



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 23 FEBRUARY 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:

Mr Simon Meisenberg

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maya Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah
Mr Terry Munyard

1 Tuesday, 23 February 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:43 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 first, please.

7 MR KOUMJIAN: Good morning, your Honours. For the
8 Prosecution this morning, Mohamed A Bangura, Kathryn Howarth,
9 Maja Dimitrova and myself, Nicolas Koumjian.

09:32:09 10 MR ANYAH: Good morning, Madam President. Good morning,
11 your Honours. Good morning, counsel opposite. Appearing for the
12 Defence this morning are Mr Terry Munyard and myself,
13 Morris Anyah.

14 PRESIDING JUDGE: Mr Smythe, you're going to continue with
09:32:25 15 your evidence this morning before you do I wish to remind you of
16 your oath to tell the truth.

17 THE WITNESS: Thank you.

18 PRESIDING JUDGE: Mr Anyah, please.

19 WITNESS: YANKS SMYTHE [On former oath]

09:32:38 20 EXAMINATION-IN-CHIEF BY MR ANYAH: [Continued]

21 Q. Good morning, Mr Smythe.

22 A. Good morning, counsel.

23 Q. When we left off yesterday we were discussing in Suwandi
24 Camara. Do you recall that?

09:32:52 25 A. Yes, I do.

26 Q. Do you recall telling us that in 1995 Suwandi Camara
27 resided in Gbatala with somebody called Mohamed Bah?

28 A. Yes, I said so.

29 Q. Do you recall also telling us that in the year 2000 or

1 thereabouts you saw Suwandi --

2 MR KOUMJIAN: Your Honour, the Prosecution believes it's
3 leading and suggestive to remind the witness of his prior
4 testimony.

09:33:21 5 MR ANYAH: Madam President, it is leading, that is not an
6 issue, but this is to lay the groundwork for questions starting
7 this morning. I suggest to the Court that preliminary questions
8 can be leading to some extent. I am just reminding him of what
9 he said at close of day yesterday.

09:33:38 10 PRESIDING JUDGE: Yes, I think that is quite in order to
11 remind the witness of what is already in evidence the previous
12 day. Please go ahead.

13 MR ANYAH: Thank you, Madam President:

14 Q. Mr Smythe, do you recall telling us that in 1995 Suwandi
09:33:53 15 Camara resided in Gbatala with Mohamed Bah?

16 A. Yes.

17 Q. And you also told us that you saw Camara in Monrovia
18 sometime in the year 2000?

19 A. Yes.

09:34:07 20 Q. When you and Mr Taylor moved to Monrovia in 1995, apart
21 from the time you saw Camara in 2000, did you ever see him in
22 Monrovia from 1995 until the end of Mr Taylor's presidency?

23 A. No, I cannot remember seeing him there during that time.

24 Q. Are you aware that Suwandi Camara was a witness in this
09:34:42 25 case?

26 A. Excuse me?

27 Q. Are you aware that Suwandi Camara has testified as a
28 witness in this case?

29 A. Yes, I saw - I read it on the newspapers in Monrovia, yes.

1 Q. Mr Camara testified on 7 through 13 February 2008 and I
2 would like to read to you some of what he told the Court and I
3 would like to get your opinion about what he said. For the
4 benefit of others present, I will be reading various portions of
09:35:12 5 Mr Camara's evidence starting with the transcript of 7 February
6 2008, specifically starting at page 3429.

7 Mr Smythe, listen carefully to what Suwandi Camara told
8 these judges under oath on 7 February 2008, page 3429. There was
9 a question posed to Mr Camara at line 13 on that page. The
09:36:12 10 question was:

11 "Q. Now, Mr Witness, you told us about the Mataba and you
12 told us that you met Kukoi Samba Sanyang in Mataba. Did
13 you see anyone else in Mataba?

14 A. Yes, I saw some people in Mataba.

09:36:36 15 Q. Who did you see?

16 A. The man who is sitting - who is facing the trial,
17 Charles Taylor. That was the first time I saw him."

18 JUDGE LUSSICK: Excuse me, Mr Anyah, I have got page 3429
19 in front of me and those words don't appear on it. Have you
09:37:01 20 given us the right reference?

21 MR ANYAH: Yes.

22 MR KOUMJIAN: It's the previous page, I see.

23 PRESIDING JUDGE: It's 3428 is it?

24 MR ANYAH: On my document it is paginated 3429 and
09:37:21 25 Mr Munyard says it's the same for his.

26 JUDGE LUSSICK: Well, I don't know what's happening here.
27 I am not in charge of the transcript, but you started from
28 line 13, did you not?

29 MR ANYAH: Yes.

1 JUDGE LUSSICK: Line 13 on my page, I have now got 3428 and
2 line 23 begins --

3 MS IRURA: Your Honour, it appears on page 3428 of the
4 transcript.

09:37:54 5 JUDGE LUSSICK: I have now been referred to page 3428 on
6 mine. Line 13 commences, "... year. Maybe at the beginning of
7 the year." That's not where you started.

8 MR ANYAH: No. I am wondering if there is a distinction
9 between public and confidential versions, but let me see if I can
09:38:14 10 find --

11 JUDGE LUSSICK: You started at line 14 on page 3428
12 according to the page I have in front of me now.

13 MR ANYAH: Thank you, your Honour. I am trying to pull up
14 another version of the transcript.

09:38:31 15 JUDGE LUSSICK: It's alarming how many versions of the
16 transcript there are.

17 PRESIDING JUDGE: For the record, the official court record
18 is the confidential one. We are referring to an open session, so
19 there should be no problems in referring to it. The confidential
09:38:49 20 version is always the official court version. Certainly the one
21 that the Court Manager brings up on the screen is the one we
22 should be following.

23 MR ANYAH: Well, I will try and read from the screen. I
24 have pulled up the confidential version and I will do my best to
09:39:11 25 read from the screen. I am now at page 3428, 7 February 2008
26 starting at line 14:

27 Q. "Q. Now, Mr Witness, you told us about the Mataba and you
28 told us that you met Kukoi Samba Sanyang in Mataba. Did
29 you see anyone else in Mataba?

1 A. Yes. I saw some people in Mataba.

2 Q. Who did you see in Mataba?

3 A. The man who is sitting - who is facing the trial,
4 Charles Taylor. That was the first time I saw him. Kukoi
09:39:50 5 was the person who introduced him to me. I also met Foday.
6 That was my first time to see him before he left Libya.
7 Foday Sankoh. But these are people who I did not greet one
8 another, but because of the relationship they have with my
9 leader, my leader told me these are --"

09:40:11 10 An then the exchange ends. On to the next page, which is
11 3429 starting at line 3, Mr Camara continues with his response:

12 "I said I used to go to Kukoi in Mataba. I used to go to
13 Kukoi in Mataba. That was the first time, that was the first
14 time for me to see the guy, the man who is facing trial here,
09:40:45 15 Charles Taylor. That was the first time for me to see him. That
16 was also my first time to see Foday Sankoh with my naked eyes.

17 There is a question from Mr Werner:

18 "Q. And do you remember when did you see for the first
19 time Charles Taylor in Mataba?

09:41:04 20 A. It was in the beginning of 1990. That was my second
21 time in 1990 when I saw this man."

22 Pause there. Mr Smythe, in the year 1990, was
23 Charles Taylor at the Mataba, to the best of your knowledge?

24 A. [Microphone not activated].

09:41:28 25 MR ANYAH: Madam President, the microphone of the witness
26 is not on. I will repeat.

27 PRESIDING JUDGE: Yes, please repeat the question,
28 Mr Anyah.

29 MR ANYAH:

1 Q. Mr Smythe, to the best of your knowledge, was
2 Charles Taylor at the Mataba at the beginning of 1990?

3 A. No, he was not there, to the best of my knowledge.

09:41:57 4 Q. Where was Charles Taylor, to the best of your knowledge, at
5 the beginning of 1990?

6 A. Charles Taylor should be between the borders of
7 Cote d'Ivoire and Liberia at the time.

8 Q. I will continue from the transcript same page, 3429, line
9 14:

09:42:15 10 "Q. Do you remember when did you see Foday Sankoh in
11 Mataba?

12 A. That was also in the beginning of 1990."

13 Mr Witness, was Foday Sankoh ever at the Mataba, to the
14 best of your knowledge?

09:42:34 15 A. No, Foday Sankoh was never at the Mataba, to the best of my
16 knowledge.

17 MR KOUMJIAN: Excuse me, your Honours, the question calls
18 for speculation unless the witness has a basis to know whether or
19 not Foday Sankoh was ever at the Mataba. He's testified to being
09:42:49 20 present at the Mataba on a few occasions for a short period
21 himself, but how he can make this statement. It's just
22 speculative.

23 PRESIDING JUDGE: Mr Koumjian, that remains for you to
24 cross-examine this witness on things like that.

09:43:04 25 MR ANYAH: May I proceed, Madam President?

26 PRESIDING JUDGE: Please proceed. The objection was
27 overruled.

28 MR ANYAH: I will read from line 22. The question is asked
29 of Mr Camara:

1 "Q. So, Mr Witness, again, when was the first time - not
2 the second time, the first time - that you saw
3 Charles Taylor in Mataba, if you can remember?

4 A. I said to see him the first time was my second time
09:43:29 5 when I visited Kukoi in 1990. The beginning of 1990."
6 Over to page 3430, line 3:

7 "Q. Mr Witness, you said that you saw Charles Taylor for
8 the first time the second time you visited Kukoi Samba
9 Sanyang. Is that correct?

09:43:56 10 A. Yes, that is what I said."

11 Mr Smythe, in the beginning of 1990, was Dr Manneh also
12 known as Kukoi Samba Sanyang at the Mataba, to the best of your
13 knowledge?

14 A. No, he was not there. He was in Burkina Faso in the
09:44:14 15 beginning of 1990.

16 Q. The exchange continues, line 7:

17 "Q. Could you explain what you mean when you said that?

18 A. I said he came and he greeted my leader, Kukoi Samba
19 Sanyang. After he left, when he was going my leader Kukoi
09:44:36 20 Samba Sanyang told me, 'This man is Charles Taylor'.

21 Q. Now, did your leader, Kukoi Samba Sanyang, tell you
22 anything about Charles Taylor in Mataba?

23 A. What he told me about him, that group in Liberia, which
24 are in Libya with the training, he is their leader."

09:45:07 25 We go to the last line of that page, line 29. There is a
26 question:

27 "Q. Now, did your leader, Kukoi Samba Sanyang, tell you
28 anything about Foday Sankoh?

29 A. What did he tell me? What he told me was this

1 Charles Taylor, the Liberian group in Libya he was their
2 leader. That is what he said."

3 Now, Mr Smythe --

4 MR KOUMJIAN: Excuse me, your Honours, I believe, in
5 fairness, it follows that there was a problem with the
6 interpretation and the question was put again. So counsel's
7 giving the answer - apparently there was a misinterpretation of
8 the question to the witness.

9 MR ANYAH: Well, I will read the rest. The answer he gave
09:46:06 10 is not consistent later on. I will read the rest if it pleases
11 counsel opposite.

12 PRESIDING JUDGE: Not that if it pleases counsel. I think
13 you should read the correct evidence. If a mistake was made,
14 please read the interpretation as corrected.

09:46:20 15 MR ANYAH: Well, be to be accurate, I did not misrepresent
16 the record, if that's the objection. But I will read the entire
17 record so there is no dispute about that.

18 PRESIDING JUDGE: Please do.

19 MR ANYAH:

09:46:30 20 Q. Page 3431. I have read the first part. The Presiding
21 Judge then said that the question - there was a problem with the
22 interpretation, and then Mr Werner at line 14 repeats the
23 question. The question was:

24 "Q. Mr Witness, the question was did your leader, Kukoi
09:46:58 25 Samba Sanyang, tell you anything about Foday Sankoh in
26 Libya?

27 A. What he told me about Foday is he is the leader of the
28 Sierra Leone group in Libya who was doing the leadership,
29 but he was not the leader. The first leader was --"

1 And then there is some more discussion about the
2 interpretation and there is a repetition again of the answer,
3 line 23:

09:47:30 4 "A. I said Foday Sankoh, at that time he was acting as a
5 leader of the Sierra Leonean group in Libya because Sierra
6 Leoneans they also have a group in Libya. But what my
7 leader told me, who is Kukoi Samba Sanyang, that is Foday
8 Sankoh is a person who is - who was acting as a leader, but
9 he was not the leader. The right leader was Ali Kabbah."

09:47:54 10 Now, going back to my question, Mr Smythe. Would someone
11 like Suwandi Camara, given your experiences in Libya at Tajura
12 and the Mataba, be present in the company of Dr Manneh and other
13 leaders like Foday Sankoh when they were discussing issues?

14 A. No, he cannot. He can never be in the presence.

09:48:19 15 Q. Why do you say that?

16 A. Because he was - in the first place, he was not in Libya at
17 the time, so I don't know what he mean by he was in the Mataba.
18 And Mataba is not a place where everybody goes in and out, you
19 know. You have to gain certain status before you can go to the
09:48:39 20 Mataba.

21 MR ANYAH: Madam President, I am trying to synchronise the
22 various transcripts I have. I need to read one more portion, but
23 I am trying to get the pages right. If I may have a moment,
24 please.

09:49:01 25 PRESIDING JUDGE: Certainly.

26 MR ANYAH:

27 Q. Page 3432, line 4, there is a question:

28 "Q. Please go on.

29 A. This Ali Kabbah, he was the leader of the Sierra

1 Leonean group in Libya, but he took some money from the
2 Libyan government which money was given to him for the
3 purpose of the group; the Sierra Leonean group in Libya.
4 He came to Burkina Faso, but when he came to Burkina that
09:50:12 5 was the last time they hear from him. What they heard was
6 he ran away. That time was the time I met Foday. But at
7 that time he was not considered as the leader, but he was
8 the coordinator of the Sierra Leoneans in Libya.

9 Q. Now, you said that you saw Charles Taylor in Mataba.
09:50:38 10 Now, did you see him again in Libya?

11 A. Yes, after I saw him two times in Libya before they
12 left to come to Burkina.

13 Q. Who left to come to Burkina?

14 A. Charles Taylor and his people left Libya to come to
09:50:57 15 Burkina. Likewise, our people leave Libya to come to
16 Burkina.

17 Q. Did you say anything about Foday Sankoh in your answer?

18 A. I said Charles Taylor and his people left Libya to
19 Burkina. He left with Liberians to Burkina. Foday Sankoh
09:51:20 20 also left with the Sierra Leoneans' group to Burkina. We
21 also, Dr Manneh, his group - Dr Manneh and his group also
22 left Libya to Burkina, but the first group I was not
23 among."

24 Let's pause. Couple of questions, Mr Smythe. When Ali
09:51:46 25 Kabbah left Libya, as you told us yesterday, under circumstances
26 you are not sure about but involving something about money, do
27 you know whether he went to Burkina Faso?

28 A. No, I don't know where he went.

29 Q. Did you ever hear anyone say that Ali Kabbah had left Libya

1 and gone to Burkina Faso?

2 A. No.

3 Q. Mr Camara says Foday Sankoh was the coordinator of the
4 Sierra Leoneans in Libya. Do you recall Foday Sankoh serving as
09:52:22 5 the coordinator of the Sierra Leoneans in Libya when you were in
6 Libya?

7 A. I can't recall that.

8 Q. Do you know whether Foday Sankoh ever served as the
9 coordinator of the Sierra Leoneans when you were in Libya?

09:52:33 10 A. I don't know of that.

11 Q. Mr Camara suggests to the Court that three groups left
12 Libya and all three went to Burkina Faso; the Liberians, the
13 Gambians, and the Sierra Leoneans. To the best of your
14 knowledge, did the Sierra Leonean group leave Libya and go to
09:52:55 15 Burkina Faso?

16 A. No.

17 Q. Do you know where they went?

18 A. I don't know where they went.

19 MR ANYAH: I would like the transcript of 8 February to be
09:53:09 20 pulled up, if it pleases your Honours.

21 JUDGE DOHERTY: Mr Anyah, I find that answer "No" at page
22 15, line 1 of my transcript, ambiguous. You have asked, "To your
23 knowledge, did the Sierra Leonean group leave Libya to go to
24 Burkina Faso?" and the witness replied "No." Does that mean, no,
09:53:39 25 they didn't go to Burkina Faso; or, no, it's not in my knowledge?

26 MR ANYAH:

27 Q. Mr Smythe, you have heard Justice Doherty's question. When
28 I asked you that question and you said "No", are you telling the
29 Court you did not know about it, or it did not happen?

1 A. It did not happen. They didn't go to Burkina Faso.

2 Q. How do you know it did not happen?

3 A. Because I never saw them there and nobody ever told me they
4 were there.

09:54:07 5 MR ANYAH: I wonder if that satisfies your Honour.

6 JUDGE DOHERTY: Yes, that's very clear now.

7 MR ANYAH: Thank you, your Honour:

8 Q. Now, the relevant page on the transcript on 8 February 2008
9 is page 3443. I will start at line 19:

09:54:36 10 "Q. Mr Witness, were you in Libya since 1991 or were you
11 in Libya until 1991?

12 A. I said - I said I was there up to 1991.

13 Q. And can you remember the part of the year in 1991?

14 A. The beginning part of year. I think the beginning of
09:55:05 15 the year. The fourth month of the year 1991, I think."

16 Mr Smythe, were there any Gambians training in Libya after
17 you left in November 1989?

18 A. No, I was the last Gambian to leave Libya in November 1989,
19 and there was no other Libyan, you know, being trained there at
09:55:31 20 the time.

21 Q. To your knowledge, were any Gambians being trained in Libya
22 in the years 1990 and 1991?

23 A. No, there was no Gambian being trained in Libya in the year
24 1991 or 1990.

09:55:46 25 PRESIDING JUDGE: But, Mr Anyah, if this witness was not in
26 Libya during the period in question, 1991-90, how can he attest
27 to whether or not people were there training?

28 MR ANYAH: Yes, I can ask him to further indicate:

29 Q. How do you know, Mr Smythe, if you were not in Libya after

1 November 1989 that no Gambians were in Libya training in either
2 1990 or 1991?

3 A. Because everybody - every Gambian that trained in Libya
4 left, you know, before that period. I was the last trained
09:56:20 5 Gambian to leave from there, and I left in 1989. And since then,
6 you know, except under, you know, other related matters. But as
7 far as our movement is concerned, no Gambian was trained in Libya
8 at that time. There was no training going on at that time.

9 Q. And when you say "as far as our movement is concerned", are
09:56:37 10 you referring to the movement with Dr Sanyang?

11 A. Yes.

12 Q. Line 25, a question is asked of Mr Camara:

13 "Q. And, if anything, what happened to you after?

14 A. That year when I came to Burkina, at that time the
09:56:59 15 people we had in Libya was about 16 people. Those people,
16 they also did some training in Libya. I and those people
17 left - me and Dr Manneh and those people at that time, he
18 left Burkina to come to Libya. All the time that was his
19 way, me and him and the 16 people left there. We came to
09:57:29 20 Burkina Faso."

21 Are you aware, Mr Smythe of Dr Manneh bringing 16 people
22 from Libya around the time Mr Camara speaks of, 1991?

23 A. No, I am not aware of that.

24 Q. We go to line 6 on page 3444:

09:57:56 25 "Q. So, Mr Witness - just listen to my question,
26 Mr Witness. When you left Libya to go to Burkina Faso who,
27 if anybody, came with you to Burkina Faso?

28 A. Tell him that myself and Dr Manneh, Kukoi Samba
29 Sanyang, and 16 other people, we all left together from

1 Libya and we came to Burkina Faso."

2 We go to line 21:

09:58:39

3 "Q. Now, you told us that a group of Gambians left Libya
4 to Burkina Faso before your departure from Libya. Did you
5 see any of these people in Burkina Faso?

6 A. Yes, I met some people in Burkina Faso. We saw one
7 another in Burkina Faso.

8 Q. If anything, what were they doing there?

09:58:59

9 A. I said Burkina was our base before. That was our host.
10 That was the place where we came - when we came they gave
11 us a compound in the place where we hosted. That was our
12 host."

13 Were the Gambians who trained in Libya given a premises in
14 Burkina Faso when they returned from Libya, Mr Smythe?

09:59:23

15 A. Yes, they were given a premises there, yes.

16 Q. We are now at page 3445, the question is posed at line 11:

17 "Q. Mr Witness, when you say you met some people in
18 Burkina Faso, who are you talking about?

09:59:48

19 A. I mean our Gambian people, the one you are asking me.
20 I can even name some of these people. I can remember some
21 of their names."

22 And then a question is asked:

10:00:05

23 "Q. Then just try to, as much as you can, answer precisely
24 the question. Then I asked you these Gambians, what were
25 they doing in Burkina Faso when you went there?

26 A. I said that was our host. When we left Libya, Burkina
27 was our host. They gave us a compound where we stayed and
28 at that time when the war was in Liberia our people used to
29 leave Liberia and come to Burkina and they also go back to

1 Liberia. The place was our host to make it such.

2 Q. When you say that they gave us a compound who are you
3 talking about?

4 A. The government of Burkina gave us a compound.

10:00:40 5 Q. And when and said that they used to leave Liberia and
6 come to Burkina and they also go back to Liberia who are
7 you talking about?"

8 We are now at page 3446, Mr Camara responds at line 2:

9 "A. I mean the Gambians and Liberians. I saw some people
10:01:06 10 going and coming. Even the man sitting down,
11 Charles Taylor, he used to go and come.

12 Q. Go and come where, Mr Witness?

13 A. Coming from Liberia, coming to Burkina."

14 Mr Smythe, around the year 1991, did Charles Taylor travel
10:01:27 15 back and forth from Liberia to Burkina Faso?

16 A. Yes, sometime in 1991, yes, he did travel to Burkina Faso.

17 Q. In that period of time, were the Gambians who were seconded
18 or assigned with the NPFL frequent travellers between Liberia and
19 Burkina Faso?

10:01:51 20 A. No, they were not.

21 Q. The group that you went with, the group of Gambians, do you
22 know of any who travelled back and forth between Liberia and
23 Burkina Faso?

24 A. I would normally travel with him, myself and Jukudeh would
10:02:08 25 travel with him when he is going out of Liberia to Burkina or to
26 other places. But besides that, every Gambian who went to
27 Liberia never came back to Burkina Faso.

28 Q. When you say "with him", to whom are you referring?

29 A. I am referring to Mr Taylor.

1 Q. Page 3446, line 7:

2 "Q. Now so you said that the Gambians used to go from
3 Liberia to Burkina, from Burkina to Liberia. Did why did
4 the Gambians do that?

10:02:49 5 A. I said what I knew, that is what my leaders - what I
6 heard from my leader, what he told me, sometimes maybe you
7 can see it in my statements. I said my leader told me that
8 he and Charles Taylor and Foday Sankoh, they made a meeting
9 in Burkina that they will help him in his war. If he
10:03:16 10 succeeds he will also help them in their war, because at
11 that time we are very powerless."

12 Now, Mr Smythe, are you aware of Charles Taylor being in
13 the company of Foday Sankoh and Dr Manneh and having a meeting in
14 Burkina Faso at any point in time?

10:03:44 15 A. No, I am not aware of any such meeting.

16 Q. At the time when you served as Mr Taylor's bodyguard and
17 during the times when you went with him on trips to Burkina Faso,
18 did you ever see him meet together at one time with Foday Sankoh
19 and Dr Manneh?

10:04:03 20 A. No, I never saw him meet together with the two people.

21 Q. There is a question at line 16 on that same page, page
22 3446:

23 "Q. Mr Witness, when you said, 'My leader told me that he
24 and Charles Taylor and Foday Sankoh, they made meeting in
10:04:29 25 Burkina that they will help him', who are they?

26 A. That is we the Gambians will collaborate with him and
27 Sierra Leoneans will collaborate with Charles Taylor to
28 help him, his Liberian war."

29 Mr Witness, did the Sierra Leoneans collaborate with

1 Mr Taylor for the entire period of the Liberian civil war?

2 Mr Smythe?

3 A. Are you asking me?

4 Q. Yes, I think I may have referred to you as Mr Witness.

10:05:11 5 A. Sorry, I thought you were still reading.

6 PRESIDING JUDGE: Sorry, before the witness answers, I am
7 not sure what you are asking the witness. Are you asking whether
8 Sierra Leoneans collaborated at all or you asking him whether
9 they did so for the entire period or for only some of the period?

10:05:30 10 It's a loaded question. I think you should break it down.

11 MR ANYAH:

12 Q. Mr Smythe, you told us yesterday that between August 1991
13 and May, June 1992 there was some collaboration between the RUF
14 and NPFL. Do you recall telling us that?

10:05:50 15 A. Yes, that's correct.

16 Q. Separate and apart from that period of time when there was
17 this collaboration, to your knowledge, was there any further
18 collaboration between the RUF and NPFL during the entire Liberian
19 civil war, that is, through the period leading up to Mr Taylor's
20 election in 1997?

10:06:07 20

21 A. To best of my knowledge, from 1992 there was no
22 collaboration between the NPFL and the RUF.

23 Q. Following Mr Taylor's election in 1997 through his
24 departure in 2003, to the best of your knowledge, was there ever
25 any collaboration between Mr Taylor's government of Liberia and
26 the Revolutionary United Front of Sierra Leone?

10:06:24 25

27 A. The only time that happened was in 1998 when Mr Taylor was
28 asked by the international community to mediate the conflict in
29 Sierra Leone as President of Liberia.

1 Q. And what was the extent of that collaboration you are
2 referring to?

3 A. He was asked by the ECOWAS leaders to mediate, you know, to
4 bring an end to the Sierra Leone conflict.

10:06:54 5 Q. So in your view he was serving as a mediator?

6 A. Yes.

7 Q. We will come back to that period of time and this role you
8 have described Mr Taylor was asked to perform.

9 PRESIDING JUDGE: What was the year the witness named?

10:07:08 10 MR ANYAH:

11 Q. Mr Witness, what year was this mediation supposed to take
12 place?

13 A. I said beginning from 1998, running towards 1999.

14 Q. Thank you, Mr Smythe. Page 3446, line 28, Mr Camara is
10:07:40 15 allowed to finish his answer, he said:

16 "He said we should help Charles Taylor in his war. If he
17 succeed and sit as - if he succeed in his war he will also help
18 us in return so that we can also go back to our country, because
19 we are people who were very powerless at that time. In terms of
10:08:02 20 human resources, in terms of money, we were not very powerful."

21 Mr Smythe, did you understand your role as being - I will
22 rephrase that and I will repeat the question. Did you understand
23 Dr Manneh to have sent you and others to assist Mr Taylor in
24 exchange for assistance from Mr Taylor for your revolution in The
10:08:31 25 Gambia?

26 A. No.

27 Q. Next page, which is the page 3447, there is a question at
28 line 6 by Mr Werner:

29 "Q. Mr Witness, just to be clear, you say, 'If he succeeds

1 in this war'. Who is the he?

2 A. I mean Charles Taylor.

3 Q. 'And he will also help us in return', who are us?

10:09:09

4 A. I said we the Gambians and Sierra Leoneans for our war,
5 to make it clear."

6 Mr Smythe, do you have any basis to believe that Dr Manneh
7 sent you and other Gambians to assist Charles Taylor with
8 security in return for a promise for Taylor to assist the Sierra
9 Leoneans in their war?

10:09:34

10 A. No. Our only purpose of going to Liberia was to assist
11 Mr Charles Taylor, to provide security for him due to the
12 volatile situation at the time.

13 Q. Line 15 on the same page a question is asked of Mr Camara:

14 "Q. Mr Witness, when did this meeting take place?

10:10:01

15 A. Interpreter, I said this meeting was held before I came
16 to Burkina. He said they did the meeting in Burkina. That
17 was their agreement.

