



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 26 AUGUST 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Mr Mohamed A Bangura
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Terry Munyard

1 Wednesday, 26 August 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:40 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MR BANGURA: Good morning, Mr President, your Honours, and
8 counsel opposite. For the Prosecution today are myself Mohamed A
9 Bangura, Mr Christopher Santora, and Ms Maja Dimitrova. Thank
09:34:20 10 you, your Honours.

11 PRESIDING JUDGE: Thank you, Mr Bangura. Yes,
12 Mr Griffiths.

13 MR GRIFFITHS: Good morning, Mr President, your Honours,
14 counsel opposite. For the Defence today myself Courtenay
09:34:28 15 Griffiths, assisted by my learned friends Mr Terry Munyard and
16 joining us again today, having been with us before, is
17 Ms Priyanka Reddy.

18 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Taylor,
19 before we continue I'll just remind you you are still bound by
09:34:45 20 your declaration to tell the truth.

21 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

22 [On former affirmation]

23 EXAMINATION-IN-CHIEF BY MR GRIFFITHS: [Continued]

24 Q. Mr Taylor, yesterday when we adjourned we were looking at
09:34:56 25 the panel of experts reports. Do you recall?

26 A. Yes, I do.

27 Q. And we had reached paragraph 254 of the document on page
28 42, exhibit P-18. Do you have it, Mr Taylor?

29 A. Yes, sir, I see it.

1 Q. Now, we had looked at that paragraph which provides that in
2 summary, the RUF is able to obtain large quantities of arms,
3 military equipment, and related material as a result of the
4 following key factors, and the last listed factor is Liberia's
09:36:17 5 interest in destabilising its neighbours. Now, Mr Taylor, help
6 us, what interests did Liberia have in destabilising its
7 neighbours?

8 A. None whatsoever.

9 Q. Mr Taylor, what had you been doing in relation to
09:36:37 10 Sierra Leone in the years 1998 and 1999?

11 A. I was busy struggling to help to bring peace, get
12 ceasefires and agreements signed to bring an end to the war.

13 Q. And when difficulties arose in another neighbouring
14 country, Cote d'Ivoire, what did you attempt to do there?

09:37:05 15 A. I also attempted to help to stabilise the situation,
16 working along with other members of the international community,
17 including France and other major countries.

18 Q. Now, help us, please, Mr Taylor, and take your time to
19 consider this: What did Liberia stand to gain or what did you
09:37:29 20 personally stand to gain from destabilising your neighbours?

21 A. Absolutely nothing. Absolutely nothing.

22 Q. Now, can we go back to paragraph 246, please. Under the
23 heading "Further Research" we find this:

24 "Financial assets are at the heart of all criminal
09:38:21 25 enterprise. Lost workers and equipment can always be replaced if
26 financial assets are not targeted. Because of time constraints,
27 the panel could not look into the assets of RUF leaders, their
28 sponsors, and the members of the organised crime groups that
29 supply them. Further investigation is required to identify,

1 trace, freeze, and confiscate these assets.

2 Because of time constraints, the panel was unable to fully
3 investigate the original source, that is, the producing
4 countries, of weapons that contravened the Security Council
09:39:07 5 embargoes in question. As noted below, one outstanding query
6 involves an incident in Kazakhstan, another involves a
7 Moldova-based company named Renan.

8 On various occasions prior to the arrival of UNAMSIL in
9 Sierra Leone, Nigerian ECOMOG troops lost weapons to the RUF when
09:39:30 10 they fell victim to rebel ambushes. During the December 1998
11 siege of Kono, for example, the rebels captured a great number of
12 ECOMOG weapons, including a number of armoured vehicles. In
13 addition, however, the panel heard an overwhelming number of
14 reports of Nigerian ECOMOG troops exchanging weapons with the RUF
09:40:00 15 for cash, diamonds, food or other goods. The information was
16 considered reliable, but in order to verify or disprove these
17 allegations, further investigation will be required.

18 During its work, the panel obtained information on
19 connections between the RUF and rebels in Guinea-Bissau and with
09:40:28 20 UNITA representatives in West Africa. The evidence, however, was
21 not conclusive and needs more research, preferably with
22 cooperation from law enforcement and border control authorities
23 in the region.

24 An accomplice of Victor Bout, a Russian citizen named Oleg
09:40:50 25 Grigorovich Orlov, is the subject of a government investigation
26 in Kazakhstan into the smuggling of two Mi-8T helicopters out of
27 the country. According to the government of Kazakhstan, Orlov is
28 active in the arms market of the Confederation of Independent
29 States Syria, Sri Lanka, Pakistan, North Korea, and certain

1 African countries, including Eritrea. He is associated with the
2 following companies: Dunford-Avia Progress Ltd, (Cyprus), Global
3 Omarus Technology Ltd, lately renamed EMM Arab System Ltd
4 (Cyprus), Euroasian Financial Industry Group (Singapore and
09:41:43 5 Malaysia), Belmont Trading and Gulfstream. Further investigation
6 of Orlov and his association with Victor Bout could shed light on
7 an important source of illegal weapons flows into Africa.

8 On 7 December 2000 the panel was informed by Ugandan
9 authorities that Ugandan customs had recently seized a
09:42:03 10 consignment of arms believed to be destined for Monrovia.
11 Ugandan authority had been granted for air transport of the
12 consignment from Entebbe to Conakry for the use of the Guinean
13 Ministry of Defence. The flight plan, however, showed that the
14 real destination of the plane was Monrovia."

09:42:27 15 Do you know anything about that, Mr Taylor?

16 A. No, I don't.

17 Q. Now, note that the paragraph reads: "... believed to be
18 destined for Monrovia." And the final sentence is:

19 "The flight plan, however, showed that the real destination
09:42:46 20 of the plane was Monrovia."

21 Mr Taylor, did you lose a consignment of arms due from
22 Uganda?

23 A. No, I did not. No.

24 Q. Now, let us go now, please, to paragraph 270. No,
09:43:29 25 apologies, before we get there can we have a look, please, at
26 paragraph 262, yes?

27 A. Yes.

28 Q. Now, this comes under the heading "Recommendations on
29 weapons, transport and air traffic control":

1 "Responsibility for the flood of weapons into west Africa
2 lies with producing countries, as well as those that transship
3 and use them. The Security Council must find ways of restricting
4 the export of weapons, especially from eastern Europe, into
09:44:15 5 conflict areas under regional or United Nations embargoes.

6 'Naming and shaming' is a first step, but consideration could be
7 given to an embargo on weapons exports from specific producer
8 countries, just as diamonds have been embargoed from producer
9 countries until internationally acceptable certification schemes
09:44:41 10 have been developed.

11 Current Security Council arms embargo should be amended to
12 include a clear ban on the provision of military and paramilitary
13 training."

14 Let's go to 265:

09:44:57 15 "An analysis of the firearms recovered from rebels should
16 be undertaken in cooperation with Interpol, and its international
17 weapons and explosives tracking system. This would help in
18 further identifying those involved in the RUF supply line."

19 Now, pause there. Mr Taylor, bearing in mind this report
09:45:22 20 is dated December 2000, have you seen any report which analyses
21 the source of the arms recovered from former RUF combatants
22 during the DDR programme in that country?

23 A. No, I have not.

24 Q. Let's now go to paragraph 270:

09:45:52 25 "In this report the panel has made a variety of specific
26 recommendations that deal with diamonds, weapons and the use of
27 aircraft for sanctions busting and the movement of illicit
28 weapons. Many of these recommendations and the problems they
29 address are related to the primary supporter of the RUF, Liberia-

1 its President, its government and the individuals and companies
2 it does business with. The panel notes with concern that
3 Security Council resolutions on diamonds and weapons are being
4 broken with impunity. In addition to the foregoing, the panel
09:46:33 5 offers the following recommendations:

6 A travel ban similar to that already imposed on senior
7 Liberian officials and diplomats by the United States should be
8 considered for application by all United Nations member nations
9 until such time as Liberia's support to the RUF and its breaking
09:46:53 10 of other United Nations sanctions ends conclusively."

11 Mr Taylor, at this time, in December 2000, were senior
12 Liberian officials and diplomats under a travel ban imposed by
13 the United States?

14 A. Yes, the United States led. Yes.

09:47:20 15 Q. Were you on that ban?

16 A. I am not certain, but I very well could have been placed on
17 it.

18 Q. And when had that plan --

19 JUDGE DOHERTY: Sorry, Mr Griffiths, before you proceed, I
09:47:35 20 note your question says, diplomats and officials under a travel
21 upon imposed by the United States and the answer is
22 "United States led". Is it United States or United Nations ban?

23 MR GRIFFITHS:

24 Q. At this stage was it the United States or the United
09:47:55 25 Nations, Mr Taylor?

26 A. It's the United States, your Honour. The United States led
27 off with a bilateral sanction against Liberia that we
28 reciprocated and sanctioned their officials too, only to be
29 followed by the United Nations later.

1 JUDGE DOHERTY: Thank you.

2 MR GRIFFITHS:

3 Q. "The principals in Liberia's timber industry are involved
4 in a variety of illicit activities and large amounts of the
09:48:23 5 proceeds are used to pay for extra-budgetary activities,
6 including the acquisition of weapons. Consideration should be
7 given to placing a temporary embargo on Liberian timber exports,
8 until Liberia demonstrates convincingly that it is no longer
9 involved in the trafficking of arms to, or diamonds from,
09:48:45 10 Sierra Leone."

11 Was that timber export ban imposed in due course,
12 Mr Taylor?

13 A. Yes, and this is one of those areas that, here is the
14 United Nations imposing a ban on commodities export from a member
09:49:05 15 state from a legitimate government. They did impose - using this
16 Sierra Leonean situation, imposed a major - this is a second
17 economic sanction on Liberia. They did, yes.

18 Q. "Consideration should be given to creating capacity within
19 the United Nations secretariat for ongoing monitoring of
09:49:31 20 Security Council sanctions and embargoes. This is imperative to
21 the building of an in-house knowledge base on current issues such
22 as conflict diamonds, but it is even more important in creating
23 awareness and capacity on problems which are not likely to be
24 solved in the near future, such as the illicit trade in weapons
09:49:56 25 and related materiel."

26 Now, before we leave this document, Mr Taylor, I want us to
27 take a look, please, at the list of individuals from whom the
28 panel of experts obtained evidence. Let's go to page 51, please.
29 Now, you see here at page 51, annex 2 to the report. Do you see

1 that, Mr Taylor?

2 A. Yes, I do.

3 Q. Now, I am really interested in the individuals seen by the
4 panel the experts in Liberia and Sierra Leone. So let's go to

09:50:49 5 page 53. Page 53:

6 "Liberia, Government: President Charles Taylor; Ministry
7 of Foreign Affairs; Ministry of Lands, Mines and Energy; Ministry
8 of Planning and Economic Affairs; Ministry of Transport; Ministry
9 of Revenue; Ministry of Defence; Ministry of Justice; Ministry of
10 Finance, Bureau of Customs and Excise; Ministry of Commerce and
11 Industry; Liberian police; Roberts International Airport."

12 Pause. Mr Taylor, did you prohibit any Liberian government
13 department from speaking to this panel of experts?

14 A. No, I did not.

09:51:47 15 Q. Did you allow them full access to all government
16 departments?

17 A. Full access to all, yes.

18 Q. "Private sector: Mr George Haddad; Mars Diamonds."

19 We can ignore the list at the top of the page, but let's go
09:52:19 20 to Sierra Leone, at the bottom of the page:

21 "Ministry of Foreign Affairs; Ministry of Mineral Resources
22 (in Freetown and Kenema); Ministry of Trade; Ministry of Justice;
23 Customs and Excise; Port Authority; Airports Authority;
24 Government Gold and Diamond Office; National Security Adviser;
09:52:41 25 Sierra Leone police; Sierra Leone army; Sierra Leone air wing;
26 Diamond Counsellor International; Mackie Diamonds; Sar-Kuma
27 Mining Company Limited; Rex Diamonds; Sierra Leone Airports
28 Authority; several diamond dealers in Kenema; United Nations
29 special representative of the Secretary-General; UNAMSIL; UNV;

1 United Kingdom; United States; Campaign For Good Governance;
2 Human Rights Watch; Network Movement For Justice and Development;
3 Oxfam GB; Search For Common Ground; Sierra Leone Muslim Congress;
4 various chiefs and elders from Kono District; Civil Defence Force
09:53:32 5 (Kamajor) Leaders and Kenema and Daru; BBC; CBS News; NKH Japan
6 Broadcasting Corporation. "

7 Before we go on let's have a look at the individuals to
8 whom they spoke. Page 58, please, bottom of the page:

9 "Andrei Bressler; John Caldwell; Roger Crooks; Omrie
09:54:13 10 Golley" - Omrie Golley is the lawyer who went to Lome from
11 Liberia. Is that right, Mr Taylor?

12 A. Yes.

13 Q. "Michael Harridine; Nicolas Karras; Ya'ir Cline; Johnny
14 Paul Koroma; Raymond Kramer; Ze'ev Morgenstern; Richard
09:54:32 15 Ratcliffe; Fred Rindel; Niko Shefer. "

16 Now, let's go back to the Sierra Leonean list on page 55.
17 Now, note, amongst those listed as having been spoken to are
18 various chiefs and elders from Kono District. Do you see that?

19 A. Yes, do I.

09:54:54 20 Q. And do you see, "Civil Defence Force (Kamajors) Leaders in
21 Kenema and Daru"?

22 A. Yes.

23 Q. I ask for this reason, let us go back, please, to paragraph
24 193:

09:55:32 25 "Police and military intercepts, civilian accounts, the
26 written reports of RUF commanders to Foday Sankoh and oral
27 testimony provided to the panel by ex-combatants. "

28 Go back, please, to page 55 and the list of persons spoken
29 to in Sierra Leone. Do you see any reference there to

1 ex-combatants in Sierra Leone, Mr Taylor?

2 A. There is no reference. There is no reference there.

3 Q. Now, we ought to add this caveat, when we go to the end of
4 this annex, page 59 - do you have it? We see this caveat:

09:56:58 5 "Given the sensitive nature of the subjects being
6 investigated by the panel, many individuals spoke under
7 conditions of confidentiality. Several interviews have therefore
8 not been noted."

9 But, subject to that caveat, do you see anywhere under the
09:57:16 10 lists of persons spoken to in Sierra Leone, for example, an
11 anonymous category such as RUF ex-combatants? Do you see any
12 such reference?

13 A. No, I don't.

14 Q. Now, Mr Taylor, having gone through this document at some
09:57:31 15 length, help us, what do you feel about this report?

16 A. Well, counsel, your Honours, not to really bore the Court,
17 but this report actually is at the heart of this entire case.
18 And because of the very way this report is put together with the
19 level of - what I will almost call disinformation, it puts us in
09:58:10 20 a very bad position: (1), this report deals with arms; it deals
21 here with diamonds; it talks about staging areas in Liberia
22 that's aiding and abetting; it talks here about busting
23 sanctions. This is really the case, that I can see this whole
24 indictment came down to this faulty report, that is a political
09:58:42 25 report, that was - up until now had never been subjected to legal
26 scrutiny, okay.

27 So we have a situation here where, if you look at - I have
28 read this report. I have also read "The Heart of the Matter", a
29 document that was referred to done by Ian Smillie. While I have

1 no proof, the reason why we had taken such a strong step before
2 this report came out - remember, there was a letter that was
3 exhibited here that we wrote asking for it to be displayed as a
4 Security Council document, where we, in fact, alerted the Council
09:59:26 5 to the fact that we had information that efforts were being made
6 to persuade and/or to pressure members of this particular panel.
7 We had information at that time that, for example, Ian Smillie
8 was not an academic. He was an intelligence analyst, and we were
9 hinting to some of the things.

09:59:47 10 So when you read Ian Smillie's "Heart of the Matter", that
11 hopefully, I'm sure, can come here, you will see almost verbatim
12 what he says in "The Heart of the Matter" published in January
13 2000 is almost verbatim what is recorded in the panel of experts'
14 report as though he just picked up what was there, almost like
10:00:09 15 pasting, and put it in this report. This was not a report about
16 going out to conduct an investigation and talking to individuals,
17 this fickle stuff about on conditions of confidentiality, these
18 are words that are used in intelligence and in other places where
19 you never get to the bottom of things.

10:00:29 20 So for me, this is the real, real heart of this, and I
21 think that a thorough look of this report will show that it is as
22 fickle as it is and does not represent the whole truth. It does
23 not even - now, from about 1997, when Liberia was put on the
24 panel - I mean, on the Committee of Five, everything that I did,
10:00:57 25 along with my government, '97, '98, going into - brokered in a
26 ceasefire, the Lome Peace Accord in 1999, bringing Johnny Paul
27 Koroma to Liberia, bringing Koroma and Sankoh from Liberia to
28 Sierra Leone, bringing Issa Sesay, meeting Heads of State, I can
29 almost say dozens of visits, there is not one iota of this

1 mentioned in this report. How fair can this report - this is a
2 United Nations document. There are letters to the
3 Security Council. Kofi Annan comes to West Africa twice. He
4 meets me in Nigeria with former President Abdulsalami Abubakar in
10:01:45 5 1998. He visits me in Liberia in 1999 right after the Lome Peace
6 Agreement. They know that special representative is in Liberia.
7 He is sending frequent and faithful representation of what is
8 occurring in Liberia. There is not one mention of my
9 contribution.

10:02:01 10 So how can this be a fair report that eventually leads to,
11 really, the heart of my being here: This indictment? So for me,
12 this report is not fair. I think it's fickle. It does not deal
13 with the whole truth, and, quite frankly, subjected to legal
14 scrutiny, cannot stand. But, of course, the United Nations is
10:02:24 15 not a legal organisation. So for me, I do not think that this
16 report can validate what they are talking about here. It's just
17 not thorough, and probably it did not have to be. So this is
18 what I feel. It's just not fair and has caused a lot of problems
19 and a lot of disinformation and misinformation. Probably not
10:02:48 20 intentional, but it is on the records. That's how I feel.

21 Q. Now, before we finally leave this document, Mr Taylor,
22 there are two other aspects of it I'd like us to look at, bearing
23 in mind, as you have submitted, that this, in effect, is at the
24 heart of this indictment.

25 A. Yes.

26 Q. Let's look, please, at paragraph 63.

27 Now, this is where the panel talks about what we in this
28 Court would call the standard of proof:

29 "Standards of verification. The panel agreed at the outset

1 of its work to use high evidentiary standards in its
2 investigations."

3 Pause. Do you think it has, Mr Taylor?

4 A. No, I don't think it has.

10:03:59 5 Q. "This required at least two credible and independent
6 sources of information to substantiate a finding. Wherever
7 possible, the panel also agreed to put allegations to those
8 concerned in order to allow them the right of reply."

10:04:20 9 Mr Taylor, when this panel of experts met with you, did
10 they put any allegations to you?

11 A. No. They did not put any allegations to me. This was a
12 courtesy meeting. I spoke without really being questioned,
13 because I knew the focus of the investigation. I met them, and
14 he is right about one thing, that it was about an hour, and
10:04:45 15 really laid out some of the general areas. But I was not
16 "questioned" and the allegations put out to me and "We request a
17 response from you". No, it did not occur that way.

18 Q. "Wherever possible, the panel also agreed to put
19 allegations to those concerned in order to allow them the right
10:05:09 20 of reply. In the past, allegations against various parties to
21 the conflict in Sierra Leone have been denied with the question,
22 'Where is the evidence?' An example of this is the standard
23 response to charges that weapons have been channeled to Liberia
24 through Burkina Faso. In the report that follows, we have dealt
10:05:34 25 in detail with this particular allegation. It might still be
26 asked, 'Where is the evidence?' On this charge and others, full
27 details of the sources will not be revealed, but the evidence is
28 incontrovertible."

29 Mr Taylor, what do you feel about being prosecuted with

1 secret evidence?

2 A. I told you before in this Court, I was an accident waiting
3 to happen. This is a typical example. I was the focus of regime
4 change, and they did what they had to do to change it because
10:06:11 5 this - for anyone to say this, you can really look through this
6 and tell that - well, there is hidden allegation. When we are in
7 a court of law, and I would submit if it's so hidden, then one
8 group that it cannot and should not be hidden from, with all due
9 respect, are these judges, even if we have to be in camera. You
10:06:34 10 cannot bring me here, destroy me, and tell me there is some
11 allegation. Then the proof must be brought, even in camera,
12 before these judges that have to decide on my life. So I think
13 this is a travesty of justice if we were to consider it this way.

14 Q. "The panel examined the flight records maintained at the
10:06:56 15 offices of Roberts flight information region in Conakry for all
16 aircraft movement in West Africa during the period in question.
17 It saw photographs of the aircraft being loaded in Burkina Faso."

18 Have you ever seen those photographs, Mr Taylor?

19 A. Yes, they were exhibited here. Some photographs were
10:07:18 20 exhibited here in this Court, if this is the reference.

21 Q. "It examined flight plans. It spoke to eyewitnesses of
22 aircraft movements in Burkina Faso and Liberia."

23 Have you seen any such eyewitness from Liberia, Mr Taylor?

24 A. No, I have not. May I just add, even the photos that were
10:07:41 25 shown here, I have not commented on the photos as to whether
26 those - the photos shown in this Court. I am responding to your
27 question: Have you seen - yes, in this Court. As to the
28 authenticity, I am not speaking as to the authenticity of those
29 photos because there are even question as to whether those - the

1 plane - you're showing inside a plane with weapons that could
2 have been from Timbuktu, as far as I am concerned. So I have not
3 - my "yes" is not saying that I'll agree that those photos were
4 photos of arms that were being brought into Liberia.

10:08:16 5 Q. Mr Taylor, my apology. In asking you about that aspect of
6 this paragraph, "full details of the sources will not be
7 revealed", do you recall a code cable from Downes-Thomas to the
8 United Nations in which he said words to the effect, There have
9 been numerous allegations, but the United Nations have seen no
10:08:43 10 evidence; do you recall that?

11 A. Oh, yes, I do.

12 Q. So putting all of that together, we have a situation where
13 the United Nations sets up a panel of experts who supposedly have
14 access to evidence which the United Nations itself doesn't have.

10:09:04 15 Do you understand that, Mr Taylor?

16 A. Oh, yes, I do.

17 Q. And what do you say about that?

18 A. Well, that's the whole point. It's the whole point. Here
19 is the United Nations that is launching the investigation. Its
10:09:16 20 investigators are now even saying - saying that even the

21 United Nations cannot see what they probably know. So if their
22 bosses cannot see it, then who will see it? Does it exist? Does

23 it exist? If it exists, I would want to submit that if there
24 were any proof - and I stand corrected on this - if there were

10:09:42 25 any proof to substantiate these allegations, they would be flying
26 before this Court. It would be here. So I must assume that this
27 is all made up; no proof exists. And if proof exists that is not
28 brought here that is exculpatory, it should be brought because
29 that means that there will be - it would be unjust to me if

1 exculpatory evidence is held by the United Nations and not
2 brought here. So I have to assume it doesn't exist; it doesn't
3 exist; and never existed.

10:10:23 4 Q. "It spoke to eyewitnesses of aircraft movements in Burkina
5 Faso and Liberia, and it spoke to individuals who were on board
6 the aircraft in question. In addition to its own detailed
7 verification, the panel received corroborating information from
8 international intelligence agencies and police sources operating
9 at international, as well as national, levels. The assistance of
10:10:45 10 Interpol specialists was also taken as and when required. This
11 is an example of one of the more difficult issues examined by the
12 panel. All issues have been judged and reported using the same
13 standard."

14 Now, the second matter that I want to deal with before I
10:11:16 15 leave this document - can we go, please, to page 60. Annex 3 to
16 this report sets out the key figures in the RUF:

17 "Many of the RUF leaders have been given, or have given
18 themselves, high-ranking military titles and nicknames or
19 aliases. As many of them are known mainly by the latter, the
10:12:06 20 report has occasionally used these as well as real names, where
21 known. The following are some of the main RUF leaders:

22 Foday Saybana Sankoh, chairman of the RUF, currently in
23 prison in Sierra Leone;

24 General Issa H Sesay, former brigadier, then battlefield
10:12:28 25 commander, currently interim head of the RUF;

26 Brigadier General Maurice Kallon, currently heading the
27 northern axis of the RUF;

28 Brigadier Dennis Mingo, alias Superman, battle group
29 commander, latterly battle commander, Lunsar axis, currently

1 fighting with the RUF;

2 Lieutenant Colonel Gibril Massaquoi, latterly Foday
3 Sankoh's personal assistant, currently acting as RUF spokesman
4 behind RUF lines;

10:13:02 5 Major General Sam Bockarie, alias Mosquito, former battle
6 group commander and high command, currently in exile in Liberia;

7 Colonel Boston Flomo, alias Rambo, killed by RUF comrades
8 in Makeni;

9 Brigadier Mike Lamin, former chief intelligence officer,
10:13:28 10 Minister of Trade and Industries until May 2000, currently in
11 prison in Freetown;

12 Eldred Collins, public relations officer, RUF party,
13 currently in prison in Freetown;

14 General Ibrahim Bah, a Burkinabe, possibly of Gambian
10:13:46 15 origin, senior logistics expert in the movement of weapons and
16 diamonds between Burkina Faso, Liberia and Sierra Leone. Also
17 known as Ibrahima Balde and Balde Ibrahima."

18 Now, Mr Taylor, what was the reaction of the Liberian
19 government to this report?

10:14:13 20 A. The government, we were furious and we did not hesitate
21 immediately to respond to the report. Immediately, the
22 government put a delegation together and responded.

23 Q. Now, we know that this report was published on 20 December
24 2000.

10:14:39 25 A. Yes.

26 Q. Now, in terms of the response, let's look, please, in
27 binder 2 of 4 for week 33, behind divider 104. Do you have it,
28 Mr Taylor?

29 A. Yes, I do.

1 Q. Is this the report your government prepared?

2 A. Yes.

3 Q. And we see that it is dated 10 January 2000, yes?

4 A. Yes, that is correct.

10:16:07 5 Q. So this is published some three weeks or so after the panel
6 of experts report?

7 A. Yes.

8 PRESIDING JUDGE: The date you quoted doesn't seem to be
9 correct, Mr Griffiths. It is 10 January 2001.

10:16:30 10 MR GRIFFITHS: 2001:

11 Q. And their report was 20 December 2000?

12 A. 2000, yes.

13 Q. Now, let's go, please, to page 2 of 34 at the bottom. Do
14 you have it?

10:17:03 15 A. Yes, I do.

16 Q. "Preliminary reaction of the Government of Liberia to the
17 report of the panel of experts appointed pursuant to UN Security
18 Council resolution 1306 (2000) paragraph 19 in relation to
19 Sierra Leone.

10:17:26 20 Recommendations and submissions.

