by Mr Eastman.
3 Where exactly was this occurring, if you can recall?

4 A. Well, I listened to it on radio. I believe that it was at
12:37:00 5 the Executive Mansion because, traditionally, that is where those
6 briefings were held. And I do not recall at any time that such a
7 briefing was done in any other place other than the Executive
8 Mansion, which housed then the official office of the President
9 of the Republic of Liberia; in this case President Charles
12:37:30 10 Ghankay Taylor.

11 Q. How do you know that Mr Taylor was, as you have described
12 or illustrated, waving his finger?

13 A. I did watch part of it briefly on his television network.
14 You know, I had listened to it and I did see part of it so, but I
12:37:51 15 wasn't sure if it was at the Executive Mansion. I believe it was
16 at the Executive Mansion, but I had seen part of it and I was
17 listening to it on radio, and this was during like - this was
18 during the daytime so the article didn't actually come out that -
19 the following day. It came out a day after that. So that I have
12:38:13 20 seen clips of it and I have seen other papers carried part of it
21 in the next day, you know, with his finger like this and I seen
22 part of it on his private television station, so I decided to
23 write it. And at the - right, go ahead.

24 Q. Do you recall the date of this editorial entitled
12:38:28 25 "S-t-o-p"?

26 A. I am not sure. If I do see it, I will recall it.

27 Q. Well, can you recall the year approximately?

28 A. This was in 1998.

29 Q. Do you think - can you recall approximately when in 1998 in

1 terms of month?

2 A. Yes, that is one thing that I very well remember. It was
3 January 22nd, 1998, 12 days after the birth of my first son and
4 that is how I always remember that particular case.

12:39:10 5 Q. And what was the subject - first of all, where was this
6 published?

7 A. This was published in The National newspaper in Monrovia,
8 Liberia

9 Q. What was the subject matter of the editorial entitled
12:39:28 10 "S-t-o-p"?

11 A. Well, first of all I thought there that President Taylor
12 was fulfilling his promises during his first interaction with
13 journalists at a press conference at his residence when he
14 cautioned that, you know, journalists should not report anything
12:39:51 15 that he referred to as undermining his government. And I had
16 been - I had seen a threat at least on me and a few other
17 journalists or media houses - the behaviour of the Liberian
18 government shutting down newspapers that reported either on the
19 behaviour of the Government of Liberia security forces in parts
12:40:14 20 of Liberia against civilians, or in parts where there was war,
21 like for example in Lofa County, or in Sierra Leone. So I had
22 seen that. So I was convinced that, well, he's following through
23 with his promise at the first press conference. So the article
24 was in effect trying to explain that the media was being muzzled.

12:40:42 25 The media were being muzzled and journalism was under attack.

26 Q. And did the article talk about anything else - the
27 editorial, or the article, whatever you prefer to it call it?

28 A. Well, honestly I have not read the article since 19 - since
29 2002, but what I do remember is that specifically that's what I

1 wrote about, you know. There might have been other things that I
2 did mention in it, but it was basically about the government's -
3 what I referred to as bad behaviours both in Liberia with the
4 media and other areas in the region.

12:41:31 5 Q. Now, you said that you had seen yourself "and a few other
6 journalists or media houses - the behaviour of the Liberian
7 government shutting down newspapers that reported either on the
8 behaviour of the Government of Liberia security forces in parts
9 of the Liberia against civilians, or in parts where there was
10 war, like for example in Lofa County, or in Sierra Leone." Do
11 you recall just saying that in your answer?

12 A. Yes, sir.

13 Q. Was any of this particularly mentioned in the editorial
14 article "S-t-o-p"?

12:42:14 15 A. I am actually not hundred per cent sure. What I do hundred
16 per cent remember is talking about, you know, the threats that
17 President Taylor was making against the media and what I believed
18 to be a misrepresentation or erroneous representation of the
19 state of affairs by Mr Ernest Eastman to President Charles
12:42:44 20 Taylor.

21 Q. Now after this was published, this piece called "S-t-o-p",
22 what happened?

23 A. Well, first of all the "S-t-o-p" article - let me just go
24 over this again. The "S-t-o-p" article, it was specifically
12:43:04 25 focused on that, but they also focused on the Government of
26 Liberia's behaviour as you mentioned. What happened was that a
27 group of security personnel went to the offices of The National
28 newspaper and arrested --

29 Q. Let me stop you because I want to clarify just to be clear.

1 You are recalling that the article spoke about - I'm sorry, let
2 me just make sure I have my - "The 'Stop' article, it was
3 specifically focused on that, but they also focused on the
4 Government of Liberia's behaviour as you mentioned." What do you
12:43:46 5 mean by when you - what were you are referring to when you said
6 the Government of Liberia's behaviour?

7 A. Involvement with the war in Sierra Leone - well,
8 involvement with the RUF and its treatment of civilians in
9 Liberia, in Lofa County and in Sierra Leone. Now the reason the
12:44:13 10 article focused on the first part that I mentioned, which is
11 trying to muzzle the media and all of that, was that that was
12 news and it was new. It was news; that is, it was current. Now,
13 the behaviour of the Liberian government as I referred to was
14 something that we had been writing on, working on, you know, so
12:44:43 15 it wasn't like a major news. So the visible threat at least, as
16 we conceived it, directed at the media with those remarks - by
17 those remarks from President Charles Taylor, you know, were
18 highlighted.

19 Q. Do you have a copy of this article?

12:45:09 20 A. No, I do not have a copy. As I said earlier, I left six
21 months' jail to the airport out of Liberia. So nothing I owned
22 before my arrest I ever owned again besides physical structure,
23 you know, probably from my dad or something.

24 Q. Okay, I will come to what happened to you afterwards, but
12:45:36 25 back to this article, this piece called "S-t-o-p". First of all,
26 generally why were you publishing information about Mr Taylor's
27 relationship with the conflict in Sierra Leone? Why were you
28 doing that?

29 A. As a journalist I thought it was necessary, you know, that

1 I reported the truth and that I told the Liberian people exactly
2 what was going on and I was in a position to be able to know some
3 of that. I thought that Liberians had suffered more and that
4 they deserved better and I also believed that Sierra Leone had
12:46:23 5 sacrificed men, their soldiers, and their money, taxpayers'
6 money, to help resolve the conflict in Liberia and that Liberia
7 should not be the one to continue to destabilise Sierra Leone. I
8 thought this was very important to the security of the region and
9 to the security and prosperity of Liberia as a country and
10 Liberians as a people. So I thought that everybody was tired
11 with war and that this was one area that we needed to focus on in
12 - you know, in the hope that we would in some way dissuade the
13 Liberian government from its involvement with such a proxy war
14 as, you know, we always wrote.

12:47:15 15 Q. Now, what happened after this piece was published to you?
16 What happened to you?

17 A. I was arrested, beaten.

18 Q. Where were you arrested from? Again, please, we will take
19 it in order. Where were you when you were arrested?

12:47:30 20 A. I was at the offices of The National newspaper.

21 Q. And who arrested you?

22 A. I was arrested by the police and some Special Security
23 Service personnel who took me to the police headquarters - to the
24 office of the late police director, Joseph B Tate, who in turn
12:48:07 25 asked one of President Taylor's security personnel, Montgomery, I
26 am not sure what his first name is, to take me to the Executive
27 Mansion.

28 Q. Now, you said you were beaten. Where were you beaten?

29 A. I was beaten in the offices of The Analyst newspaper in a

1 vehicle as we headed for the police station and that's where I
2 was beaten.

3 Q. Again, can you describe the beating?

12:48:42

4 A. Throwing punches at me, hit me with batons, using the butt
5 of their guns, their arms, their AK-47 assault rifles, to hit my
6 shoulders, head, stuff like that.

7 Q. Earlier you just said you were at the offices of The
8 National newspaper but now you have said you were beaten in the
9 office of The Analyst newspaper?

12:49:00

10 A. No, I'm sorry. That's because - that's a slip of tongue.
11 At the office of The National newspaper, not The Analyst. The
12 National newspaper. I hadn't started work with The Analyst yet.

13 Q. Okay.

14 A. Shall I continue?

12:49:16

15 Q. Let me just take you back. You said that you were then
16 taken by a security personnel called Montgomery?

17 A. Yes.

18 Q. Well, actually that Mr Tate asked Mr Montgomery to take you
19 to the Executive Mansion. Is that correct?

12:49:31

20 A. That's correct.

21 Q. Okay. What happened after Mr Tate made this request?

22 A. I was taken to the Executive Mansion.

23 Q. Who were you taken with?

24 A. With or by whom?

12:49:41

25 Q. Well, by whom were you taken?

26 A. Okay, Montgomery.

27 Q. Anybody else present?

28 A. Where?

29 Q. In the transport of you to the Executive Mansion?

1 A. Like in the vehicle? No. There were other security
2 personnel, you know, low ranking officers. I don't know - I
3 didn't know them. So Montgomery is the person that I recognised
4 because he was a little famous.

12:50:09 5 Q. What happened after you - did you eventually arrive at the
6 Executive Mansion?

