



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 26 JANUARY 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Terry Munyard

1 Tuesday, 26 January 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:33:21 5 PRESIDING JUDGE: Good morning. We'll take appearances,
6 please.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Mohamed A Bangura and our case manager, Maja Dimitrova.

09:34:19 10 MR GRIFFITHS: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence today, myself Courtenay
12 Griffiths, with me Mr Morris Anyah and Mr Terry Munyard of
13 counsel.

14 Madam President, can I deal with a brief administrative
09:34:32 15 matter?

16 PRESIDING JUDGE: Certainly.

17 MR GRIFFITHS: There have been so many versions of this new
18 timetable that I am not sure I am looking at the correct one, but
19 you may recall that yesterday you raised the issue of the change
09:34:47 20 in timetabling next week. Now, I didn't have an opportunity to
21 consult with Mr Taylor when I told the Court that for our part
22 the new timetable didn't raise any concerns, but Mr Taylor
23 alerted me to a particular problem this morning.

24 Now, according to the timetable he has, on the 5th and the
09:35:17 25 26th of February, both Fridays, we are due to start at 3 p.m. and
26 continue through to 7.30. Now, that poses a problem for him.

27 PRESIDING JUDGE: Friday? Did you say Friday?

28 MR GRIFFITHS: Friday.

29 PRESIDING JUDGE: Just a minute. I don't think so. Let me

1 consult my diary because I don't believe that these are the
2 dates. Just give me a moment, Mr Griffiths.

3 According to the latest version that I have that was
4 circulated to the judges on the 19th of this month, we have down
09:36:25 5 on the sitting timetable the hours of 9.30 to 16.30, okay. So
6 that would be 9.30 in the morning until 4, but that's because -
7 it simply means that the Court is available to our Trial Chamber.
8 But for those two Fridays, as long as Mr Taylor is still
9 testifying, we shall observe the current regime whereby the
09:36:52 10 Defence requested the Court not to sit on Fridays.

11 MR GRIFFITHS: Can I just alert the Court as to what the
12 difficulty is. The Sabbath starts at 5 p.m. on a Friday and
13 Mr Taylor was concerned because of his Jewish faith that we might
14 be sitting on till 7.30, so that's why he raised the issue with
09:37:18 15 me. But I think that if we were to finish at 4.30 on those days
16 that would be okay, and I see Mr Taylor nodding in agreement.

17 PRESIDING JUDGE: I'll tell you what - no, you know what,
18 you may be right. If I look at the programme, the week 1st to
19 5th February indicates Wednesday as the free day. This is where
09:37:43 20 we have to adjust and therefore that makes Friday a sitting day.

21 MR GRIFFITHS: Yes.

22 PRESIDING JUDGE: But according to the timetable that we
23 have, the sitting hours go only up to 4.30, at least for that
24 week, 1st of February. So I think that's fine.

09:37:59 25 MR GRIFFITHS: I think that poses no difficulties then.

26 PRESIDING JUDGE: Then the following week, 8 to 12
27 February, the sitting day - we can't sit because it says there is
28 maintenance going on all day in this courtroom. So that's not a
29 problem. And I really don't see any other problem for the

1 foreseeable future on a Friday.

2 MR GRIFFITHS: I think, now looking at the version I have,
3 that no difficulty arises.

4 PRESIDING JUDGE: Okay. And while we're on schedules, I
09:38:35 5 thought I would let the parties know that we intend to observe
6 the normal Easter recess, ICC Easter recess, according to the ICC
7 calendar with not a day extra. So if you just appraise yourself
8 of the ICC calendar, that would be the Special Court's recess for
9 this Easter.

09:38:57 10 MR GRIFFITHS: Very well. I am grateful for that,
11 Madam President.

12 PRESIDING JUDGE: And if there is nothing further,
13 Mr Taylor, simply to remind you of your declaration to tell the
14 truth. Please continue, Ms Hollis.

09:39:17 15 MS HOLLIS: Thank you, Madam President:

16 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

17 [On former affirmation]

18 CROSS-EXAMINATION BY MS HOLLIS: [Continued]

19 Q. Good morning, Mr Taylor.

09:39:22 20 A. Good morning, counsel.

21 Q. Do you recall, Mr Taylor, at the close of the day yesterday
22 we were talking about Mark Guahn?

23 A. Yes.

24 Q. And, Mr Taylor, you may also recall on 23 November I asked
09:39:37 25 you about a September 1998 incident where 13 Krahn victims were
26 killed on Schefflein Highway by Mark Guahn and you said you had
27 no knowledge of that. Do you recall that exchange, Mr Taylor?

28 A. Vaguely, yes.

29 Q. But indeed, Mr Taylor, you were aware of that incident,

1 were you not?

2 A. No, I was not aware of it, counsel.

3 Q. And you were aware that your subordinate was responsible
4 for the killing of 13 Krahn victims?

09:40:15 5 A. I was not aware, counsel.

6 Q. And, Mr Taylor, you took no action against Mark Guahn as a
7 result of those killings, did you?

8 A. I was not aware. Neither am I a prosecutor. If Mark
9 Guahn, a military personnel, had killed anyone, the Defence
09:40:33 10 Ministry would have gone through the proper procedure as there's
11 a military barracks on Schefflein Highway. I was not aware of
12 that, counsel.

13 Q. To your knowledge he was not court-martialed, was he,
14 Mr Taylor?

09:40:44 15 A. I have no knowledge of Mark Guahn being court-martialed.
16 Neither do I have any knowledge of what happened.

17 Q. Mr Taylor, also on 23 November I asked you about an
18 incident in January 2000 in Bomi County, the massacre of 26
19 unarmed civilians. They were massacred by your subordinates
09:41:09 20 acting under the command of Melvin Sogbandi. And I also put to
21 you that they were massacred because they were accused of being
22 LURD supporters?

23 A. Well, I was not aware of any such thing. I even doubted
24 that because Melvin Sogbandi throughout the conflict was never
09:41:31 25 assigned in Tubmanburg. He was always assigned in Lofa as the
26 Marine division. So I am not aware and I even doubt it that it
27 ever happened.

28 Q. Indeed, Mr Taylor, you were made aware of that incident,
29 weren't you?

1 A. No, counsel. I'm Gola, I am from Bomi. If anything had
2 happened, those are my own people, I would have known. It's a
3 black lie. It's not true.

09:42:00 4 Q. And indeed you took no action against your commander Melvin
5 Sogbandi as a result of those killings, did you?

6 A. Well, I could not have taken action against something that
7 I didn't know that didn't happen, no.

8 Q. Mr Taylor, to your knowledge, Melvin Sogbandi, was he ever
9 court-martialed?

09:42:14 10 A. Throughout the length and breadth of the NPFL?

11 Q. When you were President.

12 A. When I was President, I don't - Melvin Sogbandi was not in
13 the Armed Forces of Liberia. He was - in fact he served as a
14 minister in government, so he would not have been

09:42:31 15 court-martialed.

16 Q. Was he ever prosecuted in a civilian court for murder
17 during your presidency?

18 A. Not to my knowledge. If he had committed murder, I am sure
19 he would have. Not to my knowledge.

09:42:47 20 Q. And, indeed, Mr Taylor, you may recall on 23 November you
21 said that whoever gave that information was wrong because Melvin
22 Sogbandi was commanding the Marine division, 200 miles away from
23 Bomi. Do you recall saying that?

24 A. Yes, I do.

09:43:07 25 Q. Now, Mr Taylor, whether he was stationed in Bomi County or
26 not, you were aware that he was responsible for those killings,
27 weren't you?

28 A. I was not aware and neither did - I doubt very much again.
29 My evidence is that I doubt very much if Melvin Sogbandi was

1 involved in any killing in Bomi .

2 Q. And, Mr Taylor, you were also aware, were you not, that in
3 January 2000, 26 unarmed civilians were killed in Gbar, Bomi
4 County, on the orders of Melvin Sogbandi? You were aware of
09:43:58 5 that, weren't you?

6 A. I was not aware and I say it is a lie. The commander in
7 Bomi at the time is one of my tribal boys called General Si affa
8 Norman. Melvin Sogbandi was 200 miles away in Lofa. No, it did
9 not happen. I doubt it. So I could not have been made aware of
09:44:17 10 what didn't happen.

11 Q. You said that your commander in Bomi at the time was Si affa
12 Norman?

13 A. General Si affa Norman, a Gola boy from that - from Bomi .

14 Q. Mr Taylor, had he been part of the NPFL?

09:44:30 15 A. Si affa all along, he has always been NPFL, General Norman.

16 Q. And at what point had he attained the rank of general, if
17 you remember?

18 A. During the days of the NPFL.

19 Q. And during the days of the NPFL, what was his position?

09:44:48 20 A. He was made a general at the time, during the NPFL days
21 Si affa Norman rose to the rank of --

22 Q. And what was his assignment?

23 A. Most of his assignments were in the Bomi region.

24 Q. And was he one of your commanders?

09:45:04 25 A. General Si affa Norman was one of the NPFL commanders, yes.

26 Q. Of what unit or units was he a commander?

27 A. Army. The army division.

28 Q. The entire time?

29 A. No, not the entire time. But he was commander from one

1 time.

2 Q. And prior to being commander of the army unit in the army
3 division, had he held other command positions?

4 A. No. He has always been with the army.

09:45:30 5 Q. Mr Taylor, also on the 23rd I asked you about some 100
6 people being executed by perpetrators under your son's command at
7 Gbatala. Do you recall me asking you about that?

8 A. Yes.

9 Q. And you indicated that this had been investigated and there
09:45:52 10 was no evidence of corpses, do you remember?

11 A. I am not sure if I said it was investigated and there were
12 no corpses, or I said that if an investigation was conducted or
13 something. I don't remember what I really said, but I know no
14 such thing happened.

09:46:14 15 Q. And perhaps just to be exact we could look at 23 November,
16 page 32293, and if we could look beginning at line 7:

17 "Q. Mr Taylor, during the year 2000 at Gbatala over a
18 hundred people were executed there by perpetrators under
19 the command of your son. Isn't that correct?

09:47:07 20 A. No, that's totally incorrect. And - but that's not
21 correct. As President, I heard about people being killed
22 at Gbatala and different things. We sent there, we
23 investigated, we got NGOs to go there. That's totally
24 false. If 100 people are massacred at a place like that
09:47:28 25 there would be evidence, counsel, of - even if it's fifty
26 years, there would be evidence of those corpses and the
27 corpses of the people. That's not true. That's totally
28 false."

29 A. That is correct.

1 Q. Remember saying that, Mr Taylor?

2 A. Yes.

3 PRESIDING JUDGE: Ms Hollis, sorry to interrupt, but there
4 is an error on the LiveNote that I am hoping will be picked up
09:47:47 5 that's on page 10 at line 10, where it says, "You indicated that
6 this had been investigated and there was no evidence of
7 corporations." Now, "corporations" should be "corpses".

8 MS HOLLIS: That's correct. "... no evidence of those
9 corpses and the corpses of the people." Thank you, Madam
09:48:11 10 President.

11 Q. Now, Mr Taylor, once again your denial of this incident is
12 not truthful, is it?

13 A. Counsel, my denial is truthful, and you know that because
14 you led in chief here an ATU officer, and if you even believed
09:48:33 15 that there was anything factual about that evidence, you would
16 have, while you were leading him in chief, inquired. So you know
17 it's not true. It is not true, and that's why you did not raise
18 it in your evidence-in-chief.

19 Q. Mr Taylor, are you speculating about why we asked the
09:48:51 20 questions we asked?

21 A. No, no, no, I am not speculating, please, counsel. Please,
22 I'm not.

23 Q. Oh, you know that?

24 A. Well, I am saying to you that that issue, the issue of the
09:49:01 25 authenticity of the information of 100 people being killed at
26 Gbatala could have been led in chief while Jabaty Jaward, an ATU
27 officer, was led in chief, and I am saying that it is probable
28 that you didn't because it was not factual because that would
29 have been the proper time.

1 Q. Mr Taylor, are you saying that that witness knew about
2 those killings?

3 A. Well, he was an ATU officer. He was on that base. He
4 spent almost his entire life at the base. He trained and he was
09:49:29 5 stationed most of the time --

6 Q. Actually, Mr Taylor, he trained at other places, do you
7 recall? And he was also stationed at other places, you recall?

8 A. He was an officer, counsel. I am not going to argue with
9 you.

09:49:41 10 Q. Do you recall that testimony, Mr Taylor?

11 A. He did officer training at different positions, but Gbatala
12 was his main base. And that would have been an ample time to
13 lead in chief this particular evidence, and you didn't.

14 Q. And you recall him giving evidence that Gbatala was his
09:49:59 15 main base?

16 A. I am telling you that was his main base.

17 Q. So, Mr Taylor, let's move beyond your speculations and
18 now --

19 A. I am not speculating, counsel; I'm telling you the fact --

09:50:08 20 Q. Indeed you are, Mr Taylor.

21 A. I am not.

22 MS HOLLIS: And now I would ask your Honours to consider
23 the Liberian TRC report volume 2, which is found at tab 6 in
24 annex 3, page 185 of that report, and I would ask your Honours to
09:51:16 25 consider the second entry on that page for September 1998, "The
26 murder of 13 Krahn individuals on Schefflein highway by Mark
27 Guahn." Also towards the bottom of the page where it says:

28 "2000: The summary execution of more than 100 persons at
29 the Gbatala ATU training base in Bong County by Charles Taylor

1 Junior. Some of the victims were trainees failed to follow
2 instructions."

3 And then at the very bottom of that page:

4 "January 2000: Massacre of 26 unarmed civilians in Gbar,
09:52:06 5 Bomi County. The civilians were accused of being supporters of
6 LURD and were killed on the orders of Melvin Sogbandi."

7 Your Honours, you will note there that we have asked
8 your Honours to consider this information both to impeach and for
9 guilt, and we would rely on our prior arguments in terms of the
09:52:31 10 permissibility to use this information, and we would ask that we
11 be allowed to use it.

12 PRESIDING JUDGE: Ms Hollis, based on your earlier
13 arguments, we will also rely on our former reasoning to disallow
14 the use of these excerpts based on the reasons that they contain
09:54:14 15 material that goes to the guilt of the accused and that in your
16 former arguments you did not justify the two-prong test of the 30
17 November decision.

18 MS HOLLIS:

19 Q. Mr Taylor, you also recall, do you not, being asked on 23
09:54:45 20 November about the killing of 14 persons in March 2001 in
21 Lofa County. Can you remember being asked about that?

22 A. Yes.

23 Q. Mr Taylor, your ATU commanders, who the first ATU
24 commander?

09:55:05 25 A. The first ATU commander was Chucky Taylor. Charles Taylor
26 Junior.

27 Q. And he was the ATU commander until when?

28 A. Oh, I don't know. I don't know the exact time that he was
29 removed. I know he was removed, but I can't recall the time he

1 was changed.

2 Q. And who succeeded him as commander?

3 A. General Momo Dgi ba succeeded him as commander.

4 Q. Is he known by any other names?

09:55:35 5 A. If who is known by another name?

6 Q. Momo Dgi ba.

7 A. Yes. I don't know if it's a name, counsel, or an alias. I
8 have heard him being called Dgi ba Mastafarian [phon]. It might
9 just be a joke name, but I can remember the name Mastafarian. I

09:55:57 10 don't know how that is spelt. Dgi ba Mastafarian, something like
11 one of these Rasta names, I think. But that's the only one that
12 I know.

13 Q. Now, the commander of your ATU, what rank did the commander
14 hold?

09:56:14 15 A. Well, it all depends at what rank he was at the time he
16 took over. For example, Chucky did not carry any military rank.
17 I think he was - when I say - I mean high rank, I mean. He was
18 never a general. I don't - I think he may have carried the rank
19 of either colonel or something. But Dgi ba was - when Dgi ba took
09:56:46 20 over the ATU, I think he was a major general at the time.

21 Q. And did he retain that rank when he took over the ATU?

22 A. Yes, he maintained the rank.

23 PRESIDING JUDGE: Mr Taylor, sorry to interrupt. Was that
24 "Master Fearing"?

09:57:05 25 THE WITNESS: I think --

26 PRESIDING JUDGE: Something to do with fear?

27 THE WITNESS: Yeah, I think that's it, counsel - excuse me,
28 Madam President. They used to call him Master Fearing. Master
29 Fearing.

1 PRESIDING JUDGE: I was just trying to understand the
2 spelling.

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Okay, thank you.

09:57:16 5 MS HOLLIS:

6 Q. Mr Taylor, is it your understanding that that is one name
7 or two names?

8 A. I think it's one name, counsel.

9 Q. Mr Taylor, it is correct, is it not, that this killing of
09:57:32 10 the 14 persons in March 2001 was done on the orders of Momo
11 Dgi ba?

12 A. I don't know that to be true. March of 2000 - you say
13 March of 2001?

14 Q. That is correct, Mr Taylor.

09:57:46 15 A. 2001, I don't - it never reached me. I am trying to figure
16 out if Dgi ba was commanding the ATU at the time. I don't recall
17 if he was even commanding at the time. He could have, but that
18 never reached to me, so I don't know if it actually happened.

19 Q. But indeed, Mr Taylor, you were aware of that killing,
09:58:12 20 weren't you?

21 A. No, I was not aware.

22 Q. And you were aware of it. It was on the order of your ATU
23 commander. You were aware of that, isn't that right, Mr Taylor?

24 A. No, I was not aware, counsel.

09:58:25 25 Q. Momo Dgi ba, during the time you were President, was he ever
26 court-martialed?

27 A. During the time of my presidency, Momo Dgi ba was not
28 court-martialed, as far as I know, for anything that would have
29 come up, no.

1 Q. Was he ever prosecuted for murder in any civilian court to
2 your knowledge?

3 A. No. I know of no criminal record. If Dgiba had been
4 prosecuted for murder in a criminal court, that is something that
09:59:02 5 I guess I would have known, because as a military personnel he
6 would have to be relieved from the army first, and that's a
7 process that I would know about. So I would say no, not to my
8 knowledge.

9 Q. And Mr Taylor, indeed if he had been court-martialled you
09:59:17 10 would be aware that, wouldn't you?

11 A. Yes, I would. If he had been for anything, not for - I am
12 not responding to your question of the alleged murders. I am
13 responding to the general issue of court martial.

14 MS HOLLIS: If your Honours would please look at the
09:59:35 15 Liberian Truth and Reconciliation Commission final report, page
16 186. I would ask you to considerate the March 2001 entry
17 relating to the summary execution of 14 persons in Kornia,
18 Lofa County, on the orders of Momo Dgiba. Dgiba ordered the
19 executions after the GOL recaptured the town from the LURD.
10:00:10 20 Again, I would note that we have marked that indicating that we
21 would ask you to use this information both for impeachment and
22 for guilt, and we would rely on our prior arguments in relation
23 to the use of that information.

24 PRESIDING JUDGE: Ms Hollis, in the same vein and based on
10:00:33 25 your prior arguments, we hold that this excerpt does contain
26 evidence that goes to guilt of the accused and that in your
27 former arguments you have not demonstrated the two-prong test
28 that we require to allow you to use the document. So you may not
29 rely on this passage in cross-examination.

1 MS HOLLIS:

2 Q. Mr Taylor, again on 23 November I asked you about the
3 torture of men accused of being dissidents by your ATU. I put it
4 to you that this occurred in February of 2000 in Tubmanburg. Do
10:01:19 5 you remember my putting that to you, Mr Taylor?

6 A. I don't - I don't quite recall. But if you're quoting from
7 the record, I have to agree with you.

8 Q. This was at page 32294 of the 23rd. You said that - I
9 asked you if this was correct about these men, and you said not
10:01:48 10 to your knowledge. The ATU were not fighting in Bomi during the
11 war; that most of the war, the ATU were involved in VIP
12 protection in the City of Monrovia. Combat of the ATU in Bomi,
13 no.

14 Now, Mr Taylor, nothing in my question indicated that these
10:02:14 15 people were tortured during combat, so to be clear of my
16 question, let me ask you again.

17 Mr Taylor, it is correct, is it not, that in February 2002
18 your ATU tortured men accused of being dissidents, and this
19 occurred in Tubmanburg. That's correct, is it not, Mr Taylor?

10:02:48 20 A. I have no knowledge of that, counsel. My evidence has not
21 changed. I have no knowledge of that.

22 Q. And, Mr Taylor, you did know about this incident, did you
23 not?

24 A. I did not know about that, counsel.

10:02:58 25 Q. And there was no action taken in relation to this torture
26 of these individuals, was there, Mr Taylor?

27 A. Well, you know, the way - you know, nothing of such
28 happened and so there could not have been any action taken.

29 MS HOLLIS: Now, your Honours, I would ask in relation to

1 this incident that you look again at the Liberian Truth and
2 Reconciliation Commission final report at page 191. It would be
3 the first entry on page 191, "February 2002". You will notice
4 that for that entry we have not indicated a request that you use
10:04:11 5 it for proof of guilt. This would be for impeachment only and I
6 would rely on my prior arguments in terms of the permissible use
7 of this information.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: Mr Griffiths, before I make a ruling on
10:05:30 10 this, we are mindful of the date of this incident and we would
11 like to hear your views on whether the Prosecution should be
12 permitted to use this excerpt.

13 MR GRIFFITHS: Yes, I do note the date, Madam President,
14 and it is to be noted that it falls outside the indictment
10:05:50 15 period. Consequently, whereas the Prosecution have been allowed
16 some latitude in introducing details of events in Liberia prior
17 to January 2002 in order, on the one hand, to establish context
18 or, on the other, to prove system, in our submission, events
19 outside of that date can have no bearing on the indictment in
10:06:19 20 terms of establishing any context which might be of assistance to
21 the tribunal. Neither indeed can it be relevant to system. So, in
22 our submission, this should fail ab initio.

23 PRESIDING JUDGE: What about the intended use of
24 impeachment in this regard? Impeachment of prior testimony, that
10:06:46 25 is.

26 MR GRIFFITHS: Well, in our submission, by introducing this
27 material solely, we are told, for purposes of impeachment at this
28 stage, we were denied the opportunity when TF1-590 was called to
29 give evidence to cross-examine that witness on this issue. So,

1 in effect, we have had no opportunity whatsoever to address
2 during the course of the Prosecution case what on the face of it
3 is material which potentially could go to guilt. So, in our
4 submission, this should fail the two-prong test enunciated by
10:07:28 5 your Honours on 30 November last year.

6 PRESIDING JUDGE: Ms Hollis, you want to respond?

7 MS HOLLIS: Yes, please. We note that first the Defence
8 says that it's outside the indictment period so that it would not
9 be relevant for the purposes of guilt that we have discussed
10:07:58 10 before, and then the Defence says that it is probative of guilt.

11 We suggest it is outside the indictment period. It is not
12 probative of guilt in terms of pattern. This accused has told
13 your Honours very clearly that his subordinates, both during his
14 presidency and before, did not engage in widespread or systematic
10:08:28 15 crimes. He has talked about rule of law. He has talked about
16 accountability for crimes.

17 We suggest that this information impeaches this witness in
18 that we have an incident here involving his ATU where they are
19 torturing individuals. This is in contrast to the picture he has
10:08:53 20 painted you of the conduct of his subordinates. It is in
21 contrast to the other evidence he has given you. It is
22 impeachment. It is not probative of guilt.

23 There is no right under the law to cross-examine
24 Prosecution witnesses about impeachment evidence because you
10:09:14 25 don't know what the impeachment evidence will be until the
26 witness you are impeaching in fact testifies. That's now, this
27 accused.

28 So we suggest that there is no requirement to meet the
29 test. It is not probative of guilt. We are asking you consider

1 it only for impeachment. It is appropriate impeachment evidence.
2 Whatever weight you ultimately would give it is a separate matter
3 from our ability to use it as impeachment.

