



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 13 JANUARY 2009  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Mr William Romans  
Ms 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 Tuesday, 13 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:18:18 5 PRESIDING JUDGE: Good morning. Appearances, Mr Santora?

6 MR SANTORA: Good morning, Madam President. Good morning,  
7 your Honours. Good morning, counsel. For the Prosecution this  
8 morning is Brenda J Hollis, Nicholas Koumjian, Maja Dimitrova and  
9 myself Christopher Santora.

09:31:08 10 PRESIDING JUDGE: Thank you, Mr Santora. Good morning,  
11 Mr Griffiths.

12 MR GRIFFITHS: Good morning, Madam President, your Honours  
13 counsel opposite. For the Defence today myself Courtenay  
14 Griffiths and my learned friends Mr Terry Munyard and Mr Morris

09:31:22 15 Anyah.

16 PRESIDING JUDGE: Thank you, Mr Griffiths. If there are no  
17 other matters I will remind the witness of his oath. Good  
18 morning, Mr Witness.

19 THE WITNESS: Good morning.

09:31:31 20 PRESIDING JUDGE: I wish to remind you this morning that  
21 yesterday you took the oath to tell the truth. That oath  
22 continues to be binding upon you and you must answer questions  
23 truthfully. Do you understand?

24 THE WITNESS: Yes, your Honour, I do.

09:31:43 25 PRESIDING JUDGE: Thank you. Please proceed, Mr Santora.

26 WITNESS: HASSAN BILITY [On former oath]

27 EXAMINATION-IN-CHIEF BY MR SANTORA: [Continued]

28 MR SANTORA: Thank you, Madam President. Just as a minor  
29 preliminary matter after reviewing yesterday's transcript I think

1 one spelling of a name was missed and I am going to ask the  
2 witness for the spelling of that name. Just for counsel's  
3 reference, it's from yesterday's transcript on 22373. The name  
4 in question is at line 25 and it is recorded as "Kadiatu Jarra":

09:32:13 5 Q. Mr Witness, yesterday you were referring to individuals who  
6 were present at the point of your seventh arrest and one of the  
7 individuals you named, it was recorded as Kadiatu Jarra. Who  
8 exactly was that - do you know who that is referring to?

9 A. Yes, I do. Actually the full name is Kadiatu Diarra  
09:32:38 10 Findley.

11 Q. Okay. Can you go ahead and spell that name?

12 A. Kadiatu is K-A-D-I-A-T-U, Kadiatu, Diarra, D-I-A-R-R-A and  
13 then there is a dash and then there is Findley, F-I-N-D-L-E-Y.

14 Q. Thank you, Mr Witness. And yesterday, and there is one  
09:33:22 15 other reference to yesterday's transcript before the question for  
16 counsel. The next reference is from page 22380 at lines 9 and  
17 10. Mr Witness, yesterday at the end of the session you were  
18 describing some of the things that Mr Taylor was saying to you  
19 during the time of your seventh arrest while you were at White  
09:33:48 20 Flower and one of the things that you said that he asked you was:  
21 "Let me ask you a question. Was somebody paying you to do that?"  
22 This was with regards to when Mr Taylor was enquiring about your  
23 previous articles. Do you remember saying that yesterday?

24 A. Yes, sir.

09:34:08 25 Q. Now, did you receive any indication as to why you were  
26 asked if you were paid?

27 A. Sir, I don't understand that.

28 Q. Did you receive any indication as to why you were asked if  
29 you were being paid by someone to write these articles?

1 A. Counsel, are you asking me, because I - are you referring  
2 to indication from Mr Taylor or indication overall?

3 Q. Any indication?

09:34:52

4 A. Well, the indication I did receive I think was more of a  
5 perception because Mr Taylor - President Taylor kept referring to  
6 my previous articles that discussed the issues of Sierra Leone,  
7 the RUF and connecting or drawing a link between his government -  
8 that is the Government of Liberia - and the RUF. There were, I  
9 must point out, several articles in different newspapers that  
10 also reported on the abuses by Liberian government soldiers in  
11 Liberia and in Sierra Leone but my articles, in addition to  
12 reporting those incidents, also tended to draw conclusions  
13 linking directly the government of President Charles Taylor to  
14 the RUF and also saying that the Government of Liberia, we were  
15 convinced, based on evidence that we had gathered in our  
16 reporting, was supporting the Revolutionary United Front, the  
17 RUF.

09:35:26

09:36:07

18 Q. Okay. Now, to continue with what happened to you during  
19 the time of the seventh arrest, you said that Mr Taylor was  
20 speaking to you or interrogating you, you said, for approximately  
21 two hours and 20 minutes. Is that correct?

09:36:31

22 A. Yes, sir, that is correct.

23 Q. After that what happened?

09:36:50

24 A. After the interrogation Mr Taylor - President Taylor, I am  
25 sorry - asked Benjamin Yeaten, he held various positions so he  
26 was the director of the SSS, that is the Special Security  
27 Service, the presidential bodyguard, he was at some point head of  
28 the Anti-Terrorist Unit, the ATU, so, and at some time he was  
29 considered the overall general of the military in terms with

1 regards to the war. So I would simply refer to him as Benjamin  
2 Yeaten. He asked that I be turned over to Benjamin Yeaten who he  
3 said will make me speak the truth since I did not want to speak  
4 to him regarding what he considered the truth. From that point I  
09:37:45 5 was dragged out of the office, out of his - that meeting room at  
6 his home in Congo Town, Monrovia, and he specifically instructed  
7 - as a journalist I carried a kind of black bag, a shoulder bag,  
8 and he said they should go and find that bag that I carried and  
9 that he thought there were more pieces of evidence --

09:38:25 10 Q. I am sorry to interrupt you. Who said --

11 A. President --

12 Q. -- that they should go find the bag? And who's - go ahead  
13 and call names if you can?

14 A. Okay. President Taylor told, instructed Benjamin Yeaten  
09:38:35 15 that they should take me and I should, you know, and locate and  
16 find a black bag that I carried and that he thought there were  
17 more pieces of evidence in that bag that would implicate me. And  
18 then I was moved out of his - out of that conference room through  
19 the sitting room and onto the street outside his residence in  
09:39:08 20 Congo Town and driven at the back of a pick-up truck, actually  
21 held like a bag of rice like this, two persons held my hands and  
22 two persons held my feet, like one, two, three, go, and I was  
23 flung into the back of the pick-up truck and driven to the  
24 offices of The Analyst newspaper. By this time it was on Benson  
09:39:35 25 Street, Monrovia, above the OK Dry Cleaning about 30 or 50 metres  
26 away from the headquarters of the Press Union of Liberia. We  
27 went into the building and they find a bag --

28 Q. Who found the bag?

29 A. Now Benjamin Yeaten had instructed a guy called Papa

1 Kuyateh.

2 Q. Can you try to spell that, if you know how?

3 A. Yes. Well, his full name is actually --

09:40:15 4 Q. Actually, I do believe that is actually caught - is in the  
5 record. I am sorry. It is in the record so it will be picked  
6 up.

7 A. Papa Kuyateh, with some other low ranking officers, both  
8 ATU and the police. I did, however, recognise about three more  
9 officers, but I remember one by name called Abu Kamara.

09:40:46 10 Q. By the way, do you know - just to - sorry to interrupt, do  
11 you know the full name of Papa Kuyateh?

12 A. Kemoh Kuyateh. Papa is - he is actually named after his  
13 grandfather, according to the Mandingo tradition, so his mother  
14 wouldn't call him by name. We referred to him as her father,  
09:41:12 15 therefore call him Papa.

16 Q. And just one other thing that you said earlier. You had  
17 said that when they initially - when you were initially sent back  
18 with these men you said that, "He said they should go and find  
19 that bag that I carried that he thought there would be more  
09:41:32 20 pieces of evidence". Who thought there would be more pieces of  
21 evidence?

22 A. President Taylor said they should go and find that bag and  
23 President Taylor said that he, President Taylor, thought there  
24 would be more implicating pieces of evidence in that bag.

09:41:49 25 Q. So go ahead, continue now.

26 A. So once we got to the offices of The Analyst newspaper the  
27 doors were locked, it is a metal door, the door was locked and  
28 they forced the door open and went into the office and searched  
29 for what they referred to as pieces of evidence. They find -

1 they found pictures of the LURD leader, Sekou Damate Conneh, they  
2 found pictures of Mrs Ellen Johnson-Sirleaf, current President,  
3 Republic of Liberia, they found pictures of Alhaji Kromah, they  
4 found pictures of Dr Amos Sawyer, all Liberian, they found  
09:42:48 5 picture of Bishop Michael Kpakala Francis and many others, so  
6 these people were people that the Government of Liberia had been  
7 insinuating to the Liberian people as being enemies to hate -  
8 hate the Liberian government. And they were instantly excited.  
9 They said, "Well, these are all enemies of the government so why  
09:43:15 10 are you keeping these pictures here?", these are the police and  
11 ATU officers. And I said, "Well, we are newspaper people. When  
12 we report the story we need to put if possible a face to that  
13 story. Say, for example, if we reported a story about President  
14 Bill Clinton we would place his picture there so people know that  
09:43:41 15 this is President Clinton, and then at that moment they found the  
16 picture of President Charles Taylor, and I said, "Okay, there you  
17 go. This is it. That is what we do. Journalists, we keep  
18 everybody's picture when possible". They didn't find any  
19 implicating evidence. They found my bag and they found my  
09:44:05 20 chequebook in the bag and they found other personal documents,  
21 like receipts for purchasing some goods in stores in Liberia that  
22 belonged to me, they found receipt of my son's hospital bill  
23 because I had taken him to hospital earlier the previous day,  
24 which was 24th.

09:44:34 25 Q. Did they find anything incriminating?

26 A. They found nothing - absolutely nothing - and they went  
27 back. They found nothing incriminating. They took me back to  
28 President Taylor. I am not sure exactly what they whispered to  
29 him or what they told him and --

1 Q. Where was - when you say took you back, where did they take  
2 you back to?

3 A. They took me back to his residence in Congo Town which was  
4 commonly referred to as White Flower.

09:45:07 5 Q. Okay, so continue.

6 A. And nothing was found and my personal property, including  
7 my chequebook was - I mean were seized by President Charles  
8 Taylor as FOC, meaning - he just said "FOC" but general --

9 Q. Who said FOC?

09:45:31 10 A. President Taylor said FOC. We know generally in Liberia,  
11 because we had lived through the war, that FOC meant fruit of the  
12 crime so --

13 Q. When you said Mr Taylor - President Taylor - said FOC, when  
14 did he say that specifically?

09:45:58 15 A. When I was taken back to whom - after they searched my  
16 office and - my offices and found nothing, no incriminating  
17 evidence, and I was taken back. By this time I couldn't tell  
18 what the time was because I was so disorientated and I didn't  
19 keep track of time any more. So it was early morning the 25th.

09:46:24 20 It was --

21 Q. In terms of time and sequence of events, I am not asking  
22 about the time of the day or night, you said that the people that  
23 brought him back whispered something and at some point you said  
24 he said "FOC". When did he say that specifically?

09:46:44 25 A. He said that after the people who brought me back whispered  
26 something to him. I am not sure if they were reporting back to  
27 him that this is all they found, or whatever they were telling  
28 him, I didn't hear exactly what they were telling him, and then  
29 he said, "Well, all of these are FOCs" and then take him back.



1 The torture on my person began and --

2 Q. Where did they take - where were you taken after this?

09:47:37

3 A. I was taken to the National Bureau of Investigation, which  
4 is the NBI, located at the corner of Gurley, that is G-U-R-L-E-Y,  
5 Gurley Street and I think Sekou Turay - I think it is called  
6 Sekou Toure Avenue.

7 Q. And who took you there?

09:48:01

8 A. This time Benjamin Yeaten with some of his bodyguards took  
9 me there. At first I didn't even know because there was a  
10 blindfold over my face, so I didn't know if that was the place.  
11 So I was taken there and put in a secluded room, separated from  
12 whoever was in there and I stayed there for about two weeks.  
13 However --

09:48:27

14 Q. And during the course of that two weeks did anything happen  
15 to you?

16 A. No, during the course of that two weeks at the NBI nothing  
17 happened to me.

18 Q. Okay.

09:48:42

19 A. I was - in terms of torture or beating, no. But the  
20 previous day - I mean the following day there was another  
21 prisoner in a room facing my room who I will later know as BS  
22 Kapor Junior. Kapor is spelt as K-A-P-O-R. So BS Kapor Junior.

09:49:21

23 He asked me if I were Hassan and I told him yes. He said, "Wow,  
24 you're in big trouble." I'm not sure if what led to his being  
25 there is necessary to this case, but he told me that, "Well, if  
26 you're here you're probably not going to get tortured, but if you  
27 get out of here you're probably going to see the worst."

28 So I stayed there for about two weeks and was later taken  
29 out of there at night, blindfolded, to a place in Caldwell,

1 C-A-L-D-W-E-L-L, Monrovia, to a police station called Zone 7 and  
2 the police commander there was called - was referred to as C0-7.  
3 C0 meaning commanding officer 7. That's all the name I know  
4 about him. I stayed there for a while. I wasn't physically  
09:50:24 5 tortured there, but I was, however, placed in what I found to be  
6 a toilet because there were faeces all over the floor and maggots  
7 and - yeah. Do you want me to continue?

8 Q. Well, I am going to ask you to continue, but first of all  
9 just some more general questions. At this point then - this is  
09:50:55 10 after your seventh arrest - how long are you actually detained  
11 for on this occasion in total?

12 A. In terms of days?

13 Q. Well, in terms of days, weeks or months, whatever it is?

14 A. Well, I'm not sure I was keeping track up to this time, but  
09:51:15 15 this was well into July.

16 Q. Well, let me just ask you this: When were you arrested  
17 this time?

18 A. 24 June 2002.

19 Q. And when were you released finally?

09:51:28 20 A. 7 June - I mean 7 December 2002.

21 Q. Okay. So during the course of that time between 24 June  
22 2002 to 7 December 2002 how many different places were you held  
23 in?

24 A. 13 different places.

09:51:49 25 Q. And during the course of that time - during the course of  
26 that time did anything - were you ever physically - did anything  
27 ever happen to you physically?

28 A. Yes, sir.

29 Q. Okay. What happened to you?

1 A. It started at - well, at a police station in Congo Town  
2 opposite - I think it is slightly opposite the Paynesville  
3 Community High School.

4 Q. Well, Mr Witness, maybe to make this easier for yourself  
09:52:34 5 too, I am not going to ask you to recount every single incident  
6 that occurred to you physically.

7 A. Okay.

8 Q. I'm just asking you generally what happened to you during  
9 the course of that nearly six month period?

09:52:47 10 A. I was tortured. I was what was referred to then in Liberia  
11 as tie-bayed. I was tie-bayed regularly. That is, in terms of  
12 description, the hands being tied behind the back with the two  
13 elbows attaching each other and a sort of rope we referred to as  
14 the twine, rubber like twine, was used to tie me which split my  
09:53:21 15 flesh here.

16 MR SANTORA: For the record the witness was pointing at his  
17 elbows.

18 THE WITNESS: Yeah, and --

19 MR SANTORA:

09:53:28 20 Q. Mr Witness, you said you were tie-bayed. Do you still have  
21 any marks on your body in relation to this?

22 A. Yes, I have several physical marks on my body and I may not  
23 be able to show all to the Court, but there are some on my hands,  
24 especially on my elbows, that if the Court wants or desires I can  
09:53:52 25 just roll up my sleeves and you will see them. And in addition  
26 to being tie-bayed I was electrocuted on my genitalia several  
27 times, probably over 20 times, and all of these have been at Klay  
28 Junction midway about 22 miles between - I mean away from  
29 Monrovia and - it's midway between Monrovia, the capital city of

1 Liberia, and Tubmanburg, the capital city of Bomi County.

2 Q. Now, who was doing this to you?

3 A. You mean in person?

09:54:37 4 Q. Well, the person and/or organisation. Well, describe any  
5 of the people you remember doing this to you?

6 A. Right, specific instructions - I am not sure what  
7 instruction was passed on to Benjamin Yeaten by the President,  
8 because he instructed him to make me to talk. So Benjamin Yeaten  
9 in turn passed on instructions to a guy called Joe Towah, that is  
09:54:59 10 T-O-W-A-H. So Joe Towah was the like prison supervisor. He  
11 would come and ask if I were prepared or ready to talk or speak  
12 to them about what they referred to as the truth and on those  
13 occasions I would be tie-bayed. I was actually held in an  
14 underground cell. I am like five nine, five ten in terms of  
09:55:53 15 height and that place was probably - I don't know, probably four  
16 feet.

17 Q. Where was this? What location are you referring to now?

18 A. This is at Klay Junction.

19 Q. We are still talking about Klay Junction?

09:56:07 20 A. Yes, I am still talking about Klay. And the underground  
21 cell was half filled with water. And at this particular place  
22 there were Sierra Leoneans with the Liberian government soldiers,  
23 a lot of them. I know that because I know the discrete  
24 difference between Sierra Leonean English, which is general -  
09:56:32 25 which is Krio, and the Liberian English. So I could tell the  
26 difference and I did on occasions have the opportunity to speak  
27 with some of them and they admitted that they were Sierra  
28 Leoneans and I also did see someone that I had previously  
29 reported on, Gibri I Massaquoi, who told me personally - he is a

1 Sierra Leonean. He told me that - he asked me when torturing me  
2 if I knew the meaning of Gibriil and I said yes, because I  
3 understand Arabic. I said it means Gabriel. He said, "Okay, I'm  
4 your Angel Gabriel. I have been instructed by Joseph Tate to  
09:57:24 5 make you to talk." So there were several of them in there. So  
6 in their presence --

7 Q. Well, I just want to make sure I understand what you just  
8 last said. You said that somebody named Gibriil said he was your  
9 Angel Gabriel to make you talk, but what was his role, if any?

09:57:47 10 A. He was one of the - I don't know specifically what rank he  
11 held, but he was with the - he, like many other Sierra Leoneans  
12 there, was carrying gun and was a security officer. Sometimes  
13 they wore military uniforms. Sometimes they wore ordinary  
14 civilian clothing and other times they will wear what looked like  
09:58:17 15 a police uniform just with the pants.

16 Q. Okay, so he was not a prisoner with you. You're saying he  
17 was part of the security?

18 A. No. Yes, he was part of the security.

19 Q. Okay. Now, just to - I don't mean to interrupt again, but  
09:58:30 20 how long were you held at Klay for, this particular location at  
21 Klay?

22 A. Well, by this time we had basically lost - I had basically  
23 almost lost track of time in terms of that, but I was held there  
24 - I do know I was held there well into August. I think it must  
09:58:53 25 have been around August 18/19 because --

26 Q. Okay, that's okay. That's what I asked you. That's all.

27 JUDGE LUSSICK: Mr Santora, just so that I can understand  
28 this evidence, Mr Witness, why do you say that Joe Towah was  
29 acting on the instructions of Benjamin Yeaten rather than on his

1 own initiative?

2 THE WITNESS: Yes, I say that because whenever Benjamin  
3 Yeaten came to Klay they will pull me out of the - they will pull  
4 me along with some other prisoners, but it will be one at a time.

09:59:43 5 They will pull me out of the hole or the underground cell, they  
6 will take me to what was an administrative structure building at  
7 Klay. If you have been to Klay, from Monrovia the building is to  
8 the right and from Tubmanburg it's to the left. They will bring  
9 me there and Benjamin Yeaten will sit in a chair behind a desk.