7 A. Yes, I did.

8 Q. What happened then?

9 A. I was taken in to a small waiting room, after which I was
12:50:21 10 brought to President Charles Taylor.

11 Q. Within the structure of the Executive Mansion, where was
12 this waiting room, can you recall?

13 A. This was on the sixth floor.

14 Q. Okay. And then you said you were taken from there to the
12:50:39 15 waiting room to the - brought to President Charles Taylor. Where
16 were you taken to see President Charles Taylor?

17 A. Just a point of clarification. Once we got there, my
18 thinking was it was on the sixth floor. I didn't know
19 specifically because we went with an elevator. So I didn't know.

12:51:05 20 I was beaten, I was bruised and, you know, I wasn't really
21 observing in terms of what floor that was, but we went. I have
22 surmised ever since that it was the sixth floor, yes.

23 Q. Now you said it was a waiting room. How long did you wait
24 before you were brought to see President Taylor?

12:51:27 25 A. Less than an hour.

26 Q. Okay. What happened after that specifically?

27 A. President Taylor called me by name. He says, "Are you
28 Hassan again?" And he says in Liberian English, "So you, boy,
29 you will now forget this thing". I mean, "Hey kid, aren't you

1 going to forget this?" And he says - as he spoke, as his
2 comments - as he progressed with his comments he became more and
3 more furious and he said, "Well, I have warned you before
4 about" --

12:52:11 5 Q. Before you continue I want you to say it in English what he
6 said because the transcript - I know you were describing that he
7 was speaking in Liberian English, but can you just state in
8 English what was said to you that you recall?

9 A. He said - first comment he said, "Are you not going to
12:52:29 10 forget this reporting?" So once he said that I didn't respond
11 and he began to talk, to say, he asked if I were a spy, if I
12 worked for Tejan Kabbah, President Kabbah then. And he said,
13 well, this whole ECOMOG, RUF, whatever business I was reporting
14 on, that in fact he didn't care about ECOMOG or what-MOG and he
12:53:11 15 said if I wasn't careful I would lose my life from reporting on
16 those issues and that his involvement with Sierra Leone - his
17 business in Sierra Leone was nobody else's or was nobody else's
18 business. And he thought that the RUF was fighting a just war
19 and that there is nothing that anybody could do about it, he
12:53:40 20 wouldn't allow any arms twisting tactics and that - basically
21 many things, but they were some key points - key things that I
22 picked up on from what he said.

23 Q. Now, who else was present in the room when you were - when
24 this was happening?

12:54:08 25 A. What's that?

26 Q. Who else was present aside from Mr Taylor and yourself when
27 Mr Taylor was saying these things?

28 A. Well, Joseph - what is he called - Montgomery actually went
29 out and once we started a conversation, what is his name, the

1 police director, Joseph B Tate, came in and he was also there,
2 but staying a little bit, a little short distance from where I
3 was specifically with the President.

4 Q. After these things were said to you, did you respond?

12:54:56 5 A. I don't understand what you mean, respond to President
6 Taylor?

7 Q. Yes.

8 A. No, I just listened. I sat there and listened because I
9 was scared, and he said that I was paid by Tejan Kabbah or I
10 worked for Tejan Kabbah. I said, "No, I don't know him. I don't
11 work for him", and he specifically mentioned that Kabbah was an
12 enemy, you know, by associating with ECOMOG in the first place so
13 I was trying to prove one point, that I didn't work for President
14 Tejan Kabbah and I was not a spy. So those were the answers I
12:55:18 15 gave that, you know, I wasn't.

16 Q. And what happened? About how long did this - well, let me
17 ask you; what happened after this?

18 A. He said that he would shut, he would order to shut down my
19 newspaper, The National newspaper, which he followed through
12:56:14 20 with.

21 Q. So, continue. After you left the Executive Mansion - I am
22 sorry, let me not bring you there. What happened after the -
23 after Mr Taylor said he was going to shut down The National?

24 A. What happened? After my arrest and subsequent release I
12:56:30 25 didn't go to work that day. I went to hospital, to a small
26 clinic on Jamaica Road, Bushrod Island.

27 Q. Why did you go to the hospital?

28 A. Because I was, you know, I was wounded. I was injured, you
29 know, if you like. I went to seek medical treatment at the

1 hospital.

2 Q. This time what was wrong with you in terms of this fourth
3 arrest? What was wrong with you medically?

12:57:03

4 A. I had physical - I bled physically from my mouth and my
5 eyes were swollen from the beating, and I was bruised on the
6 neck, on the back and I was generally feeling pains from the
7 beatings in my body. So the following day - shall I proceed?

8 Q. Go ahead, yes, proceed.

12:57:26

9 A. The following day I decided to go to work and when I
10 arrived at The National offices, I saw a couple of my reporters
11 standing outside, and I asked him, "Why aren't you guys in there?
12 Why are you here? It is almost 11 o'clock." So they said,

12:57:56

13 "Well, there is police posted there. We can't go in." So I
14 asked "Why? Why is the police posted there?" They said, "Well,
15 nobody can go in there", and it was literally shut down and I
16 went and spoke with the police officer and he said, well, two
17 police officers, they said, well, they had guns, standing, that
18 is AK-47 rifles and they said, "Well, you can't come in." I said

12:58:20

19 "Why?" They said, well, they can't, they don't have - he said
20 they didn't have to explain anything, but that I could not enter.
21 So I was confused. I said, "Okay, I got some personal documents
22 in there. I want to go and grab them." They said "No." And I
23 immediately went to the head offices of the Press Union of

12:58:46

24 Liberia and I spoke with them and they said, "Okay, we are going
25 to handle this." They tried, I think, it dragged on the second
26 day, and I was surprised why am I not allowed to enter my office.
27 Second day, third day, fourth day, and we tried and some friends
28 called me and said, "Well, you cannot fight the government. Just
29 forget it." I said, "But how am I supposed to work?" And that

1 was it. They shut it down. And actually eventually turned the
2 paper - a private paper - to another person to begin to run it
3 and they changed the name. That person changed the name from The
4 National to The New National. And that was it.

12:59:41 5 Q. And this - well, before I ask you further, I just want to
6 ask you one question with relation to when you were meeting -
7 when you were in the presence of Mr Taylor and he was telling you
8 these things that you have described. What was your physical
9 condition when you were in the presence of Mr Taylor?

13:00:01 10 A. Physical condition? I was in pain. I was hurt. I was
11 hurting and I had blood stains like the corner of my mouth,
12 because from the beating, and so I was traumatised, I was scared,
13 I was hurting, actually.

14 Q. Now, you said that The National was shut down and that
13:00:29 15 somebody else - the paper went to another person and they changed
16 the name to The New National. Who was the person that the paper
17 was transferred to, do you know?

18 A. The person is a journalist. Your Honour, I am not sure
19 that I would want to mention the name in court because the person
13:00:56 20 might - I think the person is still in the practice of journalism
21 and it might threat - but with different people I guess.

22 Q. I will save you the trouble. I am not going to ask you.

23 A. It might insinuate that the person cooperated with the
24 government. However, anybody who is aware that The National
13:01:14 25 changed to The New National then sought completely different
26 staff and they might be able to deduce from that, but I think I
27 want to save myself the trouble of calling the names.

28

29 Q. I am not asking you for a name, Mr Witness.

1 A. Okay, sir.

2 Q. Okay, I just - The New National, did you work at The New
3 National?

4 A. Never. I did not.

13:01:34 5 Q. Thank you. So after The National shut down, what did you
6 do?

7 A. I back off to take stock. I lay low a little bit, you
8 know, kept quiet a little bit, to reflect on my - what I was
9 going to do next, and I knew that I wanted to continue to be in
10 the media, so I regularly will appear on Radio Veritas programme,
11 DC radio programmes, sometimes Radio Monrovia once they were
12 discussing issues that had to do with human rights abuses, the
13 alleged involvement of the Liberian government forces in the
14 Sierra Leone war and fightings in other parts of Liberia alleged
13:02:37 15 - allegations that certain ethnic groups were being persecuted,
16 P-E-R, persecuted, you know, in Liberia and BBC, the British
17 Broadcasting Corporation called me to ask my opinion and make
18 comments on some of these things on their programme called "Focus
19 on Africa" which aired 3.15 - no, 3.05 and 5.05 p.m. local times.
13:03:07 20 Yes, so basically I was doing that a lot and until 2000.

21 Q. How were you - how often were you appearing on - we will
22 start with Radio Veritas?

23 A. For Radio Veritas it was quite - it was more frequent than
24 other radio stations because Radio Veritas had a specific
13:03:34 25 programme called topical issues, and the presenter, I thought
26 that the presenter was more courageous, that he would discuss
27 issues that were of pertinence or that were of importance to
28 Liberia's peace and security, West Africa's peace and security
29 and he wouldn't hesitate to discuss any issues. So, and I think

1 the presenter also knew that I didn't hesitate to be a guest on
2 his show to discuss any issues that had to do with Liberia and
3 West Africa. So I was more on Radio Veritas than other radio
4 stations.

13:04:20 5 Q. Now where were you - after the work at The National and
6 when you left The National where were you living?

7 A. I lived on VP Road, that is, well, short for Vice-President
8 Road. I understand it is named after the late Vice-President
9 James E Grain [phon], on the Tolbert, that is in Sinkor opposite
10 - slightly opposite the Catholic hospital junction to the left on
11 your way to Congo Town. It branch you off and then goes to old
12 road.