4 [Trial Chamber conferred]

10:11:28 5 PRESIDING JUDGE: We've considered the content of this
6 excerpt under "February 2002" and we have considered it in light
7 of Rule 93 which talks of a consistent pattern of conduct. It
8 doesn't talk of a consistent previous pattern of conduct. It's
9 simply a pattern of conduct relevant to serious violations of
10:12:04 10 international humanitarian law.

11 Now, we are looking at the excerpt that speaks of arrest
12 and ill treatment of suspected opponents continuing after the
13 lifting of the state of emergency, et cetera. There have been
14 allegations in the indictment where members of the ATU are
10:12:29 15 alleged to have committed serious violations against civilians
16 and, by association, this paragraph that you intend to rely upon
17 would in our view tend to be probative of the guilt of the
18 accused and therefore, based on our previous argument, we would
19 disallow it in that we are not satisfied that it doesn't violate
10:13:01 20 the fair trial rights of the accused.

21 MS HOLLIS:

22 Q. Now, Mr Taylor, your response on 23 November that the ATU
23 were not fighting in Bomi during the war, they were involved in
24 VIP protection in the City of Monrovia for most of the war --

10:13:24 25 MS IRURA: If counsel could please put on her microphone.

26 MS HOLLIS:

27 Q. Mr Taylor, let me go back over that. Your response on 23
28 November in relation to this incident that the ATU were not
29 fighting in Bomi during the war, they were involved in VIP

1 protection in the City of Monrovia for most of the war. Now you
2 remember giving that response, correct, Mr Taylor?

3 A. Yes, do I.

4 Q. And you went on to say:

10:14:00 5 "In fact, your ATU witness brought here would have said
6 that. That's not true, counsel. That's not true."

7 Do you remember saying that?

8 A. Yes.

9 Q. And, Mr Taylor, you have talked about our ATU witness
10:14:15 10 brought here, TF1-388, Jabaty Jaward, yes, Mr Taylor?

11 A. Yes.

12 Q. And you remember his evidence, correct?

13 A. Well, I remember some of his evidence.

14 Q. Well, if we could refer you to his evidence, Mr Taylor,
10:14:35 15 that he gave in July 2008, 10 July, you remember him telling this
16 Court about getting a new assignment in early 2002. You remember
17 that, don't you, Mr Taylor?

18 A. 2002, where he got a new assignment?

19 Q. You remember that, don't you?

10:14:53 20 A. That's possible, yes.

21 Q. And you remember when he was asked what was that
22 assignment, "I was sent to the front line as one of the ATU
23 fighters." You remember him saying that, don't you, Mr Taylor?

24 A. That is correct.

10:15:06 25 Q. "Q. When you say front line, what front line are you
26 talking about?

27 A. At this time I was assigned to Bopolu target."

28 You remember him saying that, don't you, Mr Taylor?

29 A. That is correct.

1 Q. And then you remember him being asked what was happening at
2 this target or this front line at Bopolu and he answered that the
3 LURD rebels were advancing. You remember that, correct,
4 Mr Taylor?

10:15:33 5 A. Yes, I do remember that.

6 Q. And when he was asked, "You were fighting along with which
7 groups", he said, "There were militia groups. We used to call
8 them militia groups. Militia groups along with our troops." So
9 indeed, Mr Taylor, your ATU in early 2002 were fighting the LURD
10 outside of Monrovia, weren't they?

10:15:54

11 A. But that was not your question.

12 Q. That is my question, Mr Taylor. Would you answer it?

13 A. No, no.

14 Q. Mr Taylor, let me ask the question and you answer the
15 question.

10:16:03

16 A. I have answered you. I have answered you. I said yes.

17 Q. In early 2002 they were fighting outside of Monrovia,
18 correct?

19 A. That's what I've said, I've said yes. And I said that not
20 all the war. I said that they were involved in VIP protection in
21 Monrovia for most of the war, yes. It doesn't mean they didn't
22 have other assignment, yes. But your original question was about
23 2000.

10:16:12

24 Q. 2002, Mr Taylor. February 2002.

10:16:27

25 A. That's when he took the assignment, he said, outside.

26 Q. No, Mr Taylor. The question to you about the torture of
27 the dissidents was about February 2002?

28 A. Where did you say the torture occurred?

29 Q. In Tubmanburg.

1 A. But that's not - Tubmanburg is different than from what
2 Jabaty said. He was not in Tubmanburg. He just said in his
3 evidence where he was. He said he was, where, in Bopolu. That's
4 a different county.

10:16:58 5 Q. And indeed it's outside of Monrovia, correct?

6 A. Bopolu is outside of Monrovia, yes.

7 Q. And indeed at that time in early 2002 your ATU were
8 involved in fighting the LURD outside of Monrovia, correct,
9 Mr Taylor?

10:17:15 10 A. The ATU, what you are referring to, was involved in
11 fighting in Bopolu, he said, where he got his assignment.

12 Q. And is it your testimony they were involved in fighting
13 nowhere else in early February 2002?

14 A. No, I would not say that to these judges because I do not
10:17:33 15 know all of their assignments, so - I was not a commander of the
16 ATU, so I cannot say that they were not involved in any other
17 thing, I said, but most of their assignments were VIP in
18 Monrovia.

19 Q. Now, Mr Taylor, you will recall on 23 November I also ask
10:17:51 20 you about a July 2002 massacre in Tubmanburg where some 175
21 people were massacred on Benjamin Yeaten's orders. I suggested
22 to you that the victims were massacred at the Maher River bridge
23 in Tubmanburg because they were accused of being LURD
24 sympathisers. Do you recall that line of question to you on 23
10:18:21 25 November, Mr Taylor?

26 A. I can't really recall. But if you say so, I believe you.

27 Q. And that was at page 32295 to 32296. Mr Taylor, your
28 response to that was that that was totally incorrect; that you
29 were from Bomi, and this was like saying somebody came into your

1 house and killed your children and you wouldn't know. If any
2 such thing had happened, it would have reached you. You also
3 said that Benjamin Yeaten was never tried for massacres in Bomi
4 County because nobody ever brought up such a crime. You remember
10:19:04 5 that response, Mr Taylor?

6 A. Yes, I remember that response.

7 Q. Now, indeed, Mr Taylor, that response was not truthful, was
8 it?

9 A. That response was truthful. I was President of Liberia,
10:19:15 10 counsel, and, number 1, I would not even know what all happened
11 in the country, and people had to take responsibility. They had
12 Defence Minister, you had Justice Minister. That never reached
13 to me that there was a massacre.

14 Q. The killing of 175 people, that's mass murder, isn't it?

10:19:31 15 A. Oh, I would agree.

16 Q. And mass murder, those reports would reach you, wouldn't
17 they, Mr Taylor?

18 A. I would agree.

19 Q. And mass murder on the orders of your director of the SSS,
10:19:43 20 Benjamin Yeaten, those - such an incident would reach you,
21 wouldn't it, Mr Taylor?

22 A. If it had occurred, it would reach me.

23 Q. Indeed, it did occur, didn't it?

24 A. I would disagree. Because it didn't reach me, so I would
10:19:55 25 say I have to assume it didn't happen, because there were
26 responsible officials out there. There was a government. There
27 was no cowboy town. So if it didn't reach me as President, I
28 must say it didn't happen.

29 Q. Indeed, Mr Taylor, your government subordinates were

1 involved in that killing. Isn't that correct?

2 A. That is incorrect.

3 Q. And during that killing, babies and pregnant women were
4 also killed. Isn't that correct?

10:20:23 5 A. I have just told you - I have answered you that such an
6 issue never reached me, and I would assume if it had happened, it
7 would have reached me. It didn't reach me.

8 Q. And, indeed, Mr Taylor, your fighters mutilated the dead
9 before dumping their bodies into the river. Isn't that correct?

10:20:40 10 A. Not to my knowledge, counsel. I would say it's incorrect.

11 Q. And the victims were transported from Tubmanburg City under
12 the pretense they were being evacuated for safety and supplies.
13 Isn't that correct, Mr Taylor?

14 A. I have answered that, counsel. I have said that I have no
10:20:58 15 knowledge of this incident, and it never reached me as President.

16 Q. And, indeed, at the bridge director of the SSS, Benjamin
17 Yeaten, and his men were waiting awaiting these victims. Isn't
18 that correct?

19 A. That's a lot of fantasy, counsel. Pure fantasy, I would
10:21:17 20 believe.

21 MS HOLLIS: And, your Honours, if we could ask you to look
22 at tab 63 in annex 4. This is a Truth and Reconciliation
23 Commission of Liberia press release, "More revelations on Maher
24 massacres: Babies' heads smashed, pregnant women disembowelled".
10:22:57 25 That is tab 63 in annex 4, and you will note by the marking that
26 we are asking your Honours to consider this for impeachment.

27 PRESIDING JUDGE: This is the whole article?

28 MS HOLLIS: That is correct, Madam President.

29 PRESIDING JUDGE: Please give us a moment to read it.

1 MS HOLLIS: And, Madam President, as you are reading, let
2 me just add that we are of the view that this is not probative of
3 guilt for the same reasons we have argued in relation to the
4 previous matter for the incident of February 2002.

10:23:53 5 PRESIDING JUDGE: Namely, that it falls outside the
6 indictment period, or what?

7 MS HOLLIS: In that we are using it to impeach his
8 testimony relating to the conduct of his subordinates throughout
9 the NPFL period as well as the presidency, the fact that they did
10:24:10 10 not commit crimes and also his testimony about accountability,
11 that people were held accountable for the crimes that they
12 committed.

13 PRESIDING JUDGE: Ms Hollis, we have read the article in
14 the publication you have just drawn our attention to. No doubt
10:27:20 15 the article contains material that can go to proof of guilt of
16 the accused, but also can be used as a consistent pattern of
17 conduct for the crimes alleged in the indictment. Therefore,
18 based on our earlier reasoning, we do not think that the
19 Prosecution has satisfied the two-prong test required for use of
10:27:46 20 this document at this stage; accordingly, I would disallow its
21 use.

22 MS HOLLIS:

23 Q. Mr Taylor, you also recall, do you not, on 23 November I
24 asked you about an incident in July 2003 when over 70 of your
10:28:08 25 former combatants who had been wounded were moved and then
26 massacred on the instructions of Benjamin Yeaten. Do you recall
27 me asking you about that on 23 November?

28 JUDGE LUSSICK: Ms Hollis, did you say "70" or "700"?

29 MS HOLLIS: Seven zero, your Honour.

1 JUDGE LUSSICK: It's down on the LiveNote record as "700".

2 MS HOLLIS: Seventy. Seven zero. Thank you, your Honour.

3 Q. Mr Taylor, you recall me asking you about this incident?

4 A. Yeah, I don't remember the date. Yeah, I can remember some
10:28:50 5 questions came about, if I recall, ex-combatants or injured
6 soldiers that were ordered executed. I remember that line of
7 questioning.

8 Q. And, Mr Taylor, you recall saying that that was totally
9 incorrect?

10:29:13 10 A. That is correct.

11 Q. That there are about two different versions, but that never
12 happened. You remember that, Mr Taylor?

13 A. Yes.

14 Q. And then you were asked again - we are looking on 23
10:29:28 15 November and we are at page 32297, Mr Taylor? Do you recall
16 this? You were asked that the people were moved on the pretext
17 of being paid and then massacred, and your answer was that was
18 totally, totally incorrect. "And these are the people that you
19 are referring to that are supposed to - massacred at Schefflein."

10:29:52 20 And then you are asked, "You say that didn't happen?" And,
21 Mr Taylor, you respond, "Never happened. Never happened."

22 A. Yes, that's --

23 PRESIDING JUDGE: Sorry, Ms Hollis, massacred at where?

24 MS HOLLIS: This is the massacre of former combatants.

10:30:12 25 PRESIDING JUDGE: But what was the location you just named?
26 Was that Schefflein?

27 MS HOLLIS: This was an answer that Mr Taylor gave:
28 "Totally, totally incorrect. And these are the people you are
29 referring to that are supposed to - massacred at Schefflein."

1 That was Mr Taylor's answer. That was not in the question:

2 Q. Now, Mr Taylor, indeed, once again that answer was not
3 truthful, was it?

4 A. Very truthful.

10:30:41 5 Q. Indeed, Mr Taylor, in July 2003, some 78 wounded soldiers
6 were murdered on the instruction of Benjamin Yeaten, isn't that
7 correct?

8 A. That is - to my - best of my knowledge that is not correct,
9 and I remember my answer; it hasn't changed. Because there is
10:31:01 10 another version that they were executed after I left Liberia in
11 August. So if it had happened in July, Schefflein - it's a
12 military base - that is something that would have had to reach
13 me.

14 Q. And Mr Taylor --

10:31:13 15 A. It never happened.

16 Q. -- these victims were transported from Monrovia to Combat
17 Camp on the pretext that they were going to be paid, isn't that
18 correct?

19 A. Where is Combat? I don't know where Combat Camp is. I
10:31:33 20 don't - I have no knowledge of what you are talking about,
21 counsel, whatsoever.

22 Q. And it is there that they were killed on the instruction of
23 Benjamin Yeaten; isn't that correct?

24 A. I have no knowledge of that. That sounds like an
10:31:46 25 impossibility. I do not know where Combat Camp is. I know of no
26 such camp in Liberia. So I really don't know, counsel.

27 Q. Mr Taylor, in fact you were made aware of these killings,
28 were you not?

29 A. I was not.

1 Q. In fact, Mr Taylor, these ex-soldiers of yours, these
2 wounded soldiers, were an embarrassment to you, weren't they?

3 A. Why would a - why - no. Why would someone that sacrificed
4 his life for his country be an embarrassment to me? No. I took
10:32:18 5 care of them. No.

6 Q. They were wounded and they were demanding payment because
7 you had not taken care of them?

8 A. That's not correct. That is not correct. I would never,
9 never - one thing, I never demean my soldiers, people that fought
10:32:30 10 in that country, never. Whether even enemy soldiers, I respected
11 them. We captured generals from LURD and other opposing forces
12 and we took care of them and I even had them released as I left
13 office in August 2003. No.

14 Q. Mr Taylor, these wounded soldiers of yours were actually
10:32:54 15 publicly demonstrating when you would be out in public. Isn't
16 that right?

17 A. Counsel, that's - no, no, no, no.

18 Q. And so just before you left office, these wounded soldiers
19 were taken care of by your SSS commander, Benjamin Yeaten. Isn't
10:33:17 20 that correct?

21 A. That's total nonsense. It's total nonsense.

22 MS HOLLIS: Your Honours, we would ask that you look again
23 at the Liberian Truth and Reconciliation Commission final report,
24 page 187. Your Honours, it's the second entry from the bottom of
10:35:07 25 the page relating to July 2003, murder of 78 wounded soldiers on
26 the instruction of Benjamin Yeaten at Combat Camp. We are asking
27 that you consider it for impeachment and we rely on our arguments
28 as to why this should be considered for impeachment and not as
29 probative of guilt.

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: This excerpt of the TRC report, the July
3 2003 on page 187, in our opinion does contain material that could
4 not only go to proof of guilt but could also show a consistent
10:38:06 5 pattern of conduct on the part of the accused. We hold that the
6 Prosecution through their former arguments have not exhibited the
7 twofold test required for use of this document. I rule,
8 therefore, that you cannot use this excerpt.

9 MS HOLLIS:

10:38:36 10 Q. Mr Taylor, after you became President your subordinates
11 continued to commit crimes against the people of Liberia in a
12 widespread manner. Isn't that correct?

13 A. What do you mean by my subordinates? All the citizens of
14 Liberia are my subordinates when I become President. Who are you
10:38:53 15 speaking about.

16 Q. The citizens of that country are your subordinates,
17 Mr Taylor?

18 A. In our way, yes.

19 Q. Aren't you really their subordinate?

10:39:02 20 A. The citizens of the country, all citizens of Liberia,
21 because of the ranking, are subordinate to me as President.

22 Q. Mr Taylor, then let's rule out the people who are not in
23 your security forces and let's talk about your subordinates who
24 were in the security forces and we would include in that the
10:39:27 25 Special Security Services, the ATU, the police. We would also
26 include in that your militias and we would include your AFL that
27 you finally did have some semblance of. So, Mr Taylor, your
28 subordinate in these security forces, when you were President,
29 carried out crimes against the civilians of Liberia in a

1 widespread manner. Isn't that correct?

2 A. Well, I guess we still have some problems because as
3 President of Liberia - I was President of Liberia. It's a little
4 argumentative, but those people also had superiors and they were
10:40:13 5 subordinates. So, you know, we have used this word in this Court
6 very loosely about subordinates. So as President of Liberia, now
7 I am taking responsibility for police, militia and all of these
8 things in the general term of subordinates. So I don't really
9 know, your Honours, how to answer this. If you are asking me if
10:40:33 10 security personnel within the republic - but to begin, you know
11 for me to continue to except this phrase as my subordinates, I
12 object to the phrase and I don't know how to answer this
13 question. If you are asking me about did things happen in
14 certain agencies of government, I will be able to answer it. But
10:40:53 15 I refuse to accept that they constituted my subordinates.

16 Q. So the civilians of Liberia were your subordinates, but
17 these people weren't; is that what you are telling the Court?

18 A. No, all people. But now you are talking about their
19 actions and now they are being attributed as my subordinates
10:41:11 20 carrying out actions. That's different from an ordinary citizen.
21 So I will answer your question if you specify did a security
22 force do this, I will answer truthfully. But now to categorise
23 the actions of individuals in security forces as my subordinates
24 I think has legal implications.

10:41:30 25 Q. And indeed, Mr Taylor, you were aware of all of these
26 crimes that were being committed by these individuals in the
27 various security forces, weren't you?

28 A. No, I was President of Liberia. It was impossible for me
29 to be aware, and that test - I would never pass that test if I am

1 supposed to be aware of everything happening by every individual
2 in the security forces of Liberia. I would fail that test.

3 Q. And you were aware of mass killings, were you not,
4 Mr Taylor?

10:42:01 5 A. No, I was not.

6 Q. And you did not take any action against those mass
7 killings, did you, Mr Taylor?

8 A. No, that is incorrect. Any crime that was committed in the
9 Republic of Liberia, I expected under the constitution that the
10 legitimate authority would take action. The President did not
11 have to act in any particular instance. It is the responsibility
12 under our constitution and laws for officials to act, and I did
13 not disrupt that process.

14 Q. And indeed, Mr Taylor, during your presidency, your
10:42:39 15 militias through their chain of command reported directly to you,
16 did they not?

17 A. No. Again I want us to add some time period. I told these
18 judges on yesterday that militias came about beginning a specific
19 period. Between 1997 up to the time that LURD attacked, there
10:43:00 20 were no militias. Now you have generalised militias and I have
21 to object to the generalisation and then answer no.

22 Q. And indeed, Mr Taylor, during your presidency the members
23 of the SSS through their chain of command reported directly to
24 you as well. Isn't that correct?

10:43:18 25 A. I have said in my evidence here no. The SSS fell under the
26 authorisation of the Minister of State. I have said to these
27 judges, yes, from time to time, if the need arose, I spoke to the
28 director. But the SSS did not fall under the office of the
29 President, just like in some countries it's the same. For

1 example, you may or may not know in the United States the Secret
2 Service falls under the treasury department.

3 Q. Mr Taylor, would you please answer the questions you are
4 being asked?

10:43:45 5 A. I have answered you.

6 Q. Mr Taylor, it's also true during your presidency, is it
7 not, that through the chain of command the members of the ATU
8 reported directly to you?

9 A. That is not correct.

10:43:56 10 Q. Indeed, Mr Taylor, you had direct control over your
11 commanders in the armed forces as well. Isn't that correct?

12 A. No, no. I mean, counsel, I don't know what you mean
13 really. When you say direct over my commanders, what do you
14 mean?

10:44:16 15 Q. Your commanders, your military commanders, through their
16 chain of command reported directly to you, didn't they?

17 A. No, I would not say that. The President of Liberia does
18 not command a general in the field. The President of Liberia
19 under our laws and constitution deals directly with the Minister
10:44:35 20 of Defence through the chain of command. No.

21 MS HOLLIS: Madam President, we are looking at what is line
22 18 of page 36, the question: Indeed, Mr Taylor, during your
23 presidency, the question was, your militias through their chain
24 of command reported directly to you. The word "militias" does
10:45:06 25 not appear on our text. His answer is, "No. Again I want us to
26 add some time period", and then he talks about militias coming
27 into being at a specific time:

28 Q. Indeed, Mr Taylor, in terms of the crimes that were being
29 committed against civilians in Sierra Leone, indeed it was

1 business as usual; simply a continuation of the way civilians
2 were being treated in Liberia. Isn't that correct?

3 A. I have no knowledge of the activities in Sierra Leone, so
4 it's not a matter of business as usual. I had no authority,
10:45:55 5 command and/or control or any supervision or knowledge of the
6 day-to-day activities in Sierra Leone. So that particular
7 question presupposes that I did. I did not and that's totally
8 erroneous.

9 Q. Mr Taylor, your testimony on these matters to these judges
10:46:16 10 has been untruthful throughout. Isn't that correct?

11 A. Very truthful. Truthful throughout.

12 Q. Now, Mr Taylor, you have told these judges that as the
13 leader of the NPFL you did not use children as soldiers. Do you
14 remember telling the judges that?

10:46:39 15 A. Yes, I remember telling the judges. What my evidence is is
16 recorded. That's a part of the evidence, yes.

17 Q. And you said that children seen carrying rifles were not
18 trained for combat or involved in combat. Do you remember saying
19 that, Mr Taylor?

10:47:00 20 A. That is correct.

21 Q. That if they had arms, they were just carrying them for
22 their brothers and family members. Correct?

23 A. That is correct.

24 Q. And you said that children were used to cook food, wash
10:47:12 25 clothes, man gates and search vehicles. You remember telling the
26 judges that?

27 A. By their families, yes.

28 Q. And they never entered combat, you remember that?

29 A. Yes, from the best of my knowledge, they never entered

1 combat. It was not a policy of the NPFL to send children to war,
2 no.

3 Q. And, Mr Taylor, once again that is not truthful testimony
4 on your part, is it?

10:47:36 5 A. On my part it's truthful. What their brothers did, I would
6 say, even if they did, it was wrong. That's my testimony. There
7 was no policy, neither did I command any child into combat.

8 Q. Mr Taylor, these children that were used to man gates, they
9 were armed when they manned these gates, weren't they?

10:47:57 10 A. I never saw any of them. As I drove to gates, I never saw
11 any armed child at a gate --

12 Q. That's just not true --

13 A. -- because I would have - I would have intervened. That's
14 very true.

10:48:09 15 Q. That is just not true, is it, Mr Taylor?

16 A. That is true.

17 Q. In fact, Mr Taylor, you yourself had armed children, some
18 of them as young as eight years old; isn't that right?

19 A. That's totally nonsense. That's not true. Every kid that
10:48:22 20 I could - picked up, I put in an orphanage in Gbarnga.

21 Q. And indeed, Mr Taylor, children fought and died for your
22 NPFL; isn't that correct?

23 A. No, not by my orders, no. Not by my orders.

24 Q. And certainly to your knowledge that occurred, isn't that
10:48:44 25 right, Mr Taylor?

26 A. If what occurred? That children died during the war --

27 Q. Fought and died in combat in your NPFL?

28 A. Not on my orders.

29 Q. To your knowledge, Mr Taylor, that happened, didn't it?

1 A. I have no knowledge of that because those were not my
2 orders.

3 Q. Indeed, also, Mr Taylor, when these children searched
4 vehicles they were armed when they did that; isn't that correct?

10:49:08 5 A. I - I - no, I have no - I wouldn't say so. Because I did
6 not see them armed, and so I do not know as to whether they
7 searched with arms. I have no knowledge of that.

8 Q. Now, indeed, Mr Taylor, during the conflict in fact there
9 were photographs taken that showed your children with arms; isn't
10:49:37 10 that right?