21 Notwithstanding the condemnatory and prejudicial tone of
22 the report of the panel of experts appointed pursuant to UN
23 Security Council resolution 1306 (2000) paragraph 19 in relation
24 to Sierra Leone, the Government of Liberia recommends and submits
10:17:47 25 the following:

26 (i) Total and verifiable disengagement from all its
27 involvement or connection, both unilaterally and bilaterally, in
28 the Sierra Leonean peace process.

29 (ii) With immediate effect, the total expulsion of all RUF

1 personnel, including those permitted to remain on Liberian
2 territory, upon appeal of the international community and those
3 who came in of their own will or volition as refugees.

10:18:26 4 (iii) The immediate termination of the use of Liberian
5 territory as a forum for the resolution and reconciliation of the
6 Sierra Leonean conflict and feuding parties and ECOWAS, OAU, UN,
7 et cetera.

10:18:45 8 (iv) Complete closure of the Liberian border with
9 Sierra Leone, and other Mano River Union states forming common
10 boundaries with Liberia, for however long it becomes necessary
11 for the cessation of hostility within this area, and the
12 establishment of a monitoring mechanism to ensure that no
13 violations occur.

10:19:03 14 (v) The immediate withdrawal of Liberia's membership from
15 the ECOWAS committee on the Sierra Leonean conflict."

16 I am going to pause there. Now, I have deliberately lumped
17 those together, Mr Taylor. Now, what was the thinking behind
18 those five recommendations?

10:19:27 19 A. We are doing everything that we can to promote peace. We
20 are working hand in glove with the international community. To
21 be even more specific, with the Mano River Union countries, with
22 ECOWAS, the OAU, United Nations, the United States, Britain, all
23 of these countries, and this problem just never seemed to go
24 away.

10:19:52 25 So, good. Since we are supposed to be the pariah state and
26 we are supposed to be this rogue state that is doing nothing and
27 contributing in no way, fine, we want to take a long step back
28 and just get out of the whole process, delink with the peace
29 process in Sierra Leone, delink with anything that has to do with

1 the whole thing about peace with the UN, all of that. Just take
2 a back seat. I mean, this is a full sign that we are just fed
3 up, tired and frustrated. That nothing is going to stop these
4 people from destroying this government, so we may as well not
10:20:38 5 continue to do the best that we can to help the peace process.

6 Q. But, Mr Taylor, you had been requested by your colleagues
7 in ECOWAS to personally get involved in the Sierra Leonean
8 crisis, hadn't you?

9 A. Yes.

10:20:54 10 Q. And you had got involved with the full sanction and
11 approval of the United Nations, hadn't you?

12 A. Yes.

13 Q. And you had been commended for the efforts you had made for
14 peace in Sierra Leone, had you not?

10:21:09 15 A. Yes.

16 Q. But, amongst others, the Government of the United States?

17 A. Definitely.

18 Q. So help me, did you not think that stepping back in this
19 way was effectively counterproductive?

10:21:22 20 A. Quite frankly, yes, we thought so, but what do you do?
21 Imagine, we are talking about close to - let's go back four or
22 five years of total harassment. Nothing you do is being
23 considered. Everything is negative. Everything is negative. So
24 what do you finally do?

10:21:43 25 I mean, I must admit, we viewed the consequences, but I
26 mean this was really a sign of frustration. And we were hoping
27 that this kind of move would at least cause them to come back and
28 say, "Well, look, okay, let's look at this from a different
29 angle." But I guess the die was cast. They had decided on what

1 they wanted to do and nothing was going to stop what they were
2 doing in any way. So I'm not sure if - in fact, I would say this
3 was probably a knee jerk reaction.

4 Q. I was going to ask you that, Mr Taylor.

10:22:28 5 A. Yes.

6 Q. And often knee jerk reactions are done in anger rather than
7 following cool and careful reflection. Now, this report comes so
8 swiftly on the heels of the panel of experts report. Did you not
9 think that perhaps waiting a while, allowing tempers to cool,
10:22:49 10 might have been a better tactic?

11 A. Yeah, in a way, yes. That's why it's preliminary. It's
12 preliminary. If you see it's a preliminary reaction because
13 normally in the international community, when you have these
14 accusations out, the faster you respond - this is, in general, we
10:23:08 15 respond directly to the issues raised. But as far as engagement,
16 this is a knee jerk reaction to engagement. But we do respond to
17 the allegations placed in the report, hoping that we would move
18 from that point. But there was nothing that we thought then, as
19 far as engagement was concerned, that we could have done but to
10:23:33 20 step back.

21 Q. "(vi) Prepare to accept and welcome international observers
22 at all ports of entry, including air, land and sea, for a
23 duration of at least one year, or as long as the conflict within
24 Sierra Leone continues.

10:23:56 25 (vii) The comprehensive grounding and suspension of all
26 Liberia registered aircraft that are not registered with the
27 Ministry of Transport, pending review of the registry in
28 question.

29 (viii) That while the Security Council is not a proper

1 forum for the regulation of commerce between member states, nor
2 does it possess the expressed authority to intervene in matters
3 related to commodity trading, which from time immemorial has
4 sustained and given impetus to the economic life-blood of member
10:24:30 5 states, regional communities, Liberia is hereby drawing attention
6 to an unwholesome and potentially dangerous precedent; the
7 probable notion that such involvement of the Security Council or
8 the United Nations may one day impose price controls on
9 commodities from any nation, including oil, which prices
10:24:53 10 fluctuate in keeping with market forces and notwithstanding the
11 above note of caution is a frightening thought and should be seen
12 as troubling."

13 Now, that's a bit of a mouthful, Mr Taylor, so help us.
14 What's the core of the idea behind that?

10:25:12 15 A. Well, this is a very strange phenomenon. The thought of
16 the Security Council of the United States sitting down in New
17 York and saying you cannot export timber, this is unreasonable.
18 You go from page to page of the charter of the United Nations,
19 the Security Council of the United Nations is responsible for the
10:25:38 20 maintenance of international peace and security. But when you
21 begin to get into you can't sell this and you can't sell that, I
22 mean this is unprecedented in United Nations history. And I
23 would pray that it that it never happens again, that the United
24 Nations Security Council will begin to decide that a citizen in a
10:25:56 25 country where you cannot travel - that's not the function of the
26 Security Council, according to United Nations charter.

27 And we had gone extensively with international lawyers.
28 Some were saying let's go to the International Court of Justice,
29 but the United Nation charter, as we have read and are educated

1 to know, does not give the Security Council the mandate to get
2 involved in the level of activity that it got involved with in
3 Liberia. Unprecedented and I hope it doesn't happen again, as I
4 said.

10:26:33 5 You are saying to a country you cannot sell timber. That's
6 not drugs. That's not arms. How do you tell a country that its
7 commodity cannot be sold? That's not their function. But we
8 were paralysed, we could not do anything with it and we wrote and
9 complained about it that this is not proper. And I don't know
10:26:55 10 when they are going to stop it. I hope they do stop it but they
11 have never done it to any other country. They've got nothing do
12 with commodities and its pricing and the movement.

13 I don't understand it. It is not a part of the
14 United Nations charter and maybe I can be educated to that
10:27:12 15 extent, but all the lawyers, international, we contacted lawyers
16 from around the world that wanted to test this case in the
17 International Court of Justice, we didn't have the money to come
18 to the International Court of Justice. The Security Council,
19 operating under the United Nation charter, is charged with the
10:27:28 20 responsibility of the maintenance of international peace and
21 security under Chapter 7 and it does not give them the right to
22 act as they did in Liberia and I hold to that today.

23 Q. "(ix) The UN should request member states with diamonds as
24 principal export to continue to work together under WTO as
10:27:55 25 auspices as a means to manage this vital commodity."

26 Let's turn over and look at the executive summary now,
27 Mr Taylor:

28 "The panel of experts exceeded its mandate as provided for
29 in Security Council resolution 1306 (2000) which enjoined the

1 panel to make 'observations and recommendations on strengthening
2 the implementation of the measures imposed by paragraph 2 of
3 resolution 1171 (1998) and of those imposed by paragraph 1 above,
4 no later than 31 October 2000'. The measures imposed by the
10:28:42 5 council referred to include the prohibition of the direct or
6 indirect import of rough diamonds from Sierra Leone, and the
7 prohibition of the sale and supply of arms and related materiel
8 to nongovernmental forces in Sierra Leone. The mandate of the
9 panel envisioned recommendations from experts that would provide
10:29:03 10 remedial measures for the strengthening of the measures already
11 imposed by the council and not punitive measures. The extreme
12 prejudice of the panel is demonstrated by its recommendations for
13 the imposition of a travel ban on Liberian officials and
14 diplomats by UN member states, a measure which would be unique
10:29:25 15 and unprecedented in the history of the United Nations. Why
16 Liberia?"

17 Now, why do you say the panel of experts exceeded its
18 mandate, Mr Taylor?

19 A. Well, the mandate given them was not to recommend punitive
10:29:42 20 actions against Liberia. They were charged with responsibility
21 of coming out and investigating, and this is contained in the
22 premise laid before in the previous paragraph where they state
23 how they proceed with their investigation. Their investigation
24 was to come out and really report what they had found. They went
10:30:07 25 beyond that and recommended a punitive action as saying: We are
26 the accusers; we are now judge and jury; what we found out is 100
27 per cent; so do this. That was not the mandate.

28 Q. Paragraph 2:

29 "The panel of experts was biased and prejudiced in its

1 investigations, allegations and conclusions. Their report is
2 fraught with inconsistencies, misrepresentations, and selective
3 conclusions. As a case in point, the Government of Liberia draws
4 attention to panel member Ian Smillie who, prior to his
10:30:50 5 appointment to the panel, co-authored an article in January 2000
6 entitled "The Heart of the Matter - Sierra Leone, Diamonds and
7 Human Security". The article indicts the Liberian government on
8 charges of supplying the RUF with guns and providing an outlet
9 for the sale of illicit diamonds. Mr Smillie's conclusions were
10:31:15 10 reached without local investigation, and he did not confront the
11 Liberian government with his purported evidence, as is required
12 under the right of reply. His presence on the panel was
13 prejudicial from its inception. On many occasions, the panel
14 failed to confront those accused with evidence in order to
10:31:35 15 provide them an opportunity for the right of reply, although the
16 panel claimed that this condition would constitute a standard of
17 verification."

18 Now, we looked at that paragraph in the report, did we not,
19 Mr Taylor?

10:31:51 20 A. Yes, we did.

21 Q. We are talking about the panel - that section on
22 verifications - standards of verification at paragraph 63 of
23 their report?

24 A. That is correct.

10:32:08 25 Q. Now, Mr Taylor - one moment. Now, when you say that
26 Mr Smillie's conclusions were reached without local
27 investigation, what do you mean?

28 A. Well, you had - this is supposed to be a display of
29 academic - what you will call - strength. This is a document - I

1 would really call it a white paper, and the organisation that
2 Smillie is writing for at the time - Smillie represents an NGO.
3 I don't quite remember the name, but it's contained in his
4 report. There are several NGOs that back up these reports.

10:33:03 5 Those of us - all of us that have gone through at least higher
6 education know that when it comes to research, which - what I
7 will call a research document, you can take a subject matter -
8 any subject matter, and you can call five groups of research
9 personnel, and you can tell each group what results you want, and
10:33:24 10 each group will bring you a result to support the premise. I
11 mean, this happens in academia all of the time. Smillie never
12 went to Liberia when he was doing this white paper, "The Heart of
13 the Matter." Never went to Liberia. Never talked to anyone over
14 there. They sat and they wrote an academic paper. What I know
10:33:41 15 from academic papers is that they are subject to questions, and
16 even people challenge some of the theories. This is not done.
17 You take Smillie, who has produced a white paper that is subject
18 to challenges that is not challenged, and you have him really
19 plant that entire report in a United Nation document.

10:34:04 20 So we are saying that from the beginning Smillie is
21 tainted. Smillie cannot be objective at this point when he has
22 engaged in an academic exercise that purports to hide the truth.
23 So he doesn't investigate. And if you look at his report, as I
24 said before, and you look at what he writes in the United Nations
10:34:25 25 panel of experts report, it is almost verbatim what he has done.
26 So he is tainted. This is what we are talking about. So he
27 cannot be objective.

28 Q. "The panel of experts' report states in its premium
29 paragraph that the RUF income from its illicit diamond trade is

1 'more than enough to sustain its military activities', yet, the
2 panel recommends a temporary embargo on Liberian timber exports
3 because it provides funds to pay for the acquisition of weapons.
4 How does the panel reconcile these two conclusions? What is the
10:35:03 5 correlation between Liberia's timber trade and illicit trade of
6 Sierra Leonean diamonds? Is this an attempt to selectively
7 target Liberia for punitive action? If the premise of the panel
8 is that diamonds are fueling the war in Sierra Leone because they
9 provide the resources to purchase weapons, then we ought to focus
10:35:24 10 on dealing with the trade of diamonds and weapons."

11 Just explain the point that's being made there for us,
12 please, Mr Taylor?

13 A. The panel concludes that the diamonds so-called that are
14 being produced by the RUF in Sierra Leone are more than
10:35:45 15 sufficient to sustain their war; you understand me? Now - so the
16 RUF has diamonds to sustain their war. But you come to Liberia,
17 and you impose sanctions on Liberian timber. So are you saying
18 that in addition to the RUF diamonds, Liberia is taking its
19 little meagre resource of timbers to in addition to supply the
10:36:14 20 RUF? Which is total nonsense, when we cannot even pay our
21 salaries. So what is the correlation? There is no correlation
22 then between the RUF with its sufficiency, okay, by having
23 diamonds, and the presence of timber in Liberia. So except where
24 you are trying to bring the government to its knees under the
10:36:32 25 regime change model, there is no relationship between the two.
26 Because you can't say John Brown has sufficient money to feed
27 himself, but let's take the money from Peter Doe, because Peter
28 Doe's money is also going to be used to feed John Brown when you
29 have already said that John Brown is in himself sufficient. So

1 it doesn't make sense.

2 Q. "The conclusion of the panel that the bulk of RUF diamonds
3 leave Sierra Leone through Liberia with the complicity of the
4 Liberian government and that proceeds of the sale of illicit
10:37:11 5 diamonds are used to purchase weapons, is false, unsubstantiated,
6 and based upon fabricated and inflated data. The panel's report
7 does not contain any documented or high-grade corroborated
8 evidence which could possibly indicate government's complicity in
9 the RUF diamond trade."

10:37:34 10 Again, Mr Taylor, let's pause. What are you saying there?

11 A. Well, there is nothing about showing how the Liberian
12 government - you are saying that - the complicity of the Liberian
13 government. To show complicity of the Liberian government, you
14 must be able to show, what? Official transaction involving
10:38:00 15 government ministries and agencies or personnel. There is no
16 such thing. And the question has never been are diamonds coming
17 through? But, you know, if you want to put away bias, if you
18 conclude that RUF diamonds are coming through Liberia and going
19 out with the complicity of the Liberian government, assuming that
10:38:25 20 it is true that RUF diamonds are also going through other
21 countries, then you cannot fairly say that - then you must also
22 conclude that it's going out with the complicity of those
23 governments too. It just cannot be with the complicity of the
24 Liberian government. But you are showing several other countries
10:38:44 25 where you admit do not produce diamonds and could most possibly
26 be coming from Sierra Leone, but it is not done with their
27 complicity. It just doesn't work. So that's what I mean by it's
28 not done with the complicity of Liberian government.

29 Q. "The standards employed in the preparation of the report

1 are reminiscent of long discredited Star Chamber proceedings,
2 McCarthyism, and outright character assassination. The so-called
3 incontrovertible evidence about Liberia is incontrovertible
4 simply because no attempt was made to present it for possible
10:39:26 5 refutation or rebuttal, and no right of reply was afforded to
6 those accused in the report, including the Liberian government.
7 The panel had an opportunity to present a complete,
8 comprehensive, objective and unbiased report simply by adhering
9 to its own standards. This would have enjoined the panel to
10:39:48 10 confront those accused with the evidence, thus affording them the
11 right of reply."

12 Pause there. What do you understand by the word to
13 "controvert", Mr Taylor?

14 A. Well, to - in way, you can - almost synonymous with
10:40:15 15 challenge or call into question.

16 Q. So if evidence is incontrovertible, the use of that word
17 suggests, does it not, an opportunity to controvert it; yes?

18 A. Exactly, yes.

19 Q. Did you have such an opportunity?

10:40:30 20 A. There was no opportunity, because there was no evidence
21 presented that was - that you had to controvert. There was no
22 evidence.

23 Q. "The Liberia government can neither deny nor confirm that
24 the war in Sierra Leone is financed by the sale of conflict
10:40:50 25 diamonds. What the Liberian government can confirm is that the
26 Government of Liberia is in no way connected with it, nor is it a
27 party to, the illicit trade of Sierra Leonean diamonds and
28 challenges the production of any credible evidence to the
29 contrary.

1 According to the panel's report, during the period 1994 and
2 1999, a total of \$227 million worth of illicit diamonds was
3 traded annually between the three neighbouring countries of
4 Guinea, Gambia and Cote d'Ivoire in addition to the alleged \$217
10:41:35 5 million US value of illicit Sierra Leonean diamonds which were
6 purportedly exported from Liberia. Significantly, these figures
7 exclude the official export from Sierra Leone. It is absolutely
8 stunning and incredible that the experts would attempt to have
9 the international community believe that during this period, the
10:41:59 10 value of Sierra Leone's annual production of diamonds was
11 approximately \$450 million US. Clearly, these figures are so
12 grossly inflated and unrealistic that one could reasonably
13 believe that they were deliberately fabricated to justify how the
14 panel arrived at its erroneous conclusion. No one familiar with
10:42:25 15 the industry would agree with the panel that the pre-conflict
16 value of Sierra Leone's annual production was ever in the region
17 of US 450 million."

18 Explain that to us, please, Mr Taylor?

19 A. Well, the diamonds form one portion, I would assume, of the
10:42:46 20 Sierra Leonean budget. Now, the production of diamonds in
21 Sierra Leone during the prewar years cannot exceed the national
22 budget of Sierra Leone. So if you are saying that the prewar
23 level of diamond production, as far as revenues for the
24 Sierra Leonean government was \$450 million and it forms only a
10:43:17 25 part of the national budget of the Sierra Leone, then you must
26 conclude that the Sierra Leonean budget is in excess of that
27 figure. It cannot be the reverse. Because there are many parts
28 that form the national budget. So if you say that they were 450,
29 that means that the Sierra Leonean budget had to be maybe 500,

1 600 million United States dollars, which was not the case. So
2 that's an impossibility that one fraction of a national budget
3 would be bigger than the entire budget. It's not possible. How
4 can they come up with such thinking?

10:43:52 5 Q. Well, let's just illustrate the point by going back to the
6 panel of experts report, please. And let's go back to page 16 of
7 that report. Let's just see what they are saying here about the
8 value of Sierra Leonean diamond exports, yes. Paragraph 65:

9 "Sierra Leone never produced more than 2 million carats
10:44:48 10 annually. Between 1972 and 1996, average annual exports were
11 less than 200,000 carats and the per carat value was
12 significantly less than the countries' known run of mine
13 average."

14 Let's now look at paragraph 78 in the same document.
10:45:29 15 Paragraph 78 in the same panel of experts report. Now you see
16 that paragraph 78, Mr Taylor?

17 A. Yes.

18 Q. "The RUF holds the richest diamond areas in the country.
19 If 1999 RUF production was one eighth of Sierra Leone's best year
10:46:14 20 (i.e. 250,000 carats), the value would be upwards of 50 million."

21 Now, if that's one eighth, multiply it by eight and we
22 should get total production, shouldn't we?

23 A. Yeah, but you see if starts off with an "if". That's what
24 you do when you get into if then therefore. This is not really
10:46:36 25 scientific when you begin to deal with these ifs. So there is
26 nothing here that is factual and anyone that has been to school
27 can start on this premise and this is the proper - so when you
28 start on a premise like this and you get stuck at the end you
29 must end up with 250 million because been iffy and it doesn't

1 make sense because it begins to point to what I point out, that a
2 part of your budget cannot be bigger than the whole budget.

3 So this is not a very good premise to start on. Okay, we
4 can say if I develop wings and if I flew I would fly. You know,
10:47:14 5 if I flew I would get into Liberia. But are you going to develop
6 wings? I mean, from the academic community you don't start of
7 with, well, if it were this. So you can just set an arbitrary
8 number and if you are dealing scientifically with this, as far as
9 we went, this is more like forecasting. And I will speak as an
10:47:36 10 economist. When you are dealing with fluctuation and forecasting
11 you just come up with a figure and you try to work and then you
12 graph it out. But that's not practical for this kind of report.

13 That "if" could have gone to - probably he could have
14 started from 500,000 carats. If you are going to start with
10:47:56 15 "if", then that means that there's an unlimited space you are
16 working with.

17 Q. Let's go back to the Liberian government response, please,
18 at page 4, paragraph 8:

19 "Assuming, as the panel's report does, that the RUF
10:48:47 20 controls most, if not all, of the diamond producing areas of
21 Sierra Leone, it logically follows then that all Sierra Leonean
22 diamonds which are alleged to be legally exported to Guinea,
23 Gambia, Cote d'Ivoire, as well as Liberia, must originate from
24 RUF controlled areas. Why then is Liberia being singled out?"

10:49:12 25 Explain that to us, Mr Taylor.

26 A. But, yes, I mean they have said that the diamonds are going
27 to Guinea, they are going to Gambia and they are going to La
28 Cote d'Ivoire and they are saying that all of the diamonds are
29 coming from the RUF area. So if you are saying now that these

1 diamonds are going to these four countries, then at the end of
2 the day you just cannot conclude it's all about Liberia. Then
3 it's about all of us. That's the whole point here.

4 So you cannot just single out Liberia in one paragraph when
10:49:47 5 you have already said that there is only one source and all
6 diamonds are coming from that source, so that means that the
7 diamonds that are going to those other countries are also coming
8 from where? They're coming from the RUF area. So you cannot
9 then single Liberia out, except you have some other motives.

10:50:06 10 Q. But bearing in mind the hypothetical with which the panel
11 of experts report begins, "The RUF holds the richest diamond
12 areas in the country, if RUF production was one eighth of
13 Sierra Leonean's best year" - so, therefore, the 450 million US
14 dollars, do I understand this correctly, that is the value of the
10:50:42 15 production coming out of RUF areas because they control all of
16 the diamondiferous areas?

17 A. Yes. But there is also a little catch to that. If they
18 say, and we start off with "if", that the RUF is controlling the
19 largest production area, and that's about the only area in
10:51:10 20 Sierra Leone that we are talking about production and that's
21 where the RUF is controlling, if you say that that is one eighth,
22 okay, that simply tells you that the total production then must
23 be multiplied by eight, okay, which would be more than the 450
24 million that they are talking about anyway.

10:51:37 25 So the whole premise is so wrong that they do not even come
26 up to it. Because if this is the only area of production and it
27 forms one eighth and you are saying that the annual production of
28 the Sierra Leone prewar was 450, then that means that the 450
29 million times what? Times eight.

1 PRESIDING JUDGE: Where did the figure 450 million come
2 from?

3 MR GRIFFITHS: That's what I am trying to get at.

4 PRESIDING JUDGE: If 250,000 carats is valued at 50
10:52:10 5 million, then 2 million carats, that is multiplied by eight, is
6 400 million, not 450 million. That's my mathematics.

7 MR GRIFFITHS:

8 Q. Yes, but if we go back to the beginning of paragraph 7 in
9 this document - Mr Taylor, let's go back to paragraph 7 of the
10:52:34 10 response of the Liberian government. That's page 3 of 34. Here
11 we are talking about the figures given in the report for these
12 individual countries.

13 A. Yes.

14 Q. As opposed to the premise with which they begin in that
10:52:56 15 paragraph about RUF production. So we are talking about two
16 different sets of figures, Mr President.

17 PRESIDING JUDGE: Yes, I see that now, Mr Griffiths.

18 MR GRIFFITHS:

19 Q. Right. Let's go back to page 4, Mr Taylor, paragraph 9:

10:53:15 20 "What should also be noted is that smuggling is endemic to
21 the diamond industry worldwide and is not limited to
22 Sierra Leone. Historically, Liberia itself has always faced this
23 problem and previous governments have been unable to adequately
24 deal with this problem. The present government finds itself less
10:53:41 25 able to do so, given the fact that the country has recently
26 emerged from a disastrous seven year civil war that completely
27 destroyed the basic national infrastructure. The problem cannot
28 be adequately addressed due to government's lack of adequate
29 resources and personnel, including customs and immigration

1 personnel, transport and communications."

2 That's fairly self-evident, so we will move on:

3 "Liberia's export statistics clearly illustrate that the
4 1987 prewar official export was 295,000 carats. This is in
10:54:24 5 contrast with the official export figures of 8,500 and 8,000
6 carats for 1998 and 1999 respectively. The Ministry of Finance
7 estimates that this represents only 10 per cent of the domestic
8 production and the Ministry of Lands, Mines and Energy estimates
9 this to be 20 per cent. In other words, depending on which
10:54:51 10 figure is used, between 80 to 90 per cent of Liberia's domestic
11 production is smuggled out of the country. This should
12 completely refute and disqualify the conclusion reached in
13 paragraph 90 of the panel's report that 'it is not conceivable
14 that so much of Liberia's own diamond production could avoid the
10:55:14 15 detection of government'."

16 Mr Taylor, is that correct?

17 A. This is correct.

18 Q. That as such as 80 to 90 per cent of Liberia's own
19 production was being exported totally undetected by the
10:55:30 20 government?

21 A. Definitely. Definitely. This is why when you asked me the
22 question the other day, "Mr Taylor, you as an economist" - this
23 is a problem that cannot be controlled and this whole
24 certification process is not going to control it. It calls for
10:55:45 25 education. People see the mining of gold and diamonds in our
26 countries as just something that families do and sell it to
27 anybody willing to buy. They do not think about going to legal
28 sources, selling where revenues and taxes could be obtained.

29 If a guy came from the bush in Lofa Bridge, or Bomi Hills

1 and he is he has found a 10 carat diamond and he came to
2 Monrovia, this guy comes from the interior, he doesn't know that
3 he is supposed to take this diamond to maybe a brokerage house.
4 This guy is walking on the streets of Monrovia, he sees somebody
10:56:25 5 and says, "Oh, I just found a diamond". He says, "Where is it?"
6 He shows it to him and he says, "Oh, I know somebody that can buy
7 it." If there is a tourist on the street that is interested he
8 will sell it.

9 It happens with gold. You can go on the streets of
10:56:37 10 Monrovia right now, just as in Freetown right now, and you will
11 be able to buy diamonds and gold. People have gold, maybe one or
12 two grams. It's not - sadly, it's not as the people in the west
13 try to take it, where there is such organised movement of
14 commodities. It doesn't work that way in our areas. We haven't
10:57:00 15 developed to that point, sadly so. And the government really was
16 losing I would say about 80 to 90 per cent because there is no
17 control. The revenues we get from diamonds have to do with
18 granting what we call a place to go and work. You pay for a
19 licence to go and work. What you get from there, people are
10:57:20 20 standing there from all over West Africa, in the bushes, all over
21 West Africa to buy. The boys are washing diamonds and maybe
22 there may be a guy from Mali standing right there and once he
23 gets the diamond, he buys it. It is not regulated.