10:00:08 10 Joe Towah will sit next to him and there were several other guys  
11 who will go there from time to time and he will ask Benjamin - I  
12 mean Joe Towah --

13 MR SANTORA:

14 Q. Who would ask Joe Towah?

10:00:22 15 A. Benjamin Yeaten will ask Joe Towah in my presence, "Has he  
16 said anything yet?" And Joe Towah will say no. Then he will  
17 tell Joe Towah, "So you are being very easy on this guy. I need  
18 him to say - to talk something because I need to report back to  
19 the President to tell him exactly what he said. The President,  
10:00:44 20 you know, is impatient with this slow train of events."

21 And then at some point they would take me out of the  
22 building to the back of the building and they will take a  
23 prisoner. Behind the building it's like if I stood here and the  
24 building was running parallel to my line of standing, the back of  
10:01:16 25 the building which would run perpendicular to that line, to my  
26 line of sight, behind there they will shoot - pretend as if they  
27 were killing somebody. At some point I will hear, because I  
28 didn't see if they actually shot and killed those people or not,  
29 and then they will come back to me and say, "Well, do you want to

1 follow these guys, this guy we've just sent to hell? If you  
2 don't speak, we are going to do exactly what we did to you."  
3 When they fired, the person will yell, "Oh, you've killed me.  
4 You've killed me."

10:01:50 5 You know, that psychological stuff would happen to me  
6 several times to make me to say what they wanted to hear. So I  
7 know firsthand that Benjamin Yeaten instructed and said also that  
8 he wanted to report back to the President because the President  
9 was impatient with the slow train of events.

10:02:11 10 So he said that in English, which I heard, and I also do  
11 know that he gave specific instructions to beat and tie-bay me  
12 and put me back in the hole. And these kind of interrogations  
13 happened at least - at least - 20 times that I recall. At least  
14 20 times during my stay at Klay.

10:02:42 15 As well as this, there were times that Benjamin Yeaten --  
16 JUDGE LUSSICK: Well, I think you have answered the  
17 question. Thank you.

18 MR SANTORA:

19 Q. Mr Witness, just again speaking generally, during the  
10:02:53 20 period of your confinement from June until December 2002 about -  
21 and you may have answered this, but just to be clear - how many  
22 times were you subjected to physical abuse in total,  
23 approximately?

24 A. Specifically in specific numbers I don't know, but what I  
10:03:19 25 do remember is it was more than - it was more than 20 times. At  
26 least 20 times.

27 Q. Okay. And how many times, if you can recall approximately,  
28 were you asked or interrogated?

29 A. Every torture was accompanied by interrogation. There was

1 no interrogation that wasn't accompanied by torture, save the  
2 first interrogation by President Charles Taylor, but --

3 Q. Now, were you --

4 A. Right. Go ahead, sir.

10:03:53 5 Q. Did you at any time have the chance to have any visitors?

6 A. Family visitors?

7 Q. Yes.

8 A. That was completely out of the question. The answer is no.  
9 Even if a security officer, who was not authorised to see me saw

10:04:12 10 me, he will be harmed. I know that because there - I have two  
11 examples of that.

12 Q. Well, I will ask you for those examples - I may ask you for  
13 the examples but let me just ask you a few more questions first.  
14 Did you ever have the chance to get released?

10:04:32 15 A. I am sorry, I don't understand that.

16 Q. Did you ever have the opportunity to be released from  
17 custody? Were you ever offered the opportunity for release?

18 A. Yes, sir.

19 Q. When?

10:04:45 20 A. Twice. First 25 September, when I was held at the National  
21 Bureau of Investigation.

22 Q. This is during 2002, during the period?

23 A. Yes, 25 September 2002. The Amnesty International and the  
24 international community had mounted pressure on the government

10:05:09 25 that they thought that I was dead and/or severely tortured. The  
26 government in its attempts to dispel such rumours allowed United  
27 States embassy officials and persons of deputy - then deputy  
28 chief of missions, Thomas White and a visas councillor - I don't  
29 know his first name, his last name is Mr Wheeler - went to visit



1 me, were allowed, you know, were allowed to see me and to  
2 convince me. They told me that, "Okay, we have talked to the  
3 government of President Charles Taylor and our sense is he has  
4 agreed to release you but on one condition; that you leave  
10:06:10 5 Liberia; you leave West Africa immediately. So I asked them, "So  
6 where am I going?" They said, "Well, we the United States, will  
7 offer - have offered to take you to the United States." So I  
8 specifically told Ambassador White and his visa councillor that I  
9 believed that the United States was the beacon of modern democracy  
10:06:38 10 and as such I thought that the United States should only prevail  
11 on the Liberian government to take me to court to defend myself  
12 since the government believed that it had evidence against me,  
13 and they told me that that was not going to happen because the  
14 government didn't have evidence against me. So I said, "Well,  
10:06:58 15 Mr Ambassador, thanks, but no thanks. I will not take the offer  
16 to leave Liberia. No, I am not going to do it." So he said,  
17 "Well, there is nothing else we could - we can do and that is  
18 about all we can do." I said, "Well, there is something you can  
19 do. Keep pressuring, along with the international community, the  
10:07:22 20 government of President Taylor to take me to court. They have  
21 evidence. Let them put their evidence to scrutiny in a court of  
22 law."

23 Q. So at this point then you said that you did not accept the  
24 offer of release?

10:07:33 25 A. I refused, specifically rejected the offer of release and I  
26 told the ambassador and his officials that in prison.

27 Q. Now, did there come a point again later on when you had an  
28 opportunity for release?

29 A. Yes, there came a second opportunity which started with the

1 Red Cross - I think the guy's last name is Morris - I don't - I  
2 am not aware of everything that was going on outside, however.

3 Q. I don't want you to speak to that. Just what happened to  
4 you the second time.

10:08:09 5 A. Right. I received a note which I believed came from my  
6 mother and my mother pleading with me - somehow she had heard  
7 this particular September 25th interaction and she plead with me  
8 in the note to accept any offer to go anywhere in the world and  
9 leave prison. Culturally, I am obligated to respect and honour  
10:08:47 10 my mother. So, based on that, I accepted the offer. This offer  
11 came late December, it was December 5th. I accepted the offer on  
12 December 5th and December 7th I was released to the custody of  
13 the United States ambassador, not allowed to visit my family, my  
14 kids; not allowed to go to my house; not allowed to take any of  
10:09:11 15 my personal property. From prison, to the Roberts International  
16 Airport in Harbel, Liberia, on a plane and out of Liberia. That  
17 was the condition of my release.

18 Q. So in terms of your personal belongings, what were you able  
19 to take with you when you were released?

10:09:37 20 A. Zero. I mean, there was a tradition in Liberia, you know,  
21 if someone was arrested by the government and turned enemy of the  
22 government, or the state, if you were arrested, even before you  
23 were, the person who would be arrested, security officers would  
24 go into the person's home and take whatever they wanted. It was  
10:09:59 25 a free for all. They referred to it as a - as Kuwait. Free, you  
26 know, sweet everything, so they would take everything.

27 Q. Just to be, for the record may have missed it, you said  
28 they referred to it as what?

29 A. Kuwait. Kuwait.

1 Q. Okay. Now, what was your physical condition at the point  
2 when you were finally released?

3 A. I was - physically I was sick. I was worn out, I was  
4 depressed. I had wounds on me and I had, as a result of the  
10:10:39 5 electrocution, I had some, you know, other problems, yeah.

6 Q. Did you ever have to receive medical treatment for any of  
7 these?

8 A. Yes, sir, I did. Well, were - after my release, yes, I did  
9 receive medical treatment because I was flown from Liberia to  
10:11:05 10 Accra, Ghana, where I was placed in a hotel. I was also taken to  
11 hospital. I was receiving treatment before I was moved to the  
12 United States.

13 Q. Okay. Now since moving to the United States, have you  
14 continued work - any affiliation with Amnesty International?

10:11:35 15 A. Oh, sure, yes, I have. Actually, on Amnesty  
16 International's public speakers list, I am a public speaker in  
17 the United States, so I speak to Amnesty groups from Boston to  
18 San Francisco, to Texas, to Utah, to Baltimore, all over, at  
19 least 40 states across the United States. I speak about torture,  
10:12:01 20 I speak about democracy and the media to students at Harvard  
21 university, George Town Law, Brown University, Cincinnati,  
22 University of Indianapolis in New Hampshire, all over the place,  
23 and today, because of my experience, I am also working with  
24 Amnesty in the United States to ask the incoming United States  
10:12:31 25 government, led by Obama, to close down Guantanamo Bay prison, so  
26 that is one thing I am working on, and torture, and do away with  
27 impunity.

28 Q. Now, I am going to take you back to a few other issues  
29 related to your time in Monrovia when you were working at The

1 National and then later at The Analyst. You said that during the  
2 course of your time as a journalist there were other newspapers  
3 as well, and you named some of those newspapers that were also  
4 reporting in Monrovia at the time. Can you remember some of the  
10:13:17 5 issues that were being reported at the time you were in Monrovia  
6 related to the conflict in Sierra Leone?

7 A. Yes, sir, I do.

8 Q. What were some of those issues?

9 A. Some of those issues were reporting - were about, you know,  
10:13:34 10 the revolutionary United Front of Sierra Leone, the war in  
11 Liberia, in north Liberia, Lofa County.

12 PRESIDING JUDGE: Just pause, Mr Witness. Mr Griffiths?

13 MR GRIFFITHS: Madam President, I rise to express a certain  
14 anxiety. Now, it is one thing to place before a tribunal of fact  
10:14:01 15 a witness who observed certain events and is relating those  
16 events. Likewise, I appreciate that in international tribunals  
17 because there is no rule against hearsay such hearsay statements  
18 about events can be put before the Court. We are now dealing  
19 with a very dangerous area. This man is not being put before  
10:14:27 20 this Court as an expert; he is being put before the Court as a  
21 witness of fact.

22 Consequently, when he as a journalist claims to be talking  
23 about certain issues in Sierra Leone, and on the evidence so far  
24 it is not a country that he visited more than once, one has to be  
10:14:50 25 extremely careful in order to identify what is the source of the  
26 information he is giving because we are told he is the editor of  
27 a newspaper, he is responsible for its opinion content. The only  
28 persons who can legitimately provide opinion evidence before a  
29 criminal court are experts, unless it relates to the reputation

1 of a witness. Consequently, if we are now to be regaled by a  
2 litany of issues this man claims as a journalist he reported on  
3 in his newspaper, in our submission it is inadmissible.

4 MR SANTORA: If I may respond?

10:15:39 5 PRESIDING JUDGE: Yes, Mr Santora.

6 MR SANTORA: The witness is certainly not being asked an  
7 opinion and the witness is certainly not being asked what was  
8 actually happening in Sierra Leone. The witness was simply being  
9 asked for a factual observation based on his position as a

10:15:52 10 journalist and an editor in Monrovia as to what was being  
11 reported in the newspapers. Whether or not what was being - the  
12 underlying issue in the newspaper is not what is being asked, the  
13 underlying facts of those reports. What is being asked is what  
14 was actually being reported and what was it. And there is a

10:16:11 15 distinction and this, when the question is posed this way, it is  
16 asking for a factual observation which this witness is in a  
17 perfect position to give.

18 He is - certainly the foundation of him as a journalist has  
19 been established, his familiarity with the various periodicals in  
10:16:30 20 Monrovia at the time has been established, and he is simply being  
21 asked what was being reported in those respective periodicals.  
22 He is not being asked for whether or not what was happening in  
23 Sierra Leone and there is a distinction.

24 JUDGE LUSSICK: Well, there is a distinction too between  
10:16:49 25 whether facts were being reported or whether what was being  
26 reported was somebody else's opinion.

27 [Trial Chamber conferred]

28 PRESIDING JUDGE: The question asked is, "Do you remember  
29 some of the issues that were being reported at the time you were

1 in Monrovia related to the conflict in Sierra Leone?" We  
2 consider this is a question of fact on what issues that were  
3 being reported and if the answers are limited to those facts and  
4 not to the opinion of the witness the question is allowed. He  
10:18:34 5 may not, however, give opinions.

6 MR SANTORA:

7 Q. Mr Witness, I am just going to ask you the question again.

8 A. Yes, sir.

9 Q. I'm sorry, I lost my --

10:18:58 10 JUDGE SEBUTINDE: It's at page 21, or page 20.

11 MR SANTORA: Thank you, Justice Sebutinde:

12 Q. Now, you said that during your time as a journalist and an  
13 editor in Monrovia there were other newspapers as well and you  
14 named some of those other newspapers. Do you recall that?

10:19:15 15 A. Yes, sir.

16 Q. Can you remember some of the issues that were being  
17 reported at the time that you were in Monrovia related to the  
18 conflict in Sierra Leone?

19 A. Yes, sir.

10:19:27 20 Q. What were some of those reports?

21 A. Some of those reports were the RUF war - the RUF atrocities  
22 against civilians, some murders of civilians in the conflict  
23 area, that is north in Lofa County in Liberia, RUF in Sierra  
24 Leone activities against civilians, Liberian government soldiers'  
10:19:58 25 activities relating to killing civilians in northern Liberia,  
26 Lofa County, as well as the presence of some Liberian government  
27 troops --

28 Q. Just to be clear, I am only asking about reports relating  
29 to Sierra Leone.

1 A. Okay, yes, reports about Sierra Leone that were being  
2 published in various newspapers included the RUFs - that is  
3 Revolutionary United Fronts - murdering civilians in Sierra Leone  
4 as well as the presence of Liberian government soldiers inside  
10:20:48 5 Sierra Leone as well as comments by Liberian government  
6 officials, including President Charles Taylor, on the Sierra  
7 Leonean crisis.

8 Q. Okay. Can you recall during the time that you were a  
9 journalist the frequency of these reports?

10:21:12 10 A. Yes, sir.

11 Q. How often was this being reported, in terms of events  
12 relating to Sierra Leone again I'm speaking?

13 A. They were intermittently - well, let me put it this way:  
14 They were less frequently reported until Amnesty International  
10:21:34 15 began to issue press statements based on its missions in Sierra  
16 Leone and then they became - the issues became more and more  
17 reported in Liberian medias, Liberian newspapers and on radios.

18 Q. Now, earlier you said something that other newspapers were  
19 reporting about atrocities both in Liberia and Sierra Leone, but  
10:22:12 20 you yourself reported on Mr Taylor's connection to the RUF.

21 A. That's correct.

22 Q. What did you mean by this distinction?

23 A. Well, this was an important distinction that was being  
24 reported by our papers. What I read from other newspapers and  
10:22:35 25 what I discussed with other editors I realised - based on that, I  
26 realised that though these issues were being reported one key  
27 element was absent; that is a connection between President  
28 Charles Taylor and the RUF and the RUF war.

29 MR GRIFFITHS: Madam President, I am sorry but I am going

1 to have to raise again and it is the same point. The witness is  
2 basing this - his editorial conclusion - on discussions with  
3 other journalists and editors and he comes to a conclusion. How  
4 can he extrapolate such an opinion and place it before this Court  
10:23:24 5 when in effect this is opinion evidence? In effect his opinion  
6 was Charles Taylor was involved in the conflict in Sierra Leone  
7 based on - his own words - conversations with other journalists.  
8 How is this admissible?

9 PRESIDING JUDGE: Mr Santora, your reply?

10:23:46 10 MR SANTORA: Well, Madam President, the witness was simply  
11 in this recounting what led him to report in a certain way that  
12 was distinguished from other reports that were going on with  
13 relation to Sierra Leone. He is simply drawing a distinction.  
14 He did not say that his reports were based only on his opinion  
10:24:06 15 anywhere in his response. He simply said that what was  
16 distinguishing his reporting from what other reporters were  
17 reporting at the time. That is simply what the question is and  
18 he is perfectly in a position to describe for him personally what  
19 he was reporting and why he was reporting the way he was. That  
10:24:26 20 is perfectly within his scope of knowledge to speak about his own  
21 personal reporting. That is simply the distinction he is drawing  
22 and there is no opinion being elicited and there is no assertion.  
23 This is not put forward with the assertion that what he is saying  
24 is true or not. It is quite frankly irrelevant. It is a matter  
10:24:46 25 of what actually was being published, not what was true or not.

26 JUDGE LUSSICK: But I understood him to say that he took  
27 into account the reports that were being published and absent  
28 from those reports was some evidence that he is about to give of  
29 his own view. In other words, the evidence that is being



1 objected to now is not what he read in any reports; it is his own  
2 view.

3 MR GRIFFITHS: Bearing in mind of course, Madam President,  
4 that the view that he is about to offer goes to the ultimate  
10:25:22 5 issue in this trial.

6 MR SANTORA: Perhaps, and it can alleviate my colleague's  
7 concern, is that I can cut - I am simply asking to distinguish  
8 his reporting from other reporters and I think he has actually  
9 done that. He has already testified as to what he has reported  
10:25:39 10 on, which is his reports related to the accused's relation to the  
11 RUF. He has already testified to that and so, if anything, this  
12 is cumulative. He has already testified to the content of his  
13 reports and that is simply what would be repeated here and that  
14 being distinguishable from what other journalists were doing at  
10:26:04 15 the time.

16 PRESIDING JUDGE: Sorry, Mr Santora, I am not clear what  
17 you are saying. Are you saying you are not seeking to pursue  
18 that particular question, or are you making some form of  
19 submission that it is not relevant?

10:26:19 20 MR SANTORA: No, I am just responding to the objection and  
21 to alleviate my colleague's concern is that I do not plan to  
22 pursue this - anything beyond him saying what he has already said  
23 before, his reporting versus other reporters at the time in  
24 Monrovia. That is simply - I am not taking it any further than  
10:26:37 25 that.

26 [Trial Chamber conferred]

27 MR SANTORA: I am sorry to interrupt, but we can save your  
28 Honours' time. We will move on from this point and I will not  
29 seek any further questions on the issue, if that helps your

1 Honours.

2 JUDGE SEBUTINDE: We don't need help, but if that is what  
3 you have decided so be it.

4 MR SANTORA: Yes, I have decided that. So I can move on at  
10:27:37 5 this point then if that makes it simpler:

6 Q. Now, Mr Witness, can you describe for the Court from your  
7 observation as a journalist what was the atmosphere in Monrovia  
8 for journalists at the time of Mr Taylor's presidency - during  
9 the time of Mr Taylor's presidency?

10:28:07 10 A. The press or the media were being muzzled. There was self  
11 - as a result of, you know, muzzling the media there was  
12 self-censorship in many media houses.

13 Q. What do you mean by the phrase "self-censorship"?

14 A. For example, if a media house had a story--

10:28:39 15 MR GRIFFITHS: Madam President, I am sorry, but we are  
16 dealing with --

17 PRESIDING JUDGE: Just pause, Mr Witness.

18 MR GRIFFITHS: We are dealing with the very same issue.

19 This witness is not being put forward as an expert. He is now  
10:28:53 20 offering opinions. Now, granted he was a journalist, but taking  
21 by way of example the last question put to him, "What do you mean  
22 by the phrase self-censorship?", bearing in mind of course he is  
23 not an editor of the other newspapers about whom he claims  
24 self-censorship was rampant, consequently what he is offering now  
10:29:20 25 is his outside opinion of forces operating on the minds of  
26 journalists and editors in other newspapers. That to my mind  
27 sounds like an opinion.