11 A. Well, the only photograph I have seen from documents you
12 have presented - and I didn't see the arms - I cannot identify
13 these people. I don't know whether they were Liberians or
14 Angolans or Congolese. I have no idea who they are.

10:49:56 15 Q. Mr Taylor, they were members of your NPFL, isn't that
16 right?

17 A. I would dispute that.

18 Q. And indeed, you used members of your NPFL - as far back as
19 1990 you used children to patrol the border with Ivory Coast;
10:50:13 20 isn't that correct?

21 A. That is not correct. That is not correct.

22 Q. And it was well known to you that there were many small
23 children who acted as bodyguards for your commanders; isn't that
24 correct?

10:50:28 25 A. I have - no, not to my knowledge that acted as bodyguards.
26 I have said that bothers took their people around with them. As
27 to whether they served as bodyguards, I do not think that is
28 true. You did not - I answered you before on you said that
29 children were protecting borders. You didn't tell me which

1 border I just answered --

2 Q. The border with Ivory Coast, Mr Taylor --

3 A. It's a long border.

4 Q. -- in 1990?

5 A. That's a long border.

6 Q. Well, Mr Taylor, it's very simple. Did you have children
7 protecting any part of that border --

8 A. No, I --

9 Q. -- I basically wanted to say "patrolling", not

10:50:57 10 "protecting". Patrolling the border.

11 A. Patrolling the border. Well, no, that is not true. You
12 know, I see you're skirting around. From documents that you've
13 presented, I saw a photograph around what? March 1990 of a young
14 man that was alleged to be an NPFL soldier at Loguato. That's
10:51:29 15 interesting, because by March of 1990 the INPFL was at Loguato.
16 We attacked at Gbutuo. So I, Charles Ghankay Taylor, entered
17 Liberia in April. There were no children that I ordered or knew
18 of that were commanding - I mean, patrolling any border. That is
19 incorrect.

10:51:50 20 Q. Mr Taylor, you recall that photograph of that young man
21 with the weapon, correct?

22 A. I saw the photograph from documents that you presented. I
23 don't know the young man. I'm not - I don't know if he is
24 Liberian. The weapon he is holding, I am not familiar with it.
10:52:09 25 It's not one of the weapons that the NPFL used, so he could be
26 from another country. I have no idea of where this young man is
27 alleged to be from.

28 Q. And indeed, Mr Taylor, you are well aware that he was a
29 member of your NPFL; isn't that correct?

1 A. I have just told you. No, that's totally incorrect.

2 MS HOLLIS: And your Honours, we would ask that you look at
3 the document at tab 14 in annex 3:

4 "Photograph of NPFL child soldier from guardian.co.uk,
10:52:35 5 National Patriotic Front of Liberia. Fighter holds a machine gun
6 as he patrols the border village of Loguato on April 30, 1990",
7 and it gives the name of the photographer.

8 Your Honours, we accept that there is a theoretic
9 probative-of-guilt argument that can be made for this photograph.
10:53:34 10 We are using this photograph as impeachment of this witness'
11 testimony that he never had child soldiers; that they were not -
12 that the children around them were not armed, and we would rely
13 on our earlier arguments as to the permissible use of this
14 photograph.

10:53:58 15 PRESIDING JUDGE: Ms Hollis, do you have a clearer copy of
16 this photograph? From my own very poor copy, I cannot tell if
17 this is a child or an adult.

18 MS HOLLIS: If we could ask that the judges be provided
19 with the colour copy that was provided to Court Management, and
10:54:27 20 if that could perhaps first be shown to the Defence.

21 Your Honours, when we distributed the bundle to
22 your Honours, we did have a colour copy in the bundle that we
23 distributed.

24 PRESIDING JUDGE: Mr Griffiths, you want to address the
10:55:48 25 Chamber?

26 MR GRIFFITHS: Yes, please, Madam President.
27 Madam President, apart from the usual argument, which is conceded
28 by my learned friend, that potentially this is probative of
29 guilt, part of the difficulty with evidence of this nature is -

1 particularly in the form in which it's sought to be used - is:
2 One, there is no evidence as to who took this photograph; there
3 is no evidence as to where it is taken; there is no evidence as
4 to the age of the person in the photograph. So consequently,
10:56:26 5 used in this way, the tribunal of fact is being asked essentially
6 to speculate on a number of matters and in our submission,
7 evidence of such speculative nature ought not to be admitted.

8 PRESIDING JUDGE: Ms Hollis, I will allow you to respond to
9 those comments, if you wish to.

10:56:49 10 MS HOLLIS: Thank you. First of all, on the caption is:
11 "Pascal Guyot, AFP", which, as is normally written, would be the
12 photographer. Secondly, there is --

13 PRESIDING JUDGE: Where is that?

14 MS HOLLIS: "Pascal Guyot" --

10:57:06 15 PRESIDING JUDGE: Where is that on the --

16 MS HOLLIS: -- is under the description.

17 PRESIDING JUDGE: Where?

18 MS HOLLIS: Madam President, if you look at the photograph
19 and you look to the right:

10:57:16 20 "A National Patriotic Front of Liberia fighter holds a
21 machine gun as he patrols the border village of Loguato on April
22 30, 1990. Pascal Guyot, AFP".

23 So we would suggest that that is indicative of who took the
24 photograph. The description, "... as he patrols the border
10:57:37 25 village of Loguato on April 30, 1990" is indicative of where the
26 photograph was taken. But, nonetheless, Madam President, the
27 matters that were raised by Defence counsel are matters that go
28 to the weight to be attributed a document, not to its relevance
29 or admissibility. And in fact, Defence counsel himself on prior

1 occasions has argued to your Honours that relevance is the key
2 that should be considered; that your Honours can look at this
3 person and judge for yourselves the age of this person and if you
4 find you cannot do that, you can find that no weight would be
10:58:17 5 given to the information.

6 So we suggest that the comments by Defence counsel go to
7 any weight which would ultimately be given to this document and
8 not to whether it would be permissible to use it, and ultimately
9 whether it would be permissible to admit it into evidence.

10:58:40 10 PRESIDING JUDGE: Thank you. Allow me to confer.

11 [Trial Chamber conferred]

12 PRESIDING JUDGE: We've looked at this photograph. This is
13 the kind of material, in our view, that could have been led
14 during the Prosecution case in chief; it wasn't, and therefore
11:00:04 15 poses as new material. It's definitely probative of the guilt of
16 the accused. It also shows a consistent pattern of conduct. In
17 the premises we consider that the arguments put forward by the
18 Prosecution - that you have put forward consistently - do not
19 meet the two-prong test that we require for use of this document
11:00:34 20 in cross-examination. We therefore disallow its use.

21 MS HOLLIS:

22 Q. Now, Mr Taylor, it is true, is it not, that in September
23 1990 you had in your own camp in Liberia 14- to 16-year-old boys
24 who were heavily armed; that's true, isn't it?

11:00:59 25 A. In which camp?

26 Q. Your headquarters where you were located in Liberia,
27 Mr Taylor.

28 A. Where was I located in Liberia in September 1990?

29 Q. Mr Taylor, you know that. Where were you?

1 A. No, you tell me. Because you are asking me the question;
2 I'm answering you.

3 Q. And in fact, Mr Taylor - well, you're not answering at all,
4 Mr Taylor. But in fact, when Herman Cohen visited you he
11:01:20 5 observed these heavily-armed 14- to 16-year-old boys; isn't that
6 correct, Mr Taylor?

7 A. You see, that's why I asked you to be specific. Because
8 now you come, you said in my camp where I was stationed --

9 Q. Mr Taylor, when Herman Cohen visited you he saw these
11:01:36 10 heavily-armed 14- to 16-year-old boys, didn't he?

11 A. Well, I disagree. I introduced the thing to point out the
12 inconsistencies where people speculate, and that's why I
13 introduced - Herman Cohen saw men. He chose - Herman Cohen,
14 without asking them their ages or investigating, he chose to come
11:02:01 15 up with an age range, and I disagree with Herman Cohen. That's
16 why we introduced the document, to show how people speculate.
17 Herman Cohen was wrong, and I confronted him about his wrongness.
18 That's why we introduced that document. I confronted him.

19 Q. Actually, you didn't confront him at all, did you,
11:02:17 20 Mr Taylor?

21 A. I did. I did.

22 Q. Because that was business as usual for you --

23 A. Total nonsense, no.

24 Q. -- these young boys who were heavily armed?

11:02:28 25 A. That's not true. I confronted Herman Cohen. That's why we
26 chose to introduce that document, to show the inconsistencies and
27 the speculation on the part of individuals that have been widely
28 talking and writing.

29 Q. That's your version of events, yes, Mr Taylor?

1 A. That's my evidence.

2 Q. If we could look at MFI-192, please, at page 154. This is
3 the chapter in Herman Cohen's book, the chapter that relates to
4 Liberia. MFI-192, page 154. That was DCT-265, tab 102, binder 2
11:04:08 5 of week 33. We are looking at the second full paragraph on that
6 page beginning, "On 20 September":

7 "On 20 September, in the most interesting experience of the
8 mission, we flew to the northern Cote d'Ivoire airport at Man.
9 There, joined by our ambassador in Abidjan, Kenneth Brown, we
11:05:18 10 boarded" - I apologise, Mr Taylor, the document was not before
11 you when I began to read.

12 PRESIDING JUDGE: Ms Hollis, according to Justice Doherty's
13 record, and she keeps a manual hard copy of a record, she has
14 this very page, 154, and these very paragraphs that you are
11:06:39 15 reading as having been put to the witness on 2 December 2009.
16 She also has a record of the answers that the witness gave. Now,
17 the question is why are you putting the questions again to the
18 witness?

19 MS HOLLIS: The witness has told your Honours that Mr Cohen
11:07:05 20 was speculating about age. I want to go to the language that
21 Mr Cohen used because there is nothing in there that is
22 speculative of nature. That is the simple point.

23 PRESIDING JUDGE: Yes, but what is the point when you
24 canvassed this very paragraph earlier on in December?

11:07:27 25 MS HOLLIS: At that point in time, Madam President, we were
26 not dealing, at least to my recollection, with the accused
27 indicating this speculative nature of this answer, the
28 information given.

29 PRESIDING JUDGE: But this was cross-examination of the

1 accused. If we continue like this, we will never finish. I
2 believe that you had your opportunity, this excerpt came up. In
3 fact I think the whole page was put to the accused. His answers
4 are on the record. He has put some more answers on the record
11:07:59 5 now. There really is no point to be served in going over this
6 ground again. I think you should move on.

7 MS HOLLIS: I certainly accept your Honour's ruling.

8 PRESIDING JUDGE: You should move on.

9 MS HOLLIS: And I will move on:

11:08:28 10 Q. Mr Taylor, it's also true, is it not, that in April 1991 in
11 fact a Liberian newspaper was showing photographs of young
12 commandos of the NPFL?

13 A. In 1991, Liberian newspapers?

14 Q. Yes, in fact the Liberian newspaper, The Eye, showed a
11:08:52 15 photograph of a NPFL young commando. Do you recall that,
16 Mr Taylor?

17 A. Well that, I don't recall that. It would be completely
18 impossible. The Eye is in Monrovia and there is no reporter from
19 Monrovia in 1991 in our area. So I don't know where - I
11:09:13 20 haven't - I would doubt very much anyone associated with Monrovia
21 would have had an opportunity to be behind the lines to take
22 pictures. That would be false if he claimed so.

23 Q. Indeed, Mr Taylor, the young commando was armed in the
24 photograph, and your young fighters indeed were armed, weren't
11:09:40 25 they?

26 A. Ms Hollis, during this period of propaganda I would say no.
27 To come up with a picture and say this is an NPFL or a ULIMO or a
28 what is virtually, virtually impossible during this. 1991 is the
29 heat of the war. There is no paper from Monrovia or journalist

1 or photographer that was in NPFL area. So I would say that that
2 picture is a fabrication and a hoax.

3 Q. And indeed, Mr Taylor, The Eye newspaper on 30 April 1991
4 also showed photographs of your soldiers that included young
11:10:25 5 boys. Isn't that correct?

6 A. I don't know what The Eye shows. But I am trying to say
7 that it's not possible because whatever Eye it is, it is in
8 Monrovia, it is not in NPFL area. And in fact The Eye newspaper
9 we subsequently got to know was a propaganda paper that was
11:10:45 10 broadcast - I mean that was being done by I think Amos Sawyer at
11 the time and it was just for propaganda purposes. There is no
12 such thing that I am aware of from The Eye and it's a
13 fabrication.

14 Q. Indeed, Mr Taylor, these photographs depict these young
11:11:04 15 armed boys as your soldiers and that is an accurate depiction,
16 isn't it?

17 A. I would say no.

18 MS HOLLIS: I would ask your Honours to look at tab 195 in
19 annex 1. We do have the original of that to provide to CMS to
11:11:37 20 show your Honours. It would be binder number 3 of annex 1 and
21 because of the numbering of the tabs you would actually see it as
22 95. You see, "The Eye, April 30, 1991, Monrovia, Liberia."

23 Your Honours, the photographs that we are talking about
24 appear on the first page, the caption, "An NPFL young commando".
11:14:25 25 On page 5, the photographs with the caption, "Soldiers of the
26 National Patriotic Front of Liberia, NPFL", and, "This boy is an
27 NPFL soldier".

28 Your Honours, the Prosecution's intended use for these
29 photographs is impeachment. We accept that there is the

1 hypothetical probative of guilt argument which could be made and
2 we rely on our earlier submissions in relation to our permission
3 to use this material.

4 MR GRIFFITHS: Madam President, can I just invite
11:16:00 5 your Honours to consider, when making a decision on this, that
6 it's to be noted that the publication is dated 30 April 1991.
7 It's printed in Monrovia. Question: Were the NPFL in control of
8 Monrovia at that time such that such a photograph could be
9 produced in that publication?

11:16:31 10 PRESIDING JUDGE: Just because it's printed in a location
11 doesn't necessarily mean all the photographs in it are taken in
12 that location, as such.

13 MR GRIFFITHS: The point I am making, Madam President, is
14 whether or not access to NPFL areas was available to
11:16:56 15 photographers attached to that newspaper. So it seems to us that
16 there is a degree of foundation which must be laid before we go
17 straight to looking at this photograph.

18 PRESIDING JUDGE: We have looked at the photograph in light
19 of our ruling of 30 November. In our view, the photograph, if it
11:17:21 20 is to be believed, would potentially go to the guilt of the
21 accused, as well as to consistent pattern of conduct. This is
22 evidence that could have been led during the case in chief, it
23 was not, and therefore now poses as new evidence that goes to
24 proof of guilt. Considering the arguments put forward by the
11:17:48 25 Prosecution in regards to this and other evidence, we would
26 disallow the use of this evidence based on the fact that the
27 two-prong test has not been met. I don't think I would go into
28 the other arguments. It's not necessary.

29 MS HOLLIS:

1 Q. Mr Taylor, it is correct, is it not, that you used children
2 as young as ten years of age to man your checkpoints?

3 A. That is not true. I did not have anybody man any
4 checkpoint.

11:18:33 5 Q. I am sorry, Mr Taylor. I overran you. Would you repeat
6 what you just said?

7 A. Based on your question, I would say, no, I never ordered
8 any child to man any checkpoint.

9 Q. Mr Taylor, you have used children as young as ten to man
11:18:49 10 your checkpoints. Isn't that correct?

11 A. I did not use any child as young as ten to man a checkpoint
12 on my orders, no.

13 Q. And, indeed, Mr Taylor, manning those checkpoints, these
14 children had weapons. Isn't that correct?

11:19:06 15 A. Not to my knowledge, no. I have answered that before.

16 Q. But, Mr Taylor, you didn't have people manning your
17 checkpoints who were unarmed, did you?

18 A. There were soldiers there. If there - like I said, some of
19 them had their relatives around them, that I do not deny. I did
11:19:23 20 not order any child to man any checkpoint.

21 Q. And you were aware of the use of children as young as ten
22 years old to man your checkpoints, weren't you?

23 A. No, I was not aware. I'm saying I - well, the way the
24 question is posed, I am aware that soldiers in those areas had
11:19:40 25 some of their families there and I have told the Court.

26 Q. And, in fact, Mr Taylor, one of the ways that you used
27 children was to man gates. Isn't that right?

28 A. That is not correct. I did not order any child to man any
29 gate.

1 Q. And, Mr Taylor, one of the ways you used children was to
2 man gates. Isn't that correct?

3 A. That is not correct.

4 Q. And manning gates, gates are the same as checkpoints.
11:20:12 5 Isn't that correct, Mr Taylor?

6 A. They are similar to, yes.

7 Q. Mr Taylor, let's take a look at your testimony of 16 July
8 2000 --

9 PRESIDING JUDGE: Please pause. Please pause.

11:20:27 10 MR GRIFFITHS: Madam President, can I make an inquiry
11 because it's unclear to me, is it being suggested that the
12 defendant personally ordered children to man gates and carry out
13 the other functions or is it being suggested that this was being
14 done with his knowledge and did he not nothing about it? I would
11:20:50 15 like some clarification so that I know what the nature of the
16 case we have to meet actually is on this issue.

17 PRESIDING JUDGE: Ms Hollis, could you kindly respond to
18 that inquiry?

19 MS HOLLIS: The inquiry, your Honour is, is both, that he
11:21:10 20 ordered it, that he was aware of it, that he did nothing to
21 prevent it. Indeed, it was part of the way the NPFL operated,
22 this use of children to man gates as well as in combat and other
23 situations where they carried arms.

24 PRESIDING JUDGE: Thank you, Ms Hollis. I think that
11:21:36 25 clarifies matters. Please carry on.

26 MS HOLLIS: Thank you:

27 Q. Now, 16 July 2009, page 24699. Indeed,
28 Madam Court Officer, to be sure that we have the context, if we
29 could start first with 24698 and then we will go to 24699.

1 Mr Taylor, this is in response to your statement, what I have at
2 my page 53, the question was: "One of the ways you used children
3 was to man gates. Isn't that correct?" And your answer is:
4 "That is not correct," which, Mr Taylor, is inconsistent with
11:22:51 5 your prior testimony to this Court, isn't it?

6 A. Excuse me. Are you reading or are you asking me a question
7 now?

8 Q. Your testimony that it is incorrect that you used children
9 to man gates, that is inconsistent with your prior testimony to
11:23:10 10 this Court, isn't it?

11 A. Not to the best of my knowledge.

12 Q. Well, are we on page 24698 of the transcript. Could I see
13 the top of that page, please? We look at line 19 and the
14 question to you, Mr Taylor, by your lead Defence counsel:

11:23:37 15 "Q. What about the use of child soldiers?

16 A. No."

17 And then you talk about what we have mentioned before, your
18 soldiers taking along younger members of the family. "He would
19 carry food. He would carry maybe even your rifle."

11:24:03 20 And then let's go over the page, Mr Taylor, 24699, line 6,
21 and this is you, Mr Taylor, answering the question:

22 "They were not trained for combat and did not engage in
23 combat. They were used to cook food; they were used to wash
24 clothes; they were used to man gates."

11:24:27 25 So, Mr Taylor, it's correct, isn't it, that on 16 July you
26 told these judges that these children were used to man gates?

27 A. Yes, that's what the explanation says, yes.

28 Q. And, indeed, Mr Taylor, you had children as young as ten
29 years old manning these gates. Isn't that correct?

1 A. Well, no, I would not say they were as young as ten years
2 old. But that's not the whole context there though.

3 Q. Mr Taylor, I am not asking context. I am asking you, in
4 fact, when you told the Court just now that you did not use
11:25:05 5 children as young as ten years old to man gates you were not
6 testifying truthfully to this Court, were you?

7 A. I was testifying truthfully. I think I said in that same
8 statement you just read that children under 18. You've put the
9 age to ten. They could be 17.

11:25:21 10 Q. Mr Taylor, answer the question, please.

11 A. I was telling them the truth, that I did not order anyone
12 under - I mean, at ten to man gates. I said there were people
13 there that were young with their relatives and they did man
14 gates.

11:25:37 15 Q. Now, Mr Taylor, and indeed the people who manned your gates
16 were armed, correct?

17 A. No, not all - no, no, that's not correct.

18 MS HOLLIS: Your Honours, I would ask that you look at tab
19 193 in annex 1. Again, this is in binder 3, and it will be shown
11:26:00 20 there as number 93. Again, we do have the newspaper, a copy of a
21 newspaper which may give you a better view. It is an article at
22 page 4 of the newspaper, "A visit to Gbarnga".

23 PRESIDING JUDGE: The copies that the judges have are
24 totally illegible.

11:27:04 25 MS HOLLIS: Yes. If I could ask that that be shown to the
26 Defence first and then to the judges, please, and we are looking
27 at page 4 of this newspaper. Page 4, "A visit to Gbarnga" by
28 Gabriel Williams. On page 4, we are asking your Honours, for the
29 context of the article, to look at the first paragraph in the far

1 left column. And then in the second paragraph from the left, we
2 are asking you to consider the information which begins a little
3 more than half the way down, "With Isaac Musa leading the convoy
4 we immediately took off", and we are asking you to consider the
11:29:12 5 rest of the information in that column to the bottom, "Manned by
6 mostly young boys, some of them less than ten years old." And,
7 again, we are asking that this be considered for impeachment. We
8 do appreciate that there is the possibility of considering it to
9 be probative of guilt and we rely on our prior arguments.

11:29:36 10 PRESIDING JUDGE: Ms Hollis, I would propose in view of the
11 time that we take a break at this stage and we retire since we
12 have the one copy and it's really a difficult copy to read
13 because it's pretty illegible, that this would allow the judges
14 time to read the passages you've asked us to read, and when we
11:30:02 15 return, I will give a ruling.

16 MS HOLLIS: Thank you, Madam President.

17 PRESIDING JUDGE: So we will return at 12 o'clock. We
18 adjourn now.

19 [Break taken at 11.30 a.m.]

12:01:07 20 [Upon resuming at 12.00 p.m.]

21 PRESIDING JUDGE: Mr Griffiths, I've been reading this
22 article, we've been reading the article, out of The Inquirer and
23 it's not immediately clear as to who the children were, but I'd
24 like to give you an opportunity to respond to the request by the
12:03:22 25 Prosecution for permission to use it.

26 MR GRIFFITHS: Well, before I do so, Madam President, I
27 would like an opportunity of reading the article. I looked at it
28 briefly, but I haven't read it.

29 Yes. Thank you for that opportunity. It is quite clear,

1 Madam President, your Honours, that the article contains
2 references to events within NPFL areas, we are told, which are
3 clearly probative of guilt and, indeed, probative of one of the
4 specific counts on the indictment. In our submission, the
12:05:23 5 Prosecution have failed to justify, based on the two-prong test
6 announced by your Honours, why this material should be introduced
7 at this stage and why it was not introduced as part of their
8 case. So that would be my objection.

9 PRESIDING JUDGE: Thank you. Ms Hollis, I don't think it's
12:05:48 10 necessary to respond, but I will say this: Having heard from the
11 Defence and having conferred with my colleagues during the break,
12 there's no doubt that this article contained in The Inquirer does
13 contain information that goes to proof of the guilt of the
14 accused. This is information which, as the Defence observes,
12:06:17 15 could have been led in chief, in the Prosecution case in chief,
16 but that wasn't and that therefore it now poses as new
17 information that is probative of the guilt of the accused and
18 that requires a satisfaction of the two-prong test which we hold
19 has not been the case. Accordingly, I rule that you cannot use
12:06:42 20 the excerpt during cross-examination.

21 MS HOLLIS: Madam President, if I could retrieve that
22 newspaper:

23 Q. Mr Taylor, Operation Octopus in October 1992 was an NPFL
24 military operation. Isn't that correct?

12:07:20 25 A. That is correct.