24 You would have to educate the people and practically be
10:57:42 25 physically present at maybe hundreds of locations where these
26 mining things are going on. This is not like a consolidated
27 mechanised mining programme with a company registered to do it.
28 It doesn't work that way in West Africa. Families, downtrodden
29 people may I speak, I mean not meaning any insult to them,

1 downtrodden, ordinary people, I would say up to - in Liberia I
2 would put it to about a half a million or more, families, the
3 mothers, and fathers, go into the bush and dig and try to find
4 the gold and diamonds. It is not as organised as those of us
10:58:21 5 that are educated and economists would want it to be. It doesn't
6 work this way that is being portrayed in some of these academic
7 papers. It doesn't work that way, sadly. It should work, but
8 it's not working that way. That's what I'm saying here.

9 Q. "The reports claim of unequivocal or overwhelming evidence
10:58:41 10 that Liberia has been actively supporting the RUF at all levels
11 including training, weapons, related material and logistical
12 support and the staging ground for attacks, as well as a safe
13 haven for retreat and recuperation, was made with no unequivocal
14 or overwhelming evidence to substantiate such claims and
10:59:06 15 conclusions.

16 The panel's conclusion erroneously presupposes that
17 virtually all of RUF weapons are obtained from external sources,
18 in this case Liberia. However, the report negates this
19 conclusion when it recognised the following sources of weapons
10:59:21 20 acquired by seized by the RUF. Namely, considerable amounts of
21 weaponry seized from Sierra Leone armed forces, that a significant
22 number of weapons were seized from a Guinean UNAMSIL unit in
23 January 2000, other Guinean units serving under ECOMOG had also
24 previously disarmed during ambushes and seizures. Also, great
10:59:47 25 amounts of rifles were lost to the rebels as well as eight
26 armoured personnel carriers and several other military vehicles
27 when Kenyan and Zambian UNAMSIL contingents were disarmed in May
28 2000?

29 Additional sources of weapons to the RUF also included

1 weapons acquired directly from the Sierra Leone Army inventory
2 when the Armed Forces Revolutionary Council headed by Johnny Paul
3 Koroma took power in May 1997 and entered into a power sharing
4 arrangement with the RUF. The Sierra Leone government may itself
11:00:30 5 have also been a source of supply to the RUF when it requested
6 two waivers of the provisions of the ECOWAS protocol on the
7 moratorium on small arms on 23 June 2000 and 18 July 2000. The
8 waivers were to permit the importation from the United Kingdom of
9 five rounds 7.62 NATO ammunition, 4,000 rounds of 81 millimetre
10 mortar ammunition and 5 million rounds of 7.62 NATO link
11 ammunition for GPMGs. Given the pattern of events in
12 Sierra Leone, it is not an unreasonable assumption that a
13 substantial portion of these shipments also ended up in RUF's
14 hands. And it should be noted that paragraph 83 of the panel's
11:01:12 15 report also confirms that additional arms shipments are received
16 by the RUF from neighbouring Guinea based on diamond trades made
17 by the RUF to mid-level Guinean military officers."

18 Mr Taylor, can I ask you about an aspect of this. Where
19 you give specifics about the arms obtained by the Sierra Leonean
11:01:38 20 government under the waiver of the protocol on the moratorium of
21 small arms, where did you get those figures from?

22 A. Well, before Sierra Leone ordered those arms, they gave the
23 British the authorisation to bring in those arms, they asked
24 ECOWAS for a waiver. There should be a copy. It was circulated
11:02:03 25 among ECOWAS member states, the list of arms that they wanted to
26 bring in.

27 PRESIDING JUDGE: While we are on those figures, is this
28 figure correct, Mr Taylor, that the waiver permitted the
29 importation of five rounds of 7.62 NATO ammunition? That's five

1 bullets. That wouldn't be worth drawing up the paperwork for,
2 would it?

3 THE WITNESS: That's true, your Honour. That's true,
4 Mr President. This is an error and that cannot be five rounds
11:02:40 5 because when you look, further down we talk about five million
6 rounds of 7.62 NATO link. So that could be five million rounds
7 of 7.62 NATO ammunition which are different from the links.
8 That's a typographical error, Mr President.

9 PRESIDING JUDGE: I see. Thank you.

11:03:04 10 MR GRIFFITHS:

11 Q. "Paragraph 249 further admits that the RUF received weapons
12 captured from ECOMOG forces that fell victim to various ambushes.
13 Given all these well documented non-Liberian sources of arms
14 received by the RUF, we do not believe that the panel had any
11:03:20 15 logical or rational basis for concluding that the arms received
16 by the RUF are from Liberia.

17 The Liberian government maintains a training base in
18 Gbatala, Bong County. The government has permitted foreign
19 observers and NGOs, including the US military attache in
11:03:45 20 Monrovia, to visit the training facilities from time to time."

21 Is that true, Mr Taylor?

22 A. That is correct.

23 Q. Which US military attache are you talking about?

24 A. By this time I don't quite remember his name, but it's not
11:03:59 25 the same gentleman. They changed him. I don't remember his
26 name.

27 Q. Not the same gentlemen as what?

28 A. That was present in 1998.

29 Q. Who are you talking about?

1 A. The Colonel Dempsey. Not Colonel Dempsey.

2 Q. So at this time in January 2001, it's no longer Colonel
3 Dempsey?

4 A. It's a different officer.

11:04:23 5 Q. But whoever was the military attache was allowed access to
6 Gbatala base?

7 A. Frequent access, yes.

8 Q. "The base was established by the government to provide much
9 needed training facilities for its internal security
10 organisations, including members of the Special Security Services
11 which provides executive protection and Anti-Terrorist Unit (ATU)
12 which provides protection for foreign embassies and other
13 sensitive government installations. The government emphatically
14 denies that anyone other than Liberian security personnel is

11:05:01 15 trained there. Mr Fred Rindel, a retired South African officer,
16 and a former South African military attache to the United States,
17 was contracted by the Liberian government to provide
18 professional, executive protective training for the Liberian
19 security personnel. Mr Rindel confirmed to the panel that his
11:05:25 20 contract did not provide for any combat training.

21 The Liberian government concedes that many of the issues
22 presented in the report about the non-documentation or in many
23 cases the fraudulent misrepresentation of Liberian registered
24 aircraft may have some factual basis."

11:05:46 25 Pause. What do you mean by that?

26 A. The registry of Liberian aircrafts and their use was
27 something that we did not have control over. I mentioned on
28 yesterday that certain aircrafts that cannot operate maybe over
29 the United States or Europe, people in different parts of Africa,

1 Southern Africa, parts of Central Africa, will come and register
2 under the Liberian lettering. These countries, for example, at
3 that time Liberia was EL. When you look on aircrafts they have
4 letters, followed by numbers. The first two letters will tell
11:06:29 5 you the country that that aircraft is registered under. You will
6 come in and you will pay a service fee for a registration. We
7 would have people to inspect the aircraft and we would grant you
8 a Liberian EL number and you go away with your aircraft and you
9 have to renew it every year.

11:06:49 10 But what you do with that aircraft out there, we don't -
11 you know, it's none of our business. But we licence it and then
12 you go away. It's like a service I think that we gave to - and
13 this was known by the international air association. It is
14 acceptable that countries can licence aircrafts that they do not
11:07:13 15 own, yes.

16 JUDGE SEBUTINDE: Sorry. How can you say that you licenced
17 aircraft, but you had no control over them?

18 THE WITNESS: I mean, in terms of what they do after they
19 leave us we have no control. It's similar to the flagship,
11:07:32 20 your Honour.

21 JUDGE SEBUTINDE: Yes, but why would you in the first place
22 register or use your registry to register an aircraft that you
23 have no control over and give them your licence plates or licence
24 numbers as a country? I don't understand how that can be.

11:07:52 25 THE WITNESS: Okay. I will try to explain it, your Honour.
26 These are services that are provided in - these are just two of
27 the areas. Many other areas you have these types of services.
28 You come, we inspect the aircraft. The aircraft meets standards
29 that some other countries do not accept. But for those

1 countries, they would not grant a licence for it. You pay a fee
2 to that government and that government will give you the right to
3 operate under its licence. You renew it.

4 Now, what type of cargo you carry, that's what I'm talking
11:08:29 5 about, or where you go after that, the government does not
6 require you to tell what cargo you transport at what particular
7 time. The only thing that the government requires is that that
8 licence is renewed and that the aircraft is airworthy and that
9 happens with more than one country, your Honour. In fact - yes.

11:08:51 10 JUDGE SEBUTINDE: So then what do you mean in the paragraph
11 that we are dealing with when you say, "In many cases the
12 fraudulent misrepresentation of Liberian registered aircraft may
13 have some factual basis"? Where would the fraud come out? What
14 would be fraudulent, if such an aircraft were registered in
11:09:15 15 Liberia?

16 THE WITNESS: Okay now, the aircraft is registered in
17 Liberia. You go out and you probably pick up a cargo that is a
18 contraband cargo in some country. That would be fraudulent and
19 we don't know that that cargo is being picked up, for example.
11:09:33 20 Let's say you are registered in Southern Africa and you flew into
21 Let's say South America and you picked up let's say a contraband
22 as drugs, okay. So that's a fraudulent use of our registry. But
23 we don't know because we don't track where you go and what you
24 pick up. The only requirement is that you be airworthy and that
11:09:58 25 you come and you renew it every year.

26 And there are several countries involved in this practice,
27 your Honour. This is not just unique to Liberia. There are many
28 different services that are given. For example, if you look at
29 the Liberian flag registry that we have spoken about which is one

1 of such service, it is being done by Britain. Britain now has a
2 registry. Panama has a registry. Liberia. So this is not
3 unique to Liberia. It's a service that is known and acceptable.

4 MR GRIFFITHS:

11:10:36 5 Q. "However, the council should be reminded that the Taylor
6 government did not assume authority in Liberia until its
7 inauguration in September 1997, following the holding of
8 democratic elections. It was therefore unfair and improper for
9 the panel to have attempted to attribute to the present
11:10:55 10 government any illegal or irregular acts committed or
11 commissioned prior to its incumbency. The report admits in
12 paragraph 223 that according to the records of the Ministry of
13 Transport, a total of only seven aircraft are registered with the
14 ministry and that there were no documentation on more than 15
11:11:19 15 other aircraft identified by the panel as supposedly being
16 Liberian registered. Indeed, the panel itself raised the
17 possibility that these planes were being operated without the
18 knowledge of the Liberian authorities.

19 Though the panel unwittingly brings to the fore the
11:11:39 20 possibility that some aircraft fly the Liberian flag without the
21 knowledge or authorisation of the present or any previous
22 Liberian administration, and that some of the planes actually
23 registered under the Liberian flag obtained their authorisation
24 prior to the election of the present administration, strenuous
11:11:56 25 efforts are made to highlight the name and activities of dubious
26 characters that were involved with the Liberian registry before
27 1997. An example of this sort of confused merging of facts with
28 fabrication is made manifest in the mention of Victor Bout and an
29 Ilyushin 76 aircraft in paragraphs 229 to 236.

1 The ECOWAS and the Mano River Union Heads of State
2 specifically mandated the President of Liberia to use his good
3 offices and whatever influence he may have with the RUF
4 leadership to try and facilitate the peace process in
11:12:39 5 Sierra Leone. In this regard, the President organised several
6 meetings in Monrovia between the RUF leadership and ECOWAS
7 leaders, and officials of the United States and the
8 United Nations aimed at moving the peace process forward. The
9 President also averted a potential conflagration between Corporal
11:13:05 10 Foday Sankoh and Sam Bockarie that had the potential of
11 completely derailing the peace process in Sierra Leone by
12 accepting the request of the UN and ECOWAS to remove Sam Bockarie
13 from Sierra Leone to Liberia. Bockarie's continued presence in
14 Liberia is subject to the will of ECOWAS and the United Nations.
11:13:27 15 The Government of Liberia is prepared at any time to expel
16 Mr Bockarie from Liberia should the United Nations and ECOWAS
17 deem it necessary. Furthermore, the President of Liberia is
18 prepared and ready to comprehensively disengage himself from the
19 mandate given to him with regard to the peace process in
11:13:50 20 Sierra Leone.

21 The Liberian government is particularly troubled by the
22 successive wave of dissident attacks from Guinea. These attacks
23 continue to threaten the sovereignty and territorial integrity of
24 the Republic of Liberia. It has been shown that on five
11:14:13 25 occasions between April 1999 and August 2000, Liberian
26 insurgents, harboured and operating with the knowledge and
27 support of the Government of Guinea, continued to launch fierce
28 military operations against the government and people of Liberia.
29 Massive loss of Liberian lives and destruction of properties

1 resulted from those violations of the territorial integrity of
2 Liberia.

3 The presence of thousands of Liberian dissidents in
4 Sierra Leone (combatants of former warring factions opposed to
11:14:48 5 the government, namely ULIMO and LPC) is a major threat to the
6 security of Liberia. The Liberian government has confirmed
7 reports corroborated by the Government of Sierra Leone and
8 evidence in hand of the intention and attempts of these
9 dissidents to attack the territory of Liberia from Sierra Leone.

11:15:12 10 On one occasion the Government of Sierra Leone and ECOMOG forces
11 arrested several Liberian dissidents at the
12 Liberian-Sierra Leonean border while attempting to carry out an
13 attack against the territory of Liberia.

14 In spite of these grave security risks, and in total
11:15:31 15 disregard of the obligation of the Government of Liberia to
16 safeguard its sovereignty and territorial integrity, the United
17 Nations Security Council has failed to lift an arms embargo which
18 was imposed in 1992 against Liberia, but lifted by ECOWAS in 1997
19 in recognition of the assumption of power in Liberia of a
11:15:55 20 democratically elected government. The continued imposition of
21 an arms embargo diminishes Liberia's capacity to defend itself
22 against external armed aggression, a charter right of the
23 Republic of Liberia. The United Nations, if it insists on
24 maintaining the arms embargo on a member state which is subject
11:16:17 25 to armed aggression, should then provide for the security and
26 defence of Liberia.

27 Liberia, as a member of the United Nations, has always
28 expressed its willingness to cooperate with the Security Council
29 in the implementation of its resolutions, and has already, on

1 several occasions, made proposals to the Security Council for the
2 strengthening of the implementation of its resolution through the
3 deployment of UN observers at all ports of entry into Liberia,
4 the deployment of UNAMSIL on the Liberian side of the border with
11:16:59 5 Sierra Leone, the provision of technical assistance for capacity
6 building in dealing with the monitoring of illicit diamond
7 trading, and the putting into place of a multi-spectral aerial
8 surveillance of the borders of the Mano River Union countries,
9 proposals which have remained ignored by the council. However,
11:17:19 10 and ironically, it appears that every proposal made by the
11 Government of Liberia aimed at verification of allegations has
12 been ignored. It would seem only fair that the United Nations
13 should seek the cooperation of the Liberian government on the
14 implementation of these proposals, some of which have also been
11:17:42 15 recommended by the panel in its report. This approach would
16 yield far greater positive results than an unjust and negative
17 approach such as punitive engagement.

18 The Government of Liberia, as a full member of the
19 United Nations, is prepared and willing to cooperate with the
11:18:01 20 Security Council, as a matter of duty, in ensuring that its
21 resolutions are fully implemented. In view of the above, Liberia
22 will work with the assistance of the United Nations to develop a
23 certification regime for its diamonds which is acceptable to the
24 international community, and in the interim for a specified
11:18:25 25 period will accept to prohibit the export of its diamonds.
26 Furthermore, Liberia is prepared to ground all aircrafts under
27 its registry that are not known to its Ministry of Transport.
28 Lastly, Liberia reiterates its call to the Security Council to
29 deploy monitors at its ports of entry and to provide logistical

1 support to ECOWAS to facilitate the deployment of military
2 observers at the borders of the Mano River Union countries."

3 Mr Taylor, tell us, were any of those proposals taken up by
4 the Security Council?

11:19:07 5 A. No, none.

6 Q. "Finally, the Liberian government expresses its concern at
7 the unintended consequence of the expansion of the
8 Security Council's jurisdiction to now cover the regulation and
9 prohibition of the trade of certain commodities irrespective of
10 ongoing multilateral trade negotiations, especially in the
11 absence of any consultations with the World Trade Organisation.

12 The division between collective security and the regulation of
13 trade cannot be allowed to develop without clear, identifiable
14 demarcations that would prevent politically motivated impediments
15 to free trade. International trade is carried out by buyers and
16 sellers; whether one sells diamonds or buys diamonds, or whether
17 one sells weapons or buys weapons, politically motivated
18 decisions on controls most often times target only one group and
19 tend to be unfair and biased to the interest of the economically

11:20:32 20 strong states. Political decisions (which are most often
21 influenced by individual interests and ulterior motive) to
22 regulate the trade of certain commodities essential to the
23 economies of states must be the product of consultation and
24 negotiations carried out among the interested states and not the
11:20:55 25 instrument of control under a new and evolving regime of punitive
26 actions."

27 Now, you have already dealt with that context, Mr Taylor,
28 so I do not ask you about that any further.

29 JUDGE DOHERTY: Mr Griffiths, before you move on to the

1 next section, at paragraph 19, the report states, "The Government
2 of Liberia is prepared at anytime to expel Mr Bockarie from
3 Liberia", et cetera. Was Mr Bockarie one of the persons given
4 citizenship at the time other ATU prospective employees was given
11:21:42 5 citizenship as described by Mr Taylor?

6 MR GRIFFITHS:

7 Q. You've heard the question, Mr Taylor.

8 A. Yes. All Sierra Leoneans that came along with Mr Bockarie,
9 including himself, were extended citizenship, yes.

11:21:56 10 Q. Well, I think there is an obvious question that follows
11 from that then. How can you expel a citizen?

12 A. Well, you have a situation here where they were granted the
13 citizenship and quite frankly it's a good question here because
14 it's an irrational thing. But the pressure is on and this is the
11:22:16 15 source of international peace and security. So if you have
16 granted citizenship that is not by reason of birth, what we would
17 then do under the law as I was advised as President, we would
18 withdraw the citizenship and expel him. This is the intent here.

19 MR GRIFFITHS: I don't know if that --

11:22:44 20 JUDGE DOHERTY: Yes, that clarifies it. I had in mind the
21 provisions of the United Nations declarations.

22 MR GRIFFITHS:

23 Q. Mr Taylor, let's go on to page 7, please:

24 "The panel of experts - background and biases. In light of
11:23:21 25 the glaring inconsistencies, misrepresentations and selective
26 conclusions, the government is constrained to conclude that the
27 five-member panel of experts were obviously biased and prejudiced
28 in their investigation, allegations and conclusions against the
29 Government of Liberia."

1 You then go on to list the panel members and then at 3 you
2 say this:

3 "While not challenging the expertise of the members, the
4 Government of Liberia feels compelled to draw attention to the
11:23:53 5 following facts about the majority of the panel:

6 In January 2000, even prior to his appointment as a member
7 of the panel, Mr Ian Smillie co-authored an article entitled 'The
8 Heart of the Matter - Sierra Leone, Diamonds and Human Security',
9 together with a Sierra Leonean, Mr Lansana Gberie and Mr Ralph
11:24:21 10 Hazleton. The article unequivocally indicts the Liberian
11 government. Mr Smillie and his co-authors assert that: 'What
12 was different and more sinister after 1991 was the active
13 involvement of official Liberian interests in Sierra Leone's
14 brutal war - for the purpose of pillage rather than politics.

11:24:44 15 But the end of the 1990s, Liberia had become a major centre for
16 massive diamond-related criminal activity, with connections to
17 guns, drugs and money laundering throughout Africa and
18 considerably further afield. In return for weapons, it provided
19 the RUF with an outlet for diamonds, and has done the same for
11:25:07 20 other diamond producing countries, fueling war and providing a
21 safe haven for organised crimes of all sorts'."

22 Now, where does that quote come from, Mr Taylor, if you
23 could just confirm?

24 A. From the publication of The Heart of the Matter.

11:25:25 25 Q. Now, Mr Taylor, to deal with that allegation head on, what
26 is being suggested is that you were running, in effect, a
27 criminal government?

28 A. A criminal enterprise, yes.

29 Q. Involved in guns, drugs and money laundering throughout

1 Africa?

2 A. Yes, that's what he's suggesting here, yes.

3 Q. Right. Now, help us. What drug dealing were you involved
4 in, Mr Taylor?

11:25:56 5 A. None whatsoever. None.

6 Q. We've dealt with weapons and diamonds, but so far as drugs
7 is concerned, yes, what do you say about Liberia's involvement in
8 the drugs trade as per Mr Smillie?

9 A. Liberia has never been accused of - in fact, in that West
11:26:21 10 African sub-region it's the cleanest country. It has never been
11 accused of being involved in any drug transaction anywhere in the
12 world, no.

13 Q. "Mr Smillie and his co-authors concluded in the article
14 that: 'Liberia has become a major criminal report for diamonds,
11:26:40 15 guns, money laundering, terror and other forms of organised
16 crime'."

17 This document runs to 34 pages and if we go beyond the 34
18 pages, we see that the first document appended to the report is
19 part of The Heart of the Matter.

11:27:18 20 A. Yes.

21 Q. Is that right?

22 A. That is correct.

23 Q. So let's just pause for a minute and have a look at this
24 excerpt from that document. Does everyone have it, appendix 1?

11:27:39 25 We see:

26 "Partnership Africa Canada, The Heart of the Matter, Sierra
27 Leone, Diamonds and Human Security, Ian Smillie, Lansana Gberie,
28 Ralph Hazleton.

29 Partner Africa Canada is a coalition of Canadian and

1 African organisations that work in partnership to promote
2 sustainable human development policies that benefit African and
3 Canadian societies.

4 The Insights series seeks to deepen understanding of
11:28:11 5 current issues affecting African development."

6 Go to the preface:

7 "The study grew from a discussion among members of an
8 informal group in Ottawa called the Sierra Leone working group.
9 Meeting under the auspices of Partnership Africa Canada the group
11:28:36 10 concluded that diamonds were central to the conflict in Sierra
11 Leone and that a highly criminalised war economy had developed a
12 momentum of its own. The group believed that no peace would be
13 sustainable until problems relating to mining and selling
14 diamonds had been addressed, both inside Sierra Leone and
11:28:49 15 internationally."

16 Then the next page, this excerpt:

17 "The buyers and smugglers at that time were mainly Mandingo
18 and Lebanese traders. With the tightening of security between
19 Kono and Freetown in the early 1950s, Lebanese smugglers began
11:29:14 20 moving their goods to Liberia, Antwerp and then Israeli based
21 diamond merchants soon noticed the booming diamond trade in
22 Monrovia and many established offices there. De Beers itself set
23 up a buying office in Monrovia in 1954 in order to keep as much
24 of the trade under its control as possible.

11:29:34 25 In 1955 the colonial authorities scrapped SLST's nationwide
26 monopoly, confining its operations to Yengema and Tongo Field, an
27 area of about 450 square miles. In 1956 they introduced the
28 alluvial mining scheme under which mining and buying licences
29 were granted to indigenous miners. Many of these licences came to

1 be held by Lebanese traders who had begun to settle in Sierra
2 Leone at the turn of the century.

3 Siaka Stevens became Prime Minister seven years after
4 independence in 1968. A populist, he quickly turned diamonds and
11:30:21 5 the presence of SLST into a political issue, tacitly encouraging
6 illicit mining and becoming himself involved in criminal or near
7 criminal activity. In 1971 Stevens created the National Diamond
8 Mining Company which effectively nationalised SLST. All
9 important decisions were now made by the Prime Minister and his
10 right-hand man, a Lebanese businessman named Jamil Mohammed.

11 From a high of over 2 million carats in 1970, legitimate diamond
12 exports dropped to 595,000 carats in 1980 and then to only 48,000
13 in 1988. In 1984 SLST sold its remaining shares to the Precious
14 Metals Mining Company, a company controlled by Jamil. Stevens
11:31:23 15 retired in 1985, handing over power to Joseph Momoh, who placed
16 even greater responsibility in the hands of Jamil."

17 PRESIDING JUDGE: I think that's just about the end of the
18 tape now, Mr Griffiths.

19 MR GRIFFITHS: Very well.

11:31:35 20 PRESIDING JUDGE: We will adjourn and resume at 12 o'clock.

21 [Break taken at 11.30 a.m.]

22 [Upon resuming at 12.00 p.m.]

23 PRESIDING JUDGE: Yes, continue, please, Mr Griffiths.

24 MR GRIFFITHS:

12:06:53 25 Q. Mr Taylor, before the short adjournment, we were looking at
26 annex 1 to the response of the Liberian government. Can we go
27 back to that, please. Do you have it, Mr Taylor?

28 A. Yes, I do.

29 Q. Okay. We're at the second page of that. It's an excerpt

1 from the Heart of the Matter, yes?

2 A. Yes.

3 Q. "From the late 1970s to the early 1990, aspects of
4 Lebanon's civil war were played out in miniature in Sierra Leone.

12:06:54 5 Various Lebanese militia sought financial assistance from their
6 compatriots in Sierra Leone and the country's diamonds became an
7 important informal tax base for one faction or another. This was
8 of great interest to Israel, in part because the leader of the
9 important Amal faction, Nabih Berri, had been born in

12:06:54 10 Sierra Leone and was a boyhood friend of Jami I. Following a
11 failed and probably phoney 1987 coup attempt in Sierra Leone,
12 Jami I went into exile opening the way for a number of Israeli
13 investors with close connections to Russian and American crime
14 families and with ties to the Antwerp diamond trade.

12:06:54 15 The Revolutionary United Front rebel war began in 1991, and
16 soon after, Momoh was replaced by a military government, the
17 National Provisional Ruling Council. Despite the change in
18 government, however, RUF attacks continued. From the outset of
19 the war, Liberia acted as banker, trainer and mentor to the RUF,
12:06:54 20 although the Liberian connection was hardly new. With a
21 negligible diamond potential of its own, Liberia's dealings in
22 stolen Sierra Leone diamonds have been a major concern to
23 successive Sierra Leone governments since the great diamond rush
24 of the 1950s.

12:06:55 25 What was different and more sinister after 1991 was the
26 active involvement of official Liberian interests in
27 Sierra Leone's brutal war: For the purpose of pillage rather
28 than politics. By the end of the 1990s, Liberia had become a
29 major centre for massive diamond-related criminal activity, with

1 connections to guns, drugs and money laundering throughout Africa
2 and considerably further afield.

3 MR BANGURA: Sorry to interrupt. It's about LiveNote.
4 Mine is not functioning, and the rest of my team also is in the
12:06:55 5 same situation.