28 In our submission he is in no position to give such an  
29 opinion. He can talk about what happened within his own

1 experience and his own newspaper, but in our submission he is not  
2 to be asked to offer opinions about other newspapers or indeed  
3 about the actions of other journalists generally in Monrovia.

4 PRESIDING JUDGE: Mr Santora, your reply?

10:30:04 5 MR SANTORA: May I briefly respond. First of all, I was  
6 asking him to define the term self-censorship in the question.  
7 But, secondly, this witness has testified not only to his work as  
8 a journalist with his respective periodicals, if counsel  
9 remembers he also testified to his affiliation with the Press  
10:30:20 10 Union and his relationship with other newspapers and their  
11 respective editors, conversations with those respective editors,  
12 observations of those respective editors and he is being asked to  
13 testify simply from his factual observation on his position in  
14 Monrovia as to what the atmosphere was for the media - the  
10:30:38 15 newspaper media - at the time he was in Monrovia. It is not  
16 eliciting an opinion. It is based on his observations both  
17 within his respective periodical and his affiliation which he has  
18 already testified to with other newspapers in Monrovia at the  
19 time.

10:30:55 20 MR GRIFFITHS: Madam President, I hesitate to rise again,  
21 but the issue is a lot more complicated than that. There is  
22 another dimension which I omitted to mention initially because I  
23 was hopeful that my learned friends opposite would apprehend the  
24 force of our argument and act accordingly.

10:31:18 25 But the second objection is this and it is a more  
26 fundamental, at one level, objection. It is one of relevance.  
27 How is this relevant to any issue on the indictment faced by this  
28 accused? We are talking now about press freedom in a foreign  
29 capital in a country where this defendant faces no accusations of

1 committing crimes. So in our submission what is now being  
2 elicited has no relevance whatsoever to a single issue on the  
3 indictment he faces. So there are two objections. One, it is  
4 opinion evidence and, two, how is it relevant?

10:32:03 5 PRESIDING JUDGE: Your reply to the second objection,  
6 Mr Santora?

7 MR SANTORA: Just, I am confining myself to the second  
8 objection, this issue became relevant when the Defence made it  
9 relevant in the course of their cross-examinations, during the  
10:32:18 10 course of the Defence cross-examinations. They have, and I am  
11 looking - I think it was in the case of one of the witnesses - I  
12 think it was the former Moses Blah's testimony, it was the  
13 Defence that made suggestions and assertions that there was a  
14 climate of press freedom in Monrovia and so it was the Defence  
10:32:32 15 that made this issue relevant.

16 We agree it is not specifically in the indictment, but it  
17 was raised by the Defence in the course of their  
18 cross-examination, so the Prosecution is perfectly entitled to  
19 lead evidence as the case develops in areas that the Defence has  
10:32:48 20 raised the issue during the course of their cross-examination.

21 [Trial Chamber conferred]

22 PRESIDING JUDGE: We uphold the objection that the witness  
23 is now giving opinion evidence.

24 MR SANTORA: The Prosecution has no further questions for  
10:34:25 25 the witness.

26 PRESIDING JUDGE: Thank you, Mr Santora. May I take it,  
27 Mr Griffiths, that you are leading the cross-examination of this  
28 witness?

29 MR GRIFFITHS: Yes, I am Madam President.

1 PRESIDING JUDGE: Thank you.

2 CROSS-EXAMINATION BY MR GRIFFITHS:

3 Q. Mr Bility, in light of the last issue, can you help me with  
4 this please. What is decree 88A, or what was it?

10:35:02 5 A. Decree 88A was - well, I am not sure if I am going to be  
6 exact, but it had to do with freedom of speech. It was actually  
7 by a previous government. The government, the military  
8 government of the late Samuel Doe, President Republic of Liberia,  
9 April - well, Head of State and President, April 1980, September  
10:35:39 10 I think 1999, excuse me. So it sought to bar people from certain  
11 things, at least in practice, some forms of public gathering,  
12 expression of opinions and in that line. I am not like 100 per  
13 cent familiar with it but I believe that is the basic.

14 Q. So if I can extract from what you have told us, this was a  
10:36:13 15 decree passed by the Doe administration designed to curtail  
16 freedom of public protest and expression of views. Is that  
17 right?

18 A. Yes, that is correct.

19 Q. What happened to it following the general elections in  
10:36:36 20 1997?

21 A. What is that? Excuse me?

22 Q. What happened to decree 88A after the elections in July  
23 1997?

24 MR SANTORA: I am going to object.

10:36:52 25 PRESIDING JUDGE: Yes, Mr Santora?

26 MR SANTORA: I am just objecting simply because the  
27 Prosecution was just precluded from asking questions with  
28 relation to the atmosphere and environment in relation to media  
29 and expression and now counsel is putting that exact same issue

1 to this witness which the Prosecution was just precluded from  
2 doing.

3 PRESIDING JUDGE: No, I see this as a historical question.  
4 What happened to decree 88A after the elections in July 1997?  
10:37:22 5 That is a historical question of fact, in my view. Please put  
6 the question.

7 MR GRIFFITHS:

8 Q. What happened to decree 88A after the elections in July  
9 1997, Mr Bility?

10:37:42 10 A. The government of - now this is to the best of my  
11 recollection - the government of the National Patriotic Party,  
12 led by President Charles Taylor, announced at some point after  
13 some level of lobbying by the press union and other human rights  
14 organisation interested in free speech, announced that it would  
10:38:11 15 repeal that decree.

16 Q. Was it repealed?

17 A. The government announced that it has - that it repealed it.

18 Q. So it was repealed?

19 A. In theory, yes, sir.

10:38:26 20 Q. Now, putting that issue now to bed, I want to ask you a  
21 number of questions about the account you have given us over the  
22 last day or so. Now, if at any time you do not understand my  
23 questions, would you please ask me to either repeat them, or  
24 rephrase them, because I don't want to confuse you. Will you do  
10:38:57 25 that for me?

26 A. Yes, sir.

27 Q. And right at the outset, Mr Bility, just so that you  
28 understand my position from the outset, I make it clear that so  
29 far as your testimony is concerned, I have the following

1 suggestions to make: One, that you are a liar. Do you  
2 understand me?

3 A. Yes, sir.

10:39:33

4 Q. Secondly, that you are personally engaged in a crusade  
5 against former President Taylor. Do you understand that?

6 A. Yes, sir, I do.

10:39:55

7 Q. Thirdly, that that crusade upon which you have embarked is  
8 motivated not by concerns about human rights abuses, and  
9 Mr Taylor's alleged involvement in Sierra Leone, but rather is  
10 motivated by ethnic and political loyalties held by you. Do you  
11 understand that?

12 A. I do understand that, sir.

10:40:21

13 Q. Further, fourthly, I suggest that you have become, over the  
14 years, a professional witness willing to tailor, no pun intended,  
15 his account to suit the tribunal before which you are appearing.  
16 Do you understand that?

17 A. I do understand your position and concern, sir.

10:40:42

18 Q. And just so that you understand clearly what I am  
19 suggesting in that regard, what I am suggesting is that in your  
20 accounts of conversations you had with Charles Taylor, at times  
21 when you were arrested, you have now quite deliberately slanted  
22 those conversations towards the RUF because of the trial in which  
23 you are now giving evidence. Do you understand me?

24 A. I do understand your position and concern, sir.

10:41:12

25 Q. I am also going to suggest to you, Mr Bility, that you were  
26 a spy for the United States of America at a time when the  
27 democratically elected government of Charles Taylor was besieged  
28 by rebel forces bent on overthrowing that government so that the  
29 Liberian government bluntly was acting in self-defence, and you

1 knew that such forces, ULIMO, LURD and so on, were supported by  
2 foreign countries including the government of the United States  
3 of America, and you nonetheless passed on information about your  
4 government to them. Do you understand me?

10:42:01 5 A. I do understand your position and concern, sir.

6 Q. And now before we begin, just in relation to that last  
7 topic have you, Hassan Bility, ever had contact with the Central  
8 Intelligence Agency of the United States of America?

9 A. Sir, can you please repeat that question. Are you stating  
10:42:31 10 the question against a backdrop of previous statements you have  
11 made, or would you put a time frame to it with respect to the  
12 previous statements you have made?

13 Q. It is a fairly simple question, but given that I implored  
14 you at the beginning to ask me to repeat if you are confused, let  
10:42:52 15 me do so again. Have you, Hassan Bility, at any time had contact  
16 with the Central Intelligence Agency of the United States of  
17 America?

18 A. This is the answer, sir. From June 20th 1969 to January  
19 13th 2009 I, Hassan Bility, have never, ever, ever had any form  
10:43:31 20 of contact - any form of contact whatsoever - with the United  
21 States Central Intelligence Agency. Never. June 20 1969, my  
22 birthday.

23 Q. Now, help me. Why was it so difficult to answer that  
24 question when first I asked it?

10:43:55 25 A. It wasn't difficult. I thought I should be in a better  
26 position to have understood what you were saying, because my  
27 microphone a little bit when I readjusted it was grinding, so I  
28 thought I probably missed a point or so from your question, sir.

29 Q. Let me ask another question in that regard: Have you,



1 Hassan Bility, at any time had any association with the Federal  
2 Bureau of Investigation of the United States of America?

10:44:43 3 A. Well, your Honour, the judges, I would like for the counsel  
4 to provide a working for me, I am not a lawyer, a working  
5 definition for the word "association"? What context is he  
6 speaking?

7 Q. You are a journalist, Mr Bility, but given your objection  
8 let me put it differently: Have you, Hassan Bility, ever had any  
9 contact with any agent or employee of the Federal Bureau of  
10:45:14 10 Investigation at any time?

11 A. Yes, sir.

12 Q. When?

13 A. Dates, I am not very good at dates.

14 Q. Years?

10:45:24 15 A. Well, let me just put it in this context. In 2003 - 2004,  
16 2003/2004 I guess, the United States Cable News Network, CNN,  
17 based in Atlanta Georgia, United States, requested an interview  
18 with me, which is on the internet, I can look it up. Amongst the  
19 things they asked me was if I thought that President Charles  
10:46:02 20 Taylor had connection of any form with any terrorist  
21 organisation; for example, like Al-Qaeda. So my answer, which I  
22 do not believe is relevant to your question and/or to the Court,  
23 prompted the FBI, a guy called - I am not sure the name is  
24 relevant either, contacted me that they wanted to speak with me.

10:46:31 25 That was the first contact.

26 The second contact was in the case of President Taylor's  
27 son, Chucky, in Miami, Florida, United States of America. I had  
28 been asked too if I remember or if I thought the accounts of one  
29 of the victims was accurate by the FBI and the Justice

1 Department, the FBI and the DHS, that is the Department of  
2 Homeland Security, and I thought I was obligated to tell the  
3 truth.

4 The victim in question was someone who was held along with  
10:47:21 5 me in Klay in that underground cell and he was held with me in  
6 Foya towards the Sierra Leonean border. This victim had been - a  
7 pressing iron had been used by the accused, hot pressing iron, to  
8 mark his body. So I felt obligated. And I saw the marks, he was  
9 held with me in Klay - in Klay, Bomi County, and Foya, upper Lofa  
10:47:51 10 County. I felt obligated as a human being first to tell the  
11 truth. So the FBI contacted me and the Department of Homeland  
12 Security also contacted me since the Justice Department was  
13 pursuing the case against Mr Charles Emmanuel Taylor, you know.  
14 So, yes, there was a contact. So those are the contexts in which  
10:48:15 15 I have had contact with agencies of the United States government.

16 JUDGE SEBUTINDE: Mr Griffiths, he has referred to the  
17 accused. I don't think he meant the accused in this trial. I  
18 would like you to clarify, Mr Witness. But also you said  
19 pursuing the case against Mr Charles Emmanuel Taylor?

10:48:53 20 THE WITNESS: Yes.

21 JUDGE SEBUTINDE: Who appears in the LiveNote transcript as  
22 Charles Taylor and I don't think you are referring to the  
23 defendant in this case?

24 THE WITNESS: No, I am referring to the accused in the  
10:49:05 25 Miami case who was charged under a 1994 US law regarding an  
26 American citizens committing such crimes overseas. So the two  
27 contacts I have had with the US security agencies, one was some  
28 references are made with one of my CNN interviews regarding  
29 President Charles Taylor. That was the first contact, the FBI

1 contacted me, and as a matter of fact I was in Sierra Leone when  
2 they went to my home. The second contact was, you know, if I  
3 could attest to the account of a victim in relation to Charles  
4 Emmanuel or Chucky Taylor in Miami. So those were the two as far  
10:49:51 5 as I remember and I think I remember those contacts quite well,  
6 my contacts with the feds and the DHS, but I haven't had any  
7 contact with the Central Intelligence Agency at all.

8 MR GRIFFITHS:

9 Q. Just so that we are all clear, you gave evidence in the  
10:50:19 10 United States District Court, Southern District of Florida, Miami  
11 Division on October 14 and 15 of this year - of last year, didn't  
12 you?

13 A. Yes, sir, I did.

14 Q. That was in the trial of one, and I use the nickname,  
10:50:42 15 Chucky Taylor, son of this defendant. That's right, isn't it?

16 A. That's correct.

17 Q. Now, I am returning to my theme about your contacts. I  
18 have now asked you about the CIA and I have asked you about the  
19 FBI. I want you to listen very carefully to this question.  
10:51:07 20 Between 1992 when you returned to Liberia from Ghana until  
21 January 2003 when you were flown out of Monrovia on 7 January, is  
22 that right, did you at any time pass on information to any  
23 official or contact at the United States embassy in Monrovia?

24 A. Counsel, I really do not understand the question. I would  
10:51:54 25 prefer for you to rephrase - you know, to make it clearer to me.  
26 Contact, because if you say contact, I did - I can answer the  
27 question of contact. I did have --

28 Q. Did you pass on any information to any official? That is  
29 the question.

1 A. Pass on, you know, is another concern for me. What do you  
2 mean by pass on?

3 Q. What is the difficulty with pass on? If I hand you this I  
4 have passed it on, haven't I? Did you give any information to  
10:52:27 5 any official or employee or person at the United States embassy  
6 in Monrovia?

7 A. All right, this is the way I will answer it.

8 Q. I would like the truth.

9 A. I am going to tell you the truth, sir, and nothing but the

10:52:46 10 truth. In 1996 during the 6 April - during a firefight in the

11 streets of Monrovia which came to be known as the 6 April

12 fighting in the Monrovia when two warring faction leaders, they

13 were on the Council of State, Mr Charles Taylor and Mr Alhaji

14 Kromah, had allied to arrest another warring faction leader

10:53:19 15 called Roosevelt Johnson, I worked with the Liberia Refugee

16 Repatriation and Resettlement Commission at the time. There was

17 a massive displacement of Liberians in Monrovia and many, many,

18 many thousands of Liberians went to a compound called Greystone.

19 That is G-R-E-Y, I am not sure if it is E-Y or A-Y, stone,

10:54:11 20 S-T-O-N-E. It's a yard - it's a compound leased or owned by the

21 United States embassy.

22 They went there to seek refuge from the then progressive

23 fighting in Monrovia. The fighting was coming - was all over the

24 city. So the United States embassy had asked them to leave.

10:54:36 25 They had nowhere to go; thousands of Liberians. Tearfund with

26 which I worked was there in Liberia. It is a British - it's a UK

27 based organisation that provides shelter for refugees and

28 displaced people, Tearfund money, okay. They asked the Liberian

29 government to negotiate with the United States embassy. The

1 United States embassy said it did not trust any Liberian  
2 politician because if they negotiated with them they wouldn't  
3 come for these people because they said that they thought that  
4 the Liberian politicians did not care about their own people. So  
10:55:27 5 I was asked to go and speak with them. Prior to that I had had  
6 absolutely no contact with any official of the United States  
7 embassy.

8 I went and introduced myself to one of the embassy  
9 officials and I told him that my name was Hassan Bility and that  
10:55:48 10 I worked with the - with a joint programme run by the Liberian  
11 Refugee Repatriation and Resettlement Commission, LRRRC, and  
12 Tearfund, a UK based organisation, I was the coordinator and that  
13 I was requesting a time frame of three to four days to allow the  
14 displaced Liberians to stay in their Greystone yard compound  
10:56:16 15 within which time I would be able to negotiate land deals with  
16 settlements like in Dixville, Plunkor and Coffee Farm. Dixville  
17 is in Upper Caldwell, Monrovia, outside Monrovia. Plunkor is  
18 also somewhere on the road to Tubmanburg, you know, and Coffee  
19 Farm is in Upper Caldwell.

10:56:44 20 They said that I spoke with someone they could trust, my  
21 first ever contact, and they gave me three days to build the  
22 shelters, to build tarpaulin to move the refugees, the displaced  
23 there. That was my first contact which was done successfully.

24 The second contacts or the second contact or whatever  
10:57:05 25 contacts came after I did not pass on. That is what I want the  
26 clarification on that two words itself. I did not like pass on.  
27 My understanding of pass on. What I did, I had friends in the  
28 United States embassy and those friends were the political  
29 counsellors and human rights officer. What I did, we had dinners

1 at some point and we share our opinions on the prevailing  
2 circumstances in Liberia, and they asked me questions on certain  
3 issues and I asked them questions on certain issues, but it  
4 wasn't like I collected information from here to there. No, I  
10:57:56 5 mean, as a journalist, and what prompted that was my first  
6 contact in that context I was looking for confirmation of a news  
7 story regarding the murder of the late Samuel Dokie and his  
8 family who had been placed in a car and burned beyond  
9 recognition. I went to - I called an embassy official because  
10:58:23 10 they had, one of the embassy officials, Liberian staff, had told  
11 me that they had got information that Samuel Dokie's body was  
12 found in Bomi instead of Bong County. So I called the political  
13 consulate office to get confirmation and to also ask if it were  
14 true that Mr Taylor was still needed by a Massachusetts - in  
10:58:50 15 Massachusetts, you know, where he was alleged to have escaped  
16 from the Plymouth county jail, and they said to give 24 hours and  
17 they will answer me. I said, "Well, I will need to publish this  
18 story tomorrow." They said, "Well, you have to wait." I waited  
19 24 hours. I got the information from them and I published this  
10:59:08 20 story. So that was the beginning of my contacts with them. We  
21 had dinners outside of the embassy. We talked like friends. We  
22 share opinions and those were political counsellors and one human  
23 rights officer at the United States embassy, clear.

24 Q. Have you finished?

10:59:32 25 A. Yes, sir.

26 Q. Well, can I seek to clarify one or two things that you have  
27 just said: Firstly, when you were told by someone at the embassy  
28 that they didn't trust any Liberian politician, did that include  
29 Mrs Ellen Johnson-Sirleaf?

1 A. I - the embassy official did not elaborate. What the  
2 embassy official said was that - but my personal inference is  
3 there, is different. But what the embassy official said that if  
4 the Liberian, if they listened to the Liberian politicians to  
11:00:16 5 tell them to allow the displaced persons to stay in their  
6 compound, and at certain point they will find place for them to  
7 remove them, that they will not do it; they will keep them there  
8 forever. So, they did not want displaced persons to remain there  
9 forever. It was that context in which the US official was  
11:00:39 10 speaking.

11 Q. Secondly this: If I understand what you have told us,  
12 prior to 1998 you had no contact with officials at the US embassy  
13 in Monrovia but thereafter - or you with persons employed at the  
14 US consulate in Monrovia, but thereafter you met more than one of  
11:01:07 15 them on dinner dates. Is that right?