13 Q. Okay, just to clarify the record, I think you said it was
14 named after James Grain, the former Vice-President for Tolbert?

13:05:06 15 A. Yes, Tolbert who was the 19th President of Liberia.

16 Q. I think the record, it looks like one name and that is the
17 only reason I brought that for the record, for the attention?

18 A. And I lived in a compound there, a two storey apartment
19 complex that had about four apartments fenced in at the back of
20 bishop - I don't know if the title is bishop or Reverend Isaac
21 Winker House. We shared a common house on VP Road.

22 Q. Now, earlier - well, first of all, when you would appear on
23 the radio, Radio Veritas and other programmes, what name would
24 you appear under?

13:05:52 25 A. My full name.

26 Q. Okay. Now, in terms of your day-to-day life, how did
27 people know you as?

28 A. Bill. A lot of people knew the name Hassan Bility. Many
29 people knew the name Hassan Bility because it was in the

1 newspaper and on radio, but not many people could marry - I am
2 not sure if that is the accurate representation - could marry the
3 name to the face because I grew up people calling me Bill. You
4 know, a lot of my friends called me Bill and when people thought
13:06:25 5 of journalists they would think of big man - well, they would
6 think of - they wouldn't think of me based on my interactions all
7 over the place. If I will go and play draughts with people who
8 were in, as I consider, intellectuals, I would sit with them, so
9 many, not many people actually married the name to the face and
13:06:45 10 that was part of my security that turned out to be very helpful
11 to me, people called me Bill, that is B-I-L-L.

12 Q. Now, you had stopped working at The National at this point.
13 What were you doing to sustain yourself?

14 A. I was doing different things: I was writing articles; I
13:07:14 15 was doing some private personal, you know, business, and I was
16 doing private things to sustain myself.

17 Q. Now, earlier you said that you eventually worked at another
18 newspaper called The Analyst. Is that correct?

19 A. Yes, sir, but this is 2000.

13:07:37 20 Q. Okay. Between the time you were at The National and the
21 time you commenced work at The Analyst, did you have any problems
22 with the government?

23 A. Yes, I did have a few problems with the government that
24 weren't very major. I would - sometimes the radio - the talk
13:08:02 25 show presenters would invite a government representative and they
26 would invite me and we would debate a specific issue and the
27 callers would seem to be more interested in what I was saying.
28 They would think that what I was saying was more believable than
29 what the government representative was saying and this angered at

1 times government officials, especially some of those who were on
2 such programmes, and I would receive threatening comments from
3 some government officials regarding those. So, yes, nothing
4 really major, you know, I would say happened during that time.

13:08:53 5 Q. Okay. Now, you said you commenced work at The Analyst in
6 early 2000. What was your position at The Analyst?

7 A. I started at The Analyst as news editor and rose through
8 the ranks to become the editor-in-chief.

9 Q. Now, at the time - your time - during your time at The
13:09:18 10 Analyst did anything happen to you in particular?

11 A. Several.

12 Q. Okay. Why don't you - what happened to you during your
13 time at The Analyst?

14 A. During my time at The Analyst, I reported on a story on
13:09:37 15 which - in which I had published pictures of Libyans who were
16 supposed to be training Liberian security forces and RUF security
17 forces. The article, actually it was a news story. The article
18 discussed says that 500 people - 500 Liberian security personnel
19 - were going to be trained in Libya. The government, based on my
13:10:12 20 personal investigation, was trying to hide this training because
21 there had begun to be more and more voices in Liberia calling for
22 the Liberian government to behave itself properly so that it will
23 be able to cultivate a good friendship diplomatically of the West
24 in the national community and then people thought it was badly
13:10:49 25 timed if the government went ahead to send people to Libya at
26 this time for training. We didn't need that.

27 So in the details of the article, the article will reveal
28 that the government was actually sending RUF soldiers - some RUF
29 soldiers former who were in Liberia, some RUF soldiers and

1 Liberian government soldiers, security personnel - well let me
2 not say soldier, but security personnel to Libya to be trained
3 and I had published through a Liberian who had returned from
4 Libya --

13:11:28 5 Q. Well, I am not going to ask you more about the content on
6 that for a reason.

7 A. Okay.

8 Q. But it is just that the subject matter was about you said
9 500 people being trained in Libya?

13:11:37 10 A. In Libya, yes.

11 Q. Okay. Now, when approximately was this article published?
12 Can you remember?

13 A. This was in 2000.

14 Q. Can you recall when in 2000?

13:11:47 15 A. The month I am not sure. It was in 2000.

16 Q. Is it possible for you to approximate as to whether it was
17 the early, middle or latter part of the year?

18 A. It was the latter part. I can approximate that it was
19 after September.

13:11:59 20 Q. Okay.

21 A. The reason I can approximate that - do I have to give the
22 reason? I can approximate it was after September definitely.

23 Q. Okay, that is fine. What happened after this article was
24 published?

13:12:12 25 A. Arrest and beating basically. The usual thing.

26 Q. Again, who arrested you?

27 A. The police, the government security forces.

28 Q. This time you were working at The Analyst. Where was The
29 Analyst's office?

1 A. The Analyst was housed in the Kashour, K-A-S-H-O-U-R,
2 Building, intersection of Johnson and Broad Streets, slightly
3 opposite the Monrovia - the Liberia Telecommunications
4 Corporation Headquarters and adjacent to a sports commission
13:12:59 5 which is a basketball facility in Monrovia on the second floor
6 and sharing offices with the Concerned Christian Council, CCC,
7 headed by Reverend Kortu Brown, so specifically there.

8 PRESIDING JUDGE: Just before you proceed, Mr Santora, when
9 the witness answers to your question "Who arrested you?", the
13:13:23 10 answer was, "The police, the government security forces". Are
11 they the same organisation, or two organisations?

12 MR SANTORA: I will clarify that. Thank you, Madam
13 President:

14 Q. You heard Madam President's question?

13:13:34 15 A. Yes, sir, and I can clarify that. By the police and the
16 Special Security Services.

17 PRESIDING JUDGE: Thank you.

18 MR SANTORA:

19 Q. Mr Witness, first - this is a little more of a general
13:13:45 20 question, but during your time at The National did the paper
21 practice author byline? Did the paper put the author's byline on
22 the articles?

23 A. No, actually - well, what we did in terms of byline was
24 there were some new journalists who want people to know that,
13:14:04 25 "Oh, I wrote this article. Did you see my byline there?", but on
26 a more serious note we adopted a policy where we did not publish
27 bylines because if a story was published and carried a byline -
28 the byline of the writer - we believed that security personnel
29 who recognised that particular name would know the person and

1 would attack him and it made it easier if the government sent
2 security personnel, you know, out to look for a particular person
3 who may have published a particular story, it would be easier to
4 marry the name to the face. So generally as a policy we did not
13:14:50 5 do that - especially when it came to these stories, when it came
6 to front page stories, when it came to stories that had to do
7 with Sierra Leone and the Liberian government, the RUF, we did
8 not - and so you see many articles in The National that don't
9 have bylines. Of course you will see - inside you will see
13:15:20 10 "Editor In Chief" or "Managing Editor" and you will see my name,
11 you know, but specifically who wrote, no, we didn't do that.
12 Q. How did you become - how did you get identified? How did
13 you become identified when they were making the arrests while you
14 were at The National if there was no byline?
13:15:37 15 A. If there was no byline, that is why they made sure that
16 they went directly to The Analyst's offices.
17
18 Q. Well I am sorry, Mr Witness --
19 A. I mean to The National offices.
13:15:44 20 Q. Yes.
21 A. My office was you enter first and you go to the news room -
22 no, you enter first and right is the typesetting room, next is
23 the graphic rooms and then there is a news room and then there is
24 my office in the back. So if they entered and saw somebody - for
13:16:08 25 they wouldn't reach my office. My office was the last. If they
26 saw somebody, "Hey, where is your boss? Where is Hassan
27 Bility?", and the person would say, "Oh, he is in his office".
28 "Where is his office?" So they were always referred to my office
29 by other reporters, which I didn't think was bad though.

- 1 Q. Yes. Now, you said - you were describing this incident
2 when you were at The Analyst now and you published this article
3 related to 500 people being sent to Libya by the Liberian
4 government and you said you were arrested and beaten. Now,
13:16:58 5 specifically what happened in this incident?
6 A. I don't understand. The specific?
7 Q. Who arrested you?
8 A. The police and the SSS, some of whom - well, no, the SSS,
9 if a person was SSS --
13:17:18 10 Q. Well, I don't want to go into - Mr Witness, just with this
11 particular incident if you can recall who actually arrested you?
12 A. Right. So the police, SSS and someone with plain clothes
13 calling himself ATU. They arrested me.
14 Q. How many people came to arrest you on this occasion? Can
13:17:35 15 you recall approximately how many people?
16 A. About four persons. Four guys.
17 Q. Four?
18 A. Yes, four.
19 Q. And what happened when they entered - when they came to The
13:17:45 20 Analyst's offices?
21 A. They asked for me and there was - our sales manager was
22 there and he said, "Well, this is Hassan". I hadn't actually
23 entered the office. I was on my way there and then they pointed
24 at me, because the guy in the plain clothes had said he wanted to
13:18:07 25 see me and then they pointed at me and then they immediately
26 said, "Oh, we want to see you down". I said, "What is it
27 about?", but it turned gradually from request to command and I
28 sort of tried to resist. "You have a warrant?", I asked. "Is it
29 an arrest?" They said, "No, we just need to talk to you. You

1 know, you have to". I tried to resist, you know, and they began
2 pounding on me in there and dragged me out.

