



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 15 JANUARY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawalie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Ms Maja Dimitrova

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah
Mr James Kamara

1 Thursday, 15 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:02 5 PRESIDING JUDGE: Good morning. Mr Santora, appearances
6 please.

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

09:30:45 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 are myself Courtenay
14 Griffiths, my learned friends Mr Terry Munyard and Mr Morris
09:30:55 15 Anyah and Mr James Kamara, legal assistant, is with us again
16 today.

17 PRESIDING JUDGE: Thank you. Unless there are some
18 preliminary matters, I will remind the witness of his oath? No.
19 Good morning, Mr Witness.

09:31:08 20 THE WITNESS: Good morning, your Honour.

21 PRESIDING JUDGE: I again remind you this morning that you
22 have taken the oath to tell the truth, the oath continues to be
23 binding on you and you must answer questions truthfully. You
24 understand?

09:31:23 25 THE WITNESS: I understand, your Honour.

26 WITNESS: HASSAN BILITY [On former oath]

27 PRESIDING JUDGE: Very good. Please proceed, Mr Griffiths.

28 CROSS-EXAMINATION BY MR GRIFFITHS: [Continued]

29 Q. Yesterday when we adjourned for the day, Mr Bility, I was

1 asking you about arrests numbers one and two and the various
2 accounts you had given regarding those. Do you remember that?

3 A. I do.

4 Q. And in particular when we rose I was asking you about some
09:32:00 5 handwritten notes you had made regarding those arrests in 1997
6 and can we go again, please, behind divider 9 to page 13. Can we
7 now go through the full account as recorded by you in your own
8 hand in this document:

9 "October 20 1997: Taylor said to me if I thought his
09:33:13 10 government could not remove Kabbah then I must be from an alien
11 continent. I have the best ground force in West Africa and
12 Kabbah wants to 'try me'. I will make sure his government does
13 not stay in power; tell him or tell America. He also added that
14 he would do everything, including supporting the RUF, to unseat
09:33:39 15 Kabbah.

16 I had been arrested and taken to the NPP headquarters for
17 publishing a front page story titled: In Sierra Leone who is the
18 government of Liberia supporting? Taylor said he thought I was
19 writing these stories because like Kabbah, I was a Mandingo.
09:34:03 20 Also present were Joe Tate, Varmuya Sherif (ULIMO), Benjamin
21 Yeaten and an RUF representative Mosquito. He told Mosquito:
22 'This man is RUF enemy in the media'."

23 Who is that Mosquito?

24 A. Sam Bockarie.

09:34:35 25 Q. So Sam Bockarie was present at your interrogation by
26 Charles Taylor, was he?

27 A. Well, he was inside the compound of the National Patriotic
28 Party.

29 Q. So Sam Bockarie was on hand. No, no, no, that is not what

1 you are saying. "Also present were Joe Tate, Varmuya Sherif,
2 Benjamin Yeaten and an RUF representative, Mosquito", and so
3 Mosquito was in the NPP headquarters in October 1997 on that
4 occasion when you were being interrogated, you tell us, by
09:35:15 5 Charles Taylor. Is that the truth?

6 A. Mosquito, or Sam Bockarie, was in the compound. Now, I
7 would like to just state something here, counsel.

8 PRESIDING JUDGE: Mr Witness, that does not answer the
9 question. I am no clearer whether he was present, or in the
09:35:34 10 vicinity, or not.

11 THE WITNESS: He was in - the compound is a fenced in
12 building and so he was in the compound there.

13 PRESIDING JUDGE: You are still not answering the question.
14 The question is was he present during the time that you were
09:35:50 15 being asked - when you were being interrogated, as you tell us,
16 by Charles Taylor?

17 THE WITNESS: He was not in the - he was not present during
18 the immediate interrogation, or questioning, by President Charles
19 Taylor.

09:36:06 20 MR GRIFFITHS:

21 Q. Now, help us with this. These notes, firstly you accept
22 they are in your handwriting, don't you?

23 A. I do.

24 Q. Secondly, how do these notes come about?

09:36:22 25 A. Answer?

26 Q. Yes, please.

27 A. These are notes that I recorded. The dates you see there
28 do not indicate the specific dates of occurrence of these
29 instances. Of course, these are instances that I recorded at

1 some point after the occurrence of these interactions so --

2 PRESIDING JUDGE: Just pause, Mr Witness. Yes, Mr Santora?

3 MR SANTORA: I apologise for rising a little bit late, but
4 counsel referred to "these notes". Is he referring to this

09:36:59 5 particular page, or is he referring to the set of notes? If he
6 is referring to the set of notes then I think the witness should
7 be able to look at the set in its entirety if he is being asked
8 where the set came from, or is he referring to just this page?

9 There could be a distinction, so if he is asked about the set of
09:37:17 10 notes I think he should be shown the full set of notes before he
11 starts speaking as to where they came from.

12 PRESIDING JUDGE: Mr Griffiths?

13 MR GRIFFITHS: I don't intend to do that, Madam President,
14 because it's quite clear that the objective of the intervention
09:37:33 15 is to alert the witness to an issue with regard to these notes.

16 MR SANTORA: I am objecting to that comment. That is
17 implying somewhat unethical conduct on my part. That is not the
18 intention at all. The witness is has been asked about a set of
19 notes and I think he should be shown that set of notes. I think
09:37:51 20 it's a very reasonable position.

21 PRESIDING JUDGE: Mr Griffiths, he is being referred to
22 notes and I think in fairness to him he could be shown them. He
23 does not have to read them.

24 MR GRIFFITHS: Very well. I just need them for a
09:38:08 25 reference:

26 Q. Mr Bility, we are behind divider 9 here, aren't we? Could
27 you go to the very first page behind that divider, please.

28 Firstly, taking things slowly, is that your handwriting?

29 A. Yes, sir, this is my handwriting.

1 Q. And if we just briefly flick through the other pages behind
2 that divider, and I mean very briefly, not that you read every
3 page.

09:39:11 4 MR SANTORA: Again I ask that he be handed them then. He
5 has nothing in front of him at all.

6 PRESIDING JUDGE: He is being shown them on the overhead.
7 Just put them on page by page, Mr Court Attendant.

8 JUDGE LUSSICK: I don't understand the point of all this
9 objection, Mr Santora. Are you putting up a contrary case that
09:39:25 10 there might be some ring-ins, that some of these pages might not
11 be his?

12 MR SANTORA: I am saying that in order for him to be asked
13 about a set of notes he should at least be able to inspect that
14 respective set of notes.

09:39:39 15 JUDGE LUSSICK: Was he asked about a set of notes? I heard
16 Mr Griffiths say "these notes".

17 MR SANTORA: Yes.

18 JUDGE LUSSICK: Prior to that he had been referring him to
19 page 13.

09:39:49 20 MR SANTORA: That's why I specifically inquired whether he
21 was referring to just that single particular note or the set of
22 notes and that's why if he is being asked about a set of notes I
23 think he should be able to inspect that set of notes in the
24 entirety.

09:40:03 25 MR GRIFFITHS: It may be that we can short-circuit this. I
26 wonder if you could put that page back in so that we can keep it
27 in order, please, Mr Court Usher, and then can we go behind
28 divider 8. Let's take out the first page behind divider 8:
29 Q. You will see, Mr Bility, that what we have here is an

1 interview conducted with you on 7 March 2007 by a Peter McLaren
2 and trial attorney Wendy van Tongeren for a portion of the
3 interview. Do you see that?

4 A. Yes.

09:41:01 5 Q. Do you recall that interview?

6 A. Yes, I do.

7 Q. Turn the page over, please, to the second page. Do you see
8 about a third of the way down the page it says - it gives a
9 number 00013018 to 00013039. Now, if we flick back through
09:41:25 10 divider 9 we see that 000013018 refers to these notes and the
11 very last page of these notes is 00013039. So this paragraph is
12 dealing with the notes I am asking you about. Let's have a read
13 of the paragraph, shall we.

14 "This package of personal notes are notes the witness made
09:41:52 15 relating to other documents which the witness could obtain and
16 the Prosecution required a brief description of them in order to
17 determine whether or not they had potential value. These notes
18 were made under the direction of Al White and Chris Santora and
19 were prepared after the witness testified in the RUF trial."

09:42:20 20 So what happened was this: You gave evidence in the RUF
21 trial, and let's just remind ourselves of the date, in October
22 2004. After you had given evidence, that man sitting over there
23 asked you to write these notes. So there is no issue that you
24 wrote them.

09:42:45 25 Now, let's go, having spent time establishing that, back
26 behind divider 9, shall we. So what we now know is this, don't
27 we, Mr Bility: These notes were compiled by you after you had
28 given evidence in the RUF trial in 2004. Now, do you recall
29 doing that?

1 A. Yes, I do recall.

2 Q. And what was the purpose of you compiling these notes?

3 A. The purpose of me compiling these notes was I had been
4 asked by the Prosecution to record, if I could, to the best of my
09:43:43 5 ability, instances of interaction with Mr Charles or President
6 Charles Taylor and what I do remember and what I do know and what
7 happen present notes I had, if I did, regarding President Charles
8 Taylor's involvement with the Revolutionary United Front.

9 Q. Thank you. So we know now and did you do - compile these
09:44:16 10 notes immediately after you had given evidence in October 2004?

11 A. Well, again, I can't determine immediacy. I did prepare
12 and collect some of these notes after I gave evidence in 2004.

13 Q. So do these notes date from 2004?

14 A. In terms of writing them or collecting them? Some I did
09:44:49 15 write and some that were already written weren't with me and I
16 had to go to Liberia to collect the ones I was able to find.

17 Q. Hold on. Let's just take this very slowly because it's
18 important. So what we see here behind this divider was not all
19 compiled in 2004; some of it had been compiled earlier and you
09:45:19 20 went back to Liberia to pick them up. Is that right?

21 A. I will say it this way. I am not looking at any notes so I
22 am not sure which specific notes you are referring to, counsel.

23 Q. I am referring to the notes behind this divider, Mr Bility.

24 A. I would like to take a look at that note, counsel.

09:45:45 25 JUDGE LUSSICK: What I suggest is give this witness divider
26 9 and let him peruse the notes at his leisure so that he is not
27 going to allege that they may not be his notes or that he doesn't
28 remember anything about them. Let him read divider 9. We will
29 sit here all day if necessary, Mr Witness.

1 THE WITNESS: Your Honour, I think I can immediately answer
2 these questions. This is a note that I prepared after I
3 testified in Sierra Leone. These notes were supposed to tell me
4 or it was supposed to tell the Prosecutors what I had, this
09:46:27 5 specific page. And this was generally a description of my
6 accounts collected and/or experienced during my time in Liberia.

7 MR GRIFFITHS:

8 Q. Now, going back to my question: All of the pages behind
9 this divider, were they all written at the same time or were some
09:46:57 10 written earlier which you then collected from Liberia?

11 MR SANTORA: Objection. I think the point has already been
12 taken. Please allow the witness to look at what he is being
13 asked about and that's the whole point.

14 PRESIDING JUDGE: I gave a direction. It has not been
09:47:16 15 conformed with. Mr Witness, please look at those notes. You do
16 not have to read them thoroughly.

17 THE WITNESS: Right. So these are the specific notes, the
18 00013018 to 00013039, are they?

19 PRESIDING JUDGE: Yes, they are.

09:47:56 20 THE WITNESS: Yes, sir. As far as these specific notes are
21 concerned, this set of notes that I referred to numerically were
22 notes that I prepared after I testified in Sierra Leone.

23 MR GRIFFITHS:

24 Q. Were they all compiled at the same time?

09:48:15 25 A. Same time, same day?

26 Q. No, no, no. Were they all compiled after you gave evidence
27 in the RUF trial?

28 A. Yes. This set of notes - this set of notes that I see here
29 with these numerical appointments were prepared after I testified

1 at the RUF trial in Freetown and they were generally based on my
2 recollection of what I had experienced and my interactions with
3 President Charles Taylor. However, there were additional notes,
4 I believe, that I was able to get from Liberia. So I'm not sure
09:49:13 5 those are here because I've not thoroughly perused these notes,
6 but this set of notes, based on the introduction, yes, counsel.

7 PRESIDING JUDGE: Do you mean yes, you compiled them all at
8 the same time? Is that what you're saying yes to?

9 THE WITNESS: Time. Same time. I compiled them after I
09:49:36 10 testified at the RUF trial.

11 PRESIDING JUDGE: I am clear on that point but did you
12 write these pages all at the same time? That is the question
13 that was asked.

14 THE WITNESS: I'm not 100 - I am not sure if I did at the
09:49:51 15 same time.

16 MR GRIFFITHS: Can I see the original of this document,
17 please?

18 MR SANTORA: Is that question directed to the Bench or to
19 myself?

09:50:03 20 MR GRIFFITHS: I would like the Prosecution to provide,
21 please, the original of this document.

22 MR SANTORA: I would need just a moment to inquire on that
23 matter.

24 MR GRIFFITHS: Very well.

09:50:15 25 PRESIDING JUDGE: Please do so, Mr Santora. Mr Griffiths,
26 if you wish to have a seat whilst that is being looked for.

27 MR GRIFFITHS: I'm grateful.

28 JUDGE LUSSICK: In the meantime, Mr Witness, would you
29 please peruse those documents so that you are familiar with them

1 and so that you will be able to say when they were compiled and
2 if they were compiled at the same time or at different times and
3 whether they were part of the documents you recovered from
4 Liberia so that the next time you are asked questions about your
09:50:49 5 own documents you will be able to answer them.

6 MR SANTORA: We are checking with - we have to check back
7 with the office to determine if those originals - if we do have
8 them. If they exist, we will produce them.

9 PRESIDING JUDGE: Mr Santora, if you have got a photocopy
09:51:17 10 the implication is there is an original. I accept that you have
11 to check back. Mr Griffiths, in the light of the practicalities
12 and the indication you are going to continue with your question,
13 do you wish to continue at this time with another line of
14 cross-examination?

09:51:33 15 MR GRIFFITHS: I will continue with the same line, Madam
16 President, subject to the provision of that document at a later
17 stage.

18 PRESIDING JUDGE: Well, I direct that the document be
19 produced. Mr Witness, you had your hand up, I think, I didn't
09:51:48 20 see very clearly.

21 THE WITNESS: Yes, I did. Your Honour, as far as this set
22 of notes - this set of notes is concerned, that is 00013018 to
23 0013039 I think I can answer any questions on those. I do
24 remember clearly. And referencing the time I wrote these notes,
09:52:14 25 yes, these were at about at the same time after the RUF trial.
26 This set of notes - this set of notes was a description of the
27 notes I had made during my time in Liberia. This set of notes
28 was a description of the notes I had made and the recollections
29 and pieces of evidence that I had and/or I thought I did still

1 have in Liberia. So this was a description of that to allow the
2 Prosecution to make a determination if they needed those notes.
3 So it was after my testimony in Freetown.

4 MR GRIFFITHS:

09:53:10 5 Q. Now subject to the provision of the original of that
6 document, can we go back, please, behind divider 9 and to page 13
7 - I am sorry, page 14. I am sorry, my fault. Now whilst that is
8 on the screen, can we establish one or two other matters. When
9 at the request of Mr Santora you compiled these notes after
09:53:58 10 October 2004, were you conscious that it was important that you
11 told the truth?

12 A. Yes, sir, I was conscious that it was important that I told
13 the truth and, you know, to the best of my ability remembering
14 what I did know in Liberia then.

09:54:21 15 Q. Now bearing in mind that assertion by you, did you tell the
16 truth throughout these notes?

17 A. I believe to the best of my ability that I did.

18 Q. Now, help me with this. Mosquito was once the head of the
19 RUF, wasn't he?

09:54:42 20 A. I believe he was at some point.

21 Q. And you have told us that one of your purposes in compiling
22 this note was to set out connections between Charles Taylor and
23 that organisation, the Revolutionary United Front. Is that
24 right?

09:55:01 25 A. One of my purposes was to draw a connection that I knew
26 existed, that I saw existed, between the RUF and President
27 Charles Taylor.

28 Q. But for some time, from at least 2003 I suggest, you
29 appreciated, did you not, that at some stage you would be

1 required to give evidence against Charles Taylor. You did,
2 didn't you?

3 A. At some point I did express my willingness after being
4 asked to testify to the best of my knowledge and ability in the
09:55:57 5 trial of President Charles Taylor versus the Prosecution.

6 Q. Now, help us with this. Can you give us any idea when you
7 first became aware that you might be required to give evidence
8 against your former President, Charles Taylor?

9 A. A time?

09:56:19 10 Q. Yes, please.

11 A. I'm not one hundred per cent sure, but I thought - I
12 believed in Liberia and out of Liberia that those who committed
13 human rights abuses --

14 Q. That's not my question. Can you give me a time frame when
09:56:45 15 you first became aware you might be a witness against Mr Taylor?
16 If you can't then say "I can't".

17 A. I first became aware after the indictment against President
18 Charles Taylor was announced.

19 Q. That was March 2003?

09:57:10 20 A. I first - I have not concluded my answer, counsel. I first
21 became aware after the indictment against President Charles
22 Taylor that many Liberians, probably including myself, and
23 Sierra Leoneans may be called on to provide any testimony if they
24 had any in this particular case.

09:57:39 25 Q. Now just dealing with this point a little further, you
26 arrived in the United States in January 2003, didn't you?

27 A. Yes, sir.

28 Q. And it was my mistake. The indictment against Mr Taylor
29 was made public in June 2003, not March. Now between December

1 when you were released from custody and June - December 2002 and
2 June 2003, were you approached by anyone with a view to giving
3 evidence against Mr Taylor?

4 A. Can you please go over those dates.

09:58:27 5 Q. Between 7 December - well, December when you were released
6 from custody in Liberia and flown to Accra - and June 2003 when
7 the indictment against Mr Taylor was made public, were you
8 approached by any agency to give evidence against Mr Taylor?

9 A. While I may not be able to specifically state the month, I
09:59:01 10 was approached by Mr Alan White if I could provide evidence in
11 the case of the RUF - those were Issa Sesay et al - and I do
12 remember that vividly. Following that, I also after the issue -
13 after the indictment was issued I also was approached if I were
14 willing to provide pieces of I mean evidence in the Charles
09:59:44 15 Taylor case. I can't put a date - specific date - on that.

16 Q. But would - sorry.

17 A. I was also approached by a number of Liberians if I were
18 willing, and at some point I backed off due to family - security
19 concerns to my family and I actually had to do this in large
10:00:16 20 parts against the expressed willingness of some family members.

21 Q. Thank you for that additional point.

22 JUDGE SEBUTINDE: Mr Griffiths, Mr Witness you said you
23 were approached by a number of Liberians if you were willing to
24 do what?

10:00:31 25 THE WITNESS: To provide testimony in this particular case,
26 in the case of Mr Charles Taylor, and specifically concerns of
27 Liberians centred on crimes committed in Liberia.

28 MR GRIFFITHS:

29 Q. So would it be fair to say, Mr Bility, that from some time

1 in the year 2003 you were aware that you might at some stage be
2 giving evidence against Mr Taylor. Would that be a fair
3 statement?

10:01:11 4 A. No, that wouldn't be a fair statement. What would be a
5 fair statement would be that some time at around the dates you
6 mentioned I was aware that there were people interested in my
7 giving, or providing, evidence in this trial. I had not, like,
8 made up my mind completely.

10:01:36 9 Q. Now, the reason I am exploring those dates with you is
10 this. You will recall that yesterday I took you through two
11 pages of an interview conducted with you on 2 November 2003 which
12 dealt with your initial arrest in 1997. Do you remember that?

13 A. Yes, sir.

10:02:07 14 Q. Now I also know from documentation disclosed to us that you
15 were further seen by the Prosecution on 29 September 2004, and
16 again do you remember me showing you the record of that interview
17 yesterday?

18 A. Yes, I do remember that.

19 Q. And do you remember that interview?

10:02:27 20 A. The date of 29 September I would have been in Sierra Leone,
21 Freetown, so I do remember having that.

22 Q. Thank you. Thereafter, the following month of October you
23 gave evidence over two days in the RUF trial on the 28th and
24 29th. Of course you recall that, don't you?

10:02:46 25 A. I do recall that.

26 Q. So the sequence of events is this. At some stage after
27 your arrival in the United States you were aware that you might
28 be giving evidence against Mr Taylor. You are then seen in 2003,
29 November, September 2004 and you give evidence in October 2004.

1 Can you help me, Mr Bility, with how is it that on none of those
2 occasions did you mention that Sam Bockarie was present at the
3 NPP HQ when you arrived to be questioned by Mr Taylor? How did
4 you forget to mention it on any of those previous occasions?

10:03:37 5 A. First of all, I will just - I would like to say that, as
6 far as those interviews were concerned and as far as my
7 recollection of what obtained or what happened were concerned, I
8 tried as much as I could to provide any information that I
9 thought that I remembered at the time of specific interviews.

10:04:09 10 Most of the interviews were like general discussion and whoever
11 was talking to me would take notes occasionally, so again I
12 mentioned to the best of my recollection - the best of my memory
13 - at the times of these separate interviews what I did remember
14 regarding this particular instance.

10:04:38 15 Q. Mr Bility --

16 A. Yes.

17 Q. -- in the context of your arrest and given the overall
18 intention of setting out the behaviour of Mr Taylor, how could
19 you forget that the former leader of the RUF was present at your
10:05:02 20 first interrogation by Mr Taylor? How could you have forgotten
21 that for all of those years until you came to write this note?
22 How?

23 A. I don't know how and I don't know - your description of it
24 I am not sure if that is accurate. What I do know is that I
10:05:24 25 spoke about what I did remember to the best of my knowledge and
26 ability, recollection, at the time of each of these interviews.

27 Q. And just to recap the account you gave us, you were driven
28 to the NPP headquarters and outside the headquarters you saw
29 Varmuyan Sherif. Is that right?

1 A. No, that is not correct.

2 Q. Where did you see Varmuyan Sheriff?

3 A. Inside the compound.

4 Q. Inside the compound?

10:06:02 5 A. Not outside, right.

6 Q. Was it actually in the building, or in the yard outside the

7 compound?

8 A. In the courtyard. In the yard.

9 Q. And then you were taken into the building, yes?

10:06:13 10 A. Correct.

11 Q. Where you met Mr Taylor?

12 A. Correct.

13 Q. You having seen Sam Bockarie in the yard along with

14 Mr Sheriff?

10:06:25 15 A. Correct.

16 Q. So help me with this. Look again at page 14, "He" - which

17 must be Taylor - "told Mosquito: 'This man is RUF enemy in the

18 media'." Now, hold on. Mosquito was outside in the yard, not

19 inside with Mr Taylor, and so how is Mr Taylor making this

10:06:52 20 comment to him when according to you Mosquito is in the yard?

21 A. Right.

22 Q. You do follow, don't you?

23 A. I do and I have an explanation for it.

24 Q. I am sure you do.

10:07:04 25 MR SANTORA: Objection.

26 PRESIDING JUDGE: Mr Griffiths, please refrain from

27 extraneous remarks.

28 MR GRIFFITHS: I apologise.

29 THE WITNESS: May I go ahead?

1 PRESIDING JUDGE: Please put the question, or you are
2 waiting for his explanation?

3 MR GRIFFITHS: I am waiting for his explanation.

10:07:26

4 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Witness,
5 please answer the question.

10:07:53

6 THE WITNESS: Now, remember the room in which President
7 Taylor spoke to me was different from where he made these
8 remarks. He walked out as I was being escorted out. He walked
9 out somewhere inside the building, in the NPP headquarters, where
10 these guys, you know, based on my observation, as it was
11 customary if the President was coming. And the main guys, the
12 main security guards who were close to him, would immediately run
13 to set up - I don't know how they referred to that in military
14 terms, but a group of people would stand this way and some would
15 stand this way. So it was there and then, towards the entrance
16 of the building, that President Taylor said - I mean made this
17 particular remark, not in the room where this interrogation was
18 occurring.

10:08:16

19 MR GRIFFITHS: Would your Honour give me a moment, please:

10:09:07

20 Q. Let me remind you of what you told us on Monday, page
21 22302, line 29:

22 "Q. So what happened when you arrived at the headquarters
23 of the NPP?

10:09:26

24 A. I met with the late director of police, Mr Joseph B
25 Tate, and I am taken to President Taylor, then President
26 Charles Taylor. President Taylor was in the building there
27 at the office, at the headquarters. President Taylor came
28 forward and spoke with me and warned me to desist from
29 writing."

1 Line 26:

2 "Q. Who else was present when you had this conversation
3 with Mr Taylor?

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

10:09:56 5 Q. Was anybody else present?

6 A. There were a few other people there, but at the
7 entrance going - when I was being brought into the compound
8 one of President Taylor's Special Security Service, SSS
9 bodyguards, called Varmuyan Sheriff - I mean basically he
10:10:18 10 was someone that I recognised was there."

11 Now, help me with this: Why no mention of Sam Bockarie,
12 Mosquito, on Monday?

13 A. Right. Counsel, I was specifically answering a specific
14 question.

10:10:38 15 Q. And that specific question was, "Was anybody else present?"
16 How did you happen to miss and forget someone as important as Sam
17 Bockarie, yet you remember Mr Sheriff? How?

18 A. The question was, if I do remember, was somebody else
19 present when you had this conversation with the President. Now,
10:11:03 20 the word "when" there, my understanding, an adverb of time of
21 course, was during the direct conversation between me and the
22 President. Of course, as Sam Bockarie was not there during the
23 interrogation between me - I mean during my interrogation or
24 questioning by the President, so I am trying to be very careful
10:11:30 25 here about what I say.

26 So at the time of the conversation, when we had the
27 conversation in that room, he was not there. But he was
28 definitely in the compound, in the general compound area. So if
29 I didn't mention his name like being inside the compound, well,

1 then that might have been a slip of - that might have been a
2 lapse of memory. But basically I do remember that Mr Sam
3 Bockarie was present in the compound, not when, underline - when
4 the conversation was being held with President Charles Taylor
10:12:08 5 and, of course, "when" becomes "where". Where was the
6 conversation held? In a room inside the building. Mr Sam
7 Bockarie was not there. So that is the specific question, when
8 and where, that I was answering, counsel.