16 MR SANTORA: Objection. I am sure it was misspoken but the  
17 witness said 1996 was his first contact.

18 MR GRIFFITHS:

19 Q. That makes it worse. So before 1996 there had been no  
11:01:27 20 contact, but after 1996 you had repeated contacts including  
21 dinner dates with persons employed at that embassy. Is that  
22 right?

23 A. I think, counsel, that is an inaccurate description of what  
24 I said. What I did say was that my first contact, which was on  
11:01:53 25 humanitarian basis, was done in 1996. My second and other  
26 contacts started after that. '97, '98 - '97 was in line with  
27 clarification on a story which headline was "Samuel Dokie feared  
28 dead" and the next contact was '98, the April - what is it called  
29 - September 18 fire fights and stuff like that.

1 Q. So, are we to understand that your contact with persons at  
2 the US embassy in Monrovia was infrequent?

3 A. Yes, it was infrequent.

11:03:20

4 Q. The next point of clarification is this: You told us that  
5 the persons with whom you had met were political officers  
6 attached to the embassy. Is that right?

7 A. Besides the first contact, yes, the other contacts were  
8 political and human rights officers - I mean counsellors attached  
9 to the embassy, correct.

11:03:50

10 Q. You may be able to help us with this, Mr Bility: Is it not  
11 the case that the term "political officer" is a code name for the  
12 chief of the CIA establishment at an embassy? I see Mr Koumjian  
13 laughing at the back. Obviously he knows something I don't.

11:04:16

14 A. Sir, this is my answer. I have never, ever worked with a  
15 security agency, whether in Liberia or the US government, so I  
16 don't know that. What I do know is that political officers - I  
17 don't know that political officers are spies in US embassies and  
18 the ones that I have met, certainly in my judgment, didn't look  
19 like that.

11:04:38

20 Q. What does a spy look like?

21 A. I don't know. I mean, they didn't ask questions relative  
22 to spying questions which the opinions we shared were relevant to  
23 the welfare - the general welfare - of the people and that was  
24 it. It wasn't like, you know, what is he doing or something.

11:05:07

25 These were talks that were going on and at least more than - I  
26 mean, there were other people, journalists, lawyers, you know,  
27 taxi drivers, from different walks of life who knew of these  
28 things. Now, if you want to ask me about some of these things  
29 that we talked about, I will be perfectly willing to tell you.



1 Q. No, thank you.

2 A. These weren't things that were hidden from the public eyes.  
3 These were stuff that the public knew full well and these were  
4 things that now will appear in - on the radio talk show that I  
11:05:41 5 will talk about and discuss, you know, that people knew about  
6 them and these were issues that were printed, reported in  
7 newspapers, so those who were the kind of things that we talked  
8 and shared opinion on.

9 Q. Help me with this: What are the names of the persons you  
11:06:01 10 were having dinner with and chatting to at the US embassy in  
11 Monrovia?

12 A. If the court thinks it is relevant, sir, I will give the  
13 names.

14 Q. I will be stopped if the question is irrelevant. What are  
11:06:18 15 the names of the individuals, please?

16 A. Okay. Human rights officer, Deborah Hart, and I will also  
17 tell you the instances or what prompted some of the contacts.  
18 Human rights officer --

19 Q. No, can we just start with the names first and then you can  
11:06:41 20 elaborate. Who else?

21 A. Right. Human rights officer Deborah Hart, political  
22 counsellors Anthony Newton and - what is the guy's name -  
23 political counsellor Anthony Newton and Hartford Jennings.

24 Q. What was his role?

11:07:08 25 A. Hartford. Hartford.

26 Q. What was his role? We will come back to the spelling?

27 A. They were political counsellors.

28 Q. So he is a political counsellor as well?

29 A. They were - these guys, these two guys were political

1 counsellors at different times. That is Hartford Jennings and  
2 Tony Newton.

3 Q. Okay.

11:07:33

4 A. Deborah Hart was human rights officer. It was a new  
5 position, I think created as a result of the human rights  
6 concerns in Liberia at that specific embassy.

7 Q. Now, let's just pause for a moment and deal with some  
8 spellings?

9 A. Right.

11:07:46

10 Q. Anthony Newton, A-N-T-H-O-N-Y, surname N-E-W-T-O-N, would  
11 you agree?

12 A. Correct.

13 Q. Deborah Hart D-E-B-O-R-A-H, surname H-A-R-T, is that  
14 correct?

11:08:05

15 A. T what?

16 Q. H-A-R-T?

17 A. I think "S", Harts. I am not 100 per cent sure, yeah.

18 Q. Hartford Jennings, H-A-R-F-O-R-D J-E-N-N-I-N-G-S, am I  
19 correct?

11:08:24

20 A. No, H-A-R-T, Hartford Jennings, J-E-N-N-I-N-G-S.

21 Q. And what about someone called John Bowman?

22 A. Yes, sir, I did meet with John Bowman in 1998.

23 Q. Who is he?

11:08:51

24 A. He was the deputy chief of mission at the time during the  
25 September 18th 1998 fighting - fire fights in the streets of  
26 Monrovia.

27 Q. How many times did you meet him?

28 A. John Bowman, I think I must have met - I am not sure, but I  
29 think I must have met him twice or maybe thrice. Two times or

1 maybe three times.

2 Q. And what about the American ambassador? What was his name?

3 A. I - which American ambassador?

4 Q. Huh?

11:09:29 5 A. I have never met an American ambassador.

6 Q. You have never met the US ambassador to Liberia?

7 A. The United States has had over ten ambassadors to Liberia,  
8 so --

9 Q. Well, help me. Have you met any of them?

11:09:45 10 A. I met John Blaney when - during my release from prison.

11 Q. John?

12 A. W Blaney.

13 Q. How do you spell the surname?

14 A. B-L-A-N-E-Y.

11:09:57 15 Q. So you met him. Did you meet any other American  
16 ambassador?

17 A. Well, I met John Blaney, I was in jail, I was released to  
18 him. That is the point I met him, being released. I did not  
19 meet any other United States ambassador accredited to Liberia,  
11:10:18 20 never.

21 Q. And in fact you were released into his custody, weren't  
22 you?

23 A. Per the demand of the Liberian government. It was a  
24 prerequisite, sir, to my release.

11:10:34 25 Q. You were handed into his custody, though, weren't you?

26 A. Custody? I am not thinking - I am not sure, sir, that that  
27 is an accurate description of what happened.

28 Q. Well, give us an accurate one then.

29 A. Fine. The United States ambassador, along with a few US

1 embassy officials, went to the NBI prison compound. The Liberian  
2 defence minister at the time Daniel Chea, C-H-E-A, was there, the  
3 director of the National Bureau of Investigation at the time was  
4 Freddy Taylor because he had been - he had swapped position with  
11:11:31 5 the then director of the NBI, so he had moved from NSA to NBI,  
6 Freddy Taylor. Benjamin Yeaten, with a number of other Liberian  
7 government officials and security personnel. So what happened,  
8 the United States ambassador and his charge, John Blaney,  
9 actually was there to make sure that I was released so I was  
11:12:03 10 handed to him. I was taken out of prison and he brought some  
11 change of clothing for me because I didn't have the opportunity  
12 to take anything. That is he, the ambassador. Put in a car  
13 which was in a convoy - the ambassador remained in his own car, I  
14 was put in a military pick-up truck, with several other cars - we  
11:12:26 15 drove from the prison compound, the prison compound, to  
16 Robertsfield, to the airport. So it wasn't like I was handed  
17 over to him and he says, "Okay, let's go. I am taking you now."  
18 No. The Liberian - I asked the ambassador at the airport, I  
19 said, "But why are these government officials with me, Daniel  
11:12:45 20 Chea, ministers and other people?" He said, "Well, the Liberian  
21 government had instructed that they make sure they witness your  
22 physical departure." So I was then handed over to him for -  
23 handed over to him like - that is why I said - that is my  
24 description of what happened.

11:13:05 25 Q. I asked the question for good reason. Help me: The plane  
26 which flew you out of Robertsfield airfield, who chartered it?

27 A. I don't know.

28 Q. Come on, Mr Bility, who chartered the plane that flew you  
29 to Accra in Ghana?

1 A. Sir, there were other passengers on the plane. Wherever  
2 you got that information --

3 Q. I didn't ask you about the other passengers. My question  
4 is simple: Who chartered the plane?

11:13:36 5 A. I do not know because it was --

6 Q. It was chartered by the United States government, wasn't  
7 it?

8 A. It certainly did not look like that because the plane was  
9 full with other passengers travelling to Accra, Ghana. Look at  
11:13:53 10 the manifest, December 7th 2002, a Ghana Airway flight, I think  
11 it was. You can summon the manifest and you will see a variety  
12 of other passengers. Unless the United States also had interests  
13 in the welfare of all of those passengers who had come from  
14 different countries, landed in Liberia, and picked up other  
11:14:17 15 passengers.

16 PRESIDING JUDGE: Mr Witness, please answer the question  
17 directly and don't make extraneous comments.

18 THE WITNESS: Thank you, your Honour. The answer to the  
19 question from me is that I do not know who chartered the plane.

11:14:30 20 MR GRIFFITHS:

21 Q. Let me be quite clear what the position is that I am  
22 putting to you.

23 A. Right.

24 Q. What I am putting is that you were released into the  
11:14:42 25 custody of the US ambassador; they were anxious to ensure your  
26 safe passage out of the country because you had been a reliable  
27 source of information to them and consequently they chartered a  
28 plane and flew you to Accra and from there you went to live in  
29 the United States. Is that not right?

1 A. No, that is not accurate, sir.

2 Q. What is wrong with it?

3 A. It is not a statement of fact. The first part that  
4 suggests or that states that they had interests in me because I

11:15:25 5 had been a source of reliable information to the United States is  
6 totally erroneous and false.

7 Q. Very well. I want to move on to another topic, but we  
8 won't complete it before our morning break. But what I would

9 like to do please now, Mr Bility, is this: I would like, with  
10 your assistance, please, to trace the 20 year period between the  
11 coming to power of Corporal Doe in - Master Sergeant Doe in 1977  
12 and the elections in July 1997 in Liberia. Do you follow me?

13 Yes? In 1977, you would have been eight years old, wouldn't you?  
14 You were born in '69. Nodding doesn't help us, Mr Bility.

11:16:47 15 JUDGE LUSSICK: Witness, you keep nodding your head. That  
16 can't be recorded on the transcript. Would you answer verbally,  
17 please?

18 THE WITNESS: Yes, sir.

19 MR GRIFFITHS:

11:16:55 20 Q. So you were eight years old in 1997. However - 1977,  
21 sorry. However, given your later employment as a journalist, no  
22 doubt you are aware of the course of Liberian politics over the  
23 20 years between 1977 and 1997. You are, aren't you?

24 A. Yes, sir.

11:17:20 25 Q. Now, you appreciate, don't you, that in 1997 Liberian army  
26 Master Sergeant Samuel Doe, a member of the Krahn ethnic group,  
27 seized power in a bloody coup ending the 133 year rule of the  
28 Americo-Liberian True Whig Party, do you agree?

29 A. That is totally wrong, inaccurate, and it is not accurate,

1 it is not true.

2 Q. Sorry, my fault. I was looking at a document I have  
3 prepared but I have got the dates wrong. That was in 1980,  
4 wasn't it?

11:18:11 5 A. Yes.

6 Q. But do you agree that he was a member of the Krahn ethnic  
7 group?

8 A. Yes, I do agree.

9 Q. Do you agree that it was a bloody coup?

11:18:19 10 A. Yes, I do agree.

11 Q. Do you agree that it ended the 133 year rule of the  
12 Ameri co-Li beri an True Whi g Party?

13 A. Yes, sir.

14 Q. Do you agree that Doe's troops thereafter assassinated  
11:18:34 15 President William Tolbert?

16 A. Thereafter, thereafter what? I don't understand that, sir.

17 Q. Let me put it differently: Did Doe's troops assassinate  
18 President William Tolbert?

19 A. Yes, sir.

11:18:50 20 Q. Did they also execute 13 of his cabinet ministers?

21 A. Yes, sir.

22 Q. Did they also imprison dozens of government officials?

23 A. Dozens?

24 Q. Yes, dozens?

11:19:11 25 A. I do know that they imprisoned some of them. Dozens in  
26 terms of number, I am not like 100 per cent sure about that.

27 Q. Is it right that they thereafter established the People's  
28 Redemption Council as the new ruling political entity?

29 A. Yes, sir.

1 Q. Would you agree that under the Doe administration members  
2 of the Krahn ethnic group came to dominate Liberian politics and  
3 government?

4 A. My personal opinion, sir, and observation? Is that what  
11:19:54 5 you want?

6 Q. Well, I would like a factual answer. Is that true or  
7 false? Yes or no would suit my purposes.

8 A. Sir, I cannot give a factual answer to that question  
9 because I don't know specifically what number of - how many of  
11:20:11 10 each of the 16 ethnic groups was in the government. What I do  
11 remember was that Doe - that what I did read and do remember is  
12 that Samuel Doe held a press conference to say, that suggested, I  
13 mean by calling out names of different ethnic groups that were in  
14 his government, and he was trying to portray the fact that there  
11:20:37 15 were more Manos and Gios in his government than even his own

16 ethnic group. I do remember that. But I also do know that there  
17 were many ethnic Krahn people in the government. Whether they  
18 were more than other ethnic groups I can't say that for a fact.

19 Q. Would you agree that with the coming to power of the Doe  
11:21:07 20 regime ethnicity became a major issue in Liberian daily life and  
21 politics?

22 A. Well, I would say, instead of saying became a major issue,  
23 I would say it became a highlighted point.

24 Q. The profile of such issues became much higher?

11:21:41 25 A. Honestly, I can't say for a fact. What I can say based on  
26 what I think is - better describes what my opinion is - is that  
27 it became a highlighted issue. I am not saying that it became  
28 high profile. Highlighted issue. People began to notice more  
29 and more what their identities were, but I am not sure if it



1 served as a political trump card to a political position of  
2 eminence. I am not saying it is not true; I am not just sure  
3 about that, sir.

4 Q. Very well. We will leave that. Moving on. Under the Doe  
11:22:32 5 regime this man, Charles Taylor, became head of a government  
6 department, didn't he?

7 A. Yes, sir.

8 Q. What was the title of that department?

9 A. General Services Agency, GSA.

11:22:55 10 Q. What were the responsibilities of that agency?

11 A. Well, I really have not read the specifics of the  
12 responsibilities of that agency. What I do know from reading,  
13 casual reading of manuals and stuff, is that the agency is a  
14 government agency responsible for general procurement of  
11:23:23 15 government property.

16 Q. Thank you. Now, as a result of allegations of embezzlement  
17 Mr Taylor, the head of that department, fled from Liberia in 1983  
18 to the United States, didn't he?

19 A. He fled from Liberia, yes, sir.

11:23:46 20 Q. And went to the United States, didn't he?

21 A. Well, he was finally in the United States. I am not sure  
22 specifically where he went to when he left Liberia immediately,  
23 but he showed up in the United States.

24 Q. And he was accused of embezzlement by the Doe regime,  
11:24:09 25 wasn't he?

26 A. Correct. That is correct.

27 Q. Now, five years after seizing power brutally, Doe's  
28 national - Doe called an election, didn't he, in 1985?

29 A. Yes, sir.

1 Q. And his party, the National Democratic Party,  
2 unsurprisingly won the election. Is that right?

3 A. His party, that is correct. The National Democratic Party  
4 is not correct.

11:24:53 5 Q. What was his party called?

6 A. National Democratic Party of Liberia.

7 Q. Of Liberia, my fault, and I am grateful for your assistance  
8 with that, but in any event he did win the election, yes?

9 A. I will say he was declared the winner. I wouldn't say he  
11:25:09 10 won it. I think he was named the winner of the election.

11 Q. Now there was widespread criticism of that election, wasn't  
12 there?

13 A. Correct, there was.

14 Q. But it was nonetheless greeted with approval by the then US  
11:25:25 15 government, wasn't it?

16 A. Approval, the result of the election weren't greeted, as  
17 far as what my readings are concerned, the United States didn't  
18 say "Well, good job. Well done. You have won an election." I  
19 mean, Doe was declared the winner amidst suspicious and  
11:25:52 20 controversial circumstances and at some point later on the United  
21 States government decided to work with him, but they did not  
22 initially like greet the elections result with approval. It was  
23 - as a matter of fact it was President Reagan so --

24 Q. Do you not recall that the then Assistant Secretary of  
11:26:26 25 State for African Affairs declared that well, at least it was an  
26 election. Do you remember that comment?

27 A. Yes, I do - I did read that comment that it was an election  
28 and can I further speak, your Honour?

29 PRESIDING JUDGE: I think you have answered the question,

1 Mr Witness.

2 MR GRIFFITHS: I think he has answered the question and I  
3 see the time.

4 PRESIDING JUDGE: We have two minutes left, Mr Griffiths.

11:26:49 5 MR GRIFFITHS: Very well:

6 Q. Another question: Now in November 1985 a former army  
7 general, Thomas Quiwonkpa, led an invasion of rebel forces into  
8 Liberia in an attempt to overthrow the Doe regime, didn't he?

9 A. Yes, sir; specifically 12 November 1985.

11:27:20 10 MR GRIFFITHS: Madam President, I wonder if that would be a  
11 convenient time and I say that for this reason: Before your  
12 Honours rise there is a short matter I would like to canvass with  
13 you regarding timing, which need not detain the witness.

14 PRESIDING JUDGE: Very well. I just heard the alert that  
11:27:40 15 may say it is two minutes but you wish to deal with something in  
16 the absence of the witness, is that my understanding?

17 MR GRIFFITHS: Yes, please, Madam President.

18 PRESIDING JUDGE: Mr Witness, we are now about to take our  
19 mid-morning break, which you know is half an hour. You are at  
11:27:55 20 liberty to leave the Court and you will be assisted to leave. We  
21 are going to deal with some procedural matter that does not  
22 involve your evidence.

23 THE WITNESS: Thanks. Can I leave now?

24 PRESIDING JUDGE: Yes, please do so.

11:28:07 25 [In the absence of the witness]

26 PRESIDING JUDGE: Yes, Mr Griffiths.

27 MR GRIFFITHS: Madam President, I have an application to  
28 make and it is simply this: I wonder if I could crave your  
29 Honours' indulgence that we have an extra 15 minutes for this

1 break. A matter has arisen which I need to discuss first with my  
2 co-counsel and then with Mr Taylor and it may require some  
3 detailed considerations on our part, and I can assure your  
4 Honours that one possible outcome of our discussions is that my  
11:28:50 5 cross-examination might be shortened quite considerably.

6 PRESIDING JUDGE: We do not see that as a problem and we  
7 grant the application, Mr Griffiths, and the mid-morning break  
8 will then take from now to 12.15 and the Court will resume at  
9 12.15.

11:29:14 10 MR GRIFFITHS: I am most grateful.

11 PRESIDING JUDGE: Please adjourn the Court until 12.15.

12 [Break taken at 11.30 p.m.]

13 [Upon resuming at 12.15 p.m.]

14 PRESIDING JUDGE: Mr Santora, you're on your feet.

12:16:06 15 MR SANTORA: Just a quick note of change of appearance.