6 MR GRIFFITHS: It's not functioning. I've just noticed.

7 PRESIDING JUDGE: I think we're all in the same boat there,
8 Mr Bangura.

9 MS IRURA: Your Honour, LiveNote does not appear to be
12:06:55 10 functional. The technicians are trying to find out what could
11 have transpired, but the stenographer seems to be typing. There
12 seems to be a record. Your Honour, the stenographers - the
13 technicians are looking into it.

14 JUDGE SEBUTINDE: For now, can't you relay your LiveNote to
12:06:56 15 us?

16 MS IRURA: Your Honour, my LiveNote is not functional
17 either.

18 PRESIDING JUDGE: I wonder, Madam Court Manager, if you
19 could please see how long this delay will be. We'll stay on the
12:06:56 20 Bench if it's not going to be very long.

21 MS IRURA: Much obliged, your Honour.

22 MR GRIFFITHS: Your Honour, I'm quite happy to continue if
23 it's recording, but --

24 PRESIDING JUDGE: I'm pretty sure it is recording,
12:06:56 25 Mr Griffiths, but I'll wait until the Court manager comes back
26 and confirms that.

27 MR GRIFFITHS: Very well.

28 MS IRURA: Your Honour, the problem appears to have been
29 rectified and the script has now come up.

1 PRESIDING JUDGE: Thank you, Madam Court Manager.

2 Yes, I think you can continue now, please, Mr Griffiths.

3 MR GRIFFITHS: I'm grateful.

4 Q. "What was different and more sinister was the active
12:07:40 5 involvement of official Liberian interests in Sierra Leone's
6 brutal war: For the purpose of pillage rather than politics. By
7 the end of the 1990s, Liberia had become a major centre for
8 massive diamond-related criminal activity with connections to
9 guns, drugs and money laundering throughout Africa and
12:08:04 10 considerably further afield. Other diamond producing countries
11 fueling war and providing a safe haven for organised crime of all
12 sorts."

13 MR GRIFFITHS: Could I have a moment, please, Mr President?

14 PRESIDING JUDGE: Yes.

12:08:55 15 MR GRIFFITHS:

16 Q. "The juniors and private security firms. President
17 Momoh's search for new investors in the early 1990s was carried
18 forward by the NRPC. The HRD and/or the Government of Belgium
19 should immediately prohibit the processing of all diamonds that
12:09:17 20 are said to be of Liberian and Ivory Coast origin. As a matter
21 of urgency" --

22 PRESIDING JUDGE: There's a non sequitur there. Is that
23 what you were going to say, Mr Bangura?

24 MR BANGURA: It does not seem to be a flow from the
12:09:29 25 previous page.

26 MR GRIFFITHS: If we look at the page numbers, we see it's
27 5 of 16, and it then goes to 13 of 16:

28 Q. Mr Taylor, perhaps you can assist us. These - did you have
29 access to the whole publication prior to this response?

1 A. Yes.

2 Q. And was the whole publication appended to your response?

3 A. No. We were only dealing with the section that we wanted
4 to refer to as an exhibit, that's all.

12:10:03 5 PRESIDING JUDGE: I think the point Mr Bangura was making
6 was that you read the last sentence on page 5 as though it runs
7 into the context on page 13.

8 MR GRIFFITHS: And it doesn't.

9 PRESIDING JUDGE: No.

12:10:22 10 THE WITNESS: I think the important point, counsel, is
11 item number 5. That's the reference that we wanted for that
12 page.

13 MR GRIFFITHS:

14 Q. Okay. Well, let's go to item 5:

12:10:30 15 "Liberia has become a major criminal entrepot for diamonds,
16 guns, money laundering, terror and other forms of organised
17 crime. The astoundingly high levels of its diamond exports bear
18 no relationship to its own limited resource base. By accepting
19 Liberian exports as legitimate, the international diamond
12:10:52 20 industry actively colludes in crimes committed or permitted by
21 the Liberian government.

22 The United Nations Security Council should place a full
23 embargo on the purchase of any diamonds originating in, or said
24 to originate in, Liberia until a full and objective international
12:11:16 25 review can be carried out of the country's legitimate resource
26 base and until exports fall into line with that resource base.

27 The United Nations Security Council should place a full
28 embargo on the purchase of any diamonds said to originate in
29 Ivory Coast until a full review can be carried out of the

1 country's legitimate resource base, and until exports fall into
2 line with that resource base. Consideration should be given to
3 imposing the same restrictions on Guinean diamonds."

4 Now, having looked at those portions, Mr Taylor, can we go
12:11:57 5 back to, please, page 7 of 34 of the response at the bottom of
6 the page. Having made reference to that appendix, Mr Taylor, the
7 report continues at (ii):

8 "It is of interest to note that these allegations and
9 conclusions were unilaterally and arbitrarily reached by
12:13:02 10 Mr Smillie and his co-authors without any local investigation;
11 neither did the authors confront the Liberian government with
12 their purported evidence. It is important to note that these
13 same methods and investigative techniques were those subsequently
14 adopted and employed by the panel of experts. It is evident that
12:13:25 15 the inclusion of Mr Ian Smillie on the panel, as its diamond
16 expert, contaminated the panel from its inception. Given the
17 critical role diamonds are said to play in the Sierra Leonean
18 crisis, Mr Smillie's prejudicial views on Liberia's alleged
19 involvement must have unduly influenced the conclusions reached
12:13:48 20 by the panel of experts. Had the Liberian government been
21 informed beforehand of the selection of the panel, it would have
22 objected to the inclusion of members whose background could cast
23 doubt on the objectivity of the report."

24 Mr Taylor, when did you discover the identities of the
12:14:10 25 experts appointed to that panel?

26 A. After they had been appointed, and just before they took
27 off. The procedure before - countries have had opportunities in
28 the past to object or raise some concerns about panels. In this
29 case, we did not - we were not informed. They appointed the

1 panel, and after the fact, we found out, and we are now objecting
2 to it.

3 Q. Now, you go on to say that:

4 "The terms of reference of the panel of experts were to
12:14:58 5 collect information on possible violations of the measures
6 imposed by paragraph 2 of resolution 1171 (1998) and the link
7 between trade in diamonds and trades trade in arms and related
8 materiel and to consider the adequacy of air traffic control
9 systems in the region.

12:15:21 10 Paragraph 2 of resolution 1171 (1998) states that the
11 Security Council '... decides, with a view to prohibiting the
12 sale and supply of arms and related materiel to non-governmental
13 forces in Sierra Leone, that all states shall prevent sale or
14 supply, by their nations or from their territories, or using
12:15:43 15 their flag vessels or aircraft, of arms and related materiel of
16 all types, including weapons and ammunition, military vehicles
17 and equipment, paramilitary equipment, and spare parts for the
18 aforementioned to Sierra Leone other than to the Government of
19 Sierra Leone through named points of entry on a list to be
12:16:05 20 supplied by the government to the Secretary-General who shall
21 then promptly notify all member states of the United Nations of
22 the list.'

23 The panel of experts exceeded its mandate as provided for
24 the Security Council Resolution 1306 (2000), which provided for
12:16:27 25 the panel to make observations and recommendations on
26 strengthening the implementation of the measures imposed by
27 paragraph 2 of Resolution 1171 (1998), and of those imposed by
28 paragraph 1 above, no later than 31 October 2000. The measures
29 imposed by the council referred to include the prohibition of the

1 direct or indirect import of rough diamonds from Sierra Leone and
2 the prohibition of the sale and supply of arms and related
3 material to non-governmental forces in Sierra Leone. The mandate
4 of the panel envisioned recommendations from experts that would
12:17:10 5 provide remedial measures for the strengthening of the measures
6 already imposed by the council, and not punitive measures. The
7 extreme prejudice of the panel is demonstrated by its
8 recommendation for the imposition of a travel ban on Liberian
9 officials and diplomats by UN member states, a measure which
12:17:34 10 would be unique and unprecedented in the history of the United
11 Nations. Why Liberia?"

12 Now, let's pause for a minute. What's the import of that
13 rhetorical question, Mr Taylor, "Why Liberia"?

14 A. Just the unprecedented nature of this since the inception
12:18:01 15 of the United Nations realising that they are going far out of
16 their mandate, so why now must Liberia be subjected to a process
17 that is unusual as far as United Nations functions are concerned.
18 Normally, these panels go out and investigate and bring a report.
19 This panel goes out - and if we deal contextually with the pages
12:18:26 20 that you just went back through, where we quote this - the real
21 context of this here, counsel, is dealing with the direct message
22 as contained in the white paper of Ian Smillie, how it enters and
23 how the mission is expanded. So this is what we want to find
24 out.

12:18:54 25 Why should Liberia be subjected to a process that most
26 other members of the United Nations are not subjected to, and
27 especially the original question you asked about did Liberia know
28 about the appointment of Smillie. We did not know, and that's
29 not the procedure that is normally followed.

1 Member countries have been given opportunity to challenge
2 the presence of certain individuals on panels coming outside. It
3 happened in the case of - that has not come yet before this Court
4 of the famous Harbel massacre in Liberia during the civil war
12:19:29 5 where parties were given an opportunity to challenge a member if
6 they felt that that member could exhibit some bias. In this
7 case, there were no contacts, and you're dealing with a member
8 state. There's a difference in dealing with the RUF. Liberia is
9 still a member state participating in General Assembly meetings
12:19:49 10 and all. So when actions were being contemplated, the country is
11 given an opportunity, okay, to exonerate itself. In this case,
12 there's not the slightest opportunity and we are asking why would
13 Liberia not be subjected to the same procedures that is normal.

14 Q. "The panel repeatedly referred to Resolution 788, which
12:20:13 15 imposed an embargo on Liberia at the height of Liberia's
16 seven-year civil war. The intent of Resolution 788 was clearly
17 stated to be '... for the purposes of establishing peace and
18 stability ... (in Liberia)'. It was, therefore, improper and
19 ultra vires for the panel to attempt to incorporate Resolution
12:20:39 20 788 within its terms of reference. Although the panel emphasised
21 the continuing validity of the Resolution 788, they deliberately
22 refused to also mention that the resolution was initially
23 proposed by ECOWAS and that since the return of peace and
24 stability to Liberia with the installation of a democratically
12:21:02 25 elected government ECOWAS at its 20th session of the Authority of
26 Heads of State and Government held in August 1997 lifted the
27 embargo on arms and military hardware as well as other sanctions
28 imposed against Liberia. The executive secretary of ECOWAS was
29 also further mandated to request the Secretary-General of the

1 United Nations to have the embargo imposed against Liberia by the
2 Security Council lifted."

3 And that report of ECOWAS is appended hereto, but we won't
4 delay to look at that. Suffice it to say, had the panel not
12:21:43 5 denied Liberia its right to have sight of the draft report before
6 it was published, the panel's attention would have been drawn to
7 this fact.

8 "The panel makes no attempt to hide its extreme bias and
9 lack of objectivity when it states in paragraph 47 of the report
12:22:03 10 that, 'Many of these recommendations and the problems they
11 address are related to the primary supporter of the RUF, Liberia,
12 its President, its government and the individuals and companies
13 it does business with'. This statement clearly manifests the
14 bias of the panel, because not only is there no justification
12:22:28 15 presented to warrant the indictment of the President of Liberia,
16 but there is also certainly no basis to indict the entire
17 Liberian government and people.

18 Although the body of the report recognises that trading in
19 illicit diamonds is global and also concedes that the RUF has
12:22:48 20 obtained weapons from numerous non-Liberian sources, yet the
21 panel has selectively targeted Liberia, its President, government
22 and any individual or company which may be doing business with
23 Liberia irrespective of whether or not such transactions are
24 legitimate.

12:23:12 25 In paragraph 48, the panel recommends the imposition of a
26 travel ban on Liberian officials and diplomats by UN member
27 states. The extreme prejudice of the panel is again clearly
28 demonstrated when it recommends this action which falls foul of
29 its mandate. The imposition of such a travel ban would be unique

1 and unprecedented in the history of the United Nations."

2 Now we've dealt with that so we won't return to that,

3 Mr Taylor:

4 "The bias is further manifested when the panel selectively
12:23:49 5 and unfairly targets the Liberian timber industry. In paragraph
6 49, it recommends the imposition of a temporary embargo on
7 Liberian timber exports because the principals in Liberia's
8 timber industry are involved in a variety of illicit activities
9 and large amounts of the proceeds are used to pay for

12:24:11 10 extra-budgetary activities, including the acquisition of weapons.
11 Although the report identifies only three or four companies out
12 of the more than 50 timber companies operating in that country,
13 the report still refers to these three or four as 'the principals
14 in the Liberian timber industry'. Even assuming this to be true,
12:24:34 15 was it in the panel's mandate to recommend the closure of the
16 entire logging industry?

17 It is important to clarify that each logging company
18 operating in Liberia is a signatory to a standardised concession
19 agreement. The concessionaires' obligations are detailed in the
12:24:57 20 agreement and each is required by law to pay all taxes directly
21 into the central government revenue depository maintained by the
22 Ministry of Finance, the statutory agency empowered to assess,
23 receive and collect taxes. The panel did not, and indeed could
24 not, provide any documentary or other supporting evidence that
12:25:23 25 these payments are instead diverted directly to the President of
26 Liberia. If this were true, it should have been relatively easy
27 to confirm by a review of the records of selected logging
28 companies."

29 Now, Mr Taylor, we saw that amongst those to whom the panel

1 of experts spoke when they were in Liberia was the Ministry of
2 Finance, yes?

3 A. Yes.

12:26:02

4 Q. Were they prohibited by you or anybody else from providing
5 details of taxation received from the various logging companies
6 operating in Liberia?

7 A. No, they were not prohibited.

12:26:27

8 Q. "Another unsupported allegation was that roads built and
9 maintained by timber companies are conveniently used to also
10 transport arms.

12:26:51

11 As has been previously stated, each logging company
12 operates its timber concession in accordance with a standardised
13 concession agreement. The requirement that each concessionaire
14 must build and maintain logging and farm to market roads in its
15 concession area has been an essential and integral part of the
16 concession agreements since the early 1950s."

12:27:56

17 I think it might be of assistance given the point made
18 here, Mr Taylor, if we looked at appendix 4 just to get a flavour
19 of the agreement. It should have at the top EM1 and you see it's
20 headed "Republic of Liberia, class A model, forest resource
21 utilisation agreement". Is that correct, Mr Taylor?

22 A. That is correct.

12:28:14

23 Q. And we see the various sections. We're not going to go
24 through all of it, but let's just skim over it to get an idea of
25 what this entails. If we go over to the next page. Yes, we see
26 space for the signatures of the parties to the agreement, do we
27 not?

28 A. Yes.

29 Q. And let's go over the page and we see definition 9A,

1 transportation and communication facilities, including roads,
2 bridges, rail roads, airports, landing strips and landing pads
3 for aircraft, garages, canals, aerial tramways, pipelines, radio,
4 telephone and telegraph facilities, yes?

12:28:59 5 A. Yes.

6 Q. Is that right, Mr Taylor?

7 A. Yes.

8 Q. Then the sections go on and if we go to page 14 which is
9 article 7, fiscal obligations, government tax on net income
10 accounting principles, you see that:

12:30:05

11 "The holder/operator shall pay tax on its net income
12 derived from its operation and activities under this agreement in
13 accordance with the income tax law of general application
14 provided however, the tax payable shall not exceed 50 per cent of
15 the net income."

12:30:25

16 Yes?

17 A. Uh-huh.

18 Q. And amongst other things if we go to page 19 just quickly
19 we see that there's provision in article 9 for the health and
20 safety of employees, yes?

12:30:57

21 A. Yes.

22 Q. And then at page 23 we see the laws and penalties. That
23 is, powers of the Liberian government to control and regulate the
24 trade. Yes, Mr Taylor?

12:31:27

25 A. Yes.

26 Q. Is that right?

27 A. That is correct.

28 Q. So let's leave that --

29 PRESIDING JUDGE: Page 24, not page 23.

1 MR GRIFFITHS: Sorry. I'm looking at the number at the top
2 of the page, Mr President.

3 PRESIDING JUDGE: I'm looking at the number at the bottom.
4 If you turn back one page, the number at the bottom is 23 and I
12:32:04 5 moved on assuming the next page would be 24, but the numbers of
6 course at the top don't bear any necessary connection to the ones
7 at the bottom.

8 MR GRIFFITHS: With the ones at the bottom. Okay. I don't
9 want to dwell overlong on that. I just wanted to get a flavour
12:32:21 10 of what the agreement involved. So let's go back then to page 9
11 of 34. We're at paragraph 14:

12 Q. "The allegation in paragraph 217 that Simon Rosenblum
13 trucks are used to carry weapons from Robertsfield to the border
14 with Sierra Leone is clearly without any foundation. Had the
12:32:58 15 panel had any interest in arriving at the truth, an interview
16 with Mr Rosenblum would have confirmed that Mr Rosenblum had no
17 timber concession in the Republic of Liberia."

18 Mr Rosenblum was - was he one of the individuals
19 interviewed when we looked at individuals, Mr Taylor, in the
12:33:28 20 panel of experts report?

21 A. I don't recall.

22 Q. Well, if we go back quickly, Mr Rosenblum's name does not
23 appear on page 58 of the report where the panel list those
24 individuals to whom they spoke. And it continues:

12:33:50 25 "Had the panel had any interest in arriving at the truth an
26 interview with Mr Rosenblum would have confirmed that
27 Mr Rosenblum had no timber concession in the Republic of
28 Liberia."

29 Mr Taylor, to the best of your knowledge in the year 2000

1 when the panel were appointed and when they reported, was
2 Mr Rosenblum to your knowledge alive and well?

3 A. Yes.

4 Q. And to the best of your knowledge, where was he?

12:34:21 5 A. In Liberia.

6 Q. Do you recall any request being made to you or any other
7 government official to make Mr Rosenblum available for interview?

8 A. No, but they would not have had any problems finding him
9 because Mr Rosenblum was working for at least two or three of the
10 principal NGOs funded by foreign governments doing roadwork in
11 Liberia, so he was readily available.

12 Q. "It must be noted that the panel could not reconcile its
13 conclusions on the one hand that the Liberian government
14 allegedly receives over \$200 million annually from the sale of
15 illicit Sierra Leonean diamonds, and on the other hand that the
16 government still need to make extra-budgetary expenditures from
17 its limited revenue base to purchase weapons for the RUF.

18 The repeated violation by the panel of its own standards of
19 verification has been documented above. What is still equally
20 disturbing is the assertion in paragraph 64 inter alia that we
21 have dealt in detail with this particular allegation. It might
22 still be asked, 'Where is the evidence?' On this charge and
23 others, full details of the sources will not be revealed, but the
24 evidence is incontrovertible.

12:35:51 25 When did it become fashionable in international
26 jurisprudence not to reveal evidence nor to have the accused
27 confronted by its accusers? Is there simply no evidence and/or
28 sources to be revealed? Where does the panel derive the
29 authority to declare a piece of evidence as being

1 incontrovertible, especially when same was and perhaps will never
2 be presented to the accused?"

3 Now, we've dealt with that point, have we not, Mr Taylor.

4 A. Yes, we have. That's the unprecedented - some of the
12:36:38 5 unprecedented power we talk about in UN history. That's a part
6 of the - very unprecedented. We have dealt with it before, yes.

7 Q. "In paragraph 65 the report states '... the panel was
8 reminded of the background to its mandate, however, during its
9 visit to Sierra Leone. There, thousands of civilians, many of
12:37:03 10 them child victims of unspeakable brutality, face a future
11 without hands or feet. Tens of thousands of Sierra Leoneans have
12 lost their lives, half a million have become refugees, and three
13 or four times that number has been displaced. As the panel
14 concluded its report, much of Sierra Leone remained in rebel
12:37:25 15 hands, where people lived without access to medical assistance,
16 education or the means to a secure livelihood. The panel
17 remained cognisant throughout it's work of its role and its
18 responsibility in helping to end the suffering of the people of
19 Sierra Leone and this decade-long tragedy.'

12:37:47 20 The Government of Liberia shares the pains, unspeakable
21 brutality and destruction the prolongation of the conflict is
22 reaping for the people of Sierra Leone. The memories of similar
23 circumstances are fresh in the minds of the Liberian government
24 and people, having just endured more than seven years of war.

12:38:10 25 Not only has the people and Government of Liberia opened its arms
26 to 120,000 Sierra Leonean refugees who fled the madness, but the
27 government has undertaken a number of measures, along with the
28 leadership of the sub-region, to accelerate and positively impact
29 on the end of the tragedy across its borders. The serious

1 humanitarian concerns described in paragraph 65, maintenance of
2 peace and stability within its own territorial confines, and the
3 overall peace and stability of the entire sub-region remain the
4 basis for the government's role in Sierra Leone.

12:38:55 5 The sympathy and concern expressed in paragraph 65 by the
6 panel is not only reasonable but humane, and one which the
7 Government of Liberia must confront daily, given its historical
8 and social proximity to Sierra Leone. The report does list the
9 beneficiaries of Sierra Leonean diamonds. The report

12:39:19 10 acknowledges the concerns of Sierra Leoneans to end the
11 destruction of their country and the retrieval of their mines
12 from the hands of foreigners to the benefit of ordinary Sierra
13 Leoneans. It has been historically determined which countries
14 have benefited from Sierra Leone's immense endowments of

12:39:40 15 diamonds. It would seem reasonable that the purpose of the
16 Secretary-General would have been best served had the panel not
17 allowed itself, moved as we all are, to derive its motivation
18 entirely from paragraph 65 and sway in the direction of
19 unjustifiably seeking out convenient culprits and scapegoats.

12:40:08 20 In paragraph 154, the panel claims that 'there is reason to
21 believe that a certain amount of diamonds have been traded by the
22 RUF with officers of the former West African peacekeeping force,
23 ECOMOG, in return for cash or supplies. The panel did not see
24 this issue as part of its mandate and so did not examine it in

12:40:29 25 any detail, but repeated accounts, many of them first-hand,
26 eyewitness reports, made the stories impossible to ignore.' This
27 is most unfortunate and inconceivable. The mandate of the panel
28 was to collect information on the link between trade in diamonds
29 and weapons. In view of the fact that some of the supplies

1 mentioned in paragraph 154 are clearly military hardware, why
2 would the panel dust off this vital piece of information as being
3 outside its mandate? It is instructive that the panel admits
4 that the information was obtained from first-hand eyewitness
12:41:15 5 reports while those indicting the government are largely
6 uncorroborated and unsubstantiated rumours, gossip, and hearsay
7 with no eyewitness testimony.

8 The government draws attention to the panel's attempt to
9 malign individuals and business concerns, in direct violation of
10 its mandated evidentiary standards. With all the references to
11 Sam Bockarie, it would seem reasonable that the panel would have,
12 at a minimum, found time to interview Mr Bockarie."

13 As far as you're aware, Mr Taylor, was Mr Bockarie
14 interviewed?

12:42:01 15 A. Not to my knowledge, no, they didn't.

16 Q. Was he alive and well in Monrovia at the time they visited?

17 A. Oh, yes. In 2000, yes.

18 Q. Had he been prohibited from speaking to the international
19 media or, indeed, United Nations representatives?

12:42:19 20 A. No, he was not. In fact, he had spoken to the
21 international media before. He had spoken to senior officials
22 from the United States government. He had spoken to United
23 Nations, but there was no prohibition. None whatsoever.

12:42:41 24 Q. "In addition to correcting the numerous falsehoods, a
25 discussion with Mr Talal El'Ndine would have at least ensured
26 that the location of his office was properly identified. This
27 would have also have been true of Messrs Guus Kouwenhoven and
28 Simon Rosenblum. Above all was the callous and mischievous
29 reference to retired Lieutenant General Robert Yerks of the

1 United States Army. The panel's gratuitous comments, which it
2 admits was unsubstantiated, served no useful purpose and could
3 have been avoided. This is clearly an abrogation of its own
4 evidentiary rule."

12:43:21 5 With reference to Lieutenant General Robert Yerks of the
6 United States, Mr Taylor, what were you talking about there?

7 A. They, in a very cynical way, tried to link him with diamond
8 trade and all this kind of stuff, and I - from the best of my
9 recollection, General Yerks took exception. And later on they
10 had to withdraw that particular comment from subsequent reports
11 that they made. But he was strong enough to get it done.

12 Q. Because when we go back to paragraph 127 of the report,
13 which I don't ask to be put up, let's just quickly remind
14 ourselves. The name of retired US Army General Robert A Yerks
15 occurs frequently in discussions about Liberian diamond
16 transfers. He was involved with ITC and is currently a senior
17 official in LISCR. Just to remind ourselves what was said about
18 minimum in the report:

19 "This is clearly an abrogation of its own evidentiary rule.

12:44:23 20 It is important for it to be recalled that a few months
21 ago, four international journalists under contract from Britain's
22 Channel 4 television and America's CNN, visited Monrovia to film
23 a documentary entitled 'Sorious Africa'. The documentary was
24 pre-scripted in London prior to the arrival of the journalists in
12:44:47 25 Monrovia without any regard or reference to the realities on the
26 ground. The script intentionally and falsely portrayed the
27 Republic of Liberia as a rogue state, the government as being
28 comprised of a murderous band of thugs, it's people as being
29 besieged by fear and it's President and other officials as

1 terrorists and simple-minded criminals surviving on the spoils of
2 the Sierra Leonean war. The journalists were arrested, charged
3 and indicted under our penal laws and taken to Court. The
4 government discontinued the criminal proceedings after unreserved
12:45:27 5 apologies were received both from the journalists themselves as
6 well as their employers."

7 We'll come back to that at a later stage, Mr Taylor:

8 "The panel seems to have unquestionably accepted at face
9 value all of the alleged oral and written testimonies said to
12:45:50 10 have been elicited from so-called ex-combatants and former
11 commanders of the RUF. They in large part constitute the crux of
12 the panel's conclusions. However, what the panel omitted to also
13 state was that they were obtained in Freetown, Sierra Leone, and
14 that the witnesses were under the control and jurisdiction of the
12:46:12 15 Sierra Leonean government, its allied militia, the Kamajors, and
16 the British troops stationed there."

17 Can I pause again, Mr Taylor, for a moment to ask this:

18 The report makes clear that it obtained oral testimonies and the
19 like from various eyewitnesses and so on in various locations.

12:46:38 20 Tell me, did the Liberian government ever ask the United Nations
21 to have sight of that evidentiary material?

22 A. Yes, we did.

23 Q. Has that evidentiary material ever been made public, to
24 your knowledge?

12:46:57 25 A. No, it was never made public. But he says right in the
26 report that it's not going to be made public because it's
27 incontrovertible. So the panel does not make any reports or any
28 statements available to the government.

29 Q. "It should be obvious that testimonies or other purported

1 'evidence' received from these type of individuals under such
2 circumstances should be viewed with a high degree of skepticism."

3 What are you suggesting there?

4 A. Well, that if there are such statements, you know, they
12:47:40 5 will have to be suspect because what are we dealing with? Maybe
6 people in prison wanting to come out. You go and tell them we
7 want to know this or you - you know, promise them assistance and
8 all these type of money payments. A lot of things can go wrong,
9 and you have to really watch these type of statements and view
12:48:00 10 them with a degree of skepticism.