9 Q. You see, what I'm suggesting is, you see, Mr Bility,
10:12:36 10 because by now we've established there is an initial account you
11 give in November 2003. I suggest you give a different account in
12 October 2004. We now have a third account in these notes that
13 you compiled. Now, can you help us. And another account when
14 you gave evidence on Monday. Can you help us: Which account do
10:13:02 15 you want us to believe?

16 A. Counsel, I honestly do believe that the accounts I have
17 given - the writings are all the same.

18 Q. Very well.

19 A. Generally. Specifically. Generally, in principle. They
10:13:23 20 are all the same. There might have been errors in the recordings
21 or whatever, but I do believe that based on specific questions
22 asked I have provided a consistent account.

23 Q. Well, we'll see about that. Let's go back behind divider
24 1. Remember that behind divider 1 we have the initial account.
10:14:19 25 Now remember yesterday afternoon we spent a little while going
26 over that large paragraph. Do you remember?

27 A. Which paragraph?

28 Q. The large paragraph at the bottom of the page. You
29 remember that last paragraph, don't you?

1 A. Right. Right.

2 Q. And you remember we eventually established that certain
3 parts of this were untrue?

4 A. Excuse me, sir?

10:14:53 5 Q. We eventually established that certain aspects of this were
6 untrue.

7 A. We established?

8 Q. Let me put it differently. We established that, according
9 to you, some of what you said had been wrongly recorded?

10:15:16 10 A. Correct.

11 Q. Amongst those things wrongly recorded was that the meeting
12 took place at the German embassy. Is that correct?

13 A. That's correct.

14 Q. And also that you had been detained for two days. You told
10:15:34 15 us again that was incorrect?

16 A. Correct.

17 Q. Is that right?

18 A. Correct.

19 Q. And you told us that you had never said those two things to
10:15:44 20 Alan White. Is that right?

21 A. As far as I do remember, I did not, to the best of my
22 recollection, say these words the way they are written.

23 Q. Help me with this, then. Can we go behind divider 3,
24 please, and behind divider 3 can we go to page 8, please.

10:16:32 25 Handwritten 8 at the bottom. You are being asked in this passage
26 about that initial arrest. Look at line 23: "And on this arrest
27 how long were you held for?" Read out the answer to the judges.

28 A. "I was held for about two days at the Ministry of Justice
29 under then Minister of Justice Peter --"

1 Q. But I thought what you had said about being held for two
2 days was wrongly recorded, so what are you doing giving evidence
3 own oath telling such a lie? What are you doing, Mr Bility?

10:17:35

4 A. Well, is this, if I did say this two days, I honestly don't
5 remember.

6 Q. There is no ifs about it. This is a transcript of your
7 evidence. What were you doing telling that lie to the judges on
8 28 October 2004 after you had taken an oath on the Koran to tell
9 the truth?

10:17:56

10 A. Counsel, I did not tell a lie. If I did say two days, then
11 I might have made an honest mistake. This is not a lie.

12 Q. But you told us yesterday that the two days and the German
13 embassy, you'd never said, they were wrong. So what are you
14 doing, in 2004, saying this?

10:18:20

15 A. Can you please repeat that?

16 Q. What are you doing in 2004 saying this when, according to
17 you, what was recorded in November 2003 was wrong? Why?

18 A. I'm sorry, I am not following the sequence of what you are
19 trying to say here.

10:18:39

20 Q. I suggest you're prevaricating, you're trying to avoid the
21 logic of what I'm suggesting to you.

22 PRESIDING JUDGE: Mr Santora.

23 MR SANTORA: I am going to object because I am reading it
24 and it does look like this question actually has been asked and
25 answered just in the prior question. They are the same question.

10:18:54

26 It was what were you doing in 2004 in relation to that and I
27 believe it has been asked and answered on line 20 to 21, on my
28 LiveNote, page 24.

29 PRESIDING JUDGE: I don't think it has been answered

1 satisfactory or directly to the question asked so I'm allowing
2 the question to be put.

3 MR GRIFFITHS:

4 Q. The point is this, Mr Bility: You told us yesterday that
10:19:28 5 you were not detained for two days?

6 A. Correct.

7 Q. And, in fact, on Monday of this week you told us you were
8 detained for just one day. And you told us that had you been
9 given a chance to read this you would have noted immediately that
10:19:42 10 it was wrong. So can you help us. Why then, a year later, were
11 you repeating that erroneous suggestion that you were detained
12 for two days? Why are you doing that?

13 A. Well, as far as I do remember, I remember I had been held
14 for a day. Now I have said that if I did say two days, while not
10:20:12 15 trying to justify the difference between one and two, it's
16 because I was arrested so many times and I might have made an
17 honest mistake regarding the number of days. That is to the best
18 of my knowledge and recollection, counsel.

19 Q. But, Mr Bility, this was your very first arrest, when you
10:20:37 20 were taken to the President of your country. How could you
21 forget that it was one or two days? How could you?

22 A. Well, I don't know how - what I do know is that --

23 Q. You don't know how?

24 A. No, I said I do. What I do know, counsel, is this: When
10:21:00 25 you're subject to so many arrests and torture, when your
26 interaction with the President, you know, is so much painful,
27 that for me - everybody's recollection may not be the same. My
28 recollection on it was one day. So if this were two days
29 probably in reviewing it I did not pick it up. So I have

1 restated and I'm restating that this was a day.

2 JUDGE LUSSICK: Mr Witness, you've referred to so many
3 arrests and torture affecting your memory. Well, does that apply
4 to all of the evidence you have given in this Court?

10:21:55 5 THE WITNESS: No, your Honour, I am not saying that it
6 affected my memory. I am saying that if I did - this is my
7 answer: I was held a day, one day. If I did say days it must
8 have been a mistake of utterance.

9 JUDGE LUSSICK: Are you questioning whether you said it or
10:22:14 10 not now?

11 THE WITNESS: Excuse me, sir?

12 JUDGE LUSSICK: You're questioning the transcript of your
13 evidence?

14 THE WITNESS: Well, I know that, your Honour, this is the
10:22:22 15 transcript and I believe that it must have been recorded as I
16 uttered it, as I said it. I believe that. I am saying that if I
17 did say that then I made a mistake. Or I misspoke, you know,
18 just to put it better.

19 MR GRIFFITHS:

10:22:42 20 Q. So you misspoke. So, help me. Bearing in mind that your
21 account is taken to the NPP HQ, questioned by Mr Taylor and then
22 released, why were you saying in this answer that you were held
23 for two days at the Ministry of Justice? Were you held at all at
24 the Ministry of Justice?

10:23:12 25 A. Yes, counsel.

26 Q. On this occasion?

27 A. On this occasion.

28 MR GRIFFITHS: Would your Honour give me a moment to find a
29 reference, please?

1 PRESIDING JUDGE: Yes, Mr Griffiths.

2 MR GRIFFITHS:

3 Q. Transcript of Monday of this week at page 22302, or the
4 question at the bottom of the previous page 22301:

10:24:16 5 "Q. Mr Witness, I want to take you back to what happened
6 after this article was published which you said was the
7 second time it was published. And I correct myself, I
8 should ask you about when this editorial was published,
9 'Who was the Judas in ECOWAS?' You said that Saah Gbolie
10:24:36 10 and some others came to the offices of The National.

11 A. Yes, sir, correct.

12 Q. And beat you, is that correct?

13 A. That's correct sir.

14 Q. What happened after this?

10:24:47 15 A. I was arrested and he taken to the office of the
16 National Patriotic Party."

17 Then jumping to the bottom:

18 "Q. So what happened when you arrived at the headquarters
19 of the NPP?", and you go on to say what happened:

10:25:01 20 "Q. After this conversation with Mr Taylor, what happened?

21 A. What do you mean what happened?

22 Q. Then what happened to you after that?

23 A. I was detained and then released.

24 Q. How long were you detained for?

10:25:14 25 A. Up to the end of the day I was detained there and
26 then released."

27 PRESIDING JUDGE: Please pause, Mr Griffiths. I don't
28 intend to interrupt you, but I note the witness appears to be
29 reading from the monitor and what is on the monitor is the RUF

1 trial, I think, whilst you are reading I understand from this
2 trial.

3 MR GRIFFITHS: From this trial.

10:25:43

4 PRESIDING JUDGE: Yes, so please do take that off the
5 monitor. We don't wish to have the witness misled.

6 MS IRURA: Your Honour, the witness is reading the
7 transcript which is displayed on the broadcast screen next to
8 him, which is actually the transcript of 12 January which I am
9 publishing.

10:25:54

10 PRESIDING JUDGE: Thank you very much, Madam Court Officer.
11 I didn't appreciate that difference. In that case, I withdraw my
12 comment.

13 MR GRIFFITHS: Not at all, Madam President:

10:26:07

14 Q. So the account was police headquarters, NPP and then the
15 transcript from Monday goes on:

16 "A. I was detained and then released.

17 Q. How long were you detained for?

10:26:22

18 A. I was - I am not sure what Mr Taylor and the police
19 director, Joseph Tate, discussed regarding how long I will
20 be detained, but I was taken back to the police
21 headquarters where I was detained for a while. Up to the
22 end of the day I was detained there and released."

10:26:42

23 Where is the mention of being detained at the Ministry of
24 Justice, because according to what you were telling us on Monday
25 arrested at the office, to the police headquarters, then to the
26 NPP, back to the police station, then released? Back in October
27 2004 you are saying two days at the Ministry of Justice. Which
28 of those two accounts do you want us to accept?

29 A. I was - well I am not sure if I am following the transcript

1 here what you are saying, but this is what happened.

2 Q. No, my question is which do you want us to accept? Were
3 you detained for two days at the Ministry of Justice, or were you
4 taken from the police station to the NPP headquarters, back to
10:27:26 5 the police station and then released? Which of those two
6 accounts is correct?

7 A. It's the same account, counsel. Do you want me to explain
8 that?

9 Q. Yes, please.

10:27:42 10 A. From the national, the detained - from the headquarters of
11 the National Patriotic Party, I was moved to the police
12 headquarters and then stayed there for a while. The intention
13 was - well I can't establish an intention, but moved to the
14 Ministry of Justice on Ashum Street and then brought back and
10:28:13 15 detained at the Liberian national police headquarters. My
16 thinking was that when they moved me to the Ministry of Justice
17 there will be a charge filed against me and further prosecution,
18 but that didn't happen and so I was brought back to the
19 headquarters of the Liberian national police and so in large part
10:28:37 20 I was detained at the Liberian national police headquarters.

21 Of course the Minister of Justice was involved at some
22 level, and my removal - my temporary transfer to the Ministry of
23 Justice got the Minister of Justice involved and then later on
24 brought back to the headquarters of the Liberian national police.

10:29:08 25 So what was more relevant, in my opinion, in answering to
26 these questions was that the basic players, the Liberian national
27 police headquarters where I was arrested for - I mean by whom I
28 was first arrested and taken to the NPP headquarters, brought
29 back there, transferred briefly to the Ministry of Justice and

1 then taken back to the police headquarters. So the whole thing
2 was a day and not two, and certainly the Ministry of Justice was
3 involved then under Peter Bonnah Jannah. I don't see his last
4 name over there. So it's basically the same account, counsel.

10:29:56 5 Q. It's basically the same account, is it?

6 A. Yes, sir.

7 Q. So how long on this account now did you spend at the
8 Ministry of Justice?

9 A. I have said one --

10:30:07 10 Q. How long?

11 A. I have said, counsel, one day. If I did say in it two
12 days, then I probably misspoke.

13 Q. No, no, no. On the account you are giving now you are
14 taken back to the police headquarters, taken to the Ministry of
15 Justice and then back to the police headquarters. So help us.

16 How long did you spend at the Ministry of Justice?

17 A. In terms of what? The entire arrest was the --

18 Q. In terms of minutes, hours, days, how long did you spend at
19 the Ministry of Justice?

10:30:42 20 A. I didn't have a watch. They had ripped off my wristwatch
21 and so I couldn't time it.

22 PRESIDING JUDGE: Mr Witness, give us an estimate.

23 THE WITNESS: An estimate I would say about two hours.

24 That is an estimate, not exact.

10:30:56 25 MR GRIFFITHS:

26 Q. Thank you. So do you see a difference between two hours
27 and two days, Mr Bility?

28 A. Yes, clearly there is a difference between two hours and
29 two days.

1 Q. So help us with how did you come to tell the judges in
2 October 2004 that it was in fact two days when you must have
3 known it was two hours?

4 A. I misspoke, based on the transcript.

10:31:26 5 Q. Now, what's happened is you have been confronted with your
6 lies and you are busy now shifting position in order to
7 accommodate the lie that you told in the past. That's the truth,
8 isn't it?

9 A. That is not the truth, counsel.

10:31:43 10 Q. Well, help me please. Why didn't you tell the judges back
11 in October 2004 that you actually were taken first to the police
12 headquarters? Why no mention of that?

13 A. Counsel, to the best of my ability and recollection I
14 believed - thought that I said exactly what I'm saying now. Not
10:32:09 15 two days, but two hours.

16 Q. So you meant to say two hours and your mouth just happened
17 to form the words "two days", yes?

18 A. Counsel, I thought I did say two hours.

19 Q. Because on your account you must have spent far more time
10:32:37 20 at the police headquarters and yet miraculously you appear to
21 have forgotten that when you spoke to the judges in Freetown in
22 October. Can you help us as to how that came about?

23 A. Well my recollection, counsel, on this specific arrest is
24 that badly bruised, badly beaten, taken to the police
10:33:08 25 headquarters, National Patriotic headquarters, police
26 headquarters - this is the sequence - and Justice Ministry and
27 then to the police headquarters. Now as far as recollecting the
28 sequence of events that obtained based on this first, this is
29 what I believed I experienced and this is what I believe, your

1 Honour, that I thought I did say, counsel.

2 Q. Let's leave arrests one and two finally and move on to
3 arrest number three. Now, arrest number three came about because
4 of a news story you published entitled "Police ECOMOG clash". Is
10:34:14 5 that right?

6 A. That's correct.

7 Q. That arrest took place in 1997?

8 A. Correct.

9 Q. And it happened at the end of the year in 1997?

10:34:31 10 A. It happened the second half of 1997, correct.

11 Q. Transcript Monday, page 22329:

12 "Approximate - my approximation, my best approximation,
13 would be that it was towards the end of the year. It was some
14 time in ranging from mid-October to December".

10:34:56 15 Do you remember telling us that on Monday?

16 A. Where are you reading from counsel? Yes, I remember that.

17 Q. I am reading from a transcript which is not in front of
18 you. This is a record of what you told us on Monday of this
19 week.

10:35:11 20 MS IRURA: It's in front of the witness, the transcript.

21 MR GRIFFITHS:

22 Q. And in the transcript do you see at lines 22 and 23 what it
23 is you say?

24 A. Correct. Yes, I do see it.

10:35:26 25 Q. And note, "It was ranging from mid-October to December".

26 Now remember that "government supporting" article arrest is after
27 14 October; that is mid-October. I'm right, aren't I?

28 Mr Bility, just forget the transcript.

29 A. Right, go ahead.

1 Q. Just forget the transcript --

2 A. Okay.

3 Q. -- because I appreciate you are looking ahead to see what
4 trap I might have laid for you, but just wait. Do you recall
10:36:04 5 telling us that "government supporting" article arrest is after
6 14 October? Do you remember telling us that?

7 A. I do remember telling you that.

8 Q. And remember you see here - this is a matter of some
9 importance and I am coming to the point - that what you are
10:36:26 10 saying here is that this third arrest, "Police ECOMOG clash",
11 could be any time between mid-October to December 1997. Do you
12 understand the point I'm making?

13 A. Yes, sir.

14 Q. Now, you went on to tell us that there had been - and I am
10:36:47 15 on page 22330. Well, let's start at the bottom of 22329:

16 "Tension had been building between the West African
17 peacekeeping forces in Liberia and the Government of Liberia
18 security forces and the Government of Liberia had been saying
19 that there will be no parallel authority in, Monrovia, and it was
10:37:10 20 beginning to call for ECOMOG to leave the country and somewhere
21 on Bushrod Island in Duala, I mean on Bushrod Island."

22 Just pausing there, that is the island you took the
23 helicopter from to visit Freetown, wasn't it?

24 A. That's correct.

10:37:27 25 Q. Continue reading ahead, please, Mr Bility:

26 "The police and the ECOMOG forces clashed. There were
27 varying accounts from ECOMOG and the police which we reported on,
28 so it was actually, the basis was strenuous relationship that had
29 begun to build - I mean to build between the Government of

1 Liberia security forces and ECOMOG, which is the ECOMOG Community
2 of West African Monitoring group forces that were in Liberia to
3 keep the peace."

4 Jump a few lines to 16:

10:37:59 5 "Relations were beginning to be strained between the two
6 forces, the peacekeepers, ECOMOG, and the Liberian government
7 security forces which was primarily then the police and the
8 presidential bodyguards."

9 Page 22332, please, line 4:

10:38:16 10 "Q. Do you know why you were arrested?

11 A. Why? They didn't tell me specifically why, except
12 that the Director of Police said that first of all the
13 government denied that there was a clash, that there was a
14 fight or whatever it was, you know, that they wanted to
10:38:40 15 describe it. The government denied that it happened and we
16 had eyewitnesses' accounts and we had statements from
17 ECOMOG officials."

18 Pause there. So, that's the nature of the article you
19 wrote, yes?

10:38:59 20 A. Generally, yes.

21 Q. Firstly, did you retain a copy of the article?

22 A. If I did retain it? We did have copies of the article.

23 Q. Have you been able to locate a copy of that article in any
24 format; hard copy, electronic format, any format whatsoever?

10:39:26 25 A. No, sir.

26 Q. Where there you say, "We had statements from ECOMOG
27 officials", I don't want their names but were they the same
28 officials who organised your trip to Freetown?

29 A. No, sir.

1 Q. So they were different contacts you had within ECOMOG, were
2 they?

3 A. That's correct, sir.

10:40:02

4 Q. Thank you. Now, on this occasion, were you taken to see
5 Charles Taylor?

6 A. No, sir.

7 Q. At the time that you wrote this article, were you using a
8 computer to compose your pieces?

9 A. Computer, yes, sir. We had computers to run our newspaper.

10:40:20

10 Q. No, my question is different. Were you, Hassan Bility,
11 editor of The National, using a computer to compose your pieces
12 for publication?

13 A. Well, in the publishing business, this is what we did.

10:40:42

14 PRESIDING JUDGE: Mr Witness, were you personally who wrote
15 this article using a computer to compile your articles?

16 THE WITNESS: I do not understand the question, counsel,
17 your Honour.

18 PRESIDING JUDGE: You've referred to an article that was
19 written and you do not have a hard copy of it. How did you write
20 it? By pen, in ink, or did you use a computer?

10:41:03

21 THE WITNESS: The article was typed on the computer,
22 typeset and laid out and taken to the publishing house.

23 PRESIDING JUDGE: I appreciate that I have asked a more
24 specific and you asked a more general question, Mr Griffiths.

10:41:25

25 MR GRIFFITHS: Not at all:

26 Q. Mr Bility, everybody understands how newspapers are
27 published nowadays, but this article was one you composed, was
28 it?

29 A. You mean - this is an article composed, written and

1 published in The National newspaper.

2 Q. No, was it an article you, Hassan Bility, composed?

3 A. It was an article that I had done further work on. It was
4 an article composed by one of my reporters - written by one of my
10:42:03 5 reporters and I had made a follow-up on before publication.

6 Q. Did you physically pick up a pen or use your fingers on a
7 computer keyboard to write this article?

8 A. Well, your Honour, I would like to explain that because the
9 writing of a story in a newspaper is more complicated than a
10:42:34 10 single person picking up a pen to write it.

11 PRESIDING JUDGE: We are asking about your input,
12 Mr Witness.

13 MR GRIFFITHS: Thank you, Madam President.

14 THE WITNESS: I did write a part of it on --

10:42:46 15 MR GRIFFITHS:

16 Q. Thank you. How much of it did you write.

17 A. I'm not sure how much of it, but the fact findings and the
18 speaking to officials of ECOMOG, I did follow up on those.

19 Q. So at some stage that article was committed to an
10:43:18 20 electronic memory on a computer?

21 A. Correct.

22 Q. Have you made any attempts to try and recover that
23 electronic copy?

24 A. I made numerous efforts to retrieve that, but now I want
10:43:41 25 you to remember that this newspaper was shut down completely by
26 the Government of Liberia and police officers were posted in
27 front of it.

28 Q. You have told us all of this.

29 A. Right. So there was no way I could get an electronic copy

1 of it.

2 Q. Were the computers seized by any officials of the Liberian
3 government?

4 A. We were never allowed access to the entire building.

10:44:12 5 Now --

6 Q. Were the computers seized by any officers of the Liberian
7 government? Restrict yourself to that question, please.

8 A. Well, my understanding is the entire newspaper was seized.
9 That included its properties, computers, chairs, tables by the
10 Liberian government.

10:44:35

11 Q. Thank you. On this occasion when you were arrested,
12 firstly, for how long were you detained? Take your time.

13 A. Excuse me, your Honour, sir, I would just like to make a
14 clarification. The shutting down of the newspaper was actually
15 not this third article "ECOMOG and police clash". It was the
16 fourth article, so my memory is actually running ahead of me. It
17 was the last one which they stopped. So this one, it was not
18 shut down. So I was able to revisit, to look at the article
19 "Police ECOMOG clash", and we had it on electronic hard copy in
20 our office. I am sorry, my mistake. I am looking at the arrest,
21 article "S-t-o-p". So, yes, this particular article, we were
22 able to locate it after this particular incident. That's
23 accurate.

10:44:58

24 MR GRIFFITHS: Thank you.

10:45:45

25 PRESIDING JUDGE: In the light of that would you like to
26 put your previous questions again, Mr Griffiths?

27 MR GRIFFITHS:

28 Q. So have you attempted to retrieve a copy of that article?

29 A. Yes, I did attempt to retrieve a copy of that article.

- 1 Q. When?
- 2 A. 2004.
- 3 Q. How did you go about doing that?
- 4 A. I travelled to Liberia.
- 10:46:13 5 Q. And did you physically see the computer?
- 6 A. I did not physically see the computer.
- 7 Q. Did you inquire as to its whereabouts?
- 8 A. I went and inquired - well, by this time the paper did not
- 9 exist.
- 10:46:32 10 Q. Did you inquire about its whereabouts, the computer?
- 11 A. Yes. Yes, sir, I did.
- 12 Q. What were you told as to its whereabouts?
- 13 A. That the paper doesn't not exist any more.
- 14 Q. What were you told about the whereabouts of the computer?
- 10:46:47 15 A. Nobody knew. As far as people that I spoke with - told me
- 16 they didn't know where the computer was.
- 17 Q. Now, help me with this. Can we go back behind divider 1,
- 18 please. Now, help us with this: Are there any archive copies of
- 19 The National newspaper?
- 10:47:39 20 A. There used to be when I was there, but as was the case
- 21 generally in Liberia --
- 22 Q. What about at that Catholic institution?
- 23 A. There might have been.
- 24 Q. Did you attempt to retrieve a copy of the article from
- 10:47:59 25 them?
- 26 A. Copy of the article, this specific --
- 27 Q. Did you try to retrieve a copy of this article from them?
- 28 A. Yes, I did. In 2004.
- 29 Q. And obviously you were unsuccessful?

1 A. Yes, sir.

2 Q. Did you inquire whether there were archive copies at the US
3 embassy?

4 A. No, I did not inquire about that.

10:48:29 5 Q. Now, looking at this first interview, you note, and it's a
6 point we made yesterday but we need to remind ourselves of it,
7 that, having described arrest number one on this page, you go
8 straight on to describe an arrest in January 1998 on the
9 following page with no mention in this interview of arrest number
10:49:01 10 three. You concede that, don't you?

11 A. Yes, I do.

12 Q. Now, is it the case that you forgot to mention it, or is it
13 the case that it just didn't take place?

14 A. It's neither.

10:49:18 15 Q. When I say it just didn't take place, that you were not
16 arrested at all in late 1997. Is that the truth?

17 A. The answer to your question is that it's neither of the
18 suggestions you made.

19 Q. Why is that the case? Please explain.

10:49:39 20 A. It is the case because I was focusing this on my
21 interaction with President Taylor.

22 Q. Yes, but is it the case that you were not arrested at all
23 and that in fact you've made up this account that you were
24 arrested on a third occasion at the end of 1997?

10:50:05 25 A. No.

26 Q. Is that possible?

27 A. No, sir, that is not possible.

28 Q. Is that the reason why there is no mention of that arrest
29 in this first interview?

1 A. No, sir. That is not the reason why there is no mention of
2 it.

3 Q. Well, help me with this, then. Help me, please. If I
4 could have a moment. I'm trying to find a reference and I'm
10:51:01 5 having difficulty. Yes. Have a look, please, behind divider 7.
6 What you're looking at behind divider 7, we needn't put up the
7 first page just yet, is a translation of testimony you gave
8 before a Dutch court. Now, do you recall giving evidence before
9 a Dutch court, Mr Bility?

10:52:03 10 A. Yes, I do.

11 Q. And you were giving evidence against a Mr Gus Kouwenhoven,
12 weren't you?

13 A. Yes, I was.

14 Q. When did you give that evidence before the Court?

10:52:15 15 A. I believe it was in 2006.

16 Q. 2006. Can you help us with a month? Was it April?

17 A. I don't remember the month.

18 Q. Have a look at the second page of that behind that divider,
19 please. You will see Public Prosecutor's Office, then a
10:52:38 20 reference, record of court proceedings, 24 April 2006 to 7 June
21 2006. Do you see that?

22 A. Yes, sir.

23 Q. Now, the evidence that you gave in these proceedings, were
24 you required to take an oath before you gave that evidence?

10:53:00 25 A. I believe yes, sir.