16 PRESIDING JUDGE: Oh, indeed.

17 MR SANTORA: Mr Koumjian is not with the Prosecution at  
18 this point.

19 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths,  
12:16:15 20 before I invite you to proceed on with your cross-examination, I  
21 would just like to raise a brief procedural matter. We have  
22 brought to our notice document 704, that is a notice of change in  
23 witness status should the Trial Chamber grant the Prosecution  
24 motion to call additional witnesses which has been filed by the  
12:16:37 25 Prosecution, and we note that the Defence made submissions in  
26 relation to an original motion by the Prosecution dealing with  
27 that same witness and we have noted the submissions of the  
28 Defence. We have in mind to deal with the document 704 orally in  
29 the light of your prior submissions. However, before doing so we

1 would ask if you have any reply or comment to make on that  
2 notice?

3 MR GRIFFITHS: Could I have a moment?

12:17:16

4 PRESIDING JUDGE: Yes, I was going to invite you to  
5 indicate if you required time.

6 MR GRIFFITHS: Madam President, we're slightly in the dark.  
7 We suspect we know what this is about. Is it about a particular  
8 individual called Tariq Malik.

12:17:52

9 PRESIDING JUDGE: It is. It is a public document and it is  
10 a notice by the Prosecution stating - and I quote now - that:

11 "In view of the change, the Prosecution wish to give the  
12 Chamber and Defence fair notice to assist the parties that they  
13 intend to call Mr Malik as a witness viva voce."

14 MR GRIFFITHS: We have no objection.

12:18:11

15 PRESIDING JUDGE: Thank you for that, Mr Griffiths. We  
16 will consider this and give a decision in due course.

17 MR GRIFFITHS: I'm grateful.

18 PRESIDING JUDGE: If you now wish to proceed with your  
19 cross-examination, please do so.

12:18:21

20 MR GRIFFITHS:

21 Q. Before we adjourned, Mr Bility, I was asking you about the  
22 intervention by Thomas Quiwonkpa in 1985. Do you remember?

23 A. Yes, sir, I do.

12:18:42

24 Q. And you helpfully told us that that took place in November  
25 1985, yes?

26 A. Correct.

27 Q. Now Quiwonkpa's attempted rebellion was an abject failure,  
28 wasn't it?

29 A. Yes, sir, it was.

1 Q. Quiwonkpa himself was captured by Doe's forces, wasn't he?

2 A. Yes, sir, the Government of Liberia under Samuel Doe did  
3 announce that they had - that they captured and killed General  
4 Thomas Konkpa Quiwonkpa.

12:19:27 5 Q. They didn't just kill him though, did they?

6 A. What do you mean, sir?

7 Q. Did anything else happen to him after he was killed?

8 A. In terms of a statement of fact I cannot say that, but what  
9 I did hear from other people - other Liberians - that, yes,  
10 something else did happen to him.

12:19:54

11 Q. What was that?

12 A. What I did hear was that he was - I'm not sure if that's  
13 the right word for me to use, like butchered, cut and his stomach  
14 opened. I'm not sure if that was by a sharp object like a knife,  
15 or by the rifle used. As I said, I did not personally see that.

12:20:18

16 Q. Is it also right that some of his body parts were eaten by  
17 Doe's soldiers?

18 A. I don't know that for a fact, sir.

19 Q. Did you hear of that?

12:20:40

20 A. I did hear that, like I heard many other rumours  
21 surrounding that particular incident.

22 Q. Now as a consequence of that failed attempted coup, Doe's  
23 government launched a bloody purge against the Gio and Mano  
24 ethnic groups in Quiwonkpa's Nimba County, didn't he?

12:21:10

25 A. Well, I - what I do know is that Doe's military soldiers  
26 went to Nimba County where the government of Doe said were  
27 accomplices of Thomas Quiwonkpa and arrested them and in some  
28 instances killed them.

29 Q. Now, remember we're here talking to a journalist who

1 professes an interest in human rights abuses. What Doe's forces  
2 did in Nimba County was a major atrocity, wasn't it, Mr Bility?

3 A. Counsel, I did not have firsthand information on that.

4 However I do believe in human rights and its protections and if

12:22:26 5 what I heard happened did actually happen of course those actions  
6 are tantamount to gross human rights abuses, correct, and I would  
7 also like to state that I am from Nimba County as well.

8 Q. But you're a Mandingo, not a Gio or a Mano, aren't you?

9 A. That's correct, sir.

12:22:51 10 Q. Thank you. And we're talking about thousands of Gios and  
11 Manos being killed by Doe's rampaging forces, aren't we?

12 A. Well, sir, I'd like a clarification. Are you talking about  
13 the facts of the statement, or are you talking about the  
14 historicity of what happened?

12:23:16 15 Q. I'm talking about the history because you would have been  
16 16 at the time, but you're a man who, given your interest, one  
17 would have expected to research these matters?

18 A. Certainly I did, sir.

19 Q. And as a matter of history thousands of Gios and Manos were  
12:23:34 20 killed, weren't they?

21 A. I cannot say for a fact if the number was in the tens,  
22 hundreds or thousands. The reason for that is that let's  
23 remember that you still had Samuel Doe as President of Liberia  
24 during this period and accounts that will have appeared in the

12:24:01 25 newspaper, like under President Taylor's government, in my  
26 opinion would have been very selective in coming out with numbers  
27 and so I'm not sure as to whether the number of people killed was  
28 in the tens, thousands or hundreds. I did hear from a lot of  
29 people - and there isn't much reading material on this as well,

1 let's remember that, but I did hear that tens and possibly  
2 hundred plus persons were killed.

3 Q. And it's right, is it not, that at this time there was an  
4 alliance between Doe's Krahn ethnic group and the Mandingo ethnic  
12:25:00 5 group, wasn't there?

6 A. Once again, counsel, I would like you to provide for me, a  
7 non-lawyer, a working definition for that word "alliance".

8 Q. Were they not working together?

9 A. No.

12:25:19 10 Q. Were they not the predominant ethnic groups in the army and  
11 government at the time of that purge in Nimba County?

12 A. That is a complete misrepresentation of the fact, counsel,  
13 and that statement is diametrically opposed to what the situation  
14 was. This is the fact: Mandingos prior to 24 December 1989 war

12:25:49 15 were generally traders, business people. They were mechanics,  
16 taxi drivers, small business owners, you know, basically in the  
17 fabric of the economy in that way. They weren't in any way  
18 plenty in the - you know, represented largely in the military.

19 It was after the war started that some asked their children to  
12:26:21 20 join the military since in their subjective views it was  
21 Mandingos who were being persecuted along with the Gio and there  
22 is, counsel, a history behind that.

23 So to answer your question more directly, Mandingos were  
24 not - they probably constituted the lowest percentage of the  
25 military if you took it on an ethnic basis. They didn't have  
26 interests in the military, they didn't have interests in  
27 education. The only interest they had was purely --

28 [Technical fault]

29 [Break taken at 12.27 p.m.]



1

2

[Upon resuming at 2.30 p.m.]

3

PRESIDING JUDGE: I appreciate that the witness was partly  
4 through an answer, but if it is convenient for counsel I would  
14:32:08 5 like to give an oral decision before we proceed on with his  
6 evidence.

7

MR GRIFFITHS: Very well.

8

PRESIDING JUDGE: Thank you, Mr Griffiths. I should also  
9 for purposes of record, since it would appear that we rose and  
14:32:23 10 didn't resume for about two hours, that was an electrical fuse  
11 problem that left the Court inoperative as far as light and  
12 electrical supplies was concerned.

13

I'm now giving an oral ruling on motion 683. The  
14 Prosecution originally filed its Prosecution motion for leave to  
14:32:49 15 call an additional witness and notice to admit witness's solemn  
16 declaration and in the alternative for admission of solemn  
17 declaration, that's motion 683, seeking (1), leave to add  
18 Mr Tariq Malik as a witness to the Prosecution witness list and  
19 if granted to approve the disclosure of his solemn declaration  
14:33:13 20 and (2) to seek to admit the declaration into evidence pursuant  
21 to Rule 92 bis or alternatively to admit the declaration under  
22 Rule 98(C) [sic].

23

The Defence do not oppose the motion to add Mr Malik to the  
24 Prosecution witness list, but object to the admission of a solemn  
14:33:34 25 declaration under Rule 92 bis or 89(C) absent "the opportunity  
26 for cross-examination".

27

The Prosecution has given notice on 6 January 2009 on  
28 notice 704 stating, "Should the Trial Chamber grant the  
29 Prosecution motion for leave to add Mr Malik as a witness the

1 Prosecution now wishes to call Mr Malik to give evidence viva  
2 voce rather than pursuant to Rule 92 bis."

3 We consider it in the interests of justice to permit the  
4 Prosecutor, pursuant to Rule 73 bis (E), to add Mr Malik to the  
14:34:27 5 Prosecution witness list. The other request for alternative  
6 relief in the motion are thereby rendered redundant.

7 That is the end of the ruling. Please proceed,  
8 Mr Griffiths.

9 MR GRIFFITHS:

14:34:44 10 Q. Mr Bility, in light of --

11 PRESIDING JUDGE: Just pause, Mr Griffiths, please. I am  
12 not sure if it's the transcript or my transposition but it has  
13 been correctly pointed out by my colleague that at page 64 of  
14 line 7, there's a reference to Rule 98(C) which should read  
14:35:17 15 alternatively to admit the declaration under 89(C). That is  
16 either my fault or that of the transposition. Sorry, please  
17 proceed, Mr Griffiths.

18 MR GRIFFITHS:

19 Q. In light of the unfortunate point at which we stopped,  
14:35:38 20 Mr Bility, I wonder if I could just take you back. I was asking  
21 you about the ethnic impact of the Doe's regime's incursion into  
22 Nimba County following the unsuccessful coup attempt by General  
23 Thomas Quiwonkpa. Do you remember that now?

24 A. Yes, I do, but I'm a little bit confused. Did you say the  
14:36:10 25 incursion into Nimba County?

26 Q. Yes, I did.

27 A. All right. Then I think that's not correct because the  
28 incursion was not through Nimba County. If we're referring to  
29 Thomas Quiwonkpa's 1985 aborted invasion, it was through Grand

1 Cape Mount County, through Monrovia. It was in Monrovia through  
2 Grand Cape Mount County and Grand Cape Mount County is to the  
3 west of Monrovia, while Nimba County is to the north of Monrovia.

14:36:59 4 Q. It's my fault. What I was actually asking you about was, I  
5 was asking you about the retribution wreaked by Doe's forces in  
6 Nimba County following that unsuccessful coup attempt. Now you  
7 accept, don't you, that it was the Gios and the Manos who were  
8 the main victims of that incursion into Nimba County by Doe's  
9 forces following the failed coup? You agree, don't you?

14:37:29 10 A. I do agree --

11 Q. Thank you.

12 A. -- counsel that - I do agree that the Government of Liberia  
13 then under Samuel Doe President did tell the Liberian people that  
14 most of the alleged culprits were in Nimba County and that it was  
14:37:56 15 pursuing them in Nimba County. Subsequently, we did see and hear  
16 about some deaths and of course in some cases some harassment  
17 against the Manos and Gios in Nimba County.

18 Q. Mass murders took place in that county, committed by Doe's  
19 forces. That's right, isn't it?

14:38:31 20 A. Counsel, I'm not a spokesperson for the Doe's government.  
21 What I do know is that there were reports, generally by words of  
22 mouth, that there were murders committed by Doe's forces in Nimba  
23 County. I was stationed - I lived in Monrovia and I'm not sure  
24 that I saw written - actual written accounts, either in the  
14:39:03 25 newspapers or heard them on the radio, regarding mass murder.

26 I'm not saying it didn't happen. I'm saying that from my  
27 position in Liberia at the time, Monrovia, we didn't - I did not  
28 see written accounts of mass murders.

29 Q. Now, the Doe forces who went into Nimba County seeking

1 retribution were led by one General Juru, weren't they?

2 A. General who, sir?

3 Q. Juru, J-U-R-U.

4 A. Honestly, I'm not sure who --

14:39:50 5 Q. No, my fault. It's Julu, J-U-L-U?

6 A. Right; I'm quite familiar with the name. I'm not just sure  
7 of who led because if leading in that case would have been a  
8 specific order from Doe. But I do know that Charles Julu did go  
9 into Nimba County and there were many accounts from civilians  
10 about what he did there.

14:40:14

11 Q. Right. Now, to conclude this particular episode, would you  
12 agree with the following propositions: Firstly, by the end of  
13 that government operation in Nimba County in retribution, the  
14 seeds had been laid for anti-Krahn, anti-Mandingo sentiments in  
15 that county?

14:40:47

16 A. I disagree, sir.

17 Q. Very well. Would you agree that as a consequence of the  
18 scorched earth policies pursued by General Julu in Nimba County  
19 it created favourable ground for the NPFL invasion in December  
20 1989?

14:41:13

21 A. Can you please repeat that question, please.

22 Q. Would you agree that as a result of the atrocities  
23 committed by Doe's forces in Nimba County, primarily against the  
24 Gios and Manos, that the ground was laid for those people to  
25 welcome with open arms the NPFL invaders, some would say  
26 liberators, in December 1989?

14:41:39

27 A. I have a different perspective regarding that and because  
28 of my perspective I disagree with that conclusion, that it was a  
29 result of that 1985 aborted invasion and its subsequently

1 reported murders in Nimba County that I laid the groundworks, that  
2 planted the seeds for hatred or whatever retribution that may  
3 have resulted therefrom against the Krahn's and Mandingos. My  
4 perspective is different, sir.

14:42:32 5 Q. Would you not agree --

6 PRESIDING JUDGE: I'm sorry to interrupt but, Mr Griffiths,  
7 didn't you refer to a different group? You referred to the Gios  
8 and the Manos.

9 MR GRIFFITHS: I did.

14:42:43 10 PRESIDING JUDGE: The witness is speaking about the Krahn's  
11 and the Mandingos.

12 MR GRIFFITHS:

13 Q. And I'm particularly interested in the Gios and the Manos  
14 you see, Mr Bility, and what I'm asking is this: You have this  
14:42:57 15 situation: Two particular ethnic groups in Nimba County have  
16 been targeted and persecuted by Doe's forces who are primarily  
17 Krahn's and Mandingos. What then happens is in December 1989, not  
18 by chance, the invasion led by the NPFL enters through Nimba  
19 County and they are welcomed by the Manos and the Gios who had  
14:43:30 20 been persecuted three years prior. My question is: Do you agree  
21 that what Doe's forces did in Nimba County in 1985 laid the  
22 ground for the welcome received by the NPFL forces when they  
23 invaded on 24 December 1989?

24 A. Counsel, I am responding that I disagree because I do have  
14:44:05 25 a different perspective regarding that, the 1985 situation. I do  
26 think though that the seed of discord, the seed of disagreement  
27 or whatever it may be termed, had been planted way before 1985.  
28 1985 episodes may have been - may have been - in part a  
29 contributing factor but was not the contributing factor. That's

1 what I'm saying.

2 Q. Do I understand you correctly then that your point is that  
3 there had been a much longer history of conflict between those  
4 two parties and that the events of 1985 was but a further episode  
14:45:03 5 in that on-running history of disagreement?

6 A. Counsel, that is not my point. If you will ask me I will  
7 explain my perspective, but that is not my point, sir.

8 Q. Very well. Well, I'm not going to engage in a debate about  
9 the history because the point I'm trying to establish is very  
14:45:29 10 simple, so I'll move on. In 1986, on 6 January, do you recall  
11 that a new constitution was adopted in Liberia?

12 A. Yes, sir.

13 Q. And under the terms of that constitution "all people of  
14 Negro descent" were eligible to become citizens of Liberia?

14:46:01 15 A. Can you please repeat that?

16 Q. Under the terms of that new constitution "all people of  
17 Negro descent" were eligible to become citizens of Liberia?

18 A. Yes.

19 Q. Thank you. Now do you also recall now that around about  
14:46:29 20 1987 - now you would have been about 18 years old at the time so  
21 I think I can ask you this question, but in 1987 do you recall  
22 stories were filtering back to Liberia that there was a group of  
23 expatriate Liberians training in Libya?

24 A. I am not sure that I did hear those pieces of information  
14:47:06 25 around 1987.

26 Q. Very well. In any event you certainly recall the events of  
27 24 December 1989, don't you?

28 A. Yes, sir, I do.

29 Q. When NPFL forces invaded Nimba County - some would say

1 Liberated Nimba County - having entered the country via the Cote  
2 d'Ivoire. Is that right?

3 A. Yes, sir.

14:47:45

4 Q. Now let us just pause for a moment please, Mr Bility, in  
5 light of your later concerns and just discuss for a moment some  
6 of the implications of that. Firstly, you accept, don't you,  
7 that these forces invaded from the Cote d'Ivoire, yes?

8 A. Yes, sir.

14:48:09

9 Q. You appreciate, don't you, that those forces must have  
10 gained assistance from the government of the Cote d'Ivoire?

11 A. Do I appreciate, or did I appreciate that?

12 Q. Either then or now do you appreciate that the NPFL forces  
13 who invaded Liberia must have received support from the  
14 government of the Cote d'Ivoire?

14:48:38

15 A. Counsel, I'm not in a position to say they did receive  
16 support from Cote d'Ivoire under the late Houphouet-Boigny. What  
17 I am in position to say is that they did receive cooperation from  
18 security forces in the Cote d'Ivoire, because in our observation  
19 and understanding the late President Boigny had by then become  
20 prisoner of age and illness and was really not in a better  
21 position to make a determination regarding the activities of the  
22 then NPFL through its land borders with Liberia.

14:49:14

23 Q. And of course one detail you can help me with is this. The  
24 President of the Cote d'Ivoire Boigny's daughter had been married  
25 to Tolbert's son, wasn't she? President Tolbert's son?

14:49:47

26 A. Yeah, I understand. That's Adolphus Benedict Tolbert.

27 Q. Uh-huh?

28 A. The son of President Tolbert in question was called  
29 Adolphus Benedict Tolbert.

1 Q. And did he have a relationship with Boigny's daughter?

2 A. Well Boigny's daughter, whether a biological, adopted, or

3 --

4 Q. Or Goddaughter?

14:50:21 5 A. What we do know is that a woman who was variously referred  
6 to as Boigny's adopted daughter, Boigny's daughter, was married  
7 to the son of the late William Richard Tolbert called Adolphus  
8 Benedict Tolbert.

9 Q. And he had been murdered by Doe's forces?

14:50:47 10 A. Yes, sir.

11 Q. So putting all of that together, the NPFL enters Liberia  
12 from a neighbouring country, the President of which had perhaps  
13 good reason to want to see the back of Doe?

14 A. Does that require an answer from me, counsel?

14:51:12 15 Q. I wouldn't mind.

16 A. Well, as far as the President of Cote d'Ivoire was  
17 concerned and if we approach him with all fairness, he repeatedly  
18 said on radio, or in comments, that he was not I know in any way  
19 supporting the NPFL. He did not admit to it. So whether he may  
14:51:43 20 have had - he might have had a good reason to see that happen, my  
21 opinion regarding that is that that was subjective. If he chose  
22 to do that, he didn't say that.

23 Q. But let's add another dimension to this discussion, shall  
24 we? It was also apparent, was it not, that the NPFL forces had  
14:52:13 25 received substantial support from the government of Burkina Faso?

26 A. Not according to the Burkina Faso government admitting  
27 publicly, but we - many people, like in the case of Cote  
28 d'Ivoire, were convinced based on what they considered evidence,  
29 or pieces of evidence, that the Burkina Faso government was



1 supporting and/or assisting the National Patriotic Front of  
2 Liberia led by Mr Charles Taylor.