26 Q. And it was an NPFL combat military operation. Isn't that
27 correct?

28 A. Yes.

29 Q. And the fighting in relation to Operation Octopus also

1 included fighting around Monrovia. Isn't that correct?

2 A. Well, counsel, help me. When you say "included fighting
3 around Monrovia", I don't understand the --

4 Q. Well, part of that operation was fighting around Monrovia.
12:07:58 5 Isn't that correct, Mr Taylor?

6 A. The operation was fighting in Monrovia, not part of.
7 That's why I asked the question.

8 Q. And, indeed, it entered into Monrovia as well, this
9 fighting, during Operation Octopus?

12:08:13 10 A. Well, I would - no. We did not succeed in - well, I don't
11 know how to put it. We did not enter Monrovia. We fought on the
12 outskirts of Monrovia. We did not succeed in entering Monrovia.

13 Q. And, indeed, Mr Taylor, during this Operation Octopus
14 fighting you used children, didn't you --

12:08:43 15 A. No.

16 Q. -- as fighters?

17 A. No, we did not use children as fighters.

18 Q. And, indeed, Mr Taylor, some of these children were
19 actually captured, weren't they?

12:08:54 20 A. No, not to my knowledge that they were captured.

21 Q. And, basically, Mr Taylor, in this fighting you had the
22 children in the lead of your fighters. Isn't that right?

23 A. That's total nonsense.

24 Q. And, Mr Taylor, you did this in the hopes that seeing these
12:09:16 25 children, your opponents wouldn't fire on them. Isn't that
26 right?

27 A. Oh, no, counsel. This whole thing about alluding to using
28 children as human shields is nonsense. We decided that we would
29 attack Monrovia because we wanted to make sure that we ended the

1 conflict and we did.

2 Q. Mr Taylor, I'm talking about the use of children in this
3 operation.

4 A. We did not use children. I have seen from documents that
12:09:46 5 you presented alleged captured children by ECOMOG without arms.
6 We don't even know as to whether they were NPFL or whether they
7 were just ordinary children. So the NPFL did not use children in
8 Operation Octopus or no other time in combat, no. Total
9 nonsense.

12:10:09 10 Q. In fact, well beyond total nonsense, it's the absolute
11 truth, isn't it, Mr Taylor?

12 A. It's not the absolute truth. Totally total nonsense.

13 MS HOLLIS: If I could ask your Honours to look at tab 96
14 in annex 1, a report prepared by Human Rights Watch Children's
12:10:33 15 Rights Project in 1994. That would be binder 2 in annex 1. It
16 is entitled "Easy prey, child soldiers in Liberia", and I would
17 ask that your Honours consider page 25 of that document. Again
18 you will note that we have marked that page. We do not have an
19 "I" and "G" on that page. We're asking your Honours to consider
12:12:02 20 this for impeachment and we would rely on our prior arguments as
21 we are appreciative of the fact that this could be considered by
22 some as probative of guilt.

23 MR GRIFFITHS: Madam President, I wonder if my learned
24 friend could assist. I note from some of the footnotes
12:12:32 25 references to various dates varying between 1992 and 1994, but
26 can we be assisted as to when this particular document was
27 published? Because, for my part, I can't see anywhere on the
28 document a publication date.

29 PRESIDING JUDGE: Ms Hollis, are you able to assist in that

1 regard?

12:13:27 2 MS HOLLIS: If I could have just a moment, Madam President.
3 Madam President, it is our understanding that this was published
4 in September 1994. We do have the document here and we have a
5 copyright page showing September 1994, if the Defence and your
6 Honours wish to see it. In relation to page 25, we would note
7 the footnote 20 that talks about the timing of the Operation
8 Octopus.

12:14:09 9 PRESIDING JUDGE: Ms Hollis, you want to begin with the
10 words "I think they used kids" or do you intend to start with
11 "During the Octopus operation"?

12 MS HOLLIS: Madam President, we would ask that you start,
13 "During the Octopus operation in 1992".

12:15:37 14 PRESIDING JUDGE: Having read the excerpt out of the Human
15 Rights Watch report entitled "Easy prey, child soldiers in
16 Liberia" at page 25, we have no doubt that the content of this
17 excerpt goes to proof of guilt of the accused. Again this is
18 material that could have been led in chief that was not and now
19 poses as new evidence on the part of the Prosecution that is
12:16:08 20 probative of the guilt of the accused. It would require
21 compliance with the two-prong test that we have set out, and we
22 hold that this has not been exhibited by the Prosecution.

23 We accordingly disallow the use of this excerpt in
24 cross-examination.

12:16:36 25 MS HOLLIS:

26 Q. Mr Taylor, it is correct, is it not, that during your
27 Operation Octopus you used members of the your Small Boys Unit as
28 fighters in that operation?

29 A. That is not correct.

1 Q. And it is members of your Small Boys Unit that were
2 captured during that operation. Isn't that correct?

3 A. That is not correct.

4 MS HOLLIS: Your Honours, I would ask that you look at tab
12:17:07 5 26 in annex 3. It is a photograph which is taken from a book
6 "Rape, Loot and Murder, Liberian Civil War, a Journalist's Photo
7 Diary. James Kokul o Fasuekoi. Your Honours, we do have the book
8 so your Honours can compare the photograph with the book and the
9 photograph in the book. The book is copyrighted 2009, and your
12:18:20 10 Honours and the Defence will observe that there are two
11 photographs which are tabbed with a yellow tab in the book. The
12 first photograph is the one I have just referred you to at tab
13 26, and for efficiency I will note that the second photograph is
14 the photograph at annex 3, tab 17. If you would show that to the
12:19:07 15 Defence first.

16 The photograph I'm asking you to consider at this time is
17 captioned, "Reporters interview members of Taylor's dreadful SBU,
18 Small Boys Unit, put on display by ECOMOG after their capture
19 during Taylor's Operation Octopus to seize the capital, October
12:19:25 20 1992".

21 We would simply make two additional points in regards to
22 this photograph from this book to your Honours. The first is
23 that the intended use of this photograph is impeachment, and the
24 second is that the copyright of this book from which this
12:20:14 25 photograph was reproduced is 2009, and the Prosecution received
26 this book after we had closed our case.

27 PRESIDING JUDGE: Ms Hollis, are there two photographs that
28 you seek to use, or what?

29 MS HOLLIS: Yes, Madam President. The second photograph

1 that we would seek to use is in relation to the accused's
2 continued use of children after he was President. It is the
3 photograph - the second tabbed photograph with the caption
4 "Author's nephew, little Kokul o, 12, conscripted by Taylor's army
12:23:19 5 to fight LURD rebels '01. His whereabouts remain unknown till
6 now." That is found at tab 17 in annex 3.

7 PRESIDING JUDGE: Mr Griffiths, do you have a comment or a
8 response on the Prosecution request?

9 MR GRIFFITHS: Clearly the two photographs are potentially
12:25:22 10 probative of guilt, and consequently we do not rehearse the
11 arguments we have put forward earlier as to why they should not
12 be used, but rely upon them once again.

13 PRESIDING JUDGE: We've looked at the two photographs in
14 this book by a person called James Kokul o Fasuekoi entitled
12:26:15 15 "Rape, Loot and Murder, Liberian Civil War, a Journalist's Photo
16 Diary." We agree with the Defence that the photographs taken
17 with the captions underneath them are probative of the guilt of
18 the accused. It is our view that these are photographs that
19 could have been used earlier in the Prosecution case. We are of
12:26:51 20 the view that the Prosecution, using their arguments already on
21 the record, have not fulfilled the two-prong test and that to
22 allow their use at this time would infringe on the fair trial
23 rights of the accused. We therefore disallow their use.

24 Just a moment, please. Ms Hollis, I apologise. You did
12:27:29 25 indicate that you did not get a hold of this book until you had
26 closed your case in chief, and so I would like to redact the
27 comments on the fact that you could have used them earlier.
28 Nonetheless, the ruling that the content of the photograph goes
29 to proof of guilt and that in the circumstances it would infringe

1 on the rights of the accused to a fair trial do remain, and for
2 those reasons we disallow their use.

3 MS HOLLIS: If the Prosecution could retrieve the book,
4 please:

12:28:15 5 Q. Mr Taylor, you have testified previously in relation to the
6 fighting that commenced in April 1996 that it was war, serious
7 war, a major war that almost caused the peace process to break
8 down. You recall telling the judges that?

9 A. That is correct.

12:28:38 10 Q. And during this war, serious war, you in fact used child
11 soldiers in that fighting, didn't you?

12 A. No, I didn't.

13 Q. And indeed, this was consistent with your prior use of
14 child soldiers in fighting, wasn't it?

12:28:56 15 A. I had never used or ordered child soldiers or trained them
16 before, and I did not use them during the April 6, 1996 fighting.

17 MS HOLLIS: If I could ask your Honours to consider the
18 document at tab 78 in annex 4 at page 55, and it is the
19 photograph and the caption that we would ask your Honours to
12:30:09 20 consider. This is page 55 of a Human Rights Watch report "Youth,
21 Poverty and Blood: The Lethal Legacy of West Africa's regional
22 warriors" and it has the date of March 2005. Again we would note
23 that our intended use is impeachment. We accept that there is
24 the possibility that someone could determine probative value -
12:31:15 25 that it is probative of guilt, and so we accept that under your
26 Honours' rulings we must meet the test for that and we rely on
27 our prior arguments as to that test.

28 PRESIDING JUDGE: The photograph on page 55 of this Human
29 Rights Watch report, along with its caption underneath it,

1 definitely contains material that goes to the guilt of the
2 accused and this report - I'm not sure of its date, but I think
3 this is a caption that could have been used during the
4 Prosecution case in chief and that was not and therefore now
12:33:16 5 poses as new evidence that goes to proof of the guilt of the
6 accused. Now, based on the Prosecution's prior arguments, I rule
7 that the two-prong test has not been met in relation to this new
8 information and therefore you cannot use this photograph and its
9 caption in cross-examination.

12:33:46 10

MS HOLLIS:

11 Q. Now, Mr Taylor, it is correct, is it not, that some
12 children came to the NPFL voluntarily?

13 A. I don't understand your question.

14 Q. Some children came to be with the NPFL voluntarily. Isn't
12:34:12 15 that correct?

16 A. That is not correct.

17 Q. And, indeed, Mr Taylor, it is also true, is it not, that
18 children were actually kidnapped to become part of the NPFL?

19 A. That's not correct. Not to my knowledge. There were
12:34:31 20 children that were collected and we put them in orphanage - in an
21 orphanage. No child was kidnapped by the NPFL, no.

22 MS HOLLIS: If I could ask your Honours to consider the
23 document at tab 223 in annex 1. That would be binder 3 as tab
24 23. The tabs in that binder actually begin at 59 and then toward
12:35:40 25 the back of that binder you have tab 23. "When the gun play
26 kills the kids' play", 12 May 1996. It is a New York Times
27 article. The portions of the article that are marked we have
28 asked that you consider for purposes of impeachment and we rely
29 on our prior arguments as to the permissible use of this

1 document.

2 PRESIDING JUDGE: Please allow us to read the article.
3 Mr Griffiths, I want to give you an opportunity to respond to
4 this request to use this article.

12:39:32 5 MR GRIFFITHS: In our submission, this article also on the
6 face of it contains evidence potentially probative of guilt.
7 Consequently, we do not repeat the earlier arguments we have
8 mounted in opposition to the use of this material.

9 PRESIDING JUDGE: Ms Hollis, you've asked the Bench for
12:40:15 10 leave to use the entire article and I realise that it's only
11 parts or bits and pieces of the article that actually go to the
12 guilt of the accused, but read in context of the entire article,
13 the article is probative of the guilt of the accused. It is a
14 document that the Prosecution could have used during their case
12:40:45 15 in chief, they chose not to, and it now poses as new evidence
16 that goes to the guilt of the accused and that needs to conform
17 to the two-prong test. We hold, based on your former arguments,
18 that you have not satisfied the two-prong test in relation to
19 this document and rule that you therefore cannot use it in
12:41:09 20 cross-examination.

21 MS HOLLIS:

22 Q. Mr Taylor, from the time the NPFL invaded Liberia, you used
23 children as soldiers in the NPFL. Isn't that correct?

24 A. That is not correct.

12:41:26 25 Q. And, in fact, the use of child soldiers was a tactic that
26 was favoured by the NPFL. Isn't that correct?

27 A. That is not correct.

28 Q. And that some of these children that you used in the NPFL
29 were as young as six or seven years of age. Isn't that correct?

1 A. That is not correct.

2 Q. And it is also correct, is it not, that the NPFL took
3 children from their families, gave them drugs and guns and forced
4 them to kill for the NPFL? That's true, isn't it, Mr Taylor?

12:42:02 5 A. That's totally untrue. It's a lie.

6 MS HOLLIS: If I could ask your Honours to look at the
7 Liberian Truth and Reconciliation Commission report at tab 6 in
8 annex 3, pages 211 and 212. The portion of those pages we would
9 ask you to consider on page 211, the last paragraph which begins

12:43:31 10 "One of the most harmful aspects of the conflict". So those two
11 lines at the bottom of the page, and then at page 212, the first
12 two lines on the top of that page. Both the marked portions on
13 211 and 212, we ask you to consider both to impeach and as proof
14 of guilt. Therefore, we would rely on our prior arguments in
12:44:07 15 relation to the use of such information on the cross-examination
16 of this accused.

17 PRESIDING JUDGE: Ms Hollis, I'm looking at my file which
18 contains these documents and I have a note in the margin at the
19 top of page 212 which is a continuation from page 211 that the
12:45:02 20 Chamber disallowed the use of this passage and also the use of
21 the passage lower down on the bottom - towards the bottom of page
22 212. Now, I must confess that I don't have a date when this
23 happened, but I have this note.

24 MS HOLLIS: Well then, Madam President, I apologise for
12:45:23 25 going back to it.

26 PRESIDING JUDGE: It goes all the way to page 213, showing
27 that the Chamber disallowed the use of this.

28 MS HOLLIS: Then that is my oversight and I apologise for
29 going back to that material, Madam President.

1 PRESIDING JUDGE: I must though hasten to add that I think
2 you could - to do yourselves a favour just in case I'm mistaken -
3 because I'm referring to my file. I'm not referring to the
4 official record. I have no specific recollection, but usually I
12:46:08 5 do put a note on my files to indicate what we've covered so far.
6 I could be mistaken if you went back into the record, but perhaps
7 not.

8 MS HOLLIS: My recollection relates to our discussing the
9 bottom of that page, but certainly it may have been that we also
12:46:26 10 discussed the top of that page.

11 MR GRIFFITHS: Madam President, I think we need to proceed
12 with care here. My note is that on Monday, 25 January, an
13 objection was made to the use of pages 212 to 213, but I don't
14 think it extended to 211. That's my note.

12:46:53 15 PRESIDING JUDGE: Perhaps we could revisit the transcript.
16 Because 212 at the top is a continuation of 211. I would like us
17 to look at the transcript of Monday, 25 January, and to satisfy
18 ourselves that the paragraph at the top of page 212 was or was
19 not considered. This would be page 33958, please. Can we have
12:48:42 20 this on the overhead, or not?

21 MS IRURA: Your Honour, I don't seem to be able to locate
22 that transcript readily. Perhaps if I could request --

23 PRESIDING JUDGE: Why do we not have page 33958?

24 MS IRURA: Your Honour, the transcript - I cannot locate
12:49:04 25 the transcript in the Court Management drive readily in my files,
26 but I would be able to locate it if given some time to find it in
27 the transcripts that are saved.

28 PRESIDING JUDGE: I've been informed by our Legal Officer
29 that according to that transcript, the marked portions - let me

1 just locate it, because we have it in our courtroom folder.

2 MS IRURA: Your Honour, the transcript is now on the
3 overhead.

4 PRESIDING JUDGE: Yes. According to the transcript, on
12:50:24 5 page 33958 I think the Prosecution asked the Bench to look at the
6 marked portions on page 212, and that would include the paragraph
7 at the top of the page, which begins from page 211. You referred
8 to the marked portions of pages 212 to 213 of the report. In my
9 view, that would mean we've covered this ground.

12:51:01 10 MS HOLLIS: And, Madam President, as I read the rest of it
11 - of my request to you, both as to impeachment and guilt in
12 relation to terror becoming the main tool of warring factions,
13 which was the subject matter at the bottom of the page and moving
14 over to page 213.

12:51:27 15 PRESIDING JUDGE: Ms Hollis, you didn't say "the bottom of
16 page 212". You said "the marked portions on page 212". At least
17 two of the judges, myself and Judge Lussick, we both have the two
18 passages on page 212 disallowed.

19 MS HOLLIS: Then I would ask your Honours to consider the
12:51:50 20 passage at the bottom of page 211 - the two lines at the bottom
21 of page 211.

22 PRESIDING JUDGE: That part of the passage on the top of
23 page 212, do you want us to consider it in isolation?

24 MS HOLLIS: Well, your Honours have already ruled that -
12:52:20 25 you ruled we could not use the top part of 212. The last two
26 sentences on the bottom of 211, we believe, have additional
27 relevance of their own:

28 "One of the most harmful aspects of the conflict was the
29 recruitment and use of child soldiers, a tactic favoured by

1 Taylor's forces."

2 So I would ask that your Honours rule on that.

3 PRESIDING JUDGE: Madam Court Manager, could you just
4 scroll up this transcript a little bit? Stop there.

12:53:36 5 Well, the two lines at the bottom of page 211 also contain
6 information that goes to proof of guilt, and this is new
7 information that is also subject to the two-prong test that we
8 hold has not been met, and therefore you cannot use these two
9 lines either in cross-examination.

12:54:13 10 MS HOLLIS:

11 Q. Now, Mr Taylor, you have talked about having an orphanage
12 in NPFL territory, correct?

13 A. That is correct.

14 Q. Indeed, Mr Taylor, in October 1992 your NPFL took several
12:54:34 15 hundred orphans away from an orphanage in Gardnersville. Isn't
16 that correct?

17 A. That's totally incorrect.

18 Q. You took those children away and were forcing the boys to
19 fight for the NPFL. Isn't that correct?

12:54:51 20 A. That's totally - that's a total lie.

21 Q. And some of these children that you forced and took away
22 from this orphanage in Gardnersville escaped. Isn't that right?

23 A. That is not correct.

24 Q. So indeed, Mr Taylor, you were using an orphanage, but it
12:55:12 25 was a means of gathering fighters to the NPFL. Isn't that true?

26 A. That's total nonsense. That's not true. Total nonsense.

27 MS HOLLIS: Your Honours, I would ask that you look at the
28 Truth and Reconciliation Commission, page 173, the second entry
29 "October 1992" relating to:

1 "Up to 300 orphans and a former government official were
2 apparently taken away by NPFL forces on about 28 October from an
3 orphanage near Gardnersville. Orphans who escaped reportedly
4 said the NPFL was forcing the boys to fight for them".

12:56:17 5 We have marked that portion as part of the entries that we
6 would ask you to consider, both for impeachment and guilt, and we
7 would rely on our prior arguments in relation to the permissible
8 use of this information.

9 PRESIDING JUDGE: In light of the concession by the
12:57:09 10 Prosecution that this paragraph contains information that goes to
11 guilt - new information that goes to guilt, we hold that the
12 two-prong test should be met before its use can be allowed and
13 that it has not been met, given the prior arguments of the
14 Prosecution. Accordingly, I rule that the passage cannot be used
12:57:33 15 in cross-examination.

16 MS HOLLIS:

17 Q. Mr Taylor, it is indeed true, is it not, that after you
18 became President you continued to use small children as fighters
19 in your various forces?

12:57:52 20 A. That is incorrect. Totally wrong.

21 Q. And that was true at the time that you were fighting
22 against LURD. Isn't that correct?

23 A. That is not correct.

24 Q. And you were using very young children as fighters. Isn't
12:58:07 25 that correct?

26 A. That is not correct.

27 MS HOLLIS: Now, your Honours, there is a clip of a video
28 "An Uncivil War" relating to child soldiers, which is at tab 15
29 in annex 3, and there is an associated transcript of this clip.

1 Now, we would ask your Honours to consider this clip and would
2 perhaps suggest that during the luncheon break - or about the
3 time of the luncheon break your Honours would review that.

4 Otherwise, it would be something you would be seeing in Court.

12:59:08 5 So however you want to do it, we do ask that you consider that
6 clip for use --

7 PRESIDING JUDGE: If I may inquire, Ms Hollis, could you
8 explain what this clip - or the source of the clip and probably
9 give us a time frame as to when this clip came into existence.

12:59:34 10 MS HOLLIS: It is a clip from Liberia, "An Uncivil War",
11 which was directed and produced by Jonathan Stack and it relates
12 to fighting during the presidency of Charles Taylor and that is
13 the clip that we have provided and it shows children with
14 weapons, firing weapons and it indicates such things as "I fought
13:00:10 15 for Charles Taylor since 1992. I was a little boy. I'm still
16 fighting for him." The boy saying he was seven years old in
17 1992, he's now 17. And children saying --

18 PRESIDING JUDGE: Ms Hollis, I don't want you to go into
19 the content.

13:00:31 20 MS HOLLIS: That's the nature of it.

21 PRESIDING JUDGE: I just wanted to know if this is an audio
22 clip or a video clip and when it came into existence.

23 MS HOLLIS: It is an audio video clip, so it is video, and
24 it came into existence - 2004 is the copyright. 2004, Jonathan
13:01:02 25 Stack.

26 PRESIDING JUDGE: And who is Jonathan Stack?

27 MS HOLLIS: Jonathan Stack is the producer and director of
28 the video and there is another copyright 2008 New Video Group
29 Inc.

1 PRESIDING JUDGE: Have the Defence seen the clip?

2 MS HOLLIS: They have been provided with the clip and with
3 the transcript.

4 PRESIDING JUDGE: Okay, thank you. Mr Griffiths, are you
13:01:33 5 able to respond to this request before we hear the clip?

6 MR GRIFFITHS: Yes, I'm able to respond because I've seen
7 not only the clip but the whole film, and we would submit that it
8 is probative of guilt and the same test should be applied and
9 consequently I don't rehearse the arguments I have made earlier.

10 PRESIDING JUDGE: Ms Hollis, I think we don't need to see
11 the clip before we can make a ruling on its use. We will read
12 the transcript, the unofficial transcript, assuming that it's a
13 fairly accurate reflection of what's on the video, and then in a
14 moment or two I can give you a ruling on that.

15 MS HOLLIS: What we suggest in relation to the transcript
16 is that the clip has very little dialogue, so there is more on
17 the clip than is shown in the transcript. It is an unofficial
18 transcript, but we believe it is reflective of the language that
19 is in the transcript. So, in other words, Madam President, it's
13:03:00 20 not an interview as such. It is photographs with some questions
21 or answers by the children in the clip.

22 PRESIDING JUDGE: Madam Court Officer, is it possible for
23 the people within the well of the Court to view this clip without
24 it being broadcast to the public?

25 MS IRURA: Your Honour, I will confer with the AV booth,
26 but I think that would be possible in theory, but I will confer
27 and get back to the Court.

28 PRESIDING JUDGE: Because the judges would like to see the
29 clip in light of Ms Hollis's submissions, but we wouldn't want

1 the public to see it yet.

13:05:39 2 MS IRURA: Your Honour, it's confirmed that it's possible
3 to indeed play it to the Court. That would be possible by
4 pressing PC-1 on the panel next to the monitors of the
5 participants.

6 THE WITNESS: Excuse me, your Honour, this screen is facing
7 toward there, maybe - so for me to see it, maybe they could close
8 this.

9 PRESIDING JUDGE: Madam Court Officer, what do we do?

13:06:55 10 MS IRURA: Your Honour, I'm informed that sufficient
11 measures have been taken now to enable us to only play the clip
12 within the courtroom without it being viewed either from the
13 public gallery or broadcast outside.