3 Q. What did you mean when you said, "We want to see you down"
4 - when they said that?

13:18:43 5 A. Down on the outside of the building, downstairs on the
6 street.

7 Q. Okay. So what happened? You said that you tried to
8 resist, they began pounding on you and dragged you out.

9 A. Right.

13:18:55 10 Q. What did they use to pound you with?

11 A. Pardon?

12 Q. What was used, if anything, to pound you with?

13 A. Their fists and there was another guy - these guys used
14 their fists. There was one guy with a baton which he used on my
15 back.

13:19:11

16 Q. A baton did, you say?

17 A. Yes, a baton.

18 Q. Where were you taken for this incident?

19 A. I was taken to - well, first of all I was taken to what is
13:19:25 20 it called? There is a sub-police station across the bridge. I
21 think it is Zone 5, or it is zone something, some sub-police
22 station, and I was driven back to the police headquarters where I
23 was taken to some office to meet a senior police officer and
24 speak with.

13:19:57 25 Q. And do you recall what that - what happened thereafter when
26 you were brought to the senior police officer?

27 A. Yes, he asked how did I get the information. He asked
28 questions that I didn't think were - you know, because he asked,
29 "Who told you that this is true?", you know? In the same article

1 we had contacted the government and the government had denied our
2 report, so we indicated in that article that the government
3 denied this report. However, that was no reason for us not to
4 publish our article because we trusted our sources. So he said,
13:20:41 5 well, he was going to hold me until I told him exactly where I
6 got the information, but he later on, you know, let me go.

7 Q. Do you know the name of this senior officer, if you can
8 recall?

9 A. The specific officer who told me this was the guy who
13:21:01 10 arrested me the last time. I have had a difficulty --

11 Q. Well, if you can't remember it is okay. Just can you
12 recall, or not?

13 A. I can call his position.

14 Q. Okay.

13:21:10 15 A. Director of Counter Intelligence, so whoever was there at
16 that time that was the Director of Counter Intelligence.

17 Q. Now, you said this happened after September of 2000. Is
18 that correct?

19 A. Yes, that is correct.

13:21:24 20 Q. Now, earlier in your testimony you said at some point in
21 2000 you had started working with a group called Amnesty
22 International?

23 A. Yes, sir.

24 Q. Had you commenced working for Amnesty International by this
13:21:38 25 point, by the time you were arrested for the first time at The
26 Analyst?

27 A. Exactly. I had already started working with Amnesty
28 International.

29 Q. Moving on, how long were you - for this instance, this

1 arrest that we are referring to, how long were you detained for?

2 A. About a day.

3 Q. Now, earlier you previously spoke about your fourth arrest
4 being after the article "S-t-o-p" of January 1998 - January 22nd

13:22:09

5 1998 - and this is now in September of 2000. Earlier you
6 referred to an individual Joseph Tate, who was the Director of
7 Police when you were arrested in 1997 and 1998. Do you know what
8 his position was by this point in September of 2000?

9 A. In September 2000 I am not - well I am not sure if he was

13:22:33

10 still alive or dead, because Joseph Tate we were made to
11 understand died in a plane crash on his way somewhere in the
12 southeast, Buchanan or somewhere around there, I am not sure, so
13 I don't know if he was still Director of Police. He might have
14 still been, but I am not just sure, you know? I don't remember

13:22:58

15 if he was still there. He probably might have died some time in
16 2000/2001, I don't know.

17 Q. Now after this arrest and detention, did you return to The
18 Analyst newspaper?

19 A. Oh, yes, sir. I did, sir.

13:23:15

20 Q. And did you continue working at The Analyst?

21 A. Right, I did continue.

22 Q. Did anything happen to you thereafter while you were
23 working at The Analyst?

24 A. Yes, sir, something happened in 2001, May 1st. May 1st

13:23:35

25 2001. May Day, May 1st 2001, yes, something happened.

26 Q. What happened to you?

27 A. I had been working on - I had been investigating some
28 alleged abuses, human rights abuses, that included rape and gang
29 rape of women. I had been working on the involvement - the

1 intention of the Liberian government to destabilise Sierra Leone
2 further. I had been investigating murder - well, executing
3 civilians in Lofa County and in other places by Liberian
4 government officials, and even across the border into Sierra
13:24:23 5 Leone, and I had been working on the involvement of the Liberian
6 government in the diamond for gun trade. Now, this is an
7 important distinction. For Amnesty it was not the diamonds and
8 guns trade. For Amnesty it was the human rights abuses, so that
9 was their area of interest. So I emailed - I chronicled the
13:24:55 10 information, spoke with the witnesses, agreed to conceal their
11 identities. Because I could not publish that in The Analyst
12 other guys wouldn't let me because, you know, there were a series
13 of arrests and stuff like that, harassment, I decided to have
14 them emailed to Amnesty International because I thought that
13:25:22 15 these women needed to have their voices heard and some of these
16 included Sierra Leonean women and girls that were on refugee
17 camps in Liberia around coffee farm area, that is coffee farm,
18 the coffee farm, around what is it called, Caldwell,
19 C-A-L-D-W-E-L-L, in Caldwell area, towards Dixville, so based on
13:25:54 20 those persons that - those investigations - I thought it was
21 necessary if someone told the story. I knew certainly then that
22 I couldn't tell that story. They were going to come after me and
23 they were going to come hard. So I sent the information to
24 Amnesty which in turn verified them and then on May 1st Amnesty's
13:26:18 25 researcher on Liberia, Tania Bernath, was on the BBC Focus on
26 Africa accusing the Liberian government of a wide range of
27 issues, human rights abuses, rapes, gang rapes, murder,
28 execution, you know, harassment of Sierra Leonean refugees,
29 murder, all sorts of things. This was 5 o'clock, 5.05, because

1 Focus came on 5.05, five minutes after 5 p.m. This is 2001. I am
2 out of my office. As I walked down from DC Radio, that is Ducor
3 Radio, Crown Hill Monrovia, coming down the street by Sabanoh
4 Printing Press, I see my friends running out, some guys running
13:27:11 5 from the building, "Hassan don't go there."

6 Q. What building is that?

7 A. The office - the building that houses The Analyst
8 newspaper. So I asked why shouldn't I go there? They said,
9 "Well, they are there. They are looking for you. They will kill
13:27:24 10 you in fact if they found you. They are uprooting everything."

11 So they uprooted. They went there to --

12 Q. Who is "they"? Do you know, who they are referring to?

13 A. The Liberian government security forces. Those guys, I did
14 not see them physically because I did not go there. My
13:27:39 15 colleagues who were there told me that they were NSA agents, that
16 is the National Security Agency, SSS, and the police and the ATU.
17 They go into the offices of The Analyst newspaper and in an
18 adjacent office, which was a computer school run by Reverend
19 Colman on the same floor, C-O-L-M-A-N, Reverend Colman, who was
13:28:12 20 heading a Korean church in Liberia, they went into his office,
21 they removed all the - they damaged some of his computers. They
22 go into our offices, uproot - they uprooted all of the telephone
23 wires, took all of the computer files, took pictures that we had
24 there and took literally everything that they could, including
13:28:34 25 the computers.

26 Q. How did you know that this was going on?

27 A. My, one of my reporters had run downstairs to warn me and
28 he was actually running away from there. He explained it to me.
29 And when I went into hiding --

1 Q. Well, after he explained this to you, what did you do?

2 A. I went back up Crown Hill, McDonald Street, Carey Street
3 and walked down with my radio and then I heard Liberian
4 government issue an arrest warrant for me, and they are looking
13:29:11 5 for me and I am in the middle of the city. I can't go back home
6 on the old road. I decide to go back, to go across the bridge
7 around Caldwell, Monrovia, so basically they uproot everything
8 and take everything to the NSA, National Security Agency
9 headquarters in Mamba Point, Monrovia.

13:29:35 10 Q. What did you - when you said you heard the Liberian
11 government issued an arrest warrant, where did you hear that?

12 A. On the radio.

13 Q. What - do you recall in what capacity - what radio you
14 heard that?

13:29:46 15 A. Yes, on Kiss FM. Kiss FM.

16 MR SANTORA: Okay. I am going to stop you, Mr Witness, and
17 we will continue with this.

18 PRESIDING JUDGE: Mr Witness, we are now going to take the
19 lunchtime adjournment. It is one hour and we will be resuming
13:30:03 20 court at 2.30. Please adjourn court until 2.30.

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

22 [Upon resuming at 2.30 p.m.]