26 PRESIDING JUDGE: Excuse me. When with you say "I
27 believe", does that mean yes or no?

28 THE WITNESS: I believe yes.

29 PRESIDING JUDGE: Please proceed.

1 MR GRIFFITHS:

2 Q. And did you honour that oath and tell the truth?

3 A. I believe I did honour it and told the truth to the best of
4 my memory and recollection.

10:53:32 5 Q. Do you see on that page, if we go about two-thirds of the
6 way down, you give your name, your date of birth, place of
7 residence which I'm not interested in and your employment and
8 then you say, last three lines - you had already been interviewed
9 on three occasions and you say you wrote and composed a statement
10:53:53 10 which you gave to them and you were also interviewed on three
11 days, "Both in the three interviews and in my written statement I
12 spoke the truth?"

13 PRESIDING JUDGE: Just pause, Mr Griffiths. I am checking
14 something to ensure that this is not broadcast.

10:54:07 15 MS IRURA: Your Honour, just to inform the Court that
16 particular portion was shown but the AV booth is redacting that
17 particular portion at this moment.

18 MR GRIFFITHS: My apologies, Madam President. I didn't
19 think quickly enough.

10:54:22 20 PRESIDING JUDGE: I noticed it and we have had a mutual
21 signal.

22 MS IRURA: Your Honour, they have been instructed not to
23 show the document.

24 PRESIDING JUDGE: I think that is the wisest thing to do.
10:54:34 25 It's not necessary, as Mr Griffiths is reading relevant portions
26 into the transcript.

27 MR GRIFFITHS:

28 Q. Can we go now, please, to page 21 where you deal with the
29 details of your arrest. Let's look at line 13 from the top:

1 "It is correct that as shown in my police statement I was
2 arrested seven times. The last time was in June 2002. The first
3 time was in August 1997. That was on the orders of the director
4 of police, Joseph Tate. That was carried out by the special
10:55:33 5 operations division. It concerned a number of charges. One
6 charge concerned an article I had written about the war in Sierra
7 Leone in which I accused the Liberian government of supporting
8 the RUF. I had written that Liberia was carrying out a war by
9 proxy in which they stabbed the ECOWAS in the back.

10:55:57 10 Another charge was because of an article by me which said
11 that the Liberian forces had come into conflict with the ECOMOG
12 and that ten soldiers were killed in that. That was very close
13 to Hotel Africa. At that time I was held at the police
14 headquarters. I was released the next day.

10:56:18 15 The second time I was arrested was on 22 January 1998."

16 Can we take the page off now, please. In this account that
17 you are giving to the Dutch authorities, what you are telling
18 them is on your first arrest you were be arrested for two
19 charges, i.e. one arrest for two charges. One charge being an
10:56:52 20 article you'd written about the Liberian government supporting
21 the RUF, and a second charge about the article about ECOMOG. So
22 that you were arrested for those two charges at the same time.
23 And then the second arrest is in January 1998. So what happened
24 to the completely separate third arrest in late 1997? What
10:57:25 25 happened to that one?

26 A. Counsel, can you please go over your question?

27 Q. All right, Mr Bility. Have a look at the page and I tell
28 you what: Just take your time and read the whole page so you get
29 the import so that the further points that I am going to make,

1 you have them well in mind. Put it back please on the screen,
2 please, Mr Court Usher.

3 A. I don't need them on the screen, your Honour.

4 Q. Mr Bility, according to the account you gave on oath in a
10:58:01 5 Dutch court, you were arrested for the first time in August and
6 on that occasion you were arrested for two things: One, an
7 article about the Liberian government supporting the RUF and
8 another charge was for an article about ECOMOG. Do you
9 understand the point?

10:58:26 10 A. Yes, I do understand the point.

11 Q. Because do you notice that you then jump from that first
12 arrest in August to a second arrest in January. So arrest for
13 government support, arrest for ECOMOG do not appear in this
14 chronology. Can you help us why you were giving a different
10:58:53 15 account to the Dutch authorities?

16 A. I believe, counsel, your Honour, that this was not a
17 different account. What I sought to do in that was to highlight
18 specific issues, specific arrest issues. And as far as the
19 testimony to the Dutch authorities regarding that interview was
10:59:17 20 concerned, I believe I did tell the truth. I did tell the
21 truth --

22 Q. You believe?

23 A. Yes, sir. I believe I did tell the truth based on my
24 understanding and my recollection of the episode. Now, my first
10:59:30 25 arrest has remained consistent with respect to the "Who is the
26 Judas in ECOWAS?" and as I made these comments, these statements,
27 and they were recorded, the sequence was not - in this case, the
28 authorities were interested in specific links. However, we
29 haven't gotten to that. But the arrest in - the first arrest

1 regarding "Who is the Judas in ECOWAS?" and the second "Who is
2 government supporting?" and the third --

3 Q. You've told us that, Mr Bility. Mr Bility, just so that
4 you get the point, let us go through the sequence of arrests as
11:00:14 5 you told the Dutch courts. The first was in August 1997.

6 A. Right.

7 Q. Eight lines below that, "The second time I was arrested was
8 on 22 January 1998". Four lines below that, "The third time was
9 also in 1998". Couple of lines below that, "The fourth time I
11:00:44 10 was arrested was 1 May 2001". Count down seven, "The fifth time
11 I was arrested was in September 2001". "The sixth time I was
12 arrested was in February 2002". Then you go on to deal with the
13 arrest of 24 June.

14 So what happened to the two arrests after the publication
11:01:16 15 of "government supporting" and also the arrest for the ECOMOG
16 article? How come you have set out seven different arrests but
17 you've missed out those two? How come?

18 A. Well, I did not miss them. Why it appears - what is on
19 that transcript shows the absence of those arrests, I might have
11:01:43 20 missed the dates in the --

21 Q. No, no, no. You didn't miss dates.

22 A. However --

23 Q. You missed the events completely.

24 A. Right. However, as far as I know, and as far as I
11:01:56 25 experienced, seven arrests, and those are the chronology, what
26 I've said to you, so if one is absent over there --

27 Q. No, no, no. How many times were you arrested in total,
28 Mr Bility? Seven, wasn't it?

29 A. Correct.

1 Q. In this evidence you've set out seven arrests which omit
2 two that you told these judges about. So what I'm asking is:
3 Why are they missing from this account before the Dutch court but
4 you've told these judges about them? Why?

11:02:36 5 A. Well, I think what happens in that case was the
6 misplacement of arrests - were assigning specific arrests to
7 specific dates. That's my opinion, okay. But what I've said is
8 exactly what I believe happened and I did not consciously or
9 unconsciously remove with respect to dates any specific arrest
11:03:07 10 regarding what I did tell the Dutch court. And the focus, the
11 focus as well - it's important that I mention that the focus of
12 the Dutch investigators, based on my understanding, was on Mr Gus
13 Kouwenhoven's connection to President Charles Taylor.

14 Q. I'm not interested in him. He's not on trial here. It's
11:03:38 15 Charles Taylor who is on trial and you've given evidence about
16 seven arrests and what I would like to know is why is it that two
17 of the arrests you've mentioned to these judges, you've failed to
18 mention them to Dutch judges? Why the difference?

19 A. I'm not sure there were - there are differences. I'm not
11:04:02 20 trying to justify anything there.

21 Q. Mr Bility, please. Take your time and read that page.
22 Mr Bility, have you mentioned on that record being arrested for
23 the government supporting article and being arrested for the
24 ECOMOG article both after October in 1997? Do you mention either
11:04:28 25 of those two arrests in this record of your evidence? Do you do
26 that?

27 A. Of course the evidence is not before me.

28 Q. Do you mention them? Did you mention those two arrests,
29 Mr Bility?

1 A. I believed - I thought I did. I believed that I thought I
2 did.

3 Q. According to this record, did you mention those two
4 arrests, Mr Bility?

11:04:57 5 A. Well, from what you read, if those were the exact
6 transcript, then they aren't separately mentioned.

7 Q. Why not?

8 A. I don't know. Probably because - probably because of the
9 focus of the specific --

11:05:18 10 Q. No, you've told us that before. Mr Bility, help us.

11 A. But --

12 Q. Do you agree that according to this record you have
13 conflated two of the arrests which you've told these judges were
14 two separate events? You've conflated two arrests into one in

11:05:38 15 August 2007, but you've told these judges they were two separate
16 events. So which do you want them to believe; that you were
17 arrested on one occasion for the ECOMOG article and for the Judas
18 article, or that you were arrested separately for the two
19 articles? Which one do you want them to believe?

11:05:59 20 A. Counsel --

21 PRESIDING JUDGE: Just pause, please. August 1997, was it?

22 MR GRIFFITHS: August 1997. Because according to this,
23 Madam President, it's quite clear he is saying he is arrested on
24 two charges --

11:06:14 25 PRESIDING JUDGE: I am clear about the point you are
26 putting, it's just that you inadvertently said 2007.

27 MR GRIFFITHS: I'm sorry, your Honour. It's 1997. My
28 fault.

29 PRESIDING JUDGE: It's August 1997. Address your answer to

1 that, please.

2 THE WITNESS: Right. I do not believe that I have
3 conflicted or they are conflicting.

4 PRESIDING JUDGE: Not conflicting; conflated. Perhaps you
11:06:39 5 can explain that word.

6 MR GRIFFITHS:

7 Q. What I'm suggesting is here in your evidence you conflated
8 two different arrests into one.

9 A. What are they?

11:06:49 10 Q. The arrest for the ECOMOG article and the arrest for
11 "Judas". The points being you do not mention the arrest for
12 "government supporting". And, despite that, you have told these
13 judges that those two articles prompted two quite separate
14 arrests. So, Mr Bility, what I would like you to assist us with
11:07:16 15 is this: Which version is correct; what you told these judges on
16 Monday that there were two separate arrests, or what you told the
17 Dutch judges in April 2006 that it was just one arrest? Which of
18 the two do you want them to accept?

19 A. As far as the transcript and the --

11:07:42 20 Q. No. Which do you want them to accept?

21 A. I think it's the same thing. So, I mean, basically the
22 statements are the same. So unless you want me - I will actually
23 request that the Court allow me to provide an explanation.

24 PRESIDING JUDGE: It is an explanation that is being
11:08:09 25 sought.

26 THE WITNESS: Right, but he's saying me that which one I
27 should say, this or that.

28 JUDGE SEBUTINDE: Mr Witness, I think you are confusing
29 yourself. The question is very clear. Counsel has tried to put

1 it in every which way.

2 THE WITNESS: Okay.

3 JUDGE SEBUTINDE: Before this Court you gave an account
4 whereby in the year 1997 you were arrested twice, once in August
11:08:35 5 after the publication of the Judas article and once in late
6 October after the publication of the support for ECOMOG article.

7 THE WITNESS: Correct.

8 JUDGE SEBUTINDE: That is what you stated in this Court.

9 THE WITNESS: Correct.

11:08:50 10 JUDGE SEBUTINDE: Now, what counsel is confronting you with
11 is the version you gave in the Dutch court whereby you were
12 arrested once in August of 1997 for both articles. There is no
13 mention in the Dutch version of the proceedings to an arrest in
14 late October of 1997 for the article about support for ECOMOG.

11:09:19 15 Do you follow?

16 THE WITNESS: Yes, I do.

17 JUDGE SEBUTINDE: Now the question that the judges would
18 like to hear your explanation for is why is this discrepancy in
19 the two version before the courts, or which of the two versions
11:09:30 20 do you want this Court to believe; the Dutch proceedings version
21 or the one you gave us in this Court? Do you follow?

22 THE WITNESS: I do. So I will give an explanation. Would
23 you take that, counsel?

24 JUDGE SEBUTINDE: Before you wander off into an
11:09:52 25 explanation, you do appreciate the difference between the two
26 versions?

27 THE WITNESS: Yes.

28 JUDGE SEBUTINDE: Right. The simple matter that you would
29 first settle for us is which of the two versions is the correct

1 version that you want the Court to believe?

2 THE WITNESS: All right. While trying not to box it,
3 because I would say that they are generally the same thing -
4 however, what I've said before this Court constitutes the
11:10:18 5 sequence of events, event by event, that obtained.

6 JUDGE SEBUTINDE: So, in other words, you want us to
7 believe the version in this Court and not the version given in
8 the Dutch proceedings?

9 THE WITNESS: What I'm saying, your Honour, this Court and
11:10:48 10 the version or the testimony in what I provided for the - in the
11 Dutch court are generally the same. However, for the benefit of
12 this Court, you know - for the benefit of this Court, the
13 sequence of events that I have provided in this Court, is what I
14 stand by that as the full version and complete version of all the
11:11:22 15 sequence of events that obtained.

16 MR GRIFFITHS:

17 Q. Well, if that's right, Mr Bility, it means then that you
18 were arrested on nine occasions and not seven, because you told
19 the Dutch authorities about seven arrests, omitting two that
11:11:39 20 you've mentioned to these judges. So if we add the two that
21 you've remembered about in this Court it means that you were
22 arrested on nine occasions. Were you arrested on nine occasions?

23 A. No, counsel. I was arrested on seven occasions.

24 Q. So, help me. How were you able to set out seven different
11:12:05 25 arrests in the Dutch court which omitted to mention two that
26 you've mentioned to these judges? How?

27 A. That's exactly what I said; that I can provide an
28 explanation for what appears to be a different version. It's not
29 - the basics are seven arrests and the arrest topics are

1 basically the same. So it is not that the arrests did not occur.
2 I do see that there appears to be differences in arrests
3 attributed to articles. I do see that. But the sequence - the
4 basic sequence is this that I've said. And not attempting - not
11:12:56 5 trying to create two separate sequences, my general belief is
6 that the sequence in terms of articles for which arrests were
7 made remains accurate. And the articles are articles for which
8 these arrests were made and therefore I generally believe that to
9 the best of my ability I'm providing evidence that are truthful
11:13:30 10 and accurate.

11 Q. Help me with something else, then. Let's go back to the
12 page. "It is correct that as shown in my police statement I was
13 arrested seven times". Now, one would expect you to be going on
14 now to explain the seven occasions, wouldn't one? Would you
11:13:54 15 agree?

16 A. Yes, I would.

17 Q. "The last time was in June 2002". So that's is number
18 seven. "The first time was in August 1997. That was on the
19 orders of the director of police, Joseph Tate". Pause there. Is
11:14:16 20 that correct?

21 A. The last or first one?

22 Q. No, no, no. The first one, "The first time was in August
23 1997. That was on the orders of the director of police, Joseph
24 Tate". Is that statement correct?

11:14:30 25 A. That's accurate.

26 Q. So it was Joseph Tate who ordered your arrest. Is that
27 right?

28 A. Well, generally that would be accurate.

29 Q. Thank you.

1 A. But can I expand on that a little bit, your Honour?
2 Whenever President Charles Taylor wanted someone arrested at that
3 time, of course he wouldn't do it himself. There were designated
4 persons and one such person was the director of police. So the
11:15:08 5 men who went to me - and he, Joseph Tate, then director of
6 police, redesignated his own men, led by Saah Gbolie. So I'm
7 sure that statement was in line with what I heard from whoever
8 was asking that question. So Saah Gbolie came to say that I was
9 under arrest, I was being arrested by the orders of the director
11:15:39 10 of the Liberian national police.

11 PRESIDING JUDGE: I understand. Thank you. Please
12 proceed.

13 MR GRIFFITHS:

14 Q. Thank you, but help us with this: How did you know that
11:15:49 15 Charles Taylor had given the order to Joseph Tate?

16 A. How did I know?

17 Q. Yes, that was the question?

18 A. Because I was taken to the headquarters of the NPP to meet
19 with President Charles Taylor and it wasn't difficult to figure
11:16:08 20 out and this was not a country of your - you know, like a country
21 in the west. So there are ways in which people do know things.
22 If the police director arrested you and took you to the President
23 the general inference would be the President wanted you.

24 Q. Now help us with this. Let's just continue reading. "That
11:16:33 25 was carried out by the special operations division. It concerned
26 a number of charges". Did your first arrest concern a number of
27 charges?

28 A. Well, what I sought to do there --

29 Q. Did your first arrest concern a number of charges, yes or

1 no?

2 A. I'm sorry, counsel, it's more complicated than providing a
3 yes or no answer to.

4 Q. Go on then.

11:17:02 5 A. Good. The government did not say, "We have arrested you
6 and we have charged you with this". In that case I would go to
7 court. The reason we have that is that when I was arrested I was
8 told that I had done this and I considered that as a charge the
9 government had against me, counsel.

11:17:40 10 Q. So no-one actually said to you, "Mr Bility, I'm arresting
11 you for writing this article and I'm also arresting you for
12 writing the second article". Nobody actually said that to you?

13 A. Well, that was --

14 Q. Did they say that to you or not?

11:18:01 15 A. That was said to me and I know that was it.

16 Q. So they actually said to you, "Mr Bility, you are being
17 arrested on this charge and on this second charge". They
18 actually said that to you, did they?

19 A. No, they did not say, "We are arresting you because of this
11:18:21 20 charge". They did talk about arresting me because I had written
21 something.

22 Q. So, help me, please. Why then did you say to the Dutch, "I
23 was arrested. It concerned a number of charges"? Bearing in
24 mind you're an editor and you understand the use of that word,
11:18:39 25 why did you tell the Dutch judges that?

26 A. Well, the reason I wrote that, I mean I said that, was that
27 my understanding of the arrest was such that it was a charge.
28 First under President Charles Taylor, I mean, we didn't have the
29 opportunity to go to court. It's only the Court that charges

1 you, a person. But for him, he was the judge, he was the Court,
2 he was everything. So --

3 Q. No, I'm not interested in that speech.

11:19:20

4 A. And it is in that context, counsel, your Honour, judges,
5 that I made that statement. I never got to go to court for
6 anything.

7 PRESIDING JUDGE: The question, and Mr Griffiths will
8 correct me, revolves around the use of the word "number of
9 charges".

11:19:34

10 MR GRIFFITHS: Your Honour is exactly right.

11 THE WITNESS: Okay. Now, remember I've said, based on my
12 recollection, arrested for these articles. They always had
13 charges against us.

11:20:02

14 PRESIDING JUDGE: Mr Witness, pause. I do not know if
15 you're making a general observation or you're directing your mind
16 to what you told the Dutch court. That is what this line of
17 questioning is about.

18 THE WITNESS: Yeah, I'm - well, I think I'm answering the
19 counsel's question regarding number of charges.

11:20:20

20 MR GRIFFITHS:

21 Q. Why did you use the phrase to the Dutch judges, "It
22 concerned a number of charges"?

23 A. Because I thought that phrase was an accurate
24 representation of the situation.

11:20:41

25 Q. Very well. In that case then, Mr Bility, explain this to
26 us, please: On the first occasion when you were in fact
27 arrested, if I understood what you told us on Monday, that was
28 only in relation to the Judas article, wasn't it?

29 A. Correct.

1 Q. So why then did you tell the judges that you were arrested
2 for a number of charges?

3 A. Well, as I said, President Taylor and his government always
4 had quote unquote charges against me. They believed that --

11:21:31 5 Q. Mr Bility, I'm sorry, I'm going to cut across you, with
6 respect, because we are taking much too long over this because
7 you continue to make speeches. The question is very simple.
8 When you were arrested in August 1997 it was only in relation to
9 the publication of one article, wasn't it?

11:21:54 10 A. Correct.

11 Q. So, help us. Why did you tell the judges that you were
12 arrested - your arrest concerned a number, plural, of charges?
13 Why did you say that?

14 A. Right. I mean, that's simple, counsel. Arrested for an
11:22:14 15 article and then taken to the President and he tells me a number
16 of things; he raises a number of concerns. One, I'm intent, I'm
17 bent on undermining his government. He tells me about being -
18 working for other people, being an agent, being this so, as I
19 said, a wide range of issues he discusses with me, I'm standing
11:22:46 20 there, he talks about, so I thought that that constituted, in his
21 sense he was the Court and he was the judge - a number of charges
22 in that particular circumstance - I'm not trying to be a lawyer
23 myself which I am far, very far from of course, so that is why I
24 used the phrase "a number of charges". Now, I can understand
11:23:15 25 being a lawyer the counsel concerns for the legal implication of
26 that but what I sought to do is to tell some of the things of
27 which I was being accused for, by President Taylor, so thus the
28 phrase a number of charges.

29 Q. I agree Mr Bility that you are not a lawyer. What I

1 suggest you are is a liar and that's the truth, isn't it?

2 A. Counsel, that is not the truth, sir.

3 Q. Because let's go back to the page, shall we.

4 "One charge concerned an article I had written about the
11:24:08 5 war in Sierra Leone in which I accused the Liberian government of
6 supporting the RUF. I had written that Liberia was carrying out
7 a war by proxy in which they stabbed the ECOWAS in the back.
8 Another charge was because of an article by me which said that
9 the Liberian forces had come into conflict with the ECOMOG and
11:24:31 10 that ten soldiers were killed in that. That was very close to
11 Hotel Africa. At that time I was held at the police
12 headquarters. I was released" - have a look - "the next day."

13 Now remember, October 2004 you told the judges in Sierra
14 Leone two days. We are now in April 2006. Once again you are
11:25:06 15 telling another set of judges two days, when you've told us that
16 you were never kept for two days. So help us: Why, according to
17 three different sets, independent sets of records, are you saying
18 you were detained for two days the first time you were arrested?
19 Why?

11:25:33 20 A. I believe that I probably misspoke.

21 Q. For a second time?

22 A. Yeah. For my position, for one day, is what I stand by and
23 I do not believe that the statements are inaccurate. I believe
24 that the testimonies are very accurate. Counsel.

11:26:07 25 Q. Now, you notice also, you say here that you were held at
26 police headquarters, no mention of the ministry of justice, is
27 there?

28 A. Where?

29 Q. On the page in front of you, Mr Bility.

1 A. There is no page in front of me, counsel.

2 Q. Well, don't put it on the overhead. Just place the page in
3 front of him. Do you see about a third of the way down the page,
4 "another charge was because of an article written by me which
11:26:40 5 said that the Liberian forces" - do you see that passage?

6 A. Right, I do.

7 Q. And do you see reference to being held at the police
8 headquarters and being released the next day. Do you see that?

9 A. Yes, sir.

11:26:58 10 Q. Thank you. Now, help us, please, Mr Bility because you
11 note, you go on in the next line, keep your eye on the page
12 please, to say that "the second time I was arrested was on 22
13 January 1998." Now, help us first of all with this: Why no
14 mention in that record of your arrest of being taken to Charles
11:27:25 15 Taylor and being questioned by him? Why no mention of that?

16 A. Which record? Which one?

17 Q. This first, the account you are giving here of the first
18 arrest, you make no mention of being taken in front of Charles
19 Taylor and I'm asking you, why have you omitted to mention that?

11:27:45 20 A. Counsel, the - I did not omit that. If it is not recorded
21 in there it doesn't obviate the fact that it happened.

22 Q. No. Why did you not mention it, Mr Bility?

23 A. I don't know why but I, what I do know is that my focus was
24 on a completely different aspect, as far as writing this article,
11:28:18 25 this thoughts - as far as the provision of this statement was
26 concerned.

27 PRESIDING JUDGE: Mr Griffiths, we've been alerted that the
28 tape is about to expire. Mr Witness, we are now going to take
29 the mid-morning break. We will be adjourning until 12. Please

1 adjourn court now.

2 [Break taken at 11.30 a.m.]

3 [Upon resuming at 12.00 p.m.]

4 PRESIDING JUDGE: Ms Hollis, you are on your feet.

11:59:21 5 MS HOLLIS: Yes, Madam President. I rise to give
6 information relating to the original of the handwritten notes
7 that were found in the Defence bundle at tab 9. The Prosecution
8 does have the original of those notes. However, the Prosecution
9 has the original in our evidence unit in Freetown. We have asked
11:59:40 10 that those originals be DHL'd to us today from Freetown.

11 PRESIDING JUDGE: Thank you for that information,
12 Ms Hollis. I know that DHL are not always the fastest people in
13 the world. Mr Griffiths, you have heard counsel for the
14 Prosecution.

11:59:57 15 MR GRIFFITHS: And I am grateful for that indication, Madam
16 President, and thanks to the Prosecution.

17 PRESIDING JUDGE: Please proceed with your
18 cross-examination, Mr Griffiths.

19 MR GRIFFITHS:

12:00:04 20 Q. Mr Bility, can we go back, please, to that page we were
21 looking at before we adjourned and you will find it behind
22 divider 7 at page 21. Before the short adjournment we had looked
23 at the account you had given regarding that first arrest and,
24 just to remind you of what it said, you will see about 13 lines
12:00:56 25 from the top of the page, arrested seven times, the last time was
26 in June 2002, the first was in August 1997. And you go on to
27 give details of that concluding in this way, "At that time I was
28 held at the police headquarters. I was released the next day".
29 Now, you recall me asking you questions about that passage before

1 the break, don't you?

2 A. Yes, sir.

3 Q. And the last question I asked you before the break and in
4 respect of which I would like your assistance is this: Why is
12:01:37 5 there no mention of being taken to see Charles Taylor and being
6 interrogated in the description you gave to the Dutch judges?

7 A. I guess that must have been a mistake on my part.

8 Q. Very well. Now, you will note that the very next line
9 says, "The second time I was arrested was on 22 January 1998".

12:02:10 10 A. Yes, I do see that, counsel.

11 Q. Do you agree, Mr Bility, that it follows that the account
12 you gave then of one arrest in 1997 and a second arrest in
13 January 1998 is totally at odds with the account you gave these
14 judges that you were arrested three times in 1997? Do you agree?

12:02:43 15 A. I do agree that this one is different.

16 Q. And, help me, how can you account for the difference if you
17 are consistently telling the truth?

18 A. Well, I believe that I am consistently telling the truth
19 and I also believe that this one that says second in 1998,
12:03:10 20 actually it should be 1997 in this case and it should be
21 referring to "Who is government supporting?"

22 Q. Yes, but you say a specific date, a date which you gave to
23 these judges, 22 January 1998, and you gave us a reason why that
24 date stuck in your mind, because it is linked to the birthday of
12:03:40 25 one of your children, isn't it?

26 A. That is accurate.

27 Q. So that particular date is consistent, but in this account
28 you're saying that date is the date of the second arrest. So,
29 help us, Mr Bility. How is it that one arrest in 1997 as told to

1 the judges in 2006 becomes three arrests in 1997 as told to these
2 judges in 2009? How?