14 PRESIDING JUDGE: Then please proceed to play the clip.

13:09:08 15 [Video clip played to the Court]

16 PRESIDING JUDGE: If the screen could be pulled up again
17 please.

18 Having had a look at the clip and read the unofficial
19 transcript, there's no doubt that it contains material that goes
13:11:23 20 to proof of guilt, material which could have been used earlier in
21 the Prosecution's case in chief and which they chose not to, and
22 so as of now it poses as new information that goes to proof of
23 guilt and that must comply with the two-prong test. We hold that
24 these two-prong tests have not been met and therefore you cannot
13:11:52 25 use the clip or the transcript in cross-examination.

26 MS HOLLIS:

27 Q. Mr Taylor, the use of child soldiers by the RUF and AFRC in
28 Sierra Leone, that was no surprise to you at all, was it?

29 A. I don't understand your question.

1 Q. You weren't surprised by the fact that the RUF and AFRC in
2 Sierra Leone were using child soldiers, were you?

3 A. I have no knowledge of what the AFRC and RUF did in Sierra
4 Leone.

13:12:22 5 Q. Indeed, Mr Taylor, that's not true either, is it?

6 A. Regarding to your question, child soldiers, I have no
7 knowledge that the AFRC or RUF used child soldiers, so I cannot
8 comment on what they did over there.

9 Q. And it is not surprising to you because that is exactly the
13:12:39 10 same thing that you did in Liberia. Isn't that correct?

11 A. Well, that is not correct. There are wars in Congo, all
12 over the world. What they do in those areas cannot be associated
13 with me as a consistent pattern as you're going. That's
14 incorrect.

13:12:54 15 Q. Just as, Mr Taylor, it was no surprise to you as the other
16 crimes that the RUF and the AFRC were committing in Sierra Leone,
17 because your forces were doing the same thing in Liberia. Isn't
18 that correct?

19 A. No, counsel. When you talk about surprises, I was
13:13:17 20 surprised at what happened in Iraq and in Abu Ghraib. So
21 surprises in war, if you want to look at professionalism, so it's
22 not a matter - I was not aware of all of the details of what was
23 going in Sierra Leone. So the issue of the speculation of
24 surprise or non-surprise, I cannot justify an answer of yes or

13:13:39 25 no. It would be surprising if they were the facts that I knew,
26 but I had no knowledge of the inner workings of the RUF and AFRC.

27 Q. Mr Taylor, when you told this Court before that the crimes
28 committed in Sierra Leone were surprising to you because your
29 fighters had not committed such crimes, you weren't being

1 truthful with this Court at all, were you?

2 A. What specific crime are you referring to now? Because I
3 have said to this Court that I have I think specified certain
4 crimes that I say we talked about, if my recollection is correct,
13:14:25 5 amputations. I do not recollect in your examination that I said
6 that you were dealing with child soldiers at the time. I
7 specifically stated amputations and that was the subject, so I
8 need to probably be reminded if I went beyond amputations. I
9 think amputations and rape were the subjects that were covered.

13:14:43 10 Q. And, Mr Taylor, indeed you weren't surprised by the
11 amputations because your own forces carried out amputations.
12 Isn't that right?

13 A. You know that is not correct, so I'm not going to debate
14 that. There are no cases of amputations in the Liberian civil
13:14:58 15 war that have been documented. Not one. And I challenge you to
16 bring that forward to this Court.

17 Q. Well, Mr Taylor, you're aware that it was disallowed by
18 this Court so you can challenge it, can't you?

19 A. I said that in the beginning of my evidence. If you as
13:15:19 20 counsel say to me that I was aware of something and you can't
21 bring it to this Court, I have said to this Court there were no
22 such amputations. All the books, all the manuscripts that you
23 have brought from the far corners of the globe, not one of them
24 before these judges have said there were amputations in Liberia.
13:15:42 25 So it should be factual to you by now.

26 Q. And, Mr Taylor, you certainly weren't surprised by the
27 rapes because your faction had engaged in systematic rape. Isn't
28 that right?

29 A. That is not correct. I was surprised at rape, because

1 those soldiers in the NPFL that raped women, I have said to this
2 Court, were executed. And so I was surprised, and the records
3 are in Liberia about those executions for military people raping
4 women. I never tolerated it. Never.

13:16:14 5 Q. Indeed, Mr Taylor, the crimes in Sierra Leone were merely a
6 reflection of the crimes that your own personnel did in Liberia.
7 Isn't that the truth of it?

8 A. But that cannot be the truth of it. It is not and it
9 cannot be. If that was consistent with truth, then we need to
13:16:31 10 look at even behaviours around the world where there are still
11 conflicts going on, even by professional armies. And that's not
12 true.

13 Q. Mr Taylor, it's also correct that using small children in
14 combat in Sierra Leone was simply a reflection of what your
15 forces did in Liberia throughout your time as the leader of the
16 NPFL and the President of Liberia. Isn't that correct?

17 A. Any attempt to link Liberia with what was happening in
18 Sierra Leone is erroneous. If we can do it for Sierra Leone, we
19 can do it for any part of the world. That's totally, totally
13:17:12 20 erroneous and incorrect.

21 Q. Mr Taylor, when you have testified to these judges, you
22 have told them that as the President of Liberia you supported
23 press freedoms. Do you recall that?

24 MR GRIFFITHS: Madam President, your Honours, I apprehend
13:17:32 25 that my learned friend is moving on to another topic. But before
26 my learned friend does that could I seek some clarification,
27 please. In putting her case at the end of that passage of
28 questions relating to child soldiers, my learned friend put to
29 the witness that what happened in Sierra Leone is a reflection of

1 what happened in Liberia; that is, in respect of the use of child
2 soldiers, amputations and rape.

3 Now, I don't understand the word "reflection" to be a legal
4 term as such, so could I seek clarification as to what is being
13:18:24 5 suggested? Is it the Prosecution's case that Mr Taylor ordered
6 or instructed individuals in Sierra Leone to use child soldiers
7 to amputate or to rape, or is it being suggested that he
8 controlled those responsible for such offences, was aware of what
9 they were doing, and failed to do anything to prevent it?

13:18:53 10 What I would like to know: On what basis is this aspect of
11 the case being put, given the length of time we have spent now
12 dealing with events in Liberia. How does the Prosecution put
13 their case to this man so that he can deal with it?

14 PRESIDING JUDGE: You mean in as far as it relates to the
13:19:15 15 crimes in the indictment?

16 MR GRIFFITHS: So far as it to relates to the crimes in the
17 indictment what I'm asking is rather than being told that what
18 happened in Sierra Leone is a reflection, what I would like to
19 understand is how precisely do the Prosecution say this defendant
13:19:38 20 carried out those offences in Sierra Leone.

21 PRESIDING JUDGE: Ms Hollis, could you respond?

22 MS HOLLIS: I certainly can. What the Defence counsel
23 wants is a closing argument. He has the indictment. He has our
24 allegations. He knows that we have alleged the forms of
13:19:59 25 liability that exist in the Statute. We have - when we have
26 discussed various portions of evidence that we have indicated we
27 would ask you to consider for guilt, we have indicated that it is
28 pattern evidence. We are of the view that it is reflective in
29 the sense that the things that were happening in Liberia happened

1 in Sierra Leone, and that is relevant to various forms of
2 liability. We don't have to argue our closing brief or re-argue
3 our pre-trial brief in order to make this clear, and we have said
4 throughout the crimes package that we have put to this accused
13:20:42 5 that the various things that we wanted to use we thought indeed
6 were relevant to pattern, and pattern is relevant to a variety of
7 elements, to a variety of forms of liability, and we don't
8 believe we have to be so detailed as the Defence counsel has
9 stated.

13:21:03 10 PRESIDING JUDGE: I think the inquiry, Ms Hollis, was in
11 relation to the use of the word "a reflection of", and I would
12 understand from your submission that this goes to pattern of
13 conduct.

14 MS HOLLIS: That is correct.

13:21:17 15 PRESIDING JUDGE: What happened in Liberia shows a pattern
16 of conduct of what happened in Sierra Leone.

17 MS HOLLIS: That is correct.

18 PRESIDING JUDGE: Amongst other things. Would I be
19 correct?

13:21:31 20 MS HOLLIS: That would be correct and that, in our view,
21 goes to a variety of elements for a variety of forms of
22 liability.

23 PRESIDING JUDGE: Mr Griffiths, does that satisfy your
24 inquiry?

13:21:43 25 MR GRIFFITHS: I'm sorry, it doesn't, because I'm not
26 merely seeking an explanation of the word "reflection". What I
27 am asking for fundamentally is that this man be given an
28 opportunity to deal with a specific suggestion by Prosecution
29 counsel as to how they say he, Charles Taylor, was involved in

1 the commission of those crimes in Sierra Leone.

2 Are they, for example, saying that Mr Taylor got on a radio
3 to Sam Bockarie, Foday Sankoh and Issa Sesay and said to them,
4 "Please cut off arms in Freetown during the Freetown invasion"?

13:22:30 5 What are they actually saying? It seems to me only right that
6 this man be given an opportunity of answering an allegation,
7 rather than being asked to effectively speculate about a
8 reflection.

9 PRESIDING JUDGE: I will say this at this stage arising out
13:22:50 10 of the question that triggered this debate: As far as I'm
11 concerned, throughout this case the onus is on the Prosecution to
12 prove the case put out in their indictment beyond reasonable
13 doubt. Now, if it remains in doubt at the end of the day as to
14 whether they have put their case or convinced the judges beyond
13:23:20 15 reasonable doubt as to the charges in the indictment, well, the
16 judges will find accordingly.

17 I think it is not very helpful at this stage to ask the
18 Prosecution to re-state the case fully. Mr Taylor has been asked
19 a number of questions and he has answered to the best of his
13:23:45 20 ability those questions. If he's unable to answer a question, I
21 can understand that, in which case I would request Ms Hollis to
22 perhaps rephrase or to clarify. But I think at this stage the
23 onus remains on the Prosecution to state their case and the
24 Defence doesn't have a similar burden.

13:24:11 25 So for me, I think that it would be fine for Ms Hollis to
26 continue, having asked her questions and having received the
27 answers that she's received for now.

28 MR GRIFFITHS: Very well, Madam President.

29 PRESIDING JUDGE: Ms Hollis, I realise that you are going

1 to a different topic. We have about six minutes in which you can
2 start on this topic.

3 MS HOLLIS: I'm happy to start. I'll be nowhere close to
4 ending, of course.

13:24:49 5 PRESIDING JUDGE: Yes, I think you may.

6 MS HOLLIS: Thank you:

7 Q. Now, Mr Taylor, you have told this Court that as the
8 President of Liberia you supported freedom of press in your
9 country. Isn't that right?

13:25:18 10 A. That is correct.

11 Q. And you have indicated to this Court that indeed you
12 allowed media to operate that was critical of you.

13 A. Oh, definitely.

14 Q. Now, that wasn't real true, was it, Mr Taylor?

13:25:31 15 A. That was true. Still true.

16 Q. And indeed, Mr Taylor, during your presidency you didn't
17 allow press freedom in Liberia at all, did you?

18 A. That is incorrect. In fact, press freedom grew during my
19 presidency.

13:25:46 20 Q. In fact, Mr Taylor, during your presidency your approach to
21 freedom of the press was to support those who supported you and
22 to restrict those who didn't. Isn't that right?

23 A. Well, there are two questions: To support those that
24 supported me. The President of Liberia did not seek out

13:26:16 25 individuals who supported him and supported them; the press was
26 free. As to the second part of the question, to oppose those,
27 that was not the case. There was so many opposition radio
28 stations, newspapers, you know, so that is - the two questions, I
29 would say, are totally incorrect.

1 Q. Mr Taylor, you testified that as President you had contact
2 with your press secretary and you were talking about a scale - a
3 level of contact. You said on a scale of 1 to 10, you had
4 contact with your press secretary at about a level 7. Isn't that
13:26:57 5 right? Do you recall telling the judges that on 8 September?

6 A. That's about right, yes.

7 Q. And you indicated that with your Minister of Information,
8 that you had contact with that person on a scale of about 4. Do
9 you remember telling them that?

13:27:14 10 A. That is correct. On a personal level, yes.

11 Q. And you also told these judges that the national security
12 adviser gave you daily briefings about important things that were
13 reported in the press?

14 A. No.

13:27:27 15 Q. Do you recall telling the judges that?

16 A. Well, not in those exact terms. I said daily briefings on
17 things that they felt was important. I did not say on everything
18 that was reported. I said those things that they felt were
19 important to report to me. That's my evidence, as I recollect.

13:27:46 20 Q. Mr Taylor, I don't want to misquote you at all, so if you
21 would give me a moment.

22 A. Okay.

23 Q. Well, let me come back to that so we don't waste time and
24 I'll make sure that I haven't misquoted you, Mr Taylor.

13:28:20 25 A. Okay.

26 Q. You also told the Court that as President you had some
27 principal newspapers that you read. Do you remember telling the
28 Court that?

29 A. Yes. From time to time, yes.

1 Q. Which principal newspapers did you say you had read?

2 A. I paid a lot of attention to The Inquirer. A lot. That's
3 one of the main newspapers I paid a lot of attention to.

4 Q. And you also told the Court that you rarely had time to
13:28:54 5 listen to local and national radio, but if you did have time you
6 would listen to the news broadcasts. Do you remember telling
7 them that?

8 A. That is correct.

9 Q. So, Mr Taylor, with the information you were receiving from
13:29:08 10 all these various sources, you were aware of what was being
11 published and broadcast about you in Liberia during your
12 presidency. Isn't that right?

13 A. Broadcast from where, internal to Liberia or from external
14 sources?

13:29:24 15 Q. In Liberia.

16 A. Well, I would say I knew a lot. I cannot claim to know
17 everything that happened, no.

18 Q. And indeed, you were also aware of what was being published
19 and broadcast about your government. Isn't that right?

13:29:42 20 A. I would know some. A lot I wouldn't know.

21 Q. One of the main functions of a press is to keep an eye on
22 what the government is doing. Would you agree with that,
23 Mr Taylor?

24 A. One of the functions, I would agree.

13:29:59 25 Q. And to inform the public about what the government is
26 doing?

27 A. Yes.

28 Q. And, Mr Taylor, of course when you became President, you
29 were obliged to uphold the Liberian Constitution, correct?

1 A. Yes.

2 Q. And that would include Article 15 of Chapter 3 that
3 guaranteed freedom of expression, including freedom of speech and
4 freedom of the press. Yes, Mr Taylor?

13:30:26 5 A. That is correct.

6 Q. And you were obliged to uphold these freedoms and not
7 curtail them, restrict them or enjoin them, isn't that right,
8 Mr Taylor, under the Liberian Constitution?

9 A. That's what the Constitution says, then I - yes, I had a
13:30:43 10 duty, yes.

11 Q. Except during an emergency declared in accordance with the
12 constitution, correct?

13 A. Yes, that is correct. And even with that emergency, there
14 was still due care exhibited by me.

13:30:59 15 Q. Now, Mr Taylor, at some point in your presidency you did
16 declare a state of emergency in Liberia, correct?

17 A. That is correct.

18 Q. And you declared that state of emergency on about 8
19 February 2002. Isn't that correct?

13:31:14 20 A. Yes. I would say yes, yes.

21 PRESIDING JUDGE: Ms Hollis, I think that would be an
22 appropriate place to adjourn because the tape has just run out.
23 We will reconvene at 2.30.

24 [Lunch break taken at 1.31 p.m.]

14:26:31 25 [Upon resuming at 2.30 p.m.]

26 PRESIDING JUDGE: Good afternoon. Ms Hollis, please
27 continue.

28 MS HOLLIS: Thank you, Madam President:

29 Q. Mr Taylor, before we broke for lunch on my LiveNote at page

1 86 I had asked you:

2 "Q. And you also told these judges that the national
3 security adviser gave you daily briefings about important
4 things that were reported in the press.

14:33:13 5 A. No, not in those exact terms."

6 And I said I didn't want to misquote you, so, Mr Taylor,
7 let me remind you of some testimony and see if you recall it.
8 This was on 16 November and I am referring to page 31713 and at
9 that time you were asked:

14:33:39 10 "Q. So the national security adviser would be the one who
11 would give you your morning briefing?

12 A. That is correct.

13 Q. And that would also include media reports that were
14 found to be noteworthy?

14:33:53 15 A. I would say so, yes."

16 So the question that was put to you was media reports that
17 were found to be noteworthy. So your national security adviser
18 would report to you media reports that were found to be
19 noteworthy, is that correct, Mr Taylor?

14:34:14 20 A. That is correct, noteworthy.

21 Q. Mr Taylor, we were talking about your declaration of a
22 state of emergency --

23 A. Yes.

24 Q. -- in 2002 and we were discussing when that was and I had
14:34:29 25 suggested that it was on or about 8 February 2002 and you said,
26 "Yes. I would say yes." Mr Taylor, that state of emergency that
27 you had declared lasted until about 14 September 2002. Isn't
28 that correct?

29 A. That sounds pretty right. Seven, eight months, that would

1 be about correct. July seven, August eight. I would put it to
2 about eight months, yeah.

3 MS HOLLIS: Just so we can be clear on that, if your
4 Honours would look at tab 4 in annex 5, it's a BBC News article
14:35:14 5 dated 14 September 2002. Do we have that to show to Mr Taylor?
6 That should be a BBC News article, Saturday, 14 September 2002,
7 "Liberia ends state of emergency."

8 THE WITNESS: Counsel, I think, you know, I'm not fighting
9 you about the length of time now.

14:36:33 10 MS HOLLIS:
11 Q. Okay. And Mr Taylor --

12 A. It was about eight months or so, but I agree it's around
13 that time.

14 Q. And if you see here, Mr Taylor, it is dated 14 September
14:36:44 15 2002?

16 A. Yes.

17 Q. "Liberian President Charles Taylor has lifted the state of
18 emergency imposed eight months ago." And it talks about,
19 "Speaking after the recapture of the northwestern town of Bopolu
14:36:58 20 on Friday, Mr Taylor said he had taken the decision because of
21 the reduced danger from rebels."

22 A. Yes, that's what I said, it was about eight months.

23 Q. So it was from about 8 February 2002 until about 14
24 September, correct, Mr Taylor?

14:37:12 25 A. That is correct.

26 PRESIDING JUDGE: Ms Hollis, just a point of efficiency
27 really. Where the accused does not dispute a fact that you have
28 put to him, do you think it's necessary for you to then adduce
29 further evidence of what you are saying, as we now are doing?

1 MS HOLLIS: I thought that it was helpful to show that it
2 was September when it ended, Madam President.

3 PRESIDING JUDGE: Because you put a proposition to him and
4 he agrees with you. I would imagine that you are taking the
14:37:46 5 proposition out of a document that's in front of you.

6 MS HOLLIS: Yes.

7 PRESIDING JUDGE: In which case, in my opinion, it then
8 serves no further useful purpose to take everybody to find the
9 document, et cetera.

14:38:01 10 MS HOLLIS: I take your point. He did not indicate he
11 recalled the month, but the duration. But I take your point,
12 Madam President:

13 Q. Mr Taylor, during this period of the state of emergency you
14 would have, under the constitution, had the authority to suspect
14:38:21 15 or affect certain rights including the right of freedom of
16 expression, correct?

17 A. That's not the full story though, but there's a little part
18 of the story.

19 Q. Mr Taylor, the question is during this period of state of
14:38:34 20 emergency under the constitution you would have had the authority
21 to suspend or affect certain rights including the freedom of
22 expression. Isn't that correct?

23 A. Well, then I have to say no, I didn't - I didn't have the
24 full authority as it's being stated. That's why I say it's not
14:38:59 25 the full story, but then I have to answer your question. That
26 level of authority under our constitution, as I recall, is not as
27 absolute as is being given in your proposition.

28 Q. Mr Taylor, do you recall Article 86 of the constitution
29 that speaks about declaring a state of emergency and your powers

1 during that?

2 A. Yes. I don't know it verbatim, but I recall it.

3 Q. And is it your recollection that in Article 86, speaking
4 about declaring the existence of a state of emergency:

14:39:37 5 "Acting pursuant thereto the President may suspend or
6 affect certain rights, freedoms and guarantees contained in this
7 constitution."

8 Do you recall that from Article 86, Mr Taylor?

9 A. Yeah, but that's not the full authority. That's why I
14:39:56 10 disagree a little bit, because there is also a legislative part.
11 So that's why I'm saying it's not absolute. The President may
12 declare, but he must go to the legislature to actually give
13 reason why.

14 Q. Exactly.

14:40:07 15 A. Within the period of time.

16 Q. To declare it, yes.

17 A. You can declare but still after, if I recollect the
18 constitution, I think about 30 days you must go to the
19 legislature and show cause why it must stay into effect. That's
14:40:21 20 what I meant by it's not absolute.

21 Q. That has to do with the state of emergency, correct?

22 A. That is correct.

23 Q. And during that time you do have that ability to suspend or
24 affect certain rights, including freedom of expression?

14:40:31 25 A. Yes, with the caveat that I just added, because the
26 legislature could still come back and say no, you can't go that
27 far. That's what I'm trying to inform the judges.

28 Q. Now, Mr Taylor, was that the only time during your
29 presidency that you declared a state of emergency in Liberia?

1 A. Oh, my God. Counsel, I swear I can't recall. But for that
2 length of time, yes. If I did before, it was a very short time,
3 but I can't really recall if I did it for a second time or for a
4 very short time. I can't really recall, but - I can't.

14:41:13 5 Q. Mr Taylor, during this period of time that you had declared
6 this state of emergency, did you act to suspend or otherwise
7 restrict freedom of expression including freedom of press in
8 Liberia?

9 A. No, I did not do that. In fact, I did not. I even - I
14:41:33 10 even kept into place the writ of habeas corpus to make sure that
11 there would be no abuses which we could have suspended, but I did
12 not ask to suspend the writ of habeas corpus under the
13 constitution.

14 Q. Now, Mr Taylor, I'm not talking about habeas corpus. I'm
14:41:49 15 talking about restricting freedom of expression.

16 A. Yes. Well, no, we did not stop that, because that writ
17 remaining in place would mean if somebody tried to abuse it by
18 arresting someone, like a journalist or any citizen for that
19 matter, they would have recourse in the courts.

14:42:05 20 Q. Now, Mr Taylor, that's not exactly correct, is it, in terms
21 of your treatment of freedom of expression during that time?

22 A. If what is not correct, counsel?

23 Q. It is not correct - well, let me put it this way: Indeed,
24 Mr Taylor, during this state of emergency you did indeed restrict
14:42:26 25 freedom of expression including freedom of the press, didn't you?

26 A. No, no, counsel. I seriously disagree with you. No.

27 Q. In fact, Mr Taylor, throughout your presidency you
28 restricted freedom of expression and freedom of the press. Isn't
29 that right?

1 A. That is not correct. In fact, I said the press expanded
2 during my administration from a few newspapers, about two or
3 three during my - after my election, to about 13, 14 newspapers,
4 television stations. No, no, no, no, no, no. No.

14:43:00 5 Q. Then, Mr Taylor, you restricted this freedom of expression
6 and freedom of the press through intimidation by your forces.
7 Isn't that correct?

8 A. Counsel, that is totally incorrect.

9 Q. And also through the use of threats. Isn't that correct?

14:43:15 10 A. Totally incorrect.

11 Q. You also used arrest as a means of restricting freedom of
12 expression including freedom of the press. Isn't that correct?

13 A. Well, I'll put it this way: That is not correct, but I can
14 say this much in fairness to me and to the Court: There was a

14:43:44 15 case that I have told this Court of my being aware of the arrest
16 of a particular journalist and that - that's why I mean that you
17 are not totally correct. But that was not a widespread

18 situation. Journalists were encouraged to write. So in a
19 particular case I would say I was aware of that particular

14:44:07 20 journalist being - who claimed to be a journalist was arrested
21 and he was charged under our laws, and so to that extent I would
22 say only yes to that incident.