11 Q. "Testimonies gathered from former supporters of a group who
12 are now resident or imprisoned under the jurisdiction of a rival
13 group should be expected to be condemnatory and indicative of
14 one's desire to vindicate one's self from one's former colleagues
12:48:29 15 and simultaneously exhibit one's loyalty for the controlling
16 party. For one to do otherwise would obviously be putting one's
17 life in danger. It was therefore expected that the panel should
18 have taken these obvious factors into account and should have
19 subjected the evidence to further and independent verification
12:48:51 20 and corroboration. Unfortunately, this was not done."

21 And then the next topic the document goes on to deal with:

22 "Allegations that the bulk of RUF's diamonds are smuggled
23 through and exported from Liberia.

24 From the onset, it should be emphasised that it is
12:49:14 25 inconceivable how the panel of experts could conclude that:

26 1. The bulk of RUF diamonds leaves Sierra Leone through
27 Liberia;

28 2. That the smuggling is carried out with the complicity
29 of the Liberian government; and

1 3. That the proceeds from the sale of illicit Sierra Leone
2 diamonds are used to purchase weapons for the RUF.

3 The above conclusions by the panel are at variance with the
4 panel's own statistics.

12:49:41 5 According to paragraph 79 of the report, RUF's estimated
6 earnings from the sale of diamonds ranges from between a low of
7 \$25 million US to a high of \$125 million US per annum. De Beers
8 estimates the figure to be approximately \$70 million US.

9 Gambia. Paragraph 80 of the report states that imports in
12:50:18 10 Belgium of Gambian rough averaged over \$100 million per annum
11 between 1996 and 1999. Gambia mines no diamonds of its own and
12 knowledgeable diamondaires believes that a very high proportion
13 of the diamonds being exported from The Gambia originate in
14 Sierra Leone.

12:50:41 15 Guinea. Paragraph 135 of the report states that the
16 official average Guinean export of diamonds to Belgium in the
17 1990s was 380,000 carats per annum at \$96 per carat. However,
18 official Belgium figures indicate imports from Guinea in the same
19 period averaged 687,000 carats per annum with an average value of
12:51:11 20 \$167 per carat. This is almost double the volume which is
21 officially exported from Guinea and the per carat value is almost
22 75 per cent higher.

23 Paragraph 137 rejects any likelihood of Guinea being used
24 as a country of provenance as an explanation for the difference
12:51:33 25 in statistical presentations. It should also be noted that the
26 report also states that most of the diamonds mined in
27 Sierra Leone are of gemstone quality which explains the higher
28 per carat value exported from Guinea in this period. The only
29 logical and inescapable conclusion must be that the difference,

1 in excess of \$42 million exported annually, is the result of
2 smuggled Sierra Leonean diamonds.

3 La Cote d'Ivoire. Between 1994 and 1999, the report
4 indicates that Belgium imported 6 million carats out of Cote
12:52:18 5 d'Ivoire, about 13 times more than was apparently produced in the
6 country, at \$92 a carat. This shows an average increase from \$7
7 million US to \$85 million US per annum over the period.

8 According to the report, during this period a total of \$227
9 million US worth of illicit diamonds was traded annually between

12:52:46 10 the three neighbouring countries of Guinea, Gambia and Cote
11 d'Ivoire in addition to the alleged \$217 million US value of
12 illicit Sierra Leone diamonds which were purportedly exported
13 from Liberia. Significantly, these figures exclude the official
14 exports from Sierra Leone. It is absolutely stunning and

12:53:12 15 incredible that the so-called panel of experts would attempt to
16 have the international community believe that during this period
17 the value of Sierra Leone's annual production of diamond was
18 approximately \$450 million US. Clearly these figures are so
19 grossly inflated and unrealistic that one could reasonably

12:53:39 20 believe that they were deliberately fabricated to justify how the
21 panel arrived at its erroneous conclusion. No one familiar with
22 the industry would agree with the panel that the pre-conflict
23 value of Sierra Leone's annual production was ever in the region
24 of \$450 million US.

12:54:04 25 Assuming as the report does, that the RUF controls most, if
26 not all, of the diamond producing areas of Sierra Leone, it
27 logically follows then that all Sierra Leone diamonds which are
28 allegedly illegally exported to Guinea, Gambia, Cote d'Ivoire, as
29 well as Liberia, must originate from RUF-controlled areas. Why

1 then is Liberia being singled out? It is strange that the panel
2 ignores the fact that the Government of Sierra Leone, through its
3 allied militias, control a vast section of the diamond producing
4 areas of the eastern and southern provinces. Almost the length
12:54:51 5 of Sewa River, reported to be the richest flowing river in the
6 world, along with most of its tributaries, is exploited by the
7 Government of Sierra Leone, its militias and agents. Kenema and
8 Bo have become marketing centres where both the RUF and agents of
9 the Government of Sierra Leone are known to interact and trade
12:55:15 10 freely. "

11 Where did you get that from?

12 A. This is from our own officials in Sierra Leone. We still
13 maintained an embassy down there.

14 Q. Over the page:

12:55:34 15 "What should also be noted is that smuggling is endemic to
16 the diamond industry worldwide and is not limited to
17 Sierra Leone. Historically, Liberia itself has always faced this
18 problem and previous governments have been unable to adequately
19 deal with this problem. The present government finds itself less
12:55:57 20 able to do so given the fact that the country has recently
21 emerged from a disastrous seven-year civil war which completely
22 destroyed the basic national infrastructure. The problem cannot
23 be adequately addressed due to the government's lack of adequate
24 resources and personnel, including customs and immigration
12:56:21 25 personnel, transport and communications.

26 Liberia's export statistics clearly illustrate this. For
27 example, our 1987 prewar official exports was 295,000 carats.
28 Compare this with our official export figures of 8,500 and 8,000
29 carats for 1998 and 1999 respectively. In paragraph 89 the

1 Ministry of Finance estimates that this represents only 10
2 per cent of the domestic production and the Ministry of Lands,
3 Mines and Energy estimates this to be 20 per cent. In other
4 words, depending on which figure is used, between 80 to 90
12:57:00 5 per cent of Liberia's domestic diamond production is smuggled out
6 of the country. This should completely refute and disqualify the
7 conclusion reached in paragraph 90 that it is not conceivable
8 that so much of Liberia's own diamond production could avoid the
9 detection of government.

12:57:19 10 Although the report recognises the ongoing problem of the
11 impossibility of distinguishing between a country of origin and a
12 country of provenance, this issue is irrelevant and inapplicable
13 to the accusations being levied against Liberia. Paragraph 131
14 of the report admits that a large proportion of the diamonds
12:57:42 15 entering Belgium under the Liberian label represent neither
16 country of origin or country of provenance. Most are illicit
17 diamond from other countries. Having conceded the obvious, the
18 panel nevertheless and inexplicably proceeds to attribute this to
19 Liberia's own involvement in the illicit diamond trade, its
12:58:08 20 inability or unwillingness to monitor the use of its name
21 internationally, and finally and bizarrely, to the improper use
22 of its maritime registry.

23 Paragraph 25 states that Liberia has lax maritime laws with
24 minimum regulatory interference and implies that this in some way
12:58:36 25 facilitates Liberia's trading in illicit diamonds. This
26 statement on its face should be most embarrassing to the panel
27 because it clearly and further confirms that the panel did not do
28 even a minimum amount of research. Anyone with the slightest
29 connection with the maritime industry knows that Liberia has the

1 oldest open registry in the world and this has been in existence
2 since 1948. It is also a well-known and generally accepted fact
3 that the Liberian registry is the premier registry in the world
4 and its regulations and inspection procedures are the model for
12:59:21 5 all other open registries. It has also been impossible for the
6 Liberian government to draw any obvious or rational connection
7 between the Liberian shipping registry and illicit diamond
8 trading. It would be most interesting and instructive were the
9 panel to demonstrate this connection."

12:59:44 10 What connection are you talking about there, Mr Taylor?

11 A. I don't see how they can associate a registry with - a big
12 ship with a small diamond stone. And if they had done their
13 research, the Liberian shipping registry is registered and
14 operates in the United States under American laws. It is managed
13:00:08 15 by Americans. Not even Liberians manage our registry. So even
16 if there is something going wrong even under American laws it
17 would not suffice. The registry is not run out of Monrovia.
18 This registry that we're talking about, and it goes back to the
19 question asked by the Honourable Justice Sebutinde, just like the
13:00:33 20 aircraft registry. You get the flag. You use it. You pay a fee
21 for that use. But companies outside manage the programme. The
22 manager of the registry programme, even Liberians have to be
23 employed by the Americans under American laws in the United
24 States. In fact we are now stationed in Virginia under the laws.

13:00:58 25 So how do you tie a huge ship with a little diamond stone?
26 It's impossible. If you're talking about timber, ships have to
27 carry timber. But it doesn't take a ship to carry out a diamond
28 stone. So I don't see the connection with the registry and
29 diamond movement. I do not see it.

1 Q. "The Liberian government equally fails to see any logical
2 or rational nexus between the fraudulent and deliberate
3 mislabeling of non-Liberian diamonds by unscrupulous businessmen
4 and entities abroad and any involvement in these transactions by
13:01:46 5 the Liberian government. It is important to emphasise that the
6 panel does not accuse the government of aiding, abetting or
7 participating directly or indirectly in these mislabeling
8 schemes.

9 It should be clear that the panel's conclusion that the
13:02:03 10 bulk of RUF diamonds travel to and are exported from Liberia is
11 without any factual basis."

12 Now, Mr Taylor, can we just pause for a minute and deal
13 with one aspect of this response. How many different - who
14 prepared it?

13:02:33 15 A. All of the agencies involved. That's the Finance Ministry,
16 the Ministry of Lands, Mines and Energy, the Justice Department.
17 All of the principal agencies of government. The Foreign
18 Ministry. It's a whole panel of individuals that prepared this
19 response.

13:02:53 20 Q. Let's go over the page, please:

21 "Alleged complicity of the Liberian government. The
22 conclusion, even when arbitrarily presented, as was done in the
23 report, about the complicity of the Liberian government in the
24 illegal shipment of Sierra Leone conflict diamonds is equally not
13:03:21 25 supported by any facts presented in the same report.

26 The report confirms the well-known and documented
27 historical facts that, for a variety of reasons, Sierra Leonean
28 diamonds have traditionally been smuggled through Liberia
29 primarily by Mandingo and Lebanese traders. As long ago as 1954,

1 the profitability of the trade caused De Beers to set up a buying
2 office in Monrovia to keep as much of the trade under its control
3 as possible. Subsequently and following De Beers's lead,
4 Antwerp, and Israeli based diamond merchants attracted by the
13:04:06 5 booming diamond trade in Monrovia also established offices here.

6 Although the report confirmed the historicity of the
7 smuggling of Sierra Leone diamonds through Liberia, what the
8 report neglected to state is that the trade in the region has
9 traditionally been carried out by Mandingos, Fulas, Mauritians
13:04:29 10 and Julas, ethnic groups with overlapping family ties in
11 neighbouring West African countries, especially Liberia, Guinea,
12 Sierra Leone, Gambia, Senegal, Burkina Faso, Mali, and La Cote
13 d'Ivoire. These family members live and interact traditionally
14 throughout these regions without regard to national borders.

13:04:56 15 No previous Liberian government has ever been able to
16 exercise the required control in prohibiting or interdicting this
17 illegal activity due primarily to the lack of logistical
18 resources. As has been stated and illustrated above, the
19 Liberian government lacks the capability to prevent the smuggling
13:05:20 20 and illicit trading of its own domestically mined diamonds.

21 Given this fact, is it reasonable or feasible that the government
22 would have the capacity to interdict diamonds allegedly being
23 illegally imported from a neighbouring country? The report
24 confirms that none of the more than five countries listed in the
13:05:45 25 report is able to do so, yet Liberia is being singled out for
26 special treatment because it too is unable to do so.

27 It is instructive to observe that while the report admits
28 widespread smuggling and trading in illicit diamonds, no other
29 country except Liberia stands indicted. Indeed, no previous

1 Liberian government has been accused of complicit in the illegal
2 trading in diamong, although this state of affairs has existed
3 from time immemorial. It would appear that this government is
4 being unfairly targeted because this problem continues to exist.

13:06:36 5 According to the report, up to mid-August 2000, 'Liberian'
6 imports into Belgium were 340,000 carats valued at \$50 million or
7 \$147 per carat. The report further confirms that while 1998
8 official Liberian statistics indicates diamond exports of only
9 8,000 carats, Belgium recorded imports allegedly from Liberia of
13:07:06 10 2.56 million carats. This was based solely on invoices submitted
11 by 'Liberian firms'. It is important to emphasise that the panel
12 itself conceded that none of these invoices were accompanied by
13 any certification or export licences from the Liberian Ministry
14 of Lands, Mines and Energy. Strangely, none were apparently
13:07:34 15 required or requested by Belgium, the importing country.

16 The panel members also admitted that during their stay in
17 Monrovia, they were able to personally confirm from a physical
18 check that the so-called 'Liberian' exporters and their addresses
19 were either fictitious or that they were not resident in
13:07:55 20 Monrovia. The report itself therefore properly concluded in
21 paragraph 127 that 'this means that if the companies in question
22 are more than shells, they are not physically present in Liberia
23 and none of the diamonds in question were either mined in or
24 passed through Liberia.' Given the above statement by the panel,
13:08:18 25 we find it incongruous for the panel to still conclude in the
26 same paragraph that: 'It also means, however, that there is an
27 intimate Liberia connection with these deceptive diamong
28 transactions.' What is this intimate connection?

29 Although the report makes no mention of this, upon the

1 specific request of the panel members, Liberia's Ministry of
2 Lands, Mines and Energy made available the complete official
3 listing of the 97 businesses registered with the Ministry of
4 Commerce and Industry for the year 2000 which are authorised to
13:08:58 5 engage in various aspects of the mineral trade, including gold
6 and diamond brokers and exporters, as well as owners of jewellery
7 shops. None of the entities listed in paragraphs 129 and 130
8 were registered either with the Ministry of Lands, Mines and
9 Energy or the Ministry of Commerce and Industry.

13:09:25 10 Some of the 'Liberian' firms mentioned in paragraphs 129
11 and 130 are offshore or non-resident Liberian corporations which
12 were incorporated pursuant to Section 3.1.1 of the (Liberian)
13 Associations Law of 1976. Under the Statute, off-shore or
14 non-resident Liberian corporations do not maintain a business
13:09:54 15 presence in Liberia and the only connection each has with Liberia
16 is that each is statutorily required to maintain a local
17 registered agent for the purpose of receiving service of writs of
18 summons or other legal documents on behalf of such corporations.

19 The International Trust Company of Liberia (ITC) of 80 Broad
13:10:22 20 Street, Monrovia, acted as a registered agent for all such
21 non-resident corporations from 1948 until December 31, 1999.
22 Since January 1, 2000, this role has been assumed by the Liberia
23 Ship and Corporate Registry. Upon receipt of the summons, the
24 registered agent is required under the provisions of Section
13:10:55 25 3.1.6 of the Statute to forward the same to the corporation by
26 registered mail."

27 Now, that's a bit of a mouthful, Mr Taylor, so I wonder if
28 you can help us as to how that particular system operates.

29 A. Let me just start off by saying, this is not unique to

1 Liberia. Offshore shell registered companies around the world,
2 and there is several - I would say about a dozen plus states that
3 operate similarly. These offshore companies are registered.
4 They only are required to have an agent in the country.

13:11:36 5 The activities outside the governments have nothing to do
6 with them. Whether it is - I have said this before - Liberia, or
7 whether we're talking about Jersey, the Islands of Jersey just
8 off here in Europe, or whether you are talking about it was once
9 existing in Panama, you also have people talk about the Marshall
13:11:58 10 Islands, these all operate as shell companies. There is no
11 difference from Liberia. And the panel knew this. And the ITC
12 served as the agent for these registered offshore shell
13 companies, okay? And in most cases, the government or the
14 governments do not control their activities. They register.

13:12:22 15 They pay a fee to the government. They have an address - and in
16 this case, 80 Broad Street - that's the extent of government's
17 involvement. And under our laws, as would be in the case of many
18 other countries that operate like this, they only have to have an
19 address and an agent to receive mails and respond to legal
13:12:45 20 inquiries. This is how it works. It's been working since 1948.

21 It's working now. Right now in Liberia, it's the same system.
22 From ITC now, it is being done by LISCR, and this programme again
23 is not being run by the Liberian government. It's not being run
24 by the Liberian government. It carries the Liberian name, the
13:13:07 25 Liberian flag, but we hire an American corporation to return
26 these services because the ships are so many, and we have an
27 agreement for the protection of those vessels. So this is the
28 way it works.

29 Q. Now --

1 JUDGE DOHERTY: Mr Griffiths, could I inquire what is a
2 shell company? I know what a shell company is, but a shell
3 company is a terminology I'm not familiar with.

4 THE WITNESS: Okay. Where you have a shell company is what
13:13:34 5 you register; you're right, your Honour. But when we describe a
6 shell, a shell will mean that it's nonexistent, okay?

7 JUDGE SEBUTINDE: In other words, fake.

8 THE WITNESS: That's what is being referred here in the
9 report. A shell would be like a fake company, but we are talking
13:13:53 10 about shell companies. That's what the ICC operates.

11 JUDGE SEBUTINDE: Because you've been using shell perhaps
12 to mean shelf.

13 THE WITNESS: It's a shell company.

14 JUDGE SEBUTINDE: In your testimony, you've been referring
13:14:12 15 to shell companies.

16 THE WITNESS: No, no, shelf. Maybe it's my pronunciation.
17 These companies that are registered by the Liberia government are
18 shell companies, but in the report, they are referred to them as
19 in unless they are shell company. That's how the word came out
13:14:25 20 too. If you look at the report, he says that unless they are
21 shell companies. In the UN panel of expert reports, they use
22 shell companies. But we are talking about shell companies that
23 are operating until today.

24 JUDGE SEBUTINDE: So this registry would ensure, before
13:14:44 25 they register a company under Liberian laws, would ensure that
26 that company is genuine, it's not fake, or would they? In other
27 words, would it be possible for this registry to register a
28 company that's nonexistent --

29 THE WITNESS: Well, no --

1 JUDGE SEBUTINDE: -- under the Liberian registry?

2 THE WITNESS: No, it would not be possible. But if
3 somebody came and said, "This is my company," and you register
4 it, it's not a fake company. As far as we're concerned, as far
13:15:16 5 as the agents are concerned, it is - in reality, it exists. So
6 they would not register something knowing that it is fake. No,
7 these are actual companies. These are actual companies. But
8 when we talk about shelf, it simply means that the nation that
9 they exist in don't have the full control over them as if they
13:15:37 10 were registered as an entity within the country.

11 BY MR GRIFFITHS:

12 Q. Tell me, Mr Taylor, this registry, do they have
13 investigatory powers?

14 A. The company, yes, they do have investigatory powers, yes.

13:15:55 15 Q. So do they have the power, for example, to investigate
16 whether an applicant company is a shell or not?

17 A. Sure they have. They have.

18 Q. Now, those investigatory powers, are they exercised within
19 Liberia or by, as you've told us, those at the location of the
13:16:21 20 registry in the United States? Do you follow me?

21 A. Yes, by those at the location in the United States. Those
22 that run the programme have the investigatory power. It is not
23 the function - because the Liberian government contracts the
24 service of running it to that company. They have the powers.

13:16:45 25 JUDGE SEBUTINDE: I think this is becoming quite
26 complicated. You mean the registry was operating from the USA?

27 THE WITNESS: It is still operating from the USA. Let me -
28 I think, let me take a minute for your Honours. The registry at
29 this particular time - let's use ITC as an example - is a

1 registry that uses the flag of Liberia and it is put on ships for
2 a fee. Liberia - because the security of those ships are
3 guaranteed by the United States military, the ships that fly
4 those flags, American companies run the registry under contract
13:17:35 5 from the Liberian government. At that particular time, Liberia
6 steps out. Of the fees coming in, a portion goes to the company
7 that is contracted to run it on behalf of the Liberian government
8 and a portion of the fees come to the Liberian government. This
9 is the way it operates.

13:17:54 10 JUDGE SEBUTINDE: And does the Liberian government retain
11 any control whatsoever over the activities of this registry?

12 THE WITNESS: I would say - we've had difficulties with
13 that, your Honour - very little control after the agreement is
14 signed. Very little control. Except they break a part of the
13:18:21 15 agreement with the Liberian government, there's very little
16 control that the Liberian government has over the registry once
17 it has contracted the service to this American firm. Very little
18 control.

19 So, in terms of pricing, in terms of number of ships that
13:18:40 20 come in, in terms of violations, the only - we have a position in
21 the agreement that we call the commissioner of maritime. He is -
22 he's paid by those that run the programme. This is basically,
23 your Honour - and I can see why it's getting a little confusing.
24 It is basically a programme that develops during World War II.
13:19:09 25 They carry our flag, but we really don't have control. Small
26 countries do this to make a little bit of money.

27 The Defence of that particular - of those ships are still
28 under United States government, defend all those ships that are
29 flying Liberian - there's not one of those ships that fly a

1 Liberian flag out that you see docking in these ports, not one is
2 owned by the Government of Liberia. They are all owned by
3 individuals and companies. They fly the flag. They pay a fee to
4 fly the flag. We get a part of that fee, an American company
13:19:45 5 runs it, and that's how it works.

6 MR GRIFFITHS:

7 Q. Can I ask a related question on that, then, please,
8 Mr Taylor. What, if any, powers do the Liberian government have
9 to impose sanctions or penalties on individual companies or ships
13:20:12 10 who may act in some way illegally or illicitly?

11 A. The Liberian government does not have any powers to act
12 under that agreement. If there are any violations, the company
13 that we've contracted the services to will proceed with those
14 violations under American law. They are registered as American
13:20:37 15 companies.

16 Q. Well, could you, for example, if a ship bearing the
17 Liberian flag as a flag of convenience acted say in transporting
18 contraband good, could you say to the owner of that ship you can
19 no longer use the Liberian flag?

13:21:01 20 A. You mean on that vessel or in total again?

21 Q. On that vessel or in total. Could you as President of
22 Liberia dictate that?

23 A. Well, I'm not a lawyer but under the terms of that
24 agreement we could say to them that we've received this
13:21:18 25 information and they will have to act in making sure that that
26 particular ship no longer carries the flag. But the action would
27 still have to be taken by them and --

28 Q. By them who?

29 A. By the company that we've contracted to under US laws.

1 Q. Right. And just another piece of detail. Where in the
2 United States is this company based?

3 A. It's in Virginia.

13:21:48

4 JUDGE SEBUTINDE: If I may ask a related question. These
5 companies ITC and LISCR would be acting as agents of the Liberian
6 government, wouldn't they?

7 THE WITNESS: They would be acting as agents of the
8 Liberian government, yes?

9 JUDGE SEBUTINDE: So the government would be the principal?

13:22:06

10 THE WITNESS: Well, yes, the government would be the
11 principal because they are flying the flag, yes.

12 JUDGE SEBUTINDE: And so the actions of these companies
13 would bind the Government of Liberia, wouldn't they?

13:22:22

14 THE WITNESS: Well, I guess in a way, your Honour, you
15 could say that but I would have to look at the agreement between
16 the Liberian government. I don't know it line for line.

13:22:46

17 I would have to review the agreement between the government
18 and these groups that are acting as agents because we are
19 operating here under two different sets of laws and I must say
20 even for me it could be a little confusing. You have a Liberian
21 flag, you have a Liberian company. But these companies are
22 registered in the United States and operate the entire registry
23 under United States laws, so all claims, all charges, are
24 processed in United States courts under United States laws. And
25 they are given full right to operate.

13:23:05

26 For example, if you look here, your Honour, you'll see from
27 1948 it was not until the year 2000 or thereabouts before we
28 changed the company from ITC and we got a different company
29 called LISCR, because we were fighting even at that particular

1 time to get some control. This is a strange situation,
2 your Honour. Liberia as a country does not even have full
3 control of this registry as one would expect simply because this
4 registry was set up for a purpose of assisting or having retired
13:23:46 5 officers of the United States armed forces - this is a programme
6 that was set up in conjunction. So Liberia gets a very small
7 part of what comes from this. But it is good for us because it
8 is a way of income and that is why the entire programme is run
9 under United States laws. There's not one aspect of that
13:24:04 10 programme that is controlled by Liberian law, except the use of
11 the registry and the flag.

12 JUDGE SEBUTINDE: If I may ask one last question on this
13 issue. What is the significance of this Liberian flag on this
14 vessels, the legal significance if you like of carrying the
13:24:21 15 Liberian flag? There is a phrase you've used, "flag of
16 convenience". Could you throw some light on that? What's the
17 legal significance? Why can't these vessels carry their own
18 flags?

19 THE WITNESS: Well, most of these vessels, your Honour, are
13:24:38 20 owned by individuals and in those countries where those ships are
21 registered the amount that would have to be paid in terms of
22 taxes and other things with those countries would be so
23 exorbitant. This is why you have a few countries that do it.
24 The programme in Liberia exists, your Honour, in Panama. Panama
13:25:02 25 has the second highest - largest flag of convenience fleet. It's
26 because of costs. Some of these governments and countries and
27 business people cannot afford to pay these large amounts and they
28 need the protection at sea, okay. So once you have that flag -
29 that flag of convenience automatically in the case of Liberia,

1 you are then subjected to United States military protection.

2 For example, you had a situation the other day where a
3 Russian ship with timber coming somewhere out of Europe was
4 hijacked and carried and then I think Russia pursued that ship.

13:25:42 5 Now, if a ship on the high seas, if they are taken - the people
6 are taken hostage or anything, it becomes automatically the duty
7 of the armed forces of the United States to pursue that ship and
8 find it under this agreement. This is why I'm saying that the
9 matter of control by Liberia is even limited, okay.

13:26:05 10 If a Liberian flagship right now it was announced that it
11 had been hijacked the US navy would pursue that ship. Liberia
12 wouldn't have to make a move. So there are complex arrangements
13 between this registry programme set up from World War II.

14 MR GRIFFITHS:

13:26:23 15 Q. Mr Taylor, can I interrupt you at that point. Was there
16 any practical significance to the setting up of this system
17 during World War II?

18 A. Yes.

19 Q. What was the practical significance?

13:26:36 20 A. German U-boats were taking out Allied ships that were
21 ferrying supplies between Europe and North America and Liberia at
22 that particular time had not taken sides in the war. So this
23 idea came up to use a country that was neutral during the war to
24 ply the seas without having this disastrous thing of German
13:27:10 25 U-boats attacking. So this is a wartime concoction I will call
26 it. I really want to call it a concoction. So the defence of
27 those ships and everything fell on American hands and retired
28 American officers are all involved to ensure the free movement of
29 these ships. All Liberia gets from it is a fee.