3 A. As I said, this might have been typos, errors.

4 Q. No, no. This is a transcript of what you said.

12:04:26 5 A. Right, okay, not typo actually. This may have been a
6 mistake of remembering there. But I do agree that 1998, 22
7 January, which has to do with my son's - my first son's birth, 12
8 days earlier was actually the arrest - the last arrest at The
9 National newspaper. However, I do see here me saying this. I
12:05:01 10 believe that I did misspeak in these instances. But there were
11 four arrests at The National, the last of which happened on 22
12 January 1998.

13 Q. But, you see, according to what you have told us the arrest
14 on the 22 January 1998 was the fourth arrest. So, Mr Bility, you
12:05:31 15 know it really is a simple question and it would be helpful if
16 you could give us an answer. Why have the number of arrests
17 grown from one to three in three years?

18 A. In what years, sir?

19 Q. In three years. From 2006 to 2009 they have grown from one
12:05:52 20 arrest to three arrests and the simple question is why?

21 A. I'm sure I don't understand that question. Are you
22 asking --

23 Q. No, no, in this account in 2006, "Judges, I was arrested
24 once in 1997". We move on three years, we are now in January
12:06:20 25 2009, you now say, "I was arrested three times in 1997". Now
26 those two accounts are diametrically opposed, aren't they?

27 A. Yes, sir, they are.

28 Q. And would you agree that both of them can't be true?

29 A. Generally I will agree that both of them are true.

1 Q. That both of them are, or that both of them aren't?

2 A. A-R-E, are.

3 Q. How can they both be true, Mr Bility, please?

4 A. Answer, counsel?

12:07:00 5 Q. Yes, please.

6 A. As I have already and always said, the sequence of arrests,
7 it is - I do agree that there is a possibility that I may have
8 confused one arrest date with the other, all right? That would
9 be my fault. But the fact is - and I have tried over the years

12:07:28 10 to remember as best as I can - that this sequence that I have
11 provided three in 1997, first "Judas", "Who's government
12 supporting", "ECOMOG clash", that are more accurate as far as my
13 memory and recollections are concerned. I do agree that this is
14 a transcript. If I did say this I believe that I may have - I

12:08:10 15 might have misspoken at the time. So, therefore, I believe what
16 I am telling now is a more accurate representation based on my
17 recollection of the events that obtained within that period,
18 counsel.

19 Q. But Mr Bility --

12:08:32 20 A. Yes, sir.

21 Q. -- prior to giving evidence before these Dutch judges you
22 had been asked to put together a statement which is behind one of
23 these dividers, which you did. You were then interviewed on
24 three separate days, the 19th, 20th and 21 April by the Dutch
12:08:57 25 police and that same month you were then asked to give evidence
26 before Dutch judges. So wouldn't you agree you had had ample
27 opportunity to wrack your brain and to put together a consistent
28 account of what had happened to you? So, help us. How did you
29 come to misspeak yet again on this occasion? How?

1 A. Counsel, it is true that I did go through this, speak with
2 the - I did speak with the Dutch investigators and that I did
3 have ample time. What is also true is that I was - I am a
4 working person. I have a lot of other things that I did and
12:09:50 5 still do so it wasn't like these were the only thing. I am not a
6 Prosecutor in this case. I was assisting the Prosecutors. So it
7 wasn't like this was the only thing that I had to crack, quote
8 unquote, crack my brains on. I had in my opinion better things
9 which are my family activities, I had to do work, take care of my
12:10:14 10 kids, my wife. So I try - the time that I had, to the best of my
11 ability, memory and recollection to put on paper what I
12 remembered at the time and that does not undermine, in my
13 opinion, the basic sequence of events overall.

14 So it wasn't like I was hired, "Oh, you have to do this, do
12:10:48 15 this, do this, just keep your attention on this." No, I hadn't
16 even looked at the Sierra Leone transcript since 04 to date, up
17 to this particular case, likewise this. I do agree that you're a
18 basic person but equally so I am as well so it is not like I
19 am --

12:11:08 20 PRESIDING JUDGE: Mr Witness, you are talking about
21 refreshing your memory by reading transcripts. The question that
22 was directed to you is: How did you come to misspeak yet again
23 on this occasion?

24 THE WITNESS: I don't know how. What I do know is that it
12:11:25 25 was not something that, you know, I occupied myself with. Each
26 time the investigators spoke, asked me, when I, you know, I just
27 put what I remembered at the time on paper.

28 MR GRIFFITHS:

29 Q. Okay. Let's move on, please, and let's see the account you

1 give of the arrest on 22 January:

2 "The second time I was arrested was on 22 January 1998. I
3 think that was at the instructions of the Liberian government of
4 Charles Taylor."

12:12:10 5 Pause there. Now, note: In relation to arrest number one
6 you had told those judges that was on the orders of the director
7 of police, Joseph Tate, but you have told us you assumed it was
8 Charles Taylor who had given that order. On this occasion,
9 though, you say quite specifically that your arrest was at the
12:12:34 10 instruction of the Liberian government of Charles Taylor. Why
11 the difference?

12 A. Counsel, I do not see a difference between them. The way -
13 there is a consistent pattern that the Liberian government under
14 President Charles Taylor operated so if I said --

12:12:59 15 Q. No, no, no, I am not asking about your views about how the
16 Charles Taylor government operated. Look at the page. In
17 relation to arrest number one you say it was on the orders of the
18 director of police. In relation to arrest number two you say it
19 was on the instruction of Charles Taylor.

12:13:24 20 MR SANTORA: Objection. The actual, what the witness said
21 in the second instance was to put it whole - I think that was the
22 instructions of the Liberian government of Charles Taylor. It is
23 fair to put it properly as to what he actually - what is actually
24 recorded.

12:13:39 25 PRESIDING JUDGE: Please read it as it is recorded,
26 Mr Griffiths.

27 MR GRIFFITHS: Very well:

28 Q. On the first arrest you say that was, no doubt about it, on
29 the orders of the director of police Joseph Tate. On the second

1 occasion you say, "I think that was at the instruction of the
2 Liberian government of Charles Taylor". Question: Why that
3 difference in the evidence you gave before the Dutch judges?

12:14:16 4 A. Counsel, I do not see that as a difference. I did not see
5 that as a difference. Charles Taylor, President Charles Taylor,
6 the police director Joseph B Tate and the Liberian government, I
7 saw them as one.

8 Q. Very well.

9 A. So in my opinion, therefore, if the arrest was ordered by
12:14:34 10 Charles Taylor, or if the arrest was ordered by Joseph Tate,
11 director of police, it very much was the same as being ordered by
12 Charles Taylor. However, in this particular instance, where I
13 said I believe it was ordered by Joseph Tate the action sending -
14 Charles Taylor didn't send Saah Gbolie to go there when somebody
12:15:00 15 was being arrested. President Taylor ordered his director of
16 police who in turn who executed the order. He didn't - he
17 wouldn't - he didn't go there like himself. He would send
18 somebody to do the arrest. That is why I believe that it is
19 still consistent.

12:15:24 20 Q. Let's continue. "If as a journalist you were arrested on
21 Taylor's instructions, you did not get an official document.
22 Armed men came in, they grabbed you and threw you into a pick-up
23 truck. That time I was held for about a week. They never
24 officially charged me." Is that correct?

12:15:59 25 A. Generally, that is correct.

26 Q. Why generally?

27 A. Well, you said if - I am sorry, can you please restate the
28 question? Is it a question? The question was preceded by a
29 statement. I would like to listen to that statement.

1 Q. That account on that page which I have just read out, is it
2 correct?

3 A. What account is that?

4 Q. The account of the second arrest, Mr Bility?

12:16:32 5 A. Well, this is not, I have said, the second arrest.

6 Q. Well, the account as you gave it to those judges that it
7 was the second arrest, is it correct?

8 A. I have said, counsel, that I might have misspoken and that
9 the true account is that this January 22nd 1998 arrest was not
12:17:03 10 the second arrest.

11 Q. All right, forget which arrest it was. The account you
12 gave here about your arrest in January 1998, is it a correct
13 account?

14 A. Yes, sir, I believe it is generally accurate.

12:17:30 15 Q. Very well.

16 JUDGE LUSSICK: But, Mr Witness, what do you mean by
17 generally? Do you mean that in specifics it might not be
18 accurate?

19 THE WITNESS: What I mean is that, what I am saying here,
12:17:44 20 it relates to some other dates and some other instances. That is
21 why I say that it is generally accurate.

22 JUDGE LUSSICK: Well, I don't understand what you are
23 saying. I must say, Mr Witness, I am having trouble
24 understanding the whole passage of this evidence, but what did
12:18:08 25 you mean by your last statement? You said, "What I mean is that
26 what I am saying here it relates to some other dates and some
27 other instances. That is why I say that it is generally
28 accurate." What do you mean?

29 THE WITNESS: The arrest - the January 1998 arrest - did

1 occur. However, it was not the second arrest.

2 PRESIDING JUDGE: Could I also clarify a point,
3 Mr Griffiths. The transcript that has been read to you says, "If
4 as a journalist you were arrested you did not get an official
12:18:51 5 document. They grabbed you and threw you into a pick-up." Now,
6 are you saying that happened to you personally, because this is
7 not in the first person; it is in the second person.

8 THE WITNESS: Well, I would actually seek clarification on
9 what does the counsel mean I did not get official document?

12:19:14 10 PRESIDING JUDGE: I am reading out what you - words that
11 you are recorded as having said before the Dutch judges.

12 JUDGE SEBUTINDE: The page is in front of you.

13 THE WITNESS: All right. Okay, official document meaning
14 arrest warrant.

12:19:29 15 PRESIDING JUDGE: I am talking about the sequence of
16 events. Don't go into the particularities of what it means, what
17 a particular paper means. Are you saying that is the sequence of
18 events that happened to you, Mr Witness?

19 THE WITNESS: I am lost here. The sequence of events is
12:19:50 20 three in 1997 and one in 1998.

21 PRESIDING JUDGE: We are going to - listen to what - please
22 listen to what I am saying.

23 THE WITNESS: All right.

24 PRESIDING JUDGE: In the transcript you have before you,
12:20:00 25 which are the words you are supposed to have - you are reported
26 as having said to the Dutch judges, you say, "If you were
27 arrested on Taylor's instructions you did not get an official
28 document. They grabbed you and threw you into a pick-up." I am
29 asking if you are making a general statement there because you

1 say "you", "you", "you", or are you saying in that statement "I
2 was arrested on Taylor's instructions. I did not get an official
3 document. They grabbed me and threw me into a pick-up"? Do you
4 appreciate the different - my point now?

12:20:42 5 THE WITNESS: Right, specifically what you have just said
6 that is correct.

7 MR GRIFFITHS:

8 Q. What?

9 PRESIDING JUDGE: Did that happen to you?

12:20:51 10 THE WITNESS: Yes, that did happen to me.

11 MR GRIFFITHS:

12 Q. And did that happen to you on your arrest in January 1998?

13 A. Yes, sir, that happened to me on my arrest January 1998.

14 Q. I am now going to move to that arrest. Now, that arrest in
12:21:08 15 January 1998, on the version of events, you gave these judges was
16 in fact the fourth arrest. Is that right?

17 A. That is correct.

18 Q. And this arrest we can style as the "Stop" article arrest?

19 A. Correct.

12:21:31 20 Q. By way of explanation, President Taylor had been out of the
21 country and on his return a press conference was held?

22 A. Correct.

23 Q. At that press conference he made a comment about the
24 behaviour of journalists in Liberia tending to undermine his
12:21:53 25 government and expose the Government of Liberia to international
26 ridicule?

27 A. Correct.

28 Q. And when making that statement to the assembled audience of
29 journalists he was wagging his finger at them in a threatening

1 way?

2 A. Correct.

3 Q. You heard this on the radio and later saw clips on the
4 television?

12:22:19 5 A. Correct.

6 Q. You therefore decided to write an editorial complaining
7 about the insidious nature of such threats to a free press in
8 Liberia?

9 A. Correct.

12:22:36 10 Q. Following publication of that article, a group of security
11 personnel went to the offices of The National newspaper and
12 arrested you?

13 A. Correct.

14 Q. Now, so far as that article again is concerned, as with the
12:22:55 15 ECOMOG clash article, you don't have a copy of that, do you?

16 A. I do not.

17 Q. And have you attempted to obtain such a copy?

18 A. Yes, sir.

19 Q. Thank you. And when was it that you attempted to obtain
12:23:14 20 such a copy?

21 A. I attempted to obtain such a copy in 19 - sorry, in 2004.

22 Q. Thank you, but you were unsuccessful?

23 A. Yes, sir, I was.

24 Q. Now, following the publication of that article, security
12:23:35 25 personnel arrived at the offices and you were arrested and
26 beaten. Is that right?

27 A. That is correct.

28 Q. You were taken to the police headquarters. Is that right?

29 A. Yes, correct.

1 Q. And you were taken to the offices within the police
2 headquarters of the police director, Joseph B Tate?

3 A. Correct.

4 Q. He in turn asked one of President Taylor's security
12:24:08 5 personnel, one Montgomery, Joseph Montgomery, was it?

6 A. I think the first name might be Joseph. I am not sure, but
7 the last name of Montgomery I am --

8 Q. Asked to take you to the Executive Mansion?

9 A. Correct.

12:24:26 10 Q. Now, this would have been the second arrest - no, the third
11 arrest where following arrest you were taken to Taylor. Is that
12 right?

13 A. Can you please restate that.

14 Q. This would be the third occasion when following your arrest
12:24:43 15 you were taken into the presence of President Taylor?

16 A. The "S-t-o-p" article, is that what you're referring to,
17 would be the third?

18 Q. That's what we have been talking about. This arrest on 22
19 January would be the third time where your arrest was followed by
12:25:06 20 you being taken to Charles Taylor. That's right, isn't it?

21 A. No, that's not right.

22 Q. Well, hold on. Arrest number one in August, you tell us
23 you were taken to Mr Taylor's residence by the German embassy.
24 Arrest following "Who is government supporting?" you were taken
12:25:28 25 to the NPP headquarters?

26 MR SANTORA: Objection. Counsel is misstating the
27 witness's evidence. Especially with relation to taken - the
28 first arrest, there is no evidence in relation to the German
29 embassy and it was in relation to the NPP headquarters. I just

1 believe it may be inadvertent but counsel is misstating the
2 witness's evidence.

3 MR GRIFFITHS: No, his evidence is to the effect that the
4 first arrest he was taken to premises then Mr Taylor's residence
12:26:02 5 near the German embassy.

6 MR SANTORA: No, the first interaction with Mr Taylor on
7 the direct examination was at a press conference at the German
8 embassy or the old German embassy.

9 MR GRIFFITHS: Rather than us dispute it, let's ask the
10 witness:

11 Q. On the first arrest where were you taken to see Mr Taylor?

12 A. At the headquarters of the National Patriotic Party,
13 Sinkor, Monrovia.

14 Q. Very well. After the second arrest, where were you taken?

12:26:31 15 A. The second arrest I was taken to the headquarters of the
16 Liberian national police.

17 Q. The third arrest - the fourth arrest where were you taken?

18 A. Pardon, the fourth?

19 Q. The fourth arrest in January, where were you taken?

12:26:45 20 A. I was taken to see - I was taken first to the headquarters
21 of the Liberian national police and then later on to see
22 President Charles Taylor at his - at the Executive Mansion.

23 Q. So consequently, as I was trying to establish some five
24 minutes ago and it has taken that long, this occasion in January
12:27:09 25 was the third time when you had been arrested and taken into the
26 presence of Charles Taylor?

27 A. No.

28 Q. Well, hold on. On the first one you are taken to the NPP
29 headquarters to see him. Is that right?

1 A. That's correct.

2 Q. On the second one you were taken to where?

3 A. To the headquarters of the LNP.

4 Q. And did you see Mr Taylor?

12:27:36 5 A. No, second.

6 Q. On the third occasion did you go to see - the third
7 occasion you were arrested were you taken to see Mr Taylor?

8 A. The third occasion I don't believe I was taken to see
9 Mr Taylor, no.

12:27:48 10 Q. So in January 1998 are you saying this was only the second
11 time following your arrest that you were taken into the presence
12 of Mr Taylor?

13 A. To the best of my recollection, yes, counsel.

14 Q. Thank you. Very well, my fault. And where was it you were
15 taken to?

12:28:11 16 A. The Executive Mansion.

17 Q. And you told us this on Monday: "I was taken into a small
18 waiting room after which I was brought to President Taylor".

19 Now, you had been beaten by the police on the way to Mr Taylor,
20 hadn't you?

12:28:31 21 A. Yes, sir.

22 Q. And so you were in his presence, bruised and bleeding?

23 A. Correct.

24 Q. You then go on to give the account that Mr Taylor - about
25 Mr Taylor questioning you.

12:28:50 26 A. Correct.

27 Q. And he also went on to threaten that he would shut down
28 your newspaper, didn't he?

29 A. Correct.

1 Q. And I am now reading from the transcript of Monday's
2 proceedings, from page 22342, line 24:

3 "After my arrest and subsequent release I didn't go to work
4 that day. I went to hospital to a small clinic on Jamaica Road,
12:29:20 5 Bushrod Island."

6 Yes?

7 A. Correct.

8 Q. So the sequence is you are arrested, taken to the mansion,
9 you see Mr Taylor, you are then released and you go to the
12:29:33 10 hospital. Yes?

11 A. Correct.

12 Q. Thank you. So it all happened in one day?

13 A. Excuse me, sir?

14 Q. It all happened in one day?

12:29:52 15 A. To the best of my recollection it happened within that time
16 frame, that one day, and there is a --

17 Q. No, no, no, Mr Bility. You know where I'm going, that's
18 why you're trying to fudge. Have a look again at page 21 in
19 relation to that second arrest. "I was held for about a week".

12:30:22 20 Do you see that? About that arrest in January 1998, do you see
21 you told the judges you were held for a week? Now you are
22 telling these judges it was just for one day. Which account is
23 right?

24 A. The account as to what happened --

12:30:49 25 Q. Mr Bility, I'm sorry, but we are wasting too much time.
26 Were you held for a week in January 1998, or were you held for a
27 day? Which is right?

28 A. Well, what is right is I was held for a full day and I was,
29 I believe, based on my understanding and contacts, monitored for

1 a week or even more.

2 Q. Mr Bility, I suggest that you are a liar and you are quite
3 blatantly lying to these judges because you cannot get out of
4 this situation, because you told one set of judges in 2006,
12:31:33 5 April, that you were detained for a week. You are now telling
6 these judges, three years later, you were only detained for a
7 day. The two of them can't be right, can they?

8 A. The two, one day arrest, and I am trying to figure how to
9 put this in --

12:31:58 10 Q. Yes, take your time to work out the lie, please.

11 MR SANTORA: Objection.

12 MR GRIFFITHS: Madam President, I apologise, but it is
13 rather frustrating.

14 PRESIDING JUDGE: I accept it is frustrating, but --

12:32:12 15 MR GRIFFITHS: I know. I am sorry. I'm sorry.

16 THE WITNESS: Actually I was being - I was under what I
17 will refer to as surveillance and that form of surveillance after
18 my release, I considered that as being confined as to where I
19 went, where I didn't go.

12:32:32 20 Now, counsel, the situation in Liberia then is more
21 complicated than what you probably have - you know, what you
22 understand about it. If I were arrested, there were times that I
23 was arrested, released and I would still see people come to me to
24 tell me, "Well, we are watching you", make threatening statements
12:33:02 25 to me. Generally, conceptually, I considered those as some form
26 of detention most likely mental. However, physical detention in
27 this specific case was not a week, but I believe that if my
28 movement, my thinking, my activities are being monitored by a
29 security force with whom I have had several interactions, better

1 ones, I generally believe and I consider that as being detained.
2 So I would like to put that in context.

3 PRESIDING JUDGE: Thank you, we are clear now. Please
4 proceed, Mr Griffiths.

12:33:52

5 MR GRIFFITHS:

6 Q. Now, in the account you gave us about this arrest on
7 Monday, did you mention anything about being thrown into a
8 pick-up truck?

12:34:09

9 A. I don't remember if I did say that, but this last - this
10 last one, 22 January, absolutely I remember that vividly
11 regarding the instances that obtained. I think - I believe -
12 that I did mention that I was being beaten in the building above
13 Sabanoh Printing Press, brought down and there was a pick-up
14 truck with RL, Republic of Liberia, licence plates standing
15 outside at which back I was thrown in.

12:34:35

16 Q. Yes, but can we just establish now the sequence is:
17 Arrest; taken to the police station; handed into the custody of
18 Montgomery who takes you to the Executive Mansion; you are then
19 released and you go to the hospital. Is that all correct?

12:35:02

20 A. I am allowed to seek medical treatment.

21 Q. I'm sure you are.

22 PRESIDING JUDGE: We are not querying that, Mr Witness. Is
23 the sequence recited by counsel correct?

24 THE WITNESS: The sequence is not entirely correct.

12:35:15

25 MR GRIFFITHS:

26 Q. All right, tell us what the sequence is, just quickly.
27 First what happens; you're in the office?

28 A. First I am in the office and a group of armed men walk into
29 the offices of The National. They asked a reporter where I was.

1 They pointed at there and they attacked me.

2 Q. Mr Bility, I am sorry to interrupt. I just want the
3 sequence of your movements. Please, can we do it shortly. You
4 were arrested at your office, is that correct?

12:35:46 5 A. Correct.

6 Q. Where were you taken?

7 A. Liberia national police headquarters.

8 Q. Who did you see there?

9 A. Joseph B Tate.

12:35:54 10 Q. Did he hand you to Joseph Montgomery?

11 A. He handed me to Montgomery.

12 Q. Where did Montgomery take you?

13 A. To the Executive Mansion.

14 Q. How long did you stay there?

12:36:03 15 A. In terms of time, that was pretty much the same day.

16 Q. Yes, how long did you stay there? I know it was the same
17 day, that's obvious, but how long? How long did you stay there?

18 A. I don't know.

19 Q. A couple of hours?

12:36:15 20 A. I don't know.

21 Q. All day?

22 A. Not all day.

23 Q. What time - there came a time when you were released that
24 day. Is that right?

12:36:23 25 A. There came a time I was released from the Executive
26 Mansion.

27 Q. And where did you go from the Executive Mansion?

28 A. To the police headquarters.

29 Q. And from there where did you go?

1 A. I was generally released. I was in the end released and in
2 the evening at which time I was able to go to --

3 Q. The hospital?

4 A. The hospital.

12:36:47 5 Q. Thank you very much. We have got that clear now. Thank
6 you. Now, so far as the conversation you had with President
7 Taylor - bearing in mind of course the reason why you had been
8 arrested was because of an article which spoke about the threat
9 to press freedom. Is that right?

12:37:14 10 A. That's correct.

11 Q. However, when you went to President Taylor, according to
12 you President Taylor inter alia said to you, first comment, this
13 is page 22341 of Monday's transcript, the first comment he said:

14 "Are you not going to forget this reporting?" So once he
12:37:38 15 said that I didn't respond and he began to talk to say - he asked
16 if I were a spy, if I worked for Tejan Kabbah, President Kabbah
17 then. And he said, well, this whole ECOMOG/RUF whatever business
18 I was reporting on, that in fact he didn't care about ECOMOG or
19 what-MOG and he said if I wasn't careful I would lose my life
12:38:02 20 from reporting on those issues and that is involvement with
21 Sierra Leone, his business in Sierra Leone was nobody else's
22 business or was nobody else's business, and he thought that the
23 RUF was fighting a just war and that there is nothing that
24 anybody could do about it. He wouldn't allow any arm twisting
12:38:21 25 tactics and that basically many things, but there were some key
26 points - key things that I picked up from what he said?"

27 Then you went on, page 22342 line 8:

28 "I just listened. I sat there and listened because I was
29 scared and he said that I was paid by Tejan Kabbah or I worked

1 for Tejan Kabbah. I said, 'No, I don't know him. I don't work
2 for him.' And he specifically mentioned that Kabbah was an
3 enemy, you know, by associating with ECOMOG in the first place.
4 So I was trying to prove one point, that I didn't work for
12:39:00 5 President Tejan Kabbah and I was not a spy. So those were the
6 answers I gave, you know, I wasn't - he said he would shut the
7 newspaper. After my arrest and subsequent release I didn't go to
8 work that day, I went to hospital."

9 Now, pause for a minute and just think about this: You are
12:39:20 10 arrested in relation to an article about press freedom, but
11 according to you President Taylor spends all the time talking
12 about President Kabbah and the RUF. Mr Bility, does that make
13 sense to you?

14 A. Yes, sir, it did - it does make sense. It does make sense
12:39:45 15 to me and it would make sense to anybody who was observing the
16 unfolding events in Liberia at the time, so, if you want me to
17 further expand why --

18 Q. Please don't.

19 A. Huh?

12:39:58 20 Q. Please don't.

21 A. Okay.

22 Q. But would you agree that in the account you gave us on
23 Monday there is no suggestion that when you arrived in front of
24 Mr Taylor, despite the ostensible reason for your arrest, no
12:40:13 25 mention according to you is made of press freedom. Instead all
26 you are questioned about is Tejan Kabbah. That was the content
27 of what you have told us. Mr Bility, don't you think that is
28 somewhat illogical?

29 A. I do not think that is illogical.

1 Q. Thank you. Now also in that regard note this: According
2 to you he is accusing you of working for President Kabbah and
3 that Kabbah is working with ECOMOG, but bear in mind this is
4 January 1998. Kabbah isn't reinstated as President until later
12:41:01 5 that year, so why would Taylor be saying this to you then? Can
6 you help us?

7 A. Very well. As I said before, yesterday, my assessment of
8 the situation was this: President Charles Taylor knew Kabbah -
9 the military junta and the AFRC wouldn't remain in power in
12:41:34 10 Freetown and that that had been signaled by ECOMOG, ECOWAS and
11 even the British government who at some point sent British Royal
12 Marines, I mean to Sierra Leone. So President Taylor talked
13 about this because he saw them as a potential problem, he saw
14 them as problems he would have to deal with, and he saw them as
12:42:03 15 issues that were unresolved. So meantime, he focused his
16 attention there. He thought that I, along with other
17 journalists, was a crusading - a group of journalists, Liberian
18 journalists, so it didn't matter, based on my understanding, it
19 didn't matter to President Taylor that Kabbah was there. He knew
12:42:33 20 that Tejan Kabbah was making negotiations, was speaking to West
21 African leaders, and he knew that, as many Liberians believed
22 then, that Tejan Kabbah had extensive contacts.