23 Q. And, Mr Taylor, you also used violence as a means of
24 restricting freedom of expression and freedom of the press.

14:44:27 25 Isn't that correct?

26 A. No. No, counsel. I - that's not - it's totally wrong. If
27 I wanted to restrain the press I would never have asked the
28 Legislature to repeal decree 88A and 2A and encourage free
29 speech. But let's not forget now, free speech is not absolute.

1 Even in the most western of western countries, it's not absolute.

2 Q. Mr Taylor, in your country during your presidency only
3 those media that were supportive of your views were safe from
4 your harassment. Isn't that correct?

14:45:06 5 A. No, that is not correct, counsel. That is not correct.
6 Totally, totally incorrect. Like I say, free speech is not
7 absolute. Daniel Ellsberg got arrested and thrown in jail for
8 the Pentagon papers. There is a journalist in New York that a
9 court ordered to disclose her source that she didn't, she was
14:45:24 10 locked up in jail. So we may have to look at specific cases
11 for - you know, to be fair to me. And if I know of those cases,
12 I will tell these judges under what circumstances I knew and what
13 happened. But that's not --

14 Q. Indeed, Mr Taylor, restrictions on freedom of expression
14:45:39 15 and freedom of the press were put in place very soon after you
16 assumed the presidency. Isn't that correct?

17 A. I didn't - I didn't get that question, counsel, please.

18 Q. Restrictions on freedom of expression and freedom of the
19 press were put in place very soon after you assumed the
14:45:57 20 presidency. Isn't that correct?

21 A. That is not correct. But how - if that was correct, how
22 were they put into place?

23 Q. And, Mr Taylor, it's correct, is it not, that in the latter
24 part of 1997, your police were responsible for intimidating many
14:46:23 25 journalists in Liberia?

26 A. No, I wouldn't say that. But I would go as far as this, to
27 say that if the Ministry of Justice to the police in 1997 coming
28 out of the war arrested or interrogated a journalist or other
29 individuals, I think they acted within the laws. But that was

1 not a practice that we - that I, quote unquote, put into place,
2 no.

3 Q. Indeed, Mr Taylor, that was an action that was carried out
4 either at your direction or with your consent. Isn't that
14:47:01 5 correct?

6 A. The President of Liberia or any President doesn't go that
7 low, no. I know you are referring to the liar Hassan Bility.
8 That's totally untrue. Totally false.

9 Q. And, Mr Taylor, it's also true, isn't it, that in the
14:47:17 10 latter part of 1997, among those who were intimidated were six
11 editors who were detained after their newspapers published
12 articles considered to be critical of the government?

13 A. Well, I tell you what, I would not agree because the
14 circumstances at the time, I do not know as to whether the
14:47:39 15 Justice Department, in the interests of peace, may have
16 interrogated people. Now, it may be construed as harassment, I
17 don't know. But they - I'm sure they used the full course of
18 laws in Liberia. So I would disagree that it was something that
19 I had to know or I had to order or I had to acquiesce in. The
14:48:05 20 President of Liberia is beyond that.

21 Q. And, Mr Taylor, it's also true, is it not, that in the
22 latter part of 1997 a journalist who was investigating the death
23 of Samuel Dokie and his relatives was charged with treason?
24 That's correct, isn't it, Mr Taylor?

14:48:24 25 A. Not to my knowledge because the case --

26 Q. You knew about that, Mr Taylor, didn't you?

27 A. No, I'm not aware that any journalist was arrested, was
28 investigating Samuel Dokie's death that was charged with treason.
29 I have no knowledge of that and I doubt very much if it happened

1 because the government launched an investigation and people went
2 on trial for Dokie's death.

3 Q. And we'll discuss that at a later time, Mr Taylor. But
4 this charge of treason against this journalist was later reduced
14:48:58 5 to an unspecified lesser charge. Isn't that correct?

6 A. Counsel, to be earnest, I don't know what the courts and
7 the Ministry of Justice was doing at the time. I did not
8 interfere into the affairs of the laws. If what you are saying
9 did happen, I have no knowledge, neither did I direct such.

14:49:20 10 Q. Indeed, Mr Taylor, on 22 December 1997, two editors were
11 detained by the police after the police objected to a story they
12 had published about police brutality. That's correct, isn't it,
13 Mr Taylor?

14 A. I wouldn't know, counsel.

14:49:39 15 Q. And you were made aware of these incidents, weren't you,
16 Mr Taylor?

17 A. I just told you I didn't know. I wouldn't know.

18 Q. And you took no action to stop this restriction on freedom
19 of the press, did you, Mr Taylor?

14:49:51 20 A. Counsel, that is totally incorrect and the President is not
21 a policeman in Liberia. The courts were in operation and the
22 laws - the constitution was in operation. So the President was
23 not aware of such a thing. And, in any case, those individuals
24 would have had recourse in the courts.

14:50:16 25 Q. Mr Taylor, recourse in your courts during your presidency
26 wasn't a very viable option to people, was it?

27 A. I would suppose, counsel, that you have some credible
28 evidence for that. I would disagree with you.

29 Q. Because of your interference with those courts. Isn't that

1 correct?

2 A. I think you are just guessing. That is totally incorrect.

3 MS HOLLIS: If we could please look at tab 179 in annex 1.

4 It would be binder 2 and it would be under tab 79 in that binder.

14:51:32 5 At the top of this document is "Refworld UNHCR", and the title is

6 "Information on the new government's human rights record". I

7 apologise, your Honour, that's in binder 3 and it would be under

8 tab 179. If we could please show the very top of that page, we

9 see "Refworld UNHCR". The UN refugee agency. Then under title

14:53:22 10 we see "Liberia, information on the new government's human rights

11 record and information on the conditions of members of the Krahn

12 ethnic group under the new government". Publisher, Immigration

13 and Refugee Board of Canada; country, Liberia; publication date,

14 1 February 1998. And if we could look at the second paragraph

14:53:47 15 please at the first page. And herein, Mr Taylor, is reported "In

16 the latter part of the year many journalists were intimidated by

17 the police including six editors who were detained after their

18 newspapers published articles considered to be critical of the

19 government."

14:54:11 20 Q. That is correct, is it not, Mr Taylor?

21 A. Now, this for me is just trash. Some reputable group as

22 the UNHCR report about six journalists, don't put any names; this

23 is total nonsense. This is trash.

24 Q. "A journalist who was investigating the death of Samuel

14:54:28 25 Saye Dokie and his relatives was charged with treason which was

26 later reduced to an unspecified lesser charge."

27 A. The journalist with no name.

28 MR GRIFFITHS: Madam President, in our submission, Madam

29 President, it's unfair for this material to be used in

1 cross-examination of the accused. I note from the top of this
2 document that this is a document dating from 1 February 1998.
3 Consequently, it would have been available during the currency of
4 the Prosecution case. I note also that in the final paragraph on
14:55:11 5 the first page reference is made to Hassan Bility who was indeed
6 called as a Prosecution witness. Consequently, it must have been
7 clear to the Prosecution from the time when Bility was called in
8 January 2009 that this issue of press freedom and the treatment
9 of journalists was one upon which in due course they would be
14:55:40 10 seeking to cross-examine this defendant.

11 That being so, it seems to us that this document could have
12 been introduced through Mr Bility and the kind of inquiry which
13 prompted Mr Taylor's response a moment ago, that is, "Who are
14 these six editors", could have been directed in cross-examination
14:56:04 15 to Mr Bility and this tribunal provided with some assistance as
16 to those details lacking in this report but which could have been
17 elicited during cross-examination which might have added some
18 flesh to the bare bones of this report being put to this
19 defendant.

14:56:24 20 It seems to us in the circumstances, we having been denied
21 an opportunity of clarifying such issues, and it would appear
22 from the nature of my learned friend's questions that the
23 Prosecution not being in a position to provide such information
24 vital to the accused's understanding of this material, that in
14:56:49 25 the circumstances it would be unfair for the Prosecution to use
26 this to so-called impeach him.

27 PRESIDING JUDGE: Mr Griffiths, in your opinion does the
28 excerpt that counsel has just read out contain material that goes
29 to guilt?

1 MR GRIFFITHS: Well, the first paragraph clearly does.
2 It's the reference to the killing of one Samuel Dokie and four
3 other individuals. But I note that my learned friend has
4 carefully not referred to that paragraph, although further
14:57:31 5 reference is made to Dokie in the first full paragraph on the
6 second page of this report. I also note in passing that so far
7 as that first paragraph is concerned, the reference to the Dokie
8 killing appears to have been obtained from a publication of
9 Africa Confidential, a publication which has featured so far in
14:58:03 10 this case. Because this is a document, as I understand it, not
11 from the UNHCR but the Immigration and Refugee Board of Canada,
12 because it is cited, as we see from the top, Immigration and
13 Refugee Board of Canada. So I don't understand the reference to
14 UNHCR in the top right-hand corner, nor Refworld in the top
14:58:35 15 left-hand corner. But these matters clearly, it seems to us,
16 could have been adduced through Mr Bility which would have then
17 given the accused his guaranteed right under Article 17 to
18 question that witness about the provenance and detail of this
19 report.

14:59:00 20 PRESIDING JUDGE: Ms Hollis, I would like you to address us
21 firstly on exactly what this document is, but, secondly, to
22 comment on the objections by the Defence.

23 MS HOLLIS: Yes, Madam President. First of all, this
24 document is a document that was published by the Immigration and
14:59:18 25 Refugee Board of Canada with the subject matter that is shown in
26 the title and it was published on 1 February 1998.

27 The objection by the Defence, we suggest, is not well
28 founded. We are in no way using the portions of this document
29 which have been read out to comment on the death of Samuel Dokie,

1 but instead to show the government's reaction to a journalist who
2 is investigating that death. It is relevant to impeach this
3 accused on the evidence he has given your Honours about the
4 healthy press freedom environment in Liberia during his period of
15:00:11 5 Presidency, as well as the healthy freedom of expression
6 environment in Liberia during his period of the presidency. And
7 in the same connection, to show that it is the lack of such
8 freedom of expression and freedom of the press which, contrary to
9 this accused's conspiracy theory, is one of the factors that led
15:00:39 10 the international community to withhold support from his
11 government in the form of direct support.

12 So, first of all, it does impeach the picture this accused
13 has painted for your Honours of freedom of expression and freedom
14 of the press in Liberia during his presidency. Secondly, it also
15:01:01 15 impeaches the lengthy evidence he has given to you about all of
16 the reasons why he is here before you which have to do with a
17 conspiracy and nothing to do with his own conduct, such as
18 restrictions of freedom of expression and freedom of speech.

19 In terms of why didn't we put this on in our case in chief,
15:01:25 20 our case in chief is to prove our case. We put an impeachment
21 case on when we have something to impeach, and this accused's
22 testimony is what we're impeaching. So we do not believe that
23 what we have used from this document is probative of guilt in any
24 way, and we are asking that we be allowed to use it for
15:01:51 25 impeachment and we don't believe that the restrictions the
26 Defence argues would be placed on this use are well founded
27 restrictions and we think we have a right to use it based on the
28 accused's testimony.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: We've looked at the paragraph that
2 begins, "Country reports 1997" and in our opinion in order to
3 understand the content of that paragraph you necessarily must
4 read the previous paragraph, at least as far as where the
15:06:46 5 Prosecution has marked in the margin that they originally
6 intended to refer.

7 Now, looking at this article, we are by a majority inclined
8 to agree with the observations made by Mr Griffiths on behalf of
9 the Defence that a lot of what is contained in this paragraph is
15:07:12 10 material that could have been put to Mr Bility, being one of the
11 Prosecution witnesses that appeared, and thereby would have given
12 or afforded the accused an opportunity in all fairness to
13 cross-examine relating to the information contained in here.

14 Now, that didn't happen and, as a result, introducing this
15:07:46 15 evidence now here would pose new evidence that goes to the guilt
16 of the accused. And in our opinion, again by a majority, we are
17 of the view that the two-prong test has not been exhibited by the
18 Prosecution in the use of this paragraph and so you cannot use it
19 to put questions to Mr Taylor.

15:08:19 20 MS HOLLIS:

21 Q. And we would ask that you look at page 2 of this document.
22 If we could put page 2 of this document on the screen, please.
23 The fourth paragraph from the top, beginning, "Two editors":

24 "Two editors, Nyekeh Forkpa and Stanley Seakor were briefly
15:08:51 25 detained on 22 December after the police objected to a story they
26 had published on police brutality."

27 Mr Taylor, you were made aware of that incident, weren't
28 you?

29 A. No, I was not made aware of this incident but I think

1 witness Hassan Bility covered a part of this in his evidence when
2 he sat in this chair. I am not aware of this happening and if it
3 had happened, the then Attorney-General would have looked into
4 this matter. This is not a matter that would have come - the
15:09:23 5 President is not police, he is not a law enforcement officer so
6 to speak. I was not made aware of this. And I think Hassan was
7 I think questioned about these two individual, or at least one
8 that I recall.

9 Q. Mr Taylor, indeed this was just another example of your
15:09:38 10 approach to restricting press freedom. Isn't that correct?

11 A. That is not correct. I did more for press freedom than any
12 other President in the history of Liberia. Any other President.

13 Q. Indeed, Mr Taylor, during your presidency anything critical
14 of you or your government, you reacted to negatively. Isn't that
15:09:57 15 correct?

16 A. That is not correct. There were live radio calls in
17 Liberia, people insulted me on the air. That was the first time
18 in Liberia.

19 Q. And you reacted, Mr Taylor, by taking actions to restrict
15:10:10 20 press freedoms in Liberia. Isn't that correct?

21 A. That is totally incorrect.

22 Q. And this began just a short time after you actually assumed
23 the presidency. Isn't that correct?

24 A. Totally incorrect.

15:10:26 25 MS HOLLIS: Your Honours, we would ask that you mark this
26 document for identification in respect of the information on page
27 2 of 3 that was just referred to.

28 PRESIDING JUDGE: The document entitled "Liberia,
29 information on the new government's human rights records" by the

1 Immigration and Refugee Board of Canada, page 2, is marked
2 MFI-387.

3 MS HOLLIS: Thank you, Madam President:

4 Q. Mr Taylor, in 1998 you also engaged in practices to
15:11:15 5 restrict freedom of expression and freedom of press. Isn't that
6 right, Mr Taylor?

7 A. That is not right.

8 Q. Indeed, in 1998, and in fact in January 1998, your Ministry
9 of Information ordered Monrovia's only printing press to cease
15:11:36 10 publication of the Heritage newspaper. Isn't that correct?

11 A. I have no knowledge of that, that the Ministry of
12 Information ordered a private publishing - publication place - I
13 have no idea. It was not brought to my attention.

14 Q. And your Ministry of Information claimed that one of the
15:11:55 15 editorials in the Heritage newspaper was inflammatory. You knew
16 that, didn't you, Mr Taylor?

17 A. No, I didn't know that.

18 Q. And the piece in question chided the government for
19 apparent ingratitude toward ECOMOG, the Nigerian-led peacekeeping
15:12:17 20 force. You knew that, isn't that right, Mr Taylor?

21 A. No. No. No. I didn't know that. ECOMOG and my
22 government had problems, there's no doubt about that, but no.

23 Q. Indeed, Mr Taylor, your government only permitted the
24 Heritage newspaper to resume publication after the managing
15:12:38 25 editor formally apologised to the ministry. Isn't this correct,
26 Mr Taylor?

27 A. I'm not aware. The minister would have to answer that
28 question. Because if that had been brought to my attention, I
29 would not have tolerated that from any minister trying to abuse

1 whatever rights he may or may not have had. I don't think he had
2 the rights under our laws to close down a paper without going
3 through the courts, but I would say that that was not brought to
4 my attention. I would never have tolerated that.

15:13:11 5 Q. But, indeed, Mr Taylor, that's just not true, is it? You
6 were aware of that. Indeed, it was at your direction or with
7 your consent that that happened. Isn't that correct?

8 A. That's just twisted logic on your part. I was not aware.
9 In fact, that would have been an abuse of power. I would have
10 never - I cannot order - as President order a newspaper closed
11 down without going through - without the justice ministry going
12 through the courts.

13 Q. Mr Taylor, when you were President you could order what you
14 wanted. Isn't that right?

15:13:42 15 A. Well, that's again twisted logic.

16 Q. And also, Mr Taylor, in 1998 your security forces
17 throughout the year threatened private print media editors and
18 journalists. Isn't that correct?

19 A. What do you mean by "your security forces"? I didn't own
15:14:04 20 personally. When you say "your security forces", what do you
21 mean?

22 Q. You know what the security forces were in Liberia --

23 A. No, I don't.

24 Q. -- during your presidency, don't you, Mr Taylor?

15:14:12 25 A. No.

26 Q. Those security forces reported through their chains of
27 command directly to you. Isn't that right?

28 A. That's not correct. That's not correct. That's why I
29 don't know what you mean by "your security forces". I had no

1 private security force in the Republic of Liberia.

2 Q. Indeed, Mr Taylor, it is correct, is it not, that during
3 1998 several of the leading journalists were unable to sleep in
4 their homes for extended periods because your security forces
15:14:47 5 were frequently visiting them at night and threatening them?

6 A. Are you having - I don't know what you mean by "your
7 security forces". I have no idea of what you mean by "your
8 security forces". I had no private security forces in the
9 Republic of Liberia. So my, quote unquote, my security forces
15:15:05 10 could not have gone after anybody. And if anybody, as the member
11 of the national security forces in the country, that is, police
12 and others, were involved in that, they would have been punished
13 by the laws.

14 Q. That's not true at all, is it, Mr Taylor?

15:15:21 15 A. Very true. That's why I mentioned it because it's true.

16 Q. And, indeed, Mr Taylor, it's also true in 1998 that the
17 harassment of private journalists became even greater after the
18 operation Camp Johnson Road incident. Isn't that right?

19 A. That is not correct. That is not correct. How do you
15:15:40 20 harass people and newspapers grow in Liberia? You know, your
21 attempt, counsel, to make Liberia look like a jungle of lawless
22 thugs is totally, totally unfortunate for you to - but I think
23 you are doing your job, but that I disagree with you.

24 Q. Mr Taylor, as a result of the actions that your
15:16:05 25 subordinates took against media in the country, the media engaged
26 in a high degree of self-censorship. Isn't that correct?

27 A. Well, you've asked me several questions. Again, we come
28 back to subordinates. I don't know what you mean by
29 subordinates. Would you help me, please?

1 Q. Sure. Your security forces subordinates, Mr Taylor.

2 A. I didn't have any private security forces.

3 Q. And the self-censorship that the media personnel engaged in
4 was to not report matters that were critical of you or your
15:16:43 5 government. Isn't that correct?

6 A. But that sounds like - if it did happen, of which I'm not
7 aware, that sounds like a private decision. That's somebody's
8 own informed decision. I doubt it because the Liberian press was
9 pretty, pretty, pretty frisky. When I say frisky, in terms of
15:17:02 10 very active, I mean had monthly press conferences. They would
11 call into radio. They were pretty aggressive. So I dispute that
12 100 per cent.

13 Q. And as long as they said things you agreed with, then they
14 had no problems from your security forces. Isn't that right?

15:17:18 15 A. That's not right, Ms Hollis, and you know that.

16 Q. And they also had to exercise self-censorship in terms of
17 reporting any official corruption. Isn't that right?

18 A. Well, I encouraged the press and talked all the time about
19 the press being active in reporting whatever acts of corruption,
15:17:44 20 but under our laws in Liberia, you do have - I forgot it - I
21 forgot the title of the law. Journalists had to make sure that
22 what they published, if it injured somebody's character, I forgot
23 the nature of the law. I will probably think about it. And so
24 journalists were concerned, because if you published something
15:18:07 25 that was not true that injured that person's character, they
26 could take the journalist to court. I think it's libel. There
27 was a libel law in Liberia that journalists had to be very
28 careful with. Not created by me. That had been on the books on
29 libel.

1 Q. If we could please look at tab 42 of annex 4, US Department
2 of State, Liberia, Country report on human rights practices for
3 1998. If we could first look at the first page, the top of the
4 page, please. US Department of State, Liberia, Country report on
15:19:43 5 human rights practices for 1998. Released by the Bureau of
6 Democracy, Human Rights, and Labor, February 26, 1999. If we
7 could please turn to page 2 of that document. The third
8 paragraph from the top, beginning with the words in the first
9 line of that paragraph "It took a number of actions that
10 restricted press freedom". And then, Mr Taylor, it goes on to
11 describe, "On January 5 the Ministry of Information ordered
12 Monrovia's only printing press" --

13 PRESIDING JUDGE: I'm sorry, Ms Hollis, could you repeat
14 the reference where you are at?

15:20:35 15 MS HOLLIS: Yes, Madam President.

16 PRESIDING JUDGE: We're looking at page 2.

17 MS HOLLIS: We are tab 42 of annex 4 and page 2 of the
18 document that has been provided to your Honours should have the -
19 in large numerals at the top should end in 773.

15:20:57 20 PRESIDING JUDGE: No. Ours ends in 768.

21 MR GRIFFITHS: [Microphone not activated].

22 MS HOLLIS: I apologise. In mine I have as that second
23 page, but it is the page which has the large numerals ending in
24 773.

15:21:28 25 MR GRIFFITHS: That's actually page 7 of 15, bottom
26 left-hand corner of mine.

27 MS HOLLIS: I have the abbreviated version. 773.

28 PRESIDING JUDGE: You said the paragraph that begins where?

29 MS HOLLIS: It is the third paragraph from the top:

1 "Despite the government's reversal in these areas, it took
2 a number of actions that restricted press freedom. On January 5,
3 the Ministry of Information ordered Monrovia's only printing
4 press to cease publication of Heritage, a twice-weekly private
15:22:22 5 newspaper. The minister claimed that a Heritage editorial was
6 inflammatory. The opinion piece in question innocuously chided
7 the government for apparent ingratitude towards ECOMOG, the
8 Nigeria-led peacekeeping force. The government permitted the
9 newspaper to resume publication after the managing editor
15:22:50 10 formally apologised to the ministry."

11 Q. And, Mr Taylor, you were made aware of this incident,
12 weren't you?

13 A. No, Ms Hollis, I was not aware of this particular incident,
14 but you know what my response is. We dealt with this State
15:23:06 15 Department report, and to assume here that everything that comes
16 out of the State Department is factual is total nonsense and we
17 dealt with it.

18 Q. In fact, Mr Taylor, you were aware that the printing press
19 was ordered to cease publication of the Heritage, weren't you?

15:23:25 20 A. I was not aware and that's what - we dealt with this in
21 documents that - the Liberian government responded to this
22 country report by the State Department that had been adduced in
23 this Court and you know what my evidence is.

24 Q. And, indeed, Mr Taylor, you were aware that the newspaper
15:23:45 25 was only permitted to resume publication after a formal apology
26 was made to the ministry. You were aware of that, weren't you?

27 A. I was not aware. Those that want to play God and that will
28 know and everybody else is aware. It's not true. I was not
29 aware.

1 Q. And if --

2 A. Not aware.

3 Q. If we could look at the second paragraph below that one,
4 beginning with "Security forces periodically threatened private
15:24:12 5 print media editors and journalists throughout the year."

6 Mr Taylor, you were aware of this ongoing threatening conduct by
7 the security forces, weren't you?

8 A. No. If I was aware, I would not have approved the Liberian
9 government's response to the State Department by this nonsense
15:24:30 10 that they wrote.

11 Q. In fact, Mr Taylor, this threatening conduct was something
12 that emanated from your policy toward the press. Isn't that
13 right?

14 A. That is not right. That is not right.

15:24:52 15 Q. And if we could go down to the fifth line of that
16 paragraph. And, indeed, Mr Taylor, you were aware that several
17 leading private journalists didn't sleep in their homes because
18 your security officers visited them frequently and threatened
19 them. You were aware of that, weren't you?