18 Q. And were you told when this meeting took place?

19 A. The meeting was held in Burkina in Ouagadougou."

10:10:23

20 He goes on to say that, "I cannot remember the day and the
21 month because that time I was not there." Mr Smythe, in
22 Ouagadougou, Burkina Faso, do you know whether Charles Taylor
23 ever met with Dr Manneh and Foday Sankoh?

24 A. No, I don't know of that.

10:10:57

25 Q. If we could go back to the transcript of 7 February 2008.
26 I am going to refer to page 3424, starting at line 1. Mr Smythe,
27 this is still the evidence of Suwandi Camara. The question was
28 asked of Mr Camara:

29 "Q. And in Libya, Mr Witness, where did you train?

1 A. I did my training in Tripoli in a camp. I did some
2 training in Benghazi. The other training I went to Sabah."
3 Mr Werner, the Prosecutor, spells Benghazi and then asks
4 the next question at line 6:

10:12:19 5 "Q. Any other locations, Mr Witness, in Libya where you
6 were taught your training?

7 A. Because I did some training for four places, but right
8 now I cannot remember the name of those places."

9 MR KOU MJIAN: Excuse me. I would just request that counsel
10:12:42 10 read the next question and answer, or the next two because I
11 think that provides context to the witness's answer.

12 PRESIDING JUDGE: He hasn't even asked the question.

13 MR ANYAH: I haven't even asked the question.

14 PRESIDING JUDGE: How do you know what question he is going
10:12:55 15 to ask arising out of what he has read?

16 MR KOU MJIAN: Because I'm saying that the context of what
17 was read is explained in the rest of the passage.

18 PRESIDING JUDGE: Mr Koumjian, I don't know whether you are
19 taking over the examine-in-chief, but I think you should give
10:13:11 20 some latitude to counsel opposite to lead the witness as he has
21 prepared. If there is ambiguity, we shall deal with that.
22 Please continue.

23 MR ANYAH: Thank you, Madam President:

24 Q. Mr Smythe, to the best of your knowledge, did the Gambians
10:13:28 25 ever receive military training in Benghazi, Libya?

26 A. No.

27 Q. To the best of your knowledge, did the Gambians ever
28 receive military training in Sabah, Libya?

29 A. No.

1 Q. At which places in Libya did the Gambians receive military
2 training, to the best of your knowledge?

3 A. The Gambians received training - military training in Libya
4 in two places; that is, Camp 2nd March in Tripoli, and Camp
10:13:54 5 Tajura in Tripoli also.

6 Q. Let's continue with Mr Camara's evidence. The same page,
7 line 22, there is a question asked of him:

8 "Q. Mr Witness, you said that there were people who had
9 been trained before. Who are you referring to?

10:14:14 10 A. I am referring to the members of my group, called SOFA,
11 who were under Dr Manneh.

12 Q. When did these people undertake training in Libya?

13 A. I heard these people's training, they have done it
14 before I came to the place, so I cannot say the actual time
10:14:39 15 factor, that is, the time they did the training, but I have
16 found that they have done the training already.

17 Q. Did you meet any of them in Libya?

18 A. At that time these members of this group, they are all
19 in Libya. They did not go out from Libya.

10:15:10 20 Q. So did you meet any of them in Libya?

21 A. Yes, I have seen some people who are in Libya.

22 Q. Do you remember their names, Mr Witness?

23 A. I can name some people to make it short.

24 Q. Please do so, Mr Witness.

10:15:32 25 A. Jokuday Nyassi but alias Jackson, Mustapha Jallow,
26 Domingo Ramos was also a member. Musang Yai [phon] was
27 also a member. Yankuba Samateh, alias Yanks Smith, Lamin
28 Campaore and other people."

29 Pause. Mr Smythe, your Gambian name is Yankuba Samateh,

1 yes?

2 A. That is correct.

3 Q. You heard what I just read. Mr Camara told these judges
4 that he met you, amongst others, in Libya. Now, do you recall
10:16:13 5 ever meeting Mr Camara in Libya as he has described?

6 A. I have never seen Mr Camara in Libya.

7 Q. And this is the same Suwandi Camara you knew from when he
8 was a little boy?

9 A. Yes, I knew him from a little boy in primary school.

10:16:34 10 Q. If we could go to the next page, 3426. At the top of the
11 page, Mr Werner, the Prosecutor, gives various spellings, and if
12 we go to line 10, he asks:

13 "Q. Could you help us with the Gambian names of Yanks
14 Smith?

10:17:10 15 A. Gambian name is Yankuba Samateh."

16 They go on to spell it. And then line 17:

17 "Q. Mr Witness, did you meet these people, these people
18 you have just named, in Libya, did you meet them in?

19 A. I met all these people in Libya."

10:17:29 20 Mr Smythe, to the best of your knowledge, did Mustapha
21 Jallow meet Suwandi Camara in Libya?

22 A. To the best of my knowledge, no.

23 Q. Did you ever see Suwandi Camara in the company of Domingo
24 Ramos when you were in Libya?

10:17:47 25 A. No.

26 Q. Did you ever see him in the company of Lamin Campaore when
27 you were in Libya?

28 A. No.

29 Q. Can we go to page 3427, please, line 6:

1 "Q. So, Mr Witness, when you met Mustapha Jallow, Musang
2 Yai, General Jackson, Domingo Ramos, Yanks Smith and Lamin
3 Campaore, what did you talk about?

10:18:47

4 A. At the they would me that they have done some - they
5 have done their training already.

6 Q. And what were they doing in Libya then?

7 A. At that time, I can say they were just waiting to have
8 command to go. They were just waiting."

10:19:09

9 Mr Smythe, after you had completed your training at Camp
10 Tajura, did you remain in the company of the others who had
11 trained with you at Tajura?

12 A. No, I didn't remain in their company.

13 Q. Was there ever a time when you were in their company and
14 you met Suwandi Camara after you all had completed your training?

10:19:26

15 A. I said previously that I have never seen Suwandi Camara in
16 Libya, so there is no way I could be in his company - he could be
17 in my company with others.

18 Q. Was there a time - and you told us this yesterday, I seem
19 to recall - where the Gambians were in Libya waiting for
20 instructions to depart?

10:19:48

21 A. Yes, at one point after the training they were at the
22 Mataba guesthouse.

23 Q. Were you with them at that guesthouse?

24 A. I was not with them at the guesthouse.

10:19:59

25 Q. Do you know whether during the period of time you were not
26 with them Suwandi Camara came to that guesthouse?

27 A. Suwandi was not in Libya during the time he is talking
28 about. He was not there. Even at that time there were no
29 Gambians in Libya during that time, 1990 and 1991. Every Gambian

1 that were trained in Libya left. I was the last to leave, and I
2 left in November 1990 - 1989, excuse me. I left November 1989.
3 So everybody else left before me, so I don't know how he met them
4 in 1991 - 1990 and 1991 in Libya.

10:20:33 5 Q. Thank you, Mr Smythe.

6 Madam Court Manager, if we could bounce back to the
7 transcript of 8 February 2008. The relevant page is 3454. Still
8 the evidence of Suwandi Camara. I will begin to read from line
9 27 once the transcript is pulled up. The question is asked of
10:21:10 10 Mr Camara at line 27:

11 "Q. When you say that 'Dr Manneh boarded us in the vehicle
12 and took us up to the Burkina airport', who are you talking
13 about?

14 A. That is myself and the five people I left with from the
10:21:34 15 Gambia, the ex-soldiers.

16 Q. And then, what if anything, happened after that,
17 Mr Witness?

18 A. At the time we arrive at the airport with our leader
19 Dr Manneh then Charles Taylor and his delegation did not
10:21:56 20 arrive at the airport. We were taken to the reception. We
21 were waiting for him at the reception until he and his
22 delegates came.

23 Q. Who did you see coming, Mr Witness?

24 A. I said we were sitting at the reception until we saw
10:22:16 25 Charles Taylor and his delegation arrive and our leader was
26 among those people, who is Dr Manneh.

27 Q. And what, if anything, happened after that, Mr Witness?

28 A. When Charles Taylor and our leader arrive at the
29 airport they met us at the reception. Then we got up from

1 the reception, we went to stand aside at - in the
2 reception. Then I saw our leader talking with
3 Charles Taylor. He pointed to us and said to him these
4 were my people that you were to go with."

10:22:59 5 If we could scroll down to line 26 on the same page:

6 "Q. And what, if anything, happened after that,
7 Mr Witness?

8 A. While we were at the reception we saw Air Burkina
9 arrive at the terminal. We saw Charles Taylor and the
10:23:18 10 soldiers who came together there were taking things out and
11 taking them to the plane.

12 Q. When you say that the soldiers who came together, who
13 were these soldiers?

14 A. These were his - members of his delegation. I don't
10:23:43 15 know how to say it. His protocol were among those people.
16 The senior soldiers were among those delegates. Junior
17 soldiers were also among his delegation with whom he came
18 from Liberia, he, Charles Taylor.

19 Q. And when you said that they 'Were taking things out and
10:24:08 20 taking them to the plane', what are you talking about?

21 A. I said at first where we were standing we did not know
22 what things were, but when we were coming out going to the
23 plane, when his people were taking things on board in the
24 plane we joined them to take those things to the plane.

10:24:31 25 This was then I came to know these were guns, arms and
26 ammunitions, because I and the five other people helped
27 them to take those arms and ammunitions to the plane and
28 among us some Burkina soldiers were at the airport at the
29 time."

1 Let's pause. Mr Smythe, you were Mr Taylor's bodyguard,
2 you tell us, at the beginning part of the 1990s, yes?

3 A. Yes.

10:25:05

4 Q. You have heard what I have read as said by Mr Camara before
5 these Justices?

6 A. Yes.

7 Q. Did you ever accompany Mr Taylor on a trip to the airport
8 in Burkina Faso in the early 1990s?

10:25:20

9 A. I travelled with Mr Taylor to Burkina many times in 1990,
10 but I don't know the times Mr Camara was talking about.

11 Q. Was there a trip or occasion such as this where Mr Taylor
12 and others arrived; Dr Manneh, Suwandi Camara and others were at
13 the airport; and arms and ammunitions were loaded on to a plane?

10:25:41

14 A. Never saw Suwandi Camara in Burkina Faso, so there could be
15 no way for him - for me to see him at the airport, you know,
16 trying to load ammunition in the plane.

17 Q. Was there ever an occasion, to your knowledge, when
18 Dr Manneh, in the presence of Charles Taylor, provided arms and
19 ammunitions that were loaded on to a plane?

10:25:59

20 A. No.

21 MR KOUMJIAN: Objection. The passage doesn't state that
22 Dr Manneh provided the arms and ammunition.

23 MR ANYAH: That's a fair observation. I can rephrase it:

10:26:14

24 Q. To your knowledge, were arms and ammunition ever
25 transferred on to a plane while Charles Taylor and Dr Manneh were
26 together at the airport in Burkina Faso?

27 A. No, I can't recall that. I cannot recall that.

28 Q. Now, question at line 19 on the same page 3456 to
29 Mr Camara:

1 "Q. Mr Witness, when you say, 'When his people were taking
2 things on board in the plane', his people, whose people?

3 A. These were Charles Taylor's people who he came with.

4 Q. What, if anything, happened after that, Mr Witness?

10:26:58 5 A. When we take these things to the plane, Charles Taylor
6 himself came with his delegation and boarded the plane.

7 After we also joined them in the plane."

8 It goes on to say that the plane took them to an airfield
9 called Man in the Ivory Coast, Cote d'Ivoire, and we go to

10:27:20 10 page 3457, line 2, there's a question posed to Mr Camara:

11 "Q. And what happened, Mr Witness, when this plane landed
12 in Man in Cote d'Ivoire?

13 A. When the plane landed at Cote d'Ivoire in Man, I and
14 the five ex-soldiers, we joined Charles Taylor's soldiers
10:27:43 15 to take out the arms and ammunitions from the plane and put
16 them in a truck.

17 Q. What, if anything, happened after that, Mr Witness?

18 A. When we put the arms and ammunitions in the truck,
19 after we finished doing that then the plane and some of the
10:28:04 20 Burkina soldiers who escorted the plane returned back with
21 the plane and we joined Charles Taylor's convoy and went
22 with him to Liberia. We went by Danane, it's a village
23 called Danane in Cote d'Ivoire. When we left Danane we
24 came to Loguato border which was the border between Liberia
10:28:27 25 and Cote d'Ivoire."

26 Mr Smythe, there is reference in Mr Suwandi Camara's
27 evidence to Burkina soldiers, that these Burkina soldiers
28 escorted the plane back to Burkina Faso. Now, were you ever
29 present at the Burkina airport with Charles Taylor at a time when

1 Burkina Faso soldiers assisted or facilitated the transport of
2 arms on to a plane, arms and ammunition?

3 A. No, I was never present in such a situation.

4 Q. On the same page, if we start at line 18:

10:29:25 5 "Q. And, Mr Witness, what if anything, happened after
6 that?

7 A. After that we continue with Charles Taylor's convoy to
8 his town where - the town he was in control which was his
9 headquarters, which --

10:29:41 10 Q. Do you know the name of these headquarters?

11 A. His headquarters was at Gbarnga. That was central part
12 of Liberia.

13 Q. So what happened, if anything, Mr Witness, when you
14 went to Gbarnga?

10:29:57 15 A. On our arrival at Gbarnga, this was around in the
16 evening, around after the midday prayer. General Jackson,
17 a Gambian, if I could remember, I told you his name
18 Jokuday, he boarded us in a vehicle and took us to General
19 Yank's compound."

10:30:26 20 Let's pause there. Mr Camara told these Justices that he
21 arrived in Man and from Man they travelled in Charles Taylor's
22 convoy and arrived in Gbarnga. Mr Smythe, did any of this
23 happen, to the best of your knowledge?

24 A. To the best of my knowledge, no.

10:30:50 25 Q. If Charles Taylor had gone to Man at the time you served as
26 his bodyguard, would you have accompanied him?

27 A. Yes.

28 Q. If Charles Taylor was riding in a convoy from Cote d'Ivoire
29 to Gbarnga, would you and other Gambians have been in his

1 company?

2 A. Up to a certain time I always ride with Mr Taylor in a
3 vehicle. I ride the front seat and he ride the back.

4 Q. Up to what certain time?

10:31:16 5 A. Up to almost 1992.

6 Q. We continue on the same page, 3458, line 5:

7 "Q. Mr Witness, if you can remember when did that happen?

8 A. That was - this happened around at the end of 1991.

9 Q. And then what happened when you boarded this vehicle
10:31:46 10 and were taken to General Yank's compound? What
11 happened after that, if anything?

12 A. Let me tell you that was where we were lured, that was
13 where we were. I think we spent three - the fourth day we
14 were called and told that we were supposed to have a
10:32:07 15 meeting in General Domingo's compound. Let me tell you
16 that this General Domingo is also a Gambian. We had a
17 meeting at General Domingo's. We were shown to the members
18 of the group, our SOFA group. And also we were told that
19 we, the Gambians, whoever is working for Charles Taylor, we
10:32:27 20 will all have to work under triple S, SSS."

21 Let's pause there. Mr Smythe, you told us yesterday you
22 had a residence in Gbarnga in the early part of the 1990s, yes?

23 A. Yes, I had a residence from 1990, 1991 to 1995 in Gbarnga.

24 Q. During the period you had this residence in Gbarnga, did
10:32:56 25 Suwandi Camara ever visit your residence?

26 A. In the first place, I don't have a compound; I have a
27 house, a two bedroom house. But Suwandi never visited my house
28 while I was in Gbarnga.

29 Q. Were you ever present at the meeting held at General

1 Domingo's compound during which Suwandi was present?

2 A. No, I was never present in a meeting with Suwandi Camara.

3 Q. Was there ever a meeting held amongst the Gambians during
4 which it was said that if you work for Charles Taylor you will

10:33:29 5 have to work under the SSS?

6 A. I don't recall such a meeting.

7 Q. If we continue on the same page there is a question posed
8 at line 19 by Mr Werner:

9 "Q. So you said that you were told that all the Gambians
10:33:47 10 should work under the SSS. Who told you that?

11 A. At that time our group, SOFA, we have our own chief of
12 staff. When it comes to about our group - I'm not saying
13 about Liberians, but our - particularly our group, we have
14 our own chief of staff whose name is Abdulai Bah."

10:34:13 15 Now, Mr Smythe, you told us about Abdoulie Bah. Did the
16 Gambians have ranks or a hierarchical structure when they were in
17 Gbarnga?

18 A. I told you at a certain point in Gbarnga, you know, ranks
19 were given.

10:34:32 20 Q. When was that?

21 A. That was I think from 1992 upwards, yes, the Gambians were
22 given ranks.

23 Q. And who gave the Gambians those ranks?

24 A. Mr Taylor did.

10:34:49 25 MR KOUMJIAN: Your Honour, the question that counsel asked
26 actually was a double question; were there ranks or a
27 hierarchical structure. The second part or second question has
28 not been answered.

29 MR ANYAH: Well, there was no objection to the compound

1 question when I posed it. If your Honours wish to me to ask
2 about the second question, I can, otherwise counsel is entitled
3 to pursue it under cross.

4 PRESIDING JUDGE: I am inclined to let Mr Anyah proceed
10:35:15 5 with the manner in which he is questioning and trust that if you
6 require an answer you will ask for it.

7 MR ANYAH: Thank you, Madam President:

8 Q. Separate and apart from the ranks you tell us
9 Charles Taylor assigned the Gambians, did Dr Manneh assign any
10:35:33 10 ranks of his own to the Gambians in Gbarnga?

11 A. No, not that I am aware of.

12 Q. Was there any other hierarchical structure amongst the
13 Gambians or within that group in Gbarnga separate and apart from
14 the rank structure given by Charles Taylor?

10:35:51 15 A. Only the ranks given by Charles Taylor stands. I know in
16 every military situation you must have, how do you call it,
17 somebody to lead. Abdoulie Bah he is referring to at one point
18 was the head - the military head of the Gambian group and we
19 referred to him at the time as the chief of staff, yes.

10:36:08 20 Q. And at what point was that?

21 A. That was the time the ranks were given. That was between
22 1992, '93, '94.

23 Q. But was there ever an occasion where Abdoulie Bah assigned
24 ranks or insisted that ranks should be given amongst the
10:36:31 25 Gambians?

26 A. That was not his prerogative. Ranks were given by
27 Mr Taylor. That's the only one I was aware of.

28 Q. If we could continue to the next page, which is page 3459,

29 line 1:

1 "Q. Mr Witness, you told us that in a meeting you were
2 told that all the Gambians were under the SSS and my
3 question was who told you that?

10:37:09

4 A. I said our chief of staff Abdulai Bah told us at that
5 meeting.

6 Q. And, if you can remember, who was present in this
7 meeting?

10:37:28

8 A. At this meeting we were many who were present, but I
9 can remember the name of some elders. Musang Yai was
10 among, he was a general. Jackson was present who was a
11 general and a bodyguard to Charles Taylor. General Domingo
12 was also present. Ibrahim Bah was present. Lamin Campaore
13 was present, to name a few for you."

14 Let's pause. Mr Camara refers to Musa N'jie. We have a
15 different spelling on the record, but I don't think there will be
16 dispute as to who it is. And he says this person was a general.
17 Was Musa N'jie a general?

18 A. Yes, Musa N'jie was a general.

19 Q. Jackson you referred to yesterday as a general, yes?

10:38:11

20 A. Yes, he was a general.

21 Q. Was Domingo Ramos ever a general?

22 A. Yes, Domingo was a general.

23 Q. And this person, Ibrahim Bah, that Mr Camara refers to, was
24 he the same person that was trained with you in Libya?

10:38:28

25 A. Yes, Ibrahim Bah.

26 Q. Also known as Balde?

27 A. Yes.

28 Q. Same page, line 15:

29 "Q. Now, Mr Witness, you told us that during this meeting

1 you were told that all the Gambians should be under the SSS
2 and then you said as well that the Gambians had their own
3 chief of staff. What do you mean about that when you said
4 that?

10:39:05 5 A. When it comes to about Liberians under Charles Taylor's
6 government, we were all going to work under SSS. But about
7 our society which is SOFA, I am telling you about our chief
8 of staff who is Abdulai Bah, because we have our
9 own - because we have our own group which was different
10:39:29 10 from Liberian group. We were there to help them in their
11 war."

12 Did the group SOFA still remain as an entity amongst the
13 Gambians when you were working for Charles Taylor?

14 A. When we were in Liberia we are Gambians, but we are working
10:39:57 15 directly under Mr Taylor. SOFA was a group, yes, but we were
16 working directly under Mr Taylor and we were taking direct
17 instructions from him.

18 Q. Were you also at the same time --

19 MR KOUMJIAN: Excuse me. I don't believe the question has
10:40:10 20 been answered.

21 PRESIDING JUDGE: Yes, I agree, the question has not been
22 answered. Mr Witness, you were asked whether when you were in
23 Liberia the group SOFA still remained as an entity amongst
24 yourselves.

10:40:24 25 THE WITNESS: Yes, SOFA remained as an entity, yes.

26 MR ANYAH:

27 Q. Did SOFA give you instructions - that is its members
28 instructions that were separate and distinction from those
29 received from the NPFL that you were working with?

1 A. No, we were in a military situation. Every instruction was
2 given by Mr Taylor and these are the instructions that we go by.

3 Q. Can we please go to the same day's transcript at page 3469,
4 line 18:

10:41:13 5 "Q. Mr Witness, you said that Ibrahim Bah and Lamin
6 Campaore were assigned by Charles Taylor to Sierra Leone
7 with Foday Sankoh. When did that happened?

8 A. I said, I said these people, Lamin Campaore, Ibrahim
9 Bah, these were working in Sierra Leone for Foday Sankoh.
10:41:39 10 These were the people who first went to Sierra Leone to
11 start the war, but these people used to go to Sierra Leone
12 and come back to Liberia because they have their wives and
13 children in Liberia. They go to Sierra Leone and spend
14 some time there and then come back to Liberia. This was in
10:42:01 15 the year of 1991 when I went there. I found them doing
16 that work."

17 Let's pause. 1991. Suwandi's speaking about 1991. Are
18 you aware of Ibrahim Bah and Lamin Campaore being assigned by
19 Charles Taylor to join Foday Sankoh in Sierra Leone in 1991?

10:42:26 20 A. No, I am not aware of that.

21 Q. Were you in the company of Lamin Campaore during the early
22 part of your stay in Liberia?

23 A. Yes.

24 Q. Do you know whether he received an assignment that took him
10:42:42 25 into Sierra Leone while he was with the NPFL?

26 A. Lamin never received any assignment out of the NPFL
27 assignment in Gbarnga.

28 Q. If that had happened, would you have known?

29 A. Yes, I would have known because I was the deputy leader.

1 So anything that has to do with assignment, I'm always aware of
2 it.

3 Q. You were the deputy leader of the Gambians?

4 A. Yes.

10:43:02 5 Q. What of Ibrahim Bah?

6 A. Ibrahim Bah was not always stationed in Gbarnga. He was in
7 Buchanan.

8 Q. What was he doing in Buchanan?

9 A. He was in Buchanan before we moved. He was asked by the
10:43:16 10 then Defence Minister, Tom Woweiyu, to be assigned to a company
11 called B&B to provide security for them - I mean, to deter the
12 soldiers from harassing the members of the company or their
13 properties, so --

14 Q. What was the name of that company?

10:43:32 15 A. B&B. I don't know what it stands for, but B&B. It's an
16 abbreviation, B&B.

17 Q. The acronym B like boy and B like boy?

18 A. Exactly, yes.

19 Q. What kind of company was it?

10:43:47 20 A. B&B was a logging company.

21 Q. Logging what?

22 A. Logging company.

23 Q. What did it log? Was it timber?

24 A. Timber, yes.

10:43:54 25 Q. And what year was Bah assigned to this company?

26 A. Bah was assigned to that company from 1991 - early 1991
27 almost up to the end of 1992.

28 Q. And for what purpose was he assigned?

29 A. He was assigned there to provide security for the company.

1 Q. And in which county was that company?

2 A. That company was situated in Grand Bassa County.

3 Q. Besides this assignment of Ibrahim Bah to this private
4 logging company, were any other Gambians ever assigned to do work
10:44:35 5 or to work with private companies?

6 A. Yes.

7 Q. Who else was assigned that you know of?

8 A. Mustapha Jallow was assigned at ALTCO in Lofa County as a
9 security also.

10:44:48 10 Q. What acronym did you refer to?

11 A. ALTCO, A-L-T-O.

12 Q. Is there a C in ALTCO?

13 A. Yes, ALTCO, yes.

14 Q. A-L-T-C-O?

10:45:06 15 A. Yes.

16 Q. And what does ALTCO stand for, if you know?

17 A. No, I don't really know. It's a logging company. It was
18 also a logging company, a timber company.

19 Q. And when was Mustapha Jallow assigned to ALTCO?

10:45:13 20 A. Mustapha Jallow was assigned to ALTCO at the end of -
21 towards, I think, 1991 going to 1992. He was there almost up to
22 1993.

23 Q. And you said he was there to provide security?

24 A. Yes.

10:45:27 25 Q. Lofa County?

26 A. Yes, in Lofa County, precisely.

27 Q. Have you ever heard of an entity called the Lofa Defence
28 Force?

29 A. Yes, I heard of the Lofa Defence Force. That was after the

1 ULIMO invasion.

2 Q. When - I am speaking of what year did you first hear of the
3 Lofa Defence Force?

10:45:54

4 A. The first time I heard of the Lofa Defence Force was in
5 1994.

6 Q. Do you know Mustapha Jallow to have ever worked with or for
7 the Lofa Defence Force?

10:46:11

8 A. Well, I don't know. If it happened, it's not official
9 because he was in Lofa. And at one point he was caught up, you
10 know, in Lofa. So whatever he might have done there was in
11 self-defence.

12 Q. Let's understand your answer. You said "if it happened".
13 Do you know whether it happened or not?

14 A. I don't know whether it happened.

10:46:22

15 Q. Did you hear about Mustapha Jallow ever working with the
16 Lofa Defence Force?

17 A. No, I didn't hear him working with Lofa Defence Force. But
18 I know he was fighting in Lofa.

19 Q. And on whose behalf was he fighting?

10:46:36

20 A. He was fighting on behalf of the NPFL.

21 Q. Did you hear of any NPFL soldiers fighting with the Lofa
22 Defence Force?

23 A. No.

10:46:52

24 Q. Besides Mustapha Jallow and Ibrahim Bah, was any other
25 Gambian assigned to a private company?

26 A. No, not that I know of.

27 Q. Have you heard of a company called CARI, C-A-R-I?

28 A. CARI is not a company. CARI is a government institution.

29 It's the Central Agricultural Research Institute that's located

1 in Suakoko, Bong County.

2 Q. To your knowledge were any Gambians assigned to this
3 institute?

10:47:17

4 A. There was nobody assigned at that institute. There were
5 houses that were housing the staff of that place.

6 PRESIDING JUDGE: May I interrupt. The answer that the
7 witness gave explaining what CARI is, half of it is not recorded.
8 Now, the witness mentioned a location where this institute is.

9 THE WITNESS: CARI is located in Suakoko, Bong County.

10 PRESIDING JUDGE: Suakoko?

11 THE WITNESS: Yes, just few minutes' drive from Gbarnga.

12 MR ANYAH:

13 Q. And what does CARI stand for, if you could tell us again,
14 please?

10:47:57

15 A. CARI stands for Central Agricultural Research Institute.

16 Q. Was Abdoulie Bah ever assigned to that institute?

17 A. Abdoulie was not assigned at that institute. He lived in
18 the compound of CARI.

10:48:20

19 Q. Thank you, Mr Smythe. Going back to the transcript and
20 Ibrahim Bah, Mr Camara told the Court that the wives and children
21 of both Lamin Campaore and Ibrahim Bah resided in Liberia. To
22 your knowledge is that true, Mr Smythe?