23 PRESIDING JUDGE: Good afternoon. Mr Santora, I note a
24 change of appearance on your Bar.

14:31:48 25 MR SANTORA: That is correct, Madam President. Nicholas
26 Koumjian is no longer with us and I believe actually he was not
27 with us in the session prior and I forgot to note it myself.

28 PRESIDING JUDGE: Please proceed.

29 MR SANTORA:

1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon.

3 Q. Mr Witness, before we continue you were referring to a
4 radio station on which you heard that there was an arrest warrant
14:32:12 5 issued for you. Do you recall talking about that?

6 A. Yes, sir.

7 Q. The name of that radio station, can you say it slowly?

8 A. Kiss FM.

9 Q. Can you spell that?

14:32:26 10 A. Yeah. K-I-S-S and the letters FM, frequency modulation.

11 Q. Okay. So what exactly, what specifically did you hear when
12 you were listening to the radio?

13 A. I heard that the Government of Liberia had issued an arrest
14 warrant for me because I was "funneling sensitive anti-government
14:33:07 15 information to government's enemies in the west". I also - that
16 was shortly after 5.05 and then there is another BBC Focus on
17 6.30, they also reported on that the same day that the government
18 had issued an arrest warrant for the editor - one of the editors
19 at The Analyst newspaper.

14:33:38 20 Q. Now earlier you said that you gave - you sent information
21 to Amnesty International?

22 A. Yes, sir.

23 Q. On email, is that correct?

24 A. That's correct.

14:33:51 25 Q. Did you know or did you come to know how the government
26 identified you for this arrest warrant?

27 A. Well, I did come to know or I did come to believe - I did
28 come to know through a belief, that is, there were - there was a
29 reporter who worked with me, and whom I suspected of being a

1 government paid agent whom many of my colleagues had also
2 suspected similarly because he'd worked with other media houses.
3 So this is the person that I came to believe that sent the
4 information that it was I who sent the report to Amnesty
14:34:46 5 International and this story was corroborated by some other
6 reporters who worked with me.

7 Q. You said you know or you - through a belief. Did you
8 actually know or did you just believe this?

9 A. Well, he didn't - he wouldn't admit to it, so, you know, I
14:35:03 10 didn't like set up an investigation. There was a very strong
11 suspicion. Everybody working with The Analyst held that belief.
12 So it wasn't like he admitted to say, "Yes, I did it."

13 Q. So after this arrest warrant was announced on Kiss FM, what
14 happened?

14:35:25 15 A. A manhunt was launched because subsequent newscasts - in
16 subsequent newscasts it was announced that the government
17 security forces were looking for me, so I went into hiding. I
18 went in hiding, Bushrod Island, because by this time I was
19 staying on VP Road. So when I left my home on VP Road on 1 May
14:35:53 20 2001 I never returned there at all. I went into hiding.

21 JUDGE SEBUTINDE: Mr Santora, the witness referred to
22 anti-government information, not inter-government.

23 THE WITNESS: Sensitive anti-government information.

24 MR SANTORA: I see the reference. The witness has
14:36:18 25 acknowledged he said anti-government, so it will hopefully be
26 picked up.

27 THE WITNESS: It's in quotation though. That was the
28 government's version.

29 MR SANTORA:

1 Q. Did you remain in hiding?

2 A. No. The situation was becoming more dire and everywhere I
3 passed - like, I travelled during the nighttime, once it was
4 dark, and friends who were concerned about my safety, who asked
14:36:43 5 me to turn myself in to the government security, and I thought
6 that was not a good idea, so I made a conscious decision to go to
7 the Catholic Justice and Peace Commission. That's the JPC on
8 Ashman Street, Monrovia, and requested - I mean informed them of
9 my willingness to surrender myself to them in turn to be - so
14:37:14 10 that they would turn me - take me to the government and, you
11 know, to turn me over to the government for whatever
12 investigation the government wanted to conduct because I thought
13 that if I walked to the security offices I would be harmed and
14 the government would deny that they were holding me.

14:37:38 15 Q. What is the J - at this point - at this time in Monrovia in
16 2001, what was the Catholic Justice and Peace Commission? What
17 was that organisation?

18 A. The Catholic Justice and Peace Commission, it is and was
19 and has always been a human rights organisation, a human rights
14:37:59 20 division of the Catholic church of Liberia. It is an
21 organisation - it is a division of the Catholic church that
22 advocates for the restoration of people's basic human rights and
23 it speaks for people whose rights have been abused, people who
24 relatives have been murdered by state security agency, so that
14:38:26 25 sort of thing. They also spoke for press freedom. So it's
26 actually a human rights organisation that, you know, spoke -
27 serve as a voice for those who were - who didn't have voice.

28 Q. And this organisation, is it commonly referred to as JPC in
29 Monrovia?

1 A. Yes, sir. It's commonly referred to as the JPC.

2 Q. Now, you said you made contact with the JPC. And what
3 happened after you made contact with the JPC?

4 A. I walked - first of all I called somebody in the JPC and
14:39:11 5 they weren't sure that it was I who was calling, so I sent a
6 representative, a cousin of mine, to go to the JPC with a
7 handwritten note to say that I was prepared to surrender myself
8 to them so that they would take me to the government. And once I
9 did that I was escorted to the headquarters of the National
14:39:42 10 Security Agency, that is the NSA in Mamba Point Monrovia,
11 Liberia. It was then headed by a Freddy Taylor and we walked
12 into his offices.

13 Q. Who is Freddy Taylor?

14 A. Freddy Taylor is - I mean was the director of the National
14:40:08 15 Security Agency Republic of Liberia.

16 Q. What happened when you walked into his offices?

17 A. Once I walked - when I walked into his offices he looked at
18 me and he asked his security guards, some of the National
19 Security Agency's agents whom we met on - whom we met in
14:40:33 20 different parts of the building, to take us to his office. He
21 said, "Well, is this the guy?" They said, "Yes." He said, "I
22 don't believe this. I don't believe that" --

23 Q. Who said "I don't believe this"?

24 A. Freddy Taylor, director of the National Security Agency,
14:40:47 25 said, in the presence of the JPC official, that he did not
26 believe the government's allegation against me and he said,
27 "Well, I think someone is trying to harm you" and then he said,
28 "In anyway, protocol, we're going to do an investigation, but I
29 want to make my position clear, I don't believe that."

1 Q. Now, prior to this encounter, prior to this point where you
2 met Freddy Taylor, did you know him before that?

3 A. Yeah, I know Freddy Taylor and we had contacts. Yes, sir.
4 I did know him.

14:41:32 5 Q. So when he saw you and he said "I don't believe this", do
6 you know what he was referring to?

7 A. Yes, he did clarify. He did say that the government is
8 trying to blame everybody for its problem. Hassan, this guy
9 cannot be the one who is funneling sensitive anti-government
10 information to government's enemy in the west. He said he
11 thought the statement, the government allegation was false.
12 That's what he said. He said he thought that.

13 Q. Okay. So what happened after that?

14 A. An investigation was launched.

14:42:14 15 Q. Well, for you personally, where were you then taken, if
16 anywhere?

17 A. Well, I was held in detention and - while an investigation
18 was launched.

19 Q. Where were you held in detention?

14:42:25 20 A. I was held at the NSA.

21 Q. Were you mistreated in this - well, what happened to you?

22 A. I was not mistreated because the guys were under special
23 instruction from Freddy Taylor not to mistreat me, and an
24 investigation was launched, and we would go on a daily basis to
14:42:54 25 an internet cafe that was very close to the Freeport of Monrovia.
26 That's the port, the major port in the country. At a building on
27 the right occupying the old Peugeot garage, Peugeot as in car, as
28 in vehicle. The old Peugeot garage, where they sold their cars.

29 Q. Are you saying Peugeot, like the vehicle Peugeot?

1 A. Yeah, Peugeot garage. An internet cafe was there. And we
2 would go, they wanted to know, Freddy assigned a special agent
3 who they believed had understanding of computer because the idea
4 of computer was basically relatively new in Liberia. So we went
14:43:45 5 there. We would go there on a daily basis and they would check
6 my inbox. You know, they asked me to, you know, write, do my
7 password and my user name and all of that. But what I did, I
8 actually called someone earlier and gave the person my password
9 and my user name to delete the information I had, I had
14:44:21 10 communicated or emailed out for which I was being sought now. So
11 that was deleted. So I was confident once they told me, okay,
12 put your new password, user name, everything and then we searched
13 everything. There was nothing. But the government did not
14 specify the kind of sensitive anti-government information, but I
14:44:47 15 know that it was - the government was referring to the statement
16 press release and comments by Amnesty International. Because
17 many people believed what was going on there it did not want to
18 disclose what they wanted me for, so it made the public to
19 believe it was something completely different which was
14:45:10 20 threatening to the security of the state, Liberia.

21 Q. So when you say that it made the public to believe it was
22 something completely different, who made the public or what made
23 the public?