3 Q. So, we now have this situation. On the face of it two West  
4 African governments are sponsoring a rebel movement, or assisting  
14:53:32 5 or enabling a rebel movement, aiding and abetting a rebel  
6 movement, to overthrow the government of another West African  
7 country, would you agree?

8 A. Conceptually, yeah, I would.

9 Q. If we jump forward to March 1991, yes, we have one African  
14:54:03 10 government supporting a rebellion to overthrow a government in  
11 another African country, Liberia and Sierra Leone, don't we?

12 A. Can you please repeat that question, sir.

13 Q. If we jump forward to March 1991 we have another situation  
14 where a party in one African country is sponsoring a rebellion in  
14:54:37 15 a neighbouring African country to overthrow the government of  
16 that latter country, would you agree?

17 A. A party in what country? Is it Liberia, or are you still  
18 referring to Burkina?

19 Q. I'm referring to the RUF invasion of Sierra Leone.

14:54:58 20 A. Yes, sir.

21 Q. Can you see any conceptual difference between December 1989  
22 and March 1991?

23 A. Yes, sir.

24 Q. What?

14:55:16 25 A. The difference I do see here is that neither the government  
26 of Cote d'Ivoire, nor the government of Burkina Faso under Blaise  
27 Compaore, did admit publicly on radio that they were supporting  
28 the government - I mean the NPFL in its war to unseat the  
29 Liberian government. However, on the other hand President

1 Charles Taylor then --

2 Q. Hold on, can I interrupt. I'm sorry, but you can continue.  
3 President Charles Taylor or leader of the NPFL Charles Taylor, do  
4 you understand me?

14:56:10 5 A. Yeah, I do. The leader --

6 Q. Which one are you talking about?

7 A. I'm referring to the leader of the NPFL,  
8 Mr Charles Ghankay Taylor, said on the British Broadcasting  
9 Corporation, the BBC, that because Sierra Leone had accepted to  
10 host ECOMOG, the Economic Community Monitoring Group, a military  
11 group that had expressed its intention to stabilise and -  
12 destabilise the war in Liberia and separate the warring factions,  
13 that because Sierra Leone had agreed to do that he would attack  
14 Sierra Leone and that he would make Sierra Leone to taste the  
14:57:15 15 war.

16 So, in that respect there is a difference. The Presidents  
17 of Cote d'Ivoire and Burkina Faso did not admit publicly. The  
18 leader of the NPFL in his capacity as the NPFL did in fact  
19 announce that and, of course, I heard that and he made that clear  
14:57:51 20 to me when he became President in his statements and in his  
21 actions. This is after July 1997. So the conceptual difference  
22 there is that the NPFL leader Charles Taylor had conceived this  
23 idea as far back as the early '90s and he followed through with  
24 it after he became President of the Republic of Liberia. So  
14:58:23 25 that's the major difference there that I see.

26 Q. So if I can try to bring to its essence what you're telling  
27 us, the major distinction between the role played by Cote  
28 d'Ivoire and Burkina Faso in 1989 and Charles Taylor in 1991 is  
29 that Charles Taylor had the honesty of stating as much publicly.

1 Is that right?

2 A. Well Charles Taylor as the leader of the NPFL did state  
3 publicly in the form of threat and as President, yes, that's what  
4 I'm saying, whilst the other two leaders did not admit to that as  
14:59:14 5 far as my understanding is concerned.

6 Q. Very well, let's move on. So we appreciate now what the  
7 point of difference is conceptually between the two events.  
8 Moving on, was the vision of the NPFL to overthrow the corrupt,  
9 vicious Doe regime justified?

14:59:48 10 A. Can you please restate that question.

11 Q. Of course I will. Is it justifiable for the people of a  
12 country labouring under an unjust and vicious regime - is it  
13 justifiable for them to seek to topple and overthrow that regime?

14 A. Answer?

15:00:21 15 Q. Yes, please.

16 A. Well, my understanding is that the question is - the two  
17 questions are different. The first one was more about the NPFL  
18 and Liberia and --

19 Q. Oh, so you did understand it.

15:00:37 20 A. The first one because I heard "Liberia" and the second one  
21 is general if it is justifiable for a people to unseat or remove  
22 a government that is abusive, that is brutal and that is against  
23 its own citizens. Yes, I think - this is my honest opinion. I  
24 do believe that, as long as the charges against said government  
15:01:03 25 is justified, I do think that the people have the right to change  
26 their government. You didn't ask me a question regarding  
27 methodology.

28 Q. Oh, I was coming to that. Don't worry.

29 A. Okay. So in concept, yeah, I think it's justified to have

1 a change of government.

2 Q. Taking it another stage further then, is it justifiable for  
3 said people to use force to overthrow an unjust and vicious  
4 government?

15:01:45 5 A. Counsel, I guess you are asking my opinion, not to make a  
6 statement of fact, which is --

7 Q. I'm asking your opinion because I'm coming to a question of  
8 fact.

9 A. Great. I think the question of justification of a people  
15:02:02 10 using force to remove government or governments - my opinion is  
11 that question is scenario dependent. That depends on specific  
12 scenarios and therefore it would differ from people to people,  
13 from country to country. Countries will adopt, people who adopt  
14 different methodology regarding that, so it's scenario dependent.

15:02:38 15 Q. Well, let me see if I can address your intellectual  
16 confusion on the topic. Take a situation where you have a Master  
17 Sergeant Doe who assassinates the sitting President, who when -  
18 who murders a number of members of the government of that  
19 President, and then when a few years later someone tries to lead  
15:03:03 20 a coup against him not only does he kill that person, he eats him  
21 as well, and thereafter sends his general into Nimba County to  
22 murder members of a particular ethnic group, now, does that  
23 scenario sound familiar? Does it sound like Liberia under Master  
24 Sergeant Doe? Does it?

15:03:32 25 A. That scenario is very familiar and that scenario is  
26 something that is familiar with Liberia and I would also add that  
27 what is familiar not in any way trying to be a spokesperson for  
28 anybody, what happened in 1980, 1990 - 1989 were all incidents  
29 that, in my opinion, you know, that led to the murder of many

1 people. So the characterisation is not what I'm concerned about.

2 What I'm - you know, what I'm saying is that whether it was  
3 between 1847 to 1980, 133 years where less than five per cent of  
4 the Liberian population controlled and ruled the country and one  
15:04:41 5 party states, or whether it was 1971 to 1980, when President  
6 Tolbert was President --

7 PRESIDING JUDGE: Mr Witness, you seem to have gone back in  
8 history where the question put to you was: Does it sound like  
9 Liberia under Master Sergeant Doe. You've gone back 133 years.  
15:05:02 10 Please address yourself to the question.

11 THE WITNESS: Well, those were events, some accurate, some  
12 inaccurate, that definitely obtained in Liberia between 12 April  
13 1980 and the beginning of the war in Liberia.

14 MR GRIFFITHS:

15:05:21 15 Q. So I'm going to ask you now very bluntly: Was  
16 Charles Taylor justified, given the history of the Doe regime, to  
17 attempt to overthrow it?

18 A. I do not in any way believe in the use of guns that would  
19 subsequently lead to the murder of over 200,000 people, that  
15:06:02 20 would also lead to the creation of a warring faction and fighting  
21 proxy war in neighbouring countries as justified, not in any way,  
22 and I believe that.

23 Q. So your position is Charles Taylor had no right or  
24 justification to try and overthrow the Doe regime?

15:06:25 25 A. Well, I couldn't say, counsel, that he had no right. He's  
26 a Liberian citizen, he could do what he wanted to do. As per the  
27 justification aspect, my opinion regarding that would be  
28 subjective, would be what I feel. There may be other people who  
29 thought that the war led by Mr Charles Taylor was justified, but

1 I do really not believe that, especially taking into  
2 consideration what happened in the historical parenthesis of 24  
3 December 1989 and July 19 - well, up to the election in July 1997  
4 - could have been justified by anybody.

15:07:24 5 Q. Can I take it then, given the pacifist position you adopt,  
6 no guns, that you would not support the use of arms in any  
7 situation?

8 A. Counsel, as I have said, sir, that a choice by a people to  
9 use - I mean to unseat a government --

15:07:53 10 Q. I'm sorry to interrupt, Mr Bility. I'm not interested in a  
11 people; I'm interested now in you. Are you saying that under no  
12 circumstances would you, Hassan Bility, support the use of arms  
13 for any objective?

14 A. If you say support, what do you mean? What are you  
15 referring to? I would, I wouldn't --

15:08:18 16 Q. Support, you know, like when you follow someone, you try  
17 and help them, you know, like the foundations of a building, you  
18 know that kind of support?

19 A. Well, I personally wouldn't use arms to unseat a  
20 government.

15:08:42 21 Q. Were you, Hassan Bility, ever a supporter of ULIMO-K?

22 A. No, sir, I was not.

23 Q. Is Alhaji Kromah, the founder and leader of ULIMO-K, a  
24 relative of yours?

15:09:19 25 A. Well, Alhaji --

26 Q. Try yes or no.

27 A. -- Alhaji Kromah is no relative of mine. First, I hail  
28 from Nimba County, Alhaji Kromah comes from Lofa County. Second,  
29 I am a Koniaka-Mandingo. Alhaji Kromah is a Gbonika-Mandingo, if

1 you understand Mandingo, there is a --

2 Q. Sorry, no, I'm from Kingston, Jamaica.

3 A. Right. So there is no way that Alhaji Kromah ever was or  
4 is a relative of mine. I do know, however, that Alhaji Kromah  
15:10:04 5 did head ULIMO-K. I also do know that he was not a founder of -  
6 he was not the founder of ULIMO.

7 PRESIDING JUDGE: Mr Witness, you referred to two Mandingo  
8 groups; could we please have spellings of those names.

9 THE WITNESS: Right. Well, the spelling may not be  
15:10:31 10 standard because it is an African name so I will spell it, you  
11 know, in terms of syllables. Koniaka is K-O-N-I-A-K-A. Gbonika  
12 is G-B-O-N-I-K-A. And they are different especially in terms of  
13 accents. Like the British accent, American accent, they are  
14 different. And we are not related in any way. He is a Kromah, I  
15:11:18 15 am a Bility.

16 PRESIDING JUDGE: Thank you for that clarification and the  
17 spelling. Mr Griffiths, proceed.

18 MR GRIFFITHS:

19 Q. Do you know someone called Konnoh, K-O-N-N-O-H. Maybe I've  
15:11:38 20 pronounced it incorrectly.

21 A. I know probably about 50 people who are Konneh.

22 Q. Do you know one who was a very senior member of ULIMO?

23 A. I know a lot of Mandingos. Konneh, first of all, is a  
24 common Mandingo name. I suppose you're referring to K-O-N-N-E-H.  
15:12:03 25 It's a common Mandingo last name, so I do know a lot of people  
26 who went by that name, last name.

27 JUDGE LUSSICK: Yes, Mr Witness, the question was: Do you  
28 know one who was a very senior member of ULIMO. You haven't  
29 answered that.

1 THE WITNESS: Well, very senior, what is the level of  
2 seniority, because I can, on the top of my head, remember two  
3 that I knew are - that were senior - that were senior members of  
4 ULIMO and they come from Nimba County as well, especially from  
15:12:38 5 the town, my home town, that's Saclepea, so I do know two.

6 MR GRIFFITHS:

7 Q. Who are they?

8 A. One was called Kaliph Konneh and one was - well, people  
9 know his fighting name called Pepper and Salt, but his last name  
15:13:00 10 is Konneh.

11 Q. Were they related to you?

12 A. Well, I think that question - because the Mandingo - if you  
13 say relation, were they my cousins?

14 Q. Family relation. I don't care what.

15:13:14 15 A. No, they were not my family relations.

16 Q. Very well. Did you have any family connection to LURD?

17 A. Family connection to LURD? I would have to think about  
18 that. Not that I can remember on the top of my head.

19 Q. Take your time and let me try and help you because you  
15:13:36 20 didn't seem to have any difficulty remembering on 19 April 2006.  
21 Does the name Sekou Damate Konneh mean anything to you?

22 A. Yes. Sekou --

23 Q. Oh, the penny's dropped?

24 A. It's the name Sekou Damate Konneh means something to me.

15:13:59 25 Q. Question by a Dutch police officer, and I'll show you in a  
26 moment on 19 April 2006, when you were being questioned in  
27 Boston, the United States of America.

28 "Q. Do you have or have you ever had ties with the LURD?

29 A. No. I have never had ties with the LURD.



1 Charles Taylor wanted to make it look as though I had ties  
2 with them because I am from the Mandingo ethnic group and  
3 many LURD supporters are also from that group. In fact the  
4 LURD recently gave an interview to the BBC in which they  
15:14:42 5 said I was critical of the LURD. What I will say is that  
6 the leader of the LURD Sekou Damate Konneh comes from  
7 Gbarnga and my mother comes from there too. Konneh was a  
8 good friend of my eldest brother."

9 Do you remember telling somebody that?

15:15:06 10 A. Very correct. Yes, sir.

11 Q. And just so that we know where I got it from, because I'll  
12 be asking you about one or two other matters, I wonder if I can  
13 hand out, please, some bundles.

14 Right, can we look behind divider 6 please. You will see  
15:18:23 15 that we have here a record of an interview conducted with you at  
16 11.30 on Wednesday, 19 April 2006. The interviewing officer was  
17 a Pieter Zeger Cornelius Stehouwer, employed as a detective by  
18 the National Crime Squad, National Police Services Agency of the  
19 Dutch police, and the hearing took place in the US Department of  
15:18:51 20 Homeland Security at 10 Causeway Street in Boston, the United  
21 States of America. Do you see that.

22 A. Yes, sir, I do.

23 Q. Turn over the page, please. Middle of the next page - and  
24 this is double sided to save the trees. You will see in the  
15:19:13 25 middle of that page this question, "Do you have or have you ever  
26 had ties with the LURD?" Do you see that?

27 A. What line or paragraph is that?

28 Q. It is --

29 A. Okay, yeah, I do see that.

1 Q. It's at the bottom of the screen as you look at it. Can  
2 you see it? It's in italics.

3 A. Okay.

4 Q. Have you got it?

15:19:42 5 A. Yes, I do see that.

6 Q. "I have never had ties with the LURD. Charles Taylor  
7 wanted to make it look as though I had ties with them because I  
8 am from the Mandingo ethnic group and many LURD supporters are  
9 also from that group. In fact the LURD recently gave an

15:19:58 10 interview to the BBC in which they said that I was critical of  
11 the LURD. What I will say is that the leader of the LURD, Sekou  
12 Damate Konneh, comes from Gbarnga and my mother comes from there  
13 too. Konneh was a good friend of my eldest brother."

14 Is that true?

15:20:18 15 A. That is accurate.

16 Q. Next question:

17 "Q. When did you see Konneh last?

18 A. October 2004 in Freetown, Sierra Leone".

19 A. Yes, sir.

15:20:28 20 Q. "Q. Did you see Konneh in the period from 1999 to 2002?

21 A. Before 1999 I saw him regularly because he bought and  
22 sold cars in Monrovia. Then he left Monrovia and I had no  
23 more contact with him."

24 For completeness the next question:

15:20:50 25 "Q. Did Konneh try to influence your reporting himself or  
26 through your brother?

27 A. No. I didn't allow anyone to influence me. In 2003  
28 Konneh did approach me to ask if I wanted to become a  
29 minister in the government. I did not take up his offer.

1 I had just received an award from Amnesty International for  
2 my work. I also told Konneh this. It went against my  
3 nature to become part of a government that consisted of  
4 rebels and people who had been responsible for human rights  
15:21:20 5 violations. I mean Bryant's interim government."

6 Pause there.

7 A. Correct.

8 Q. Before I close this page I want to ask you one more  
9 question on this topic. Apart from the request by Konneh for you  
15:21:40 10 to become involved in his government, had he ever made any other  
11 request of you?

12 A. That is I assume you're referring to 1999 to 2002?

13 Q. Yes.

14 A. I hadn't had contacts with him within that period. Konneh,  
15:22:10 15 as this report says, was a used car seller in the Paynesville Red  
16 Light area and I hadn't had contact with him. He worked as a  
17 matter of fact in the Ministry of Finance and I wouldn't do it  
18 even if he asked me. This request was in 2003. I had barely  
19 spent a year in the United States and I had travelled to Guinea  
15:22:39 20 and Ghana. So that was it. Konneh was a friend to my elder  
21 brother, not to me, so I haven't - I didn't have any such contact  
22 with him. And in my judgment Konneh knew that I was capable  
23 enough to tell him anything in his face and so he wouldn't tell  
24 me that - he wouldn't say that.

15:23:11 25 Q. Let me ask the question more precisely, but preface it with  
26 this question. Konneh was a founding member of LURD, wasn't he?

27 A. I don't know for a fact whether - I don't know for a fact,  
28 but what I did hear in Monrovia --

29 Q. What do you mean you don't know? I'm sorry to interrupt

1 you, but look at what you said.

2 A. No, you said Konneh was a founder.

3 Q. "The leader of the LURD comes from Gbarnga". That's what  
4 you've said in this answer.

15:23:51 5 A. Counsel, what I am saying --

6 MR SANTORA: Objection.

7 PRESIDING JUDGE: Just pause, Mr Witness.

8 MR SANTORA: The question was related to founder and not  
9 leader and there is a distinction.

15:23:58 10 PRESIDING JUDGE: Mr Griffiths, you did say "a founding  
11 member of the LURD".

12 MR GRIFFITHS: Very well:

13 Q. Was Konneh the leader of LURD?

14 A. Konneh was the leader of LURD. He was not - so there's a  
15:24:12 15 difference between him being the leader and the founding member -  
16 a founding member.

17 Q. It's my fault entirely, Mr Bility. I accept full  
18 responsibility. In 2002, June, at the date of your last arrest,  
19 was Konneh the leader of LURD?

15:24:38 20 A. Yes, sir, he was.

21 Q. In that capacity as leader of LURD did he make any requests  
22 of you in June 2002?

23 A. No, sir. No request, no contact, no request through  
24 anybody at all.

15:25:08 25 Q. Thank you. Specifically in June 2002 did Konneh try to  
26 recruit you to mount a military operation in Congo Town to  
27 assassinate President Taylor?

28 A. That sounds pretty much like the accusation leveled against  
29 me by President Charles Taylor.

1 PRESIDING JUDGE: Answer the question, Mr Witness.

2 THE WITNESS: No.

3 MR GRIFFITHS:

4 Q. So Konneh didn't do that?

15:25:43 5 A. Konneh did not do that.

6 Q. Okay. Whilst we've got this bundle in front of you, do you  
7 remember me asking you this morning about the regularity of your  
8 contact with people at the US embassy for whom I suggested you  
9 were spying? Do you remember that?

15:26:22 10 A. Yes, sir, I do remember that.

11 Q. And do you remember you telling me that your contact was  
12 infrequent?

13 A. Yes, sir, I do.

14 Q. Were you telling us the truth?

15:26:34 15 A. Yes, sir, I was telling the truth.

16 Q. And of course you swore to tell the truth on the Koran, did  
17 you not?

18 A. I did.

19 Q. And that is a matter of some moment, isn't it, for a Muslim  
15:26:47 20 to swear on the Koran?

21 A. It is, sir.

22 Q. Have a look behind divider 9, please. Do you recognise  
23 that writing? Do you recognise that writing?

24 A. Yes, sir, I do recognise --

15:27:32 25 Q. Whose writing is it?