1 JUDGE DOHERTY: One corollary question. The term "shell
2 company" is not exclusively applied to shipping companies from my
3 understanding of your previous answers. Am I correct?

4 THE WITNESS: Well, it's not exclusively applied, but I
13:27:56 5 mean to correct it, I would - it is shelf companies. Shell is
6 only used in the exception of the panel where the panel say
7 unless they are a shell, okay. But we are talking about shelf
8 companies. All of these companies are shelf companies, including
9 those that register under the airline provision.

10 MR GRIFFITHS:

11 Q. "Had the panel taken the time during its short stay in
12 Monrovia or to perform a minimum amount of research, it would
13 have easily discovered that Liberia has had one of the largest
14 corporate programmes since 1948, and presently there are over
13:28:43 15 40,000 non-resident Liberian corporations registered with the
16 programme. These corporations are all private entities and have
17 absolutely no connection with the Liberian government."

18 Is that true?

19 A. That is true. That's what I just sought to explain here,
13:29:04 20 yes.

21 Q. "It may be of interest to give a brief summary of both
22 LISCR and ITC. The latter changed its name a few months ago to
23 The International Bank (Liberia) Limited. In 1948, Edward R
24 Steettinius, former US Secretary of State under President
13:29:28 25 Franklin D Roosevelt, was instrumental in the passage of
26 legislation by the Liberian legislature incorporating ITC as a
27 private US company. ITC was established for the sole and express
28 purpose of organising and managing Liberia's newly created
29 maritime and corporate programmes. Under a contract entered into

1 between the Liberian government and ITC, the latter managed the
2 programmes for the government from 1948 until the expiration of
3 the contract on 31 December 1999. Since 1 January 2000, LISCR
4 has managed the programmes for the government pursuant to a
13:30:16 5 similar contract."

6 PRESIDING JUDGE: I think we've reached the lunch hour
7 there, Mr Griffiths. We'll adjourn and resume at 2.30.

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

9 [Upon resuming at 2.33 p.m.]

14:34:10 10 JUDGE DOHERTY: I have to apologise for the late start. My
11 watch and the clock here are at two different times. My
12 apologies.

13 MR GRIFFITHS: Not at all.

14 PRESIDING JUDGE: Yes, please go ahead, Mr Griffiths.

14:34:23 15 MR GRIFFITHS: May it please your Honours:

16 Q. Mr Taylor, can we pick up the response at paragraph 50,
17 please, on page 15 of 34. Do you have it?

18 A. Yes.

19 Q. "It should be emphasised that both ITC and LISCR are
14:34:59 20 entirely privately owned and controlled US companies
21 headquartered in the United States. Indeed, LISCR's contract
22 with the government requires that all of its shareholders must be
23 US nationals."

24 Is that true, Mr Taylor?

14:35:18 25 A. That is true.

26 Q. "The companies are neither owned, nor controlled, by the
27 Liberian government. It may be of interest to know that during
28 its 50-year management of Liberia's maritime and corporate
29 programmes, ITC's expatriate staff in Monrovia consisted almost

1 entirely of top retired US army personnel. For example, its
2 three most recent managing directors were retired US General
3 Robert Yerks, Charles Bauman, and Frederick Leigh. We hope this
4 dispels the notion or insinuation that ITC or LISCR is a
14:36:07 5 government entity and that as a result thereof, there is an
6 intimate Liberian connection with these deceptive diamond
7 transactions.

8 However, the great majority of the firms listed are not
9 even offshore Liberian corporations and are fraudulently
14:36:29 10 masquerading as Liberian resident corporations engaged in the
11 diamond business and exporting from Liberia. It should be
12 obvious that merely because unscrupulous persons abroad print
13 letterheads and invoices fraudulently designating their entities
14 as being Liberian firms resident in Monrovia, or that these
14:36:51 15 transactions occurred in Liberia, is certainly not ipso facto
16 proof or confirmation that it is indeed factual. In order to
17 show any government complicity, surely, at a minimum, the
18 transaction must be seen to have received some form of
19 governmental sanction or approval, either by official
14:37:14 20 certification or export licences. One wonders, in the absence of
21 this, what was the panel's basis for its conclusion. Certainly
22 not a scintilla of evidence was presented to substantiate its
23 conclusions."

24 Can we pause. When you say, "The great majority of the
14:37:36 25 firms listed are not even offshore Liberian corporations,"

26 Mr Taylor, did your government research the identities of the
27 companies named in the expert panel's report; do you follow me?

28 A. Well, not quite.

29 Q. In order to make this statement, "The great majority of the

1 firms listed are not even offshore Liberian corporations," how
2 did you know to make that assertion?

3 A. Well, we went through and we asked LISCR to present a list
4 of registered firms that they have - you know, that they had as
14:38:21 5 shell companies, and these companies were not a part of them. We
6 asked them for the list.

7 JUDGE SEBUTINDE: Did you say "shell" companies again?

8 THE WITNESS: Shelf. Excuse me, your Honour. These shelf
9 companies, we asked for the list of them and they were not - and
14:38:40 10 before you move on, we're talking about US generals. The three
11 individuals mentioned here are all retired generals. It's not
12 just Yerks. I just wanted to - we missed that in the
13 translation.

14 MR GRIFFITHS:

14:38:55 15 Q. Now, Mr Taylor, can I just ask is there a particular reason
16 for using retired US military personnel?

17 A. This is - this programme was set aside with the United
18 States at that time to help and even have retired officers as a
19 way of keeping them busy. So all of the individuals, all of the
14:39:24 20 managing directors, continued to be senior retired officers.

21 Q. Yes, you've told us that, Mr Taylor, but my question is
22 slightly different. What's the origin of that practice? Why
23 retired US generals, as opposed to retired Japanese generals or
24 French generals? Why?

14:39:42 25 A. Because they protect the fleet. The United States
26 government protects the fleet, and so this is a service that -
27 something like a little pay back we gave to them too by having
28 their retired officers work with the programme.

29 Q. Okay. And how do you go about selecting these retired

1 military personnel?

2 A. We do not select them. They present which officers will
3 work with the programme at a particular time.

4 Q. Who's "they"?

14:40:11 5 A. The United States government.

6 Q. So they present you with, say, a retired General Yerks and
7 say, "Give him a job, please." I'm being deliberately facetious
8 because I'm trying to find out how this operates.

9 A. Yeah, it's not quite that way. Remember, now we are saying
14:40:31 10 that this is a solely owned US company. Remember, right there.
11 It is a solely US company, and they bring forth the directors of
12 that company, and in all of the cases they are retired officers:
13 Here are our directors to run the programme that we have
14 contracted from you.

14:40:52 15 Q. Okay. Paragraph 52:

16 "Much emphasis was placed in the report on oral evidence
17 allegedly received from unnamed individuals. Although the
18 standards of verification were clearly stated in paragraph 64 of
19 the report, 'Wherever possible, the panel also agreed to put all
14:41:28 20 allegations to those concerned in order to allow them the right
21 of reply', the panel elected not to adhere to their own
22 standards. This obviously has the tendency to cast serious
23 doubts both on the objectivity as well as the veracity of the
24 report, including any conclusions reached. In the case of
14:41:52 25 Liberia, the panel appears to rely in a large part on
26 unsubstantiated rumours and hearsay as the basis for its
27 conclusions. The Liberian government assumes that the United
28 Nations will accept a report which has clearly not met normal and
29 expected United Nations investigative standards, especially since

1 it also recommends the imposition of punitive sanctions against a
2 member state.

3 The standards employed in the preparation of the report are
4 reminiscent of long-discredited Star Chamber proceedings.

14:42:33 5 McCarthyite tactics and outright character assassination. The
6 so-called 'incontrovertible evidence' about Liberia is
7 incontrovertible simply because no attempt was made to present it
8 for possible refutation or rebuttal and no right of reply was
9 afforded the government. The panel had an opportunity to present
14:42:57 10 a complete, comprehensive, objective and unbiased report simply
11 by adhering to its own standards which would have entailed the
12 panel confronting the government with the evidence and affording
13 the government the right of reply. All these could have
14 thereafter been included in the report. Unfortunately, they did
14:43:18 15 not do so, leaving the government with no alternative but to
16 submit this reaction.

17 The following examples clearly illustrate the failure of
18 the panel to apply reasonable investigative standards:

19 Paragraph 128 states that 'The name of retired US army
14:43:42 20 general occurs frequently in discussions about diamond
21 transactions ...' Was General Yerks confronted with this
22 accusation and given an opportunity of reply? Certainly,
23 elementary standards of decency required that General Yerks be
24 confronted with this allegation before publishing this
14:44:07 25 unsubstantiated and libelous statement. By this action, the
26 panel may have well destroyed the reputation of an individual
27 without first affording him the opportunity to defend himself.

28 Paragraph 73 alleges that according to internal RUF
29 reports, diamonds were personally delivered to the President of

1 Liberia. Was the President of Liberia confronted with this
2 documentary evidence and afforded an opportunity to confirm or
3 rebut the same? Surely this was the minimum amount of courtesy
4 which was due to the head of a member state of the United
14:44:50 5 Nations.

6 Paragraph 87 alleges that the President of Liberia has
7 designated an unnamed special representative in Kono '... with a
8 mandate to supervise RUF diamond operations.' Why was this
9 alleged special representative not named? This is a crucial
14:45:11 10 piece of evidence as it conclusively links the President of
11 Liberia to the RUF diamond trade. Why was the President of
12 Liberia not confronted with this evidence?

13 Also in paragraph 87 is the allegation that on one occasion
14 in 1998, Sam Bockarie confirmed that he had personally seen
14:45:33 15 diamonds with the President of Liberia which had previously been
16 sent to the latter. Was the President of Liberia confronted with
17 this information when the panel met with him? Was this
18 corroborated by Sam Bockarie? This should have been very easy to
19 do as Sam Bockarie is presently in Monrovia and the panel was
14:45:56 20 given unfettered access to anyone they requested.

21 Paragraph 87 also alleges that '... RUF couriers travel in
22 fear of being robbed by rogue NPFL fighters.' This is clearly a
23 false statement for two obvious reasons:

24 A. The NPFL as well as all other Liberian military
14:46:24 25 factions were dissolved, disarmed and demobilised in 1996.

26 B. The entire section of Liberia (Lofa, Cape Mount and
27 Bomi counties) which borders Sierra Leone prior to the
28 demobilisation was under the exclusive control and authority of
29 the ULIMO faction. This military grouping was organised in

1 Sierra Leone and operated as the principal military opponent of
2 the NPFL during the civil war. It may be of interest to note
3 that remnants of ULIMO and other Liberian nationals have since
4 been trained and armed and incorporated into the national Sierra
14:47:06 5 Leone Army, its allied military, the Kamajors, the latter which
6 is headed by Hinga Norman, the Deputy Minister of Defence of
7 Sierra Leone.

8 Paragraph 86 alleges that the bulk of the diamonds are
9 carried by 'RUF commanders and trusted Liberian couriers' to
14:47:30 10 Monrovia - presumably to the President of Liberia. Why is there
11 a need to do this when according to paragraph 87, the President
12 of Liberia has his special representative permanently stationed
13 in Kono? Why take the unnecessary risk of being robbed on the
14 road en route to Monrovia?"

14:47:54 15 Now, Mr Taylor, these observations being made here, at any
16 time had you been given the opportunity of testing the veracity
17 of those assertions with the panel members themselves?

18 A. No. These people only met me for an hour. No. We met an
19 hour, there were no questions to me. They had done what they
14:48:17 20 wanted to do. I met them and they left. There was nothing
21 where, "Well, Mr President, we found this out. Here's the
22 evidence. What do you have to say about it?" There was none of
23 this kind of stuff. As he says, we only met for close to an hour
24 and that was it.

14:48:34 25 Q. "Why take the unnecessary risk of being robbed on the road
26 en route to Monrovia?"

27 Paragraph 26 quotes allegedly from Foday Sankoh's
28 correspondence to the effect that the diamonds mined in the Kono
29 area by RUF should be airlifted directly from Kono rather than

1 through Monrovia because they could not trust the people in
2 Monrovia. This appears to be a direct contradiction and
3 refutation of the theory that the President of Liberia and the
4 RUF were partners in the diamond mining schemes, especially if
14:49:21 5 paragraph 87 is to be given any credence that the RUF permitted
6 the President of Liberia to permanently station his special
7 representative in Kono to supervise the mining operations there.
8 No attempt was made by the panel to reconcile these apparently
9 conflicting and contradictory statements.

14:49:37 10 Even if the mass of unsubstantiated hearsay evidence
11 contained in paragraphs 73 to 87 is given any credence, the panel
12 was unable to identify any RUF commander, including Foday Sankoh
13 or Sam Bockarie, who claimed to have personally delivered any
14 diamonds to the President of Liberia.

14:50:04 15 The Liberia government again reiterates that the report
16 does not contain any documented evidence which could possibly
17 indicate government's complicity in the RUF diamond trade."

18 Then the next subheading is:

19 "The sale of diamonds is used to fuel the Sierra Leone war.

14:50:28 20 Although the Liberian government has amply demonstrated
21 that the conclusions reached by the panel has no basis in fact,
22 it is nevertheless an undeniable fact that conflicts around the
23 world, and particularly in Africa, are fueled and financed by the
24 exploitation of natural resources in areas controlled by
14:50:49 25 insurgents.

26 The government can therefore neither deny nor confirm that
27 the war in Sierra Leone is financed by the sale of conflict
28 diamonds. What the Liberian government can confirm and has
29 maintained is that the Government of Liberia is in no way

1 connected with it, nor is it a party to the illicit trade of
2 Sierra Leonean diamonds and challenges the production of any
3 credible evidence to the contrary.

14:51:23 4 It is important to note and the report confirms that the
5 sale of blood diamonds, whether originating from the Democratic
6 Republic of the Congo, Angola or Sierra Leone, the great majority
7 of these sales are transacted in Belgium with other major powers
8 also being the beneficiaries of these transactions.

14:51:47 9 It should be emphasised that the use of illicit diamonds to
10 fuel conflict around the world is greatly facilitated by the lack
11 of a transparent global certification process and the panel
12 concedes that conflict diamonds comprise 20 per cent of global
13 diamond trades. It recognises the need for immediate and urgent
14 reforms in this industry."

14:52:11 15 And then we have a section on:

16 "Recommendations on diamond smuggling and export.

17 The Government of Liberia remains supportive of United
18 Nations Resolution 1306 and has already commenced taking
19 appropriate steps to ensure compliance, one of which is the
14:52:33 20 passage of legislation centralising the certification and export
21 of precious metals from Liberia by the newly established Central
22 Bank of Liberia.

23 The Liberian government in the past repeatedly requested
24 the assistance of the international community in providing much
14:52:50 25 needed logistical help and support in establishing and
26 maintaining a credible and internationally accepted diamond
27 certification and monitoring system.

28 Consistent with this position, the Liberian government
29 therefore fully endorses all of the recommendations on diamonds

1 submitted by the panel of experts (paragraphs 7 through 18 of the
2 report) with the following provision to paragraph 9:

3 That the United Nations, in particular, and individual
4 members of the international community provide logistical and
14:53:28 5 personnel assistance to the Liberian government to immediately
6 establish an internationally acceptable certification and
7 monitoring system regulating the movement and exportation of
8 diamonds and other precious metals.

9 That pending the establishment of the certification system,
14:53:46 10 a moratorium be placed on the exportation of all diamonds from
11 Liberia for a fixed and definite period of time consistent with
12 the establishment of the certification mechanism not to exceed
13 two years.

14 Considering that the panel has recognised the difficulty of
14:54:07 15 tracking the movements of conflict and illicit diamonds in the
16 sub-region, the Liberian government proposes that the moratorium
17 on the exportation of diamonds be extended to include all
18 countries in the sub-region listed in the report pending the
19 establishment of an internationally accepted certification and
14:54:25 20 monitoring system.

21 Alleged Liberian government support for the RUF.

22 Paragraph 183 of the report found 'unequivocal and
23 overwhelming evidence' that Liberia has been actively supporting
24 the RUF at all levels including training, weapons, related
14:54:50 25 materiel and logistical support and a staging ground for attacks,
26 as well as a safe haven for retreat and recuperation.

27 Notwithstanding the above statement, the Liberian
28 government states also unequivocally that no 'unequivocal or
29 overwhelming evidence' was presented to substantiate these

1 conclusions. The presence in Monrovia of Sam Bockarie found in
2 paragraph 182 is based on the request, knowledge and acquiescence
3 of the international community, the Security Council, ECOWAS and
4 the Clinton administration."

14:55:34 5 Now, we've gone through that documentation, Mr Taylor, and
6 I do not propose to waste any time going back over that point
7 now. So let's move on then to:

8 "Weapons allegedly supplied the RUF.

9 The Liberian government has always denied and reiterates
14:55:54 10 its denial that it provides tactical or materiel support to the
11 RUF.

12 The report confirms in paragraph 170 through 174 that the
13 region is awash with small arms with its consequent reality of
14 the rapidly increasing incidence of armed violence. The report
14:56:16 15 acknowledges that the demand for light weapons during the past
16 decade has increased, contending that guerilla armies receive
17 weapons through interlinked networks of traders, criminals and
18 insurgents moving across borders. The RUF, the report
19 emphasises, depends almost exclusively on light weaponry,
14:56:38 20 although it does have access to more sophisticated equipment.

21 With access to a high of \$125 million per annum, in a region
22 awash with small arms and existing networks of traders, criminals
23 and insurgents moving across borders, the panel seemed to have
24 described a theatre within which light weapons may clearly be one
14:57:04 25 of the easiest commodities to come by. More importantly,
26 paragraph 177 concludes that with no standardised marking system
27 for small arms and the proliferation of great amounts of weapons
28 of this nature, the arms flow to rebel groups on the African
29 continent remains largely uncontrolled."

1 I'm going to pause, Mr Taylor, to ask this: Do you agree
2 with the proposition that that part of the world was awash with
3 small arms at the time?

4 A. Yes, I do.

14:57:41 5 Q. Well, let's be more specific. Would you accept that
6 Liberia was at the time awash with small arms?

7 A. Liberia had small arms, yes.

8 Q. No, no, no. My question is very specific. Would you agree
9 with the proposition contained in the panel's report that Liberia
14:58:09 10 was awash with small arms?

11 A. No, but that's why I answered that way. I think the report
12 says that the region was awash.

13 Q. Yes, I know. But I'm being more specific.

14 A. Well, I would not say that Liberia was awash with small
14:58:28 15 arms. That's why I say Liberia had arms, but not awash. As a
16 region in general, yes, but not Liberia specifically, no.

17 Q. Well, let me pose a question differently, Mr Taylor. Had
18 the process of demobilisation, disarmament in Liberia been a 100
19 per cent success?

14:58:53 20 A. No.

21 Q. Can you proffer any idea in percentage terms of the success
22 of that process in Liberia?

23 A. I would proffer about 70 per cent.

24 Q. Now, if we're talking about 70 per cent success rate in
14:59:31 25 disarmament, Mr Taylor, we're still talking about quite a lot of
26 arms unaccounted for, aren't we?

27 A. Oh, yes. Oh, yes.

28 Q. And, Mr Taylor, this is in a fairly poor, underdeveloped
29 part of the world, yes?

1 A. Yes.

2 Q. Now help us. Do you have any idea what, for example, an
3 AK-47 rifle not handed in during disarmament might have fetched
4 across the border in Sierra Leone? Have you any idea?

15:00:18 5 A. Yes, I - yes, I do. I do.

6 Q. How much?

7 A. I would again say around - it could sell for as high as \$75
8 to \$100.

9 Q. US dollars?

15:00:32 10 A. That is correct.

11 Q. Now tell us something, Mr Taylor. In the hands of a
12 resident of Lofa County, say, a farmer, in relative terms how
13 much is \$75 to \$100 US?

14 A. It's a lot of money.

15:01:06 15 Q. And here we have a situation where, according to the panel,
16 the RUF could have been earning as much as \$125 million a year
17 from the diamonds business, yes?

18 A. Yes.

19 Q. And we're talking about a part of the world where borders
15:01:22 20 are porous. Is that right?

21 A. That is correct.

22 Q. And would you accept then, Mr Taylor, that there was an
23 interlinked network of traders, criminals and insurgents moving
24 across borders who could have fueled such a trade in arms?

15:01:51 25 A. Well, you know, counsel, I want to be very straightforward
26 with us. When you lump it up that way, it becomes - you talk
27 about traders, criminals and insurgents. If you don't mind,
28 maybe I can answer them one by one because --

29 Q. Well, you break it down whichever you want to, Mr Taylor,

1 but I'm still looking for an answer.

2 A. Traders, I would say yes. Criminals, now, that I would not
3 be able to comment on, the criminality of the individuals.

4 Insurgents, yes. So traders and insurgents I would say yes;

15:02:27 5 criminals, I would not really know.

6 Q. Now, the other aspect of this that I want to deal with is
7 this: As President of Liberia, were you aware of such a
8 cross-border intercommunity trade in that part of the world?

9 A. No, I was not aware of it. And I can see the period you're
15:03:00 10 talking about now, counsel. What period are you talking about?

11 Q. Well, let's talk about the period of your presidency
12 beginning in August of 1997?

13 A. Okay. No, I was not aware of this trade going on across
14 the border. No, I was not aware, because I would have stopped
15:03:26 15 it. We were looking for weapons ourselves. No, I was not aware.

16 Q. Well, the kind of enterprise being addressed in this
17 paragraph 66 that we're looking at, Mr Taylor, where we're
18 talking about, in effect, an area awash with small arms, saleable
19 items, transportable items, yes?

15:04:02 20 A. Yes.

21 Q. Now, help us. Can you say that such a trade at that level
22 could not have been operating from Liberia? Do you follow me?

23 A. I can say that emphatically. I don't even believe this
24 figure. This figure I would say is grossly overstated. But
15:04:23 25 let's contextualise this. We're talking about, what? Arms
26 coming from Sierra Leone, supporting ULIMO into Liberia; arms
27 coming from Guinea supporting ULIMO-K in Liberia; the NPFL having
28 its own arms come to Liberia. So you're talking about that's the
29 100 per cent. And when you asked the question about how much and

1 what percentage could I proffer and I said 70 per cent, so we're
2 talking about 30 per cent left that is mostly in the Lofa, Cape
3 Mount area on the Sierra Leonean border, because we have heard
4 evidence led in this Court about ULIMO trade. So we're talking
15:05:10 5 about 20 per cent of that 30 that is still in the hands of
6 ULIMO-J and K on the Sierra Leonean border. When you look at
7 that, I would then say that we are dealing with a very small
8 amount. I would put this 125, I would even move the 120. If the
9 RUF is making any money over in Sierra Leone it cannot be of this
15:05:34 10 large amounts, because they are grossly overstated. So I can
11 practically say that this level of trade, based on information
12 that I have even heard in this Court, could not have existed,
13 even though some level existed.

14 Q. Right. That's what I'm trying to get at, you see,
15:05:52 15 Mr Taylor.

16 A. Yes.

17 Q. Now, let me put it in more basic and direct terms then.
18 I'm a former ULIMO combatant. War's over. I've got no job, but
19 I've still got my AK-47 hidden somewhere in the jungle. I then
15:06:11 20 decide to pick it up and tread over the border to Sierra Leone
21 and sell it for the \$75 or \$100 US that I could get for it. What
22 I'm asking you is this: Were you, as President, aware that a
23 trade at that kind of level might have been operating from
24 Liberia? Do you follow me now?

15:06:32 25 A. Yes, I follow you. I'll tell you, the best way I can help
26 the Court is this, and I'm being very - you get - as President,
27 you will hear that the combatants that are on that side are
28 selling weapons and, you know, I want to get this knowledge and
29 awareness without misleading the Court. You get the information,

1 but you cannot put your teeth in it. But you get the information
2 that there is that trade going on, but you really can't - by
3 "putting teeth" I mean you do not know who the culprits are, but
4 you get the information. It's coming in reports that there is
15:07:17 5 information that former ULIMO people are selling arms across the
6 border. This is now - if that is knowledge, I do not know how to
7 define it. I would call that information, that you do get to
8 hear about it, but you cannot get the people who are involved.

9 Q. So just let's pause and hopefully try and put this point to
15:07:40 10 bed. Are you accepting, Mr Taylor, that such information did in
11 fact come to your notice?

12 A. Some of this information did come to our notice, yes.

13 Q. Right. Question number two then: Did you have the
14 capability or capacity to stop that low level that I'm describing
15:08:08 15 - level of arms dealing over the border?

16 A. No, we did not have the capacity. That's what I meant by
17 we couldn't put our teeth into it, because you just hear about
18 it. It comes maybe in a regular bulletin: Oh, we are getting
19 information that people are selling arms. And they don't have to
15:08:25 20 go directly across the border. You're talking about a porous
21 forest area. It's just general information that, in this case,
22 has not even been processed as intelligence yet. It's just basic
23 information.

24 But in direct answer, we did not have the capacity to stop
15:08:39 25 that kind of business and we have made no quarrels about the fact
26 that this was going on. But we had no control over it. These
27 were ULIMO people doing it.

28 Q. Well, let me ask another question, then, based on the legal
29 requirements of liability applicable in these courts. Was that

1 level of arms dealing going on with your consent or acquiescence?

2 A. No, no, no, no, no, no, no. Never. No. Even if we could
3 have found those people, we would have taken the weapons to use
4 them for government security forces that didn't have them. These
15:09:20 5 were former combatants of ULIMO. You just hear: The people are
6 selling weapons across. If we could have found them, we would
7 have taken the weapons and then used them ourselves. No, no.

8 The government would never have been involved in that. We have
9 individuals going after armed robbers in Monrovia and parts of
15:09:41 10 the country unarmed, and we're going to know that weapons are
11 going across the border and we're not going to take them if we
12 can find them? No, that would be impossible. We are confronting
13 criminals without arms. We would have used those arms to
14 confront the criminals. No, the government did not have the
15:09:59 15 knowledge and/or acquiescence with or - never. No, no.

16 Q. Let's go back to paragraph 67:

17 "The sole basis for the report's conclusion that the RUF
18 receives arms shipments from Liberia is found in paragraph 199.
19 Two theories are advanced: (1), having no access to the sea, the
15:10:27 20 RUF can import weapons and related materiel only by road or air;
21 (2), given the state of the roads, these supplies must be
22 delivered by air.

23 What the panel did not address and cannot explain away is
24 while it concedes in paragraph 178 that the RUF needs a steady
15:10:50 25 flow of arms and ammunition, it is unable to account for this
26 needed steady flow between the period 1992 to 1997, when the
27 entire Liberian side of the border with Sierra Leone was
28 continuously and exclusively controlled by ULIMO."

29 Now, that is a point which we've made ad nauseam,

1 Mr Taylor.

2 A. Yes, that's true.

3 Q. "... one of the former Liberian military factions and the
4 principal opponent of the defunct NPFL. As has been previously
15:11:32 5 shown, ULIMO was established in Sierra Leone under the auspices
6 of the Sierra Leonean government and it received extensive
7 political and logistical support from the Sierra Leone
8 government.