24 A. The government.

14:45:27 25 Q. And do you know what the public - what the government made
26 the public to believe? When you say it was something completely
27 different --

28 A. Yes, the government made the public to believe that I was
29 involved in clandestine operations. Now, the government

1 statement was a long statement, but the key thing there that they
2 didn't define, they didn't provide a working definition for was
3 "sensitive anti-government information". So they kept that. The
4 illiteracy rate of this country - Liberia - is estimated
14:46:07 5 variously at between 75 to 85 per cent, so not many people could,
6 you know, decipher that. In this case --

7 Q. Just to correct, did you say the literacy rate or the
8 illiteracy rate?

9 A. Illiteracy rate, according to the United Nations and
14:46:27 10 according to the US State Department. Their vary on figure but
11 it's between 75 and 85 per cent. Then and probably now. And the
12 statement went on to say that I was engaged in anti-government
13 activities, subversive activities and stuff like that. So the
14 public - every person who saw me - for example, if I went to a
14:46:51 15 friend's place, I wanted to pass the night there, he would be
16 afraid, the government is charging you with this. After a couple
17 of days I didn't turn myself in and security forces, they didn't
18 see - find me. A shoot on sight order was announced on Kiss FM,
19 I personally listened to that, that's when my mother-in-law got
14:47:19 20 scared because at some point I was seeking refuge in her - at her
21 house. She got concerned about that and she was scared, so she
22 couldn't tell me leave, but I did understand her concern and I
23 left.

24 Q. This was prior to when you turned yourself in to the NS -
14:47:35 25 to the JPC, I'm sorry?

26 A. Yeah, this was prior to that.

27 Q. Okay. Now going back to when the investigation into your
28 activities was initiated, who actually - do you know who did the
29 investigation?

1 A. I don't know the agent's name, the agent by name but
2 he's --

3 Q. What part of the - what entity did the investigation?

14:48:03

4 A. National - I mean, the National - NSA, National Security
5 Agency and it was authorised by Freddy Taylor its director.

6 Q. What happened as a result of that investigation?

7 A. An investigation - after the investigation - the
8 investigation was ended and I was - it was deemed that I did not
9 do anything harmful. They did, however, question me about the

14:48:22

10 Amnesty International report, if I was aware of its content. I
11 said yes, I was aware of the contents. If I believed it. I said
12 well, my belief in it --

13 Q. Who questioned you on this?

14:48:43

14 A. The agent assigned to investigate this, the case, and I
15 said my belief in it wasn't going to make any difference. So on
16 4 June the Government of Liberia issued a press release and asked
17 - take it to the various newspapers and radio stations that says,
18 amongst other things, the government - after a one month - I mean
19 after about a month's investigation the government security
20 agency found that Hassan Bility was not involved in any
21 clandestine activity and that he is quote - this is quotation,
22 this is quote - "one of the finest Liberian journalist whose
23 footsteps are worth emulation." End quote.

14:49:13

24 Q. So at this point after this press release, what happened to
25 you?

14:49:41

26 A. I'm free man and I resume my work and it is important for
27 me to note here it was signed by the director of the National
28 Security Agency, Freddy Taylor. So I was a free man.

29 Q. Now, during the time you were arrested in this incident, do

1 you know if there was any reaction by Amnesty International?

2 A. There was a huge reaction by Amnesty International.

3 Amnesty began to - they issued many, many press releases on the
4 BBC. They spoke on the BBC, the Voice of America, that's VOA,

14:50:21 5 also commented on it. Radio Deutsche Welle also commented on it
6 and a specific professor from somewhere in the United States

7 likened them, the Liberian government to the government of

8 Zimbabwe, and said it was bent on prosecuting journalists and a
9 committee for the protection of journalists, CPJ, based in New

14:50:45 10 York, issued a press statement and they were echoing what Amnesty
11 had said condemning the Liberian government for that arrest. So

12 Amnesty publicised it and pressured the Liberian government

13 through letters, through calls, calling the justice ministry and

14 the police director, you know, that they were holding me as a

14:51:13 15 prisoner of conscience and that they should release me.

16 Q. And during the time you were detained for this incident

17 starting in May of 2001, were you aware that for Amnesty

18 International was issuing anything on your behalf?

19 A. Yes, I was aware. First of all when it happened - when the

14:51:35 20 arrest warrant was issued - I did not turn in myself for several

21 days and I contacted Amnesty to tell them the situation, they

22 were already aware because they heard on the BBC, and I contacted

23 them and say. I also listened, as I carried a small portable

24 black radio with me all the time, I listened to news regarding

14:52:06 25 the situation on the international radio stations and on Liberian

26 radio stations, so I was pretty much aware of what was going on,

27 you know, before I turned myself in.

28 Q. Okay. Now, after being released this time where did you

29 go?

1 A. I did go home.

2 Q. Did you return back to The Analyst?

3 A. Yes, I did return to The Analyst.

4 Q. From that point can you describe what happened to you?

14:52:44 5 A. From that point I was still continuing to write as we
6 thought professionally necessary. You know, we had a series of
7 brushes with the government, one of which was - I mean one of
8 which involved Councillor Tiawon Gongloe who had gone to Guinea,
9 the Republic of Guinea, to attend a conference and a speech he
14:53:23 10 had delivered there.

11 Q. I'm going to stop you just before you describe this. First
12 of all you've mentioned a name of councillor - and can you just
13 say his name and spell it for the Court, if you know?

14 A. Councillor T-I-A-W-O-N G-O-N-G-L-O-E.

14:53:54 15 Q. Okay, maybe let me ask you a more specific question.
16 Taking you to the year 2002, were you still working at The
17 Analyst?

18 A. Yes, sir, I was.

19 Q. Did anything happen to you during the course of that year
14:54:12 20 while you were working at The Analyst? Anything of significance?

21 A. Yes, several. In March 2002 my paper was shut down for
22 publishing certain articles that the government deemed - well
23 that the government didn't like, and then in June 2002 I was
24 arrested on 24 June at the offices of The Analyst newspaper and
14:54:49 25 jailed for six months, June to December.

26 Q. Okay, let me bring your attention to June. You said it was
27 24 June 2002?

28 A. Correct.

29 Q. What happened? Start from the beginning of that day.

1 A. On 24 June 2002, it was a Monday and I had taken my son to
2 the hospital. He wasn't feeling too well. He was three years
3 plus. Three plus year. I brought him back and he didn't want to
4 go home. He said, "Dad, I want to go to your office. I want to
14:55:33 5 go with you at your office". So we went there and he said later
6 on he wanted popcorn. I said, "Okay, give me a break, Cherish.
7 I'll take you down to get your popcorn". I was actually working
8 on the editorial of the following day's publication of The
9 Analyst newspaper and about three gentlemen in plain clothes
14:56:08 10 walked up to The Analyst's offices in Monrovia and told me that
11 they had some news stories that they thought that other
12 newspapers wouldn't be prepared to publish and they said it
13 involved the government and some government officials. So I
14 designated a reporter to talk with them, to speak with them, and
14:56:35 15 they said, no, they wanted to speak with me personally because
16 they thought that, you know, if I told them that I would conceal
17 their identity they would believe that their identity would
18 remained concealed. So I said, "Well, okay, I'm going to talk to
19 you guys, but just give me a second. I'm taking my son
14:57:01 20 downstairs to get him popcorn".

21 So I held my son and walked with him and as soon as we got
22 out of the building, on the sidewalk, these guys followed me and
23 they jumped on me and kicked, punched, hit me and a red vehicle
24 that was parked around the corner just ran - you know, sped and
14:57:27 25 came and stopped. They opened the door and they forced me to get
26 into the car, and I wouldn't get into the car because I'd asked
27 them if they were officers they should identify themselves. They
28 didn't - they said they didn't care about identification and they
29 overpowered me. Meantime my little son was hitting them, "Leave

1 my dad alone. Where are you taking him?" However, they
2 overpowered me, left him there, put me in the car and took me to
3 the headquarters of the Liberian national police. At this
4 time --

14:58:12 5 Q. Now just before you continue, prior to this 24 June 2002
6 had you published any other articles related to the government?

7 A. Yes, I had published several articles. One for which the
8 paper was shut down was titled "Good or evil: State of
9 emergency". This was against the backdrop that the Government of
14:58:47 10 Liberia had imposed a state of emergency in accordance with the
11 constitution, because the Liberian constitution says that the
12 President can declare a state of emergency under several
13 conditions, one of which was an uprising, war, stuff like that,
14 and at this time that met the condition. There was war fast

14:59:13 15 approaching Monrovia, chaos, confusion. So we had actually
16 written - I had actually written that to justify the government's
17 declaration of the state of emergency, but to condemn the
18 security forces' use of the state of emergency to harass, rob,
19 rape and attack innocent civilians, including refugees, you know,
14:59:43 20 and including Liberian displaced persons and Sierra Leonean
21 refugees as well.

22 Q. Okay. Now, this article you said was - did you say it was
23 approximately around March of 2002?

24 A. I believe it was in March. I'm not sure about the date,
15:00:04 25 but it was in March.

26 Q. Now, the paper was shut down. Did it remain shut down?

27 A. No, the paper was re-opened after the intervention of the
28 United States embassy condemning the Liberian government's
29 behaviour towards the media and outcry by Liberian - you know,

1 the Press Union of Liberia as well as Amnesty International
2 Reporters without Borders Committee to Protect Journalists and
3 Others. The paper was re-opened.

15:00:41 4 Q. Now taking you back to this 24 June 2002 incident, you said
5 you were taken to the national police station?