23 My opinion, therefore, is that he made these statements to
24 dissuade us to believing that there was no way that Tejan Kabbah,
12:42:56 25 you know, would be successfully reinstated and to begin writing
26 articles that would be favourable to the AFRC, so that the rest
27 of the West African community could probably say, "Well, you know
28 what, these guys are there and so let's just deal with them".
29 That is why he said that and that is why it does make sense to

1 me. It makes sense to me that he said that because those were
2 his - those were stuffs that he was obsessed with, in my
3 calculation, counsel.

4 Q. That is your answer; we will move on. On Monday, at page
12:43:35 5 22340 of the transcript, you told us this, line 9:

6 "I was taken into a small waiting room after which I was
7 brought to President Charles Taylor." Line 20: "I was beaten. I
8 was bruised and, you know, I wasn't really observing in terms of
9 what floor that was." Further, page 22344 of the transcript,

12:43:57 10 line 8:

11 "Q. What was your physical condition when you were in the
12 presence of Mr Taylor?

13 A. Physical condition? I was in pain. I was hurt. I was
14 hurting and I had bloodstains like the corner of my mouth,
12:44:25 15 because from the beating, and so I was traumatised, I was
16 scared, I was hurting, actually."

17 Those two statements that you made to these judges on
18 Monday, are they all truthful?

19 A. To the best of my knowledge they are.

12:44:48 20 Q. Well, I am not interested in to the best. Are they
21 truthful or not?

22 A. Yes, sir, counsel, they are.

23 Q. Right. Let's go behind divider 1 again, please, and as we
24 read this bear in mind the sequence of your arrests as I was at
12:45:17 25 pains to establish with you a few minutes ago. Page 2, please,
26 the second paragraph:

27 "Bility wrote an article in January 1998 titled 'Stop'
28 after Taylor had told journalist to stop writing mischievously.
29 This article told how Taylor was swept into power. As a result,

1 Bility was arrested and beaten by Taylor's men and ended up
2 hospitalised. While in the hospital, he was visited by the US
3 ambassador, John Broma, who advised Bility to be careful but
4 firm. Bility was released from custody in the presence of the
12:45:58 5 media only to be re-arrested while leaving the basement of the
6 police station and taken to the Executive Mansion and confronted
7 again by Taylor."

8 Do you see the difference between that account you were
9 giving the investigators in November, and the one you have given
12:46:19 10 this Court just moments ago? And let me just make it plain so
11 you understand?

12 A. Right.

13 Q. Moments ago you told us arrest, to the police station, in
14 front of Joe Tate, then to Joseph Montgomery, then to Charles
12:46:38 15 Taylor, in his presence bleeding and bruised, then back to the
16 police station, then to hospital. Here you are saying to police
17 station, then to hospital, only after release then re-arrested
18 and brought in front of Taylor. Which of those two accounts is
19 right?

12:47:09 20 A. While there may be some discrepancies here, the account is
21 generally consistent with the previous accounts I have just
22 given. 1997 "Stop" article.

23 Q. We know that. I am interested in the difference in the
24 sequence of events. Remember, there is one image of a bleeding
12:47:30 25 and bruised Hassan Bility in front of his President. There is
26 another image of a Hassan Bility who has been to hospital, who is
27 then brought in front of his President. Which of those two
28 images do you want these judges to accept?

29 A. Well, the image - I mean, the one that says taken back,

1 after leaving the Executive Mansion first, taken back to the
2 Executive Mansion, that is inaccurate.

3 Q. So can you help us how it is once again that in this
4 interview, the same one with the two days and German embassy, we
12:48:15 5 again have this different accountant about the "Stop" arrest?
6 Can you help us how that comes about?

7 A. Well, I suppose, counsel, that - well maybe I am not
8 supposed to say that. I can't say, but you would clearly agree
9 that these articles were written by - I mean these accounts were
12:48:39 10 recorded by investigators. While I am not disputing that they
11 accurately recorded what I did say to the best of their ability,
12 I am pointing out that this return to Charles Taylor was not - I
13 mean, it is not an accurate representation of what happened. So
14 I am not saying that the investigators who took down this
12:49:12 15 misunderstood me, but I am saying clearly that that part was not
16 accurately recorded. It is not actually what happened.

17 Q. Mr Bility --

18 A. Yes, sir.

19 Q. -- if they didn't misunderstand you, can you help us as to
12:49:31 20 why they recorded something which you now say you didn't say?
21 Can you help us?

22 A. I suppose, counsel, that you speak with the investigators
23 regarding that.

24 Q. No, I am asking you.

12:49:46 25 PRESIDING JUDGE: No, Mr Witness, please don't be
26 facetious.

27 THE WITNESS: Okay, your Honour. What I can say, if that
28 can help you, is that I think the writer of this particular
29 paragraph might have repeated that I was taken back to see

1 President Charles Taylor. I don't really recall that I was taken
2 back and I don't think I was taken back to see Charles Taylor.

3 MR GRIFFITHS:

12:50:23

4 Q. Well, on the account you have given us on Monday you
5 couldn't have been. It was all one continuous event, but
6 according to this there was a break in procedure, and look at the
7 detail you have given. "He was - whilst in hospital he was
8 visited by the US ambassador, John Broma." Were you visited in
9 hospital by the US ambassador?

12:50:45

10 A. Well --

11 Q. Were you visited in hospital by the US ambassador? That is
12 a question capable of a yes or no answer?

12:51:01

13 A. No, it is not capable of a yes or no answer. I would have
14 to state something before answering that question. Parts of
15 these testimonies provided were supposed to remain black, for
16 example names. I did not - John Bowman was US deputy chief of
17 mission, he was not the ambassador. The United States did not
18 have an ambassador accredited to Liberian. They had a chief of
19 mission. John Bowman was deputy chief of mission. Second, some
20 of the information that was released here at the time of their
21 release I believe I was promised, and I made those comments, that
22 there are certain instances and certain names I did not want to
23 see published. I mean that, you know, I thought that they would
24 be black, they would be omitted.

12:51:24

12:51:42

25 PRESIDING JUDGE: Mr Witness, you are not answering the
26 question put. Were you visited in hospital and I will rephrase
27 it to say by a member of the United States embassy?

28 THE WITNESS: Your Honour, I think that that question is
29 unfair to me, taking a lot of issues into consideration. I

1 cannot answer that question specifically.

2 PRESIDING JUDGE: Why? The statement is accorded to you as
3 being stated by you and recorded.

4 THE WITNESS: Okay, this is what I say. Regarding with
12:52:20 5 your rephrasing the question, that is, was I ever visited by a US
6 embassy official, yes.

7 MR GRIFFITHS:

8 Q. On the - whilst in hospital?

9 A. Yes, sir.

12:52:40 10 Q. Was it John Broma?

11 A. I cannot again answer that question, your Honour.

12 Q. Why not?

13 A. Why not? Because in the provision of my testimony there
14 are names and certain instances that I thought were necessary
12:53:07 15 that, you know, if I did not reveal them as such and --

16 Q. But you have revealed it. It is in this statement.

17 A. I have told you, counsel, that my understanding was that
18 certain names would be blacked out, would not just appear like I
19 saw on one of the articles.

12:53:31 20 Q. Why did you need references to your contact with the US
21 embassy blacked out if there was nothing untoward going on?

22 A. First of all --

23 Q. Bearing in the mind that I am suggesting you are a spy for
24 the US government. Bear that in mind. So in light of that
12:53:51 25 suggestion, why was it that you were under the impression that
26 your contacts with the US embassy were going to be kept secret?
27 Why?

28 A. Why? Because President Charles Taylor and his government
29 viewed every person who had contacts with the United States

1 embassy as enemy and it made - I mean because of that a lot of
2 the political opposition were forced to run out of the country;
3 Dr Amos Sawyer and many others.

4 MR GRIFFITHS: Is this an answer to my question, Madam
12:54:27 5 President?

6 THE WITNESS: I am providing an answer to your question.

7 PRESIDING JUDGE: I do not consider that you are addressing
8 the question. You are talking about historical perceptions. The
9 question now is why - I will ask counsel to put the question
12:54:41 10 again. Don't deal with historical theories. Deal with the
11 present.

12 THE WITNESS: Okay. The answer to the question why is that
13 I thought it would put me in greater trouble.

14 MR GRIFFITHS:

12:54:59 15 Q. Yes, but, Mr Bility, that is complete nonsense. By 2
16 November 2003 when you were being interviewed Mr Taylor is in
17 exile in Nigeria, you are safely in the United States and in any
18 event it's quite clear that you gave the name to the
19 investigators. So why were you anxious to keep that contact with
12:55:23 20 the Americans secret?

21 A. Well, because whoever the person was - and again I have not
22 confirmed that it was John Bowman. Whoever the person was, I did
23 not think it was necessary for me to have it stated in my
24 accounts. I do not think that it was necessary for me to do
12:55:48 25 that.

26 Q. Did you give the name John Broma to the investigators?

27 A. I cannot answer that, counsel, your Honour.

28 PRESIDING JUDGE: Why can you not answer it, Mr Witness?

29 THE WITNESS: I cannot answer it because I believe that

1 Bowman does not have anything specific to do with this case and
2 the relationship that existed between me --

3 PRESIDING JUDGE: That is not the point of the question.
4 The question is did you give that name to the investigators?

12:56:26 5 That is the question.

6 THE WITNESS: I have a --

7 JUDGE SEBUTINDE: Mr Witness, let us put it this way: It
8 may not appear to you to be relevant to give the name of this
9 person, but if we are to act in the interests of justice we
10 require you to answer the question. Do I make myself clear on
11 that issue?

12 THE WITNESS: No, your Honour.

13 JUDGE SEBUTINDE: Why, what haven't you understood?

14 THE WITNESS: Your Honour, I haven't understood why naming
12:57:06 15 a friend or a contact with the United States Mission in Liberia
16 is necessary for me personally. Well, what I can say is that an
17 official from there did visit me.

18 JUDGE SEBUTINDE: That is not the question, we have gone
19 beyond that and I have explained to you that whilst it may appear
12:57:30 20 to you to be unnecessary, to the judges it is necessary for us,
21 in the interests of justice, to have an answer to the question,
22 "Did you give the Prosecutor the name?"

23 THE WITNESS: Your Honour --

24 JUDGE SEBUTINDE: In other words, please give an answer yes
12:57:49 25 or no.

26 THE WITNESS: I did give the Prosecutors a name.

27 JUDGE SEBUTINDE: That is not the question.

28 THE WITNESS: Okay, I did give the Prosecutor - I did not
29 give this name to the Prosecutor, John Broma. I did not give

1 that name to the Prosecutor.

2 MR GRIFFITHS:

3 Q. So where has that name, John Broma, come from?

12:58:17

4 A. I don't know anybody by the name of John Broma. I do not
5 absolutely know anybody by that name. So I did not give this
6 name - this - this name to the Prosecutor, B-R-O-M-A J-O-H-N. I
7 did not give that name to the Prosecutor.

8 Q. Is the name spelt differently from what you are used to?

9 A. I did give a name to the Prosecutors, not this name.

12:58:58

10 Q. What name did you give to the investigators?

11 A. Sorry, the investigators. Well, that name is not in there
12 so I seek --

13 Q. No, I am asking you now what was the name that you gave?

12:59:15

14 A. Your Honour, I request that I not be compelled to answer
15 that specific question since the name here - the specific name
16 here - is not what I gave to the Prosecutor. So it's not like
17 it's already there. It is asking me for a different name.

18 Q. That is why I am asking you.

12:59:32

19 PRESIDING JUDGE: Mr Witness, if you are asking us to give
20 such a direction we need to have grounds that are valid within
21 the rules and the law. What are your grounds?

22 THE WITNESS: This is my ground: First, this is John
23 Broma. I don't know this name. I never had any contact with
24 this name.

12:59:49

25 PRESIDING JUDGE: We are clear on the point, you have made
26 it previously. We have moved on to a different question.

27 THE WITNESS: Correct. My ground is I do not believe that
28 a US official that had such contact with me should be mentioned
29 by name.

1 MR GRIFFITHS: Why not?

2 PRESIDING JUDGE: If that is your grounds --

3 JUDGE SEBUTINDE: Why?

4 THE WITNESS: Well, this is why: I am not sure as to what
13:00:28 5 effect naming that name might have on said person and I do not
6 want to - I do not want to endanger - well, not endanger. I do
7 not want to complicate someone's work who still, I believe, works
8 with the United States State Department in this particular case.

9 JUDGE SEBUTINDE: But, Mr Bility, yesterday, or rather on
13:01:01 10 the - I think it was 13 January, that was two days ago, you named
11 certain officials of the US government that did visit you.

12 THE WITNESS: Yes.

13 JUDGE SEBUTINDE: And you did name certain individuals
14 then. What is the difference between that testimony and this
13:01:18 15 testimony?

16 THE WITNESS: Well, the difference, your Honour, is this:
17 I made no mention of those friends, those officials, visiting me
18 in hospital.

19 JUDGE SEBUTINDE: What about the person named as Thomas
13:01:39 20 White?

21 THE WITNESS: Visited me in hospital?

22 JUDGE SEBUTINDE: Not necessarily in hospital. You didn't
23 say in hospital, but you did say --

24 THE WITNESS: No, I did name Tom White visiting me in
13:01:52 25 prison at the request - well, with the consent of the Liberian
26 government. I did name him. And I also did name several or a
27 couple of US embassy officials like Tony Newton and Deborah Harts
28 and Hartford Jennings and I also did mention John Bowman.

29 PRESIDING JUDGE: Mr Witness, there are certain rules of

1 procedure and law that permit a court not to direct you to answer
2 a question. I give for an example our Rule 97 to do with lawyer
3 and client privilege. Your explanation has not come within any
4 of the rules or rules of law and I therefore direct that you
13:02:53 5 answer the question.

6 MR GRIFFITHS:

7 Q. Which name did you give to the investigators?

8 A. So, your Honour, am I directed to do that?

9 PRESIDING JUDGE: You are directed to answer that question.

13:03:09 10 THE WITNESS: All right, can I request a closed session
11 before I answer that question?

12 MR GRIFFITHS: It is not for him to make that application,
13 Madam President, in our submission.

14 PRESIDING JUDGE: No, it is not.

13:03:21 15 MR SANTORA: The Prosecution just for these purposes would
16 ask for not a closed session, but a private session just for him
17 to give the name and perhaps there can be an inquiry as to what
18 the resistance was as to giving the name in a public session in a
19 private session. I just don't know what issues we are exactly
13:03:40 20 dealing with and I think a private session may be appropriate.

21 MR GRIFFITHS: But, Madam President, there is no suggestion
22 that this is privileged information and in our submission there
23 is no reason why the public should not have access to this,
24 bearing in mind of course that he has already mentioned a John
13:04:02 25 Bowman. Now, if it's the case that we are talking about a
26 spelling difference it seems to us that there is no justification
27 in these circumstances for the Court to go into private session
28 or for the name to be written down.

29 In our submission the Court has made a ruling that there is

1 no legal privilege which covers the giving of this particular
2 name and it seems to us, absent any other rule or provision, the
3 answer should be made in public. Those are our submissions.

4 [Trial Chamber conferred]

13:04:47 5 PRESIDING JUDGE: Whilst we appreciate the Prosecution's
6 view and the lack of information they have to make their
7 application, we uphold the Defence reply. There is no evidence
8 to support a need for this to be kept out of the public and open
9 trial. Therefore you will answer - I am now ordering you to
13:05:15 10 answer the question.

11 THE WITNESS: Am I ordered?

12 PRESIDING JUDGE: Yes, you are.

13 THE WITNESS: John Bowman.

14 MR GRIFFITHS:

13:05:38 15 Q. How do you spell the surname?

16 A. I don't know specifically, but I do know it is not with an

17 R. It is not with an R after B.

18 Q. So when we look at this page, the difference between the
19 name as recorded and the name that you gave is a matter of
13:06:01 20 spelling, is it?

21 A. Is that a question to me?

22 Q. Yes, please.

23 A. Well, it is not only that. It is also the position or
24 title preceding the name.

13:06:18 25 Q. What was John Bowman's position?

26 A. John Bowman was a US embassy official and I prefer, your
27 Honour, to refer to him as a US embassy official.

28 Q. No, I am asking you specifically, Mr Bility. What role did
29 John Bowman play at the US embassy, bearing in mind I am

1 suggesting that you are a spy for the United States government?
2 What role did he have at the embassy?

13:07:18 3 A. Again, your Honour, I request that unless compelled to or
4 ordered to not name the position because I have already said
5 previously that he was a United States embassy official.

6 PRESIDING JUDGE: Again, Mr Witness, I have already stated
7 the law, that you have to answer unless there are grounds that
8 come within the rules and you have not given me grounds. So
9 either give me grounds or I will make a ruling against you,
10 please.

11 THE WITNESS: Okay, I will try to give you a ground, your
12 Honour. In my belief and my recollection Mr Bowman still remains
13 in employ of the United --

14 MR GRIFFITHS:
13:08:02 15 Q. No, no, no, no, I am not interested in what his current
16 employment is. Question --

17 PRESIDING JUDGE: Mr Griffiths, allow him to finish his
18 grounds.

19 THE WITNESS: He still remains in the employ of the United
13:08:14 20 States government and I do not think honestly, since he still
21 works for them, that it is necessary for me to name his name and
22 position in this particular case.

23 PRESIDING JUDGE: Mr Witness, you are presenting us with
24 your thoughts rather than fact. I direct you to answer the
13:08:47 25 question as put, Mr Witness.

26 THE WITNESS: Mr John Bowman was the deputy chief of
27 mission, if I can recall accurately; he was not an ambassador.
28 He was deputy chief of mission and the United States did not have
29 an ambassador - official ambassador accredited to Liberia at the

1 time.

2 PRESIDING JUDGE: Mr Griffiths, as I recall, this is
3 already on record.

4 MR GRIFFITHS:

13:09:24 5 Q. What was his role within the embassy?

6 A. I do not know that, counsel. I am not a diplomatic expert
7 so I wouldn't know what his role would be. I do know that he was
8 John Bowman, he was deputy chief of missions, United States
9 embassy, Monrovia.

13:09:47 10 Q. Did he come to visit you in hospital?

11 A. Well, he, I believe, did and like in other instances
12 several officials --

13 Q. No, no, no, no. We are talking about the arrest in January
14 1998. Did he come to visit you in hospital?

13:10:15 15 A. Correct.

16 Q. When?

17 A. When?

18 Q. Mm-hm.

19 A. January 1998.

13:10:27 20 Q. Mm-hm?

21 A. January 1998.

22 Q. Was it - did he come to visit you the same day that you
23 went to hospital?

24 A. Oh, as a matter of fact, I am not - I visited hospital
13:10:45 25 after the incident and because the hospital was close to where I
26 lived I left and went home and came back to the hospital, and so
27 I am not specifically certain if it was the same day as such and
28 this is the hospital that was on Jamaica Road.

29 Q. Why have you told us a different story on Monday?

1 Transcript page 22342, line 24:

2 "After my arrest and subsequent release I didn't go to work
3 that day. I went to hospital, to a small clinic on Jamaica Road,
4 Bushrod Island". Line 29: "I went to seek medical treatment at
13:11:36 5 the hospital." Line 9: "The following day I decided to go to
6 work." No mention of going to back to the hospital so help me.
7 When did Mr Bowman come to visit you at the hospital?

8 A. Yeah, visited me at the hospital? I didn't say yesterday
9 that I went to - I went back to work first thing in the morning
13:12:05 10 so, counsel, you have to understand that it was possible --

11 Q. I am not interested in what is possible. I am interested
12 in what happened. When did he come to visit you in the hospital?

13 A. The next day.

14 Q. What time that day? Was it before you went to work, or
13:12:25 15 after?

16 A. It was before I went to work.

17 Q. So before you went to work you went to the hospital and
18 Mr John Bowman, head of mission at the US embassy --

19 MR SANTORA: Objection.

13:12:41 20 PRESIDING JUDGE: Yes --

21 MR GRIFFITHS:

22 Q. Deputy head of mission at the American embassy came to
23 visit you at the hospital?

24 PRESIDING JUDGE: Deputy chief of mission, I think it is.

13:12:53 25 MR GRIFFITHS:

26 Q. Deputy chief of mission at the American embassy came to
27 visit you in hospital. Is that correct?

28 A. Correct.

29 Q. Yes?

1 A. Correct.

2 Q. What time of day was that?

3 A. Excuse me, can you please restate that. Did you say the
4 same day or the following day?

13:13:10 5 Q. The following day, the following morning, you now tell us?

6 A. Right.

7 Q. What time of the day was that?

8 A. I don't remember the exact time.

9 Q. Try and help us, please. Just picture it in your mind.

13:13:19 10 A. No, I can't. I don't remember the exact time. It was
11 before I went to work and so it was certainly before 12 o'clock,
12 so that is about the time frame that I can give regarding that.

13 Q. So can we be certain now then, that you certainly did not
14 see Mr Taylor after you were released from the hospital?

13:13:47 15 A. I didn't go back as such to see, yeah, Mr Taylor.

16 Q. So the account that you left hospital and went back to see
17 Mr Taylor is false, is it?

18 A. It is what?

19 Q. It is false, F-A-L-S-E?

13:14:05 20 A. That account is inaccurate.

21 Q. Is it false, Mr Bility?

22 A. Counsel, that account is not true.

23 Q. Thank you, that will do. Now thereafter, as I understand
24 it, on the following day when you went back to work you found

13:14:34 25 your offices - you found out that the police had posted
26 securities around your offices and you couldn't gain entry?

27 A. Correct, January 22nd 1998.

28 Q. And as a consequence the newspaper was shut down, yes?

29 A. The newspaper was directly ordered to shut down.

1 Q. At the time that the newspaper was shut down, who owned it?

2 A. The newspaper was owned by a company. I am trying to
3 figure out the name. The name is on the logo there, if you check
4 the logo.

13:15:28 5 Q. And who was the owner of that company?

6 A. The owner of the company was a man called Sekou Kromah.

7 Q. Sekou?

8 A. Well, not the - the newspaper had owners who had share in
9 it - who had shares in it - and one of them with whom we dealt
10 was Sekou Kromah.

13:15:47

11 Q. Was Sekou Kromah related to, guess who, Alhaji Kromah?

12 A. When you say "related", what do you mean? They certainly
13 had the same last name, but Sekou Kromah is from Ganta - is from
14 Nimba County and Alhaji Kromah is from Lofa County.

13:16:13

15 Q. Are they related by blood, Mr Bility?

16 A. I do not believe so and I do not think so.

17 Q. Are they both Mandingos, Mr Bility?

18 A. Yes, sir, they are both Mandingos.

19 Q. And you are sure they are not blood relatives?

13:16:24

20 A. I am positive, I believe, that they are not blood
21 relatives.

22 Q. But in any event after the newspaper was sold - was closed
23 down it was transferred to somebody else, wasn't it?

24 A. Yes, sir, it was.

13:16:41

25 Q. Who?

26 A. Again, the person is a - if you want help with that that
27 person is a practising Liberian journalist currently and so I do
28 not want to insinuate that Liberians who may be reading this that
29 the Government of Liberia shut down the newspaper and transferred

1 the ownership to a particular person.

2 MR GRIFFITHS: Madam President, we are not talking about a
3 source here. We are talking about the transfer to somebody else,
4 a journalist associated with a public publication.

13:17:15 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: Mr Witness, to be honest I don't quite
7 understand what you mean when you say, "I do not want to
8 insinuate to Liberians that the government shut down the
9 newspaper and transferred the ownership". I don't understand
10 your grounds of objection at all.

11 THE WITNESS: Okay, I will answer the question.

12 PRESIDING JUDGE: Very well.

13 THE WITNESS: Sando Moore.

14 MR GRIFFITHS:

13:17:40 15 Q. Could you spell that for us?

16 A. S-A-N-D-O M-O-O-R-E.

17 MR GRIFFITHS: Could I have a moment, please, Madam
18 President?

19 PRESIDING JUDGE: Certainly.

13:18:24 20 MR GRIFFITHS:

21 Q. Sando Moore, was he in any way linked to ALCOP?

22 A. I don't know, counsel.

23 Q. Was Sekou Kromah linked to ALCOP?

24 A. I believe so.

13:18:50 25 Q. And so The National newspaper was funded by the political
26 wing of ULIMO-K. That is right, isn't it?

27 A. That is inaccurate, counsel.

28 Q. Well the owner of The National, the man who financed the
29 newspaper, was linked to ALCOP, is that right? Is that right?

1 A. That is inaccurate. That is not right.

2 PRESIDING JUDGE: In fairness, Mr Griffiths, he mentioned
3 owners and they dealt with one.

4 MR GRIFFITHS:

13:19:24 5 Q. All right. Was Sekou Kromah linked to ALCOP?

6 A. I believe so.

7 Q. What was the link between Sekou Kromah and ALCOP?

8 A. I specifically cannot say and so I don't specifically know.

9 Q. And you accepted yesterday that ALCOP was the political
13:19:44 10 wing of ULIMO-K?

11 A. I do not think that - well, the way the question is framed
12 --

13 Q. You said it yesterday, Mr Bility. Do you want to change
14 your evidence now?

13:19:59 15 A. I am not changing my evidence. What I did say was --

16 Q. Was ALCOP the political wing of ULIMO-K, yes or no?

17 A. Descriptive wise ALCOP was organised after ULIMO-K was
18 disbanded, so if you say it was the political wing that suggests
19 to me that while ULIMO-K existed ALCOP also existed. They didn't
13:20:22 20 exist at the same time. That is why I find difficulty in
21 answering that specific question.