15:25:17 20 A. I was not aware of that.

21 Q. And were you also aware that the harassment of private
22 journalists intensified greatly following operation Camp Johnson
23 Road. You were aware of that as well, weren't you, Mr Taylor?

24 A. I was not aware of that. The United States operation
15:25:37 25 failed on Camp Johnson Road to overthrow my government and they
26 wrote this nonsense and we responded to it properly. This is
27 total nonsense.

28 Q. And, Mr Taylor, you were also aware that because of the
29 actions of your security personnel toward the media that they

1 exercised self-censorship?

2 A. I can't read their minds. I think they did it. If there
3 was self-censorship, counsel, I would believe that was a personal
4 informed opinion. I was not aware that they had done this. But,
15:26:09 5 to the best of my knowledge, I encouraged and did everything for
6 press freedom in Liberia and that's a fact.

7 Q. Mr Taylor, if we look at the next paragraph:

8 "Seven private newspapers were published regularly in the
9 country. Two were dailies and five appeared once or twice
15:26:28 10 weekly. Some of them carried articles that were critical of the
11 government."

12 Mr Taylor, you've spoken about that, yes?

13 A. Yes. There were a lot of critical articles about
14 government, yes.

15:26:39 15 Q. "However, their editors admitted to practising
16 self-censorship by withholding news reports that reflected
17 unfavourably on - and commentary that was highly critical of -
18 the President, the security services and official corruption."

19 A. That's a propagandous lie. They are critical, but they
15:27:04 20 told whoever, "Oh, we were practising self-censorship."

21 Nonsense. And there were more than seven newspapers in Liberia
22 by the way. More than that. There were more than a dozen. This
23 is total nonsense and a black lie.

24 MS HOLLIS: Your Honour, I would ask that this document be
15:27:26 25 marked for identification in relation to the cover page and page
26 7 from which I have read these portions.

27 PRESIDING JUDGE: Page 1 and page 7 of the US Department of
28 State document entitled "Liberia Country Report on Human Rights
29 Practices for 1998", this is dated 26 February '99, is marked

1 MFI -388.

2 MS HOLLIS:

3 Q. Now, Mr Taylor, in 1997 after you became President you
4 didn't have a declared state of emergency in Liberia, did you?

15:28:34 5 A. I'm afraid, counsel, I don't understand.

6 Q. After you became President in 1998 you did not have a
7 declared state of emergency in Liberia, did you?

8 A. You mean 1998 or --

9 Q. 1997. Let me try this again, Mr Taylor. After you became
15:28:49 10 President in 1997, throughout the rest of 1997 you had no
11 declared state of emergency in Liberia, did you?

12 A. Counsel, I told these judges before I remembered the state
13 of emergency in 199 - I don't recall if there was another short
14 period, I really don't. But I can assure you if you have the
15:29:14 15 record to refresh my memory, I would tell these judges, "Yes, I
16 remember this." But I don't recall.

17 Q. Mr Taylor, as you don't know if there was a short period of
18 a state of emergency, in your recollection would it have been in
19 1997?

15:29:32 20 A. Counsel, I'm sorry, I'm being very, very frank. I don't -
21 I don't remember a state of emergency in 1997. I don't.

22 Q. And do you remember any state of emergency in 1998?

23 A. If I remember now, we just went through that.

24 Q. No, 1998, Mr Taylor. Do you remember any state of
15:29:57 25 emergency in 1998?

26 A. No, I don't. I can't recall, except for the long state of
27 emergency in 2002. I don't remember in 1998. No, I don't
28 remember. Wait a minute. There could have been probably - if
29 there was a state of emergency in 1998, the most probable period

1 could have been after the Camp Johnson Road situation. But I
2 swear I don't recall that there was one at that time. But that
3 would be a probable time and if you bring the record and I
4 reflect on that I will tell the judges yes. But I don't recall
15:30:44 5 in 1998, but that is a probable time.

6 Q. Mr Taylor, in 1999, at this point accusations are arising
7 relating to your support for the RUF. Isn't that correct?

8 A. 1999 if accusations are arising? Yes. They start in 1997.
9 They don't just start at that time.

15:31:08 10 Q. And, Mr Taylor, in 1999 the Heritage newspaper challenged
11 your regime to move beyond what it termed your legalistic denials
12 of involvement in Sierra Leone. Isn't that right, Mr Taylor?

13 A. They very well could have. It was their right to do that.
14 The Heritage - it was their right and I hope they did.

15:31:38 15 Q. Mr Taylor, they challenged your regime to abandon its
16 insistence that its accusers produce hard evidence to support the
17 claims. Do you recall that, Mr Taylor?

18 A. I don't recall the specific incident, but it was their
19 right if they wrote that.

15:31:55 20 Q. And following this article in the Heritage newspaper your
21 government forced the Heritage managing editor to flee the
22 country. Isn't that correct, Mr Taylor?

23 A. To force a Liberian to flee his country? No, I had no
24 knowledge that the Heritage owner left Liberia. If whoever was
15:32:22 25 the owner of the Heritage - and I don't quite remember the
26 Heritage very well because it was not a - I don't think it was a
27 big paper like The Inquirer or something like that. But no --

28 Q. Do you recall the editor being a man called Momoh Kanneh?

29 A. Momoh Kanneh? No.

1 Q. Indeed, before the editor left, his offices at his paper
2 were vandalised by your security forces. Isn't that correct?

3 A. By my security? I had no private security to have had
4 anybody's office vandalised, so when you say "your security", I
15:33:06 5 had no private security.

6 Q. Mr Taylor, first of all, you were aware of this article in
7 the Heritage newspaper asking your government to move beyond your
8 legalistic denials. You were aware of that, weren't you,
9 Mr Taylor?

15:33:22 10 A. No, quite frankly I was not. But, like I say, it was their
11 right to write whatever. The Heritage will know - I don't know
12 who owned the Heritage, but that name you call is a name from our
13 region, but I don't know the person. I've never heard of him,
14 no.

15:33:39 15 PRESIDING JUDGE: Ms Hollis, what is the spelling of the
16 surname of Momoh.

17 MS HOLLIS: Our understanding, according to the article, it
18 is M-O-M-O-H K-A-N-N-E-H:

19 Q. Mr Taylor, you're also aware that the offices of his paper
15:34:04 20 were vandalised by your security forces before he fled the
21 country. You were aware of that, weren't you?

22 A. I had no security forces to destroy anybody's office and I
23 was not aware of any such destruction. The President is not a
24 Superman. I don't know how the bar can be so lowered when it
15:34:25 25 comes to Charles Taylor. The President in a nation would know
26 every little nook and cranny of everything going on in a country?
27 Counsel, you know that's not fair. That's not the case.

28 Q. Mr Taylor, in fact your government labelled the Heritage
29 newspaper as a dissident newspaper. Isn't that right?

1 A. Not to my knowledge, counsel, no.

2 Q. And it was labelled that way because of the article asking
3 you to move beyond your legalistic denials. Isn't that right?

4 A. I'm sorry, I'm not Superman, counsel. That is incorrect.
15:34:51 5 I had no knowledge of that.

6 MS HOLLIS: Your Honours, we would ask that you look at tab
7 40 in annex 2B. This is a document headlined, "Liberia: Church,
8 media condemn involvement in Sierra Leone" from IPS and it is
9 dated 10 February 1999. If we could first see the top of the
15:36:01 10 first page. IPS, Inter Press Service, Global Information
11 Network. IPS, Inter Press Service, February 10, 1999, Wednesday,
12 "Liberia: Church, media condemn involvement in Sierra Leone".

13 If we could move to the bottom of that page, please. The
14 bottom two paragraphs. The paragraph beginning:

15:36:32 15 "Liberia's independent newspapers have also joined the
16 fray. One of them, the Heritage, challenged Taylor's regime to
17 move beyond its legalistic denials and to abandon its insistence
18 that its accusers produce hard evidence to support their claims
19 that Liberia is involved in the conflict in Sierra Leone.

15:36:52 20 Following the article, the government forced Heritage's managing
21 editor, Momoh Kanneh, to flee the country. Before he left, the
22 offices of his paper were vandalised by Taylor's dreaded security
23 forces."

24 Then if we could look at the next page, please, at the top
15:37:16 25 of that page, the first paragraph.

26 MR GRIFFITHS: Is that the paragraph commencing, "Our
27 reportage"?

28 MS HOLLIS: Correct.

29 MR GRIFFITHS: I would object to that paragraph being read.

1 PRESIDING JUDGE: What is the objection?

2 MR GRIFFITHS: The objection is this: "Our reportage of
3 events has cost us dearly", which in the context of the piece
4 suggests, and this no doubt will be the argument in due course,
15:37:53 5 that this paper was being suppressed because it was exposing this
6 defendant's involvement in events in the neighbouring country and
7 consequently it goes to guilt, in our submission. Particularly
8 when one adds in the title of the piece.

9 PRESIDING JUDGE: Mr Griffiths, you would not object to
15:38:20 10 what has already been read but only that paragraph over the page
11 on page 2. Ms Hollis, could you respond in relation to that
12 paragraph on page 2.

13 MS HOLLIS: Yes. The Prosecution reads "our reportage of
14 Sierra Leone" as referring back to the challenge to move beyond
15:38:40 15 its legalistic denials and abandon its insistence that its
16 accusers produce hard evidence. That's how we read that. We
17 certainly did not intend to argue beyond that. That is our
18 understanding of it. We don't believe that it is probative of
19 guilt and the part in fact that we are particularly interested in
15:38:58 20 is:

21 "'We were labelled by the Taylor government as a dissident
22 paper. I had to flee for my life or I would have been dead by
23 now,' he told IPS last month."

24 We suggest that "our reportage" is in connection with what
15:39:15 25 was set forth at the bottom of the prior page, and we would ask
26 that your Honours consider it and that you consider it for
27 impeachment. We don't believe that it is probative of guilt.

28 PRESIDING JUDGE: Ms Hollis, we're looking at this article,
29 especially on page 2, where in the second paragraph as you can

1 see is, I think, a continuation basically of the first. Can you
2 assure me that you are not going to rely on that second
3 paragraph?

15:40:16 4 MS HOLLIS: Madam President, we don't read that as a
5 continuation. We read that as going to the broader topic that is
6 in the caption. We read the part about the Heritage as ending at
7 the first paragraph and we certainly do not intend to try to link
8 the second paragraph to what happened with the Heritage
9 newspaper. We think it's reporting several things. The only one
15:40:42 10 we're interested in is about the Heritage newspaper.

11 PRESIDING JUDGE: Allow me to confer, please.

12 [Trial Chamber conferred]

13 PRESIDING JUDGE: We've looked at the paragraph in question
14 and also the two paragraphs - the two previous paragraphs on the
15:43:39 15 page before. There's no doubt that the paragraphs in their
16 content allude to the involvement of Charles Taylor's government
17 in the affairs of Sierra Leone and that it is this that the -
18 that Taylor is allegedly clamping down on freedom of the press
19 and therefore, in our view, this does go to the guilt of the
15:44:07 20 accused if we allow it to be used. It is a matter that could
21 have been raised in chief by the Prosecution to afford the
22 Defence an opportunity to cross-examine witnesses, et cetera.
23 This was not done, and therefore to raise it at this stage makes
24 it new evidence that goes to proof of guilt and for which the
15:44:37 25 Prosecution must exhibit that it is either - it's in the interest
26 of justice and also does not violate the fair trial rights of the
27 accused. In the view of the majority of the Trial Chamber, we
28 think that this has not been demonstrated and so you cannot use
29 particularly paragraph 2. I know that the Defence did not object

1 to the previous paragraphs, but this has been included in my
2 reasoning. But you cannot use paragraph - the paragraph on page
3 2, I beg your pardon. The paragraph on page 2, you cannot use.

15:45:20 4 MS HOLLIS: So that I understand, Madam President, the
5 references on page 1 and page 2, both are precluded from use.

6 PRESIDING JUDGE: Yes, because you've already asked
7 questions and the questions have been answered, so those ones
8 have already been used anyway. If you want them marked, I can
9 mark them.

15:45:39 10 MS HOLLIS: Then I may - then the paragraphs on page 1 may
11 be used, is that --

12 PRESIDING JUDGE: The paragraphs on page 1 have been used -
13 may be used and have been used.

14 MS HOLLIS: Then I would ask that your Honour mark page 1
15:45:56 15 for identification.

16 PRESIDING JUDGE: The reference - or the article entitled
17 "Liberia church, media condemn involvement in Sierra Leone", this
18 is a LexisNexis IPS release of February '99 is marked MFI-389.

19 MS HOLLIS: Thank you, Madam President:

15:46:34 20 Q. Now, Mr Taylor, in 2000 your government shut down Star
21 Radio and suspended broadcast by the Catholic-run Radio Veritas.
22 Isn't that correct?

23 A. Now, there's two questions now. What's the first question?

24 Q. Your government shut down both of these. Isn't that
15:46:57 25 correct?

26 A. That is not correct.

27 Q. Your government shut down Star Radio. Isn't that correct?

28 A. That is correct.

29 Q. And your government suspended broadcast of Radio Veritas.

1 Isn't that correct?

2 A. Not to my knowledge.

3 Q. You knew that, Mr Taylor, didn't you?

4 A. No, I did not know that.

15:47:13 5 Q. And, indeed, Mr Taylor, when your government shut down Star
6 Radio and suspended Radio Veritas, it did so by accusing them of
7 abusing press freedom and freedom of speech. Isn't that right?

8 A. Let's divide them up. You've asked me again two questions.

9 I have told these judges, my government with my knowledge closed
15:47:36 10 down Star Radio and there's completely different situation.

11 There was a legal issue and a controversy that existed between
12 the governments of Liberia and the United States, so that's that
13 part.

14 Q. Mr Taylor, the question to you --

15:47:52 15 A. The second part, we - I was not aware that Radio Veritas
16 got closed down. If not, I would tell these judges.

17 Q. That's just not true, is it, Mr Taylor?

18 A. I just told you.

19 Q. It's just not true. And, Mr Taylor, it is true --

15:48:05 20 PRESIDING JUDGE: Could I ask you please not to speak over
21 each other. There's no point to be served in speaking over each
22 other.

23 MS HOLLIS:

24 Q. Mr Taylor, it is true, is it not, that as to both Star

15:48:18 25 Radio and Radio Veritas, your government shut them down and
26 suspended broadcast because it accused both of them of abusing
27 press freedom and freedom of speech? That is correct, is it not,
28 Mr Taylor?

29 A. You've asked me two questions again and I'm going to insist

1 on splitting up the questions. You've asked me about Star Radio,
2 on the one hand; you've asked me about Radio Veritas. Now, would
3 you please let me answer one question at a time?

4 Q. Mr Taylor --

15:48:47 5 PRESIDING JUDGE: Mr Taylor, please go ahead and answer.

6 THE WITNESS: Okay. On Star Radio, again, I insist, I
7 Charles Ghankay Taylor am aware of the closure of Star Radio,
8 lock, stock and barrel, yes. Radio Veritas, I was not aware and
9 have no recollection of Radio Veritas being shut down.

15:49:10 10 PRESIDING JUDGE: But, Mr Taylor, the question was, in
11 relation to both radios, that your government shut them down and
12 suspended the broadcast because it accused both of them of
13 abusing press freedom and freedom of speech. That is correct, is
14 it not? That is the question.

15:49:30 15 THE WITNESS: That is not correct. That's what I'm saying.
16 That is totally, totally, totally incorrect.

17 MS HOLLIS:

18 Q. Indeed, Mr Taylor, your government made a statement about
19 these actions that were broadcast on your own private radio

15:49:48 20 station. Isn't that correct?

21 A. About the two incidents?

22 Q. Yes.

23 A. To the effect that because they were abusing press freedom?

24 Q. Mr Taylor, the first question is: Your government made a
15:50:02 25 statement about these actions which was broadcast on your private
26 radio station. Isn't that correct?

27 A. But which actions? You asked me a question. You don't
28 tell me what the broadcast was. About which actions?

29 Q. Closing down Star Radio and suspending broadcast of Radio

1 Veritas. Your government made a statement relating to both of
2 these actions and it was broadcast on your private radio station.
3 Isn't that correct?

15:50:40 4 A. Well, that cannot be correct because I didn't have a
5 private radio station personally. No, that's correct not
6 correct. As President of Liberia, I didn't have a private radio
7 station.

8 Q. And your government statement said the action was due to
9 security threats created by agents and provocateurs using the
15:51:01 10 news media to abuse freedom of speech and press. Isn't that what
11 your government stated in relation to these actions?

12 A. You said my government. No. I would like to know what
13 agency. I don't, as President of Liberia, have any knowledge of
14 that statement emanating from my government to the effect that
15:51:26 15 you have said. Now, if someone said that relating to Star Radio,
16 that would be total nonsense, that's why I've insisted on
17 splitting them up, because Star Radio was closed down.

18 Q. And your government, as part of its statement, indicated
19 that this was a trend to open old wounds by raising issues which
15:51:50 20 threatened to reverse progress made in our reconciliation
21 efforts. That was part of your government's statement as well,
22 was it not, Mr Taylor?

23 A. Well, I'm still confused, Ms Hollis, when you say my
24 government. I don't know what you mean by my government. That's
15:52:07 25 what is causing all this confusion. Are you saying an agency of
26 the Liberian government? If I got to know, I would be able to
27 state as to whether that agency spoke with the authority of the
28 Liberian government. I don't know what you mean by my
29 government. Who spoke? I don't know.

1 Q. Do you recall any statement by your government, Mr Taylor?

2 A. I don't know what "my government" is.

3 Q. I think, Mr Taylor, you are playing games here.

4 A. No, you are playing games, Ms Hollis.

15:52:41 5 Q. Mr Taylor, let me ask you this: Do you recall any
6 statement being issued by the Executive branch of the Liberian
7 government of which you were the head when you were President
8 about the closure of Star Radio?

9 A. I can recall not a statement, so to speak, from the
15:53:05 10 Executive branch of government, because I think I probably stated
11 to the nation myself why Star Radio was being closed.

12 Q. So you yourself made a statement as to why it was closed?

13 A. Star Radio.

14 Q. And now you recollect that?

15:53:22 15 A. No, no, no. I said to this Court all along, with my
16 authorisation, Star Radio was closed. What do you mean I'm just
17 admitting that?

18 Q. Mr Taylor, that was made over your private radio station.

19 Isn't that correct?

15:53:33 20 A. I don't have a private radio station. I told you I didn't
21 have a private radio station. I spoke about the Star Radio
22 closure because it was a diplomatic incident.

23 Q. Mr Taylor, was it you who said that the action was due to
24 security threats created by agents and provocateurs using the
15:53:54 25 news media to abuse freedom of speech and press?

26 A. No.

27 Q. Were you the one who said that?

28 A. That is not correct. I spoke only about Star Radio and
29 explained why Star Radio could not be open, because it was a

1 diplomatic situation.

2 Q. And your story is, you are not aware of any government
3 statement to the effect that the action was due to security
4 threats created by agents and provocateurs using the news media
15:54:24 5 to abuse freedom of speech and press?

6 A. I don't understand your question.

7 Q. You're saying you are not aware of that. Isn't that
8 correct?

9 A. No. Let me get your question.

15:54:33 10 Q. That is my question. Now, listen to it, please.

11 A. Well, I'm listening.

12 Q. So, Mr Taylor, are you saying that you are unaware of a
13 government statement saying that the action - and we're talking
14 here about what you admit to knowing, the closure of Star Radio.

15:54:50 15 A. Star Radio, yes.

16 Q. That the action was due to security threats created by
17 agents and provocateurs using the news media to abuse freedom of
18 speech and press?

19 A. No, I'm not aware that any agency of my government spoke in
15:55:08 20 those words, in that term about the closure of Star Radio because
21 that would have been misleading. Because Star Radio was closed
22 and I announced why it had been closed, so if any agency
23 pronounced that, they misled the public.

24 Q. And, Mr Taylor, in relation to Radio Veritas, did you
15:55:29 25 yourself make any statement about suspension --

26 A. No.

27 Q. -- of broadcast?

28 A. No. No.

29 Q. And your testimony to these judges, are you aware of a

1 government statement relating to suspension of broadcast of Radio
2 Veritas saying that the action was due to security threats
3 created by agents and provocateurs using the news media to abuse
4 freedom of speech and press?

15:55:58 5 A. I don't know what to say to you again. I am not aware of
6 --

7 Q. Were you aware of that, Mr Taylor?

8 A. I am not aware of any statement from my government and, by
9 that, those that were credited with being able to speak for my
10 government, making any statement concerning Radio Veritas that it
11 was closed because of - I can't quote you verbatim, because of
12 what you have stated. I am not aware of that particular
13 pronouncement, no.

14 Q. Mr Taylor, that's just not truthful testimony, is it?

15:56:31 15 A. Look, if I closed Star Radio down that was being run by the
16 United States government, Radio Veritas was nothing. I would not
17 lie to these judges. If I had suspended Radio Veritas that was a
18 Liberian-owned entity, I swear I would tell these judges. There
19 is nothing to make me afraid of that.

15:56:51 20 Q. That was a Catholic-run radio station?

21 A. Yes, Liberian owned. By the Catholic Church in Monrovia.
22 Is the Catholic Church more powerful than the United States
23 government? No.

24 Q. Indeed, Mr Taylor, your government asked Radio Veritas to
15:57:03 25 write a letter of apology. Isn't that correct?

26 A. No. Under the laws it's very --

27 Q. Mr Taylor --

28 A. No, listen. Would you let me answer.

29 Q. -- is that correct?

1 A. Look --

2 Q. Mr Taylor, is that correct?

3 PRESIDING JUDGE: Ms Hollis, let the witness answer. I
4 think we'll save time this way. Please answer as directly as
15:57:25 5 possible the question.

6 THE WITNESS: I'm not aware that the Ministry of
7 Information or any other ministry - it could have very well
8 happened that the Ministry of Information had some problems with
9 Veritas. But I, as President of Liberia, did not know or
15:57:41 10 authorise any action against Radio Veritas.

11 PRESIDING JUDGE: The question was:

12 "Indeed your government asked Radio Veritas to write a
13 letter of apology. Isn't that correct?"

14 That is the question --

15:57:53 15 THE WITNESS: No.

16 PRESIDING JUDGE: -- that you are required to answer.

17 THE WITNESS: My government - okay, my government never did
18 that.

19 MS HOLLIS:

15:58:01 20 Q. And, Mr Taylor, it is correct, is it not, that your
21 government also asked Radio Veritas to refrain from engaging in
22 political activities?

23 A. I did not authorise any such thing. My government did not
24 do that. If any individual did it, they did not represent my
15:58:20 25 government.

26 Q. Indeed Mr Taylor, both stations went off the air when three
27 jeeps loaded with police officers armed with assault rifles
28 stormed the premises to seal them. Isn't that correct?

29 A. Will you - well, I'm not going to answer the two questions.

1 There are two questions.

2 Q. As to both stations, Mr Taylor - well, let's take the one
3 that you acknowledge knowing about, Star Radio. That station
4 went off the air when jeeps loaded with police officers armed
15:58:59 5 with automatic assault rifles stormed the premises of Star Radio.
6 Isn't that correct?

7 A. That's total nonsense. That's not correct.

8 Q. And Mr Taylor --

9 A. That's not correct.

15:59:09 10 Q. -- Radio Veritas went off the air abruptly when jeeps
11 loaded with police officers armed with automatic assault rifles
12 stormed the premises of Radio Veritas as well. Isn't that
13 correct?