6 A. Yes, sir.

7 Q. What happened then?

8 A. I was brought into a holding cell - a holding room - and I
9 stayed there up to the time of Focus. Focus on Africa is a BBC -
15:01:07 10 British Broadcasting Corporation - radio programme. The time is
11 five after 5 o'clock. It is usually five minutes after 5
12 o'clock. And I'm sitting in this guy's office, Chief of Counter
13 Intelligence - at least that's how he described, you know, his
14 title to me, Chief of Counter Intelligence. I was sitting in his
15:01:37 15 office and his office back is turned to the outside of the front
16 part of the Liberian national police headquarters and the windows
17 are very big large sliding windows like this, cascading windows
18 like this, you know, over each other. It's open. There is a
19 vendor - because I later on stood up and looked down. There is a
15:02:03 20 vendor selling what we refer to in Liberia as wallet market. A
21 small market. A small market where they sell kernels, chicklets,
22 cigarettes and stuff like that.

23 Q. What did you call it, I am sorry? What kind of market?

24 A. Wallet market. It's just Liberian parlance. Wallet
15:02:23 25 market. He's selling that and he's got a radio glued to his ear
26 and I listened to the radio that I have been arrested and charged
27 for subversion, plotting to overthrow.

28 Q. Okay. Just to continue, you were listening to the - you
29 were at the police station. How long did you remain at the

1 police station?

2 A. I stayed - I remained at the police station up until around
3 or after midnight, I believe.

4 Q. And where did you go after that?

15:02:49 5 A. After that, the security forces - it was dark. They came
6 in.

7 Q. You say - again just to clarify, you say "the security
8 forces". Who are you --

9 A. The police.

15:03:04 10 Q. Okay.

11 A. Well, here in this case I'm assuming the police. It's dark
12 in the room. They came in, blindfolded me, tied my hands behind
13 my back, took my watch, took my money, took my shoes and take me
14 into the basement of the Liberian national police headquarters
15:03:31 15 and then I'm blindfolded.

16 When I reached there I clearly recognise the voice of the
17 police director, Paul Mulbah. They talk to one another and then
18 Paul Mulbah, police director, says, "Well, put him in a jeep.
19 Put him in the back". And I'm brought - I'm forced to the back
15:04:09 20 of this jeep and driven to the home - to the residence - of at
21 this time President Charles Taylor and the jeep stops across the
22 street where coming from Monrovia we're going to Congo Town, the
23 jeep stops on the other side of the road and President Taylor's
24 home is on the other side which was commonly referred to as White
15:04:45 25 Flower. We get down, get off and then the blindfold is removed.

26 Q. How did you know - if you were blindfolded, how did you
27 know where you were?

28 A. I lived almost all my life in Monrovia and I know that - I
29 know White Flower. I know Congo Town. I know the President's

1 official residence. I've been there before. I've been there for
2 a Christmas party that the President held for reporters,
3 journalists and other people and so I know the place. As I get
4 off and as we cross the road, the blindfold is removed and I look
15:05:24 5 at the fence and I'm ushered into the building. President
6 Taylor's son Chucky and one of his bodyguards, Momoh Gibba, and
7 Benjamin Yeaten are in the same room.

8 Q. In what room? What did you say?

9 A. The sitting room, waiting room, living room, or whatever
15:06:10 10 you call it --

11 Q. Okay.

12 A. -- with other people. Then there is another room, which I
13 think that was the President's private office and/or meeting
14 room, small in size, and the door is opened. I mean, one of the
15:06:28 15 guys who was taking me opens the door and they send me in there
16 and so --

17 Q. And who did you see, if anyone, when you came into that
18 room? Which room are you coming into? Which room are you
19 referring to?

15:06:44 20 A. I'm referring to the room where President Taylor with some
21 of his government officials were sitting in. I think it's either
22 his private office or his private meeting room at White Flower.
23 When I enter, I see a lot of government officials, security
24 chiefs including Musa Cisse, late now, who was an uncle of mine.

15:07:24 25 I see many of them, Kadiatu Jarra, Emmanuel Shaw. I'm sorry,
26 this is a little bit hard for me. And as I entered the President
27 says - he points at me and tells his ministers, security chiefs,
28 this is the guy who wants to overthrow my government, and I
29 quickly remarked, "Mr President, that's inaccurate." So I

1 observed that most of the guys in the room, though there were
2 chairs and couches, were sitting on the floor and the President
3 asked me to have a seat. "Please take a seat." And I go and I
4 sit not on the floor as many other people were, but in a chair
15:08:37 5 and crossed my legs, and the chief of - Musa Cisse, who was
6 popularly known as the President's chief of protocol, I'm not
7 sure not Executive Mansion chief of protocol, he was popularly
8 referred to as chief of protocol, says, "Why are you sitting in
9 the chair? The President is sitting in the chair. You sit in
15:09:02 10 the chair? Everybody else, I mean, people were sitting on the
11 floor. Well, okay, sit." President Taylor said, "No, never
12 mind, leave him, I'll talk to him." And then the President
13 authorises a video recording team from his television station to
14 come and record what I will say.

15:09:43 15 PRESIDING JUDGE: Mr Witness, are you all right?

16 THE WITNESS: I'm fine. He speaks - he talks for a long
17 time.

18 MR SANTORA:

19 Q. Who talked for a long time?

15:09:54 20 A. President Taylor talks.

21 Q. What does he say?

22 A. He's actually asking me that neither guard nor Amnesty
23 International, or even the United States government can set me
24 free. He says, "It's only the truth and God can set me free
15:10:18 25 here." He says, 'Well, I want to be fair and frank with you
26 here, you have to tell me the truth." And he alleges that I had
27 travelled to Europe, purchased arms in Europe, imported the arms
28 to Liberia and stored the arms at the United States Embassy in
29 Monrovia, and that I had travelled to Cote d'Ivoire and contacted

1 and brought into Liberia 24 mercenaries who were staying at the
2 United States Embassy in Monrovia and that I, along with the
3 current President Ellen Johnson-Sirleaf, Bishop Michael Francis,
4 then bishop of the Catholic diocese of Monrovia, Ibrahim
15:11:33 5 Mitchell, then an executive of a political party called the New
6 Deal Movement, Alhaji Kromah, leader of the former ULIMO-K party,
7 a warring faction, and Robert Perry, then assistant secretary of
8 state or former assistant secretary of state for African affairs
9 at the United States State Department, that I along with all of
15:12:05 10 these people was plotting to overthrow his government and kill
11 him and he's got me. He said - President Taylor said that now
12 he's got me. He said, President Taylor said, that now he's got
13 me, he said he had warned me previously in the past to stop
14 reporting on RUF because it was none of my business, the Foday
15:12:41 15 Sankoh situation, his government's alleged involvement - my
16 involvement is what he was saying, in the RUF, with the RUF. He
17 said those were none of my business and he thought that - he
18 repeated it in pretty much the same thing he'd been saying to me
19 whenever we met, his support for the RUF, and he didn't care who
15:13:01 20 thought what.

21 Q. What exactly did Mr Taylor say with relation to the RUF?

22 A. Mr Taylor said that he had warned me to get off of - to
23 stop reporting on the RUF, Liberia's involvement or contact,
24 support for the RUF, and I didn't listen to those pieces of
15:13:27 25 advice in the past and now he says that he's got me and that he's
26 got me so firmly not even the US, Amnesty or whoever, could set
27 me free and this investigation personally - he personally
28 interrogated me for about two hours 20 minutes. I know that
29 because there is - there was a clock on the wall and he talks

1 about a wide - very, very wide range of issues, and he also says
2 things to the effect that, okay, you had tried to link me to the
3 RUF with your writing - he accuses me of being a communist
4 oriented person by the way I wrote, suggesting I probably might
15:14:32 5 have some communist indoctrination by the way I wrote. And he
6 also states clearly that whatever he even did in Sierra Leone I
7 didn't - you small boy, you little boy didn't even have anything
8 to, you know, to report on that. You ignored my warning,
9 President Taylor tells me, but now I've got now and I'm going to
15:15:00 10 deal with you. And he asked me to confess to a coup plot and I
11 respond first. "Mr President, the word 'confession' is not
12 applicable in this case. Confession implies that one has done
13 something and he's trying to hide it. As far as this alleged
14 coup is concerned the word 'confession' is not applicable because
15:15:33 15 I've not done anything so I can't confess to something that I've
16 not done."

17 Q. Now, I'm going to interrupt you for a moment, Mr Witness,
18 and just to understand. You said that two hours and 20 minutes
19 had elapsed?

15:15:48 20 A. Right.

21 Q. Because you saw the clock, is that correct?

22 A. That's accurate. That's correct.

23 Q. During the course of this time who was actually talking to
24 you?

15:15:58 25 A. President Charles Taylor was talking to me. He was
26 interrogating me all this time.

27 Q. Now, you've mentioned that he referred to your past work or
28 your past publications with relation to the RUF. Did Mr Taylor
29 say anything generally about Sierra Leone?

