



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 19 MARCH 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 Artur Appazov

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard

1 Friday, 19 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:42 5 PRESIDING JUDGE: Good morning. We'll take appearances,
6 please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours, counsel opposite. For the Prosecution this
9 morning, Maja Dimitrova, Geoff McCarrell and myself, Nicolas
09:31:41 10 Koumjian.

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

14 PRESIDING JUDGE: Good morning, Mr Witness. This morning
09:31:57 15 we continue with your testimony in cross-examination. I remind
16 you that you took an oath to tell the truth and today that oath
17 is still binding on you.

18 WITNESS: DCT-125 [On former oath]

19 PRESIDING JUDGE: Could I check whether the measures are in
09:32:16 20 place - protective measures are in place?

21 MS IRURA: Your Honour, I can confirm the measures are in
22 place.

23 PRESIDING JUDGE: Thank you.

24 MR GRIFFITHS: Can I raise one practical matter. I wonder
09:32:25 25 if the overhead could be lowered because sitting where I am, I'm
26 unable to see the witness because of it.

27 PRESIDING JUDGE: Is that better, Mr Griffiths?

28 MR GRIFFITHS: I'm grateful.

29 PRESIDING JUDGE: Thank you. Mr Koumjian, please.

1 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

2 Q. Mr witness, just to remind you, in order for your
3 protective measures to work, we cannot be speaking at the same
4 time, so please wait until I complete my question and actually
09:33:17 5 wait a second and then begin your answer. Pause briefly. Make
6 sure there's a pause between my question and your answer. Do you
7 understand, sir?

8 A. Yes, sir.

9 Q. And again, if in your answer you feel to answer a question
09:33:29 10 truthfully would reveal your identity, then you let the judges
11 know and they will decide whether we should do that in private
12 session. Do you understand?

13 A. I do.

14 Q. Sir, have you received any money to testify?

09:33:44 15 A. No.

16 PRESIDING JUDGE: Mr Koumjian, you must remember to switch
17 off your microphone, please.

18 MR KOUMJIAN: Thank you for the reminder:

19 Q. Sir, have you received any money at all related to your
09:33:57 20 testifying?

21 A. No.

22 Q. Sir, that is a lie, isn't it?

23 A. I am not a cheat person. This is not a lie. The person
24 who told you that I received money is the one who is lying.

09:34:12 25 Q. Sir, did you receive on 3 February, \$424,400 leones through
26 a Western Union transfer?

27 A. No, it's a lie.

28 Q. And, sir, before you came here to The Hague, did you
29 receive \$2,000?

1 A. No, I didn't receive \$2,000.

2 Q. And when you arrived here, did you receive \$100 euros?

3 A. I received 100 euros from the security.

09:34:53 4 MR KOUMJIAN: Your Honour, we have some documents. May
5 they be distributed now to the parties and your Honours.

6 JUDGE DOHERTY: Mr Koumjian, for purposes of clarification,
7 the \$2,000 you referred to, is that United States dollars rather
8 than Liberian?

09:35:17 9 MR KOUMJIAN: Yes, your Honour. Thank you for that
10 reminder:

11 Q. Sir, while that's being distributed, without telling us
12 where, it's correct, isn't it, that you are staying at a hotel
13 here?

14 A. Yes.

09:35:41 15 Q. And Yanks Smythe, Yankuba Samateh, was also at that hotel,
16 correct?

17 A. No. I don't know that even he was here.

18 Q. Sir, I'm going to ask you in a moment for a document to be
19 shown to you and that would be the documents behind tab 16.

09:37:11 20 Your Honour, this document only has the DCT number, so I
21 believe it would be all right to put this on the overhead and
22 display it publicly.

23 PRESIDING JUDGE: Yes, I think that is in order.

24 MR KOUMJIAN:

09:37:30 25 Q. Sir, looking at this document, you'll see it's a report of
26 expenses incurred on DCT-125. That's your number.

27 A. Correct.

28 Q. We see on 3 February 2010, transport and food, \$424,400
29 Leones through Western Union. Do you see that, sir?

1 A. Yes.

2 Q. And then we see in the next paragraph:

3 "In addition on 18 February 2010, he was given \$2,000 as an
4 advance from his DSA, before he left for The Hague and euros 100
09:38:17 5 on his arrival here."