26 A. This is my writing.

27 Q. Why did it take you so long to recognise it?

28 A. I wanted to make sure because writings do look alike.

29 Q. Very well. Do you remember preparing and writing this

1 document?

2 A. Yes, sir.

3 Q. When?

4 A. I'm not sure.

15:27:54 5 Q. Do you recall preparing it at the request of the gentleman  
6 sitting in the front row over there in order to set out what  
7 documentation and other supporting material you might be able to  
8 provide to the Prosecution? Do you remember that?

9 A. Yes, I do remember that.

15:28:15 10 Q. And when you prepared that document were you endeavouring  
11 to provide them with an account which was truthful?

12 A. Yes.

13 Q. Have a look at page 4. It bears the ERN number 00013021 at  
14 the top. Read out that page to the judges, please.

15:28:47 15 A. "Most of which information ..." - "Most of this information  
16 can be verified by the US embassy in Monrovia (political  
17 consulate in session). I was always in constant contact with  
18 them".

19 Q. Pause there. "I was always in constant contact".

15:29:13 20 A. Right.

21 Q. Do you see a difference between infrequent contact and  
22 always in constant contact?

23 A. Yes, sir, I do.

24 Q. What's the difference?

15:29:27 25 A. The difference regarding the frequency and the constancy is  
26 this. The frequency is reference to the number of - I mean the  
27 number of times in this case. The constancy was regarding  
28 situations of human rights abuses. When there were human rights  
29 abuses, when there were people tortured --

1 Q. I'm sorry to interrupt you, Mr Bility, but I'm anxious that  
2 we get on, you see? Time is precious. We lost time this  
3 morning. My question is very simple. What is the difference  
4 between what you told us at four minutes past 11 this morning,  
15:30:15 5 "infrequent contact", and "always in constant contact"? What's  
6 the difference?

7 A. The phrase "always in constant contact" in this particular  
8 context is meant to be whenever there were arrests I would remain  
9 in contact with them regarding what they know and what I know,  
15:30:40 10 and I do remember this is specifically referring to the arrests  
11 and torture of certain gentlemen, a William Jabbi and a guy  
12 called Donso. So there were instances. There were instances,  
13 say for example in 2000 the arrest of a Leo Jabatti at the border  
14 with Guinea in Ganta, Nimba County, and during that period I was  
15:31:11 15 in constant contact with the human rights officer. Then there  
16 was another time, 1998, the arrest of a Leo Donso and William  
17 Jabbi during that period. So the constancy in this case was what  
18 I would refer to as like seasonal. Whenever there was an issue  
19 going on regarding human rights abuse, regarding big situations,  
15:31:40 20 we would remain in contact and share opinions on that, but it  
21 didn't mean --

22 Q. Mr Bility, sorry to interrupt you but I feel I must. Why  
23 didn't you give us that explanation this morning when I asked you  
24 the simple question: How regularly were you in contact with  
15:31:59 25 them? Why didn't you give me the answer you're giving us now?  
26 Why did you tell us it was infrequent and now when confronted  
27 with this you're changing your position? Help me, please: Which  
28 of these two do you want these judges to accept; that it was  
29 infrequent contact or that you were always in constant contact?

1 Which of those two do you want us to accept?

15:32:47 2 A. Counsel, I have pointed out a difference between the phrase  
3 always in constant contact and the word, the phrase frequent  
4 contact. Now, I'm saying that one is like, the first one,  
5 frequent contact, in my understanding, is like not - you know,  
6 whether there was human rights abuses going on or not we were  
7 still, we would remain in contact, but that was not the case as  
8 far as this is concerned, and as far as your question was  
9 concerned, you asked me a specific question and I did answer the  
15:33:07 10 specific question. This one has to do with me explaining the  
11 difference between these two phrases which I have done. One  
12 numerical - is numerical in my opinion and one is not. So this  
13 was more of being seasonal than being numerical. At a particular  
14 time the contact were constant. At a particular - but it was not  
15:33:36 15 con - it was not frequent, like, you know, like regular. So  
16 there is a difference there and I'm very much confident that, you  
17 know, you, counsel, can tell the difference between constancy and  
18 frequency.

19 Q. I can't, I'm sorry. I don't have your intelligence,  
15:33:54 20 Mr Bility. It's my fault. Let's go back to the page, shall we.  
21 "I was always in constant contact." Read out the rest of that  
22 page for us, please?

23 A. "I was always in constant contact with the following  
24 person, Hartford Jennings, former political counsellor, Deborah  
15:34:25 25 Harts, former human rights officer, Anthony Newton, former  
26 political counsellor and John Bowman, former acting charge d'  
27 affaire, now serving, I understood at the time I wrote this, in  
28 Germany. You may want to know why I kept notes and many people  
29 including journalists from" --



1 Q. Is that "England"?

2 A. I'm trying to figure it out, what that is.

3 Q. We all have that problem reading our own writing,  
4 Mr Bility, so I'm not being critical.

15:35:03 5 A. "From" something "regularly as" --

6 JUDGE SEBUTINDE: You'll have to read a little louder for  
7 it to be recorded, Mr Witness.

8 THE WITNESS: Okay. I'll start again. "I was always in  
9 constant contact with the following persons. Hartford Jennings,  
10 former political counsellor, Deborah Harts, former human rights  
11 officer, Anthony Newton, former political counsellor and John  
12 Bowman, former acting charge d'affaire now serving in Germany.

13 You may want to know why I kept notes. Many people including  
14 journalists from" - is it England? I think it should be England,  
15:36:07 15 but it should be a name of a country, "regularly asked when they  
16 met me." Right. "One such persons was" instead of "were"  
17 "Johan", I think that's a misspelling there, I'm not very - a  
18 hundred per cent sure - "United Nations arms inspector in  
19 Liberia."

15:36:38 20 MR GRIFFITHS:

21 Q. Now, just for completeness, just for the record's sake,  
22 where it begins, am I right in thinking it reads, "I was always  
23 in constant contact with them." Yes, is that right?

24 A. Yeah, that is what it's reading.

15:36:54 25 Q. Right. "With them." And the persons who are "them" you  
26 then go on to set out, don't you?

27 A. Right.

28 Q. Okay. Put that bundle to one side for the moment. We'll  
29 come back to it. Because remember when we went on this little

1 diversion I was asking you about the justification for the use of  
2 force. Do you remember that?

3 A. Right.

4 Q. So let's come back to it now and we'll move on. Having  
15:37:27 5 entered Nimba County in December 1989 the NPFL quickly captured  
6 large swathes of Liberia, didn't they?

7 A. Yeah.

8 Q. And at a point when they were threatening to capture  
9 Monrovia in 1990, on 3 August - no, in August 1990, over 3,000  
15:38:04 10 ECOMOG troops were moved from their base in Freetown to Monrovia  
11 to block the NPFL advance on Monrovia, wasn't it?

12 A. I'm not sure about the number, but ECOMOG moved troops to  
13 Monrovia.

14 Q. In order to block the NPFL's advance on the capital city?

15:38:29 15 A. Not according to ECOMOG, based on what I understand.

16 Q. But the consequence of their intervention was to block the  
17 NPFL's advance on Monrovia?

18 A. Not attempting to be a spokesperson for ECOWAS, because  
19 that's where they got their mandate --

15:38:54 20 PRESIDING JUDGE: Mr Witness, do you know the answer to  
21 that question?

22 THE WITNESS: The answer is no.

23 MR GRIFFITHS:

24 Q. Now, do you recall that Sierra Leone contributed some 300  
15:39:05 25 troops to that force?

26 A. Yes, sir, I do.

27 Q. And the then President of Sierra Leone, President Momoh,  
28 defended his action as a humanitarian intervention?

29 A. Yes, sir.

1 Q. Is it right that as a consequence of that intervention by  
2 ECOMOG a stalemate resulted and the NPFL were unable to take the  
3 capital Monrovia?

4 A. Yes, sir.

15:39:55 5 Q. Now, in September 1990, an NPFL splinter group known as the  
6 Independent National Patriotic Front of Liberia captured and  
7 executed Doe?

8 A. Yes, sir.

9 Q. And his killing was video taped by a Palestinian cameraman  
15:40:28 10 in the Executive Mansion. Is that right?

11 A. No, sir, that's inaccurate.

12 Q. Who did it?

13 A. No, what is inaccurate - I'm not arguing who taped it, but  
14 at the Executive Mansion, no, it happened at the - he was  
15:40:43 15 arrested at the Freeport Monrovia and taken to Caldwell, the base  
16 of the Independent National Patriotic Front of Liberia, where he  
17 died. So not at the Executive Mansion.

18 Q. And he was executed, was he not?

19 A. Executed? I do - what I do know and what I did hear was  
15:41:09 20 that he bled to death.

21 Q. During the course of being tortured?

22 A. Correct.

23 Q. But the execution of Doe did not end the conflict, did it;  
24 it continued?

15:41:26 25 A. It did.

26 Q. And in October 1990 ECOWAS negotiated a settlement that  
27 allowed for the establishment of an interim government and Amos  
28 Sawyer was named president of the interim Government of National  
29 Unity. Is that right?

1 A. That's correct.

2 Q. And he was president from November 1990 until March 1994.

3 Is that right?

4 A. He was president up to 1994. I'm not sure of the month.

15:42:01 5 Q. Very well. In any event, Sawyer's Monrovia based  
6 government was not recognised by Charles Taylor, was it?

7 A. Can you repeat that question?

8 Q. Amos Sawyer's Monrovia based government was not recognised  
9 by Charles Taylor, was it?

15:42:23 10 A. Judges, your Honour, I would like to put that - the answer  
11 to that question in context.

12 JUDGE LUSSICK: Look, I think you should just confine  
13 yourself to answering counsel's question.

14 MR GRIFFITHS:

15:42:38 15 Q. Was it opposed by Charles Taylor's --

16 A. Yes, sir.

17 Q. Thank you. And at that time Charles Taylor controlled the  
18 vast majority of the country, didn't he, in geographical terms?

19 A. Vast.

15:42:54 20 Q. Is that right?

21 A. At that time President Charles Taylor controlled majority  
22 of the country, sir, yes.

23 Q. And so for a period there were effectively two seats of  
24 government in Liberia. There was the Amos Sawyer government in

15:43:18 25 Monrovia and the rest of the country was governed by

26 Charles Taylor from Gbarnga. Is that right?

27 A. I answer it this way: There was a government in Monrovia  
28 headed by Dr Amos Claudius Sawyer and there was the NPFL based in  
29 Gbarnga headed by Mr Charles Taylor which had declared itself a

1 government as well.

2 Q. Now at that time ECOMOG were launching raids using jets  
3 against NPFL forces, weren't they?

4 A. At what time, sir? Are you referring to 1990 --

15:44:09 5 Q. In this period in 1990.

6 A. 1990?

7 Q. Yes.

8 A. There was - in 1990 there was war going on between the NPFL  
9 and ECOMOG, on the one hand, and the Independent National

15:44:28 10 Patriotic Front and the NPFL on the other as well.

11 Q. Were ECOMOG using jets to attack the NPFL forces?

12 A. ECOMOG were using jets. The attacks weren't in Monrovia.  
13 My opinion, if that's what you want, yes.

14 Q. And those jets were being flown out of Lungi Airport in  
15:44:57 15 Freetown, weren't they?

16 A. My opinion and understanding regarding that, yes, sir.

17 Q. And do you recall that on 1 November 1990 Charles Taylor  
18 made a broadcast on the BBC African Service in which he said that  
19 Sierra Leone had made itself a legitimate target by allowing  
15:45:22 20 ECOMOG to be based in the country? Do you remember that?

21 A. What I do remember is not specific date and it's not  
22 specific quotation but, you know, in general terms what your  
23 statement says, yes.

24 MR GRIFFITHS: Your Honours, I apologise for this, but I  
15:45:45 25 wonder if I could be excused from court for a moment? It won't  
26 be long.

27 PRESIDING JUDGE: Yes, Mr Griffiths.

28 MR GRIFFITHS: I'm grateful.

29 PRESIDING JUDGE: When you say "not long", I presume it is

1 in order for the Bench to remain?

2 MR GRIFFITHS: Yes, it is for the normal reasons. I'm  
3 grateful, Madam President:

4 Q. Now at this stage in 1990, Mr Bility, there were almost a  
15:47:48 5 million Liberians who'd been displaced and who had fled to the  
6 Ivory Coast to live, wasn't there?

7 A. Can you please repeat that.

8 Q. In about 1990, as a result of the civil war, there was  
9 almost a million Liberians living in Cote d'Ivoire, wasn't there?

15:48:05 10 A. There were what? I didn't get that.

11 Q. Almost a million Liberian refugees living in the Cote  
12 d'Ivoire?

13 A. Almost a million? No, that's inaccurate.

14 Q. What about 700,000?

15:48:19 15 A. Well, I can't put a number on it. What I do know is that  
16 majority of the refugees were, according to the United Nations  
17 figures, in Guinea followed by at some point Sierra Leone and  
18 then Cote d'Ivoire.

19 Q. So the situation we have is this. In 1990 there are  
15:48:45 20 substantial numbers of Liberians living in the neighbouring  
21 countries of Guinea, Sierra Leone and the Cote d'Ivoire. Is that  
22 right?

23 A. Correct.

24 Q. Many of those displaced Liberians were supporters of the  
15:49:01 25 former Doe government?

26 A. Many? Yeah, many were. Many, yeah.

27 Q. And a substantial number had been former members of the  
28 Liberian army who had fled?

29 A. I would not use substantial. I would use many.

1 Q. Many, very well. Very well, we won't quibble over that.  
2 But in any event those displaced Liberians in the neighbouring  
3 countries formed the breeding ground for ULIMO, didn't they?

4 A. Can you repeat that question.

15:49:54 5 Q. Those displaced Liberians, many of whom were former Doe  
6 supporters, former Liberian soldiers, they formed a fertile  
7 recruiting ground for ULIMO, didn't they?

8 A. Correct.

9 Q. Now, the person who originates the idea of ULIMO is a man  
15:51:02 10 called Alhaji Kromah, an ethnic Mandingo, and he established  
11 ULIMO with a group of former government officials and army  
12 officers in 1991. Is that right?

13 A. No, that's - I'm sorry, you've got that wrong, counsel.

14 Q. Why? What's wrong with it?

15:51:28 15 A. It was not Alhaji Kromah. Alhaji Kromah had organised  
16 another organisation that was called MRM. I think it meant  
17 Movement for the Redemption of Liberian Muslims, or something.  
18 ULIMO was pieced together, as I understand, by people like Arma  
19 Youlu and a guy called Karpeh. I'm trying to figure out his  
15:52:00 20 first name. Karpeh is K-A-R-P-E-H. So Alhaji Kromah actually  
21 joined ULIMO after its organisation.

22 Q. Fine, I'm not going to quibble over that detail. I'm not  
23 going to. But you agree 1991 formation of ULIMO, yes?

24 A. In terms of year frankly I can't put my hands on it, but at  
15:52:31 25 about - around that time I do agree.

26 Q. Very well. Now remember - and what we're going to do now,  
27 Mr Bility, is this. We're going to be running two chronologies  
28 together and it's important for an understanding of what you have  
29 told us about the period of your arrest. Do you follow me now?

1 A. Yes, sir, I do.

2 Q. So just bear with me. In March 1991 the RUF invade Sierra  
3 Leone, do you agree?

15:53:14

4 A. I agree the RUF invaded Sierra Leone early 1991. I can't -  
5 I don't know if it's March specifically.

6 Q. In any event, they're led by Foday Sankoh?

7 A. Correct.

8 Q. And their purported aim is to overthrow the Momoh  
9 government in Sierra Leone?

15:53:37

10 A. Correct.

11 Q. Now, do you recall that on 11 April 1991 the Government of  
12 Sierra Leone issued a statement blaming the attacks in the east  
13 of Sierra Leone on Charles Taylor?

15:54:01

14 A. I do agree. In terms of date I'm not sure. About 11  
15 March, you know, I'm not sure, but I do know that the Sierra  
16 Leone --

17 Q. 11 April.

18 A. 11 April. But what I do know is that the Sierra Leonean  
19 government under Tejan Kabbah did blame the attack on the NPFL  
20 led by Mr Charles Taylor.

15:54:15

21 Q. Well, I think you've got that bit wrong. Tejan Kabbah  
22 didn't become President of Sierra Leone until 1996?

23 A. Sorry. Okay, sorry. Joseph Saidu Momoh actually.

15:54:43

24 Q. Momoh. Now also in 1991 - and we're switching to Liberia  
25 now - Charles Taylor as head of the NPFL agreed to become part of  
26 a five man transitional government. Do you remember that?

27 A. That he agreed?

28 Q. Yes, I'm not saying it worked out, but he agreed to become  
29 part of a five man transitional government? If you don't



1 remember, just tell us.

2 A. No, what I do remember - what I do remember is that  
3 Mr Taylor set conditions that would form the basis of the putting  
4 together of a five man transitional government - I mean of  
15:55:34 5 transitional government. He laid a condition. I'm not sure if  
6 he agreed.

7 Q. In any event that was the beginning of a six year period  
8 which saw a cycle of failed pan-African and other internationally  
9 negotiated peace accords and power sharing arrangements  
15:56:05 10 interspersed by continued violence between the various warring  
11 factions, would you agree?

12 A. Yeah, I would.

13 Q. So that six year period, 1991 to 1996, it's a period of  
14 complete and utter turmoil in Liberia, isn't it?

15:56:28 15 A. It's a period of what, sir?

16 Q. Turmoil in Liberia.

17 A. I actually would like for you to clarify what you really  
18 mean by the word "turmoil" --

19 Q. Very well, since you are having difficulty with it.

15:56:50 20 A. -- because there were parts of Liberia in turmoils and  
21 there were parts of Liberia not in turmoil as such. So are you  
22 referring to the entire Liberia being in a complete, you know,  
23 state of confusion, no understanding at all, nothing?

24 Q. My fault. I must always remember I am speaking to an  
15:57:09 25 editor and so I must be precise. So let me start again. That  
26 period of six years saw a number of warring factions in Liberia,  
27 didn't it?

28 A. Correct.

29 Q. Can you name them for us?

1 A. I'm not sure if I remember all, but I do know --

2 Q. Just the main ones?

3 A. The National Patriotic Front of Liberia. This is 1991 to  
4 1996, right? National Patriotic Front of Liberia, Independent  
15:57:44 5 National Patriotic Front of Liberia.

6 Q. INPFL.

7 A. INPFL. United - ULIMO, later on which splintered into  
8 ULIMOs K and J. I think the Liberia Peace Council, LPC, another  
9 shady group called the Kangura [phon] Defence Force and the -  
15:58:22 10 yeah.

11 Q. And then ECOMOG of course?

12 A. Well I'm not categorising ECOMOG as a warring faction, sir.

13 Q. But in any event those factions that you have named in  
14 various combinations and for various periods are fighting each  
15:58:46 15 other, yes?

16 A. Correct. Yes, sir.

17 Q. Resulting in loss of life, destruction of property and  
18 other crimes against the civilian population, would you agree?

19 A. Yes, sir, I would.

15:59:02 20 Q. One consequence of ULIMO's operation is that they close the  
21 border between Liberia and Sierra Leone by controlling Lofa  
22 County?