9 The panel's conclusion erroneously presupposes that
15:11:51 10 virtually all of the RUF's weapons are obtained from external
11 sources - in this case Liberia. But paragraphs 178 through 180
12 of the same report would appear to negate and nullify the panel's
13 own thesis because they detail that an overwhelming amount of
14 weapons were obtained by the RUF entirely from internal Sierra
15:12:21 15 Leonean sources.

16 For example, paragraph 180 refers to considerable amount of
17 weaponry seized by the RUF during confrontation with the Sierra
18 Leone Armed Forces; that 'a significant number of weapons,
19 including hundreds of rifles, 24 machine guns, 10 mortars, 20
15:12:45 20 rocket-propelled grenades, several tons of ammunition and three
21 armoured personnel carriers' were seized from the Guinean UNAMSIL
22 unit in January 2000 - other Guinean units serving under ECOMOG
23 had also previously been disarmed during ambushes and seizures.
24 Also, 'great amounts of rifles were lost to the rebels as well as
15:13:12 25 eight armoured personnel carriers and several other military
26 vehicles' when Kenyan and Zambian UNAMSIL contingents were
27 disarmed by the RUF in May 2000.

28 Apparently, the panel also inadvertently forgot to include
29 in the report that the RUF obtained an additional and large

1 source of weapons directly from the Sierra Leone Army inventory
2 when the Armed Forces Revolutionary Council headed by Johnny Paul
3 Koroma took power in May 1997 and entered into a power sharing
4 arrangement with the RUF.

15:13:53 5 And the British government may have also unwittingly
6 supplied the RUF with weapons when it brought in a massive supply
7 of weapons in" - the month and year is omitted - "and distributed
8 them to the Sierra Leone Army and other pro-government militias
9 including the Kamajors and the West Side Boys. Incidentally, the
10 latter group subsequently rebelled against the Sierra Leone
11 government and held several British troops hostage necessitating
12 the British having to undertake a rescue mission."

13 Mr Taylor, help us. The month and year is missing. Maybe
14 you can assist us now.

15:14:41 15 A. These weapons were brought in - we started complaining
16 about them in '99. 1999 that the British government brought in
17 these weapons and said that we should not be concerned, they
18 would only be used for the new army.

19 Q. "The Sierra Leone government of Tejan Kabbah may itself
15:15:07 20 have also been a source of supply to the RUF when it requested
21 two waivers of the provisions of the protocol on the monitoring
22 of small arms on 23 June 2000 and 18 July 2000. The first waiver
23 was to permit the importation from the United Kingdom of 'five
24 rounds" - you see, that's that same - we looked at this earlier,
15:15:35 25 did we not, in the executive summary?

26 A. Yes.

27 Q. "... of 7.62 NATO ammunition and 4,000 rounds of 81
28 millimetre mortar ammunition provided by the government of the
29 United Kingdom', the second was a waiver to import '5,000,000

1 rounds of 7.62 NATO link ammunition for GPMGs' also from the
2 United Kingdom. Given the pattern of events in Sierra Leone, it
3 is not an unreasonable assumption that a substantial portion of
4 these shipments also ended up in RUF's hands.

15:16:17 5 The Liberian government for its part can confirm that a
6 large amount of the British weapons supplied the Sierra Leone
7 army and its allied militias were captured by Liberian government
8 troops in Lofa County during the most recent rebel incursion into
9 Liberia from Guinea (July-October 2000). The President of
15:16:40 10 Liberia publicly presented a couple of the captured new British
11 supplied rifles to the chairman of ECOWAS, President Alpha Oumar
12 Konare of Mali, and President Obasanjo of the Federal Republic of
13 Nigeria. How these weapons ended up in the hands of the invading
14 rebels in Liberia has to be explained by the British and Sierra
15:17:06 15 Leonean governments."

16 Is that true, Mr Taylor.

17 A. Yes, we captured mortar rounds and rifles and we displayed
18 them publicly to, in fact, British and other diplomats with the
19 Ministry of Defence markings on it, the supplies that they
15:17:19 20 brought to Sierra Leone, yes.

21 Q. Which Ministry of Defence marking?

22 A. Of Britain. The UK Ministry of Defence on the cans. They
23 were very, very - real marked in yellow that we captured from
24 them.

15:17:32 25 Q. "And it should be noted that paragraph 83 of the report
26 also confirms that additional arms shipments are received by the
27 RUF from neighbouring Guinea based on diamond trades made by the
28 RUF to mid-level Guinean military officers.

29 Paragraph 249 further admits that the RUF received weapons

1 captured from ECOMOG forces who fell into various ambushes. In
2 December 1998 'a great number of ECOMOG weapons, including
3 armoured vehicles' were captured. The panel admits that RUF
4 received weapons from the Nigerian ECOMOG contingent in exchange
15:18:23 5 for cash, diamonds, et cetera."

6 Now, Mr Taylor, you see that "In December 1998 'a great
7 number of ECOMOG weapons including armoured vehicles' were
8 captured." Remind us, what happened in January 1999?

9 A. It was the Freetown invasion.

15:18:44 10 Q. "Given all these well-documented non-Liberian sources of
11 arms received by the RUF, we do not believe that the panel had
12 any logical or rational basis for concluding that virtually all
13 of the arms received by the RUF are from Liberia.

14 One only has to wonder, given these myriad non-Liberian
15:19:12 15 sources of supplies, whether there was any need for the RUF to
16 import weapons from Liberia. And although the panel details
17 these sources, given their pre-set conclusions that 'virtually
18 all of the arms must originate from Liberia', they did not think
19 it appropriate to question or revise their original theory. This
15:19:32 20 clearly demonstrated a lack of objectivity and professionalism.

21 Finally, it is important that the issue of the payment for
22 these arms should be addressed. In other words, who pays for
23 these arms? Since the panel's underlying rationale is that the
24 sale of the illegal diamonds finances the purchase of the
15:20:07 25 weapons, it logically follows that these illicit diamonds must be
26 delivered directly to the government who in turn sells them and
27 uses the proceeds to purchase the arms. A necessary corollary of
28 this must be that the panel should then have been able to confirm
29 that these sales were made and payments were received by the

1 President of Liberia or his agents. Since also, presumably,
2 these would necessarily involve substantial sums of cash, it
3 should have been easy for the panel to have been able to trace
4 the sales and the payments, whether by cash, bank drafts, cheques
15:20:57 5 or bank transfers.

6 We believe that the issue of illegal diamonds being
7 exported from Liberia allegedly with the government's complicity
8 has been previously, extensively and exhaustively dealt with in
9 the prior sections of this report. The government has shown the
15:21:15 10 falsity of the allegations and conclusions arrived at by the
11 panel."

12 And then you go on to deal with "Liberia and international
13 air transport systems". I think we should just briefly get a
14 flavour of this.

15:21:43 15 Now, you concede at the beginning of paragraph 81:

16 "The Liberian government concedes that many of the issues
17 raised in the report about the non-documentation or in many cases
18 the fraudulent misrepresentation of Liberian registered aircraft
19 may have some factual basis."

15:22:00 20 Why that concession, Mr Taylor?

21 A. Because for the seven years of the civil war in Liberia, a
22 lot of funny things went on with all of the interim governments
23 and all this kind of stuff, and so there were a lot of - you have
24 these factions in the Ministry of Transport, we got to find out
15:22:23 25 when my government investigated. One guy will issue, let's say,
26 a licence to an aircraft who was responsible for it, and another
27 guy who felt that he was a part of the factional government could
28 do the same. So there were many documents out that there that,
29 you know, when my government came in, we could not even trace.

1 And so there was something factual to that, that there was
2 massive confusion during the years of the war with people doing
3 exactly what they wanted to do in Monrovia before the elections.

4 Q. And when we go back to paragraph 81 we note:

15:23:01 5 "However, the council should be reminded that the Taylor
6 government did not assume authority in Liberia until its
7 inauguration in September 1997."

8 Let's jump to the next paragraph, which has been
9 misnumbered. It should be 82.

15:23:22 10 A. Yes.

11 Q. "The panel suggests that this state of affairs is due to
12 Liberia's 'lax licence and tax laws'. It cites as an example the
13 fact that a company can be incorporated in a single day with no
14 requirement that it maintains executive offices in the country or
15 lists its corporate officers or shareholders."

16 Was that true?

17 A. This is - yeah. That's what they suggest.

18 Q. No, no, no. But was that - that's the suggestion made in
19 the report, but was it true?

15:23:54 20 A. That was not true.

21 Q. "The panel concludes that the government's corporate
22 programme, which, as has previously been noted, has been in
23 existence for more than 50 years, has led to a total disregard
24 for aviation safety and a total lack of oversight for Liberian
15:24:17 25 planes operating on a global scale. There is clearly no obvious
26 relationship between the panel's conclusion and suggestion that
27 Liberia must therefore be involved in any illegal activities.

28 What the panel did not also state is that Liberia's
29 corporate programme is not unique but quite on the contrary is

1 similar to and modelled on those of many other countries who
2 operate corporate registries. These include the British
3 administered Channel Islands, British Virgin Islands (which has
4 the world's largest offshore corporate programme) Panama, the
15:25:03 5 Cayman Islands and Bahamas.

6 The panel documents the extensive and global illegal
7 activities of one Mr Sanjivan Ruprah, alleged to be a Kenyan
8 national. It also admits that he travelled on a Liberian
9 diplomatic passport in false names as 'Liberia's Deputy
15:25:23 10 Commissioner for Maritime Affairs', and that he was authorised in
11 writing by the Liberian Ministry of Transport to act as its
12 agent. Paragraph 26 also alleges that Ruprah carries additional
13 authorisation from the Liberian International Ship and Corporate
14 Registry.

15:25:41 15 The Government of Liberia through both the Ministry of
16 Justice and the Ministry of Transport denied any knowledge of or
17 association with Sanjivan Ruprah mentioned in paragraphs 225, 226
18 and 227. The government also challenges that authenticity of any
19 'written appointment' allegedly given him by the 'Liberian
15:26:06 20 Ministry of Transport to act as the global civil aviation
21 agent'."

22 Mr Taylor, do you know this man Sanjivan Ruprah.

23 A. No, I do not know him.

24 Q. If this allegation that he was travelling on a Liberian
15:26:29 25 diplomatic passport is true, how could such a thing come about?

26 A. Diplomatic passports are given from time to time.

27 Q. Why?

28 A. As a courtesy. It's a courtesy passport to business
29 people. Important individuals, you give them diplomatic

1 passports.

2 Q. And some people might know, but help us: What advantages
3 do you get when you travel on a diplomatic passport?

4 A. Oh, I would say entries and exits out of countries are a
15:27:09 5 little easier. You - in fact, in some areas upon entry you are
6 given certain VIP treatment. In hotels you could be given
7 certain also treatment rates that are given to diplomats. It's
8 basically a courtesy.

9 Q. What about protection from searches of property brought
15:27:38 10 into a country?

11 A. No. No, you have to be very careful with that. There's a
12 difference between a diplomatic passport as carried by an
13 individual as a service, and a diplomatic passport to one that is
14 accredited to a country. Now, the only time you can avoid
15:28:02 15 searches in a particular country carrying a diplomatic passport
16 is if you are accredited to that country.

17 JUDGE SEBUTINDE: Mr Griffiths, could I ask: Did I
18 understand Mr Taylor to say that Liberian diplomatic passports
19 are issued or could be issued to non-Liberian nationals as a
15:28:29 20 courtesy?

21 THE WITNESS: Yes, that is correct. Non-Liberian
22 nationals.

23 JUDGE SEBUTINDE: But they would be Liberian diplomatic
24 passports, but given to foreigners?

15:28:37 25 THE WITNESS: That is correct.

26 JUDGE SEBUTINDE: Why would that be?

27 THE WITNESS: Well, I would just add it's not unique, but
28 it's a courtesy for - let's say if you hired a lawyer, for
29 example, for Liberia to do some lobbying in, let's say, the

1 United States. For a short period of time, maybe for six months
2 to a year, you can accord him that courtesy of giving him a
3 passport. If you had a lobbyist, let's say from anywhere in the
4 European country, as a European citizen that was lobbying on
15:29:16 5 behalf of Liberia for any specific situation in the country, you
6 could accord him that courtesy of granting him a diplomatic
7 passport for a short time. Most passports will run for many
8 years. These passports are issued for very short periods, for -
9 in most cases, for the duration of the time of that service. And
15:29:36 10 it is not unique to Liberia, your Honour.

11 JUDGE SEBUTINDE: I really would need to ask - would have
12 to ask: What is in it for Liberia to issue their passport to a
13 non-national? What's the advantage?

14 THE WITNESS: Well, the advantage should be - it's just -
15:29:57 15 it gets that person into - it gave them certain recognition. For
16 example, the passport will be accompanied by a letter. There is
17 a sealed letter from the foreign ministry that says, let's say:
18 John Wood, a citizen of - let's say Belgium - is accorded this
19 passport and represents the interests of the Government of
15:30:22 20 Liberia in this matter, and it will specify the matter. So when
21 that individual goes in to discuss the issues of the country, he
22 has something to demonstrate that he's doing it with the consent
23 and knowledge of the government in question, okay? So this is
24 how it operates. I would almost say that - except for maybe the
15:30:49 25 big countries, but I would say 95 per cent of the world do that.

26 JUDGE SEBUTINDE: So when you say that these diplomatic
27 passports could be given to businessmen, could you perhaps
28 explain in similar reasoning how that would work if someone was a
29 businessman, a non-national of Liberia, but carrying your

1 diplomatic passport?

2 THE WITNESS: Yes. Let's say if there is a major
3 industrialist in Europe, for example, that went to Liberia and
4 wanted to invest millions of dollars in Liberia. As a courtesy,
15:31:36 5 you would accord him that. Liberia gets the benefit from the
6 investment of that corporation. That could also be extended in
7 another way - there are two ways added to that, or some people
8 grant what you call consular service. You grant to a consular
9 service to a country - I mean to an individual - a non-Liberian
15:32:00 10 in a particular country, you grant him consular services also to
11 assist in his work for that country.

12 MR GRIFFITHS:

13 Q. What are consular services?

14 A. Let's say in those areas that Liberia does not have an
15:32:14 15 embassy. If you do not an embassy or chancery in that country,
16 you get the national of that country to serve as counsellor,
17 okay? And they can grant visas for Liberia, and the fees are
18 collected and deposited with the Government of Liberia. So the
19 issue of having them - even having a diplomatic passport under
15:32:39 20 that condition, or a diplomatic passport representing the
21 interests of Liberia in any particular situation, be it legal or
22 be it business, are all courtesies that are accorded for specific
23 periods of time accompanied by a sealed document from the
24 Ministry of Foreign Affairs, and after that time the passport is
15:32:59 25 lifted.

26 Q. Let's jump to paragraph 86, Mr Taylor:

27 "Although the panel does not state what the additional
28 authorisation which Ruprah allegedly received from the Liberian
29 International Ship and Corporate Registry, LISCR, minimum

1 standards or investigation required that it should have been
2 identified and verified directly with LISCR, especially since
3 LISCR is a US-based corporation and maintains a worldwide network
4 of corporate offices in New York, Virginia, London, Geneva, Hong
15:33:51 5 Kong, Greece as well as Monrovia."

6 Is that true?

7 A. Oh, yes. Oh, yes. Oh, yes. These are the major areas,
8 especially Greece, where we have the ships. Most of the Greeks
9 register their ships with the Liberian registry. Yes, in London
15:34:09 10 is the second major office. Right in London, yes.

11 Q. "Since the panel elected not to confirm or verify this
12 information, it was grossly improper and unprofessional for them
13 to have listed as factual this unsubstantiated allegation."

14 Let's miss the next two paragraphs and go to paragraph 91
15:34:35 15 on page 23:

16 "The government is unaware of any Victor Bout."

17 Now, I mention this for this reason. That is a man who has
18 received a great deal of notoriety recently, is that right,
19 Mr Taylor?

15:34:51 20 A. Yes, I've seen this. Yes.

21 Q. Currently in custody in Thailand, is it?

22 A. That is correct.

23 Q. Did you know him?

24 A. No, never. No, didn't know him.

15:35:09 25 Q. Did your government ever do business with him?

26 A. No, never did.

27 Q. "The government is unaware of any Victor Bout and
28 categorically denies the allegations contained in paragraphs 234
29 and 235. What the report shows is the country's inability to

1 monitor the worldwide fraudulent activities of unscrupulous
2 businessmen who continue to take advantage of the government's
3 inability to monitor its aircraft registration.

4 Recommendations.

15:35:43 5 The Government of Liberia, recognising the seriousness of
6 the problem, fully endorses the panel's recommendations contained
7 in paragraphs 32, 33 and 34, with the provision that the
8 implementation does not exceed a period of more than two years
9 and that the recommendation to exclude aircraft which have
15:36:01 10 regularised their registration with the Liberian government".

11 And then we come to allegations that arms are delivered to
12 Robertsfield and airlifted to the RUF. We need to deal with this
13 in a little detail.

14 "The panel's thesis for this conclusion is stated in
15:36:24 15 paragraph 199. Although it states that because the RUF territory
16 is landlocked, arms and material can only be received by the RUF
17 by road or by air, the panel makes it clear that it assumes that
18 the shipments are airlifted by helicopters, since it admits in
19 the next sentence that the role of aircraft in the RUF supply
15:36:45 20 chain is vital and later comments on the impassable conditions of
21 the roads in the area. The scenario presented by the panel is
22 clear. Arms are initially ferried by air from external sources
23 to Robertsfield and thereafter airlifted by helicopters to the
24 RUF in Sierra Leone. The obvious inconsistency and contradiction
15:37:18 25 in the panel's reasoning, when it subsequently states in
26 paragraphs 216 and 217 that logging roads and trucks are used to
27 transport arms from Robertsfield to the Sierra Leone border, is
28 self-evident here.

29 The panel asserts in paragraph 234, and without any attempt

1 to provide proof, that this plane, an Ilyushin 79, was used in
2 July and August 2000 for arms deliveries from Europe to Liberia."

3 Now, remind - let's remind ourselves, Mr Taylor. In July
4 and August of 2000, remind us: What were you engaged in doing?

15:38:10 5 A. About three weeks. One was my 262. I held a meeting --

6 Q. One was your what?

7 A. Our July 26, our Independence celebration. I had a meeting
8 in Monrovia and invited at least four or five Heads of State
9 dealing with the Sierra Leonean problem, invited Issa Sesay and
10 held the discussions for finding a new leadership in the RUF in
11 August. He returns, and I'm dealing with the RUF and he's
12 appointed leader. That's what I'm doing.

13 Q. Are you sure you weren't involved in a little arms
14 importation at the time, Mr Taylor?

15:38:48 15 A. None whatsoever, no.

16 Q. "The panel also states in the same paragraph that this
17 aircraft, an Antonov, made four deliveries to Liberia three times
18 in July and once in August 2000."

19 Mr Taylor, have you ever seen any proof of that?

15:39:13 20 A. No, I haven't seen an Antonov making - no.

21 Q. "The cargo included attack cable helicopters, spare rotors,
22 anti-tank and anti-aircraft systems, missiles, armoured vehicles,
23 machine guns and almost a million rounds of ammunition. The
24 helicopters were Mi-2 and Mi-17 types."

15:39:41 25 Now, let's just pause for a moment. Now, Mr Taylor, you
26 accept, do you not, that there had been an armed incursion from
27 Guinea in July of 2000?

28 A. That is correct.

29 Q. Now, in warding off that attack, Mr Taylor, did you have

1 need for anti-tank and anti-aircraft systems?

2 A. No.

3 Q. I mean, were these rebels who had entered Liberia from
4 Guinea armed with tanks and aircraft?

15:40:26 5 A. No.

6 Q. So help us. This inventory of armaments which it is
7 suggested you brought in in July of 2000, how much would have
8 been of use to the Liberian government in terms of defending
9 itself?

15:40:48 10 A. Of no real use. Who are we fighting, a conventional army
11 invading from a different country? These are rebels using light
12 arms and RPGs, rocket propelled grenades. They don't have tanks,
13 they don't have aircrafts, they don't have armoured personnel
14 carriers. So I don't know what these people are referring to
15 here. No, this - there would be no need for that.

15:41:10 16 Q. And what about the helicopters that were supposedly
17 imported, Mi-2 and Mi-17 helicopters?

18 A. Well, we did get an Mi-2. I have said here that we had an
19 Mi-2, which is a very small helicopter, and this guy, he jumps an
15:41:37 20 Mi-17 type. An Mi-17 helicopter is a huge helicopter. We only
21 had an Mi-2, which I don't believe you can put 10 persons on an
22 Mi-2. It's the smallest version of the make - of those
23 helicopters made.

24 Q. And it goes on:

15:41:59 25 "It is important for the reader to note that the Liberian
26 armed forces do not have armoured vehicles in its arsenal, nor
27 have they deployed anti-tank and anti-aircraft systems. The
28 falsity of paragraph 234 is confirmed by the fact that there are
29 no Mi-17 helicopters in Liberia. The government admits that it

1 does have two Mi -2 civilian helicopters which were acquired
2 almost a year ago and two Mi -8 civilian transport helicopters
3 purchased locally five months ago. The helicopters were brought
4 into Liberia aboard neither an Ilyushin 79 nor an Antonov; all
15:42:47 5 were flown directly from neighbouring Cote d'Ivoire.

6 The two Mi -2s were purchased initially by a private
7 business entity to address its transport needs in the rural parts
8 of the country. The Mi -8s were brought into the country by one
9 of the timber companies for use in its logging operations. Mi -2s
15:43:16 10 are used exclusively for civilian purposes. Government purchase
11 of the Mi -8 was necessitated by the intensification in the
12 fighting occasioned by the third invasion of insurgents from
13 Guinea. They were used to transport supplies and to bring
14 wounded and displaced civilians to Monrovia who had been caught
15:43:36 15 up in the fighting. Paragraph 202 states that the RUF has been
16 supplied with weapons by helicopter on a sporadic basis between
17 1997 and on a regular basis since then. It is a fact easily
18 verifiable that until a year ago there were no government owned
19 or operated helicopters in Liberia. The only helicopters in
15:44:02 20 Liberia were operated by the United Nations. Therefore, if
21 paragraph 2302 is to be believed, it is certain that this
22 government could not have been supplying the RUF with weapons
23 because it did not assume political power until September 1997
24 after the holding of the ECOWAS sponsored general elections.

15:44:32 25 And it is equally important to note that although the Mi -2s
26 were acquired about a year ago, they do not have the range or
27 capacity to fly armaments or related material from Monrovia to
28 the Sierra Leonean border. Only the Mi -8s have this capability,
29 and they were only acquired a few months ago.

1 Additionally, although the panel admits in paragraph 207
2 that the authorities of Burkina Faso informed the sanctions
3 committee in writing that it had not re-exported any arms to
4 Liberia and went further to display contents of the shipments to
15:45:11 5 the panel, the panel nevertheless still proceeded in paragraph
6 210 to dismiss and ignore Burkina Faso's denial with supplying
7 any evidence to justify this.

8 In the report, the panel admitted that the Roberts FIR
9 system in Conakry is obsolete and archaic. This being true, any
15:45:45 10 information supplied the panel on the movement of aircraft must
11 be seen as unreliable, a point which the panel has also conceded
12 by detailing extensive recommendations for the complete upgrading
13 of the entire system. With these imposed difficulties so
14 apparent, how much more difficult is it to inventory the nature
15:46:07 15 and contents of cargoes.

16 In paragraph 64, the panel claims it saw photographs of an
17 aircraft being loaded in Burkina Faso and that it spoke to
18 eyewitnesses of aircraft movement in Burkina Faso and Liberia
19 respectively, and also spoke to individuals on board of aircraft
15:46:30 20 in question. The Government of Liberia is constrained in this
21 instance to observe that a photograph depicting the loading of an
22 aircraft in Burkina Faso is insufficient to conclude that its
23 cargo was off-loaded in Liberia and subsequently transported to
24 Sierra Leone.

15:46:54 25 It must be noted that by these claims the panel attempts to
26 draw a connection between the alleged violation of Resolution
27 788, the arms embargo on Liberia, and Resolution 1306, the
28 prohibition against the supply of arms to the RUF. The
29 government sees no possible connection between the two, unless

1 the panel is suggesting that the helicopters purchased by the
2 Liberian government were in turn delivered to and are being used
3 by the RUF.

4 It is crucial for the reader to note that within the last
15:47:33 5 two years, Liberia has been invaded on six separate occasions by
6 insurgents from neighbouring Guinea. Given the arms embargo
7 against Liberia, coupled with the destruction under UN
8 supervision of arms and ammunition retrieved from Liberian
9 warring factions, is it reasonable that Liberia would deprive
15:47:53 10 itself of weapons needed to defend itself and transfer the same
11 to the RUF? The panel's report has previously documented how the
12 RUF was able to acquire an overwhelming amount of supplies almost
13 entirely from internal Sierra Leonean sources.

14 But most importantly, there was no report of any
15:48:17 15 significant conflagration in Sierra Leone during the period. The
16 anomaly at this allegation presents is that, confronted as the
17 Liberian government has been with the urgent necessity to protect
18 its people and territorial integrity, it would prioritise the
19 supply of weapons to the RUF which, the report concedes, is in a
15:48:43 20 better position to perpetrate its own agenda in Sierra Leone.

21 Every member of the United Nations recognises the prime
22 responsibility of a nation state as being to enhance the well
23 being of its people, safeguard its territorial integrity and
24 protect its sovereignty. For any given nation to be in a
15:49:06 25 position to adhere to international obligation, treaty or
26 regulation, it must be able to continue to function as a state.

27 Also, the two Alouette-3 helicopters mentioned in the same
28 paragraph of the panel's report already noted above were made
29 available to the Government of Liberia by the Libyan government

1 when the United Nations and the Economic Community of West
2 African States prevailed on the Liberian government to intervene
3 in securing the release of UNAMSIL officers held hostage by the
4 RUF. "

15:49:43 5 Now, Mr Taylor, we've had reference to that provision by
6 Libya in the past, haven't we?

7 A. Yes, we have.

8 Q. So what precisely was it that the Libyans provided?

9 A. These helicopters, I think they are Italian made, I'm not
15:50:02 10 too sure, but they are so tiny, I do not know what they were
11 thinking about. When we were all sure that the hostages would be
12 released, they thought they would help and informed the UN, this
13 is with UN acquiescence, that they would send in helicopters to
14 help with the evacuation. So, lo and behold, they offload these
15:50:25 15 two toy - we called them toy helicopters. They really couldn't
16 be used. They are very tiny. I think they could take about 5, 6
17 persons at a time. We told them that this was crazy, so the UN
18 had to use its Mi-8 helicopters.