14 A. I have no idea, no. I have no idea if police went to
15:59:29 15 Veritas, but nobody stormed Star Radio. Police did go to Star
16 Radio and closed it down, but not as you say stormed with
17 automatic rifles and this was in agreement with the owners of
18 that station that they could no longer operate which was the
19 United States embassy. And no one would storm the United States
15:59:51 20 embassy property with arms. We told them, we had had months of
21 discussions and we closed it down because of legal problems. No.

22 Q. And, Mr Taylor, the police who went into Star Radio looted
23 handsets from Star Radio. Isn't that correct?

24 A. I don't care how you characterise it, counsel. That's a
16:00:16 25 lie.

26 Q. And they also were violent or rough with some of the
27 employees. Isn't that correct?

28 A. I don't care how you categorise it, it's a lie. We went in
29 there. When I say "we", the police went in, upon informing the

1 United States embassy that the station because of a legal issue
2 had to be shut down. They went in as decent human beings, they
3 are also trained people. There was no need for any violence or
4 theft. Whoever wrote or said that is a liar.

16:00:48 5 Q. Indeed, Mr Taylor, at Radio Veritas the police flogged the
6 duty technician because the duty technician initially refused to
7 shut down the station. Isn't that right?

8 A. I have no idea. That's not right. Maybe you were there.
9 I don't know. That's not true.

16:01:06 10 Q. Mr Taylor, you were briefed on all of this, weren't you?

11 A. No, I was not briefed. I committed them personally,
12 according to your thinking.

13 Q. Mr Taylor, you actually were aware of the actions that were
14 going to be taken against these two radio stations before they
16:01:18 15 were taken?

16 A. That's nonsense.

17 Q. Isn't that right?

18 A. Again I will split these answers before you confront me
19 tomorrow and say, "Well, you said no to this." On Star Radio I

16:01:30 20 was aware. I gave the orders after diplomatic discussions to
21 close Star Radio down. Veritas, I have said to these judges
22 once, twice, ten times I had no knowledge of the incident that
23 you have explained. The Ministry of Information does have
24 certain authority. I was not briefed about that. I was fully
16:01:52 25 briefed and authorised the Star Radio closure.

26 Q. Mr Taylor, these two stations were located only about 200
27 feet apart. Isn't that correct?

28 A. I do not know the location of these stations where they -
29 to the best of my knowledge, Star - the Radio Veritas is at the

1 Catholic compound or should be at the Catholic compound which is
2 downtown Monrovia, and I would assume - and I don't want to
3 speculate here, but I don't know where Star Radio was located,
4 but Veritas had to be on the Catholic compound and it's in one
16:02:36 5 section of Ashmun Street, that's A-S-H-M-U-N, Ashmun Street in
6 Monrovia.

7 Q. Thank you for that spelling. Mr Taylor, after both of
8 these stations were shut down your government posted armed guards
9 at those stations. Isn't that correct?

16:02:52 10 A. If armed guards were stationed at Star Radio it is possible
11 to make sure that the place was not vandalised because the
12 equipment and the property was the property of the United States
13 government. We were very careful that nothing would happen to
14 anything in that building because even though we closed down the
16:03:14 15 property, it remained the property of the United States

16 government. So there could have been guards posted there. I
17 would not deny that, even though I don't know, but it would be a
18 regular thing, but --

19 Q. Mr Taylor --

16:03:26 20 A. -- Veritas, I don't know what happened at Veritas because
21 I'm not aware of what you've explained.

22 Q. Mr Taylor, the staff at Star Radio were not permitted to
23 take away their personal belongings when they were forced to
24 leave. Isn't that correct?

16:03:40 25 A. I'm not aware of that. Of course it would have been - it
26 would have been wrong for them to deny the employees. I'm not
27 aware of that, counsel, honestly.

28 Q. Similarly the staff at Radio Veritas were not allowed to
29 take away their personal belongings when they were forced to

1 Leave. Isn't that correct?

2 A. I have no knowledge of the Radio Veritas situation.

3 Q. Mr Taylor, the closure of Radio Veritas and Star Radio left
4 your private station as the only shortwave broadcasting radio.

16:04:17 5 Isn't that correct?

6 A. Oh, well, I did not have a radio station so that is
7 incorrect.

8 Q. Mr Taylor, Star Radio. Star Radio was set up in 1997 as an
9 NGO radio. Is that correct?

16:04:47 10 A. I have - no, not to my knowledge. As an NGO, not to my
11 knowledge.

12 Q. And it was set up to provide impartial news and information
13 during the presidential elections, Mr Taylor?

14 A. Well, the radio was brought in to provide what, do you call
16:04:59 15 it, a level playing field for the electoral process.

16 Q. And it was funded by USAID, the Dutch government and the
17 Swedish international development agency. Isn't that correct,
18 Mr Taylor?

19 A. I'm not aware of that. I was told by the United States
16:05:17 20 government through its ambassador that that radio station was the
21 property of the United States government. They did not tell me
22 that it had been in part funded by other governments. The United
23 States ambassador told my government that that radio station was
24 the property of the United States government.

16:05:32 25 Q. That's not really correct, is it, Mr Taylor?

26 A. I have told you that is 100 per cent correct and that they
27 had title to the radio station and I had asked that the title be
28 turned over if they wanted Liberians to operate it. They refused
29 and said they would not relinquish title. That was the United

1 States government's position.

2 Q. And, Mr Taylor, as to Radio Veritas, that station was burnt
3 down in 1996 during the fighting that began in April. Isn't that
4 correct?

16:06:03 5 A. I doubt it. Radio Veritas being burnt down in 1996? I
6 have no idea.

7 Q. It was later rebuilt by the Catholic Church. Isn't that
8 correct?

9 A. No, not to my knowledge, counsel. Not to my knowledge.

16:06:23 10 Q. Mr Taylor, the actions in relation to both of these radio
11 stations were actions you knew about before they took place.
12 Isn't that correct?

13 A. Oh, the criminal Charles Taylor. No, you are wrong. You
14 are totally wrong.

16:06:36 15 Q. Indeed you were made aware of the circumstances of the
16 closure of these stations as well. Isn't that right?

17 A. Well, again you say "the stations". I have told this Court
18 - because if I say yes or no here I could be misleading the
19 judges. I have told the Court I have to separate it again. I
20 was aware of the closure of Star Radio. To that extent, yes.

16:06:54 21 The issue that you raised about Radio Veritas, I've said a
22 million times I was not aware.

23 MS HOLLIS: Your Honours, I would ask that you look at tab
24 28 in annex 1, Pan-African News Agency, "Liberia: State shuts
25 down independent radio stations," 15 March 2000:

16:07:23 26 Q. Mr Taylor, if we could look at the top we see, "Liberia:
27 State shuts down independent radio stations," 15 March 2000,
28 allAfrica.com, Pan-African News Agency. Then we see the name
29 Peter Kahler. Do you know of a person called Peter Kahler,

1 Mr Taylor?

2 A. No, he is not a Liberian at all. This is not coming from
3 our side.

4 Q. And we see:

16:08:43 5 "Monrovia, Liberia, PANA. Authorities in Liberia Wednesday
6 closed down the independent Star Radio and suspended broadcast by
7 the Catholic-run Radio Veritas, accusing them of abusing press
8 freedom and freedom of speech.

9 A government statement broadcast on President Charles
16:09:03 10 Taylor's private radio station said the action was due to
11 security threats created by agents and provocateurs using the
12 news media to abuse the unprecedented freedom of speech and press
13 now prevailing in the country."

14 Then, Mr Taylor, it goes on to say the rest of the
16:09:25 15 statement:

16 "This trend is a design by detractors to open old wounds by
17 raising issues which threaten to reverse progress made in our
18 reconciliation efforts and plunge the country back into civil
19 uprising, it added. The government gave no duration of the
16:09:44 20 suspension of broadcast by Radio Veritas but asked the station to
21 write a letter of apology and refrain from engaging in political
22 activities. It neither gave the purpose of the apology nor the
23 nature of the political activities the station is being accused
24 of."

16:10:02 25 Mr Taylor, do you know the nature of the political
26 activities Radio Veritas was being accused of?

27 A. This whole statement is false so I don't know what they are
28 talking about.

29 Q. "The two stations went off the air abruptly at 7 a.m.

1 Wednesday when three jeeps loaded with police officers armed with
2 automatic assault rifles and led by police chief Paul Mulbah
3 stormed their premises to seal them."

16:10:33 4 Now, Mr Taylor, Police Chief Paul Mulbah being involved in
5 this action, you would know about that, wouldn't you.

6 A. Why would the - no. I mean, why would the police director
7 go there? But, counsel, you know, with all due respect, you've
8 been telling these judges that my government made a statement. I
9 see in this document here a government statement by nobody which
16:10:49 10 would be said maybe the Ministry of Information or that. Nobody.
11 This is just something being written and you've been presenting
12 this as though my government - I keep telling you - so Paul
13 Mulbah, as director of police, I don't think he would go there -
14 go to personally to close down Star Radio, but this whole thing
16:11:13 15 here is just really, really, really speculation, from what I can
16 see.

17 Q. "It was not clear whether the police possessed court action
18 for the closure." Mr Taylor, your story, the closure of Star
19 Radio, did you have court documents for that to occur?

16:11:32 20 A. No, no. Star Radio, we did not need a court order. This
21 was a diplomatic issue, a diplomatic row between the two
22 governments about the broadcast on Liberian airwaves of a foreign
23 radio station. So it didn't require a court order.

24 Q. And, Mr Taylor, it goes on:

16:11:50 25 "One staff of Star Radio told PANA that the police
26 manhandled some employees and looted four Motorola handsets from
27 them."

28 A. No name. One staff, no name.

29 Q. "The Radio Veritas reporter also told PANA that the police

1 flogged our duty technician for initially refusing to shut down
2 the station on their orders. The policeman took away the
3 station's base radio for walkie talkie communication with staff
4 and reporters. Two stations lying some 200 feet apart in the
16:12:26 5 diplomatic enclave of Mamba Point are presently under guard by
6 policemen armed with assault rifles. 'All the staff at both
7 stations were driven out without being permitted to take away
8 personal belongings,' witnesses said. Star Radio and Radio
9 Veritas represent the foremost independent broadcast institutions
16:12:50 10 with shortwave covering the entire country. Their closure leaves
11 shortwave radio broadcasting sole to Taylor's private station.
12 The government's fuss over programming contents of Star Radio led
13 to the withdrawal of its shortwave frequency in 1998 with
14 government claiming that the station was foreign-run and funded.
16:13:16 15 It used FM until efforts to renegotiate the shortwave were shot
16 by the final closure. The station, set up in 1997 as an NGO
17 radio to provide impartial news and information during
18 presidential elections then, was funded by the USAID, the Dutch
19 government and the Swedish International Development Agency.
16:13:42 20 Veritas, operated by the Catholic Church in Liberia, has had its
21 ups and downs with the government during the era of late
22 President Samuel Doe and now the Taylor administration. The
23 station was burnt to ashes in 1996 by factional fighters during a
24 six-week gun battle in Monrovia but later rebuilt by the church."

16:14:07 25 Mr Taylor, this report dealing with a Catholic-run radio
26 station and Star Radio, you were made aware of this report,
27 weren't you, Mr Taylor?

28 A. Do you - I was not made aware. The guy that even wrote
29 this report, you asked me if I knew him. Do you know him? I

1 guess you don't - you know him.

2 Q. Indeed, Mr Taylor, you were aware of this action before it
3 even occurred because it was action by your subordinates. Isn't
4 that right?

16:14:35 5 A. Which action?

6 Q. Shutting down the radio star - Star Radio and suspending
7 broadcast --

8 PRESIDING JUDGE: Ms Hollis, you've asked this question I
9 think three times now in succession. This question has been
10 asked and answered. This very question has been asked and
11 answered three times.

12 MS HOLLIS:

13 Q. Mr Taylor, your testimony to this Court about your
14 knowledge of these actions hasn't been truthful, has it?

16:15:13 15 A. Which actions, Ms Hollis?

16 Q. The ones we've just talked about, Mr Taylor.

17 A. My evidence to this Court is as follows: On Star Radio, I,
18 Charles Ghankay Taylor, am aware and acquiesced in the closing
19 and ordered the closing of Star Radio. I was not aware of any
20 controversy between Radio Veritas and any agency of the Liberian
21 government that was brought to my attention. Star Radio, yes.

16:15:36 22 Q. Mr Taylor, around time that these closures occurred,
23 members of your ATU and special security unit had been deployed
24 throughout city. Isn't that correct?

16:16:05 25 A. In 2000 - if they had been deployed throughout the city in
26 2 --

27 Q. Around the time of the closure of Star Radio and the
28 suspension of broadcast of Radio Veritas.

29 A. Yeah, your question was as - if the ATU had been deployed

1 across the city. That's what I'm asking. That's your question?

2 Q. Yes.

3 A. I'm not aware. There was no - I don't know of any
4 circumstances at the time that could have led to what your

16:16:39 5 question asked. No, I'm not aware. But the ATU was always
6 deployed at government buildings, embassies and different things,
7 so they were already in town. I don't know of any special reason
8 why that should have been augmented. I'm not aware.

9 Q. Now, Mr Taylor, you recall that we have earlier talked
16:17:02 10 about the arrest and detention of four journalists, including
11 Sorious Samura. You recall that, yes, Mr Taylor?

12 A. Yes.

13 Q. And this occurred in 2000. Do you recall that, Mr Taylor?

14 A. That is correct.

16:17:22 15 Q. And you recall that it was put to you that these
16 journalists, while they were being held, had been mistreated. Do
17 you recall that, Mr Taylor?

18 A. Yes, I recall that.

19 Q. And it was put to you that indeed Sorious Samura had been
16:17:41 20 threatened with a knife. Do you recall that, Mr Taylor?

21 A. Yes, I have some vague recollection, yeah. I can say that,
22 yeah.

23 Q. And you were not in agreement that that would have
24 happened. Isn't that right, Mr Taylor?

16:17:59 25 A. I'm not sure if I said to you that it would not have
26 happened. I said that it could not have happened. Maybe instead
27 of "would" I probably said something to the effect that these
28 people were there and such a thing could not have happened.

29 Q. Indeed, you said that they were not mistreated while they

1 were held --

2 A. To the best of my --

3 Q. -- is that right, Mr Taylor?

4 A. Yes, to the best of my knowledge, they were well

16:18:28 5 represented and it would have been very, very, very stupid and
6 unfortunate if anybody had mistreated them. That was not brought
7 to my attention. After they left, in all fairness to you and
8 Court, there were reports. But while they were in Liberia, that
9 was not brought to my attention.

16:18:52 10 MS HOLLIS: Madam President, before I move to the next
11 document, may I ask that the document at tab 28 in annex 1,
12 "Liberia, state shuts down independent radio stations", be marked
13 for identification.

14 PRESIDING JUDGE: That document is marked MFI-390.

16:19:10 15 MS HOLLIS: Thank you:

16 Q. And, Mr Taylor, you may recall that at the time the
17 questions were being put to you about the treatment of these
18 journalists, including Sorious Samura, we were not using
19 documents at that time. Do you remember that, Mr Taylor?

16:19:34 20 A. Yes, I do.

21 Q. Now, I would ask us to look at tab 22 in annex 1. This was
22 a BBC News report, Saturday, 26 August 2000, "Freed journalists
23 tell of Liberia terror". And if first we could look at the top
24 and we see "BBC News, UK, Saturday, 26 August 2000, Freed
16:20:40 25 journalists tell of Liberia terror." And it has, from left:

26 "Tim Lambon, David Barrie and Sorious Samura. A group of
27 journalists freed after being held on spying charges in Liberia
28 have spoken of the hellish existence they left behind. Three of
29 the journalists who had been working for Channel 4 flew into

1 London on Saturday morning. A fourth had already flown home to
2 South Africa. Speaking at a news conference at Heathrow Airport,
3 the celebrated Sierra Leonean filmmaker Sorious Samura described
4 how, during the week he and his colleagues were imprisoned,
16:21:26 5 prison officers had threatened to kill him with a knife. 'They
6 were brandishing a knife and said, "We are going to split your
7 heart open," and I thought that was the end.'"

8 Mr Taylor, you were aware of the threats to Mr Samura while
9 he was being held in Liberia, weren't you?

16:21:48 10 A. You know, that is such - I was not aware. Samura was
11 represented by one of the best trained lawyers in Liberia, a
12 Harvard educated lawyer, and that lawyer, knowing that his client
13 was threatened, would have definitely represented this before the
14 courts or whatever. I was never told of this nonsense. This is
16:22:12 15 total nonsense. I was never told because his lawyers would have
16 raised this. Varney Sherman is one of the best trained lawyers
17 in the Republic of Liberia that represented this man. I am not
18 aware of that.

19 Q. Mr Taylor, they wouldn't have raised it if they thought it
16:22:32 20 would put their clients in further jeopardy, would they?

21 A. Their clients left the country. Varney - there were
22 negotiations going throughout. People were calling Channel 4.
23 President Nelson Mandela talked to me. There were a lot of
24 things going on for this thing. I don't know if Sorious said
16:22:50 25 this or not, but this was not - if this has happened, this was
26 unacceptable. It was not brought to my attention. And, quite
27 frankly, earnestly to Sorious, I don't believe Sorious's story
28 here. I don't.

29 Q. Now, Mr Taylor --

1 A. If he said this.

2 Q. -- it goes on:

3 "The journalist, British director David Barrie; Zimbabwe
4 born, cameraman Tim Lambon, who has dual South African and
16:23:19 5 British nationality; Sierra Leonean, Mr Samura; and South African
6 soundman, Gugulakhe Hadebe" - is that anywhere close?

7 A. I think you are doing well, counsel.

8 Q. -- "described how they had been bundled into trucks by 20
9 police brandishing rifles during their arrest."

16:23:41 10 Mr Taylor, you were aware that that is the circumstance of
11 their arrest, weren't you?

12 A. Counsel, I swear, then I'm not President of Liberia. I'm
13 not aware of this. Police officers in Liberia carry weapons.
14 Now, their description, if it is true, that they were bundled and
16:24:00 15 brandishing or home heroes coming back, I don't know the
16 circumstance. But the fact to these judges, police officers
17 carry rifles. And if they went to arrest them and they had
18 rifles, that's possible. But the description here, I have no way
19 of verifying this description by these national heroes returning
16:24:18 20 to their countries.

21 Q. "Mr Barrie said, 'It had been a moment of total terror
22 considering the number of officers there, the number of rifles
23 there and the extent to which these guys had absolutely been
24 hyped up.' Mr Lambon added, 'There might not have been all the
16:24:38 25 serious physical abuse such as rifle butts in the back of the
26 head, although there was some of that. It was a situation of
27 mental terror.' The four had been given official permission to
28 work in Liberia" - and that is correct, is it not, Mr Taylor?

29 A. I don't know all of the details. I don't know the details.

1 Q. "... but were arrested and accused of filming in no-go
2 areas and seeking to damage the country's image and falsely
3 linking President Charles Taylor to diamond smuggling."

4 Mr Taylor, it is correct, is it not, that they were accused
16:25:15 5 of filming in no-go areas?

6 A. I'm not aware of the details. This matter was handled
7 fully by the Ministry of Justice, the documentation you have and
8 I guess this - this is only a press report. I think it would do
9 justice to this Court if you were to bring the documents from the
16:25:34 10 Court, the depositions and all, instead of relying on the BBC. I
11 disagree with all of - I don't know the details, but all the
12 legal documents are in your custody.

13 Q. Mr Taylor, this incident was something that caused
14 attention throughout the world. Isn't that correct?

16:25:48 15 A. Oh, I'm not - I don't know if it caused tension throughout
16 the world.

17 Q. Attention. Attention.

18 A. Attention? I thought you said "tension". I'm sorry.

19 Q. I beg your pardon if I misspoke. Attention, Mr Taylor?

16:26:06 20 A. Throughout the world? I don't speak globally. It did come
21 to the attention of a few leaders. For example, President
22 Mandela called me and pleaded with me and said regardless of the
23 circumstances after he read the papers that I should just forget
24 about it and let this not bother me and just see if government
16:26:28 25 could compromise and settle the issue.

26 Q. Mr Taylor, this high level attention made it certain that
27 you were briefed about the full details surrounding this
28 incident. Isn't that correct?

29 A. Well, after the incident came up I did ask to see the

1 Ministry of Justice to see what were the circumstances and why
2 were these people arrested. And then the Justice Minister made
3 available to the legal counsel at the presidency all of the
4 documentation, the Court writ of the - first of all, if I recall
16:27:10 5 properly, the search warrant for the property. I remember seeing
6 the search warrant. Those items that were seized at the
7 property, the accounting of that and all of the procedures used
8 throughout the court process, the lawyers at the presidency
9 assured me that they were in order.

16:27:32 10 Q. Indeed, Mr Taylor, you were briefed also on the
11 circumstances of the arrest and the detention. Isn't that
12 correct?

13 A. Well, as far as the papers are concerned, yes.

14 Q. And, Mr Taylor, this instance is just another instance
16:27:47 15 where your government took steps to repress freedom of the press
16 and freedom of expression. Isn't that correct?

17 A. That is not correct. I think the legal documents that you
18 have will speak for themselves instead of getting into
19 conjecture.

16:28:00 20 Q. Mr Taylor, in Liberia espionage is punishable by what?
21 What's the maximum punishment for espionage?

22 A. Espionage by whom?

23 Q. Espionage is punishable - what's the maximum punishment?

24 A. By whom? It depends. If it's the military there's a
16:28:19 25 different --

26 Q. For civilians?

27 A. Oh, civilians. I'm not sure of the law, but if a civilian
28 was caught in Liberia for spying - for just off the top of my
29 head it would be a criminal offence and he would go through the

1 Courts if he's done anything, but if he's a military personnel
2 it's a little bit different.

3 Q. These people were allowed to leave when they gave an
4 official apology to your government. Isn't that right?

16:28:44 5 A. That was the agreement, yes.

6 Q. And that's because they weren't engaged in espionage; they
7 simply said things your government didn't like. Isn't that
8 right?

9 A. Well, that's not correct. If you read the letter that was
16:28:56 10 written by the owner of Channel 4 in London, that is far
11 different from what you are suggesting. The owner of Channel 4
12 in London wrote a letter stating certain facts that you have not
13 represented to these judges.

14 Q. And in fact if we look at this article under "Impartial and
16:29:14 15 accurate":

16 "A spokesman for Channel 4 said a seized document on which
17 the men's arrest had been based had only described a programme
18 which might have been made, and not actually the film they were
19 making. 'There's no question that we would have made, as we
16:29:30 20 always seek to make, a fair and impartial and accurate
21 programme,' he said. 'So if we were going to make an apology, it
22 would not be an apology for the programme we intended to make; it
23 would only be in respect of some of the things in that
24 document.' "

16:29:47 25 That was what the representative of Channel 4 said. Isn't
26 that correct, Mr Taylor?

27 A. Ms Hollis, it's so unfair the way you - but you can proceed
28 the way you want. Channel 4 wrote a letter that we have in this
29 Court and that letter speaks for itself and I'm sure during

1 re-examination counsel will deal with this. You have
2 misrepresented the whole issue to these judges.

3 PRESIDING JUDGE: I have to stop the proceedings at this
4 stage.

16:30:18 5 MS HOLLIS: Do we have time for you to mark this for
6 identification.

7 PRESIDING JUDGE: Yes, there will be time to mark. And the
8 document that we're looking at, the BBC News excerpt of 26 August
9 2000 entitled, "Freed journalists tell of Liberia terror", is
16:30:35 10 marked MFI-391.

11 MS HOLLIS: Thank you, Madam President.

12 PRESIDING JUDGE: Before we rise, Mr Taylor, I remind you,
13 as I always do, not to discuss your evidence with anyone. Court
14 is adjourned to tomorrow at 9.30.

16:30:57 15 [Whereupon the hearing adjourned at 4.30 p.m.
16 to be reconvened on Wednesday, 27 January 2010
17 at 9.30 a.m.]

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I N D E X

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