23 A. Are you saying in Liberia, or are you saying - trying to
24 say in Gbarnga?

10:48:42

25 Q. Well, his answer - this is Mr Camara's response - was, he
26 said, "Because they have their wives and children in Liberia."

27 A. To the best of my knowledge, Ibrahim don't - never had - he
28 didn't have a wife and he never had a child in Liberia. Lamin
29 Campaore did, yes.

1 Q. Thank you, Mr Smythe. If we go to the next page, page
2 3470 - actually, I should start on the last line of 3469. The
3 question is posed:

4 "Q. Can you assist us when in 1991, are you able to say?

10:49:27 5 A. I said I went there around the end 1991. It was at
6 that meeting. It was Gambian meeting that I told you we
7 have done. These two people, Ibrahim Bah and Lamin
8 Campaore, came from Sierra Leone to attend this meeting."

9 Mr Smythe, was there ever an occasion when you were in
10:49:51 10 Gbarnga at the end of 1991 where the Gambians held a meeting that
11 was attended by Ibrahim Bah and Lamin Campaore having come from
12 Sierra Leone?

13 A. I never attended any meeting of Gambians where it was
14 discussed or send anybody on any assignment in Sierra Leone.

10:50:11 15 Q. That was not my question.

16 A. Oh, sorry.

17 Q. We appreciate the answer.

18 A. Okay.

19 Q. Did the Gambians hold a meeting where Ibrahim Bah and Lamin
10:50:19 20 Campaore had to come from Sierra Leone to attend it while you
21 were in Gbarnga?

22 A. I am not aware of that.

23 Q. I will continue with the transcript. Line 5, page 3470:

24 "Q. At the time of the meeting with the Gambians at which
10:50:40 25 Ibrahim Bah was present, if you know, what was Ibrahim
26 Bah's position at that time?

27 A. At that time I know that Ibrahim Bah was a lieutenant
28 colonel.

29 Q. In which group?

1 A. NPFL, the group of Charles Taylor, lieutenant colonel.

2 Q. Do you know what NPFL stands for?

3 A. That is the National Patriotic Front of Liberia.

10:51:17

4 Q. During the same meeting, this meeting with the Gambians
5 in Liberia, did you have a military rank?

6 A. Yes, during the first meeting we, the five people,
7 there was no one who has a rank. We were not given ranks.

8 Q. What about after the meeting?

10:51:39

9 A. After the meeting I was given a captain rank. I was a
10 captain."

11 Mr Smythe, we have been through this, who assigned the
12 Gambians ranks, and you said it was Charles Taylor, yes?

13 A. Yes.

14 Q. "Q. What about after the meeting?

10:52:00

15 A. After the meeting I was given a captain rank. I was a
16 captain.

17 Q. How long after the meeting were you given that rank?

18 A. This was not more than two weeks and when our - when

19 Jackson took our names and gave them to General Yeaten,

10:52:15

20 this was the time they came back to us and told us our
21 ranks, who we were. Myself, I was a captain at that time."

22 Mr Smythe, did you ever know Suwandi Camara to be a captain
23 in the NPFL?

24 A. No, I never knew Suwandi's rank.

10:52:33

25 Q. Did you ever know him to be a member of the NPFL?

26 A. I remember him in Gbarnga - I mean, in - I told you in
27 1995, when he was there, you know, he was not there officially as
28 a member of the NPFL.

29 PRESIDING JUDGE: In where?

1 THE WITNESS: In Gbarnga.

2 PRESIDING JUDGE: You said, "I mean in Toyu."

3 THE WITNESS: No.

4 PRESIDING JUDGE: What is that?

10:52:58 5 THE WITNESS: No, I was trying to say "I told you". This
6 is what I was trying to say.

7 MR ANYAH:

8 Q. There is a part of your answer I need you to clarify.

9 A. I said --

10:53:17 10 Q. You said that - I believe you said he was not there
11 officially as a member of the NPFL. What did you mean by that?

12 A. First time I encountered Suwandi in Gbarnga was in 1995, I
13 said, yesterday, okay? I don't know where he came from. But
14 knowing him as a Gambians, he came, you know, he was there, as I

10:53:39 15 said yesterday. First when he came to Gbarnga he was at
16 Domingo's house, and later on he was at Gbatala, you know, and he
17 was with Mohamed and the other boys that were there. So I don't
18 know of his rank. I don't know any rank he holds there. Does
19 that answer your question?

10:54:00 20 Q. Yes. Thank you. May we please go to the transcript of 11
21 February. I will start at page 3571. Now, there is a question
22 posed at line 7 by Mr Werner:

23 "Q. Now, Mr Witness, which year was it when you went to
24 Senegal?"

10:55:17 25 A. Tell him this was in 1996.

26 Q. Mr Witness, do you know - did you come back to Liberia
27 at any point in time?

28 A. Tell him that the negotiation we were supposed to have
29 failed. We were arrested and detained and said that we

1 were dissidents. So when we were released in 2000, 1
2 December I was released, I tried and came back to Liberia
3 in 2002. Around end of 2002 I came back to Liberia.

10:56:06

4 Q. Now, when you came back to Liberia, do you remember the
5 month in 2002 when you came back to Liberia?

6 A. Tell him that if I could recall, it was in October.
7 October. If I could recall, it was September, October
8 2002.

10:56:26

9 Q. And who, if anybody, did you see when you came back to
10 Liberia in October 2002?

11 A. When I returned to Liberia I found some of our people
12 who had a problem with Charles Taylor, our Gambians. So
13 upon our arrival at Monrovia at that time one of our
14 Gambians was at Gbatala base as commander. The time I
15 returned there I found that ATU was turned - Gbatala was
16 turned to ATU base.

10:56:54

17 Q. Now, this morning you told us about Mustapha Jallow.
18 Where was Mustapha Jallow at that time when you returned to
19 Liberia in October 2002?

10:57:17

20 A. Tell him that at that time Mustapha Jallow was in
21 Monrovia. Musang Yai was will also there. Mohamed, Jack
22 the Rebel and many other people, our Gambians.

23 Q. What were they doing there at that time?

10:57:46

24 A. At that time I can say they had no fixed place. They
25 had their ranks, but they were not given any responsibility
26 at that time. There was only one man I found who has an
27 important responsibility and that is General Yanks, because
28 he was appointed Libyan ambassador?"

29 Let's pause there. Mr Camara was referring to October -

1 September, October 2002 - and the suggestion here is that the
2 Gambians were not given any responsibility by Charles Taylor. Do
3 you agree with that, Mr Smythe?

4 A. No, I disagree with that.

10:58:23 5 Q. Can you elaborate on your answer?

6 A. Every Gambian that was there was given a responsibility.
7 In fact, everybody fall under the SSS, the Special Security
8 Services. If you have the SSS roster, that will show you that
9 every Gambian that was present there at the time had a

10:58:40 10 responsibility. They were all members of the Special Security
11 Service.

12 Q. When were the Gambians made members of the SSS?

13 A. When Mr Taylor became President in Monrovia, every security
14 officer with him was incorporated into the SSS and that was the
10:58:58 15 time when every Gambian was placed under the SSS.

16 Q. Mr Taylor's aide-de-camp when he was in Gbarnga was who?

17 A. His aide-de-camp - he had several aide-de-camps. The
18 senior aide-de-camp was General Jackson.

19 Q. A Gambian?

10:59:16 20 A. Yes, a Gambian.

21 Q. When he moved to Monrovia in 1995 for the Council of State,
22 who was his senior aide-de-camp?

23 A. General Jackson.

24 Q. At some point in 1996, did General Jackson die?

10:59:29 25 A. Yes. General Jackson died in an attack at the Executive
26 Mansion in an attempt to assassinate Mr Taylor on October 31.

27 Q. Of what year?

28 A. 1996.

29 Q. And he died while serving in what capacity for Mr Taylor?

1 A. He died serving as senior aide-de-camp to Mr Taylor.

2 Q. After General Jackson's death, who became Mr Taylor's
3 senior aide-de-camp?

11:00:00

4 A. General Musa N'jie became senior aide-de-camp at a certain
5 point until he was replaced by General Dgi ba. He became deputy
6 to General Dgi ba.

7 Q. And Musa N'jie is from which country?

8 A. Musa N'jie is a Gambian.

9 Q. And General Dgi ba is from which country?

11:00:17

10 A. General Dgi ba is a Liberian.

11 Q. So Mr Taylor's senior aide-de-camps from Gbarnga through
12 Monrovia were mostly Gambians?

13 A. Yes.

11:00:39

14 Q. In October 2002, were you the only Gambian who received an
15 appointment of significance in Mr Taylor's administration?

16 A. No. Musa N'jie still remains as aide-de-camp to Mr Taylor.
17 And before my appointment as ambassador of Libya, I served as
18 assistant director for operations for the Special Security
19 Service.

11:00:54

20 Q. We will come to that in a minute, Mr Smythe. Now, if we
21 continue on that same page at line 12 there is a question posed:

22 "Q. Now, Mr Witness, when you came back in 2002 where was
23 Ibrahim Bah?

11:01:33

24 A. At that time I found that Ibrahim Bah has absconded out
25 of Liberia. He was in Burkina.

26 Q. And did you speak with Mustapha Jallow about Ibrahim
27 Bah when you came back?

28 A. Tell him that Mustapha on the other side is my
29 relative, because he was my nephew, so when I left he was

1 taking care of my family. When I came we saw each other
2 and had a discussion.

3 Q. What did he tell you?

4 A. What he told me was that Ibrahim Bah, after when I
11:02:03 5 left, he was a liaison officer between NPFL and RUF. At
6 that time he used to go to Sierra Leone and come back. He
7 was engaged in diamond business between Charles Taylor and
8 RUF. So he was engaged in this business. Until one of his
9 trip, before we came back, he came to Monrovia with some
11:02:29 10 diamonds on that trip, took it to the mansion to
11 Charles Taylor, but I think, what he told me,
12 Charles Taylor was supposed to do for Ibrahim Bah, he did
13 not do it. So he - then he planned to eliminate - to kill
14 him."

11:02:54 15 Let's pause there for a second, Mr Smythe. Late 2002,
16 Suwandi says Ibrahim Bah had been a liaison officer between the
17 NPFL and RUF. Were you aware of that, Mr Smythe?

18 A. I was not aware of that.

19 Q. Did you ever hear of such a role played by Ibrahim Bah?

11:03:23 20 A. No, I never heard of it.

21 Q. Mr Camara suggests - he says - his words were that Ibrahim
22 Bah was engaged in diamond business between Charles Taylor and
23 the RUF. Mr Smythe, during the time you were with
24 Charles Taylor, did you know Ibrahim Bah to be engaged in a
11:03:46 25 diamond business with Charles Taylor?

26 A. No, I never knew about that.

27 Q. Did you hear of any such activities between Bah and
28 Charles Taylor?

29 A. No.

1 Q. In October 2002, was Ibrahim Bah, to your knowledge, in
2 Liberia?

3 A. I was not in Libya - I mean, excuse me. I was not in
4 Liberia at the time, so I don't know whether he was there.

11:04:13 5 Q. You were at that time already in Libya as ambassador?

6 A. Yes. Or up to the time I used to go and come forward,
7 nobody has ever told me he was there.

8 Q. Did you ever hear of a plan by Charles Taylor to eliminate
9 Ibrahim Bah?

11:04:32 10 A. I never heard of that, no.

11 Q. Well, let's continue, same page 3573, line 2:

12 "Q. Now you said that he was engaged in this business and
13 one of his trips, we came back and he came back to Monrovia
14 with some diamonds. Sorry, before we came back he came
15 back to Monrovia with some diamonds. So when you say until
16 one of his trips we came back, who are you talking about?

11:04:58 17 A. No, I said when he on one of his trips, when he
18 returned to Monrovia, his last trip before we came back to
19 Monrovia. That was before we came to Monrovia. They said
20 he had brought some diamonds for Charles. Mustapha was the
21 one who told me this, that when he brought - when Ibrahim
22 Bah brought these diamonds for Charles, Charles was
23 supposed to give him something that he was supposed to take
24 back to RUF soldiers.

11:05:19 25 Q. You said that he brought some diamonds for Charles.
26 Who is he? Who are you talking about?

27 A. I'm referring to Ibrahim Bah. Ibrahim Bah.

28 Q. You are talking about a last trip where he brought some
29 diamonds for Charles Taylor. Were you told where he was

1 coming from when he came to Monrovia?

2 A. Yes. Tell him that at that time he was coming from
3 Sierra Leone RUF to Liberia, because before we returned to
4 Monrovia, Ibrahim Bah and Charles were engaged in this
11:06:11 5 business."

6 Mr Smythe, Mr Camara seems to suggest that for some period
7 of time before October 2002, Ibrahim Bah and Charles Taylor were
8 engaged in a business where Ibrahim Bah was essentially a courier
9 of diamonds from the RUF to Charles Taylor in Liberia. Are you
11:06:38 10 aware of any such relationship between Ibrahim Bah and
11 Charles Taylor?

12 A. No, I am not aware of that. If you can allow me to please
13 tell you some history about Ibrahim, please.

14 Q. Yes, please do.

11:06:50 15 A. Ibrahim, at one point, sometime in 1992, he was in Loguato
16 border and he did something. This was brought to my - I can't
17 remember exactly what he did. This was brought to my knowledge,
18 you know, and I proceeded to Loguato to have him arrested and
19 jailed because of what he did. But apparently somebody alerted
11:07:08 20 him that, you know, Yanks was coming to have you arrested.

21 PRESIDING JUDGE: Slowly, please.

22 THE WITNESS: Sorry. Because somebody - I think somebody
23 alerted him that I was on my way to Loguato to have him arrested.
24 So he absconded from there and he went across to the Ivory Coast
11:07:25 25 and finally to Burkina Faso. This is where he remained until I
26 went - I was sick at one point in 1998. I went to Burkina for
27 treatment. I met him there. From that time, 1992, he has not
28 come to Liberia. And up to the time I left Liberia in 2000, July
29 2000, to go to Libya as ambassador, Ibrahim has not returned to

1 Liberia.

2 Q. Who asked you to go and effectuate his arrest?

3 A. I myself because I consider - if Dr Manneh is not around, I
4 consider myself as the one overseeing them. So if somebody does
11:08:07 5 something that is wrong, that is contrary to what they should do,
6 I have the right to arrest the person, inform Mr Taylor that this
7 person did so and I have him incarcerated.

8 Q. And are you saying from 1992 onwards Ibrahim Bah never
9 returned to Liberia while you were there?

11:08:25 10 A. No, he never returned to Liberia. I only saw him in 1998
11 when I when to Burkina for treatment. In fact, he was very nice
12 to me because his wife was cooking for me every day, sending me
13 food. Up to the time I left Liberia to go to Libya, he never
14 returned to Liberia. I never saw him there.

11:08:45 15 Q. Did you hear whether or not he worked for the NPFL after he
16 left Liberia?

17 A. No, he cannot work for the NPFL out of Liberia.

18 Q. Do you know where he went to after he left Liberia in 1992
19 as you say?

11:09:02 20 A. He went to Burkina Faso.

21 Q. Do you know whether he ever went to Sierra Leone?

22 A. Well, I heard people say he went to Sierra Leone. I can't
23 confirm that. It's just hearsay. He went there from Burkina,
24 not from Liberia. I heard that.

11:09:22 25 MR ANYAH: If I could have the assistance of Madam Court
26 Manager. Could Prosecution exhibit 153C be placed on the
27 overhead projector and shown to the witness:

28 Q. Are you able to see the photograph?

29 A. Yes.

1 Q. Who is that a picture of, Mr Smythe, if you know?

2 A. Ibrahim Bah.

3 Q. Is this the same person that you went to arrest in 1992?

4 A. Yes.

11:10:29 5 Q. Is this the same person that you trained with in Libya?

6 A. Yes.

7 Q. Is this the same person you believe Suwandi Camara was
8 referring to in the parts of the testimony I have read?

9 A. I should think so.

11:10:44 10 Q. Have you seen Ibrahim Bah since you last saw him in Burkina
11 Faso?

12 A. The last time I saw him was in Burkina Faso, yes. That was
13 the last time, yes.

14 Q. Mr Smythe, yesterday we spoke about ULIMO and war between
11:11:14 15 the NPFL and ULIMO. You said at page 35678 of yesterday's
16 transcript, the transcript of 22 February, that the NPFL held on
17 to Lofa until a certain point in 1994. Do you recall telling us
18 that?

19 A. Yes.

11:11:40 20 Q. And the page, for counsel's benefit, is 35678. When you
21 said the NPFL "held on", can you elaborate on that? What do you
22 mean?

23 A. When I say NPFL held on, is that NPFL was still holding
24 some territory in Lofa.

11:12:04 25 Q. When you said the NPFL held on, did you mean that they had
26 full control of Lofa County?

27 A. No, they didn't have --

28 MR KOUJIAN: Objection. It's leading and suggestive.

29 MR ANYAH:

1 Q. When you said the NPFL held on, can you tell us who at that
2 time had control of Lofa County?

3 A. The NPFL was --

11:12:23

4 MR KOUMJIAN: It's the same question. The witness was
5 asked about his answer and he explained it and now counsel's
6 making suggestions.

7 MR ANYAH: It's not the same question, with respect.

11:12:39

8 PRESIDING JUDGE: Can we have some kind of order and allow
9 the witness to answer a question put to him? What was the last
10 question that you put to the witness?

11 MR ANYAH: I will repeat it, Madam President:

12 Q. The question was: When you said the NPFL held on, can you
13 tell us who at that time had control of Lofa County?

14 A. At that time ULIMO had control of Lofa, most part of Lofa.

11:12:58

15 Q. And when you say "at that time", are you referring to the
16 year 1994?

17 A. Yes.

18 Q. Did ULIMO ever have full control of Lofa County?

19 A. Yes, ULIMO had full control over Lofa.

11:13:12

20 Q. And in what year was that?

21 A. That was in the same year, 1994.

22 Q. Between the years 1991 and 1994, who controlled the
23 majority part of Lofa County?

11:13:33

24 A. ULIMO had control, some part of it, and the NPFL controlled
25 some part of it too.

26 Q. What parts of Lofa County did ULIMO have control of?

27 A. ULIMO was in control of Voinjama. I can't remember all the
28 areas, but they have a larger portion that they controlled at the
29 time. But Voinjama was under their control because it was their

1 headquarters one time.

2 Q. If you were given a map, would you be able to draw the
3 portion of Lofa County controlled by ULIMO between 1991 and 1994?

11:14:10

4 A. I can try. I don't know whether I will be exact, but I can
5 try.

6 MR ANYAH: Madam President, I do have here a map of
7 Liberia. It was not necessarily disclosed as part of our
8 exhibits for this week, but I don't think there would be
9 prejudice to the Prosecution. We are all familiar with maps of
10 Liberia. So with leave of Court, I would ask to give the witness
11 a plain map of Liberia to indicate. Could he also be given some
12 coloured pens, please.

11:14:27

13 PRESIDING JUDGE: Mr Anyah, the LiveNote record does not
14 show what you were asking the witness to do. I know you did ask
15 him to do something that has not been shown on the record. Could
16 you please repeat what you asked the witness to do?

11:15:14

17 MR ANYAH: Yes. My last question I believe was: If you
18 were given a map, would you be able to indicate what parts of
19 Lofa County ULIMO controlled between 1991 and 1994. So with the
20 map now in place for the witness:

11:15:38

21 Q. Mr Smythe, can you use one of the highlighted pens - first
22 of all, do you see Lofa County in that map?

23 A. Yes.

24 Q. This map contains - before you draw, let me ask you a
25 question. This map contains a county called Gbarpolu County,
26 yes?

11:15:58

27 A. Yes.

28 Q. In 1991 through 1994, was Gbarpolu County in existence?

29 A. No, it was not.

1 Q. When did Gbarpolu County come into existence, if you know?

2 A. That was during the time of - during the presidency of
3 Mr Taylor. I can't remember exactly which year, but it was
4 during the presidency of Mr Taylor.

11:16:23 5 Q. So the period of time we were talking about, did
6 Lofa County encompass what is now referred to as Gbarpolu County
7 on this map?

8 A. Yes.

9 Q. Can you first, using your green highlighter, highlight the
11:16:39 10 part of the map that was considered Lofa County between 1991 and
11 1994, if you recall?

12 A. I am not familiar with that terrain, so I don't whether - I
13 don't want to do something that could be considered wrong. I'm
14 not familiar with that terrain, you know.

11:16:54 15 Q. Are you able, nonetheless, to tell us which parts of
16 Lofa County were controlled by ULIMO between 1991 and 1994?

17 A. Yes, I can try.

18 Q. Can you please draw with the green highlighter the portions
19 you wish to indicate.

11:17:50 20 A. Yes, I did that.

21 Q. Okay. Is it fair to say - well, you have told us that
22 ULIMO had control of Voi njama.

23 A. Yes.

24 Q. And that's to the northwest, yes?

11:18:04 25 A. Yes.

26 Q. Now, ULIMO's control, on the basis of what you have drawn,
27 extended to the east past Belle Yella?

28 A. Yes.

29 Q. To the south to Tubmanburg, yes?

1 A. Yes.

2 Q. And to the west consistent with the Sierra Leone/Liberian
3 border?

4 A. Yes.

11:18:28 5 Q. Can you take a pen and write in that encircled area "1991
6 to 1994" - actually, can you - can I suggest this, Mr Smythe:
7 Can you use your pen and draw an arrow from the top near
8 Mendekoma to a white portion of the page, just draw an arrow from
9 the top of the green line near Mendekoma, and can you write
11:19:06 10 "1991-1994 area controlled by ULIMO"? Can you put in parenthesis
11 "green colour"? Can you take another coloured highlighted pen
12 and highlight when you say ULIMO had full control of Lofa County
13 from sometime in 1994 what you are referring to?

14 A. That means they controlled the entire Lofa County, Lofa
11:19:58 15 including Gbarpolu.

16 Q. Is it exactly the same areas that are covered or
17 encompassed within the green coloured highlighter?

18 A. Yes.

19 Q. What about the area between Tubmanburg and where we see the
11:20:17 20 Sierra Leonean border the town of Kongo?

21 A. Yes, ULIMO at the time controlled Lofa, Grand Cape Mount
22 and Bomi.

23 Q. From what year did they control that?

24 A. They started attacking in 1991. They attacked first - they
11:20:39 25 controlled Bomi and Cape Mount between I think it's in 1991.

26 Q. Okay. Do us this favour then: Can you circle Cape Mount
27 and Bomi County with the orange marker and can you take the blue
28 pen and draw the year in which you say ULIMO first controlled
29 that area? Tell us the years as far as you know when ULIMO

1 controlled those two counties, from when to when.

2 A. From 1991 to 1994 they were in control of those areas.

3 Q. After 1994, who controlled Grand Cape Mount County?

4 A. ULIMO remained in control of Grand Cape Mount until the

11:21:36 5 Council of State was set up.

6 Q. And when was that? 1995?

7 A. 1995, yes.

8 Q. During DDRR, disarmament, demobilisation, reintegration and

9 rehabilitation, was ULIMO still in control of parts of Grand Cape

11:22:07 10 Mount County?

11 A. Which year was that?

12 Q. That's the period 1996 to 1997.

13 A. 1996 to 1997?

14 Q. Yes.

11:22:21 15 A. I can't remember, actually. But I think they were still

16 there because after the disarmament - I have to refresh my

17 memories about that part. But I think they were still there.

18 Q. Are you speculating or are you sure?

19 A. I'm - that's why I said I have to refresh my memory, you

11:22:50 20 know. I can't really remember. But I think they were still

21 there up to 1996, because at one point ULIMO was split into two,

22 you know, ULIMO - between ULIMO-K and ULIMO-J, and ULIMO-J at one

23 time was controlling Tubmanburg, you know, Tubmanburg and those

24 areas, yes.

11:23:13 25 Q. Well, for purposes --

26 PRESIDING JUDGE: Mr Anyah, I am asking for clarification,

27 what does the orange circled part represent?

28 MR ANYAH: Yes, I will him to further indicate:

29 Q. Could you use your pen, Mr Smythe - well, before I direct

1 you what to do. You have told us that ULIMO controlled Grand
2 Cape Mount and Bomi. Now, when you wrote 1991-1994, is that what
3 you are referring to?

4 A. Yes.

11:23:40 5 Q. Can you draw or can you write after 1994 "area controlled
6 by ULIMO" --

7 PRESIDING JUDGE: Mr Anyah, I would like to know, I asked
8 the witness, what does the orange - the part that is circled
9 by orange, what does it represent? Would the witness please
10 answer?

11:24:05

11 THE WITNESS: That represents Grand Cape Mount and Bomi
12 Counties.

13 PRESIDING JUDGE: Yes. But what does it represent?

14 THE WITNESS: It represents the ULIMO controlled areas.

11:24:13

15 MR ANYAH:

16 Q. During which years?

17 A. 1991 going to 1994.

18 PRESIDING JUDGE: And the green part?

19 THE WITNESS: AND the green part was Lofa between the years
20 1994 onwards - 1991 onwards.

11:24:22

21 PRESIDING JUDGE: Okay. Thank you. That's clear.

22 MR ANYAH:

23 Q. Mr Smythe, can you continue writing "area controlled by
24 ULIMO" and in parenthesis "orange colour"? Can you put in
25 parenthesis "orange colour"? Thank you, Mr Smythe.

11:24:47

26 A. I just want to make some clarification here.

27 Q. Yes, please.

28 A. This time, 1991 and 1994, I'm referring up to the time
29 Gbarnga fell, but ULIMO remained in control of Lofa up to the

1 time of the elections. That's what I am referring to as, you
2 know, 1991 to 1994 in September, October when Gbarnga fell. But,
3 you know, beyond that time ULIMO still remained in control of
4 Lofa, up to the time of the 1997 elections.

11:25:26 5 Q. Well, let's consider a few things, Mr Smythe. Are you
6 saying that the green coloured portion remained in ULIMO's
7 control through the elections of 1997?

8 A. The entire Lofa, yes.

9 Q. Do you mean full control by ULIMO?

11:25:45 10 A. Yes, ULIMO controlled the area --

11 MR KOUMJIAN: Objection. Counsel is leading and suggesting
12 the answer.

13 PRESIDING JUDGE: Yes, Mr Anyah, please do ask in a way
14 that doesn't suggest answers.

11:25:58 15 MR ANYAH:

16 Q. Mr Smythe, can you write the years during which ULIMO
17 controlled Lofa County on that map for us?

18 A. Up to 2007 - I mean up to 1997 when we had the election.

19 Q. From when to when? What year to 1997?

11:26:22 20 A. They first started attacking in Lofa in 1991. I mean in
21 Grand Cape Mount and Bomi, they controlled the area, they came to
22 Lofa and they were in control of Lofa by 1994 when Gbarnga fell.
23 From that time through to the time of the election, 1997, I mean
24 ULIMO was still in control of 98 per cent of Lofa.

11:26:49 25 Q. How many percentage of Lofa were they in control of in
26 1991?

27 A. In 1991?

28 Q. What percentage of Lofa County was ULIMO in control of in
29 1991?

1 A. Basically it was - they were around the border areas. They
2 had not come so far into [indiscernible] coming to Bong County.
3 They were around the border areas.

4 Q. So what does the green area you have highlighted represent?

11:27:14 5 A. First the green areas I have highlighted, you know, I mean,
6 represent the border areas that ULIMO was, you know, controlling
7 at the time.

8 Q. At which time?

9 A. Between 1991 and before going on to '97.

11:27:31 10 MR ANYAH: Madam President, with leave of your Honours, may
11 I ask that that document be marked for identification?