22 Q. I am very grateful. Was ULIMO-K transformed into a
23 political party called ALCOP?

24 A. A political party called ALCOP was formed, was organised,
13:20:39 25 and many people from ULIMO-K joined that political party. That
26 is the best way I can put it.

27 Q. Thank you. And the owner of The National was consequently
28 linked through ALCOP to ULIMO-K, would that be fair?

29 A. I don't understand that question, counsel.

1 Q. Do you accept based on what you have told us that there
2 appears to be a link between Sekou Kromah, who is linked to
3 ALCOP, which in turn is linked to ULIMO-K? Do you accept that,
4 yes or no?

13:21:31 5 A. From what I understand, based on what you said, Sekou
6 Kromah --

7 Q. Can you try answering with a sentence which includes either
8 of those two small words, yes or no?

9 A. You will have to, counsel, restate that question.

13:21:54 10 Q. You have Sekou Kromah who is linked to ALCOP. ALCOP in
11 turn is linked to ULIMO-K. Do you accept that link - that
12 continuous link - between the three?

13 A. I don't accept that.

14 Q. Why not?

13:22:12 15 A. Fine. First of all, ULIMO-K is disbanded. ALCOP is
16 organised. So not every member of ALCOP shared ULIMO, a warring
17 faction, vision. Not every member who joined ALCOP was a member
18 of ULIMO. So in that instance the connection is not - I disagree
19 because that would suggest that people in ALCOP were all from
13:22:50 20 ULIMO which is gravely - I mean which is, you know, a great
21 inaccuracy. That's why I don't accept that.

22 MR GRIFFITHS: May I have a moment, please, Madam
23 President?

24 PRESIDING JUDGE: Yes, certainly.

13:23:05 25 MR GRIFFITHS:

26 Q. Is it not right, Mr Bility, that prior to the general
27 election each of the warring factions transformed themselves into
28 a political party?

29 A. Prior to the elections?

1 Q. Yes.

2 A. Each of the warring factions transformed itself into a
3 political party?

4 Q. Yes or no?

13:23:58 5 A. That is an inaccurate statement.

6 Q. Did the NPFL become the NPP with Charles Taylor as its
7 presidential candidate?

8 A. Charles Taylor the NPFL leader, along with some of his
9 colleagues, organised the NPP. That is the best I can put it.

13:24:21 10 Q. And did they put forward Charles Taylor as their
11 presidential candidate?

12 A. Correct.

13 Q. ULIMO-K was led by Alhaji Kromah, is that right?

14 A. Correct.

13:24:34 15 Q. When ALCOP was formed, who was ALCOP's presidential
16 candidate?

17 A. Alhaji Kromah.

18 Q. So the same man who led ALCOP also led - also was the
19 presidential - who was the presidential candidate for ALCOP had
13:24:55 20 been the leader of ULIMO-K?

21 A. Correct.

22 Q. Would you agree that there was a process of transition
23 there from ULIMO-K to ALCOP?

24 A. A process of transition?

13:25:08 25 Q. Yes, please.

26 A. Yes.

27 Q. Thank you.

28 A. Applicable to Alhaji Kromah.

29 Q. So that newspaper, The National, which closed down or was

1 closed in January 1998 for which you had been editor since August
2 1997. There was in the background, however, strong or tenuous, a
3 link with ULIMO-K. Do you agree?

4 A. Please restate that, counsel.

13:25:50

5 Q. The National newspaper of which you were editor between
6 August 1997 and January 1998 when it was closed had in the
7 background, however strong or tenuous, a link with ULIMO-K?

8 A. No, I disagree with that.

13:26:22

9 Q. In that Sekou Kromah, the owner of The National, was also
10 linked with ALCOP?

11 A. Counsel, Sekou Kromah was not the owner.

12 Q. Or one of the owners?

13 A. I still disagree, because the owners did not in any way
14 affect our paper content - our newspaper's content - or, you
15 know, influence our editorial judgment so I disagree with that.

13:26:44

16 Q. You see that's precisely what I am going to suggest to you;
17 that the reason why you were ultra-critical of Charles Taylor
18 during the time that you were editor of that newspaper is because
19 of your political position, a person linked through ALCOP to
20 ULIMO-K. That's where you were coming from politically. That's
21 why you were constantly opposed to Charles Taylor. That's the
22 truth, isn't it, Mr Bility?

13:27:08

23 A. Counsel, it isn't true. I am happy that it's not again
24 that I was a spy of the United States government --

13:27:25

25 Q. We have moved on from that.

26 A. -- and now it has gone on to be ULIMO. However, what you
27 said is not accurate, it's not truth, it's a complete
28 misrepresentation of what happened. And, counsel, I am sorry to
29 say - I guess I know where you are going with that, but that is,

1 your Honour, not the truth.

2 MR GRIFFITHS: Would that be a convenient point, Madam
3 President?

13:28:00

4 PRESIDING JUDGE: Indeed, Mr Griffiths. Mr Witness, we are
5 now going to take the lunchtime adjournment. We will be resuming
6 court again at 2.30. Please adjourn court until 2.30.

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

8 [Upon resuming at 2.30 p.m.]

14:29:58

9 PRESIDING JUDGE: Just before I invite you to recommence
10 your cross-examination, Mr Griffiths, I had undertaken to do a
11 quick calculation on the dimensions for Mr Munyard and my
12 calculation, subject to correction, is that 550 centimetres is 18
13 feet and 4 inches and 1,335 centimetres is 44 feet and 6 inches.
14 However, that is subject to correction.

14:30:20

15 MR GRIFFITHS: We're grateful.

16 PRESIDING JUDGE: It's a rough guide.

17 MR MUNYARD: Thank you, Madam President. That greatly
18 assists me.

19 PRESIDING JUDGE: Please proceed, Mr Griffiths.

14:30:29

20 MR GRIFFITHS:

21 Q. Mr Bility, before we adjourned for lunch I was asking you
22 about what you now tell us is your fourth arrest in January 1998.
23 Do you recall that?

24 A. Yes, sir.

14:30:44

25 Q. And we spent a little time going through that. Now in
26 conclusion of that particular chapter, and in light of one or two
27 answers you gave us just before the break, can I ask you about
28 one or two matters of clarification, please.

29 A. Yes, sir.

1 Q. Sekou Kromah, one of the owners of The National, had he
2 been a general in ULIMO-K?

3 A. Not that I know of, no.

4 Q. Was Sekou Kromah the National Party Whip of ALCOP?

14:31:30 5 A. National Party Whip. I don't believe it was Sekou Kromah.
6 It was somebody else whose name I really can't remember off my
7 head, but it was not Sekou Kromah, based on my recollection,
8 counsel.

9 Q. Very well. Were you ever the National Youth Wing chairman
14:31:55 10 for administration of ALCOP?

11 A. No, sir.

12 Q. Did Sando Moore ever work for you when you were managing
13 editor of The National?

14 A. No.

14:32:16 15 Q. Was Sando Moore at least at some stage a photojournalist?

16 A. In Liberia?

17 Q. Yes, please.

18 A. What I do know is that Mr Moore was the head at The New
19 National newspaper.

14:32:42 20 Q. Had he ever prior to that, or whilst he was at The New
21 National, was he ever a photojournalist?

22 A. What I do know, counsel, is that Mr Sando Moore was the - I
23 believe the managing editor of The New National newspaper.

24 PRESIDING JUDGE: You're not actually answering the
14:33:08 25 question, Mr Witness. Do you know if he was a photojournalist?

26 THE WITNESS: I do know that he took pictures.

27 MR GRIFFITHS:

28 Q. Was he a photojournalist?

29 A. I don't know because I did not see any specification in

1 terms of identification that says photojournalist.

2 Q. Well, most people don't walk around with badges saying
3 journalist, or lawyer or photojournalist on their chest. It's
4 normally decided by what they do for a living. But you knew him
14:33:49 5 to take photographs, did you?

6 A. I knew him to be the managing editor of The New National
7 and he had camera with him.

8 Q. Thank you.

9 A. I also at some point did have cameras with me.

14:34:02 10 JUDGE SEBUTINDE: Mr Witness, did you answer a while ago,
11 you said, "I do know that he took pictures." Did you say you do
12 know or you don't know?

13 THE WITNESS: Yeah, I do.

14 MR GRIFFITHS:

14:34:17 15 Q. Now the other topic that I'd like to deal with briefly is
16 this: I'd like us to just go through one or two Liberian
17 newspapers of the periods and ask if you can assist me with their
18 - if they had any particular political leanings. Do you follow
19 me?

14:34:38 20 A. Yes, sir.

21 Q. The newspaper The News, who owned it?

22 A. I don't know the owner but --

23 Q. Or do you know anyone who was in an ownership position
24 vis-a-vis The News?

14:35:08 25 A. I believe I do.

26 Q. Who were they?

27 A. I think it was a guy with the last name - I believe it's
28 Tarpeh, T-A-R-P-E-H.

29 Q. And was that newspaper associated with any particular

1 political party?

2 A. I honestly do not know that.

3 Q. Did it support the line of any particular political party?

4 A. I do not know that for a fact.

14:35:50 5 Q. Was it pro or anti Charles Taylor?

6 A. I believe The News newspaper was reporting like many other
7 newspapers reported, so I'm not in a position, I do not know if
8 it were pro or anti Charles Taylor.

9 Q. Do you recall a newspaper called The Patriot?

14:36:30 10 A. I do recall that.

11 Q. Do you know any of the owners of that newspaper?

12 A. I believe I do, counsel.

13 Q. Who was that or who were they?

14 A. The Patriot newspaper was part of the Liberia
14:36:59 15 communications network which I believe was owned by President -
16 by Mr Charles Taylor, later President Charles Taylor.

17 Q. So was The Patriot pro or anti Charles Taylor?

18 A. What I can say is that I believe The Patriot newspaper
19 published opinions that were - views that represented in large
14:37:37 20 part the views of Mr Taylor and President Taylor.

21 Q. So in shorthand, would you say that it was pro
22 Charles Taylor?

23 A. Well, I'm not sure how that determination would be made
24 because in terms of most of its publications, it published views
14:38:00 25 that were reflective of the opinions of Mr Charles Taylor.
26 That's my own assessment of it.

27 Q. Did that newspaper give a favourable press to
28 Mr Charles Taylor?

29 A. Generally, I believe it did.

1 Q. Now The Democrat, do you know anybody who owned The
2 Democrat?

3 A. I do know one person who was associated with the ownership.

4 Q. Who is that?

14:38:36 5 A. Mr Tom Kamara.

6 Q. And would you agree - was he linked to any of the warring
7 factions, Tom Kamara?

8 A. If I will agree with that?

9 Q. Was he linked with any of the former warring factions?

14:39:00 10 A. I don't know and I don't believe.

11 Q. Was that newspaper virulently anti Charles Taylor?

12 A. I do believe, counsel, that The Democrat newspaper reported
13 issues that were reflective of the obtaining realities in Liberia
14 at that time. Now, I'm not in a position to say if those were
15 anti Charles Taylor. I do believe that they reported the fact.

14:39:29

16 Q. So you saw The Democrat as a straight down the line
17 objective purveyor of news, is that right?

18 A. Well, counsel, the word "objective" there I think is also
19 in some way subjective. So its interpretation varies. My
20 opinion is that The Democrat newspaper, yes, reported objectively
21 based on my opinion, counsel.

14:40:02

22 Q. Very well. The Inquirer newspaper, do you know any of the
23 owners of that newspaper?

24 A. Ownership, I'm not sure if I do, but I do know one of its
25 editors.

14:40:23

26 Q. Who was that?

27 A. Mr Phillip Wesseh.

28 Q. How do you spell the surname?

29 A. W-E-S-S-E-H.

1 Q. And in terms of political leanings did The Inquirer have
2 any particular view?

3 A. I believe The Inquirer, like The New Democrat and The
4 National, reported what was happening in Liberia and so --

14:40:58 5 Q. You would regard The Inquirer as an objective and truthful
6 reporter of the facts?

7 A. I will regard The Inquirer as reporting what was happening.

8 JUDGE SEBUTINDE: Perhaps the record will reflect that the
9 witness referred to The Democrat, not New Democrat, and The New
14:41:25 10 National, not The National.

11 MR GRIFFITHS: I'm grateful, Justice Sebutinde:

12 Q. Let's move on and deal with arrest number five, okay, and
13 just to remind ourselves what the content of the article that you
14 say led to that arrest was. You had published in your newspaper
14:42:00 15 a story, accompanied by photographs, which suggested that
16 Liberian and former RUF soldiers were being trained in Libya by
17 the Libyan government. Is that right?

18 A. Correct.

19 Q. And what were your concerns about the fact that the Liberian
14:42:36 20 government might have been receiving such assistance from Libya?

21 A. What were my concerns?

22 Q. That was the question.

23 A. My concerns, like many other Liberians, were one that
24 Liberia had just gone through many years of war and the focus of
14:43:02 25 the government should be to improve the lives of the citizens, to
26 improve the economy and to build democracy. I thought that
27 focusing on military training was subsequently going to
28 militarise not only Liberia, but the sub-region, and so we
29 thought that in that respect the Government of Liberia's priority

1 regarding what the people wanted was misplaced and that further
2 actions by the Liberian government to train quote unquote
3 military people was not in the interests of Liberia as a then
4 fledgling democracy emerging from war.

14:44:04 5 Q. Have you finished?

6 A. Yes, sir.

7 Q. So that was your concern and that was the concern you
8 wanted to address to your readership, yes?

9 A. The reason the article was published in the first place was
14:44:22 10 that it was a news story, so it was not like an opinion in the
11 paper. It was a news story that I believed was worthy of being
12 reported.

13 Q. And so that we're clear, the offending country that was
14 doing the training was Libya, was it?

14:44:50 15 A. Yes, sir.

16 Q. And the numbers involved were round about 500?

17 A. Correct.

18 Q. And is it right that the unit so trained became known as
19 the ATU?

14:45:06 20 A. Can you repeat that question.

21 Q. Is it the case that the unit trained by the Libyans, those
22 500 men, became the ATU?

23 A. I don't know that for a fact. I do not know if that unit
24 was transformed into the ATU.

14:45:31 25 Q. But those people who went to train, did they actually go to
26 Libya to be trained?

27 A. Well, we had no way of specifically verifying that from the
28 position of the government. What we do know is that the
29 government didn't deny that it sent, or was sending, people for

1 training in Libya. We could understand why that was; why that is
2 not the case here. We do not know for a fact because the
3 government did not admit it, but that did not mean that we didn't
4 have to report on what the information we had.

14:46:23 5 Q. Did the government of Liberia under Charles Taylor's
6 presidency make any pronouncement in the media, or through any
7 other means, that men were to be sent to Libya for training?

8 A. No, the Government of Liberia did not do that and would not
9 even admit to any such thing depending on the prevailing
10 circumstances at the time.

14:46:51 11 Q. Now, the ATU. Were you aware of an organisation - a
12 military force within Liberia - which bore that name?

13 A. Yes, sir.

14 Q. And were they not the successors to President Doe's Israeli
14:47:16 15 trained SATU?

16 A. Well, counsel, I will need a clarification there. If you
17 say were the successors, that word implies to me before I answer
18 the question that they were - because forces are created by acts
19 of legislature. The ATU was not created by any act of Liberian -
14:47:42 20 of the Liberian legislature.

21 Q. Nor was the SATU.

22 A. However, I do know that the ATU began to play generally the
23 role as presidential bodyguards that the SATU, under the late
24 Samuel Doe, generally did play.

14:48:11 25 Q. So both organisations played the same role?

26 A. Generally I believe they were playing the same role.

27 Q. And was SATU trained by the Israelis?

28 A. That is my understanding and I do believe that the SATU was
29 trained by the Israelis.

1 Q. Now, remind me please. This article about the training of
2 these soldiers in Libya, when was it published?

3 A. This article I believe was published some time in 2000, or
4 early 2001. 2000 generally I would believe. The latter part of
14:48:59 5 2000.

6 Q. Let me remind you what you told these judges on Monday of
7 this week. Page 22349 of the transcript.

8 "Q. Now when approximately was this article published, can
9 you remember?

14:49:18 10 A. This was in 2000.

11 Q. Can you recall when in 2000?

12 A. The month I'm not sure. It was in 2000. It was the
13 latter part. I can approximate that it was after
14 September."

14:49:32 15 Do you agree with that?

16 A. Yeah.

17 Q. It follows then, doesn't it, bearing in mind on the account
18 you're now giving these judges arrest number four was on 22
19 September 1998, am I right?

14:49:57 20 A. No.

21 Q. Arrest number four for the "S-t-o-p" article was on 22
22 January 1998, wasn't it?

23 A. Correct.

24 Q. So if the arrest for the Libya article was after September
14:50:16 25 2000 it means that there'd been a two year nine month period
26 since you'd last been arrested, would you agree?

27 A. Yeah.

28 Q. Now, Mr Bility, I don't want it to be suggested that I'm
29 taking advantage of you. Do you agree that it was over two years

1 after the "S-t-o-p" article that you were next arrested?

2 A. After the "S-t-o-p" article then in 2000, yeah.

3 Q. After you published the "S-t-o-p" article, were you
4 arrested again at any time in the year 1998?

14:51:07 5 A. In terms of - I don't really remember that.

6 Q. Well, being arrested and beaten is something you could
7 likely forget and so help me.

8 A. Yes, counsel, but when it is that many arrests you remember
9 what you do remember. So what I do remember, counsel, are those
10 seven and in the sequence that I've just stated here.

14:51:24

11 Q. Mr Bility, is it the case that you've suddenly remembered a
12 different account that you gave to a different court? Is that
13 why you're now hedging your bets?

14 A. Counsel, I can understand your concerns, but certainly what
15 you are suggesting is opposite the truth.

14:51:56

16 Q. Okay. Let's have a look at this then, shall we? Behind
17 divider 7, page 21, please. Do you remember we've looked at this
18 page before, Mr Bility? Do you remember us looking at this page
19 before? "Second time I was arrested was on 22 January", middle
20 of the page?

14:52:49

21 A. We looked at that before.

22 Q. Yes, "The third time was also in 1998". Whoops, you told
23 me a moment ago the next time was after September 2000. What
24 business were you doing telling Dutch judges in April 2006 that
25 there was a further arrest in March 1998?

14:53:13

26 A. Where is that? What are you reading from, counsel?

27 Q. You're an editor, Mr Bility. You can read. Just look a
28 few lines below, "The second time I was arrested ...". Do you
29 see, "The third time was also in 1998"? Do you see that?

1 A. "The third time ...", where is that, sir? Okay, "The third
2 time ..." Yeah, I do see that.

3 Q. Were you arrested for a second time in 1998?

4 A. In 1998 I was arrested 22 January.

14:54:02 5 Q. No, no, no, Mr Bility. Please focus on the question. Were
6 you or were you not arrested for a second time in 1998, and this
7 time try answering with a sentence which includes either of the
8 two small words yes or no?

9 A. No.

14:54:24 10 Q. So why did you tell judges - Dutch judges - that you had
11 been arrested in March 1998 for a third time? Why did you tell
12 them that?

13 A. I believe that I was referring to 1997 instead of 1998,
14 counsel.

14:54:52 15 Q. No, no, no. How can that work, Mr Bility? Think about it.
16 Number one arrest is in August and number two arrest is in
17 January 1998. If you're dealing with it sequentially, how could
18 number three arrest be in 1997? It has to be after January 1998,
19 so what are you telling us?

14:55:11 20 A. What I'm saying, counsel, is that the sequence that I have
21 provided here, I still stand by that sequence. I now remember
22 that these were accounts taken some time back, the time doesn't
23 matter, but this must have been recorded and the dates confused
24 and so that's exactly what I am saying.

14:55:35 25 Q. Bearing in mind that in March 1997 Mr Taylor wasn't
26 President and so he couldn't have ordered your arrest.

27 A. I did not --

28 Q. So which March are you talking about?

29 A. I did not refer to any arrest in March 1997.

1 Q. Well, help me then. Which March were you telling the Dutch
2 judges about? And you've got a range to pick from, from '97 to
3 2003 when he left power, and so give me a March when you were
4 arrested?

14:56:13 5 A. Specifically I was arrested in January 1998, the fourth
6 arrest --

7 Q. I'm not interested in January. I've asked you about March,
8 Mr Bility. Were you ever arrested in the March of any year
9 between 1997 and 2003?

14:56:32 10 A. I have told you, counsel, that I was not arrested in March
11 1998.

12 PRESIDING JUDGE: Mr Witness, it is a March of any year
13 between 1997 and 2003. Answer that question.

14 THE WITNESS: I do not remember that now. I do not
14:56:47 15 remember that I was arrested in March in any year.

16 MR GRIFFITHS:

17 Q. No, I'm not happy with that answer, please, Mr Bility.
18 It's not a question of whether you remember or not because I
19 suggest being arrested and beaten isn't something that somebody
14:57:04 20 forgets easily. Yes or no, please; were you ever arrested in
21 March in any year between 1998 and 2003?

22 A. To the best of my recollection, counsel, I have said and I
23 repeat, that I do not remember an arrest in March or either '98,
24 '97 or whatever.

14:57:28 25 Q. So help us --

26 A. I'm saying, this, I believe, must have been a mistake
27 either in my statement making this statement or, you know, stuff
28 like that. But it's not specifically that I believe that I was
29 arrested in March 1998.

1 Q. Are you suggesting, Mr Bility, that when you were giving
2 evidence on oath before those judges in a Dutch court somehow you
3 meant to say to them "I was arrested after September 2000", but
4 somehow you misspoke and March 1998 came out of your mouth

14:58:11 5 instead? Is that what you're telling us?

6 A. Counsel, I am telling this honourable Court that I was not
7 arrested in March 1998. Now, if that appears in the transcript,
8 of course I believe that could be attributed to my misspeaking.

9 Q. How could you misspeak and say March 1998 instead of after
14:58:40 10 September 2000? How does that happen physically?

11 A. Well, that happens physically because we live in a physical
12 world, people do remember instances and don't remember some
13 instances in terms of specifications, but people do remember the
14 generalities of instances. So that is human and it's possible.

14:59:03 15 I guess you know that, counsel.

16 Q. Does it follow, Mr Bility, that if you told the judges that
17 you were arrested in March 1998 you must have fabricated that
18 fact?

19 A. I do not believe that that would be the logical conclusion,
14:59:24 20 you know, deducted from what you've just said, you know. So I
21 disagree with your suggestion, counsel.

22 Q. Now you note of course that you record that as being the
23 third time you'd been arrested, yes?

24 A. I do note that it's in the transcript that says here that
14:59:52 25 it was the third time.

26 Q. I wonder if we could close that volume now, please. You
27 see, Mr Bility, is it the case that the source for the
28 information about that article - no, I'm sorry, my fault. Let us
29 start again. Do you have a copy of that article about the Libyan

1 training?

2 A. I do not have a copy of that article, counsel.

3 Q. Have you ever made any attempt to retrieve it?

4 A. I did make attempts to retrieve it.

15:00:32 5 Q. What attempts did you make?

6 A. I travelled to Liberia - to Monrovia, Liberia, generally to
7 be able to retrieve some of my property and certain newspaper
8 articles that I thought would be relevant to me and I could not
9 retrieve them.

15:00:53 10 Q. And just to clarify, because it may be my memory, do you
11 know for a fact whether any Liberians or former RUF combatants
12 were in fact trained in Libya?

13 A. For a fact what I do know, counsel, I'm not sure if you're
14 going to consider that a fact or not, is that the Revolutionary
15 United Front forces were regularly present in Liberia and I lived
16 in an area where I had conversations with a lot of them.

17 Q. Mr Bility, I'm not interested in that. It's a simple
18 question.

19 A. For a fact --

15:01:42 20 Q. If you - do you know for a fact whether they were trained
21 in Libya or not?

22 A. My understanding of the word "fact" in this context, then I
23 will say no, and I could explain what I understand by "fact".

24 Q. Thank you. Because I'm going to --

15:01:56 25 JUDGE SEBUTINDE: Mr Griffiths, I think I personally would
26 like to hear what the witness was about to tell us of what he
27 knows regarding this issue.

28 THE WITNESS: Right. Okay, what I do know --

29 JUDGE SEBUTINDE: Or what he heard.

1 THE WITNESS: I lived in an area in Monrovia referred to as
2 VP Road in a four apartment complex building adjacent to the
3 house of Reverend Isaac Winker where there were --

15:02:27 4 MR GRIFFITHS: I wonder if I ought to make an application
5 and sadly it's an application I'd like to make in the absence of
6 the witness for very good reason.

7 PRESIDING JUDGE: I see. Does it relate to the answer that
8 was being given?

15:02:51 9 MR GRIFFITHS: To the answer, potentially to the answer
10 that's about to be given.

11 PRESIDING JUDGE: I understand. Mr Witness, we're going to
12 hear some procedural arguments. They will be heard in your
13 absence and I will ask that you can be escorted out. You will be
14 brought back as soon as they're completed.

15:03:07 15 THE WITNESS: Thank you, your Honour.

16 [In the absence of the witness]

17 MR GRIFFITHS: I wonder if the accused could be also
18 excused at this time, but it needn't delay us.

19 PRESIDING JUDGE: Yes, Mr Taylor may be escorted out.

15:03:30 20 MR GRIFFITHS: Madam President, the reason for my
21 intervention - the reason for my intervention at that point is
22 this: This witness, when he gave evidence in the RUF trial, and
23 indeed in his earlier interviews with investigators from the
24 Prosecutors, if your eyes have drifted to other passages in the
15:03:56 25 bundle that I've placed before the Court you may have noted that
26 he gives an account of various other matters, evidence which he
27 gave before the RUF judges, which he hasn't given before - and
28 was not led from him in these proceedings.

29 Now, most of that evidence which at this point in time we

1 submit has not been admitted into evidence, and it relates in
2 particular to arms shipments, is particularly linked to the
3 address that he's just about to talk about, an address in VP
4 Road, an address where he claims he was in association with
15:04:40 5 certain RUF combatants and certain events took place at that
6 location.