19 Q. "The government lacked the capacity to evacuate the
15:50:47 20 peacekeepers after successfully concluding negotiations with the
21 RUF. Consequently, the government called on the international
22 community to assist in the provision of means by which the
23 evacuation could be made effective. Only the Libyan government
24 was gracious to provide two Alouette-3 helicopters, which were
15:51:11 25 later determined to be unfit for the operation. They were
26 promptly returned to Libya. Had the panel allowed itself to
27 exercise useful diligence, it would have been in the position to
28 confirm these facts and correlate the dates of the arrival of the
29 Alouette-3 helicopters within the period of the evacuation of the

1 United Nations peacekeepers.

2 Evidently, the panel admits the lapses and weaknesses of
3 the air traffic control system especially in the sub-region. The
4 Government of Liberia is in a weaker position as a result of the
15:51:40 5 reasons stated throughout this report, to decisively tackle these
6 and many of the problems they present without international
7 support and assistance. In paragraph 311, in response to an
8 inquiry from the panel as to what assistance the President of
9 Liberia would prefer between a choice of military supplies and
15:51:59 10 the revitalisation of the Roberts International Airport, the
11 President informed the panel that he would prefer assistance to
12 revitalise RIA."

13 And then we come to training:

14 "The Liberian government has never denied having a train
15:52:23 15 base at Gbatala in Bong County. Indeed, the government has
16 permitted foreign observers, including the US military attache in
17 Monrovia, to visit the training facilities from time to time.
18 The base was established by the government to provide much needed
19 training facilities for its internal security organisations
15:52:46 20 including members of the Special Security Service (SSS), which
21 provides executive protection, and the Anti-Terrorist Unit (ATU),
22 which provides protection for foreign embassies and other
23 sensitive government installations. The government emphatically
24 denies that anyone other than Liberian security personnel is
15:53:18 25 trained there.

26 Because of the refusal of the international community to
27 address government's repeated appeals for assistance to
28 restructure and retrain Liberia's military and security
29 establishment, the government was compelled to contract the

1 professional serves of Fred Rindel, a retired South African
2 military officer and former South African military attache to the
3 United States, to train and provide related consultancy services
4 to the government. Specifically, Mr Rindel was employed to train
15:53:48 5 members of the Special Security Service and the Anti-Terrorist
6 Unit.

7 This was independently confirmed and corroborated by
8 Mr Rindel when he was extensively interviewed by the panel in
9 South Africa. Not only did he not confirm the allegations
15:54:07 10 contained in paragraph 185, that Ukrainians, Burkinabes,
11 Nigeriens, Libyans and South Africans were also present in the
12 base for training purposes, but he stated in paragraph 192 that
13 his services were purely of a protective nature and did not
14 include any combat training or training of the Armed Forces of
15:54:34 15 Liberia. If Mr Rindel's contract did not provide for training of
16 Liberian combatants (i.e., members of the Armed Forces of
17 Liberia) is it likely or feasible that Mr Rindel would have
18 agreed to or would have trained RUF combatants?"

19 Now, Mr Taylor, was it within your knowledge that Mr Rindel
15:54:57 20 had been interviewed by the panel in South Africa?

21 A. Yes.

22 Q. How?

23 A. We got to know. He informed the defence minister. After
24 he spoke to them, he did.

15:55:10 25 Q. So where you say "not only did he not confirm the
26 allegation contained in paragraph 185", where did you get that
27 information from, that he didn't confirm that?

28 A. If you look at paragraph 185, what does 185 say? It talks
29 about training an armed force and he was not training an armed

1 force. He was training a security force.

2 Q. What I'm asking is: Through your defence minister, did you
3 learn what Rindel's position on that was when interviewed by the
4 panel of experts?

15:55:43 5 A. Yes.

6 Q. And what was that position?

7 A. He mentioned that they had alleged that he was training an
8 army. He told them no, and he described to them what he was
9 training. That it was a security force and not the armed forces.

15:55:59 10 Q. "However, for unknown reasons the panel deliberately
11 disregarded and ignored Mr Rindel's statements and nevertheless
12 concluded in paragraph 187 that he trained Liberian soldiers and
13 groups of foreigners, including citizens of Sierra Leone, Burkina
14 Faso, Niger and The Gambia.

15:56:22 15 In paragraph 184 the report alleges that the RUF has
16 received regular training in Liberia at Gbatala near Gbarnga and
17 elsewhere. Although uncorroborated by training officers
18 interviewed, the panel cites oral and written testimony, hundreds
19 of ex-combatants, and many former RUF leaders of confirming this
15:56:49 20 allegation. It would seem reasonable, therefore, that the panel
21 would have been capable of identifying the 'elsewhere' previously
22 referred to where this military training took place. It would
23 have been helpful to the Security Council had the panel also
24 indicated its mode of verification of the identities of the many
15:57:07 25 former RUF leaders and the hundreds of ex-combatants. Simple
26 logic dictates that after nine years of fighting and surviving,
27 the RUF would be in a better position to train the Liberian armed
28 forces and not the other way around.

29 Coincidentally, had the panel bothered to adhere to its own

1 evidentiary standards, it should have listed the graduates of the
2 Gbatala base. They could have been crosschecked the roster
3 against names and aliases of RUF combatants and commanders, which
4 are presumably in the panel's possession. The conclusion would
15:57:48 5 have then been easily verifiable. Instead, the panel elected to
6 rely almost continuously on hearsay, rumours and local gossip.
7 Additionally, if the panel's claims are to be taken seriously, it
8 would identify the 'elsewhere' in Liberia where training of RUF
9 fighters takes place.

15:58:09 10 Obviously, this cannot be the unequivocal and overwhelming
11 evidence which the panel referred to in paragraph 183.

12 Safe haven for the RUF in Liberia.

13 Paragraphs 77, 182, 183 and 193 of the report attempt to
14 create the impression that the presence of elements of the RUF
15:58:41 15 leadership in Monrovia is further confirmation of the close ties
16 between the President of Liberia and the RUF. This is clearly
17 disingenuous, because the presence of these individuals in
18 Monrovia is general public knowledge, as is also the facts and
19 circumstances of why they are permitted to reside in the country.

15:59:07 20 This information was, and is, readily available from a wide
21 variety of sources, including President Tejan Kabbah of Sierra
22 Leone, President Obasanjo of Nigeria, President Alpha Oumar
23 Konare of Mali, the current Chairman of ECOWAS, as well as the
24 Secretary-General of the United Nations. Had the panel taken the
15:59:32 25 time to conduct a minimum amount of research instead of relying
26 on rumours and unsubstantiated hearsay, they would have easily
27 discovered this.

28 Much reference was made about the presence of Sam Bockarie
29 in Monrovia as evidence of the government's support for the RUF.

1 It may be instructive to give a brief summary of the
2 circumstances which led to Sam Bockarie being permitted to stay
3 in Monrovia.

4 Based on complaints received by the President of Liberia
16:00:05 5 from the Secretary-General of the United Nations, ECOWAS, and
6 President Kabbah of Sierra Leone that Sam Bockarie was not
7 cooperating with Foday Sankoh, particularly with regards to
8 instructions given by Foday Sankoh in respect of RUF disarmament,
9 they requested the President of Liberia's personal intervention
16:00:27 10 to resolve the matter. This lack of cooperation was viewed as
11 impeding the implementation of the Lome agreement.

12 After consultations with the UN, ECOWAS and President
13 Kabbah, and with their prior knowledge and approval, the
14 President of Liberia invited both Foday Sankoh and Sam Bockarie
16:00:52 15 to Monrovia in an attempt to mediate and resolve whatever
16 differences existed between the two men. After mediating between
17 the two it was obvious that the differences between them were
18 intractable, and after further consultations with the United
19 Nations, ECOWAS and President Kabbah, it was agreed that the best
16:01:14 20 and most practical solution was to have Sam Bockarie removed from
21 Sierra Leone. This decision was based on the rationale that the
22 removal of Sam Bockarie would also remove whatever impediments
23 existed for the implementation of the Lome Peace Agreement.

24 The President of Liberia was therefore requested to permit
16:01:37 25 Sam Bockarie to stay in Monrovia, and the United Nations
26 Secretary-General also promised to solicit funding for his stay
27 from friendly governments. Unfortunately, to date none has been
28 forthcoming."

29 Pause there. Mr Taylor, did you ever receive any

1 assistance from any other party, including the United Nations, to
2 support Sam Bockarie after he arrived in Liberia?

3 A. No, none. None.

4 Q. "The Liberian government states emphatically that if it is
16:02:19 5 no longer the desire or wish of the United Nations, ECOWAS and
6 the Sierra Leonean government that Sam Bockarie and his entourage
7 continue to reside in Liberia, the Liberian government is
8 prepared to expel them.

9 Also, if it is their view that Liberia should disengage
16:02:37 10 itself from the Sierra Leone peace process, it is prepared and
11 willing to do so, and, as an additional precautionary measure, to
12 completely close its borders with Sierra Leone.

13 On several occasions the Liberian government was requested
14 by the United Nations and ECOWAS to allow RUF representatives
16:02:57 15 invited to attend regional conferences to transit through
16 Liberia. That was the case when RUF representatives had to
17 attend meetings called at the behest of ECOWAS at different times
18 in Abidjan, Abuja and Lome. It is important to note that it was
19 the United Nations who thereafter facilitated the travel of these
16:03:26 20 RUF representatives from Liberia to their destinations outside of
21 Liberia.

22 ECOWAS Heads of State specifically mandated the President
23 of Liberia to use his good offices and whatever influence he may
24 have with the RUF leadership to try and facilitate the peace
16:03:47 25 process in Sierra Leone. This is confirmed by various
26 communiqes issued by the Heads of State."

27 Let's just pause there for a minute, Mr Taylor, and just
28 quickly identify the documents in appendix 10 which relate to
29 this. MFA/7 - unhelpfully these are not numbered, but if one

1 flicks through and just looks at the top for MFA/7.

2 PRESIDING JUDGE: That's the final communique of the
3 consultation meeting.

4 MR GRIFFITHS: Yes:

16:05:05 5 Q. We've looked at document before, Mr Taylor, haven't we?

6 A. Yes, we have.

7 Q. Likewise MFA/8, which is behind it. Again we've looked at
8 that, haven't we?

9 A. Yes.

16:05:22 10 Q. Yes?

11 A. Yes.

12 Q. And MFA/9. Again, we've looked at previously at that
13 document, haven't we?

14 A. That is correct.

16:05:36 15 Q. And we can just remind ourselves on MFA/9, at page 6,
16 remember that passage at paragraph 21? They congratulated
17 President Charles Ghankay Taylor on the speed and effectiveness
18 of his actions in the execution of the mandate given to him by
19 his colleagues; remember that?

16:05:58 20 A. Yes.

21 Q. Yes?

22 A. Yes.

23 Q. Okay.

24 JUDGE SEBUTINDE: Mr Griffiths, sorry to interrupt, but my
16:06:05 25 MFA/7 is very strange.

26 MR GRIFFITHS: It's the wrong way around.

27 JUDGE SEBUTINDE: It begins with a paragraph 14 and then
28 has the heading "Final Communique", page 2.

29 MR GRIFFITHS: It's not complete.

1 JUDGE SEBUTINDE: And then it has a whole itinerary of the
2 Heads of State, and that's it.

3 MR GRIFFITHS: But we have encountered this document in a
4 different guise.

16:06:45 5 MR BANGURA: Mr President, sorry to interrupt. I believe I
6 have the same situation as Justice Sebutinde has explained. May
7 I inquire whether these documents that are attached to the
8 response are in the form in which they were presented originally,
9 or are they now being presented in a different form with some
16:07:16 10 extracts removed?

11 MR GRIFFITHS:

12 Q. Well, maybe you can help us with that, Mr Taylor. Are we
13 dealing with complete documents, or excerpts from those
14 documents?

16:07:30 15 A. Here we would be dealing with experts. But to help the
16 Justice, remember when this issue came up in the Court the other
17 day some rogue pages were extracted, so there's another binder
18 that may have the correct configuration of these MFAs, from my
19 recollection.

16:07:54 20 JUDGE SEBUTINDE: I think what Mr Bangura is asking is we
21 are looking at the document entitled "Response of the Liberian
22 Government". The question he is asking is are these annexes
23 appearing exactly as they appeared in the response, or have you
24 now doctored the annexes to extract excerpts of the initial
16:08:18 25 annexes?

26 MR GRIFFITHS:

27 Q. Can you help us with that, Mr Taylor?

28 A. No one would doctor them, no. These would be extract pages
29 from the document, just a portion of it just as a reminder.

1 JUDGE SEBUTINDE: Perhaps during the break you could
2 address this, because these annexes are really in a bad state.
3 At least, on my file anyway. I can't work out where MFA/7
4 begins. It looks incomplete. And the rest of that MFA/7 has
16:09:01 5 another paragraph 14 that doesn't bear any resemblance to the
6 original 14.

7 MR BANGURA: Your Honours, I just wish to make the point
8 that this is about the second time in this bundle of documents
9 that we come across an attachment or an annex that is not in a
16:09:20 10 complete form, and it raises the question whether we're dealing
11 really with a complete set of documents as was originally
12 presented.

13 PRESIDING JUDGE: Yes, I take that point, Mr Bangura.

14 MR GRIFFITHS: I've just given instructions, Mr President,
16:09:44 15 that hopefully by tomorrow we can have the original of this
16 document, along, hopefully, with copies of the attached
17 appendices for the Court tomorrow or as soon thereafter as
18 possible.

19 PRESIDING JUDGE: Thank you for that, Mr Griffiths.

16:10:05 20 MR GRIFFITHS:

21 Q. Paragraph 124, Mr Taylor:

22 "Again it is disingenuous for the panel to deliberately
23 misconstrue the fact that Gibril Massaquoi distributed a press
24 release in Monrovia as evidence of the Liberian's government's
16:10:24 25 support for the RUF. The facts, which are easy to confirm, are
26 that following the arrest and detention of Foday Sankoh and other
27 RUF leaders in Freetown there was a lull in the peace process,
28 and it was proposed by the Sierra Leonean government, ECOWAS and
29 the United Nations, that the RUF select a new group of leaders

1 who would continue to carry out peace negotiations with the
2 Sierra Leonean government under ECOWAS auspices. The presence of
3 the RUF delegation in Monrovia and the public announcement of the
4 selection of the new RUF leadership was done with the full
16:11:06 5 knowledge, approval and consent of the Sierra Leone government,
6 ECOWAS and the United Nations."

7 Again, Mr Taylor, we're not going to rehearse that because
8 we've gone over it before, haven't we?

9 A. Yes.

16:11:24 10 Q. "High level meetings with the President of Liberia.

11 In furtherance of his role as an ECOWAS mandated mediator
12 in the Sierra Leonean crisis, the President of Liberia has at
13 various times hosted Foday Sankoh, Johnny Paul Koroma, Sam
14 Bockarie, as well as President Tejan Kabbah of Sierra Leone. The
16:11:51 15 Liberian President has also facilitated meetings between the
16 leaders of the RUF and ECOWAS Heads of State, including President
17 Obasanjo of Nigeria, President Konare of Mali, President Kabbah
18 of Sierra Leone, as well as official US delegations which
19 included Reverend Jesse Jackson, President Clinton's special
16:12:16 20 representative for Africa for the promotion of democracy in
21 Africa and Mr Howard Jetter, US Deputy Assistant Secretary. All
22 these meetings were held for the express purpose of fostering the
23 Sierra Leonean peace process and occurred at the Executive
24 Mansion in Monrovia. They were open and extensively covered by
16:12:48 25 both the local and international media and were not clandestine
26 RUF strategy meetings, as is suggested by the panel.

27 An example of the President of Liberia's carrying out his
28 ECOWAS mediation role occurred in Monrovia on 26 July 2000, when
29 a mini ECOWAS summit was held with RUF commanders led by General

1 Issa Sesay and some Heads of State of ECOWAS, including
2 Presidents Gnassingbe Eyadema, Chairman of the OAU, Alpha Konare,
3 Chairman ECOWAS, Olusegun Obasanjo, and Yahya Jammeh of The
4 Gambia. The discussions resulted in the RUF commanders agreeing
16:13:38 5 to:

6 The appointment of a new leadership and interlocutor for
7 the RUF. This was necessitated because of the prior arrest and
8 detention of Foday Sankoh, the former leader of the RUF.
9 Continual implementation of the Lome accords required the
16:13:54 10 identification of an interim RUF interlocutor.

11 A commitment was obtained from the RUF commanders to permit
12 the deployment of ECOWAS contingents serving with UNAMSIL in RUF
13 controlled areas.

14 RUF staging bases at Camp Schefflein, Voinjama and Foya
16:14:16 15 Kamara.

16 Even a rudimentary knowledge of the geography of Liberia
17 would reveal that it is utterly absurd to suggest that Camp
18 Schefflein and Voinjama are used as staging bases by the RUF.
19 Camp Schefflein, located within the outer suburbs of Monrovia
16:14:45 20 along the Atlantic Ocean, is situated about 300 miles from the
21 parts of Sierra Leone alleged to be controlled by the RUF.

22 Voinjama is situated near the Guinean border and, because
23 of the condition of the roads, it is virtually impossible to
24 travel by road between Voinjama and the Sierra Leone border, even
16:15:00 25 using the most rugged four wheel drive vehicle. The report's
26 observations also confirm this. It therefore makes no obvious
27 military sense that either Camp Schefflein or Voinjama would be
28 used as staging areas for possible military offensives in Sierra
29 Leone.

1 And more particularly in the case of Voinjama, the area has
2 been subject to at least three separate rebel military incursions
3 from nearby Guinea in the last two years, with the more recent
4 one occurring in July 2000. In each instance, Voinjama was
16:15:40 5 captured by rebel forces and held for lengthy periods of time
6 before being liberated by government forces. Commonsense
7 obviously dictates that a staging area, especially for such
8 clandestine activities, not be held in such a patently unsafe and
9 insecure part of the country.

16:16:06 10 Finally, Foya Kamara is situated in an area contiguous to
11 the Sierra Leone border, which has been continuously occupied and
12 controlled by the RUF for over seven years. Given this fact, why
13 would the RUF need a launching area in this part of Liberia?
14 Certainly not to launch military offensives in an area already
16:16:30 15 controlled by them.

16 RUF fighters treated in Liberian hospitals.

17 Reference has already been made to three prior military
18 incursions from Guinea into the nearby Voinjama section of
19 Liberia. In each instance, there were serious military as well
16:16:49 20 as local civilian casualties. Hundreds of civilians and military
21 personnel were wounded. The panel claims to have received
22 information of wounded RUF fighters being treated in Liberian
23 hospitals. The government organised an intensive, widespread
24 local publicity campaign to encourage the citizenry to visit the
16:17:11 25 wounded and donate blood, money and other supplies to the
26 victims. It should be emphasised that inhabitants on both sides
27 of the Liberia-Sierra Leone borders share common languages,
28 customs, names, and generally maintain close family relations
29 without regard to artificial national borders. It is virtually

1 impossible to distinguish between Liberians and Sierra Leoneans
2 living in the Lofa and Cape Mount areas of Liberia. This is
3 especially true of the inhabitants of Lofa counties who speak
4 Krio, the lingua franca of Sierra Leone and Gambia, or English
16:17:52 5 with a marked Sierra Leonean accent. The witnesses who
6 volunteered this information were most likely misled by the names
7 or accents of the wounded given the fact that most, if not all,
8 were inhabitants of Lofa County. It is also expected that the
9 panel would have gone to the hospital to interview some of the
16:18:10 10 wounded.

11 National security concerns of the Government of Liberia.

12 The Government of Liberia is particularly troubled by the
13 successive wave of dissident attacks from Guinea. These attacks
14 continue to threaten the sovereignty and territorial integrity of
16:18:33 15 the Republic of Liberia. It has been shown that on five
16 occasions between April 1999 and August 2000, Liberian insurgents
17 harboured by, and operating with, the knowledge and support of
18 the Government of Guinea, continued to launch fierce military
19 operations against the government and people of Liberia. Massive
16:18:50 20 loss of Liberian lives and destruction of properties resulted
21 from those violations of the territorial integrity of Liberia.

22 The callous denial of complicity by the Guinean government,
23 and the frightening indifference shown by the major western
24 powers, particularly the United States and Great Britain, and
16:19:10 25 also the United Nations, are a menacing source of deep concern to
26 the Government of Liberia. On 17 August 2000, the Government of
27 Liberia intimated to US Under-Secretary of State Mr Thomas
28 Pickering the blatant acts of violation of Liberian territory by
29 dissident attacks launched from Guinea and implored the United

1 States government to condemn these attacks. Similar
2 representation was presented to the United Nations Security
3 Council through the Secretary-General. Neither the United
4 Nations nor the United States government is yet to condemn the
16:19:50 5 acts of aggression against Liberia by Guinea. The Liberian
6 government also called on the United States government to
7 facilitate the deployment of international observers to be
8 stationed at our borders and to provide technical assistance to
9 improve monitoring all its ports of entry. All of these
16:20:08 10 invitations have gone unanswered."

11 And we've seen that letter to Under-Secretary Pickering and
12 the United Nations Secretary-General, haven't we, Mr Taylor?

13 A. Yes, we have.

14 Q. "The apprehensions of the Liberian government are further
16:20:27 15 heightened by calls from the British Foreign Secretary Robin Cook
16 and United States Senator Mr Judd Gregg for the subversion and
17 removal of the Government of Liberia as a means of ending the
18 Sierra Leonean conflict."

19 What are you referring to there?

16:20:43 20 A. These are statements made by Judd Gregg, who is still a
21 United States senator, and Secretary of State Robin Cook -
22 Foreign Secretary. In fact, Judd Gregg actually called for me to
23 be assassinated.

24 Q. "The training and use of Liberian dissidents in military
16:21:10 25 operations in Sierra Leone.

26 Hundreds of Liberian dissidents who were members of former
27 warring factions are being trained by the British military
28 mission in Sierra Leone and are fighting alongside the Civil
29 Defence Force or Kamajors, the Sierra Leonean Army, the British

1 troops and other militias in that country.

2 Later, between 1990 and 1991, some of these elements were
3 organised, trained and armed in Sierra Leone with the
4 participation and acquiescence of the Sierra Leonean government.

16:21:39 5 The armed group invaded Liberia from Sierra Leone as ULIMO. The
6 ULIMO faction used Sierra Leone and Guinea as training and
7 recuperation bases for their insurgencies against the National
8 Patriotic Front of Liberia, which was then led by
9 Mr Charles Taylor.

16:21:58 10 Following the democratic elections of July 1997 in which
11 the political party formed by ULIMO members lost, most of the
12 belligerent elements returned to Sierra Leone, where they fought
13 alongside the Sierra Leonean army and later the Kamajors in the
14 war in that country. Later, with the deployment of British
16:22:14 15 trainers in Sierra Leone, some of these elements received
16 training from the British and have since been participating in
17 military operations in Sierra Leone. Some of them are reported
18 to be working as military trainers and advisers to the Civil
19 Defence Force.

16:22:33 20 Security risks posed by arms embargo on Liberia.

21 Between April 1999 and August 2000, the territory of the
22 Government of Liberia was attacked six times by insurgents
23 operating out of the Republic of Guinea. The Government of
24 Liberia, with its limited military preparedness, was eventually
16:22:53 25 able to ward off the insurgents. But the threat of repeated
26 attacks on Liberian territory remained unabated.

27 In a move generated by goodwill, and in compliance and the
28 wishes and request of the international community, the Liberian
29 government, with the funding and supervision of the United

1 Nations and the US military mission in Liberia, undertook the
2 destruction of arms and ammunition surrendered by the defunct
3 warring factions.

4 However, in total disregard to the obligation of the
16:23:27 5 Government of Liberia to safeguard its sovereignty and
6 territorial integrity, the United Nations continues to enforce
7 against the democratically elected Government of Liberia an arms
8 embargo that was imposed on warring factions in 1992. The arms
9 embargo was imposed in a bid to quell hostilities during
16:23:48 10 Liberia's civil war. But now that the war in Liberia effectively
11 ended more than five years ago, the UN continues to enforce the
12 embargo, thereby diminishing the government's capacity to defend
13 itself against external aggression.

14 The threat posed by the continued enforcement of the
16:24:07 15 embargo is heightened by the refusal of the major western powers
16 to acknowledge the blatant acts of aggression committed against
17 the Republic of Liberia by Guinea or to take the steps necessary
18 to enhance international peace and security in the region."

19 Then reference to is made to the ECOWAS decision to lift
16:24:35 20 the embargo on Liberia reached in Abuja on 28-29 August 1997;
21 that - the lifting of the arms embargo placed on Liberian warring
22 factions on 20 October 1992.

23 "The rationale for the embargo had ceased to exist
24 following the holding of elections in Liberia. Though the issue
16:24:58 25 of the imposition of the arms embargo was initiated by ECOWAS,
26 the United Nations has so far failed to heed representations made
27 by the ECOWAS for the lifting of the said embargo. The major
28 powers have instead elected to levy and impose a myriad of
29 selective sanctions, negative travel advisories, massive negative

1 public relations, and unsubstantiated allegations of gunrunning
2 and diamond smuggling in Sierra Leone against the Liberian
3 government.

4 Massive propaganda campaign against Liberia by powerful
16:25:38 5 countries.

6 A massive international propaganda and smear campaign led
7 by some officials of the Clinton administration and Her Majesty's
8 government have been launched against Liberia. The tenets of the
9 negative propaganda being directed at the Liberian government

16:25:59 10 include false and misleading information that Liberia is not safe
11 and by certain governments advising their nationals against
12 visiting Liberia. The intent of the campaign is to discourage
13 international investors from doing business in Liberia. The
14 absence of investment would in turn retard the national economic

16:26:17 15 recovery objectives of the government and increase the suffering
16 of the people who then in turn may be psyched up against the
17 government by the use of covert agitators. The strategies

18 pursued by the panel of experts when they tried to link Liberia's
19 maritime and timber industries to Liberia's alleged involvement
16:26:40 20 in the sale of illicit Sierra Leonean diamonds and supply of arms
21 to the RUF. The assertions contained in the paragraphs of the
22 panel's report cited betray the intention of the panel for
23 bringing into scrutiny two of Liberia's major export earning
24 industries.

16:26:59 25 Timber and maritime activities constitute the major export
26 earning of Liberia. By demonising Liberia's timber industry and
27 maritime registry, the unintended consequence is the
28 strangulation of the economy and the exacerbation of the
29 suffering of the people."

1 Mr President, I hear the call. Would it be convenient for
2 us to stop here so that we can just complete this last passage in
3 one go tomorrow?

4 PRESIDING JUDGE: Yes. I think that's a convenient place,
16:27:34 5 Mr Griffiths.

6 Mr Taylor, we're going to adjourn until 9.30 tomorrow
7 morning. Please remember that there is a court order that you
8 are not permitted to discuss your evidence with any other person.

9 We will adjourn now, thank you.

16:27:50 10 [Whereupon the hearing adjourned at 4.30 p.m.
11 to be reconvened on Thursday, 27 August 2009 at
12 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DANKPANNAH DR CHARLES GHANKAY TAYLOR 27687

EXAMINATION-IN-CHIEF BY MR GRIFFITHS 27687