12 And, Mr Smythe, can you sign the document - write your
13 name, sign it and put today's date --

14 PRESIDING JUDGE: At the bottom, please. At the bottom of
11:27:47 15 that paper.

16 MR ANYAH: Today is 23 February 2010.

17 PRESIDING JUDGE: The document, which is a map of Liberia
18 with markings made by the witness, is marked MFI-409.

19 MR ANYAH: Thank you, Madam President:

11:28:26 20 Q. Now, Mr Smythe, yesterday you told us that - and I believe
21 you reiterated it today or reminded us about it today - the NPFL
22 and the RUF had this relationship through May-June 1992, yes?

23 A. Did I say May-June?

24 Q. Well, I am referring to the transcript of yesterday's
11:28:55 25 testimony where you said - you said cooperation with the RUF
26 continued through May-June 1992. This is at page - the relevant
27 pages are 35677 through 78 and 35679.

28 PRESIDING JUDGE: In view of the time, I am advised the
29 tape has ran out. Perhaps we could pick this up after the

1 adjournment.

2 We will take a break of half an hour and adjourn until
3 12 o'clock.

4 [Break taken at 11.30 a.m.]

11:59:04 5 [Upon resuming at 12.00 p.m.]

6 MR ANYAH: May I proceed, Madam President?

7 PRESIDING JUDGE: Please proceed, Mr Anyah.

8 MR ANYAH: Thank you:

9 Q. Mr Smythe, before the break I was trying to refer you to
12:01:33 10 evidence you gave to the Court yesterday. And to avoid any
11 confusion, I should perhaps just read from the transcript of
12 yesterday. This is the transcript of 22 February. The relevant
13 page is 35677 and it goes on to 35678. Yesterday we spoke about
14 the NPFL's cooperative relationship with the RUF in the early
12:01:58 15 1990s, and here is what you said in response to a question posed
16 at line 22 of that page. The question was:

17 "Q. You said at some point in time the relationship
18 between the RUF and the NPFL was severed. What were you
19 referring to?

12:02:18 20 A. Yes, that was when we ceased contact with the RUF. You
21 know, all these - how they call it? All our soldiers that
22 were inside fighting ULIMO were withdrawn.

23 Q. Inside where?

24 A. Inside how do you call it? I mean Sierra Leone
12:02:37 25 territory that were helping, you know, to fight the ULIMO
26 and everybody came back. That was the time I was referring
27 to.

28 Q. In which month and year did that take place, if you
29 know?

1 A. That should be June - May, June 1992, yes.

2 Q. 1992?

3 A. Yes."

4 My question is this, Mr Smythe: After this relationship
12:03:05 5 was severed and after your troops came back, was there ever,
6 after that, any contact between the RUF and the NPFL to the best
7 of your knowledge?

8 A. No. To the best of my knowledge, no.

9 Q. After this period you spoke about yesterday, May, June
12:03:33 10 1992, did you ever see Foday Sankoh in Gbarnga again?

11 A. No, I never saw him in Gbarnga.

12 Q. After this period in time were there visits by any RUF
13 personnel to Gbarnga?

14 A. No, not that I'm aware of.

12:03:52 15 Q. After the period of time May, June 1992 was there, to your
16 knowledge, any written correspondence exchanged by the NPFL and
17 the RUF?

18 A. No, I'm not aware of that.

19 Q. Do you know whether after May, June 1992 there was any
12:04:06 20 radio communication between the RUF and the NPFL?

21 A. I'm not aware of that.

22 Q. Since the time when you saw Foday Sankoh in Gbarnga when
23 you said he used to frequent or come from time to time in 1991
24 until this May, June 1992, when next did you see Foday Sankoh?

12:04:29 25 A. The next time I saw Foday Sankoh was in Monrovia. In fact,
26 first in Lome because I accompanied Mr Taylor, you know, to the
27 Lome peace talks. I saw him there first, and after that, you
28 know, I saw him in Monrovia again.

29 Q. In what year did you accompany Mr Taylor to Lome for peace

1 talks?

2 A. I think it should be in 1999, yes.

3 Q. So is it the case that from the time you were in Gbarnga,
4 the next time you saw Foday Sankoh was in 1999?

12:05:06 5 A. Yes.

6 Q. You also said he came to Monrovia. In which year did he
7 come to Monrovia?

8 A. That same year, 1999, on his way to Freetown.

9 Q. And do you know for what purpose he came to Monrovia in
12:05:22 10 that same year?

11 A. Yeah, because Mr Taylor was the facilitator of the process,
12 peace process, you know, on their way - on his way going to
13 Freetown he passed through Monrovia, and he was given some advice
14 by Mr Taylor to go back - to go to Freetown, I mean.

12:05:38 15 Q. Was that before or after the time you saw him in Lome in
16 1999?

17 A. That was after I saw him in Lome. That was after the Lome
18 conference.

19 Q. Do you remember the month during which the Lome conference
12:05:53 20 was held?

21 A. No, no, no, I can't recall the month.

22 Q. Was it in the beginning, in the middle or the end of 1999?

23 A. It should be from the beginning towards the end, I think,
24 yeah.

12:06:04 25 Q. Do you know the month during which - well, I should repeat
26 the last exchange, but I understood your answer. You said it was
27 from the beginning through the end of 1999. My question was was
28 the Lome conference held towards the beginning part of the year,
29 the middle part or the end of the year?

1 A. This is what I said. I can't remember, but I'm saying it
2 should be the middle part of 1999.

3 Q. Are you sure, or are you speculating?

12:06:43

4 A. I can't be specific because, you know, it's been a long
5 time now so - but I'm definitely sure that it was 1999. I can't
6 be exact on the month.

7 Q. The visit you referred to by Foday Sankoh to Liberia,
8 specifically you said Monrovia, in 1999 after the Lome
9 conference, was it towards the middle or end of 1999?

12:07:02

10 A. That should be going towards the end of 1999, yes.

11 Q. What was your role within Mr Taylor's administration, if
12 any, during that time?

13 A. I was assistant director for operations for the Special
14 Security Service.

12:07:29

15 MR ANYAH: Now, a witness testified before this Court, and
16 we are going to go over that witness's evidence. It was in
17 closed session. For the benefit of all present, the relevant
18 pages of the transcript I will be referring to - and I will make
19 representations to the Chamber regarding the feasibility of
20 proceeding in public session, despite this information having
21 been elicited in closed session - but the pages in question are
22 pages 2211 through page 2221. I will not --

12:07:51

23 PRESIDING JUDGE: Do we have a date of the transcript?

24 MR ANYAH: Yes. It's 25 January 2008. Now, Madam

12:08:30

25 President, I believe I can discuss this witness's testimony
26 without disclosing the witness's identity in public session, and
27 we have broached the subject previously with Mr Smythe yesterday,
28 the subject area. I appreciate that this was done in closed
29 session, but to the extent I'm careful and cautious, I see no

1 reason why we can't have this information out in public session.

2 PRESIDING JUDGE: Mr Koumjian, did you have --

3 MR KOUMJIAN: Your Honour, I would have to review it, and I
4 actually suggest we come back. Because it is in closed session,
12:09:11 5 so the Court would have to remove its order for closed session
6 testimony. The witness - even if we did this in private session,
7 the witness, of course, is a member of the public.

8 PRESIDING JUDGE: Yes, but the thing is a closed session is
9 intended to protect the person giving the evidence at the time,
12:09:31 10 and even afterwards to protect the identity of that person. Now,
11 there have been instances when we have dealt with closed session
12 evidence in open session with the caveat that care has been taken
13 not to disclose the identity of the witness. The preference, of
14 course, is for a public session always. Mr Koumjian, you said
12:09:59 15 we'd have to come back. What do you mean?

16 MR KOUMJIAN: Counsel gave a range of 10 pages, and I would
17 have to read the 10 pages or 11 pages in the range he gave.

18 MR ANYAH: Madam President, we cannot slow down the process
19 for this to take place. I am a counsel admitted to the bar. In
12:10:16 20 good faith I'm representing to the Court that I'm not going to
21 disclose the identity of this witness. We have proceeded as such
22 in the past. For us to delineate what pages we're going to cover
23 in cross-examination to the Prosecution beforehand, secure their
24 approval that they're comfortable with the idea that we can do so
12:10:33 25 without disclosing the witness's identity, it seems to us to be
26 unnecessary.

27 PRESIDING JUDGE: Okay, allow me to consult, please.

28 [Trial Chamber conferred]

29 MR KOUMJIAN: Your Honour, if I could perhaps bring one

1 thing to the Court's attention that may have slipped all of our
2 minds. It's my recollection that this witness was given closed
3 session by another Trial Chamber, and my understanding of the
4 rules is that could only be lifted by the other Trial Chamber or
12:11:46 5 after the Court has consulted with the other Trial Chamber.

6 PRESIDING JUDGE: We've taken all that into consideration.
7 The current witness is testifying in open session and he is going
8 to respond to issues raised by another witness. Now, Mr Anyah,
9 you may or may not even need to read out the transcript, but the
12:12:13 10 assertions by another witness have to be put to this witness, who
11 is testifying in open session. Now, I'm going to rely on
12 Mr Anyah's wisdom in ensuring that the protected witness
13 continues enjoying protection and that their identity is not
14 disclosed.

15 MR KOUMJIAN: Your Honour, I --

16 PRESIDING JUDGE: Now, the minute you flout that, Mr Anyah,
17 I'm going to have to take it back. But for now I'm going to
18 allow you to proceed in the manner that you propose.

19 MR KOUMJIAN: Your Honour, may I put on the record that the
12:12:48 20 Prosecution, having quickly read the transcript - portions of it
21 - believes that for those who know matters that are contained in
22 this transcript, and those are the people we're most concerned
23 about, the identity of this witness will be revealed by reading
24 this in public.

12:13:01 25 PRESIDING JUDGE: Mr Koumjian, the more you continue to
26 draw attention to these matters, the greater the likelihood that
27 the identity of the protected witness will be revealed. Now I
28 have ruled that Mr Anyah may continue in the manner that he has
29 proposed to the judges, and we'll take it from there. Please

1 continue.

2 MR ANYAH: Thank you, Madam President:

3 Q. Mr Smythe, yesterday at page 35674 of yesterday's
4 transcript you referred to Mr Taylor taking a trip to Voinjama in
12:13:39 5 October 1991. Do you recall that?

6 A. Yes, I do recall that.

7 Q. Were you in his company when he made that trip?

8 A. Yes, I was in his company.

9 Q. Where did you travel from to Voinjama?

12:13:50 10 A. I travelled from Gbarnga to Voinjama.

11 Q. How many people travelled with you and Mr Taylor, if anyone
12 else?

13 A. A lot of people. Almost all the securities, you know,
14 within his immediate surrounding travelled with him.

12:14:03 15 Q. Can you give us an approximate number of people who
16 travelled on that trip with Mr Taylor to Voinjama?

17 A. I may not be correct in giving how many people travelled.
18 A lot of people travelled with him.

19 Q. Was it less than 50?

12:14:18 20 A. It should be more. It should be between that range.

21 Q. About 50?

22 A. Yes.

23 Q. What was the purpose of that trip?

24 A. The purpose of that trip was to visit Voinjama and to see
12:14:30 25 the soldiers and civilian relationship and how - I mean, the
26 civil administration is going on there and to advise caution the
27 civilian - I mean the soldiers, how to proceed with the
28 civilians.

29 Q. Was there a problem between the soldiers and civilians in

1 Voi njama before the trip?

2 A. It doesn't have to necessarily be. You know, that has been
3 a normal routine. When an area is under our control, you know,
4 normally he will give go in the area and visit the area. It
12:15:01 5 doesn't have to be a dispute before he visit the area.

6 JUDGE DOHERTY: Mr Anyah, I don't think that answers your
7 question. Certainly not to my satisfaction.

8 MR ANYAH:

9 Q. Mr Smythe, you heard Justice Doherty's observation. My
12:15:16 10 question was: Was there a problem between the soldiers and the
11 individuals in Voi njama before that trip?

12 A. No.

13 Q. When you got to Voi njama with Mr Taylor, did you meet
14 anyone?

12:15:33 15 A. Yes, we met the commander on the ground and some of his
16 immediate front line commanders.

17 Q. Who was the commander on the ground?

18 A. Anthony Mekunagbe was the commander on the ground.

19 Q. That name is on the record, Madam President. And who were
12:15:50 20 the other front line commanders there in October 1991?

21 A. I remember Sam Tuah. I remember Timothy Mulbah, and quite
22 a few others. I could remember those people as the commanders,
23 as some of the commanders.

24 Q. Was Foday Sankoh in Voi njama in October 1991 when you went
12:16:14 25 there with Charles Taylor?

26 A. No, he wasn't there.

27 Q. Was Dr Manneh in Voi njama in October 1991 when you went
28 there with Charles Taylor?

29 A. He wasn't there.

1 Q. Now, a witness appeared before this Court, and in sum and
2 substance we will go through piece by piece what the witness said
3 this to Court, but I'll ask you one question first before that.
4 Before October 1991, in the year 1991, to your knowledge, did
12:16:46 5 Charles Taylor ever visit Voinjama?

6 A. The only time I know Charles Taylor visited Voinjama was in
7 October 1991 and I went with him on that trip.

8 Q. When you say "the only time", do you mean the only time in
9 1991 that he visited Voinjama?

12:17:00 10 A. This is the only time that I'm aware of.

11 Q. Before that trip to Voinjama --

12 PRESIDING JUDGE: Sorry, is that "ever"? It's the only
13 time Charles Taylor ever visited Voinjama?

14 THE WITNESS: No. I said in 1991 he visited there during
12:17:17 15 the election campaign. What I'm talking about is 1991.

16 MR ANYAH:

17 Q. Before the trip to Voinjama with Charles Taylor in October
18 1991, do you know whether Charles Taylor had ever been to Sierra
19 Leone?

12:17:34 20 A. No.

21 Q. Now, a witness appeared before this Court and we'll go over
22 what the witness said.

23 MR KOUMJIAN: The answer is ambiguous because of the form
24 of the question, whether he doesn't know, or, no, Charles Taylor
12:17:47 25 never visited Sierra Leone.

26 MR ANYAH: Is that a comment? Is that an objection?

27 PRESIDING JUDGE: No, I think the comment is a valid one.
28 The question to the witness was: Before the trip to Voinjama
29 with Charles Taylor in October 1991, do you know whether

1 Charles Taylor had ever been to Sierra Leone? The answer is no.
2 No, he doesn't know; or, no, Charles Taylor never visited? That
3 is the comment and I think it's a valid comment.

4 MR ANYAH: Thank you, Madam President:

12:18:22 5 Q. Mr Witness, do you know - when you say "no", are you saying
6 that you do not know whether Charles Taylor had ever visited
7 Sierra Leone before October 1991?

8 A. Charles Taylor has not visited Sierra Leone before October
9 1991.

12:18:37 10 Q. And how do you know that?

11 A. Because I was all the time with him, so anywhere he goes I
12 would know he has gone to this place.

13 Q. Well, a witness testified before this Court. The witness
14 said in March 1991, Foday Sankoh was with Charles Taylor in

12:19:02 15 Voinjama. Mr Witness, are you aware of Charles Taylor being in
16 Voinjama in March 1991? This is incidentally at page 2213 of the
17 transcript pertaining to the other witness who testified.

18 A. No, I'm not aware of that.

19 Q. That witness told us that the purpose of that trip to
12:19:30 20 Voinjama by Charles Taylor and Foday Sankoh was to discuss
21 operational plans leading up to an invasion on Sierra Leone on 23
22 March 1991. Mr Witness, are you aware of Charles Taylor being
23 involved in generating an operational plan for the invasion of
24 Sierra Leone in March 1991?

12:19:57 25 A. No, I'm not aware of that.

26 Q. That witness told us that there was a meeting held in
27 Voinjama. This is at pages 2213 to 2214 of the transcript of 25
28 January 2008. The witness said there was a meeting held in
29 Voinjama. The meeting was held at the home of Anthony Mekunagbe.

1 Present at that meeting were Foday Sankoh, Charles Taylor and
2 senior NPFL officers. Are you aware, Mr Smythe, of any such
3 meeting taking place in March 1991 at the home of Anthony
4 Mekunagbe?

12:20:49 5 A. No, I'm not aware of any such meetings happening in 1991.

6 Q. This Court was told that during that meeting there was a
7 map of Sierra Leone spread out on the table. Mr Taylor was
8 hovering over that map and indicating to Foday Sankoh and others
9 there present how Sierra Leone should be attacked. Mr Smythe,
10 you were Mr Taylor's bodyguard around this time. Are you aware
11 of Mr Taylor hovering over a map in some house in Voinjama
12 discussing the invasion of Sierra Leone in March 1991?

12:21:16

13 A. No, I'm not aware of that.

14 Q. At page 2218 of the other witness's evidence it is said

12:21:46

15 there that Mr Taylor suggested - in fact, made a decision
16 regarding the invasion of Sierra Leone through a place called
17 Zimmi in Pujehun District. Are you aware of that, Mr Smythe?

18 A. No, I'm not aware of that.

19 Q. When I say are you aware of that, I'm not asking you if
20 you're aware of what the other witness said. I'm asking you if
21 you're aware of Mr Taylor ever making a decision in the presence
22 of Foday Sankoh regarding an attack on Sierra Leone through Zimmi
23 in Pujehun District.

12:22:10

24 A. I'm not aware of Mr Taylor making any suggestion to
25 Mr Sankoh, you know, on where to attack Sierra Leone. I'm not
26 aware of it.

12:22:33

27 Q. Well, we are told by that witness that present at this
28 meeting were Sam Larto, Michael Paygar - you mentioned Michael
29 Paygar yesterday to us, yes?

1 A. Yes, I did.

2 Q. Others present were Sam Tuah, Charles Timber, Anthony
3 Mekunagbe and Dr Manneh, among others. For the record, this is
4 at pages 2218 through 2219 of the other witness's evidence.

12:23:15 5 Mr Smythe, to your knowledge, was Dr Manneh ever in the vicinity
6 of Voinjama in March 1991?

7 A. To the best of my knowledge, Dr Manneh has never been to
8 Lofa throughout his stay in Liberia.

9 Q. Is Voinjama in Lofa?

12:23:33 10 A. Yes, Voinjama is in Lofa.

11 Q. My specific question was: To the best of your knowledge,
12 in March 1991, was Dr Manneh in Lofa? What is your response?

13 A. Dr Manneh was not in Lofa during that period.

14 Q. Was he in Voinjama?

12:23:49 15 A. He was not in Voinjama during that period.

16 Q. Thank you, Mr Smythe. Now, you told us about Michael
17 Paygar yesterday. When was the Executive Mansion Guard Battalion
18 formed?

19 A. The Executive Mansion Guard Battalion was formed as far
12:24:15 20 back as 1990.

21 Q. When was Mr Paygar its commander?

22 A. From the time of its formation.

23 Q. You mentioned the name Cassius Jacobs yesterday.

24 A. Yes, I did.

12:24:31 25 Q. Was he at some point commander of that unit?

26 A. Yes. When the Executive Mansion battalion became the
27 Executive Mansion Guard Brigade, Cassius Jacobs became the
28 commander of the brigade.

29 Q. And you told us when that took place. Can you remind me,

1 please.

2 A. Yeah, I said that should be around 1992.

3 Q. When you went to Voinjama in October 1991 with
4 Charles Taylor, did Dr Manneh go with you?

12:24:59 5 A. No, Dr Manneh didn't go with us.

6 Q. Did Michael Paygar go with you?

7 A. Michael Paygar, yes. As the commander of the Executive
8 Mansion Guard, yes, he went with us.

9 Q. During that trip in October 1991, was there ever a
12:25:16 10 discussion by Mr Taylor and others there present about an
11 invasion into Sierra Leone?

12 A. No, there was no such discussion.

13 Q. The other witness who testified on 25 January 2008 made
14 some additional observations about that meeting at pages 2219
12:25:44 15 through 2220. The witness said discussed at that meeting was the
16 notion or idea that an attack on Sierra Leone would be part of a
17 broader plan, a broader plan whereby the NPFL would provide men
18 to attack Sierra Leone and in return men would be provided to
19 facilitate the Gambians to attack Gambia. Mr Smythe, to your
12:26:17 20 knowledge, in 1991 was there ever an agreement between Dr Manneh
21 and Charles Taylor that in exchange for provision of men by
22 Charles Taylor to attack Sierra Leone the Gambians would benefit
23 by Charles Taylor providing men for them to attack The Gambia?

24 A. No, I'm not aware of that.

12:26:39 25 Q. That witness said to this Court that about 90 men or
26 thereabouts from Charles Taylor's Executive Mansion in Gbarnga
27 were provided to the RUF for the invasion of Sierra Leone. This
28 is March 1991. Mr Smythe, are you aware of any such event taking
29 place?

1 A. No, I'm not aware of any such event.

12:27:32 2 MR ANYAH: Madam President, with leave of the Chamber there
3 are two exhibits I wish to show to the witness to have his
4 comments about. I have an identical copy of them on which we
5 have blotted out any TF1 numbers for potential - previous
6 witnesses, and I will make reference to the exhibit number and
7 provide, with leave of the Chamber, the version I have so that
8 counsel opposite can see that the information is otherwise
9 identical except for the black mark over the TF1 number of the
10 witness, and I wonder if that would be a permissible way to
11 proceed to show this witness the exhibit in question.

12 PRESIDING JUDGE: Could you perhaps let the judges see this
13 paper you're proposing to show the witness first.

14 MR ANYAH: Yes, Madam President. The exhibits are
12:28:13 15 Prosecution exhibits P-54 and P-55.

16 PRESIDING JUDGE: Mr Anyah, in principle we would have no
17 objection for you showing the witness these exhibits as redacted;
18 however, I don't recall that this witness has given evidence
19 relating to the hierarchy as such, and for you to show him these
12:30:12 20 exhibits before he's indicated if he's conversant with any
21 hierarchy would be tantamount to leading him. So you've got to
22 lay some foundation before you show these exhibits to him.

23 MR ANYAH: Yes, I appreciate that, Madam President:

24 Q. Mr Smythe, let's focus on the years 1990 through 1991.
12:30:44 25 You've mentioned the Executive Mansion Guard. You've previously
26 told us about a signal unit within the NPFL. Can you indicate
27 for us, starting from the top, who was the head of the NPFL
28 between 1990 and 1991?

29 A. Mr Charles Taylor was the leader of the NPFL.

1 Q. Immediately below Mr Taylor who would you consider as the
2 next senior NPFL official?

3 A. I would consider the late Vice-President Enoch Dogolea.

4 Q. Now, besides Mr Dogolea, who else would follow?

12:31:26 5 A. Besides Mr Dogolea, Isaac Musa would follow as the battle
6 group commander.

7 Q. And after Isaac Musa who comes next?

8 A. After Isaac Musa you have the various battalions. You have
9 the Executive Mansion Guard and its various auxiliaries.

12:31:50 10 Q. Were, to your knowledge, any members of the RUF part of the
11 NPFL hierarchy in these years?

12 A. No, not to my knowledge.

13 Q. Were there deputies to the battalion commanders in the
14 hierarchy of the NPFL during those years?

12:32:11 15 A. Yes, there were deputies, yes.

16 Q. Were there military advisers to the NPFL, its hierarchy,
17 during the years 1990 to 1991?

18 A. I don't know of any military adviser.

19 Q. Mr Smythe, after the RUF invasion of Sierra Leone in March
12:32:39 20 1991, are you conversant or knowledgeable about the hierarchy of
21 the RUF?

22 A. No, I don't know anything about the RUF. I don't know
23 their structure.

24 Q. Do you know whether during that period of time immediately
12:32:56 25 after the RUF invasion and the months following Charles Taylor
26 formed any part of the hierarchy of the RUF?

27 A. No, I'm not aware of that.

28 Q. Do you know whether during that point in time shortly after
29 the invasion Isaac Musa formed any part of the hierarchy of the

1 RUF?

2 A. No, I'm not aware of that.

3 Q. How about Sam Larto?

4 A. No.

12:33:23 5 Q. To your knowledge - may I finish. To your knowledge, did
6 Sam Larto form or constitute any part of the hierarchy of the RUF
7 in the period immediately they invaded Sierra Leone?

8 A. No, Sam Larto was based in Kakata. That was his target.
9 He was not even around Gbarnga at the time.

12:33:43 10 MR ANYAH: Madam President, with leave of the Chamber, I
11 believe for both exhibits or both documents in question subject
12 to any rulings otherwise --

13 PRESIDING JUDGE: Yes, you may put the documents one at a
14 time to the witness.

12:33:56 15 MR ANYAH: Thank you, Madam President. May the Prosecution
16 be shown the documents, if it please your Honours, and could I
17 start with the one on top, please. Could you please place the
18 first document --

19 MR KOUMJIAN: [Microphone not activated].

12:34:33 20 PRESIDING JUDGE: For the record, which exhibit is this?

21 MR ANYAH: The first one is an identical copy of
22 Prosecution exhibit P-54, save for the previously indicated
23 amendment. Perhaps it would be helpful if the witness were moved
24 over to the seat in front of the overhead projector. Could
12:35:25 25 Mr Smythe be given a pen for writing purposes:

26 Q. Now, Mr Smythe, you have before you a document which
27 purports to be the NPFL command structure between 1990 and 1991.
28 Now, do you see the first box at the top with Charles Taylor
29 indicated as the leader of the NPFL during that period of time?

1 A. Yes, I do.

2 Q. Are you in agreement with that?

3 A. Yes.

4 Q. Could you comment on the boxes that immediately follow

12:36:11 5 Charles Taylor's name, starting from the left to right with the
6 Executive Mansion Guard and ending up with the military advisers?

7 A. Yes. I'm in agreement with the Executive Mansion Guard.

8 Q. Do you see the name "Benjamin Yeaten" in the box "Executive
9 Mansion Guard"?

12:36:37 10 A. Yes.

11 Q. Was to your knowledge in that period of time, 1990 to 1991
12 - it says there members included aide-de-camps and Benjamin
13 Yeaten. Was he to your knowledge at that time a member of the
14 Executive Mansion Guard?

12:36:55 15 A. Benjamin was the chief bodyguard to Mr Taylor.

16 Q. That was not my question. You've told us of the creation
17 of the SSS in Gbarnga and you've told us about the Executive
18 Mansion Guard. Was Benjamin Yeaten a member of the Executive
19 Mansion Guard?

12:37:15 20 A. No, he was not a member of the Executive Mansion Guard.

21 Q. Can you use your pen and cross out Benjamin Yeaten's name
22 there? Well, the pen is not working. Can I suggest you use the
23 orange highlighter and anything you don't agree with, we will
24 just highlight it in orange.

12:38:05 25 Now, the second box to the right of the Executive Mansion
26 Guard, what is the title of the officer listed in that box?

27 A. Under "Charles Taylor"?

28 Q. Yes.

29 A. Battle group commander.

1 Q. Do you see the word "group" in what you've just read?

2 A. No, what I see here is "battlefield commander".

3 Q. Who was the battlefield commander of the NPFL?

4 A. NPFL didn't have a battlefield commander.

12:38:45 5 Q. Did the NPFL have a battle group commander?

6 A. Yes, NPFL had a battle group commander.

7 Q. And who was that?

8 A. Isaac Musa.

9 Q. Can you highlight the word "field" for us in that box and
12:38:58 10 the acronym "BFC"; can you highlight those two things.

11 There's a box to the right of that with the title "military
12 advisers". What name do you see in that box?

13 A. I saw included Foday Sankoh, Dr Manneh.

14 Q. To your knowledge did the NPFL have military advisers
12:39:21 15 between 1990 and 1991?

16 A. Yes, we had military advisers.

17 Q. And who are these?

18 A. It was Elmer Glee Johnson I know of.

19 Q. Can you spell that name for us?

12:39:35 20 A. Elmer I think is E-L-M-E-R, G-L-E-E and J-O-H-N-S-O-N.