7 Now the Prosecution for whatever reason has not led that
8 evidence and it seems to me if they have made the decision that
9 they do not choose to rely on that evidence it seems to me quite
15:05:02 10 wrong that it might be inadvertently let in through the back door
11 through a perfectly innocent question but which would nonetheless
12 give the witness an opportunity of bringing into evidence
13 material which the Prosecution have deliberately chosen not to
14 rely upon. So that is my concern. I hope I haven't been too
15:05:22 15 elliptical.

16 PRESIDING JUDGE: Which brings me to the obvious question:
17 What application are you making before us?

18 MR GRIFFITHS: Well, the application I'm making is that any
19 evidence from this witness, which potentially might trespass upon
15:05:44 20 that material which the Prosecution have chosen not to rely on,
21 that the door should be closed to any admission of that material.
22 That is the application. Which is why I suggest, with all due
23 respect to Justice Sebutinde, that there is a danger in the
24 question she asked that the door might be opened for the witness
15:06:09 25 to give this evidence, even though it has not to date formed part
26 of the Prosecution case and it seems to us, since it's the
27 Prosecution who have the responsibility of placing before the
28 tribunal material which it considers relevant to its case, where
29 there is a danger that, contrary to that decision by them,

1 material they've not relied upon might be brought in through a
2 side door and thereby multiply the issues in the proceedings, it
3 seemed to me that efforts should be made to prevent such a
4 distraction.

15:06:46 5 JUDGE SEBUTINDE: Mr Griffiths, if I may correct one matter
6 that you stated, I did not ask the witness any question. You
7 asked the question and I quote, "and just to clarify, because it
8 may be my memory, do you know for a fact whether any Liberians or
9 former RUF combatants were in fact trained in Liberia?" The
15:07:10 10 witness then begins to answer your question in his usual way of
11 being fine with his words, he says, "For a fact, what I do know,
12 counsel, I'm not sure if you're going to consider that a fact or
13 not, is that" and then he continues. You cut him short because
14 he was about to tell us what he does know, an answer to the
15:07:33 15 question that you asked. You cut him short. My intervention was
16 I wanted to hear the rest of that answer to the question that you
17 asked. I didn't ask a question. You asked the question.

18 MR GRIFFITHS: Granted.

19 JUDGE SEBUTINDE: But having said that perhaps we will hear
15:07:51 20 from the Prosecution.

21 MR SANTORA: Just in response and just to clarify, the
22 Prosecution chose not to lead certain evidence, the Defence
23 counsel is correct. It's not about not to rely on certain
24 evidence; certain evidence was not led. The Trial Chamber can
15:08:08 25 rely on evidence adduced either in direct or cross or re-direct,
26 for that matter. The Defence has gone well beyond the scope of
27 the direct examination. Now it's understandable but there has
28 been inquiry into many other areas that were beyond the scope of
29 direct examination.

1 This area stemmed from Defence counsel's own question about
2 the presence of RUF in a particular area and it stemmed from the
3 Defence counsel's inquiry and just because they may not like the
4 answer that's about to come that's not reason enough to preclude
15:08:44 5 it from coming out. It came from the Defence counsel's own
6 inquiry so the Prosecution sees no reason why the witness should
7 be cut short at this point from explaining his basis of
8 knowledge.

9 JUDGE LUSSICK: Mr Santora, Defence counsel asked that
15:09:00 10 question and he got an answer. The answer was, "My understanding
11 of the word 'fact' in this context, then I will say no." That
12 was his answer, no, he doesn't know for a fact, and then he went
13 on to say, "I could explain what I understand by that fact."
14 That was an answer to Defence counsel's question.

15:09:22 15 MR SANTORA: And then the Bench asked for further question
16 into that area but it stemmed out of Defence counsel's area of
17 inquiry. This entire line of inquiry stemmed from Defence
18 counsel, and there has been no citation of any reason why it
19 shouldn't come out, other than what I understand to be that well,
15:09:47 20 it's evidence that we don't want to come out or because it may
21 have formed part of testimony in another proceeding, and the
22 Prosecution submits that's not a valid reason for not allowing
23 the witness to answer a question that in this case was directed
24 from the Bench at the witness.

15:10:06 25 JUDGE SEBUTINDE: I think this matter can be settled in
26 this way. The question that the Defence asked related to what
27 the witness knows for a fact. The answer he had begun to give
28 would appear to be hearsay, namely things he may have heard and
29 not necessarily something that he knew for a fact. Now since

1 Mr Griffiths objects to that particular line, I think really I
2 would concede that I would not descend into the arena if you
3 think that my pursuing that question will in some way prejudice
4 the Defence case and so perhaps I will forget about that
15:10:53 5 question.

6 MR GRIFFITHS: I'm most grateful.

7 JUDGE SEBUTINDE: It's not very helpful, anyway.

8 PRESIDING JUDGE: I will have the witness recalled, please.

9 [In the presence of the witness]

15:13:17 10 JUDGE SEBUTINDE: Mr Witness, at the time that you left
11 there was a question I had asked you. I've decided since your
12 departure to withdraw that question and to settle for the answer
13 that you previously gave to Defence counsel.

14 MR GRIFFITHS:

15:13:34 15 Q. Now, Mr Bility, apart from the ATU - no, let me start
16 again. The ATU was trained by South Africans, wasn't it?

17 A. Not that I know.

18 Q. Was there not a South African general brought in to train
19 the ATU?

15:14:06 20 A. Counsel, unless you tell me who that general was?

21 Q. I'll come back to that. I'll come back to that. We will
22 research the name and come back to it. But, as far as you're
23 aware, was there any South African connection to the training of
24 the ATU?

15:14:32 25 A. I specifically am not sure.

26 Q. Now on this occasion, the occasion of your fifth arrest,
27 were you taken to see Charles Taylor?

28 A. Which fifth arrest, sir?

29 Q. The one we've been talking about for the past few minutes.

1 You know the arrest which followed the Libyan training article,
2 were you taken to see Charles Taylor after that arrest?

3 A. I do not quite remember the circumstances surrounding me
4 being taken to see Charles Taylor regarding that fifth arrest.

15:15:17 5 Q. Question, were you taken to see Charles Taylor following
6 that arrest late 2000?

7 A. I clearly don't remember at this point.

8 Q. How many times in total do you recall being taken to
9 Charles Taylor following an arrest?

15:15:44 10 A. At this point I do clearly remember three.

11 Q. Give me the dates of those, please.

12 A. I don't remember the dates. I do remember one date and
13 specifically I do remember that. That was the last arrest, 24
14 June 2002.

15:16:11 15 Q. Right. So there was one for the "Judas" article in August?

16 A. Correct.

17 Q. One on 24 June 2002?

18 A. Correct.

19 Q. And you told us of another one, did you not, the one where
15:16:38 20 you were badly bruised and in front of him? You know the one
21 when --

22 A. I do.

23 Q. -- you either went to see him after the hospital, or before
24 the hospital? Do you remember that one?

15:16:50 25 A. I do remember that.

26 Q. Which one was that?

27 A. That was the last one at The National newspaper.

28 Q. Yes, the "S-t-o-p" one?

29 A. Correct.

1 Q. So those are the three occasions you remember being taken
2 to see Charles Taylor, am I right?

3 A. Those are the three occasions that I do clearly remember at
4 this time being taken to see Charles Taylor.

15:17:15 5 Q. Let's move on now, please, to arrest number six. Yes, I'm
6 grateful to Mr Munyard. Does the name Fred Rindel, a South
7 African general, mean anything to you?

8 A. I'm not sure.

9 Q. Rindel is spelt R-I-N-D-E-L.

15:17:48 10 A. I'm not sure if it means anything to me. I don't remember
11 at this point that name.

12 Q. Very well, let's move on then to arrest number six which
13 was on 1 May 2001. Now, on this occasion the suspicion which
14 fell upon you and resulted in your arrest stemmed from concerns

15:18:25 15 about you sending information abroad electronically. Is that
16 right?

17 A. That's correct.

18 Q. At this time you were working for The Analyst?

19 A. That's correct.

15:18:41 20 Q. And the date of this incident was 1 May 2001?

21 A. I believe that's correct.

22 Q. And in the belief that you had been sending information out
23 of the country in that way, you were arrested, were you not?

24 A. Can you please restate that. I didn't get the first part,
15:19:03 25 counsel.

26 Q. On suspicion that you were sending information
27 electronically out of the country you were arrested, were you
28 not, and taken before --

29 A. I was arrested.

1 Q. You were taken before the National Security Agency?

2 A. Actually, I put it this way. I turned myself in after a
3 few days.

4 Q. Okay, my fault. Officers arrive at the newspaper offices,
15:19:45 5 yes?

6 A. Correct.

7 Q. You are alerted to the fact that they are there?

8 A. Correct.

9 Q. As a consequence you do not attend at the premises?

15:19:56 10 A. Correct.

11 Q. Rather you take the precaution of meeting up with someone
12 from is it the Catholic peace mission?

13 A. No.

14 Q. Who were they?

15:20:11 15 A. This was --

16 Q. The Catholic Justice and Peace Committee?

17 A. Right, that was a few days after my newspapers had been
18 ransacked and properties taken and after an arrest warrant was
19 issued to have me arrested.

15:20:31 20 Q. And you eventually turned yourself in, didn't you?

21 A. I did.

22 Q. Did you take anyone along with you when you turned yourself
23 in?

24 A. Yes, sir.

15:20:40 25 Q. Who was that?

26 A. A representative of the Catholic Justice and Peace
27 Commission.

28 Q. Thank you. How many days after you first heard of the raid
29 upon your offices did you turn yourself in? How many days later?

1 A. I don't remember specifically how many days, but it was at
2 least - I think it was more than two/three days. It was a few
3 days later.

4 Q. In any event, when you turned yourself in you were brought
15:21:24 5 before Freddy Taylor who was the Director of the National
6 Security Agency?

7 A. Correct.

8 Q. He didn't believe in the suspicions, did he?

9 A. That's what he said.

15:21:33 10 Q. And eventually, is this right, he allowed you to go from
11 the premises?

12 A. No, he did not allow me to go as such.

13 Q. What happened?

14 A. I was informed that an investigation would be put in place
15:21:56 15 and that I should return to the National Security Agency at which
16 time the investigations would continue and I was held.

17 Q. I'm sure it's my fault. You turn yourself in and you go
18 before Freddy Taylor. Were you allowed to leave the police
19 station that day?

15:22:25 20 A. No, that was not a police station.

21 Q. All right, whichever place it was were you allowed to leave
22 that day?

23 A. I was later allowed to leave.

24 Q. Was it the same day?

15:22:36 25 A. It was the same day. The leave is such that I was allowed
26 - I was placed in the company of another NSA agent to go with me
27 to an internet cafe to begin investigation searching my --

28 Q. Email account.

29 A. -- email account.

1 Q. And help me, was that search of your email account done on
2 the same day that you surrendered?

3 A. I think so.

15:23:13

4 Q. And apart from that search of your email account on that
5 day - and I'm going to come back to that in a moment - did you
6 have to go back to the police station at any time?

7 A. I didn't have to go back to the police station. I had to
8 go back to the National Security Agency.

15:23:29

9 Q. All right. Did you have to go back to the National
10 Security Agency at a later date?

11 A. Correct.

12 Q. When you - how long after you had turned yourself in did
13 you have to return?

14 A. The next day.

15:23:40

15 Q. And then what happened?

16 A. And then I was detained.

17 Q. For how long?

18 A. For a long time.

19 Q. How long?

15:23:49

20 A. For up to 4 June.

21 Q. So you were in custody --

22 A. 3 June, I guess.

23 Q. So you were in custody then from 6 May until 3 June?

15:24:12

24 A. I'm not sure if it was 6 May. It was a few days after I
25 turned myself in.

26 Q. Sorry, my fault. You turn yourself in a few days after 1
27 May?

28 A. Correct.

29 Q. And then the following day you return to the National

1 Security Agency?

2 A. Correct.

3 Q. And you're then detained for how long?

4 A. Until the investigation was complete.

15:24:34 5 Q. And where were you detained?

6 A. At the National Security Agency.

7 Q. Was that in a cell?

8 A. Pardon?

9 Q. Was that in a cell?

15:24:46 10 A. It was in a room - in a cell, I believe. It was in a room,
11 because I was held in a room.

12 Q. So you were held in custody for almost a month?

13 A. Correct.

14 Q. And what happened to you during that month long detention?

15:25:13 15 A. I was at points - at some time I got ill and I was allowed
16 to go and see a doctor, and basically during that time the
17 investigation continued and we would go to the internet cafe on
18 Bushrod Island where we will - they would continue to search my
19 email accounts and other - I don't know what other things they
15:25:40 20 were checking, but they said they were searching my email
21 accounts. I would give them my user name and password and they
22 would look into that.

23 Q. Well, I'm struggling to understand what you're telling us
24 and I'm sure it's my fault. Did you sleep overnight at the
15:26:01 25 National Security Agency?

26 A. Yes, sir, I did sleep overnight at the National Security
27 Agency.

28 Q. And were you effectively locked in with guards outside your
29 door?

1 A. I was locked in and I couldn't see outside whether there
2 were guards or there weren't guards.

3 Q. And every day they would take you out and take you to an
4 internet cafe to check your email. Is that what you're telling
15:26:31 5 us?

6 A. Well, not every day. Many days. And when I was inside I
7 wouldn't tell if other days that I wouldn't be taken that they
8 would go there and do that. They would go to the internet cafe
9 and search, so I wouldn't - I can only account for the days that
15:26:48 10 I was taken along with the security agents.

11 Q. Now, you felt at the time that there was a mole in your
12 office, didn't you, who had alerted the authorities about your
13 use of your email account?

14 A. I thought so.

15:27:21 15 Q. And do you recall that your email address at that time was
16 info_bh_Monrovia@yahoo.com?

17 A. Absolutely wrong. I did hear that. My email account, I
18 will tell you, at that time was C-H-E-S-A-N-D-O, my woman. So my
19 first son's name is Hassan, his nickname is Cherish. So it was
15:28:02 20 Cherish Sando. Chesando. That was it. And that what you're
21 talking about, counsel, the government did talk about that but I
22 had absolutely nothing to do with that, so I don't even know what
23 email account you're referring to.

24 Q. You do know which one I'm referring to, Mr Bility. You do
15:28:19 25 know.

26 A. I do not, counsel.

27 Q. Have you heard of that email address before?

28 A. I have.

29 Q. From where?

1 A. From the National Bureau of Investigation, the NBI. When I
2 was imprisoned there, one of the prison guards was my friend
3 before I was sent to jail, so some of the guards would bring
4 small portable radios that they would sneak it in, that we would
15:28:50 5 listen to, and one of such guards was - I'm not sure I want to
6 call the name - but was arrested on that suspicion and beaten and
7 jailed at the Executive Mansion. So I used to listen at times at
8 the NBI, to radio news on the BBC, VOA, the Catholic station and
9 other stations. That's when I got to know. But the fact remains
15:29:15 10 I had no - absolutely nothing to do with that and my first ever
11 email account, first ever, was Chesando, C-H-E-S-A-N-D-O,
12 counsel.

13 Q. And what was your next one?

14 A. I think, your Honour, that's a matter of privacy or am I
15:29:39 15 ordered again to tell the learned counsel that?

16 Q. If it's your current email account, I'm not interested.
17 Can I make that clear. Did you have another email account in
18 Liberia?

19 A. After Chesando?

15:30:05 20 Q. Yes.

21 A. I did open another email account.

22 Q. What's the address?

23 A. The address is Cheahmbil, Che, C-H-E, which stands for my
24 first son's nickname, Cherish, A-H-M, my second's son name is
15:30:29 25 Ahmed, so A-H-M, second three letters, B-I-L, the first three
26 letters of my last name, Bility. So Cheahmbil.

27 Q. And would you agree that your initials are HB?

28 A. I do agree.

29 Q. Now, in any event, you had taken the precaution of alerting

1 a friend of yours to delete certain emails from your computer?

2 A. Correct.

3 Q. By giving that person your user name and password?

4 A. Correct.

15:31:11 5 Q. And informing that person to log on to your email account
6 and delete certain emails before the National Security Agency
7 could get to your account?

8 A. Correct.

9 Q. Now in order to do that you must have said to the person,
15:31:34 10 "Any email sent to X, Y or Z are the ones that I want you to
11 delete." Would you agree?

12 A. Well, I'll put it this way, counsel: The person concerned
13 is that same person to whom I had sent the email and they had
14 made public - they had published information in that email and
15:32:01 15 the person was also informed of, or aware of, the obtaining
16 situation regarding my arrest at the time, so I just called the
17 person and told the person I was in trouble. The person was
18 fully aware and gave my email information to have the information
19 deleted.

15:32:19 20 Q. Was it someone who worked for Amnesty International?

21 A. It was an Amnesty International United Kingdom - I mean
22 London based staff member. Correct.

23 Q. And so that person you enabled to log on to your account
24 and delete certain information?

15:32:45 25 A. That's accurate.

26 Q. So effectively, that person deleted all the information
27 that you had sent to him or her?

28 A. That's correct.

29 Q. Now, as I understand it, the information you were sending

1 out related to killings and other such atrocities being committed
2 during the war in Lofa County. Is that right?

3 A. The information I emailed - the pieces of information that
4 I'd emailed to the person were information that I determined
15:33:25 5 couldn't be published in Liberia --

6 Q. I appreciate that, Mr Bility. What did it relate to?

7 A. Generally, it related to human rights abuses which included
8 rape and gang rape of people, Liberians and some Sierra Leoneans
9 as well in conflict areas in Lofa County and from across the
15:33:53 10 border in Sierra Leone, who were in Liberia as well.

11 Q. And this was during of course the LURD incursion into
12 Liberia from Guinea?

13 A. Yeah, this was during a time - at this time LURD had
14 invaded Liberia from, I believe, Guinea.

15:34:15 15 Q. And you the journalist, and the investigative journalist,
16 let me ask you this: LURD was supported by Guinea, wasn't it?

17 A. I preferred if the Court asked me to state my position
18 regarding that and explain whom I thought supported LURD and/or
19 created it instead of providing a yes or no answer to that.

15:34:46 20 PRESIDING JUDGE: The question relates to a country rather
21 than a person. Am I correct there, Mr Griffiths? So I don't see
22 what is wrong with that question, Mr Witness.

23 THE WITNESS: I do see something, your Honour. I'm not
24 objecting to answering a question, but I also wanted to explain
15:35:07 25 my "yes". Yes, I do agree, but if the Court can allow me to
26 expand on my answer "yes".

27 PRESIDING JUDGE: It is for counsel to ask a question to
28 follow up if he so wishes, and it is for counsel for the
29 Prosecution to pick up the point in re-examination, if

1 appropriate.

2 THE WITNESS: Okay.

3 MR GRIFFITHS:

4 Q. Were LURD supported by Guinea?

15:35:34 5 A. I believe - no facts. I believe, based on my personal
6 investigation and observation, that LURD was organised in Guinea
7 and at some levels Guinean authorities - at some level in the
8 Guinean authority LURD did or was receiving support from Guinea.
9 It was in line with that that I did publish an article titled
10 "Guinea fighting a proxy war in Liberia" as well.

11 Q. At what levels in Guinean society was support being
12 provided for LURD?

13 A. Basically my investigation and my understanding of that
14 situation was from within the military.

15:36:40 15 Q. And going further back, did your investigations unearth any
16 suggestions that the Americans were also backing LURD?

17 A. Counsel, my investigation did not suggest or prove to me
18 that the United States was providing support for LURD. What I do
19 know was that on many - on several occasions the United States
15:37:16 20 government issued statements through its embassy in Monrovia
21 condemning LURD. That I do know. And condemning the violence in
22 general and condemning LURD.

23 Q. Now, for example, did your contacts, as you describe
24 Mr John Bowman, in the US embassy, tell you about any US support
15:37:42 25 for LURD?

26 A. At this time I'm sure - I believe Mr Bowman was not even in
27 Monrovia. We're talking about 2001, so Mr Bowman was not in
28 Monrovia at the time, so he couldn't --

29 Q. No, no, no. The LURD incursion began in 1999.

1 A. I do agree. I thought you were referring to in the context
2 of me emailing some pieces of information, counsel, to Amnesty.

3 Q. No, no, no, we're making a slight diversion, Mr Bility.

4 A. Okay.

15:38:16 5 Q. Just to get the background to what's going on at this time.

6 A. Okay.

7 Q. LURD had been attacking since 1999, hadn't they?

8 A. Yeah, they had.

9 Q. What date in 1999?

15:38:27 10 A. What I do remember clearly is 21 April.

11 Q. And there had been continued military activity by LURD all
12 the way through to 2003. That's right, isn't it?

13 A. I wouldn't say continuous.

14 Q. On and off?

15:38:41 15 A. I would say intermittent.

16 Q. Intermittent?

17 A. Right.

18 Q. And by the year 2001 where we are, LURD's activities had
19 stepped up, hadn't they?

15:38:57 20 A. Had stepped up, correct.

21 Q. So it was against a background of increased military
22 activity by LURD that you had been passing out this information
23 about atrocities being committed in Lofa County?

24 A. First of all, let me set this straight. We're talking

15:39:21 25 about 21 April 1999 to some time in 2001. I do know that -

26 that's why I used the word "intermittent". LURD activity

27 increased in 2000. In 2001, at about the time this information

28 was emailed, there was a lull. You know, the activities of LURD

29 had begun to reduce and everybody including my - generally I

1 believed then that the Government of Liberia was gaining an upper
2 hand on LURD because its activities had begun to reduce, counsel.

3 Q. Now, the atrocities that you had been writing about, were
4 they atrocities committed by both LURD and militia forces within
15:40:16 5 fighting on the side of the Liberian government?

6 A. Specifically the atrocities I was talking about were - came
7 as a result of my personal contacts and interviews with some
8 civilians who had moved from the conflict area into Monrovia and
9 what those people told me was exactly what I was emailing. For
15:40:44 10 example, the Barzewein - I think that's the name of the town -
11 massacre. Barzewein is spelt I think B-A-R-Z-E-W-E-I-N, I
12 believe. So I was actually recounting accounts from victims who
13 had said that they had suffered, you know, abuses at the hands of
14 government forces and had physical - physical scars on them. So
15:41:16 15 it was not my business, counsel, to put words into their mouths.

16 Q. I'm not suggesting you did. Now did you at the same time,
17 bearing in mind that it takes two sides to fight a war --

18 A. I certainly --

19 Q. Did you take into account any atrocities committed by LURD?

15:41:37 20 A. I did.

21 Q. So it was an even handed report of the conflict which you
22 had emailed to your contacts in Amnesty International in London?

23 A. Counsel, I think let me just put this in context for you.
24 This was not a news story. These were accounts of victims who
15:42:01 25 had fled the conflict zone and I had spoken to them, so that is
26 different from writing a news story. However --

27 Q. All right, I agree. I agree. So all you were providing
28 were factual summaries of interviews you had conducted with
29 victims?

1 A. Correct. All I was providing was what I believed to be
2 factual statements provided to me by victims who had fled the
3 conflict zones.

15:42:42 4 Q. So, for example, amongst that information might be an
5 account which says, "My name is so and so. I'm 19 years old. I
6 used to live in Lofa County. Then the government forces came and
7 I was raped"? Accounts like that, would you agree?

8 A. Well, it wasn't that simple as you are saying.

15:43:07 9 Q. I'm just giving that as a simplistic example. That was the
10 nature of the content of the emails you had sent?

11 A. No, in terms of description I think, counsel, you've got
12 that wrong. It was not. If you like I could give it to you.

13 Q. Very well. But in any event I'm just trying to get a
14 flavour of the content of these emails, do you understand me?

15:43:24 15 A. Yes, sir, counsel, and I can provide that for you if you
16 like.

17 Q. Well I'm not interested in that, but basically you're
18 telling us you were just recounting people's experiences in the
19 war, yes?

15:43:42 20 A. I was recounting abuses meted out against people who had
21 fled the conflict zones.

22 Q. Well tell me this then, Mr Bility. What was in that to
23 hide?

24 A. There was nothing in that to hide.

15:44:01 25 Q. So why get someone to delete the emails?

26 A. This is why. The Government of Liberia had an attitude
27 that it wouldn't allow people to have such pieces of information
28 published. It always denied them. Meantime, the victims did
29 point specifically at Liberian government troops in that respect

1 and their allies from the Revolutionary United Front. So what
2 was in it, the concern was the government as it had been in the
3 past would make trouble for us by accusing us of reporting or
4 writing stories that were undermining the government and that
15:44:53 5 were portraying the government in a bad light. Remember now that
6 during this time there had begun to be an international and West
7 African regional concern placed on Liberia with respect to
8 widespread human rights abuses and with respect to the Sierra
9 Leonean situation and with respect to the militarisation of the
15:45:21 10 region. So we figure out that the government - that was the
11 something that the government didn't even want to have published.
12 So we thought - I thought based on my work in association with
13 Amnesty International that these were clearly human rights abuses
14 and that it was necessary that I reported them so that voice
15:45:45 15 could be given to those who didn't have voice, you know,
16 regarding that. The goal was to prevail on the Liberian
17 government to desist from committing such abuses.

18 Q. But, Mr Bility, other bodies in Liberia, such as the
19 Catholic Justice and Peace Commission, were openly sending out
15:46:10 20 that kind of information and publicising it, don't you agree?

21 A. I do not know that. What I do know --

22 Q. What do you mean by you do not know that when on the
23 occasion when you surrendered you went with a representative from
24 that same organisation?

15:46:25 25 A. Correct.

26 Q. Are you telling us that you, a journalist who specialised
27 in doing - in exposing human rights abuses, was unaware of other
28 bodies in Liberia disseminating that kind of information? You
29 didn't know?

1 A. Well, you said "that kind of information". I do know that
2 the Catholic Justice and Peace Commission of Liberia issued
3 statements and made comments regarding what it believed were
4 human rights abuses. I also do know - I also did know that
15:46:58 5 Bishop Michael Kpakala Francis, of the Catholic Archdiocese of
6 Monrovia, made comments on some of these things during his
7 homily.

8 However, we were also aware that there were certain
9 institutions and/or personalities, for example the Catholic
15:47:17 10 Church and the Catholic institutions, that the government was not
11 sure if it could go after them as it went after individual
12 journalists. So as an institution the Catholic Church did print
13 reports regarding human rights abuses and so I do not know,
14 counsel, why the - what specific details that the Catholic Church
15:47:44 15 published, but I do know that they did make comments.