23 A. ULIMO's operation closed the border with Sierra Leone by  
24 controlling Lofa County?

15:59:29 25 Q. No, no, no. ULIMO for much of that six year period through  
26 their control of Lofa County closed the border between Sierra  
27 Leone and Liberia?

28 A. Not true.

29 Q. What's wrong with that?

1 A. The border of Liberia - I mean Liberia's border with Sierra  
2 Leone in Lofa County I guess is different from Liberia's border -  
3 Liberia has several borders with Sierra Leone. One is through  
4 Cape Mount County and I'm sure you're not referring to that, but  
16:00:19 5 one is what is it called? In Lofa County, Upper Lofa County. At  
6 some point the border with Sierra Leone in Grand Cape Mount  
7 County, talking about this time, was controlled at some point by  
8 ULIMO --

9 Q. K.

16:00:39 10 A. Largely, yeah. At some point when ULIMO splintered by  
11 ULIMO-J and at some point by ECOMOG. So if we're putting it in  
12 specific parenthesis that's hard to say. Different groups  
13 controlled the border - Liberia's western border with Sierra  
14 Leone. If you said the northern border with Sierra Leone from  
16:01:09 15 Foya area or Kolahun area, yeah, that's accurate.

16 Q. So just so that I'm sure, the Upper Lofa County border is  
17 controlled by ULIMO?

18 A. Correct.

19 Q. For that six year period?

16:01:26 20 A. The entire six years I'm not really sure.

21 Q. But for much of that period?

22 A. Right, I will say yeah.

23 Q. For much of that period the Upper Lofa County border with  
24 Sierra Leone is closed by ULIMO, yes?

16:01:40 25 A. Well let me put it this way, counsel. As I said, Liberia  
26 has very long borders with Sierra Leone from the north - from the  
27 northeast - northwest coming down to the south to the ocean, so  
28 there were parts of the border that were controlled by ULIMO,  
29 there were parts of the border that were controlled by the NPFL,

1 there were at some point parts of the border that were controlled  
2 by ECOMOG and at some point there were parts of the border  
3 controlled by ULIMO-J. I think the help of a map will help us  
4 understand that. So there may be a particular border crossing,  
16:02:35 5 but there are other border crossings, like through Lofa Bridge in  
6 Cape Mount County, like through Bo Waterside in Cape Mount  
7 County.

8 Q. Well, sorry to interrupt you, Mr Bility. I think you make  
9 a very important point. I wonder if anyone has a clean map on  
16:02:53 10 which this witness could mark because our large bundle of maps  
11 seems to have gone missing over the Christmas adjournment.

12 MR SANTORA: I don't know if it would assist counsel but L2  
13 is a map in the map book that may show what counsel is looking  
14 for.

16:04:29 15 MR GRIFFITHS: I'm grateful to Mr Santora.

16 Q. I think this one might be the most helpful one, Mr Bility.  
17 Mr Bility, what I'm going to ask you to do for me please, and I  
18 know I'm going to upset Madam Court Manager by saying this, I  
19 wonder if I gave you some yellow markers, some markers, if you  
16:04:55 20 could just indicate the various areas of control in a different  
21 colour and then do us a key showing what each colour means. Do  
22 you follow me?

23 A. I do, sir.

24 Q. Just give me a moment. Okay, let me give you another  
16:05:32 25 colour, a yellow. Okay, fine. Great. Now, if you just mark  
26 along the border the various spheres of influence, yes, and then  
27 if, Mr Bility, if you could look at me a moment, down here  
28 against each colour could you just put the name of the  
29 organisation who had control of that part of the border? Could

1 you do that for me?

2 A. I have to look at it, sir.

3 Q. Well, take a moment and acclimatise yourself with the map.

4 A. Right. Yeah, I can do that. I can do what I --

16:06:41 5 Q. Well, what I'd like you to do, Mr Bility, please, if you  
6 move to this chair, yes, so that we can all see what you're doing  
7 on the overhead screen, then what we're going to do is you will  
8 mark the part of the border that you're talking about in a colour  
9 which you're then going to attribute to a particular

16:07:06 10 organisation, okay, and we'll give you a pen to organise the key  
11 down the right-hand margin of the map. Okay?

12 A. Yes, sir, I'll do my best.

13 Q. Okay. If you need a pen there should be one available, I'm  
14 sure. If you could just narrate it whilst you're doing that,

16:08:24 15 carrying out that exercise.

16 A. Okay. This here - all right, the map of Liberia here, to  
17 the west here is Sierra Leone, Guinea to the north, Cote d'Ivoire  
18 to the east and southeast. Atlantic Ocean is to the south. Now

19 this is grand - this map actually joins - does not separate Lofa  
16:09:28 20 County and Grand Cape Mount County. Grand Cape Mount County  
21 should be like a rectangle, you know, similarly shaped like this,  
22 but this map does not show that. I think this is more - I don't  
23 know. This is not the political subdivision map. However, this

24 is Robertsport, it's the capital city of Grand Cape Mount County,  
16:10:06 25 and there is a border here called Bo Waterside through this  
26 little town - this town referred to as Tiene here. At some point  
27 ULIMO controlled, especially the main Lofa border that ULIMO  
28 controlled for like a long time, would be the border up here  
29 through Voinjama - I mean from Lofa County, Foya area here. You

1 have it, on the opposite side from Foya into Sierra Leone it's  
2 Koidu. I think that's it. It should be Koidu. There is another  
3 Koindu, that with an "N" on the Liberian side, so this is the  
4 map, right. This is the boundary line all the way here.

16:11:09 5 So what I'm saying is this: At some point some of the  
6 factions controlled areas from Bo Waterside, from Damballa area,  
7 from Kongo, from Lofa Bridge, from what is called Kumba [phon],  
8 which is a diamond site, I mean area, on the Liberian side, to  
9 Vahun which is up here on the other, on the opposite side on  
16:11:43 10 Sierra Leone is Pendembu, all right. So the factions - certain  
11 factions, ULIMO-K at some point, ULIMO as a unit at some point,  
12 controlled this area here. At some point ULIMO-J did control  
13 some of these areas and the NPFL also controlled these areas.  
14

16:12:07 15 Now my understanding, what I do know about the war, it  
16 wasn't like one complete warring faction controlled the entire  
17 borderline. It was never like that. The border is very long and  
18 is very porous, so it depended on the interest of the warring  
19 faction on the Liberian side, which side in Sierra Leone they  
16:12:32 20 would have interest in. So I just want to make that clear.

21 So the NPFL had control over some parts of the borders into  
22 Sierra Leone and the ULIMO did have - the ULIMO after it split, K  
23 did have at some point, J also did have at some point, ECOMOG  
24 also officially you had the main - was it the highway called -  
16:13:01 25 Ibrahim Babangida Highway which leads from Klay to Sierra Leone  
26 through a bridge called Bo - the Mano River bridge. The place is  
27 generally referred to as the Bo Waterside area. So that being an  
28 official land border, ECOMOG after some point was posted in that  
29 area. So with ECOMOG here warring faction wouldn't come to stand

1 at the main crossing border to say that, oh, we want to control  
2 this area by the time - at the time they had not completely  
3 disarmed. So they found border crossings based on their  
4 interests inside Sierra Leone to go through, to and fro. So that  
16:13:51 5 is exactly what I'm saying. If this were a political map,  
6 counsel, you know, I would be in a much better position to do a  
7 small legend on the side, you know, but it's not a political map.  
8 This is more a, I guess, geographic than political. So I, you  
9 know --

16:14:14 10 JUDGE SEBUTINDE: Do you mean a map that shows counties?

11 THE WITNESS: Yes.

12 JUDGE SEBUTINDE: You would prefer a map --

13 THE WITNESS: I would prefer a map that shows counties.

14 That's a political map. This is more a geographic map. But the  
16:14:24 15 basic, my basic point I'm making to underline is that when ECOMOG  
16 moved here, when there were monitors here, warring factions  
17 diversified their routes. It's a long border. They based it, as we  
18 know it, on their interests on the other side in Sierra Leone, so  
19 that was pretty much easy to see.

16:14:44 20 On the Foya side - the Foya side, we can speak of that as  
21 well, ULIMO did control that area for a long time because Foya  
22 here was - I mean, it's closer to Sierra Leone but it's to the  
23 north, all right, so --

24 MR GRIFFITHS:

16:15:02 25 Q. Mr Bility, can I interrupt you a second. Let me see if I  
26 can provide a better map for you.

27 A. Right. Can you permit me to take like one minute. I want  
28 to use the bathroom.

29 PRESIDING JUDGE: Please assist the witness.

1 MR GRIFFITHS:

2 Q. Mr Bility, we're at 20 past 4 now, and we've probably only  
3 got about 10 minutes left and I don't really want to take too up  
4 too much time on this, okay?

16:18:49 5 A. Okay.

6 Q. So can we just go over this quite swiftly. Is that a  
7 better map for your purposes?

8 A. Yeah, I think this is a better map, yeah.

9 Q. Now, if you could just indicate on there the areas of  
16:19:02 10 influence of the particular groups that you're describing I would  
11 be very grateful.

12 A. All right. Before I do that I have to tell you this so you  
13 understand. The control of even a particular border crossing  
14 changed hands from time to time based on which warring faction  
16:19:19 15 was able to overpower the other and drove them from there. So  
16 you will see an area that might have been controlled by the NPFL  
17 or ULIMO, or whatever group it was, at some point, certain time,  
18 and another group was in control of that area, so --

19 Q. If I can just be clear.

16:19:40 20 A. Right.

21 Q. All I'm interested in: For that six year period, for the  
22 most part, just in general terms, who controlled what parts of  
23 the border?

24 A. Here in the Voinjama area --

16:20:15 25 Q. Could you mark it, please, with one of the colours.

26 A. Right. This is Voinjama here, the capital of Lofa County,  
27 and this is Kolahun. In these areas - where is Foya? All right,  
28 Foya should be somewhere here. In these areas which border - in  
29 this area which borders both Guinea and Sierra Leone ULIMO



1 controlled parts of these areas, but there is also another area  
2 coming towards the Kumba area, I'm trying to figure out --

3 Q. Use a different colour.

4 A. Right. I also don't see Kumba on this map.

16:21:07 5 JUDGE SEBUTINDE: Mr Witness, what would help everybody is  
6 if you used yellow for one group and a different colour for  
7 another group.

8 THE WITNESS: Right. Your Honour, that's going to be hard  
9 because if you use yellow for ULIMO's control 1992, NPFL may have  
16:21:28 10 controlled the area in 1993, and it may changed hands, so I'm  
11 trying to figure out a better strategy because I will have to use  
12 the years against the border crossings at particular time. So --

13 JUDGE SEBUTINDE: As long as you describe the key to your  
14 colours.

16:21:47 15 THE WITNESS: All right. What I do know, yellow, this  
16 yellow area, was controlled by ULIMO - was previously actually  
17 controlled by the NPFL from 1990 up to and after the formation of  
18 ULIMO. Now that's here. This whole area. This whole swathe of  
19 area. The whole of Lofa County. ULIMO came in through this Bo  
16:22:28 20 Waterside, through this area, this general area actually, Bo  
21 Waterside area, and then subsequently moved upwards. But before  
22 that - that took several years, probably a couple of years -  
23 before that the NPFL controlled this whole swathe of area. Where  
24 is Monrovia? This whole area. The rest of this yellow. All  
16:23:02 25 these long borders, including the rest of Liberia, was controlled  
26 by the NPFL.

27 MR GRIFFITHS:

28 Q. When?

29 PRESIDING JUDGE: I thought we were going to have NPFL as a

1 different colour, Mr Witness?

2 THE WITNESS: Yeah, I'm using the yellow for the NPFL.

3 PRESIDING JUDGE: I thought they were ULIMO.

4 THE WITNESS: That's what I said, that it is difficult.

16:23:20 5 ULIMO's control - exercise and control over this northern part of  
6 Lofa County started after its formation well into 1993. Now, the  
7 counsel is asking between 1990 to 1996, so within that time frame  
8 certain years NPFL controlled all. At some point ULIMO succeeded  
9 in fighting off NPFL from the border. So, you know, I can't just  
16:23:57 10 erase the yellow because this is 1990 up to the formation of  
11 ULIMO, NPFL is controlling all the yellow areas. After the  
12 formation of ULIMO, ULIMO succeeds in taking over this border and  
13 moving to Tubmanburg and moving somewhere up here and  
14 establishing control here with its headquarters said to be at  
16:24:22 15 Voinjama, variously Voinjama and Tubmanburg at some point. So  
16 you see that the yellow colour is there but after some time in  
17 1993 ULIMO takes over this area.

18 JUDGE SEBUTINDE: Mr Griffiths, I'm confused. Did your  
19 question relate to control of Liberia generally or to control of  
16:24:47 20 the borders.

21 MR GRIFFITHS: It was the border. I'm particularly  
22 concerned about the border between Sierra Leone and Liberia  
23 during that window 1991, formation of ULIMO, up to 1996. That's  
24 the period I was talking about.

16:25:03 25 JUDGE SEBUTINDE: Mr Witness, are you able to answer that  
26 question relating to the border, not generally the land, the  
27 inland that you're showing us, but the borders?

28 THE WITNESS: I am - yes, that's what --

29 JUDGE SEBUTINDE: If you're able to demarcate portions of

1 the border that were controlled variously by different groups.  
2 Are you able to do that?

3 THE WITNESS: I am able, but what I'm struggling with is if  
4 I marked NPFL control in the Bo Waterside border in 1991 and then  
16:25:34 5 ULIMO come in in 1991 or 1992, or whatever time, how am I going  
6 to mark it with green over that same border point? That's why  
7 I'm saying the borders were variously controlled at different  
8 times by different warring factions, so between --

9 JUDGE SEBUTINDE: You can use different colours even for  
16:25:52 10 the same border, like different lines under each other.

11 THE WITNESS: Okay, so this area - this general border - is  
12 the NPFL. All this border is the NPFL up until the formation of  
13 ULIMO. And ULIMO is organised and ULIMO takes over this border  
14 at some point and moves to Voinjama, Lofa County, and remained in  
16:26:27 15 control of the Grand Cape Mount border here, especially this Bo  
16 Waterside. Meantime the NPFL has control over some of these  
17 non-official borders.

18 MR SANTORA: I would just make a small comment. I don't  
19 think the marker is working.

16:26:46 20 MR GRIFFITHS: This isn't working.

21 PRESIDING JUDGE: I don't think it is either. Can we have  
22 a marker with some ink in it for the green, please.

23 THE WITNESS: Okay. ULIMO moves in beginning its formation  
24 and takes control of this Bo Waterside border, but moves quickly  
16:27:24 25 through into Lofa County, establishes its headquarter here at  
26 Voinjama, which is the capital of Lofa County, and remains in  
27 control of this general area. Meantime the NPFL controlled a  
28 swathe of this other areas, because it was never like a warring  
29 faction controlling a county and controlling it completely.

1 PRESIDING JUDGE: Remember to --

2 JUDGE SEBUTINDE: Mr Witness, different colours for your  
3 different statements.

4 THE WITNESS: Yeah, I'm using different colours.

16:27:59 5 JUDGE SEBUTINDE: You've already used yellow. Use a  
6 different colour.

7 PRESIDING JUDGE: And please limit yourself to the borders,  
8 Mr Witness.

9 THE WITNESS: Your Honour, I'm using yellow for the NPFL  
16:28:12 10 and I still want to indicate that while ULIMO controlled these  
11 areas there were other porous borders, so do you want me to use  
12 pink for that as well?

13 PRESIDING JUDGE: Which organisation?

14 THE WITNESS: The National Patriotic Front of Liberia.

16:28:33 15 JUDGE SEBUTINDE: It depends on the period of time you're  
16 referring to. It's your testimony.

17 THE WITNESS: Right, but then I will need time to write the  
18 years against the colours.

19 JUDGE SEBUTINDE: Against the colours, that's okay.

16:28:45 20 MR GRIFFITHS: I'm sorry I started this. It's all my  
21 fault.

22 PRESIDING JUDGE: You're not alone.

23 THE WITNESS: So the NPFL controls the entire border with  
24 Sierra Leone. After the formation of ULIMO some time '91/'92 -  
16:29:05 25 '92, ULIMO comes out of Sierra Leone and controls this border  
26 through Bo, Bo Waterside here which is green, and moves up  
27 quickly here and remains in control of Tubmanburg, but meantime  
28 most of these fighters were foot soldiers. Meantime the NPFL,  
29 which controlled a large swathe of Liberia, has foot soldiers who

1 were able to leave from Gbarnga to here.

2 PRESIDING JUDGE: I'm afraid, Mr Griffiths, Mr Witness, we  
3 are virtually out of time and so I'm afraid this will have to be  
4 continued tomorrow.

16:29:41 5 THE WITNESS: All right.

6 PRESIDING JUDGE: I think we'll have to guard those colours  
7 well. We're going to be using them again.

8 MR GRIFFITHS: Well don't bet on it, Madam President.

9 PRESIDING JUDGE: Mr Witness, as you are aware from  
16:29:57 10 yesterday we adjourn now until tomorrow morning. I again remind  
11 you that the oath you took continues to be binding on you and you  
12 must not discuss your evidence with anyone until your evidence is  
13 finished. Do you understand?

14 THE WITNESS: Yes, your Honour. I would just want to make  
16:30:16 15 one request.

16 PRESIDING JUDGE: What is that, Mr Witness?

17 THE WITNESS: That is to allow me to have a piece of paper  
18 on which I will draw my personal - my own legend, my own, you  
19 know, identifications, and then attach it to the side of this  
16:30:30 20 border with years attached to them.

21 PRESIDING JUDGE: Well, it was Mr Griffiths's question. If  
22 Mr Griffiths is amenable and it helps to clarify the issue  
23 then --

24 MR GRIFFITHS: I'm happy for the witness overnight to  
16:30:46 25 prepare something which he can bring and use to demonstrate the  
26 point he wants to make tomorrow. If, for example, there is a  
27 blank map available which he can take away overnight along with  
28 some highlighters I'm perfectly happy, or whichever practical way  
29 it can be done.

1 MR SANTORA: The Prosecution would object to the witness  
2 taking something overnight and marking it for court tomorrow.

3 PRESIDING JUDGE: It should be done in court really,  
4 Mr Griffiths.

16:31:14 5 MR GRIFFITHS: Very well.

6 PRESIDING JUDGE: I can understand you trying to have a  
7 practical solution, but we need to see and ensure that it's done  
8 in the eye of - in the public.

9 MR GRIFFITHS: Very well.

16:31:30 10 PRESIDING JUDGE: He has said a piece of paper. Does your  
11 objection extend to the piece of paper?

12 MR SANTORA: Anything out of court we would object to - the  
13 Prosecution would object to.

14 PRESIDING JUDGE: Very well. Mr Witness, we appreciate  
16:31:46 15 your offer, but we cannot agree to it. Your evidence will  
16 continue in court tomorrow.

17 THE WITNESS: Your Honour, I'm actually requesting that  
18 tomorrow a blank paper be here in court.

19 PRESIDING JUDGE: I understand. Very well, tomorrow in  
16:31:59 20 court there will be a blank piece of paper available to you.

21 THE WITNESS: Thank you.

22 [Whereupon the hearing adjourned at 4.30 p.m.  
23 to be reconvened on Wednesday, 14 January 2009  
24 at 9.30 a.m.]

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26  
27  
28  
29

I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY	22383
EXAMINATION-IN-CHIEF BY MR SANTORA	22383
CROSS-EXAMINATION BY MR GRIFFITHS	22410