21 Q. Was Foday Sankoh ever a military adviser of the NPFL during
22 the period 1990 and 1991?

23 A. No, he was not.

24 PRESIDING JUDGE: Sorry, the first name Elmer Glee, were
12:40:01 25 those two people?

26 THE WITNESS: Elmer Glee Johnson, it's just one name.

27 MR ANYAH: I think it's three words: Elmer, E-L-M-E-R;
28 Glee, G-L-E-E; and the last name is Johnson:

29 Q. Am I correct, Mr Smythe?

1 A. Yes, you are correct.

2 PRESIDING JUDGE: Because you asked the question did he
3 have military advisers, to which the witness says, yes, we had
4 military advisers and then he says it was Elmer Glee Johnson.

12:40:30 5 That is one person.

6 MR ANYAH: I appreciate that.

7 PRESIDING JUDGE: One adviser. I thought he was
8 continuing.

9 THE WITNESS: Maybe that was a mistake. But the only
12:40:38 10 military adviser I knew was Elmer Glee Johnson. I'm sorry about
11 that.

12 MR ANYAH: May we continue, Madam President?

13 PRESIDING JUDGE: Yes, please. Continue.

14 MR ANYAH:

12:40:49 15 Q. Mr Smythe, can you highlight in orange the name "Foday
16 Sankoh" for us.

17 Now, Mr Smythe, to your knowledge has Dr Manneh, Kukoi
18 Samba Sanyang, ever undergone military training himself?

19 A. Yes, I think at some point, yeah, he did.

12:41:20 20 Q. Was Kukoi Samba Sanyang between 1990 and 1991 a military
21 adviser to the NPFL?

22 A. No, he was not.

23 Q. Can you highlight that name "Dr Manneh" in orange.

24 We move down one level starting from the left again. What
12:41:47 25 do you see in the first box on the left immediately below
26 "Executive Mansion Guard"?

27 A. "Strike Force unit".

28 Q. Do you see an asterisk at the end of unit?

29 A. Yes, I do.

1 Q. And immediately below that box do you see some words?

2 A. Yes.

3 Q. That says "Led the March 23, 1991 attack on Sierra Leone".

4 Do you see those words?

12:42:14 5 A. Yeah, I saw it.

6 Q. Do you agree with the information contained in the box

7 "Strike Force Unit"?

8 A. Yes, NPFL had a Strike Force unit. Yes, I agree.

9 Q. And who was the commander of that unit?

12:42:28 10 A. The commander of the Strike Force Unit was Jack Power Zako.

11 Q. Can you say those words again slowly and spell them for us?

12 A. Jack, J-A-C-K; Power, P-O-W-E-R; Zako, I think, is Z-A-K-O.

13 Q. When you see "Commander Sam Tuah" are you saying the

14 commander was not Sam Tuah between 1990 and 1991?

12:43:00 15 A. Sam Tuah was not a commander.

16 Q. Can you highlight the name "Sam Tuah" in that box.

17 Between 1990 and 1991 who was the deputy commander of the

18 NPFL's Strike Force unit?

19 A. The deputy commander was - I have to think about that.

12:43:25 20 I'll have to think about it.

21 Q. The indication there that the asterisk refers to, do you

22 agree with that indication?

23 A. That?

24 Q. That the NPFL Strike Force unit led the March 23, 1991,

12:43:39 25 attack on Sierra Leone?

26 A. I disagree with that.

27 Q. Can you highlight both the asterisk and the information

28 below the box, please.

29 What do you see in the box next to the box that says Strike

1 Force unit?

2 A. I see Deputy Commander Charles Timber.

3 PRESIDING JUDGE: You did ask the witness to highlight the
4 asterisk, which he hasn't done.

12:44:11 5 MR ANYAH:

6 Q. Yes, Mr Smythe, can you highlight the asterisk within the
7 box Strike Force unit. The little star on Strike Force Unit.

8 No, no. Just the star at the end of it.

9 A. Is this what you're talking about?

12:44:24 10 Q. Yes, please. Thank you. In the box that's right next - on
11 the right side of the box that says Strike Force unit, what do
12 you see that, Mr Smythe?

13 A. Next to Strike Force unit?

14 Q. Yes, on its right side.

12:44:43 15 A. I see Ghankay Tigers, SBUs.

16 Q. Are you aware of any unit called the Ghankay Tigers?

17 A. No, I'm not aware of any unit called the Ghankay Tigers.

18 Q. Was any such unit a part of the NPFL structure between 1990
19 and 1991?

12:45:03 20 A. No, there was no such unit as part of our NPFL structure.

21 Q. Do you know what the acronym SBUs mean?

22 A. The SBU would mean Small Boy Unit.

23 Q. And under what circumstances did you come to know what that
24 acronym means?

12:45:17 25 A. Small Boy Unit, we are ourselves - we the commanders
26 created that name because most of the commanders have these
27 orphans with them, some of their families, some people, you know,
28 they go to the front and find this child who has no father, no
29 mother, you bring him with you and he stays with you so you can

1 call him a Small Boy Unit. You know, I myself, I had about five
2 of them who lived with me up to the time we moved to Monrovia.

3 Q. Are you saying these were orphans?

12:45:52

4 A. Most of them, their parents were killed. Some of them, you
5 know, they can't find their parents. In fact, a good example was
6 one of them, I took him with me to Libya and currently he's in
7 Spain.

8 Q. What is his name?

9 A. His name is Papa Musa Kone.

12:46:03

10 Q. Papa Musa Kone?

11 A. Yes.

12 Q. Papa, is it P-A-P-A?

13 A. P-A-P-A, yes.

14 Q. Last - I mean, middle name?

12:46:11

15 A. Musa, M-U-S-A.

16 Q. Kone with a K or C?

17 A. K-O-N-E. It's a French spelling.

18 Q. Is there an umlaut at the top of the E?

19 A. Yes, there should be.

12:46:26

20 Q. And he is now where?

21 A. He is in Spain because I took him with me to Libya. I got
22 him when he was like 10 years old. He stayed with me. When I
23 was going to Libya, I took him with me. And when I was coming
24 back, he wanted to go to Europe. I sent him to Europe. He is
25 currently in Barcelona in Europe, in Spain.

12:46:42

26 Q. Was that during the time when you served as charge
27 d'affaires for Liberia to Libya?

28 A. Yes.

29 Q. Can you highlight both "Ghankay Tigers" and "SBUs" for us

1 in orange.

2 One last question. These SBUs you referred to, Mr Smythe,
3 did the NPFL ever use them to engage in combat?

4 A. No, never used small boys in combat.

12:47:16 5 Q. Do you see the box to the right of the Ghankay Tigers, the
6 box that's immediately to the right of it? Do you see that,
7 Mr Smythe?

8 A. Yes, I do.

9 Q. Do you agree with the information that's contained in that
12:47:33 10 box?

11 A. As battle group commander?

12 Q. Yes.

13 A. No, I disagree.

14 Q. What do you disagree with?

12:47:38 15 A. Sam Larto was not the battle group commander of the NPFL.

16 Q. We're referring to the period 1990 through 1991.

17 A. Yes.

18 Q. Who was the battle group commander of the NPFL?

19 A. Isaac Musa was.

12:47:54 20 Q. Can you highlight "Sam Larto" in orange. Just the name Sam
21 Larto.

22 JUDGE LUSSICK: Mr Anyah, I just want to be clear on what
23 the witness is saying.

24 MR ANYAH: Yes, your Honour.

12:48:11 25 JUDGE LUSSICK: If we go back to the previous box, Ghankay
26 Tigers, SBUs, should SBUs have been marked in orange? I
27 understood the witness to say there were SBUs but they weren't
28 called the Ghankay Tigers.

29 MR ANYAH: I appreciate the point and, your Honour, you are

1 correct. I believe the error is mine:

2 Q. Mr Witness, we can correct this, simply, and I would
3 suggest we do it in two instances. If you could take another
4 coloured highlighter --

12:48:46 5 PRESIDING JUDGE: But, Mr Anyah, didn't the witness say
6 that there was no such unit in existence and therefore he would
7 take it out of the hierarchy completely?

8 MR ANYAH: I recall him saying there were no - well, let me
9 ask the witness, perhaps, before we go on.

12:49:00 10 PRESIDING JUDGE: See, because the meaning of SBU is one
11 thing, but that SBUs were part of the hierarchy, I think the
12 witness has clearly said no, and that would take the whole unit
13 out of the picture.

14 MR ANYAH: Yes, Madam President, I appreciate that.

12:49:17 15 PRESIDING JUDGE: So with that kind of clarification, I
16 don't know what you're going to ask him to do.

17 MR ANYAH: No, I will ask him to clarify:

18 Q. Mr Smythe, was there a unit called SBUs as part of the
19 hierarchy or structure of the NPFL between 1990 and 1991?

12:49:32 20 A. No, there was no SBU in the structures of the NPFL.

21 MR ANYAH: I wonder if that satisfies your Honour Justice
22 Lussick?

23 JUDGE LUSSICK: Yes.

24 MR ANYAH: Thank you, your Honour:

12:49:46 25 Q. Let's continue, Mr Smythe. We go down from the left to the
26 right to the next row of boxes that starts with "1st Battalion
27 commander". Let's look at the information in that box. You told
28 us the NPFL had battalions, up to six I believe you said, in 1991
29 or thereabouts, yes?

1 A. Yes.

2 Q. In 1990 through 1991, who - well, was there something
3 called a combat battalion, to the best of your knowledge, within
4 the hierarchy of the NPFL?

12:50:23 5 A. No, I don't know of a combat battalion.

6 Q. Was the 1st Battalion commander referred to as the combat
7 battalion within the hierarchy of - well, let me rephrase that.
8 Was the 1st Battalion referred to within the hierarchy of the
9 NPFL between 1990 and 1991 as the "combat battalion"?

12:50:51 10 A. 1st Battalion is referred to as 1st Battalion; that's all.

11 Q. Do you see the phrase "capture of Monrovia" below combat
12 battalion?

13 A. Yes, I do.

14 Q. Was, to your knowledge, the 1st Battalion responsible
12:51:06 15 between 1990 and 1991 within the NPFL for the capture of the City
16 of Monrovia?

17 A. Yes. The 1st Battalion, yes.

18 Q. We move to the box to the right. And I should ask you one
19 more question about these boxes. Is it the case that between
12:51:28 20 1990 and 1991 the battle group commander who you say was Isaac
21 Musa was the immediate superior of all the battalion commanders?

22 A. Yes, exactly.

23 Q. So now we are at the box that says "2nd Battalion
24 commander".

12:51:46 25 PRESIDING JUDGE: Before you go to that box, what is the
26 effect of leaving combat battalion as combat battalion? Did the
27 witness not say that the 1st Battalion was not known as combat
28 battalion?

29 MR ANYAH: Yes, but I thought it would be misleading to

1 have him highlight it because it appears the generator of these
2 boxes has put combat battalion in relation to the other
3 battalions. So it did not appear to me to be a specific term of
4 art vis-a-vis just the 1st Battalion, but I appreciate the point
12:52:26 5 Madam President is making.

6 PRESIDING JUDGE: You're the one that asked him if it was
7 known as combat battalion, so I was just reacting to the answers
8 and the practice you've adopted for yourself, but please proceed.

9 MR ANYAH: Thank you, Madam President:

12:52:40 10 Q. We're now at the box that says "2nd Battalion commander".
11 Who was the 2nd Battalion commander for the NPFL between 1990 and
12 1991?

13 A. Anthony Mekunagbe was the 2nd Battalion commander.

14 Q. Do you see where it says "Combat battalion - attack on
12:52:59 15 Sierra Leone"? Do you see that?

16 A. Yes, I see it.

17 Q. Was, to your knowledge, the 2nd Battalion at any time
18 assigned a task of attacking Sierra Leone?

19 A. No, I'm not aware of that.

12:53:15 20 Q. During the period 1990 to 1991 did that ever happen?

21 A. No, it never happened.

22 Q. Can you highlight the sentence "attack on Sierra Leone" for
23 us in orange, please.

24 We're now to the box to the right of the 2nd Battalion
12:53:41 25 commander box. Do you see where it says "6th Battalion
26 commander"?

27 A. Yes, I see it.

28 Q. Between 1990 and 1991, who was the commander of the 6th
29 Battalion for the NPFL?

1 A. Oliver Varney was the 6th Battalion commander.

2 Q. And where was the 6th Battalion based?

3 A. The 6th Battalion was based in Bomi Hills.

12:54:05

4 Q. Do you see below where it says "Combat battalion - attack
5 on Sierra Leone"?

6 A. Yes, I see it.

7 Q. Do you agree or disagree with that notation there?

8 A. I disagree with that notation.

9 Q. Can you highlight it for us, please. Thank you, Mr Smythe.

12:54:18

10 Immediately below that row of boxes we come to the second
11 to last row of boxes - well, the third to last. Starting from
12 the left to the right, do you see a box where it says "Deputy
13 Commander Francis Mewon"?

14 A. Yes, I see it.

12:54:37

15 Q. And in relation to the 1st Battalion of the NPFL, who was
16 the deputy commander of that battalion between 1990 and 1991?

17 A. At one point Francis Mewon was commander and later - he was
18 later replaced by Edward Mlehn.

19 Q. I'm referring to the deputy commander.

12:54:55

20 A. I don't know when he came to be a deputy, but he was one
21 time the commander. But I don't know whether he came to be the
22 deputy, but he was replaced later on, you know, with Edward
23 Mlehn.

24 Q. Can you spell Mlehn for us?

12:55:10

25 A. I think it's M-L-E-H-N. Something like that.

26 PRESIDING JUDGE: That was Edward?

27 THE WITNESS: Yes, Edward, yes.

28 MR ANYAH: It is in the records, Mlehn, M-L-E-H-N:

29 Q. Mr Smythe, you are saying you never knew - are you saying

1 you never knew Francis Mewon to be a deputy commander?

2 A. I'm saying I don't know whether he was deputy after he was
3 relieved of his duties, but he was commander before. It's
4 possible that he was deputy when he was relieved as deputy
12:55:42 5 commander.

6 Q. When was he relieved - I'm sorry, I'm sorry, I'm sorry.
7 You just said it's possible he was deputy when he was relieved as
8 deputy commander. Did you mean it's possible he became the
9 deputy after he was relieved of his duties as commander?

12:55:58 10 A. Yes, this is what I said.

11 Q. When was he relieved of his duties as commander?

12 A. He was relieved of his duty sometime in 1990. 1990, yes.

13 Q. But you are not sure whether he was deputy or not?

14 A. I'm not sure whether he was deputy.

12:56:14 15 Q. This document indicates he was the deputy between 1990 and
16 1991. Are you in agreement with that?

17 A. Well, I don't agree with that.

18 Q. Can you highlight the name Francis Mewon for us in orange,
19 please.

12:56:39 20 Was there a deputy commander for the 2nd Battalion between
21 1990 and 1991?

22 A. Yes, there was a deputy commander.

23 Q. Do you know who that person was?

24 A. Yes, Timothy Mulbah.

12:56:51 25 Q. We move to the box immediately to the right. It says
26 deputy commander underneath the 6th Battalion commander. When
27 you were with the NPFL between 1990 and 1991, did you know any
28 person called One Man One?

29 A. Yes, I know one of our commanders, yes.

1 Q. What was that person's name?

2 A. I don't know his real name. I only know him as One Man
3 One.

4 Q. And was that person a deputy commander of any battalion?

12:57:25 5 A. No. He was a front line commander, not a deputy commander.

6 Q. A front line commander of which battalion?

7 A. Of 6th Battalion.

8 Q. Can you highlight where it says "aka One Man One" in orange
9 for us, please.

12:57:47 10 We go to the box immediately below, second to last box.

11 Can you read what is contained inside that box? I'm referring to
12 the narrow, small box that runs the length of the - the breadth
13 of the page.

14 A. It says: "Each battalion was further divided into units
12:58:11 15 (i.e. Military Police, combat units, SBUs). Unit commanders
16 reported to their deputy commander".

17 Q. Let's take it bit by bit. Do you agree with the portion
18 that says "each battalion was further divided into units"?

19 A. Yes. Battalions have different units, yes.

12:58:27 20 Q. Was any of the units within any of the battalions called
21 the Military Police unit?

22 A. Yes, we have the Military Police.

23 Q. Did you have any units called SBUs unit?

24 A. No, we don't have any unit called the SBU.

12:58:43 25 Q. Can you highlight where it says "SBUs" within the
26 parenthesis.

27 How about where it says "combat units"? Within each
28 battalion were there combat units?

29 A. There is no combat units.

1 Q. You said yes or no?

2 A. No.

3 Q. Can you highlight where it says "combat units" for us in
4 orange, please.

12:59:13 5 Was it the case between 1990 and 1991 that unit commanders
6 reported to their deputies - I'm sorry, I withdraw that. Was it
7 the case that unit commanders within each battalion reported to
8 their deputy commander?

9 A. All commanders will report to the battalion commander, not
12:59:34 10 to the deputy.

11 Q. So what comments, if any, can you make about this phrase
12 "unit commanders reported to their deputy commander"? Do you
13 agree with it?

14 A. Well, I don't know what the person means here, but what I
12:59:55 15 know commanders - unit commanders at the front line report to
16 their commander. That's what I know of.

17 Q. Can you highlight that phrase for us in orange, please.

18 PRESIDING JUDGE: I'm sorry, I don't understand. Their
19 commander being who?

13:00:07 20 THE WITNESS: Battalion commander.

21 MR ANYAH:

22 Q. Can you highlight that phrase for us in orange, please.

23 And we come to the last row of boxes at the bottom. The
24 second box to the left has underneath "members", and you see it
13:00:30 25 is connected to the "2nd Battalion commander"; do you see that,
26 Mr Smythe? There is an arrow from the box at the top "2nd
27 Battalion commander" down to "deputy commander" down to
28 "members".

29 A. "Members", yes.

1 Q. Let's take some of the names that are in that box. First
2 take a while to read some of the names quietly to yourself. When
3 you are done, please let us know?

4 A. Yes, I'm familiar with only three names here.

13:01:12 5 Q. Well, let's start where it says included - it says "Members
6 included Sam Tuah (ground commander in Sierra Leone from Strike
7 Force unit)". Now, Mr Smythe, you've talked about the Strike
8 Force unit before and you mentioned the name Jack Power Zako.
9 Was Sam Tuah ground commander in Sierra Leone from the Strike
10 Force unit of the NPFL between 1990 and 1991?

11 A. No, he was not.

12 Q. Can you highlight that entire phrase and Sam Tuah - start
13 with "Sam Tuah" and highlight what is in the parenthesis, "ground
14 commander in Sierra Leone from Strike Force unit".

13:02:19 15 To your knowledge, between 1990 and 1991 was there someone
16 within the NPFL you knew called Mohamed Tarawalli?

17 A. I've never heard of that name before.

18 Q. Was any such person part of the structure of the NPFL
19 between 1990 and 1991?

13:02:34 20 A. Excuse me again?

21 Q. Was any such person, Mohamed Tarawalli, part of the
22 hierarchical structure of the NPFL between 1990 and 1991?

23 A. No, there was no such person.

24 Q. How about Issa Sesay?

13:02:50 25 A. No, he was not.

26 Q. How about Morris Kallon?

27 A. No, he was not.

28 Q. How about Peter Vandi?

29 A. No, he was not.

1 Q. How about Eldred Collins?

2 A. No, he was not.

3 Q. Can you mark all of those names, starting with "Mohamed
4 Tarawalli" and ending in "Eldred Collins" in orange for us,
13:03:19 5 please.

6 How about Joe Tuah?

7 A. Yes, Joe Tuah, yes, he was a member of the NPFL.

8 Q. Was he a member of the 2nd Battalion?

9 A. No, Joe Tuah was the commander of the Artillery Battalion
13:03:36 10 of the NPFL.

11 Q. So do you agree with his name being listed as a member
12 beneath the 2nd Battalion?

13 A. No, I don't agree.

14 Q. Can you highlight Joe Tuah's name in orange for us, please.

13:03:53 15 Let's take the next few names and go through the same
16 exercise. Did you know to be members within the 2nd Battalion of
17 the NPFL persons named Isaac Mongor, Augustine Gbao, Dopoe
18 Menkarzon and Joseph Brown?

19 A. No.

13:04:17 20 Q. Can you highlight --

21 PRESIDING JUDGE: Excuse me, that is a compounded question.

22 MR ANYAH: I understand. I appreciate it. I will break it
23 down in pieces:

24 Q. Mr Smythe, let's go through this one by one. Isaac Mongor,
13:04:31 25 to your knowledge between 1990 and 1991 was he a member of the
26 NPFL?

27 A. No, I'm not aware of him being a member of the NPFL.

28 Q. Augustine Gbao, between 1990 and 1991 to your knowledge was
29 he a member of the NPFL?

1 A. I'm not aware of him being a member of the NPFL.

2 Q. Can you highlight both "Augustine Gbao" and "Isaac Mongor"
3 in orange for us, please.

13:05:07

4 Dopoe Menkarzon, to your knowledge was he a member of the
5 NPFL between 1990 and 1991?

6 A. Yes, Dopoe was a member of the NPFL.

7 Q. During that period of time what rank did he have?

8 A. Dopoe was a general.

13:05:23

9 Q. During that period of time to which battalion, if you know,
10 did he belong?

11 A. Dopoe at the time - no, I can't be - I've got to refresh my
12 memories, you know, of his assignment at the time.

13 Q. How about Joseph Brown?

14 A. No, Joseph Brown was not a member of the NPFL.

13:05:45

15 Q. Can you highlight "Joseph Brown" in orange for us, please.

16 We come to the last box to the right. Do you see that it
17 is connected by lines, vertical lines, to the "6th Battalion"?

18 Is that a yes?

19 A. Yes.

13:06:08

20 Q. Can you read the names in that box, please?

21 A. "Members include" --

22 Q. That's to yourself.

23 A. Okay, sorry.

24 Q. Thank you.

13:06:24

25 A. Yes.

26 Q. Let's start with Charles Timber. We came upon this name in
27 the box "Strike Force unit". Now, was Charles Timber a member of
28 the NPFL at this time?

29 A. No, he was not a member of the NPFL at that time.

1 Q. The time period being 1990 through 1991?

2 A. Yes, the time period.

3 Q. Was there a time when Charles Timber became a member of the
4 NPFL?

13:06:52 5 A. There was no time Charles Timber became a member of the
6 NPFL.

7 Q. What of the name Rashid Mansaray? To your knowledge during
8 the relevant period of time, 1990 through '91, was that person a
9 member of the NPFL?

13:07:07 10 A. No, he was not a member of the NPFL.

11 Q. What about the name Mike Lamin?

12 A. He was not a member of the NPFL.

13 Q. Were either Rashid Mansaray or Mike Lamin, even though not
14 members of the NPFL, somehow connected to your organisational
15 structure?

13:07:23 16 A. No, they were not connected to our organisational
17 structure.

18 Q. What of the name "Nathaniel" there? I don't see a last
19 name next to it, but it's just "Nathaniel". Did you know
20 somebody of that name within the NPFL between 1990 and 1991?

13:07:35 21 A. No, I don't know anybody of that time.

22 Q. How about the name Sam Bockarie?

23 A. No, I don't know anyone of that name in the NPFL.

24 Q. Have you ever heard of the name Sam Bockarie?

13:07:50 25 A. Yes, I heard of the name Sam Bockarie, yes.

26 Q. Did you hear of that name in the context of membership
27 within the NPFL between 1990 and 1991?

28 A. No.

29 Q. How about the name Philip Palmer? Was that person, or any

1 person by such name, a member of the NPFL to your knowledge
2 between 1990 and 1991?

3 A. No, he was not a member of the NPFL.

4 Q. And lastly, you see in quotation marks Lion. Did you know
13:08:22 5 anybody with a nickname called Lion within the membership of the
6 NPFL between 1990 and 1991?

7 A. No, there is somebody called Lion, but not between - within
8 that period.

9 Q. Do you know the real name of the person called Lion?

13:08:38 10 A. Yes, one of the special attendants to Mr Taylor, William
11 Dennis, he was referred to as Lion.

12 Q. William Dennis?

13 A. Dennis, yes.

14 Q. And when was he special assistant to Mr Taylor?

13:08:49 15 A. Special attendant.

16 Q. Thank you. When was he special attendant to Mr Taylor?

17 A. During the time of Mr Taylor's presidency. That is from
18 1997 to 2006.

19 Q. Thank you, Mr Smythe. Now can you highlight all the
13:09:07 20 information in that box starting from "Charles Timber" to where
21 it ends "Lion". Can you highlight it in orange, please.

22 Can you take the black pen, now, Mr Smythe - I should thank
23 you, in the first instance, for doing that. Can you write at the
24 bottom of the page today's date and sign it, and then we will
13:09:42 25 describe what the information in orange means. Just sign it and
26 write your name, please.

27 Now, Mr Smythe, to the right-hand side of your signature
28 can you write, "Information that I disagree with is highlighted
29 in orange on this document." So "Information that I disagree

1 with is highlighted in orange in the above chart." Thank you,
2 Mr Smythe.

3 The next document would be P-55. Mr Smythe, we are going
4 to go through the same exercise we just went through in respect
13:11:40 5 of the previous document. I ask for your indulgence with this
6 process, but it is necessary. Now, this purports to be the
7 command structure of the RUF after the invasion of Sierra Leone
8 between the period March to June 1991. Can you look at the first
9 box at the top, Mr Smythe.

13:12:09 10 MR KOUMJIAN: Excuse me, your Honours. I understood the
11 witness to state he had no knowledge of the RUF command
12 structure. Given that testimony, it seems that counsel is asking
13 for him to speculate, to give us opinions about this.

14 MR ANYAH: Madam President, with respect, I did ask
13:12:31 15 specific questions after that question to the effect was
16 Charles Taylor, to his knowledge, head of the RUF command
17 structure, and as to each of them Isaac Musa, Charles Taylor, Sam
18 Larto, the witness responded.

19 PRESIDING JUDGE: We are looking at the - okay. The
13:12:51 20 document is entitled "RUF command structure", but I think in
21 honesty, Mr Anyah, you have not laid sufficient foundation. If
22 you're going to ask this witness about RUF command structure, you
23 need to lay a bit more foundation before you put these kinds of
24 questions to him. He hasn't said that he's familiar with the
13:13:14 25 RUF.

26 MR ANYAH: But he is familiar with the people in question.
27 I appreciate the distinction, but he did testify, and I can pull
28 it up, that with respect to these names he knew them not to be
29 part of this structure. Now, it seems to us to be exactly the

1 same thing, just in the reverse order; namely, the witness can
2 indicate information in a document he feels is incorrect because
3 he has a personal basis for maintaining the position that he has
4 and --

13:13:44 5 PRESIDING JUDGE: Very well. Let us hear the questions
6 that you're putting to the witness.

7 MR ANYAH:

8 Q. Mr Smythe, we see the title of this document. Between
9 March and June 1991, do you know whether or not Charles Taylor
10 was at the top of the command structure of the RUF?
13:14:06

11 MR KOUMJIAN: Excuse me, objection. Counsel has just
12 indicated that he asked this question and it was answered
13 already. So we're just repeating what's already in testimony.

14 MR ANYAH: But the purpose of this is different. It's not
15 the oral testimony. It is for the witness to indicate by marking
16 on a document that's going to be a potential exhibit what he
17 disagrees with.
13:14:23

18 PRESIDING JUDGE: The objection is overruled, except for
19 this one thing: Does the witness agree that there was - the
20 period in question is March to June 1991?
13:14:41

21 MR ANYAH: Yes.

22 PRESIDING JUDGE: We're agreed upon that. Okay. Please
23 proceed.

24 MR ANYAH:

13:14:53 25 Q. Mr Smythe, my question is this: During the time you were
26 with Charles Taylor from 1990 onwards, at any time did you know
27 him to be at the top of the RUF command structure?