16 For me, I spoke directly with victims and I thought since I
17 did not have the opportunity to have those comments - those
18 stuffs published in my newspaper it was necessary that based on
19 what Amnesty International expressed concerning human rights
15:48:05 20 abuses that those pieces of information be sent to them so that
21 they could have them published. So that's exactly what I did.

22 Q. But, Mr Bility, if information of that nature is already in
23 the public domain, why did you have to delete your emails unless
24 there was something in them which you wanted to hide?

15:48:31 25 A. I had to delete my emails because the government previously
26 had, through President Charles Taylor and other people, perceived
27 me as an anti-government editor and as someone who was quote
28 unquote funneling sensitive anti-government information to
29 government enemies in the west. So I thought that the

1 implication of that would be far worse on me as an individual
2 reporter than it would be on an institution like the Catholic
3 Church. So there was a boundary. The government did make
4 comments on the Catholic Church, but the government never
15:49:10 5 arrested Bishop Michael Francis. I do know that the government
6 never arrested Bishop Michael Francis.

7 So the fact of the matter remains while both of us, I on
8 the one hand and the Catholic Church on the other, and/or other
9 institutions were making these comments, I believe that my
15:49:35 10 comments - my reports - were very, very, very specific and my
11 contact was Amnesty International in that regard. The Catholic
12 Church has - I mean it's an institution by itself and so it
13 decided what it did with the reports. It published the reports.
14 So my reports were very much more specific, in my opinion.

15:49:57 15 Q. Was there anything sensitive contained in any of the
16 emails?

17 A. I think that is scenario dependent, because in my opinion
18 to the government - as far as the Government of Liberia was
19 concerned publication of such comments, such facts, such reports,
15:50:23 20 they would consider as being sensitive because in the light of
21 the prevailing circumstances there was very close eyes on Liberia
22 and accusation from here and there that Liberia was involved in
23 human rights abuses and was also involved with the situation in
24 Sierra Leone. The government had made - had made it a business
15:50:44 25 to not allow publications in public journals, or newspapers, that
26 would quote unquote undermine its image. So from the
27 government's perspective it would be sensitive. However, from
28 the perspective of a learned counsel in The Hague it wouldn't be
29 of course looking back on it. But regarding the situation

1 obtaining at that time, those were desperate times and they were
2 certainly, in my opinion, sensitive as far as the Liberian
3 government under President Charles Taylor was concerned.

15:51:28 4 Q. I'm going to suggest to you, Mr Bility, that reporting of
5 such killings and rapine in Lofa County was regular in the
6 newspapers in Monrovia at the time. Do you agree, or disagree?

7 A. I do agree that there were reports in the newspapers. I'm
8 not sure how regular they were, but there were reports in the
9 newspapers regarding the fighting in Lofa County and elsewhere.

15:51:57 10 Now, this is a key difference. Some victims, for example, would
11 say, "I was attacked. My family members were killed by Liberian
12 government soldiers along with Sierra Leonean soldiers who were
13 part of the Liberian government troops at the time". So I

14 specifically pointed those out. It's one thing to specifically
15:52:26 15 write and report on the details of these instances and it's quite
16 another thing to write and report on the generalities. So I
17 believe that many papers did report, but the reports were
18 generally - were general and they didn't tend to draw links
19 between the Government of Liberia and the RUF and I thought that
15:52:48 20 that was key as well.

21 Q. This is 2001 in May. Do you know what was happening in
22 Sierra Leone at the time?

23 A. I do know that there was a stable or - you know, Tejan
24 Kabbah had been reinstated, but that didn't mean that there
15:53:12 25 weren't former RUF people present in Liberia. There were.

26 Q. I'm not suggesting there weren't, because that border
27 between Sierra Leone and Liberia is as secure as a sieve. Don't
28 you agree?

29 A. It's what, excuse me?

1 Q. It's as secure as a sieve?

2 A. I'm not sure I understand that.

3 Q. It's porous?

4 A. Yeah, it's porous.

15:53:39 5 Q. Thank you. Now that was the sixth arrest, do you agree,
6 Mr Bility?

7 A. I do agree.

8 Q. And you tell us that having turned yourself in you are kept
9 in custody for about a month?

15:54:00 10 A. Correct.

11 Q. So that was the sixth one. Now the next arrest was June
12 2002, is that right?

13 A. Yeah, that's correct.

14 Q. So the next arrest was about a year later?

15:54:18 15 A. Correct.

16 Q. Were there any instances of arrest and torture in between?

17 A. Instances specifically me, no.

18 Q. I'm talking about you, Hassan Bility.

19 A. No, counsel.

15:54:37 20 Q. Between May 2001 and June 2002, were you arrested and
21 tortured on any occasion?

22 A. May 2001, June 2002, I don't remember that. I don't think
23 so. I don't remember that.

24 Q. Let's have another look behind divider 7, please. You've
15:55:04 25 got used to this page now, haven't you, Mr Bility? Page 21.

26 A. I'd like to see the page, counsel.

27 Q. It's page 21. Eight lines from the bottom, "The fifth time
28 I was arrested was in September 2001. This arrest was combined
29 with torture. I don't know exactly when that was. I think that

1 was at the end of September. That time I was held for a day or
2 two. I had written an article which the government didn't like.
3 That was because in that I claimed that the Liberian government
4 was evading the imposed sanctions. That was based on an
15:55:59 5 investigation. I didn't publish some parts in Liberia because I
6 feared arrest. I sent those to colleagues abroad and then I was
7 still arrested."

8 Hold on. Where did this arrest come from?

9 A. Well, this was not specifically an arrest.

15:56:22 10 Q. It was accompanied by torture?

11 A. Well, I don't remember this.

12 Q. How could you forget it, Mr Bility?

13 A. No, I'm saying that there were times - more than seven
14 arrests, there were times that I was called in for questionings.

15:56:40 15 So this was not specifically an arrest, counsel.

16 Q. So why did you tell the judges, "The fifth time I was
17 arrested was in September 2001"? Why tell them that?

18 A. Well, I don't remember specifically this particular
19 instance saying that I was arrested. I might, it might have been
15:57:03 20 confused with some other previous question regarding - specific
21 question.

22 Q. How could you be confused? You've consistently said seven
23 arrests. Now we've got an arrest in September 2001 which you
24 told the Dutch judges about.

15:57:24 25 A. Right.

26 Q. And now you tell us there was no such arrest.

27 A. The arrest in September - I'm sure this must have had to do
28 with my first arrest. This is not September 2001.

29 Q. You were arrested in August 1997. Why would an arrest in

1 September 2001 have anything to do with your arrest in August
2 1997? How?

3 A. Right. I don't know how.

4 Q. Mr Bility, why did you tell the Dutch judges on oath this
15:58:06 5 which is clearly an untruth? Why did you tell them that?

6 A. Well, I believe the dates - this must have been referring
7 to another arrest, so the dates might have been confused.

8 Q. No, Mr Bility, it doesn't work. There are only seven
9 arrests, and you've told these judges about the seven of them and
15:58:29 10 this one wasn't amongst them. Furthermore, I asked you, a matter
11 of moments ago, if you were arrested between May 2001 and June
12 2002 and you've said no. Yet here you were, in April 2006,
13 inventing another arrest in front of those Dutch judges. Why
14 were you doing it?

15:58:56 15 A. Well, I was not inventing any arrest, counsel. What I
16 thought I was doing was --

17 Q. Well --

18 A. What I thought I was doing was trying, to the best of my
19 ability, to remember the sequence of events and events themselves
15:59:14 20 as they occurred.

21 Q. Well, I could understand you being confused about dates,
22 but to invent a completely new arrest is another matter
23 altogether. Why did you do that?

24 A. I believe, counsel, that this must have been specifically
15:59:34 25 associated with one of the previous arrests that we've mentioned
26 because --

27 Q. Which one?

28 A. It was not - I'm not sure right now which one - which one
29 it must have been associated with, but clearly September 2001, I

1 really don't remember. I'm not saying specifically that it
2 didn't happen, but I do not remember specifically that at this
3 point, counsel.

16:00:04 4 Q. Is what you're now saying this: I may have been arrested
5 in September 2001 but I've forgotten that I was. Is that what
6 you're suggesting?

7 A. I am saying that what I do remember currently, this arrest
8 was not a part of that. I'm not saying that it didn't happen,
9 but I just don't have a current recollection of that.

16:00:27 10 Q. Mr Bility, you go on to say you were tortured. It was
11 combined with torture. You go on to give details about what it
12 was in relation to. Now it must mean, mustn't it, that that
13 wasn't just a lie; it was an embellished lie? Don't you agree?

14 A. I don't know what you're talking about, counsel.

16:00:57 15 Q. Embellished in the sense that you go on to say that you'd
16 been arrested because the Liberian government was evading the
17 imposed sanctions. Had you ever been arrested in relation to the
18 fact that the Liberians were evading sanctions?

19 A. What I do know is that --

16:01:16 20 Q. Were you ever arrested because the Liberian government was
21 evading sanctions?

22 A. I don't remember that. I do remember my newspaper, the
23 newspaper being shut down.

24 Q. Mr Bility, I'm going to ask you one more time because I'm
16:01:30 25 anxious to get on. We've been at it for too long now. Were you
26 ever arrested in relation to the Liberian government evading
27 sanctions?

28 A. I don't remember that. I do remember that my newspaper was
29 shut down after the publication of a news story that was titled

1 "Taylor's inner circle exposed". I believe that was the
2 headline. "Taylor's inner circle exposed".

3 Q. Mr Bility, look at this page, yes? Do you see where it
4 starts, "The fifth time I was arrested"? Read to yourself down
16:02:16 5 to the end of that paragraph and tell me if any of that is true.

6 A. Well, I'm saying here that --

7 Q. No, simple, Mr Bility.

8 A. Right.

9 Q. Is any of that account of a fifth arrest true?

16:02:49 10 A. In September 2001 I was - I don't remember being arrested.

11 Q. No, no, no. Is any of that account of a fifth arrest true?

12 A. I don't remember that.

13 Q. Is any of that account of a fifth arrest true?

14 A. I do not remember that, counsel.

16:03:11 15 PRESIDING JUDGE: Mr Witness, look at the paragraph. You
16 will see that there are several facts in there. I don't need to
17 read them all out. One of them is, "I was held for a day or
18 two", another is, "I had written an article which the government
19 didn't like". Take those facts one by one and say if any of them
16:03:33 20 are true.

21 THE WITNESS: I do - that I was arrested in 2001,
22 September, I do not remember that and I don't believe, based on
23 my not remembering that, that that is accurate. That I was held
24 for a day or two, I do not remember, clearly remember that, but
16:03:58 25 what I do remember is investigating and reporting an article
26 which I don't see here that was titled "Taylor's inner circle
27 exposed". I believe that was the title and the newspaper was
28 shut down. I do remember that, but I don't - I do not remember
29 actually this particular events as they relate to dates and the

1 torture. Clearly, I don't remember them.

2 MR GRIFFITHS:

3 Q. Well, Mr Bility, help me with this: How is it that you
4 remembered such dramatic events in April 2006 but you've
16:04:39 5 forgotten them three years later in January 2009? How?

6 A. I don't know.

7 Q. No, can you try and give us a sensible explanation how it
8 is you remembered all of those facts in April 2006 and you've
9 forgotten them now? How is that possible?

16:05:03 10 A. The answer to your question is I do not know. What I can
11 say regarding your queries, counsel, is that I believe that this
12 might have been confused with a previous arrest. That's all I
13 can say.

14 Q. Who confused it?

16:05:27 15 A. Of course if the statements were taken from me I might have
16 said - I might have given wrong dates and descriptions.

17 Q. Who confused it?

18 A. I might have provided the wrong dates and descriptions of
19 the events.

16:05:45 20 Q. Who confused it?

21 A. At this point, counsel, I'm not sure.

22 Q. It only have been you, so help me: How could you have
23 become so confused? You, an editor of a newspaper, used to
24 writing factual accounts, that all of a sudden you remember an
16:06:06 25 event as dramatic as being arrested and tortured, and
26 miraculously, three years later, you forget it and you can't
27 remember. How?

28 A. Well, I also want to put it to you, counsel, regarding your
29 concern that these things were so much of a regular occurrence

1 that --

2 Q. No, it only happened seven times. So, help me: How come
3 you have forgotten this one which you remembered three years ago?

4 A. I did - the question posed is how; correct?

16:06:42 5 Q. Yes.

6 A. Okay.

7 Q. And I'm not interested in a philosophical answer. Just
8 give us a simple answer which makes commonsense. How?

9 A. The simple answer is I don't know. I believe that this
16:06:59 10 might --

11 Q. Can I suggest a simple answer, Mr Bility --

12 A. You're not letting me talk, counsel.

13 Q. -- that you're a liar.

14 PRESIDING JUDGE: Just a minute. Just a minute.

16:07:08 15 MR SANTORA: Counsel, I am sorry, I don't - I will withdraw
16 it.

17 PRESIDING JUDGE: Mr Witness, you were asked a question.

18 THE WITNESS: Yes, your Honour.

19 PRESIDING JUDGE: And it was how come you have forgotten
16:07:19 20 this one when you remembered it three years ago. Now, what is
21 the answer to that question?

22 THE WITNESS: The answer would be that I just don't
23 remember now.

24 PRESIDING JUDGE: Now, Mr Griffiths, your next question
16:07:35 25 following from that answer.

26 MR GRIFFITHS:

27 Q. Well, the next question is: How did you remember it three
28 years ago?

29 A. I believe three years ago I was writing an account that I

1 best remembered then.

2 Q. I'm sorry, I don't understand that.

3 A. I do believe that three years ago I was making these
4 comments based on my best recollection at the time, I believe.

16:08:14 5 Q. So your recollection - your best recollection indeed at the
6 time was, September 2001 I was arrested and tortured, and somehow
7 in January 2009 you'd forgotten it. Is that what we're to
8 accept?

9 A. Well, if you look at the second sentence on that same line,
16:08:43 10 you'll also see clearly, counsel, that I indicated that I don't
11 exactly - exactly when in terms of time. Now I would just like
12 to make this comment --

13 Q. No, no, no, but you go on. Go on and read the rest of it.

14 A. All right. In terms of time, okay, exactly when that was,
16:09:03 15 I think that was the end of September.

16 Q. Thank you.

17 A. Now the statement - I'm not making here - this statement is
18 not making a - is not making a --

19 Q. Is the word you're searching for it's not making sense?

16:09:16 20 A. -- conclusively clear that I did clearly believe - I mean I
21 remember that, so these were accounts that I was trying to piece
22 together as far as instances or instances I was involved with and
23 interactions between me on the one hand and the government or
24 regarding arrests, so basically, that is what this is saying.

16:09:39 25 Now, while it is true that I kept record of these things back in
26 Liberia, of course I didn't have the opportunity to take any of
27 such records with me. So based on my best recollection I believe
28 that's what you see here, but I must point out that the date, you
29 know, is something that I don't really think that I consciously

1 remembered it and said it at that time here, like 2001,
2 September.

3 Q. Mr Bility, have your eyes traversed the rest of the page to
4 notice that there's another arrest between May 2001 and June 2002
16:10:31 5 which you didn't tell these judges about before? Look at the
6 last two lines, "The sixth time I was arrested was in February
7 2002", and you're quite precise, "It was some time between 11 and
8 19 February. That time I was held for about two days." Where
9 did that one come from?

16:10:58 10 A. Well, this specific one was not - it was not I that was
11 specifically arrested. It was some other journalists. I believe
12 it was in February. It was some other journalists that were
13 arrested and this had to do - some other journalists from The
14 Analyst and this had to do with I believe it was an article that
16:11:27 15 said "Good or evil, state of emergency". I'm just trying to
16 figure out if it was in February, or March. I'm sure that --

17 Q. Mr Bility, can I pause you for a moment. If it was another
18 journalist who was arrested why does it say, "The sixth time I
19 was arrested"? Have you moved into somebody else's body?

16:11:55 20 A. No, what I'm saying --

21 Q. Well, explain to us please.

22 A. Exactly. What I'm saying is that after the publication of
23 an article regarding the state of emergency declared then by the
24 Government of Liberia, The Analyst newspaper was shut down and
16:12:14 25 two journalists were held.

26 Q. Were any of them you?

27 A. No, neither of them was I.

28 Q. So why do you say in that sentence, "The sixth time I was
29 arrested I was held for two days"? It had nothing to do with

1 you.

2 A. Well I understand that clearly, counsel, but I believe that
3 in this particular instance I'm not sure if this is a transcript,
4 or this is a writing recorded by investigators, but I --

16:12:47 5 Q. No, no, no, this is a transcript of evidence you gave
6 before the Dutch judges. We've been on it for a big part of
7 today.

8 A. Correct.

9 Q. So, help me. If it was two other journalists who were
16:13:07 10 arrested, why have you said to those judges it was you and that
11 you were held for two days? Why?

12 A. I believe I must have confused that as well, but this is
13 the point, right? It says, "The sixth time I was arrested was in
14 February. It was some time between 11 and 19 ..." The first
16:13:28 15 time - I mean this sixth time was a harassment which resulted
16 into the shutting down of The Analyst newspaper after the
17 publication --

18 Q. A harassment of whom?

19 A. A harassment of the entire staff of The Analyst.

16:13:45 20 Q. Including you?

21 A. Of course including me.

22 Q. So because you were harassed two other journalists were
23 arrested, but you have decided, guess what, "I'm the one who was
24 arrested"?

16:13:58 25 A. Well, the fact of the matter is I didn't even try - I
26 didn't try - I didn't think, you know, that this was mentioned as
27 part of my sequence of arrests. There were --

28 Q. No, no, no, these are your words as recorded.

29 A. Right, I understand that. There were instances that I

1 haven't even told you. I mean --

2 Q. Other arrests?

3 A. Other instances. I'm not saying other arrests, but what
4 I'm saying is that I believe this must have been confused based
16:14:30 5 on the number of arrests.

6 Q. Who was confused?

7 A. Well --

8 Q. Well, there are only a few candidates. Let me suggest one,
9 you. Were you confused?

16:14:46 10 A. I must - if I did say that specifically and if it was
11 accurately recorded, I must have confused it with some other
12 previous instance.

13 Q. Now bear in mind, Mr Bility, we have now spent a long day
14 going through the events recorded on this page. Let us just
16:15:11 15 recap now. On this page you say - and maybe we ought to make a
16 note of it whilst we go along so that we can compare the two.
17 The account you're giving in April 2006 to Dutch judges are (1)
18 seven arrests, those arrests being: (a) August 1997 and the
19 second (b) 22 January 1998. Are you following me?

16:15:49 20 A. Yeah, I'm following you.

21 Q. The third (c) March 1998; the fourth 1 May 2001; the fifth
22 (e) September 2001; the sixth (f) February 2002; and then the
23 final one, going back up the page, June 2002. Okay?

24 A. Correct.

16:16:35 25 Q. Now, what you told these judges on Monday of this week and
26 have persisted with is the following: (1) seven arrests, the
27 first of which was in August 1997; the second being after 14
28 October 1997; the third being late 1997; the fourth being 22
29 January 1998; the fifth being - and that was the ATU article

1 about the Libyans - September 2000; the sixth being 1 May 2001;
2 and the final arrest being 24 June 2002.

3 Now in terms of those two sequences when you have them next
4 to each other, the only three which agree are August 1997 which
16:18:15 5 appears in both lists, January 1998 which appears in both lists
6 and June 2002 which appears in both lists. Every other arrest --

7 MR SANTORA: Objection. Counsel probably meant --

8 MR GRIFFITHS: September 2001, sorry.

9 MR SANTORA: Well, I think I was looking at May 2001.

16:18:44 10 MR GRIFFITHS: I'm sorry, May 2001 and September.

11 Mr Santora is perfectly right. Thank you very much:

12 Q. And May 2001 fit. But what happens is in each list there
13 are two which don't appear in the other list. March 1998 doesn't
14 appear in the other list and February 2000 doesn't appear in the
16:19:16 15 other list. So, help us please. Why is there this disparity
16 between the two lists - the two accounts - you've given to two
17 sets of judges on two occasions? Why?

18 MR SANTORA: This is probably a misstatement. I believe
19 counsel said "February 2000", but he may have intended to say
16:19:43 20 February 2002. I'm not sure if that was misspoken.

21 MR GRIFFITHS: Yes, I am. Mr Santora, I'm really grateful
22 for that because I had missed out the last digit, I'm sorry, and
23 I've actually got page 21 in front of me and so it should have
24 been clear:

16:20:04 25 Q. But the fact is we do have two very different accounts,
26 don't we? Don't you agree, Mr Bility?

27 A. Is that a question, sir?

28 Q. Yes, please.

29 A. We do have two apparently different accounts.

1 Q. Why?

2 A. I do believe that the latest sequence that I have provided
3 is the actual sequence and more accurately represent what I
4 believe today obtained. So in other statements and/or recordings

16:20:55 5 I believe I might have misspoken, or made - unconsciously or so
6 associated certain dates with certain instances, but I do believe
7 that this represents a more accurate account because I've done
8 ever since additional research on two things: on the private
9 stuff that I'm working on, which is - on a private thing that I'm
16:21:35 10 working on and that required --

11 Q. Don't be coy, Mr Bility. You're writing a book, aren't
12 you?

13 A. Okay. And that required --

14 Q. Are you writing a book?

16:21:48 15 A. Counsel, that's not your question.

16 Q. Are you --

17 PRESIDING JUDGE: It is the question now, Mr Witness.

18 Please answer the question.

19 THE WITNESS: I am writing a book. I am writing a book,
16:22:05 20 your Honour.

21 MR GRIFFITHS:

22 Q. Why were you reluctant to tell us that?

23 A. Because I thought it was none of the Court's - you know,
24 the Court didn't care about that. That's private, that's why.

16:22:16 25 Q. You wanted to say, "It's none of the Court's business",
26 didn't you?

27 A. No, counsel.

28 Q. Well tell me this, Mr Bility.

29 PRESIDING JUDGE: Just pause, Mr Griffiths. I have not

1 noted a complete answer, although I must say the answer that was
2 being given had started to ramble off the question. Unless,
3 counsel, you consider you require a complete answer then I am --

4 MR GRIFFITHS:

16:22:47 5 Q. Why were you reluctant to tell us that you were writing a
6 book?

7 A. I thought that the Court was not interested in that, my
8 private business writing a book, and in furtherance to the
9 question you earlier asked, or are still asking, I did much more
16:23:15 10 accurate research which standing today I believe this represents
11 a more accurate representation of what I believed happened.

12 Q. So, Mr Bility, how does one go about researching one's own
13 history?

14 A. There are different ways and the methodology associated
16:23:41 15 with research differs, in my opinion, from person to person and
16 from subject to subject.

17 Q. We're going to come back to that in a minute, but I just
18 want to deal a little further with that reluctance to tell us
19 about the book. So today you're reluctant to tell us, but have a
16:24:06 20 look behind divider 8 in that bundle please. You certainly
21 weren't reluctant to tell the investigators about the book back
22 in March 2007, were you? Have a look at the first paragraph:

23 "Hassan is writing a book which is presently at the
24 editors, Journalists Quest Against a Dictator. A great deal of
16:24:53 25 the book is written about Charles Taylor.

26 a. 1,136 pages including a map of Liberia and photos of
27 Charles Taylor.

28 b. Some of his information is from other sources.

29 c. Due to be out end of year.

1 d. 95 per cent of book not in statements or testimony.

2 e. Did not tell all previously:

3 i. In part because might erase relevance in book.

4 ii. In part because different men on trial.

16:25:36 5 f. He may write about his experience in the court as the
6 last chapter of the book."

7 So my cross-examination of you might feature in print then,
8 might it, Mr Bility? Are you going to write about me?

9 A. No, counsel, I'm sorry.

16:25:59 10 Q. And let's just have a look at that, shall we. "Some of his
11 information is from other sources". So it means that since you
12 gave your account to the Dutch judges in 2006 you've gone to
13 other sources and you've changed your account. Now help us with
14 this: How can you tell whether what you're telling us is from

16:26:33 15 your own experience or whether it's as a result of something
16 you've researched? How can you tell us - tell the difference?

17 A. Right. First of all I'll like to - I'm not sure - your
18 Honour please forgive me, I'm not sure if that's the right word.

19 I would like to debunk your suggestion, learned counsel, that the
16:26:59 20 book - the informations are from other sources. Well, nobody
21 writes a book, that's my opinion and what I do know, without
22 making research, and some of those research might come from other
23 reading materials. So it's in no way suggesting that.

24 What I have said basically is this: Since I made up my
16:27:32 25 mind to do, to write a book, I have been compelled to do a more
26 intensive research on everything and based as well on those
27 research I'm in a position to say that accurately, what I'm
28 saying truly represents what I believe. Now it says the book due
29 to be out end of year and I'd just like to make a correction to

1 that. There was a huge revision to the book based on my, you
2 know, personal research as well. I had to travel to Liberia on
3 two occasions --

16:28:22 4 Q. Tell me, Mr Bility, how much is it going to cost so I might
5 be able to go out and buy a copy or afford a copy? Or is it been
6 published?

7 A. Your Honour, is that question relevant?

8 Q. Has it been published?

9 PRESIDING JUDGE: Has it been published is very relevant.

16:28:33 10 THE WITNESS: It's not been published here.

11 PRESIDING JUDGE: Counsel, Mr Witness --

12 MR GRIFFITHS: That is a very convenient point, your
13 Honour.

14 PRESIDING JUDGE: Thank you, Mr Griffiths. We have now
16:28:44 15 come to the end of the day and we will be adjourning until
16 tomorrow morning as usual at 9.30. I wish to remind you again,
17 Mr Witness, as I have on other afternoons, that you are under
18 oath and you are obliged not to discuss your evidence with any
19 other person until it is finished.

16:29:20 20 [Whereupon the hearing adjourned at 4.30 p.m.
21 to be reconvened on Friday, 16 January 2009 at
22 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY 22628

CROSS-EXAMINATION BY MR GRIFFITHS 22628