1 A. Yes, he said many things generally about Sierra Leone.
2 Amongst the things he said that I recall about Sierra Leone were,
3 he did say that - it was basically a recap of most of the things
4 he'd said to me in the past regarding Sierra Leone. One, he
15:16:42 5 didn't even care who thought about - you know, who thought if he
6 were involved with the RUF or not, he didn't care about that. As
7 far as he was concerned his forces - he had the best ground
8 force, I'm not sure what he meant by that, but my opinion was
9 military. He had the best ground force and he was willing to
15:17:05 10 even move into Sierra Leone again if necessary. He also said
11 that he wanted to say something - he said, "Let me tell you
12 something. As far as the Tejan Kabbah situation is concerned,
13 and the RUF is concerned, the RUF is fighting a just war and I'm
14 not going to let anybody arm twist the RUF. I was never going
15:17:36 15 to" - he said he was never going to let that happen. "And I
16 still stand firm, ready to do whatever it takes if necessary to
17 move into Sierra Leone. You know I'm not afraid of anything."
18 It was a very wide ranging conversation, you know, and it lasted
19 a long time. I was sitting there scared, actually scared,
15:18:02 20 because I had been accused by President Taylor whom I know of
21 plotting to overthrow him. I thought I was dead instantly. And
22 once I will not say what he wanted me to say - by this time when
23 he asked the question he asked, he did like this. He told the
24 cameraman roll the - I'm sorry, but that's what he did, he
15:18:26 25 snapped his finger. Roll the camera. And then the camera is
26 focused on me. My assumption at that point was that whatever I
27 said would be aired on the radio and on television to make people
28 convinced that indeed this was true, and that I had been involved
29 in clandestine activities or been paid by Tejan Kabbah or, you

1 know, Sierra Leonean officials to report on these things in the
2 past. But the fact was I had never personally met any Sierra
3 Leonean official as such, like discussing what your paper wrote,
4 no. I had been to Sierra Leone though through the
15:19:08 5 instrumentality of ECOMOG to witness the removal of the RUF and
6 the reinstatement of the Tejan Kabbah government as a reporter,
7 of course. So President Taylor focuses in part on the Sierra
8 Leonean case and he tries to convince me to think that he had
9 justification and right to support the RUF, and it was nobody
15:19:30 10 else's business.

11 Q. Now, you were, before I interrupted you, you were referring
12 to a confession and you said that you were asked by Mr Taylor for
13 a confession. Is that correct?

14 A. That's correct.

15:19:59 15 Q. So what happened at that point?

16 A. At that point I told him that the word "confession" was
17 inapplicable as far as the English language was concerned and my
18 understanding of it was concerned. I also told him that, "Mr
19 President, I think I'm under arrest mainly because of my writing
15:20:16 20 and because of my ethnicity, because of my ethnic background, I
21 am a Mandingo. And I must admit I wrote very critically and I
22 was equally critical of whatever was going on wrong, I didn't
23 think that - and it was time to give a pat on the back to anybody
24 who was, you know, doing wrong thing. So I said that I believed
15:20:42 25 he arrested me because of my writing specifically on the Sierra
26 Leone situation.

27 Now this is worth pointing out: In all my time in Liberia,
28 the primary reason for which I had problem with the government
29 and President Taylor was my reporting on Sierra Leone, that I

1 know. He and I talk about that, he talk about - he advise, he
2 talk, you know, many times, but I just wouldn't let up because I
3 thought it was the right way to go professionally. You know, I
4 thought I should do it. I thought it was a duty. So that was
15:21:24 5 the underlying problem, you know, and I told him I was ethnic
6 Mandingo, that's why I was under arrest, but I was never involved
7 in a coup. I told him that if his alleged plot existed, and if I
8 was assumed to be the leader of that cell in Monrovia, then that
9 means - I told him that meant that the plot was non-existent
15:21:49 10 because I was never involved with anything.

11 Q. What happened after that?

12 A. After that President Taylor became very furious. He used a
13 lot of profane languages and asked this guy who is recording on
14 the camera to turn - I mean to shut off - to turn off the video
15:22:09 15 and he threatens that he will kill me. And then he says - he
16 asked me if I knew Benjamin Yeaten. He said, "You know this
17 guy?" I said, "Yeah, that's Yeaten". "So you call him Yeaten?"
18 I say, "Yeah, that's General Yeaten". He said, "Okay, if you
19 don't talk to me he's going to make you talk. You know what he's
15:22:36 20 capable of doing". And I pleaded with him by saying,
21 "Mr President, I have told you exactly what I do know. I'm not
22 involved with any coup d'etat. I'm not involved with any plot to
23 assassinate you. I'm not working with - I mean, I am not working
24 for the United States government. So all of these things, you
15:22:59 25 know, have nothing to do with Bishop Michael Francis, in terms of
26 plotting, and I didn't even believe that Bishop Francis ever
27 plotted to overthrow you, or Sheikh Kafumba Konneh, or Ibrahim
28 Mitchell [phon], or other people who were similarly accused".

29 So he said, "Well, if you're not going to talk to me, Ben

1 is going to take you away. Yeaten is going to take you away. He
2 will make you talk". And then he gave me one more chance and
3 before he was done he gave me one more chance and says, "A small
4 child ..." - that's a proverb. An African proverb. "A small
15:23:40 5 child can run, but a small child cannot hide", meaning, "You can
6 run as a child, but you're not able to hide from me and so now I
7 got you". He said, "If you listen to me and forgot about your
8 report on the RUF, on me being there, I know this problem
9 wouldn't go this far".

15:24:11 10 Then he says, "Let me ask you a question. Was somebody
11 paying you to do that?" I said, "No". I said, "Mr President,
12 I've just reported exactly what I saw". He said, "But I told you
13 to forget the RUF area, no go area, RUF connection with Liberia,
14 no go". But I knew firsthand the involvement of Liberian
15:24:35 15 government with the RUF. I stayed on VP Road where RUF guys,
16 including Eddie Kanneh --

17 Q. Just pause for a moment, because you were talking about
18 what Mr Taylor said and then you moved and then I'm not sure now
19 if you are referring to what he said, or if you're just speaking.

15:24:52 20 A. No, Mr Taylor is saying this. Mr Taylor tells me that, "A
21 small child can run, but a small child cannot hide".

22 Q. Okay.

23 A. Mr Taylor tells me that he'd warned me about the RUF not to
24 report on connection between Liberia - his government - and the
15:25:06 25 RUF. If I had listened to his advice, I wouldn't be in this
26 trouble today. That gave me the personal impression that this
27 whole thing - because there was no specific article that I wrote
28 for which I was arrested the last time that this whole thing has
29 its roots planted in the RUF situation.

1 Q. Okay. Now aside from what was said to you at this point by
2 Mr Taylor and the allegations of a coup plot, did you see
3 anything - were you provided with anything to show your
4 involvement in a coup plot?

15:25:46 5 A. I was never ever provided anything to prove my involvement.
6 I was never afforded the opportunity to have lawyers. I was held
7 incommunicado detention, meaning never allowed to see anybody.
8 Nobody will see me.

9 Q. Well before we go into your detention, was there any
15:26:11 10 reference to anything that showed your involvement in a coup plot
11 at this meeting with Mr Taylor?

12 A. At this meeting absolutely zero reference to anything. I
13 mean zero - you mean evidence to confront me? Or evidence, is
14 that what you mean, to show me something, "This proves that you
15:26:29 15 were involved"?

16 Q. Yes.

17 A. Zero. Nothing.

18 Q. Was there anything shown to you, whether or not it was
19 evidence or not?

15:26:35 20 A. Nothing was shown to me. What was said to me is exactly
21 what I said. The Sierra Leonean situation and these names,
22 Robert Perry, former Assistant Secretary of State African Affairs
23 at US State Department, Bishop Michael Francis, Bishop Catholic
24 Archdiocese of Monrovia, Sheikh Kafumba Konneh, Vice-President
15:26:57 25 Interreligious Council of Liberia and Ibrahim Mitchell, Political
26 Executive New Deal Movement Party, Monrovia, Liberia, and a host
27 of other people, that these were people who - and Ellen Johnson,
28 currently President of the Republic of Liberia and then in
29 political opposition, that these were people --

1 Q. Well I'm going to stop you, because I don't want it to be
2 repetitive and I know we're on a specific time frame today and it
3 is a little difficult.

15:27:25

4 PRESIDING JUDGE: Yes, if that is convenient, because I
5 understood from your questions you're moving on to a new aspect.

6 MR SANTORA: This is convenient.

15:27:40

7 PRESIDING JUDGE: Thank you, Mr Santora. Mr Witness, as
8 you may have heard earlier this morning we're adjourning earlier
9 today than normal. I must inform you and warn you that now you
10 have taken the oath you must not discuss your evidence with any
11 other person until all of your evidence is finished. We will be
12 resuming tomorrow morning at 9.30, our usual time. Do you
13 understand?

14 THE WITNESS: Yes, judge, I understand that. Thanks.

15:27:57

15 PRESIDING JUDGE: Thank you. Please adjourn court until
16 9.30 tomorrow.

17 [Whereupon the hearing adjourned at 3.30 p.m.
18 to be reconvened on Tuesday, 13 January 2009 at
19 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY	22272
EXAMINATION-IN-CHIEF BY MR SANTORA	22272

EXHIBITS:

Exhibits P-267 to P-269 admitted	22269
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