28 A. No, I didn't know him to be on the top of the RUF command
29 structure.

1 Q. Can you highlight in orange the information at the box at
2 the top?

3 A. Only the name or the NPFL leader?

4 Q. All of it.

13:15:26 5 Now, the box immediately below that, to your knowledge,
6 between March and June 1991, was Isaac Musa any part of the
7 command structure of the RUF?

8 A. No, Isaac Musa was not part of the command structure of the
9 RUF.

13:15:44 10 Q. Was Isaac Musa the NPFL battlefield commander between March
11 and June 1991?

12 A. Isaac Musa was not the battlefield commander, instead the
13 battle group commander.

14 Q. Can you highlight the word "group" and can you highlight
13:16:03 15 "Isaac Musa" in orange for us.

16 A. The "field", because there is no "group" here.

17 Q. I'm sorry, "field", please. Now, where it has Sam Larto,
18 was Sam Larto, to your knowledge, between March and June 1991,
19 the NPFL battle group commander?

13:16:28 20 A. No, he was not the battle group commander.

21 Q. To your knowledge, between March and June 1991, was Sam
22 Larto any part of the RUF command structure?

23 A. No, Sam Larto was not part of the RUF command structure.

24 Q. Can you highlight everything in that box for us, please.

13:16:56 25 JUDGE LUSSICK: I'm just having a little trouble here
26 understanding what the witness is saying. That second box,
27 you've got "NPFL battle commander" as still alive. In other
28 words, is the witness saying that the NPFL battle commander
29 actually was part of the RUF command structure for that period?

1 MR ANYAH: I appreciate that and it should be highlighted,
2 but I will just ask him the question:

3 Q. Mr Witness, to your knowledge, whoever occupied the
4 position of NPFL battle group commander, was that person between
13:17:31 5 March and June 1991 a part of the RUF command structure?

6 A. No, that person is not part of the RUF command structure.

7 Q. Can you highlight "NPFL battle commander" for us in orange,
8 please. Thank you, Justice Lussick.

9 Now, we start with the box on the left below "NPFL battle
13:17:54 10 group commander" where it says "NPFL 6th Battalion commander".
11 Mr Smythe, who was the NPFL 6th Battalion commander between March
12 and June 1991?

13 A. NPFL 6th Battalion commander, during that period, was
14 Oliver Varney.

13:18:13 15 Q. And where was he based then?

16 A. He was based in Bomi Hills.

17 Q. Was there a position called NPFL 6th Battalion commander
18 during that period of time?

19 A. The 6th Battalion is NPFL, so somebody would not be wrong
13:18:27 20 if you say NPFL 6th Battalion commander.

21 Q. Was Oliver Varney, between March and June 1991, to your
22 knowledge, ever a part of the RUF command structure?

23 A. No, Oliver Varney was not a member of the RUF command
24 structure.

13:18:40 25 Q. Can you highlight everything in that box in orange for us.
26 There is a box to the right at the other end of the page
27 called "Strike Force commander" with an asterisk. Do you see
28 that?

29 A. Yes, I see.

1 Q. Did the NPFL have a Strike Force commander between March
2 and June 1991?

3 A. I said it previously, yes, NPFL had a Strike Force
4 commander.

13:19:08 5 Q. Was that person Sam Tuah?

6 A. No, he was not Sam Tuah.

7 Q. To your knowledge, was the person who occupied the post of
8 Strike Force commander a part of the RUF command structure
9 between March and June 1991?

13:19:21 10 A. No, that person is not a part of the command structure of
11 the RUF.

12 Q. To your knowledge, was Sam Tuah during that period of time
13 part of the RUF command structure?

14 A. No, Sam Tuah was not a member of the command structure of
13:19:34 15 the RUF.

16 Q. Can you highlight everything in that box in orange for us,
17 please, Mr Smythe.

18 Do you see where the asterisk leads to at the bottom of the
19 page, it says "NPFL 2nd Battalion and Strike Force troops used"?

13:19:53 20 Do you see that at the very end of the page at the bottom?

21 A. "NPFL 2nd Battalion and Strike Force troops used", yes, I
22 saw it.

23 Q. To your knowledge, between March and June 1991, were troops
24 from the NPFL 2nd Battalion and Strike Force unit used in
13:20:15 25 conjunction with anything connected with the RUF?

26 A. Yes, during the period that we have the collaboration, yes.

27 Q. And what was the nature of their usage in connection with
28 the RUF?

29 A. It was to collaborate with the RUF in fighting against

1 ULI MO.

2 Q. Okay, we'll leave that as it is. We go to --

3 PRESIDING JUDGE: If I could see the head of this document,
4 the top of the document. Isn't that asterisk related to the
13:20:49 5 heading?

6 MR ANYAH: As far as I can tell, it's related to the box
7 "Strike Force commander" because that's the only one I see with
8 an asterisk.

9 PRESIDING JUDGE: Okay. I suppose I'll leave the evidence
13:21:04 10 as it is. When it says "used" I'm not quite sure. Used in what?
11 But that is besides the point. Please proceed.

12 MR ANYAH: Thank you, Madam President:

13 Q. Mr Smythe, I just want to reflect on the answer you said
14 just now - you gave just now. You told us before that the period
13:21:32 15 of time during which the RUF and the NPFL collaborated was in
16 August 1991 through May or June 1992. Do you recall telling us
17 that?

18 A. Yes, I do.

19 Q. So when you now said in relation to this information at the
13:21:51 20 bottom of the page in the asterisk that troops from the 2nd
21 Battalion and Strike Force units of the NPFL worked in connection
22 with the RUF --

23 A. It was not stated. RUF was not stated here. It says "NPFL
24 2nd Battalion and Strike Force troops used". I didn't see any
13:22:18 25 RUF there.

26 Q. Well, let me repeat the question. To your knowledge,
27 between March and June 1991, were troops from the NPFL's 2nd
28 Battalion and Strike Force unit part of the command structure of
29 the RUF?

1 A. No, they were not part of the command structure of the RUF.

2 Q. During that period of time, March to June 1991, were they
3 used to facilitate any actions by the RUF in Sierra Leone?

13:22:52

4 A. NPFL soldiers were used, but I'm not sure whether they are
5 from the 2nd Battalion or from the Strike Force.

6 Q. Were they used during the period March to June 1991 when
7 you have told us the NPFL and RUF started working together in
8 August 1991?

9 A. No, they were not used before 1991 to 1992.

13:23:11

10 Q. Can you highlight that information in orange for us at the
11 bottom of the page, please.

12 Now we go to the box that says "deputy commander" with the
13 indication "One Man One". It's right below the NPFL 6th
14 Battalion commander box. Do you see that, Mr Smythe?

13:23:38

15 A. Yes, I see it.

16 Q. We've spoken about this person with the nickname One Man
17 One in relation to the previous document. Do you remember that?

18 A. Yes, I do.

13:23:54

19 Q. Now, was the deputy commander of the 6th Battalion of the
20 NPFL between March and June 1991 somebody named One Man One?

21 A. No, he was not the deputy commander of the 6th Battalion.

22 Q. Was the deputy commander of the 6th Battalion of the NPFL
23 between that period of time, to your knowledge, within the
24 command structure of the RUF?

13:24:18

25 A. No.

26 Q. Was the deputy commander or One Man One based in Zimmi
27 between March and June 1991?

28 A. No, he was not based in Zimmi.

29 Q. Was that the deputy commander or One Man One or both of

1 them?

2 A. Both of them were not in Zimmi.

3 Q. Well, it says "1st Battalion ground commander". Did the
4 NPFL have such a commander within the 6th Battalion?

13:24:51 5 A. Repeat that? 1st Battalion what?

6 Q. If you look at the bottom of that box, it reads "1st
7 Battalion ground commander"?

8 A. Where is that? Yes, yes, yes.

9 Q. Did the NPFL have a 1st Battalion ground commander within
10 the command structure of the RUF between March and June 1991?

11 A. No, there was no such thing.

12 Q. Can you highlight everything in that box in orange for us,
13 Mr Smythe.

14 There is a box in the middle that says "the leader"; do you
13:25:31 15 see that? It's shaded in colour.

16 A. Yes.

17 Q. And do you see in parenthesis it says "number 1 in the
18 RUF"?

19 A. Yes.

13:25:41 20 Q. To the best of your knowledge, between March and June 1991
21 did you know whether Foday Sankoh was head or leader of the RUF?

22 A. Based on what I heard on the radio and I understand, yes,
23 he was the leader of the RUF.

24 Q. Now we move to the box to the right of that. It says
13:26:00 25 "deputy commander" with no name. Well, there is no name given
26 there. Do you know whether the deputy commander of the NPFL's
27 Strike Force unit was part of the RUF command structure between
28 March and June 1991?

29 A. Did you say any deputy NPFL Strike Force Commander?

1 Q. The deputy commander of the NPFL's Strike Force unit. Was
2 that person, whoever he or she was, part of the RUF command
3 structure between March and June 1991?

4 A. No, he was not part of the RUF's command structure.

13:26:35 5 Q. Can you highlight "deputy commander" in orange for us,
6 please.

7 And we go to the box to the left that's in between "deputy
8 commander" and "deputy leader". Mr Smythe, do you see the small
9 box to the left-hand side of the page next to "deputy commander".

13:27:11 10 It's also adjacent to the box that says "deputy leader"?

11 A. Yes, I see.

12 Q. What do you see in that box?

13 A. I see "Charles Timber in and out".

14 Q. We've spoken about Charles Timber today previously, yes?

13:27:28 15 A. Yes.

16 Q. What this box indicates, do you agree with it?

17 A. I don't know Charles Timber, so I can't comment on it.

18 Q. Did you know a Charles Timber as a member of the NPFL
19 between March and June 1991?

13:27:41 20 A. No, I don't know any Charles Timber as a member of the NPFL
21 during that time.

22 Q. Can you highlight everything in that box in orange for us.

23 PRESIDING JUDGE: Is that accurate really if the witness
24 doesn't know such a person? You haven't asked him if he was part
13:27:58 25 of the hierarchy of the RUF. I don't know what his answer would
26 be.

27 MR ANYAH: Well, I will ask, but it seems that Charles
28 Timber is appended to either the deputy commander or beneath the
29 hierarchy of the NPFL, 6th Battalion commander.

1 PRESIDING JUDGE: Yes, but he's not contravening that
2 necessarily. He simply says he doesn't know.

3 MR ANYAH: I'll ask the witness. I believe the witness has
4 said there was no member of the NPFL called Charles Timber. I
13:28:29 5 will ask him about the RUF and what his knowledge base is:

6 Q. Mr Smythe, do you know whether somebody named Charles
7 Timber was a part of the RUF command structure between March and
8 June 1991?

9 A. I don't know.

13:28:44 10 MR ANYAH: I think, Madam President, your observation is
11 accurate and I will make the necessary amendments when he puts a
12 legend beneath the chart indicating what the orange markings
13 mean. Thank you, Madam President:

14 Q. Now, Mr Smythe, we are left with three boxes. There is one
13:29:05 15 that says "deputy leader", it's shaded. There is one that says
16 "RUF 1st Battalion commander" and to the far right-hand bottom of
17 the page there is one that says "RUF 2nd Battalion commander".
18 Do you have any basis, Mr Smythe, for disagreeing with the
19 information that's provided in those boxes?

13:29:29 20 A. I don't know about the command structure of the RUF so I
21 don't think I can say anything about this right now. I can't say
22 anything about it.

23 Q. Did you know any of those persons to be members of the RUF
24 between March and June 1991?

13:29:43 25 A. I don't know them at all so I can't say whether they were
26 members or not.

27 Q. Mr Smythe, could you sign your signature at the bottom of
28 this document, date it and write your name, please. Could you
29 write in parenthesis, "Information that I disagree with is

1 highlighted in orange", and then put a comma after you write that
2 and when you put the comma put, "Except as relates to Charles
3 Timber". Thank you, Mr Smythe.

4 Madam President, with leave of the Chamber could I ask
13:31:11 5 respectfully that both documents be marked for identification?

6 PRESIDING JUDGE: The first document I will describe as a
7 copy of exhibit P-54 highlighted by witness DCT-179. That's
8 marked MFI-410.

9 The second document I will describe as a copy of exhibit
13:31:34 10 P-55 as highlighted by witness DCT-179 and that's MFI-411.

11 MR ANYAH: Thank you, Madam President.

12 PRESIDING JUDGE: I think in view of the time this would be
13 an appropriate time to take a luncheon break. We will reconvene
14 at 2.30.

13:31:51 15 [Lunch break taken at 1.31 p.m.]

16 [Upon resuming at 2.30 p.m.]

17 PRESIDING JUDGE: Good afternoon. Mr Anyah, please
18 continue.

19 MR ANYAH:

14:32:04 20 Q. Good afternoon, Mr Smythe.

21 A. Good afternoon, counsel.

22 Q. At some point in time while you were in Gbarnga with
23 Mr Taylor in the early 1990s, did you hear about ECOMOG?

24 A. Yes, I did.

14:32:21 25 Q. Do you know what ECOMOG stands for?

26 A. I think so, yes.

27 Q. What is ECOMOG, Mr Smythe, if you know?

28 A. ECOMOG is economic community monitoring group of West
29 African monitoring group.

- 1 Q. Have you heard of ECOWAS before?
- 2 A. Yes, ECOWAS.
- 3 Q. And is ECOWAS connected in any way to ECOMOG?
- 4 A. Yes, ECOWAS was sent - I mean ECOMOG was sent to Liberia by
14:32:55 5 ECOWAS.
- 6 Q. And what is ECOWAS, if you know?
- 7 A. Economic Community of West African States.
- 8 Q. When was ECOMOG sent to Liberia by ECOWAS?
- 9 A. It should be some part of I think late 1990, yes.
- 14:33:17 10 Q. These ECOMOG representatives, were they military people?
- 11 A. Yes, they were military people, yes.
- 12 Q. Do you know how many such people were sent with ECOMOG to
13 Liberia?
- 14 A. I don't know their strength but they came from different
14:33:38 15 countries.
- 16 Q. Different countries in which part of the world?
- 17 A. In West Africa. From Nigeria, Ghana, Guinea, Sierra Leone,
18 Gambia.
- 19 Q. What was the purpose of the deployment of ECOMOG in Liberia
14:33:54 20 in the early 1990s, if you know - in late 1990, if you know?
- 21 A. Yes, the purpose that I heard was to come and establish a
22 ceasefire and monitor it.
- 23 Q. Were ECOMOG forces fighting against anyone in Liberia when
24 they arrived in late 1990?
- 14:34:19 25 A. Yes, at one point ECOMOG and the NPFL fought.
- 26 Q. Did they fight against anyone besides the NPFL?
- 27 A. No, not to my knowledge.
- 28 Q. Were you stationed in Gbarnga in late 1990?
- 29 A. I was not - I was not stationed in Gbarnga in late 1990. I

1 was stationed in Gbarnga permanently in 1991, July.

2 Q. In relation to ECOMOG, did you serve any function for the
3 NPFL?

4 A. Yes, I served as NPFL liaison officer to ECOMOG.

14:34:54 5 Q. When did you commence serving that function for the NPFL?

6 A. I commenced towards the end of 1991 going into 1992.

7 Q. Were you already at Gbarnga then at the end of 1991?

8 A. Yes, at the end of 1991, yes, I was in Gbarnga.

9 Q. Who made you the NPFL liaison person with ECOMOG? Who gave
14:35:17 10 you that appointment?

11 A. Mr Charles Taylor did.

12 Q. What did the job as liaison person entail?

13 A. The job at the time entails monitoring the movements of
14 ECOMOG within our territories, coordinating their movements,
14:35:37 15 assisting them in their inspections, escorting them. Yes.

16 Q. Did you have any NPFL troops assigned to you to discharge
17 your function as liaison officer?

18 A. No, I didn't have any NPFL troops.

19 Q. Did you have occasion to meet with any ECOMOG commander
14:35:55 20 during your tenure as liaison officer?

21 A. Yes, I did.

22 Q. Who was the overall commander of ECOMOG in late 1990?

23 A. Late 1990?

24 Q. Yes, when it was first deployed into Liberia?

14:36:13 25 A. It was General Quainoo first.

26 Q. Do you know his first name?

27 A. I think Arnold Quainoo. I think Arnold Quainoo.

28 Q. I'm sorry, the first name you said was what?

29 A. Arnold.

1 Q. Arnold?

2 A. A-R-N-O-L-D I think.

3 Q. And can you spell Quainoo for us?

4 A. Q-U-I-N-O or something like that.

14:36:39 5 MR ANYAH: Madam President, I don't know if it is on the
6 record but the spelling sounds right to me:

7 Q. In any event, Mr Smythe, when you became liaison officer in
8 late 1991, who was the commander of ECOMOG then in Liberia?

9 A. General Kupolati was the commander.

10 Q. Kupolati?

11 A. Rufus Kupolati, yes.

12 MR ANYAH: I believe that is on the record, Madam
13 President. I believe it has come out before.

14 PRESIDING JUDGE: Sometimes it's easier and safer to
14:37:21 15 respell a name. If this happened - if it was spelled two years
16 ago I can't remember.

17 MR ANYAH:

18 Q. Mr Smythe, do you know how to spell Kupolati?

19 A. I don't know whether I'll be correct. K-O-P-U-L-A-T-E or I
14:37:39 20 don't know.

21 MR ANYAH: Madam President, with leave of the Court, the
22 correct spelling would be K-U-P-O-L-A-T-I. That's the last name.
23 First name Rufus, R-U-F-U-S. I see from a document that I have
24 that the previous spelling of Quainoo given was not accurate but
14:38:02 25 I'm in the Court's hands as to that. The proper spelling of
26 Quainoo would be Q-U-A-I-N-O-O:

27 Q. Did you meet with Rufus Kupolati?

28 A. Yes, I did, just before he left Liberia.

29 Q. And what were the circumstances of that meeting?

1 A. It was to introduce - there was a letter that was written
2 to him by General Isaac Musa introducing me as NPFL liaison
3 officer, so I went to deliver that letter and we had an
4 introductory meeting.

14:38:39 5 Q. Where did the meeting take place?

6 A. The meeting took place at the ECOMOG headquarters in
7 Monrovia.

8 Q. What type of relationship were you trying to facilitate
9 between the NPFL and ECOMOG during the period of time when you
10 served as liaison officer?

14:38:52

11 A. I was trying to build confidence between the NPFL and the
12 ECOMOG to assure them that NPFL was not against ECOMOG but
13 because NPFL and ECOMOG fought because of the - when they came
14 first, the way they came in, this was what led to the fighting
15 because then their mandate was not actually clear to us, clear to
16 the NPFL. So this was what led to the misunderstanding and you
17 know they fought a war. But later on I was assigned as liaison
18 officer to build their confidence that NPFL is not an enemy to
19 ECOMOG and we are ready to welcome them into our territories.

14:39:12

20 Q. When was the end point of your service as liaison officer?

21 A. It was some part - sometime in 1992 before the commencement
22 of Operation Octopus.

23 Q. During the period you served as liaison officer did the
24 NPFL in fact welcome ECOMOG into its territory?

14:39:55

25 A. Yes, on several occasions I escorted ECOMOG on several
26 occasions into the NPFL territory.

27 Q. And for what purpose did ECOMOG come on to the NPFL
28 territory?

29 A. Because later on it was agreed that NPFL - I mean, ECOMOG

1 should deploy throughout the territories of Liberia and NPFL
2 agreed for ECOMOG to deploy in their territories. So I, as
3 liaison officer, you know, escorted them to make, how do you call
4 it, confidence-building visits, inspections of sites that they
14:40:22 5 will be and that took us around up to the southeast -
6 southeastern Liberia.

7 Q. Grand Gedeh County?

8 A. Yeah, Grand Gedeh, Sinoe, Maryland, Grand Kru.

9 Q. Mr Smythe, do you have any pictures from the time when you
14:40:46 10 served as liaison officer to ECOMOG?

11 A. Yes, I did, and I submitted as exhibit to the Defence.

12 Q. Can you give us a description of what those pictures
13 generally depict?

14 A. Most of those pictures are pictures that I took when I was
14:41:00 15 in the company of my colleague who was the ECOMOG liaison officer
16 also by the name of Lieutenant Colonel Steven Abrokwah, some of
17 the pictures. And some were with ECOMOG soldiers while on our
18 way to - on inspection. Some were at the Port of Buchanan.
19 There are many other pictures I took with them.

14:41:23 20 Q. Can you spell that last name for us? Steven Abrokwah.

21 A. A-B-R-O-K-W-A-H or something.

22 Q. Thank you, Mr Smythe. Now, how were you clothed in these
23 pictures that you have regarding your time as liaison officer?
24 Were you in uniform?

14:41:45 25 A. Some of the time I'll be in uniform. Most of the time I'll
26 be in civilian clothes.

27 MR ANYAH: I wonder if the witness could be shown documents
28 that we have marked as DP-210. These are photographs, rather.
29 Madam President, these are documents we've provided copies I

1 believe to your Honours and to counsel opposite. They are for
2 week 8 and we have a binder with tabs from 1 through 21 -
3 actually, from 1 through 37, rather. And I would like the
4 photographs in tabs 10, 11 - that is, DP-210, DP-211, DP-213,
14:42:50 5 DP-214, DP-215, DP-220, DP-221, I would like those photographs to
6 be shown to the witness, please:

7 Q. Yes. May we start with DP-210, please. Mr Smythe, can you
8 see that photograph?

9 A. Yes, I can see it.

14:44:21 10 Q. What is that a photograph of?

11 A. This photograph was taken on our way from Buchanan with my
12 colleague Colonel Abrokwah when we went for an inspection and the
13 lady in the middle was my late wife.

14 Q. Now, do you see a year that appears on that photograph?

14:44:39 15 A. Yes, 1992.

16 Q. Can you perhaps move to this seat in front of the projector
17 so that you can indicate with a pen who is who for us, please.
18 Now, can you indicate -- Madam Court Usher, can you zoom out a
19 little bit so the entire picture is visible, at least on our
14:45:40 20 screens within the courtroom. Thank you.

21 Now, Mr Smythe, can you identify the persons on this
22 photograph, please.

23 A. Yes, I can.

24 Q. Please do so.

14:45:59 25 A. By writing their names?

26 Q. Well, just draw an arrow from the person and write the
27 person's name. Now, for purposes of the record, perhaps we
28 should describe what you have written. The person in uniform,
29 what is that person's name, the person that appears in military

1 camouflage uniform?

2 A. That's Lieutenant Colonel Steven Abrokwah, ECOMOG liaison
3 officer.

14:47:33

4 Q. And the lady that is between you and that officer, who is
5 that person?

6 A. Emma Tuma Wallace, wife of Colonel Yanks. That's my late
7 wife.

8 Q. That's Ms Emma Tuma Wallace?

9 A. Yes.

14:47:47

10 Q. And you are the next person pictured in that photograph?

11 A. Yeah, Colonel Yanks Smythe, NPFL liaison officer to ECOMOG.

12 Q. And you said this was in or on the way to Buchanan?

13 A. We were on our way from Buchanan going back to Monrovia.

14 Q. And what was the purpose of the visit to Buchanan?

14:48:08

15 A. The visit was on a confidence-building visit to Buchanan.

16 Q. Made by whom?

17 A. Made by NPFL and ECOMOG.

18 Q. And the date?

14:48:30

19 A. For purpose of introducing Steven Colonel Abrokwah to our
20 commanders there in Buchanan.

21 Q. Did that, in fact, happen?

22 A. Yes, it happened.

23 Q. And which commanders in Buchanan was he introduced to?

14:48:43

24 A. He was introduced to General Lima, General Daniel Chea, who
25 were the major commanders at the time.

26 Q. And the date on that photograph, as you understand it, is
27 it --

28 A. Yes, January 15, 1992.

29 Q. Thank you, Mr Smythe. May he be shown what has been marked

1 DP-211, please. Mr Smythe, what is that a photograph of?

2 A. This photograph was during a stopover in a village - in a
3 town in Nimba County while I was escorting the ECOMOG troops on
4 an inspection to the southeast.

14:49:39 5 Q. And what does the photograph depict?

6 A. Pardon me?

7 Q. What is shown in the photograph?

8 A. The photograph --

9 Q. If you could describe it for us.

14:49:50 10 A. Yeah, the photograph shows my picture, it shows some
11 bystanders, it shows the driver of the truck and another ECOMOG
12 soldier standing nearby.

13 Q. Now, the driver of the truck, was that an ECOMOG soldier or
14 an NPFL soldier?

14:50:05 15 A. An ECOMOG soldier.

16 Q. And the person who is to the right of the driver of the
17 truck that we can only see partially, who was that person?

18 A. Also an ECOMOG soldier.

19 Q. Can you identify yourself with the pen and also identify
14:50:23 20 these ECOMOG soldiers with a pen please. Incidentally, on what
21 date was this photograph taken?

22 A. This date was on the 17th.

23 Q. Of which month of which year?

24 A. Of January.

14:51:34 25 Q. Of which year?

26 A. In '92.

27 Q. Thank you, Mr Smythe. May the witness be shown what has
28 been marked as DP-213, please. Mr Smythe, what is that a
29 photograph of?

1 A. This photograph shows me with one of the NPFL commanders,
2 General Saturday Twah [phon] and his soldiers.

3 Q. What was the name of that person?

4 A. General Saturday Twah. He was one of our NPFL generals.

14:52:41 5 Q. And what assignment did you have at the time this
6 photograph was taken?

7 A. I was - it was taken the same day as the other picture
8 while on my way to the southeast with the ECOMOG troops.

9 Q. Now, we see people with different colours of uniforms
14:52:57 10 there. Can you describe what each uniform - or to which group
11 each uniform belonged?

12 A. Yes. Saturday Twah was with his soldiers. And when I was
13 going to the southeast, I had some of my boys with me also. But
14 these are soldiers assigned with Saturday Twah.

14:53:16 15 Q. Can you use your pen and point who Saturday Twah is? And
16 the person that is shaking Saturday Twah's hand, who is that
17 person, if you know?

18 A. His last name is Matadi, but I can't remember his first
19 name.

14:53:47 20 Q. Was that person an NPFL soldier?

21 A. Yes, he is an NPFL soldier.

22 Q. Now, can you identify yourself in that picture by writing
23 your name, please. And you told us already this was on the 17th.
24 You said it was the same day as the previous picture. Thank you,
14:54:19 25 Mr Smythe. May the witness be shown what has been marked as --

26 PRESIDING JUDGE: Mr Anyah, what was the name of this other
27 person? It appears as "indiscernible" on the record. We need to
28 clarify.

29 MR ANYAH: Yes. This is DP-213, again, which is tab 13.

1 And if we could - Madam Court Usher, if we could move the frame
2 up. Now, I believe Madam President was asking what the name of
3 --

4 PRESIDING JUDGE: The witness did state a name of the
14:55:04 5 person with his back towards us in the photograph.

6 MR ANYAH:

7 Q. Mr Smythe, can you respond to that, please?

8 A. Yes. I said his last name is Matadi, but I can't recall
9 his first name.

14:55:16 10 PRESIDING JUDGE: So that's the spelling we request.

11 MR ANYAH:

12 Q. Can you spell Matadi for us, Mr Smythe, please?

13 THE WITNESS: M-A-T-A-D-I.

14 MR ANYAH: Thank you. I wonder if that satisfies Madam
14:55:34 15 President?

16 PRESIDING JUDGE: Yes, thank you.

17 MR ANYAH: May the witness be shown the photograph in tab
18 14, DP-214, please:

19 Q. Mr Smythe, what is that a photograph of?

14:55:55 20 A. This photograph was taken at my liaison office at the
21 ECOMOG headquarters in Monrovia.

22 Q. And that photograph, does it bear a date?

23 A. Yes, this was on 3 March 1992.

24 Q. And for how long did the NPFL have an office of this sort
14:56:20 25 in Monrovia?

26 A. This was up towards almost towards the - up to the time we
27 had Operation Octopus.

28 Q. And when did you have Operation Octopus?

29 A. Octopus was sometime in 1992. I can't recall the date

1 exactly but it was sometime in 1992.

2 Q. Was it in the early part, the middle part or the late part
3 of 1992?

14:56:57

4 A. It should be from the middle going up on towards the end of
5 1992.

6 Q. Can you draw an arrow from yourself and indicate your name
7 on that photograph. Thank you, Mr Smythe.

8 And the date on that picture, have we gone through that?

9 Did you say it was 3 March?

14:57:45

10 A. 1992, yes.

11 Q. May the witness be shown the photograph behind tab 15.

12 DP-215, please. Mr Smythe, what is that a photograph of?

13 A. This photograph was taken at the Port of Buchanan in Grand
14 Bassa County.

14:58:26

15 Q. And are you pictured in that photograph?

16 A. Yes, I'm pictured. Yes, I was there. I'm there, you know,
17 in jeans.

18 Q. Under what circumstances were you at the Port of Buchanan
19 when this photograph was taken?

14:58:42

20 A. Was ECOMOG was to take over the Port of Buchanan and I took
21 them there, you know, on a guided tour, you know, and to inspect
22 the area also.

23 Q. The others pictured in this photograph are who?

14:59:06

24 A. Most of them are ECOMOG soldiers. In fact, all of them are
25 ECOMOG soldiers, yes.

26 Q. Do you remember any of their names?

27 A. I don't remember their names exactly, but this man here is
28 the chief military information officer of ECOMOG. He is a
29 Nigerian. His name is very hard so I can't remember it actually.

1 Q. Can you use your pen and indicate his position drawing an
2 arrow from him?

3 A. They used to refer to him as CMI O.

4 Q. And do you recognise any other person besides him?

14:59:41 5 A. Yes, myself.

6 PRESIDING JUDGE: CMI O is an acronym for what?

7 THE WITNESS: Chief military information officer. That's
8 how they used to refer to him.

9 MR ANYAH:

14:59:59 10 Q. Can you write that on the photograph, please.

11 A. Okay.

12 Q. Next to the acronym. And can you write some kind of
13 description about the Port of Buchanan, that this is taken during
14 a visit to the Port of Buchanan. Thank you, Mr Smythe.

15:01:01 15 I asked for a number of pictures but for now these are the
16 ones I want to deal with among the group I asked for. I wish to
17 request another photograph that is different, but before we show
18 the witness I would like to ask him a question. For purposes of
19 Madam Court Manager, that photograph would be the document behind
15:01:23 20 tab 16, DP-216, and the second one would be the document behind
21 tab 9, it's a photograph, DP-209.

22 Now, Mr Smythe, you have told us yesterday during your
23 evidence that you visited Camp Naama at the time you were at
24 Gbarnga in the early 1990s, yes?

15:02:11 25 A. Yes, yes.

26 Q. On any of your visits or your one visit to Camp Naama, did
27 you have a photograph taken?

28 A. Yes, I had a photograph taken at Camp Naama.

29 Q. And what does that photograph depict?

1 A. The photograph shows - I took it as a souvenir.

2 Q. And it is a photograph of what?

3 A. It was a photograph of myself standing in front of one of
4 the houses - one of the dormitories in the barracks.

15:02:45 5 MR ANYAH: Can we have the photograph behind tab 16,
6 DP-216, shown to the witness, please. Madam Court Usher, if you
7 could zoom out further so that the entire photograph is visible.
8 Yes, thank you:

9 Q. Mr Smythe, what is that or who is that a photograph of?

15:03:28 10 A. This is a photograph of me.

11 Q. And where were you when this photograph was taken?

12 A. I was at Camp Jackson Naama.

13 Q. And is there a date you can refer us to as to when this
14 photograph was taken?

15:03:43 15 A. Yes, this photograph was taken in April 1992. On the 8th,
16 to be precise.

17 Q. And does that photograph show you holding anything in your
18 hand?

19 A. Yes, I have a Winchester in my hand.

15:03:59 20 Q. What is a Winchester?

21 A. A Winchester is a shotgun. A hunting gun I think.

22 Q. Now can you draw an arrow from yourself and indicate "Yanks
23 Smythe at Camp Naama".

24 Now, Mr Smythe, you have told us, I believe yesterday, that
15:04:36 25 after you became Mr Taylor's bodyguard and were assigned to him
26 in Gbarnga you would make trips to Burkina Faso?

27 A. Yes.

28 Q. On any of your trips to Burkina Faso in the early 1990s did
29 you take any photographs?

1 A. Yes, I could remember taking some photographs.

2 Q. Do you recall any particular one?

3 A. Yes, I can recall, yes. I could recall one of them.

4 Q. Which one is that?

15:05:04 5 A. There was one I took, I was sitting down - I was sitting on
6 top of a small motorcycle in front of this - it was like a photo
7 studio I think. I went to develop some pictures and I took that
8 picture in front of the photo studio.

9 MR ANYAH: May the witness be shown what has been marked as
15:05:21 10 DP-209, which is behind tab 9, please:

11 Q. Mr Smythe, what is that a photograph of?

12 A. This is a photograph of me.

13 Q. And where were you when this photograph was taken?

14 A. I was in front of a photo studio in Ouagadougou in Burkina
15:05:59 15 Faso during one of my trips with Mr Taylor.

16 Q. And are you seated on anything?

17 A. Yes, I'm seated on top of a motorcycle.

18 Q. Can you draw an arrow from yourself and indicate "Yanks
19 Smythe in Ouagadougou, Burkina Faso" and can you tell us what
15:06:25 20 year that photograph was taken? Can you tell us in what year
21 this photograph was taken?

22 A. This photograph was taken in early 1991.

23 Q. Thank you, Mr Smythe. Now, with respect to all these
24 photographs starting with the one we just looked at, which was
15:07:01 25 DP-209, can you sign all of them and put today's date, please?

26 A. I should only sign or I should write my name?

27 Q. Yes, you can write your name as well, please.

28 Madam President, may I indicate that we have the originals
29 of each of those photographs in Court should the Bench wish to

1 review them and also if I learned counsel opposite wishes to review
2 them.

3 MR KOUMJIAN: Yes, I do, please.

15:09:25

4 PRESIDING JUDGE: Then would Madam Court Manager ensure
5 that the originals are passed to Prosecution counsel, please.

6 MR KOUMJIAN: I do not mind if counsel continues while
7 we're reviewing the photographs. I don't want to hold people up.

15:10:56

8 MR ANYAH: That's fair enough. May I proceed, Madam
9 President? Thank you. Well, the next obvious point would be
10 that the documents, with leave of Court, be marked for
11 identification, but I don't know if there will be any
12 observations following the review in terms of that.

15:11:13

13 PRESIDING JUDGE: I will proceed to mark the seven
14 photographs in the order in which they have been presented as
15 follows: I'll give them one parent number, which will be MFI-412
16 and then --

15:11:35

17 MR ANYAH: If I may make a suggestion, with leave of the
18 Chamber, perhaps the ones pertaining to him being an ECOMOG
19 liaison officer could be marked in one set and the one vis-a-vis
20 Camp Naama and the one in Burkina Faso be marked separately, but
21 I'm in your Honour's hands.

22 PRESIDING JUDGE: I must say I have to go back now into the
23 transcript and figure out which is which.

24 MR ANYAH: I can assist.

15:11:52

25 PRESIDING JUDGE: Please do that.

26 MR ANYAH: The ones relative to his service as ECOMOG
27 liaison officer were DP-210, which was in tab 10; DP-211 in tab
28 11; DP-213 in tab 13; DP-214 in tab 14; DP-215 in tab 15.

29 PRESIDING JUDGE: Now, those photographs in that order are

1 marked MFI -412A, B, C, D and E respectively.

2 MR ANYAH: Thank you, Madam President. The photograph
3 depicting Mr Smythe in Camp Naama is DP-216 behind tab 16.

4 PRESIDING JUDGE: That's the only one in that category?

15:13:03 5 MR ANYAH: Yes, Madam President.

6 PRESIDING JUDGE: That will be marked MFI -413.

7 MR ANYAH: Thank you, Madam President. The photograph
8 depicting Mr Smythe in Ouagadougou, Burkina Faso, DP-209 behind
9 tab number 9.

15:13:22 10 PRESIDING JUDGE: That will be marked MFI -414.

11 MR ANYAH: Thank you, Madam President:

12 Q. Mr Smythe, you could resume your seat in the witness chair,
13 please. Now, Mr Smythe, you mentioned when you were testifying
14 about your work as liaison officer that ECOMOG at some point

15:14:02 15 attacked the NPFL in relation to Operation Octopus. Yes?

16 A. Yes. Yes.

17 Q. When did that take place?

18 A. I said I couldn't remember the month, but it happened, you
19 know, in 1992.

15:14:18 20 Q. And where did Operation Octopus take place within Liberia
21 in 1992?

22 A. In Monrovia. The outskirts.

23 Q. What was the purpose of this operation?

24 A. Well, the purpose of the operation, ECOMOG felt that NPFL
15:14:39 25 was not complying enough. They were trying to force them into
26 compliance.

27 Q. Well, who undertook this Operation Octopus? Was it the
28 NPFL or was it ECOMOG?

29 A. Well, both. Both the NPFL and ECOMOG.

1 Q. Who coined the phrase Operation Octopus? Was it coined by
2 the NPFL or by ECOMOG?

3 A. Operation Octopus was by the NPFL.

4 Q. And what was the objective of this operation?

15:15:08 5 A. The objective was to overrun Monrovia and take it over.

6 Q. And what was the outcome of this operation?

7 A. ECOMOG fought back and NPFL was pushed, you know, away from
8 Monrovia for a certain distance.

9 Q. Did any fighting occur in Buchanan during Operation
10 Octopus?

15:15:31

11 A. Yes. ECOMOG attacked Buchanan and there was fighting in
12 Buchanan, yes.

13 Q. At the end of the fighting, who took control of Buchanan,
14 if you know?

15:15:42

15 A. ECOMOG took over control of Buchanan.

16 Q. Was that in the year 1992?

17 A. Yes, it was in 1992.

18 Q. And before ECOMOG took control of Buchanan, was it the NPFL
19 that was in control of Buchanan?

15:15:56

20 A. Yes, the NPFL was in control of Buchanan, yes.

21 Q. You told us yesterday - and the relevant page of
22 yesterday's transcript is 35680. You told us yesterday that at
23 some point in time Dr Manneh was based in Buchanan.

24 A. Yes.

15:16:19

25 Q. Was he in Buchanan when ECOMOG took control of Buchanan in
26 1992?

27 A. No, he left before the attack on Buchanan.

28 Q. Was he in Buchanan during any part of the year 1992?

29 A. Yes. Some part of 1992, yes, he was there.

1 Q. Can you tell us the circumstances under which Dr Manneh
2 left Buchanan?

3 A. Dr Manneh left Buchanan because he wanted to go back to
4 Burkina Faso to come back.

15:16:52 5 Q. When he left Buchanan, did he in fact go back to Burkina
6 Faso?

7 A. Yes, he went back to Burkina Faso, yes.

8 Q. Did he take any of the Gambian forces he had brought to
9 help Mr Taylor back with him?

15:17:04 10 A. No, he didn't take anybody back with him.

11 PRESIDING JUDGE: Mr Anyah, what does the answer, "He went
12 -he wanted to go back to Burkina Faso to come back," what does
13 that mean?

14 MR ANYAH: I will clarify, Madam President:

15:17:17 15 Q. When you say Dr Manneh wanted to go back to Burkina Faso to
16 come back, to come back to where?

17 A. He was going to come back to Liberia.

18 Q. And for what purpose did he travel to Burkina Faso?

19 A. I don't know for what purpose, but, you know, he was not -
15:17:34 20 he was not, you know, in custody in Liberia so he could travel
21 any time he feel like travelling.

22 Q. And how do you know he was intending to return to Liberia?

23 A. Yeah, because he told me before he left, you know, he and I
24 met, he told me he was going to Ouagadougou in Burkina Faso and
15:17:51 25 he was coming back.

26 Q. Did he in fact return to Liberia?

27 A. At certain - some point, yes, he returned.

28 Q. In what year did he return?

29 A. He returned - last time I saw him when he came was in 1996.

1 Q. Are you saying Dr Manneh left Liberia in 1992 and returned
2 to 19 - returned in 1996?

3 A. Yes.

15:18:23

4 Q. Are you saying that during that period of time he was not
5 in Liberia?

6 A. No, he was not in Liberia at the time.

7 Q. Would you have known if he had come into Liberia during
8 that period of time?

9 A. Yes, I would have definitely known.

15:18:33

10 Q. When Dr Manneh left in 1992, do you know the relationship
11 he had with Mr Taylor at the time of his departure from Liberia?

12 A. From the time I know Mr Taylor and Mr - Dr Manneh, their
13 relation has ever been - has always been very cordial.

15:18:59

14 Q. Yes, it has been cordial. I'm referring to a specific
15 period in time. Was that relationship cordial on the eve of
16 Dr Manneh's departure from Liberia?

17 A. Yes.

18 MR KOUMJIAN: Objection. That's leading - I withdraw it.

19 MR ANYAH:

15:19:11

20 Q. What was your answer, Mr Smythe?

21 A. I didn't hear the question. I was interrupted.

22 Q. Dr Mr Taylor and Dr Manneh have cordial relations - may I
23 finish my question? Was the relationship between Charles Taylor
24 and Dr Manneh cordial, to the best of your knowledge, at the time
15:19:35 25 Dr Manneh left Liberia?

26 A. Yes, to the best of my knowledge, the relationship was
27 cordial.

28 Q. Did Dr Manneh perform any functions for the NPFL at the
29 time he was based in Buchanan?

1 A. Yes, he did. He helped in the establishment of the
2 civilian administration, you know, in terms of advising. You
3 know, he helped a whole lot, yes.

4 Q. What was the function of the civilian administration?

15:19:57 5 A. The civilian - every county has a civilian administration.
6 And Buchanan being a port city, when we took over Buchanan, there
7 were a lot of things that were not in place. So Dr Manneh was
8 asked by Mr Taylor to stay behind in Buchanan to help put some of
9 the institutions together, like to make sure the port is
15:20:14 10 functional --

11 Q. To make sure the what?

12 A. The Port of Buchanan is functional, to make sure that the
13 soldiers do not go around harassing civilians and to put in some
14 other administrative structures.

15:20:40 15 Q. You said every county has a civilian administration.

16 A. Yes.

17 Q. When you said that, are you referring to NPFL
18 establishments?

19 A. Before and after - during and after the NPFL establishment.

15:20:56 20 Q. Was this a Government of Liberia administration or was this
21 an NPRAG administration?

22 A. NPRAG administration, I would say.

23 Q. Did Dr Manneh interact with civilians and assist civilians
24 on behalf of the NPFL in Buchanan when he was based there?

15:21:23 25 A. Definitely, yes, he did, on many occasions.

26 Q. What sort of assistance, if any, did he provide to
27 civilians in Buchanan on behalf of the NPFL when he was based
28 there?

29 A. Providing food, providing assistance to those that have

1 problems with the soldiers and so forth.

2 Q. I want to read to you what the former President of Liberia,
3 Moses Blah, told this Court when he was here in 2008, and this is
4 from the transcript of 15 May 2008, the relevant page being page
15:22:07 5 9947. I will start at line 12, once it is pulled up. So
6 President Blah was here, Mr Smythe, and this is what he told us
7 about Dr Manneh and how he left Liberia:

8 "Q. Witness, let me go back to where we were with the
9 Gambians. You mentioned this General Jackson who had died
10 or who had been killed saving Taylor's life. He was called
11 General Jackson. Why was he called a general?

12 A. When you are an aide-de-camp to the President you will
13 be called a general, a brigadier general, must be the head.
14 Either brigadier or a lieutenant general will occupy that
15:23:19 15 position. So he must be called a general when you are an
16 aide-de-camp to the President.

17 Q. And where had you first met this General Jackson?

18 A. I met General Jackson first in Burkina with his brother
19 who is Dr Manneh, who happened to be the head of the group
15:23:41 20 that went to The Gambia to find them through their
21 government. That is the younger brother who is Jackson. I
22 met them together Burkina.

23 Q. Do you know when that was when you met them in Burkina?

24 A. We were in Burkina in 1989, in 1989, the latter part -
15:24:09 25 or the later part of 1989. After that we separated and we
26 went our separate ways towards Liberia.

27 Q. Did you ever see Dr Manneh again?

28 A. No, until we entered Liberia and we captured Buchanan.
29 That was when I saw Dr Manneh. He was in Buchanan like he

1 was in charge of Buchanan. I didn't know how he got that
2 appointment. He was in Buchanan and he became so powerful
3 he was ordering soldiers to war and things. Mr Taylor at
4 the time didn't like what he was doing. As a result of
15:25:02 5 that, he had to leave. He left. Since then I have not
6 seen him any more."

7 Let's pause there. President Blah describes a Dr Manneh in
8 Buchanan who became so powerful he was ordering soldiers to war
9 and things. Was that your recollection of Dr Manneh's status in
15:25:28 10 Buchanan when he was based there, Mr Smythe.

11 A. No, that was not my recollection.

12 Q. Do you recall whether or not Dr Manneh ever ordered any
13 soldiers to war during the NPFL conflict when he was based in
14 Buchanan?

15:25:43 15 A. No, I can't remember him ordering any NPFL soldiers to war.

16 Q. Beyond Buchanan, anywhere else in Liberia did you hear or
17 know of Dr Manneh ordering NPFL troops to war?

18 A. No, I never heard of it.

19 Q. Did you know whether at any time President Taylor was not
15:26:05 20 pleased with Dr Manneh's presence in Liberia?

21 A. No, I didn't know of such a time.

22 Q. Let's continue. There is a question at line 10:

23 "Q. Well, who was he ordering? Which soldiers?

24 A. Ordering our soldiers. He came along with a dozen
15:26:30 25 of Gambians. They were there together with our own
26 fighting forces. They were all - they were on mixed
27 operations. Nobody would know who was a Gambian, no
28 Liberian would know who was a Gambian or who was a Liberian
29 except you had that kind of - that level of experience, but

1 he was fighting alongside our forces."

2 Now what President Blah says here, that Liberians and
3 Gambians engaged in mixed operations, does that match with your
4 recollection, Mr Smythe?

15:27:07 5 A. No, it doesn't match with my recollection.

6 Q. What do you remember about the interaction of Liberians and
7 Gambians in that early time in the conflict in the vicinity of
8 Buchanan and elsewhere?

9 A. The duty of the Gambians at the time was to provide
15:27:22 10 security for Mr Taylor and they would always be where Mr Taylor
11 is.

12 PRESIDING JUDGE: Mr Anyah, was that mixed operations or
13 joint operations? What are mixed operations?

14 MR ANYAH:

15:27:36 15 Q. Mr Smythe, we're referring to joint operations. Did NPFL
16 soldiers and Gambian forces brought in by Dr Manneh engage in
17 mixed combat operations or joint combat operations?

18 A. No.

19 Q. Line 17 there's a question:

15:28:05 20 "Q. And he was investigated?

21 A. Not that I know of, but there is like - he was not
22 satisfied with the treatment too because he was becoming
23 powerful. He was deputy to Taylor in operations, which
24 President Taylor didn't like very much. He was the sole
15:28:23 25 owner of the revolution. He didn't have a deputy at the
26 time to say, 'You deputise today, you deputise tomorrow.'
27 That was Manneh's behaviour, so he had to go back to where
28 he came from."

29 Let's pause there. Mr Smythe, in your recollection was

1 Dr Manneh ever appointed a deputy of Charles Taylor within the
2 NPFL leadership?

3 A. No, not to my recollection.

4 Q. To your recollection was Dr Manneh so powerful that Charles
15:29:01 5 Taylor was not pleased with Manneh's behaviour and as a
6 consequence Dr Manneh had to leave Liberia?

7 A. Not to my recollection, no.

8 Q. Now line 25 the question is posed, this is the same page,
9 9948:

15:29:17 10 "Q. Do you recall any other Gambians that were in Liberia
11 at this time with the NPFL?

12 A. There were a lot of them. There were lots of them.

13 There was a fellow who called himself Yank Smith who
14 himself was a Gambian and he became Liberian ambassador to
15:29:41 15 Tunisia and Libya in my stead when I became Vice-President.
16 Yank Smith."

17 That is at page 9949. Then President Blah is asked about
18 Yank Smith and he said, "Y-A-N-K, Yank Smith, S-M-I-T-H". And he
19 was asked a question at line 8:

15:30:05 20 "Q. Was that his true name?

21 A. No, that was a pure Liberian name. I don't know how he
22 got that name but that was the name he used in Liberia. As
23 I speak he is known as Yank Smith but he is a Gambian."

24 We go to line 12:

15:30:28 25 "Q. What was the source of that name, do you know?

26 A. No, I wouldn't say.

27 Q. How as a non-Liberian was he able to be an ambassador
28 to a foreign country on behalf of Liberia?

29 A. That was illegal but I wouldn't say. I don't know

1 how."

2 Let's pause there. Mr Smythe, was your appointment as
3 ambassador to Libya and Tunisia illegal to the best of your
4 knowledge?

15:31:13 5 A. It was not illegal. It was legal.

6 Q. When did you become a Liberian citizen?

7 A. I became a Liberian citizen in 1998.

8 Q. And in which year were you appointed charge d'affaires to
9 Libya and Tunisia?

15:31:29 10 A. I was appointed in July 2000 as charge d'affaires to Libya.

11 Q. We keep hearing the reference to you as Yank Smith. Is
12 your name Smith or Smythe?

13 A. My name is Yanks, Y-A-N-K-S, Smythe, S-M-Y-T-H-E.

14 Q. Thank you, Mr Smythe. When you finished your assignment as
15:32:13 15 ECOMOG liaison officer was that the time you were sent to Grand
16 Gedeh County?

17 A. I was sent to Grand Gedeh County in late 1993.

18 Q. And between the time you finished as ECOMOG liaison officer
19 and late 1993 when you went to the southeast, what was your
15:32:31 20 assignment?

21 A. My assignment was to provide security for the logging
22 companies that were there because the information that was
23 filtering in Gbarnga was soldiers were there harassing them,
24 couldn't allow them to, you know, carry on their operations. So
15:32:44 25 Mr Taylor asked me to go there to make sure that, you know, the
26 harassment doesn't continue and the people will operate freely.

27 Q. And did you finish that assignment in 1994?

28 A. I was in that assignment until 1995 when I was called by
29 Mr Taylor to come and accompany him to Monrovia.

1 Q. When you were in Grand Gedeh did you still go to Gbarnga to
2 visit?

3 A. Once in a while I would go to Gbarnga, yes, because I
4 maintained a residence there.

15:33:15 5 Q. When you were in Grand Gedeh did you know what was
6 transpiring in Gbarnga vis-a-vis the NPFL activities?

7 A. Yes, I would know because I had a radio with me at my
8 assignment post - at my assignment area that I could communicate
9 with Gbarnga at any time.

15:33:31 10 Q. Did you know about Mr Taylor's movements when you were in
11 Grand Gedeh County?

12 A. Sometimes yes if I was on the radio if he has to move
13 somewhere I'll be told that, you know, he has moved from this
14 place to that place.

15:33:44 15 Q. Did you hear about an attack against NPFL positions in
16 Gbarnga in 1994?

17 A. Yes, I heard about it.

18 Q. Was Mr Taylor in Gbarnga when that attack took place?

19 A. No, Mr Taylor was not in Gbarnga. He was out of Liberia at
15:33:59 20 the time.

21 Q. Where was he when that attack took place?

22 A. I think he was attending a conference in, if I'm not
23 mistaken, in Ghana, in Akosombo I think.

24 Q. Akosombo, Ghana?

25 A. Yes.

26 Q. I believe that's on the record. You said Mr Taylor asked
27 you to accompany him to Monrovia, yes?

28 A. Yes, 1995, yes.

29 Q. Do you remember the month that he asked you to do so?

1 A. We went to Monrovia I think it's in September 1995 if I'm
2 not mistaken, yes.

3 Q. And what was the purpose of him going to Monrovia?

15:34:39

4 A. To take his seat as a member of the six-man council, as one
5 of the council members.

6 Q. This was the council of what?

7 A. The Council of State.

8 Q. And do you remember the other members of this council?

9 A. Yes.

15:34:50

10 Q. Who were they?

11 A. George Boley was a member.

12 Q. George?

13 A. Boley.

14 Q. Boley?

15:34:56

15 A. Yes.

16 Q. Is that G-B-O --

17 A. No, B-O-L-E-Y.

18 Q. B-O-L-E-Y, okay. And who else?

19 A. Alhaji Kromah.

15:35:07

20 Q. Yes?

21 A. Chief Tamba Tailor.

22 Q. Yes?

23 A. Wilton Sankawulo.

15:35:26

24 Q. I believe that's on the record, Madam President. If you
25 remember the rest you can tell us?

26 A. Yeah, I will recall and I will tell you later on.

27 Q. Okay. And how many people moved with Mr Taylor to
28 Monrovia?

29 A. In terms of what?

1 Q. NPFL personnel.

2 A. A lot of them. A lot of them. I can't recall the number,
3 but a lot of them went.

15:35:48

4 Q. Did other Gambians that you trained with in Libya move to
5 Monrovia with Mr Taylor?

6 A. Yes, most of them moved and some stayed behind in Gbarnga.

7 Q. Were the Gambians still protecting Mr Taylor and acting as
8 his security when he moved to Monrovia?

9 A. Yes, I think as his security, yes.

15:36:04

10 Q. When Mr Taylor got to Monrovia where did he first take up
11 residence?

12 A. He first took residence somewhere at the Mamba Point
13 enclave.

14 Q. At the where?

15:36:13

15 A. Mamba Point. There's like a diplomatic enclave in Monrovia
16 called Mamba Point. That's where he was residing first.

17 Q. That is Mamba, M-A-M-B-A?

18 A. M-A-M-B-A, yes.

19 Q. And where were you residing when you got to Monrovia?

15:36:29

20 A. Because the first night I got there, you know, we all slept
21 there. That night I saw my wife, you know, and she had a
22 residence somewhere in the Paynesville area so that's where I
23 used to sleep. I will come to work and in the evening go back
24 home to sleep.

15:36:47

25 Q. Is that Paynesville?

26 A. Paynesville, P-A-Y-N-E-S-V-I-L-L-E.

27 Q. And where was the place that you worked?

28 A. I worked --

29 Q. Within Monrovia where was it located at?

1 A. I always accompanied - I would go there in the morning to
2 Mr Taylor's residence and accompany him to the mansion, you know
3 at his office. After work accompany him back home before I would
4 go home to my residence.

15:37:15 5 Q. When you say the mansion, what are you referring to?

6 A. Executive Mansion because that was the seat of the Council
7 of State.

8 Q. And in which part of Monrovia is that?

9 A. It's in Capitol Hill. Call the place Capitol Hill in
15:37:30 10 Monrovia.

11 Q. Was it when he was at the Executive Mansion that there was
12 an attack on his - an attempt on his life?

13 A. Yes, there was an attempt on his life at the Executive
14 Mansion.

15:37:45 15 Q. When did that take place?

16 A. It took place on October 31, 1996.

17 Q. Who was behind that attempt on his life?

18 A. Well, I don't know whether any official version of the
19 report came but it was quite clear that it was his - it was
15:38:10 20 George Boley's group and the other - his other collaborators that
21 planned that attack on his life.

22 Q. George Boley was head of which group?

23 A. George Boley was head of the Liberian Peace Council, LPC.

24 Q. Was it on this occasion that General Jackson Mendy was
15:38:28 25 killed?

26 A. Yes, Jackson was killed during that period.

27 Q. Do you have any photographs of you and Jackson Mendy?

28 A. Yes, I think I have one photograph of he and myself. That
29 picture was taken on 1 April 1996.

1 Q. 1 April, is that what you said?

2 A. Sorry, I'm sorry, please excuse me. On 6 April, sorry.

3 Q. What year?

4 A. 1996.

15:39:01 5 Q. And what were the circumstances under which that photograph
6 was taken?

7 A. That photograph was taken on the day the Council of State
8 attempted to arrest General Roosevelt Johnson and that photograph
9 was taken while we were sitting down - sitting somewhere, you

15:39:17 10 know, taking cover and we took that picture as a souvenir.

11 Q. Did you give us that photograph?

12 A. Yes, I did.

13 Q. I will find it in a moment.

14 I wonder if, Madam Court Manager, the witness could be
15:39:43 15 shown the document behind tab 17, DP-217. Yes, could he be shown
16 that photograph, please? You can put it on the overhead.

17 Mr Smythe, can you see that photograph?

18 A. Yes, I can see it clearly.

19 Q. And who is pictured in that photograph?

15:40:32 20 A. That's myself and General Jackson - the late
21 General Jackson.

22 Q. Can you tell us if you are holding anything in the
23 photograph?

24 A. Yes, I was holding an AK-47 rifle.

15:40:48 25 Q. On your right hand?

26 A. Yes.

27 Q. And General Jackson?

28 A. Yes, he was also holding an AK-47 rifle.

29 Q. And what were you doing when this photograph was taken?

1 A. We are sitting somewhere close to the residence of General
2 Roosevelt Johnson, you know, when we went to effect the arrest
3 order that was given by the Council of State.

4 Q. And of which group were you representatives of when you
15:41:19 5 were armed in this fashion?

6 A. We were representing the NPFL.

7 Q. Were you successful in arresting Roosevelt Johnson?

8 A. No, we were not successful.

9 Q. Did the NPFL sustain any casualties during this incident?

15:41:36 10 A. Yes [indiscernible] I may not remember all, but I remember
11 one of - we lost one of our men, the late General Domingo died on
12 the same day.

13 Q. Was that Domingo Ramos?

14 A. Yes, Domingo Ramos.

15:41:50 15 Q. A Special Forces trained in Libya?

16 A. Yes.

17 Q. A Gambian?

18 A. Yes.

19 Q. Now, Madam Court Usher, if the witness could be given the
15:42:01 20 photograph to mark his name and the name of General Jackson and
21 sign and date it and also indicate "6 April 1996, Roosevelt
22 Johnson incident".

23 I have the original here if counsel opposite wishes to see
24 it.

15:42:58 25 PRESIDING JUDGE: Do you wish to see the original?

26 MR KOUJIAN: Yes - I did nod to counsel - I would, please.

27 PRESIDING JUDGE: Mr Anyah, I don't know if the witness
28 stated the location where this photograph was taken in terms of
29 the name of a place.

1 MR ANYAH: I will ask the witness, Madam President:

2 Q. Mr Smythe, you heard the question by the President. Where
3 were you physically located when this photograph was taken?

4 A. I was in Sinkor.

15:43:40 5 Q. Was this at somebody's house?

6 A. It was just outside of the house, you know, behind a fence.

7 JUSTICE LUSSICK: Can that photograph be put back on the
8 overhead, please. I would like to see what's been written on it.

9 MR ANYAH: Please, Madam Usher, please put it back, and if
15:43:58 10 you could zoom - yes. Could you zoom out a little bit more so
11 that we see where the arrows are going:

12 Q. Mr Smythe, can you read out what you've written on that
13 photograph?

14 A. Yes. I wrote the name of General Jackson, General Yanks
15:44:26 15 Smythe, April 6, 1996 during the attempted arrest of General
16 Roosevelt Johnson.

17 Q. Now, you were explaining where this photograph was taken.
18 The brick structure that's behind you and General Jackson, do you
19 recognise what that structure is?

15:44:44 20 A. That structure was a fence to a house and we were sitting,
21 you know, behind the fence.

22 Q. And who are the people around the two of you?

23 A. They are NPFL soldiers, but I don't know their names.

24 MR ANYAH: I wonder if there are any more questions, but if
15:45:04 25 none --

26 MR KOUMJIAN: I would just ask to see the original again.
27 I apologise, but there is something I would like to check.

28 MR ANYAH:

29 Q. Mr Smythe, you said the people in the photograph around you

1 are NPFL soldiers.

2 A. Yes.

3 Q. Do you recognise any of them?

4 A. No, I don't recognise any them.

15:45:25 5 Q. Do you see any of them holding any weapons?

6 A. In that picture, I can't see anybody with a weapon there.

7 Q. We also have the original available if you would prefer to
8 see it, Mr Smythe.

9 A. Yeah, but I'm not seeing anybody with weapons besides the
15:45:44 10 two of us.

11 MR KOUMJIAN: May I just make one observation after viewing
12 the original? I would ask that it be passed to your Honours.

13 It's a small point, but one point is that the lines that appear
14 on the copy do not appear on the original. That's from the heads

15:46:00 15 of what the witness has identified as himself and General

16 Jackson, but also I think your Honours the faces are more visible
17 in the original and I would ask your Honours to view the faces in
18 the original photograph.

19 MR ANYAH: That is entirely up to your Honours. We have
15:46:17 20 the original here if your Honours wish to see it.

21 JUSTICE LUSSICK: Mr Anyah, I noticed one thing from that
22 original photograph. You asked Mr Smythe, "Do you see any of

23 them holding any weapons?" The answer was, "In that picture, I
24 can't see anybody with a weapon there." That's apart from the

15:48:18 25 two obvious ones. There is a man at the back holding a weapon as
26 well to the left of the photo.

27 MR ANYAH: Yes.

28 JUSTICE LUSSICK: But I don't think you can pick it up on
29 this copy, but we can pick it up on the original.

1 MR ANYAH: I will show this to the witness. If your Honour
2 wishes me to inquire further, I will, and we could place the
3 original --

4 JUSTICE LUSSICK: I'm just qualifying the answer that was
15:48:53 5 given in view of the fact that we've now seen the original.

6 MR ANYAH: Madam President, may I ask that this photograph
7 be marked for identification, please.

8 PRESIDING JUDGE: The photograph DP-217 is marked MFI-415.

9 MR KOUMJIAN: Your Honour, in this case, unless there's a
15:49:19 10 good reason not to, we believe the original is evidence probative
11 in this important case and would ask that the original also be
12 marked for identification.

13 MR ANYAH: If I may respond, Madam President?

14 PRESIDING JUDGE: Yes, Mr Anyah.

15:49:39 15 MR ANYAH: The reasons we have copies and we're using
16 coloured copies instead of the originals is based on the
17 expressed wishes of Mr Smythe, who was very reluctant to provide
18 us with these pictures for fear that the originals will be
19 admitted into evidence and it will take perhaps months if not
15:49:56 20 years for him to get them back. And I do think, given the
21 qualifications made on the record about the original and its
22 differences with the copy, the record as is presently contains
23 sufficient information that summarises what this photograph is
24 about and it provides enough details for your Honours to rely on
15:50:21 25 it for any purpose you may later on wish to rely on it for. And
26 I think it would be - it would be cumbersome and in some
27 instances unfair to the witness, given assurances we've given him
28 about the prospects of him losing his original or having it taken
29 from him. But we're entirely in the Court's hands, of course.

1 PRESIDING JUDGE: I know that in the past, especially
2 during the Prosecution case, what the Court has insisted upon is
3 that the originals be present in Court when the evidence is being
4 led so that it gives both the judges and the parties an
15:51:04 5 opportunity to check that the copy is indeed a true copy of the
6 original. We have not in the past insisted that the original
7 photographs be actually exhibited. Now, in this case the
8 witness's stated desire is for him to keep his originals and I
9 think in view of the fact that we have had an opportunity, all of
15:51:33 10 us, to look at the original, I think a copy would suffice to be
11 exhibited.

12 Mr Anyah, it is my - is it my understanding that the
13 original will continue to be in Court at least for the duration
14 of the witness's full testimony, including cross-examination?

15:52:03 15 MR ANYAH: Yes, I can assure to that and I will.

16 PRESIDING JUDGE: Because that is what we would prefer to
17 see.

18 MR ANYAH: Yes. We will ensure to that, Madam President.
19 Thank you:

15:52:13 20 Q. Mr Smythe, during your time in Monrovia with President
21 Taylor - well, with Charles Taylor, a member of the Council of
22 State, did you and him travel overseas during that time?

23 A. Yes, we travelled overseas.

24 Q. On how many occasions did you travel overseas?

15:52:31 25 A. I travelled with him to South Africa.

26 Q. Besides South Africa, did you travel anywhere else with
27 then Council of State member President Taylor?

28 A. Yes. I travelled with him to Abuja, Nigeria.

29 Q. Yes. Anywhere else?

1 A. I could remember these two places. I'll try to recollect
2 later on.

3 Q. While you were in Monrovia with Charles Taylor, did you
4 travel anywhere with Moses Blah?

15:53:11 5 A. Yes, Moses Blah and myself travelled. Yes, I could
6 recollect. Okay, yes, I travelled with Mr Taylor to Libya. Yes,
7 I recollect, yes.

8 Q. And who travelled with you and him to Libya?

9 A. Travelling with us was Moses Blah, Benjamin Yeaten,
15:53:33 10 General Jackson, and many others.

11 Q. May the witness be shown - well, let me ask you one more
12 question. With respect to your trips to Libya with Moses Blah
13 and others and Charles Taylor and with respect to your trip to
14 South Africa with Charles Taylor, do you have photographs of

15:53:52 15 those trips?

16 A. Yes, I do.

17 MR ANYAH: May the witness be shown the following
18 photographs, please: The document in tab 18, which is DP-218;
19 the document in tab 19, which is DP-219; the document in tab 24,
15:54:23 20 which is DP-224; the document in tab 22, which is DP-222; the
21 document behind tab 25, which is DP-225; the document behind tab
22 26, which is DP-226. I think those are the documents for now.

23 Can you put them on the overhead and if the witness could be
24 permitted to change seats and move to the chair where the
15:55:39 25 overhead projector is:

26 Q. Mr Smythe, what is that a photograph of?

27 A. This photograph was of me.

28 Q. And where were you when this photograph was taken?

29 A. I was in Tunis, the capital of Tunisia, on my way back from

1 Tripoli, Libya.

2 Q. And when did you undertake that trip to Libya?

3 A. This trip was undertaken in October 1996.

4 Q. And with whom did you go to Libya?

15:56:46 5 A. Moses Blah and myself.

6 Q. Was this the same trip you went to Libya with President
7 Taylor or with Charles Taylor that you told us about a few
8 minutes ago?

9 A. This was the second trip.

15:57:00 10 Q. Were both trips in the same year?

11 A. Yes, the same year.

12 Q. What was the purpose of this particular trip you took with
13 Moses Blah?

14 A. This was a trip to make a follow-up on a promise of food
15:57:15 15 supplies, that is rice to be specific, that was made to Mr Taylor
16 by the Libyan leader Muammar Gaddafi.

17 Q. When did President Gaddafi make this promise of rice to
18 Charles Taylor?

19 A. During Mr Taylor's visit to Libya in September 1996.

15:57:36 20 Q. And did Colonel Gaddafi in fact provide rice to President -
21 to Charles Taylor?

22 A. Rice was provided at a later date, yes.

23 Q. When was the rice provided?

24 A. The rice was provided during the presidency of Mr Taylor.

15:57:51 25 Q. And what quantity of rice are we talking about?

26 A. It's a lot of rice. I don't know. I can't remember the
27 quantity but it was a lot of rice. And it was given to the
28 Liberian government and it was distributed among the citizens.

29 Q. Besides rice, did Colonel Gaddafi provide any other thing

1 to President Taylor as a consequence of that trip in September
2 1996?

3 A. No, not that I'm aware of.

4 PRESIDING JUDGE: Did the witness not mention October 1996?

15:58:31 5 MR ANYAH: Yes, but that was in relation to this trip with
6 Moses Blah and my question was in relation to the trip where
7 there was the promise by President Gaddafi. Madam President, I
8 wonder if that is okay for your purposes?

9 PRESIDING JUDGE: Yes. That is fine. Thank you.

15:58:53 10 MR ANYAH:

11 Q. Mr Smythe, can you draw an arrow from yourself and write
12 "photograph of Yanks Smythe in Tunis, Tunisia."

13 PRESIDING JUDGE: For the record, this is the photo DP-218.

14 MR ANYAH: Yes, Madam President, thank you:

15:59:35 15 Q. Can you sign and date that photograph, please.

16 Could the witness be shown the document behind tab 19,
17 DP-219, please. Mr Smythe, what is this a photograph of?

18 A. This photograph shows Mr Taylor and the Libyan Foreign
19 Minister inspecting a guard of honour, with General Jackson
16:00:51 20 walking behind him, in Tripoli, Libya.

21 Q. In what year?

22 A. September 1996.

23 Q. You said General Jackson?

24 A. Yes.

16:01:04 25 Q. Is this the same General Jackson who died later on?

26 A. Yes.

27 Q. He is a Gambian?

28 A. Yes, a Gambian.

29 Q. And the person to the left is the Foreign Minister of

1 Li bya, you said?

2 A. Yes, he was the Foreign Minister - the Late Foreign
3 Minister of Li bya.

4 Q. Do you remember his name?

16:01:18 5 A. No, his name is very hard. I can't remember his name.

6 Q. Can you use your pen and identify the three persons and
7 write a description. Can you sign and date it, please.

8 Thank you.

9 May the witness be shown the document behind tab 23,

16:03:10 10 DP-223, please. Mr Smythe, can you tell us what that photograph
11 is?

12 A. This photograph was taken at Hotel Salmande in the
13 restaurant during breakfast hours while on our way to Tripoli in
14 September 1996.

16:04:07 15 Q. Hotel what?

16 A. Hotel Salmande.

17 Q. Can you spell that for us?

18 A. S-A-L-M-A-N-D-E.

19 Q. In which --

16:04:16 20 A. In Ouagadougou, Burkina Faso.

21 Q. Was this the same trip you took with Moses Blah to Li bya?

22 A. This was including the trip with Mr Taylor, the first trip
23 in September. That was before our trip in October, he and
24 myself.

16:04:37 25 Q. Who is pictured in this photograph?

26 A. You have myself, you have Benjamin Yeaten, you have Moses
27 Blah and you have Alfred Mehn, Godfather.

28 Q. Alfred what?

29 A. Mehn, M-E-H-N.

1 Q. You said Godfather?

2 A. Yes, that was his nickname, his alias. He is late now.

3 Q. Can you draw an arrow identifying each person by name using
4 your pen, please.

16:05:25 5 PRESIDING JUDGE: Mr Anyah, this is a trip on the way to
6 Libya in September 1996?

7 MR ANYAH: Yes. And it's the trip he said he went with
8 President - with Charles Taylor to Libya:

9 Q. Can you write a description for us, including date,
16:06:19 10 Mr Smythe, please. That's the date on which the photograph was
11 taken. And can you sign and date it, please. Thank you,
12 Mr Smythe.

13 PRESIDING JUDGE: Could you please display that picture
14 again, especially with the names that the witness has written.

16:07:33 15 MR ANYAH:

16 Q. Mr Smythe, can you use your pen and point to each person
17 and pronounce their name, please?

18 A. This is Alfred Mehn, alias Godfather. This is Moses Blah.
19 This is Yanks Smythe. This is Benjamin Yeaten.

16:07:53 20 MR ANYAH: Madam President, may we show him another
21 photograph?

22 PRESIDING JUDGE: Yes, please go ahead.

23 MR ANYAH: May the witness be shown the document behind tab
24 24, which is DP-224, please:

16:08:32 25 Q. Mr Smythe, what is that a photograph of?

26 A. This photograph is myself and Moses Blah in Tunis, Tunisia,
27 returning from Libya.

28 Q. In what year?

29 A. 1996.

1 Q. What month?

2 A. October 1996.

3 Q. And what is at the background, the building or facility
4 behind you and Moses Blah?

16:08:59 5 A. Sorry. We went there in October. We came early November
6 because we went there, you know, at the end of October so we
7 stayed into November, so this was in November actually.

8 Q. This was on your way back?

9 A. Yes, on our way back, yes.

16:09:10 10 Q. And in which country was this photograph taken?

11 A. This photograph was taken in Tunis, Tunisia.

12 Q. Can you identify both of you with arrow indications and
13 your respective names, please, and write a description for us as
14 you did with the other photographs.

16:10:06 15 PRESIDING JUDGE: Mr Anyah, do you have the original of
16 this photograph?

17 MR ANYAH: I will check. I believe so. There is one
18 photograph we do not have an original for, but we have one for
19 all the rest. Yes, here is the original. Madam Court Usher,
16:11:06 20 please, can you show that to the President? Thank you:

21 Q. Mr Smythe, can you sign and date that photograph, please.

22 PRESIDING JUDGE: Please continue.

23 MR ANYAH: Thank you, Madam President. Could the witness
24 be shown the document behind tab 26, which is DP - actually, I
16:12:43 25 believe I mean tab 25, which is DP-225, please:

26 Q. Mr Smythe, what is this a photograph of?

27 A. This photograph was taken in a plane on one of my trips
28 with Mr Taylor.

29 Q. And when was that trip?

1 A. This trip was sometime - I think it's sometime in 1996,
2 yes.

3 Q. And to where were you headed?

4 A. We were going to I think Burkina Faso.

16:13:26 5 Q. And was Burkina Faso your final destination?

6 A. Yes. On this trip, yes.

7 Q. What was the purpose of that trip?

8 A. I don't know the purpose of the trip.

9 Q. Who is pictured in this photograph?

16:13:40 10 A. This picture shows Mr Taylor, myself, and the other people,
11 they are not too clear here. I can't - I saw myself clearly and
12 Mr Taylor.

13 Q. Would you like to see the original to see if you can
14 identify the other people?

16:13:57 15 A. Yeah. Yeah.

16 MR ANYAH: Madam Court Usher, do not display the original.
17 You can just show it to him.

18 THE WITNESS: I can't really remember these other people,
19 no.

16:14:24 20 MR ANYAH:

21 Q. Can you use an arrow and indicate the names of those that
22 you remember with your pen? Not on the original; on the copy,
23 please. Mr Smythe, can you write a description of that
24 photograph and also sign and date it, please.

16:15:54 25 PRESIDING JUDGE: Madam Court Usher, could you please put
26 the picture on the overhead properly so we can see the names that
27 - not the signature, but the names of the persons that the
28 witness has indicated.

29 Mr Anyah, please continue.

1 MR ANYAH: May the witness be shown the document behind
2 tab 26, which is DP-226, please:

3 Q. Mr Smythe, what is that a photograph of?

16:16:56

4 A. This is a photograph showing Moses Blah and myself in a
5 cafe in Tunisia, Tunis.

6 Q. When was this photograph taken?

7 A. This photograph was taken in November 1996.

8 Q. And under what circumstances were you and Mr Blah in
9 Tunisia?

16:17:10

10 A. We were returning from Tripoli.

11 Q. Do you recognise anyone else in the photograph?

12 A. No, it's in a cafe. I don't recognise that.

16:17:27

13 Q. Can you indicate with your pen and write the name "Moses
14 Blah" and also indicate yourself and write your name on that
15 photograph. Can you also provide a description regarding the
16 photograph at the bottom and sign and date it, please.

17 May the witness be shown --

18 PRESIDING JUDGE: Could we first see what the witness has
19 written?

16:18:40

20 MR ANYAH: Yes, Madam President, of course.

21 PRESIDING JUDGE: Proceed.

22 MR ANYAH: May the witness be shown the document behind
23 tab 22, which is marked DP-222, please:

24 Q. Mr Smythe, what is that a photograph of?

16:19:31

25 A. This photograph was taken in Soweto, South Africa.

26 Q. Under what circumstances?

27 A. During Mr Taylor's visit to South Africa.

28 Q. And when did that visit take place?

29 A. This visit took place 19 - I think this is 1995, 1996.

1 1996. 1996.

2 Q. Was this when you and Mr Taylor were based in Monrovia?

3 A. Yes, this was after the assassination attempt on him and he
4 came to Gbarnga.

16:20:08 5 Q. And was this in the late period of 1996?

6 A. It should be I think in the middle of '96, going towards
7 the end, yeah.

8 Q. And who else can you identify in this photograph?

9 A. I identify myself and I identify Paul Mulbah who was the
16:20:34 10 chief of protocol. I can identify the mayor of Soweto. I don't
11 know his name. I can identify Nyundueh Mamkamonah, who later
12 became the Speaker of the House of Representative. I can also
13 identify General Dgi ba behind Mr Taylor.

14 Q. Madam Court Usher, can we zoom out a little bit because the
16:20:56 15 photograph is not entirely visible. Now, Mr Smythe, let's take
16 this slowly. You mentioned something named Mulbah.

17 A. Yes, Paul Mulbah.

18 Q. Can you point to him and spell his name for us, please?

19 A. This is Paul Mulbah and his name is P-A-U-L, M-U-L-B-A-H.

16:21:16 20 Q. Who is to the immediate left of Mr Mulbah?

21 A. That is Mr Yanks Smythe, myself.

22 Q. And who is next to you?

23 A. Next to me is Mr Taylor with Dgi ba - General Dgi ba behind
24 him.

16:21:29 25 Q. And what is General Dgi ba's first name?

26 A. Momo Dgi ba.

27 Q. I believe that spelling is on the record. And we see a man
28 with his back to the camera with his hands folded in front of
29 him. Who is that person?

1 A. That man is Nyundueh Mamkamonah, the former Speaker of the
2 House of Representatives.

3 Q. Can you point to that person with your pen?

4 A. Yes.

16:21:55 5 MR ANYAH: I don't know if the spelling is on the record,
6 Madam President. I suspect it is. Nyundueh Mamkamonah.

7 PRESIDING JUDGE: I assume if it was it would appear in the
8 record correct, but it doesn't seem to do so.

9 MR ANYAH: I will attempt to spell it. Nyundueh,
16:22:18 10 N-Y-U-N-D-U-E-H; Mamkamonah, M-A-M-K-A-M-O-N-A-H:

11 Q. And, Mr Smythe, you said he was Speaker of which country's
12 House of Representative?

13 A. House of Representative of the Republic of Liberia.

14 Q. Now, there's a gentleman with a jacket and a vest also with
16:22:44 15 his hand folded in front of him and microphones in front of him.
16 Who is that gentleman?

17 A. The gentleman is the mayor of Soweto. I can't remember his
18 name.

19 Q. Can you point with your pen to him?

16:22:56 20 A. Here he is.

21 Q. Now, who else, as far as the remaining people, the three
22 heads we see there, can you identify?

23 A. These are the only people I can identify because they are
24 the ones that are really visible.

16:23:16 25 Q. Can you use the pen to draw arrows and write down the names
26 of each of these persons you've identified, please?

27 A. Can you help me with the spelling of Nyundueh?

28 Q. Yes. N-Y-U-N-D-U-E-H M-A-M-K-A-M-O-N-A-H. Mr Smythe, can
29 you write "general" in front of Momo Dgi ba, please.

1 PRESIDING JUDGE: Would you please display the names that
2 the witness has written.

3 MR ANYAH: If the witness could be taken back to his seat
4 at this time, unless your Honours have a question.

16:26:20 5 PRESIDING JUDGE: Please continue.

6 MR ANYAH: Madam President, if it please your Honours, I
7 would respectfully request that each of these photographs be
8 marked for identification and there are seven of them.

9 PRESIDING JUDGE: Do you wish them to be given a common
16:26:39 10 number?

11 MR ANYAH: I think that would be fine under the
12 circumstances. Although they involve different trips, most
13 involve trips to Libya with one being a trip to South Africa and
14 one being a trip to Burkina Faso. The first one was 218.

16:27:03 15 PRESIDING JUDGE: What you've done in the past is to
16 separate them according to the groups of the trips that were
17 done.

18 MR ANYAH: We could do that, Madam President.

19 PRESIDING JUDGE: And I've actually grouped them like that
16:27:14 20 in my own record for ease of reference. But with the exception
21 of 225, which was a photo of a trip to Burkina.

22 MR ANYAH: As well as 222.

23 PRESIDING JUDGE: And 222.

24 MR ANYAH: Which was South Africa.

16:27:30 25 PRESIDING JUDGE: The rest were associated with Libya.

26 MR ANYAH: Yes, that's fair to say.

27 PRESIDING JUDGE: And Tunisia.

28 MR ANYAH: Yes, Madam President.

29 PRESIDING JUDGE: So photographs DP-218, DP-219, DP-223,

1 DP-224, DP-226 are marked respectively MFI-416.

2 MR ANYAH: I don't know if you mentioned 224 as well.

3 PRESIDING JUDGE: Yes, I did mention 224.

4 MR ANYAH: Yes.

16:28:05 5 PRESIDING JUDGE: So this group of five photographs is
6 marked 416A to E respectively. Photograph DP-225 is MFI-417 and
7 photo DP-222 is MFI-418.

8 MR ANYAH: Thank you, Madam President:

9 Q. Mr Smythe, when President Taylor moved to Mamba Point in
16:28:35 10 Monrovia was that his final residence in Monrovia?

11 A. No, from there he moved to a residence close to the German
12 embassy on the Tubman Boulevard.

13 Q. Which part of --

14 MR KOUMJIAN: Just before they disappear, I would just like
16:28:51 15 to note that I would like to see, if possible, the originals of
16 these photographs.

17 MR ANYAH: Yes, we have them here.

18 PRESIDING JUDGE: I think that can be done now in the
19 remaining moments of the record.

16:29:11 20 MR ANYAH: Yes.

21 PRESIDING JUDGE: If you do have a quick question,
22 Mr Anyah, you can put it to the witness.

23 MR ANYAH:

24 Q. You said he moved to somewhere near the German embassy. In
16:29:22 25 which part of Monrovia was this second location, Mr Smythe?

26 A. This was in Congo Town.

27 Q. And was he still a member of the Council of State when he
28 moved there?

29 A. Yes, he was still a member of the Council of State.

1 Q. For how long did he live in Congo Town?

2 A. He lived in Congo Town until he moved to his own residence
3 in the same Congo Town area.

4 Q. Well, I never asked you what date he moved to Congo Town
16:29:50 5 near the German embassy. What date or year, if you remember, did
6 he move near the German embassy?

7 A. Yes, he moved there in 1995.

8 Q. And in what year or month - in what year and month did he
9 move to the residence you are referring to, his final residence?

16:30:13 10 A. You mean - which final residence are you talking about?

11 Q. You told us he moved to another residence from the Congo
12 Town residence?

13 A. Yes, he moved to White Flower, the place that was referred
14 to as White Flower, in 1999 for his birthday in January.

16:30:28 15 Q. January 1999?

16 A. Yes.

17 MR ANYAH: Madam President, I wonder if that's an
18 appropriate place to stop.

19 PRESIDING JUDGE: Yes, indeed, as soon as those photographs
16:30:39 20 are returned.

21 Mr Witness, we are going to adjourn until tomorrow and I
22 will only remind you of our standing order that you are not to
23 discuss your evidence with anyone.

24 THE WITNESS: Thank you, your Honour.

16:31:23 25 PRESIDING JUDGE: The proceedings are adjourned to tomorrow
26 at 9.30.

27 [Whereupon the hearing adjourned at 4.30 p.m.
28 to be reconvened on Wednesday, 24 February 2010
29 at 9.30 a.m.]

I N D E X

WITNESSES FOR THE DEFENCE:

YANKS SMYTHE 35687

EXAMINATION-IN-CHIEF BY MR ANYAH 35687