6 So, sir, you did receive an advance on your DSA of \$2,000
7 before you departed for The Hague, correct?

8 A. Now, can I be, how do you call it, well informed? Who
9 handed this money to me, before I give the correct answer?

09:38:35 10 Q. Sir, do you remember getting \$2,000? That's the question.

11 A. The only money I received when I was in Accra was the money
12 for the purchase of my visa, the transportation to go to the
13 Dutch embassy and back to the hotel. And I received money not
14 directly to me, through Western Union from the Special Court in
09:38:58 15 Sierra Leone through to {redacted} in {redacted}. And when
16 I arrived here, I was given 100 euros and I have never received
17 \$200 US.

18 Q. The figure was \$2,000 US.

19 A. No.

09:39:17 20 MR GRIFFITHS: Madam President, I appreciate that the
21 protective measures are in place, but there's a reference to the
22 family of the witness and their place of residence which I'm
23 concerned about.

24 PRESIDING JUDGE: Madam Court Officer, could we redact the
09:39:39 25 relations of the witness and the place where he mentioned that
26 they are. I'm not sure if there's any person in the gallery.

27 MR KOUMJIAN: There is.

28 PRESIDING JUDGE: There is. So members of the gallery who
29 have heard this information, please do not repeat it outside of

1 court.

2 MR KOUMJIAN:

3 Q. Mr Witness, what this report makes clear is that you are
4 receiving DSA - a DSA, daily subsistence allowance, for all of
09:40:22 5 your time here in the Netherlands. Mr - isn't that correct?

6 A. To my knowledge, all what I am receiving is for my
7 subsistence whilst I'm here in The Netherlands and it is not
8 money that has been bribed - given to me as a bribe. So I want
9 to understand from your side, what are you referring to this
09:40:46 10 money that I have received?

11 Q. Sir, my question is: It is a fact that most of the
12 witnesses that have come here do not stay in hotels. They
13 stay --

14 MR GRIFFITHS: Madam President, this suggestion, in my
09:41:02 15 submission, is totally unfair and uncalled for. Moses Blah, the
16 Vice-President of Liberia, stayed in the same hotel that Yanks
17 Smythe stayed in and received DSA from the Witness and Victims
18 Service. So the suggestion that there is something somehow,
19 something improper about this witness receiving DSA coming out of
09:41:29 20 the mouth of Mr Koumjian, in my submission, is totally erroneous
21 and false.

22 PRESIDING JUDGE: Mr Koumjian, where are we going with
23 this?

24 MR KOUMJIAN: We're going the same place we went when
09:41:44 25 Defence cross-examined Prosecution witnesses about funds
26 received. And, in fact, I would say they have - the hypocrisy,
27 if there is any, is from the Defence. This is an issue that we
28 should be allowed to cross-examine on. This is not an
29 insignificant amount of money.

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: The objection is overruled. We think
3 that these questions are proper in the line of cross-examination.
4 Please continue.

09:42:26 5 MR KOUMJIAN:

6 Q. Mr Witness, you're a socialist who believes in social and
7 economic justice, correct?

8 A. Yes.

9 Q. Do you believe you should be treated better than ordinary
09:42:39 10 people?

11 A. I should be treated with what I deserve. I don't know
12 about the rest, if they, how do you call it, fight for their
13 rights. I deserve for my rights to be respected and I will not
14 dictate for any other person.

09:42:51 15 Q. Sir, is it your right to stay in a hotel as opposed to the
16 safe house that the Court provides to most witnesses?

17 A. Let the Court send me to that - how do you call it - house
18 and I will go. I am a stranger in this hotel. I don't know
19 where I have been taken to and it is not me who went to the hotel
09:43:08 20 and requested this money from the Court.

21 Q. Sir, the DSA rate for March 2010 when you - for February
22 2010 when you arrived was \$381 per day. You arrived here, isn't
23 it correct, on 19 February? Is that correct?

24 A. Correct.

09:43:30 25 Q. So for those ten days you earned \$3,810 in DSA?

26 A. No, I didn't receive any \$3,000 US. It is false. It is a
27 lie.

28 MR GRIFFITHS: I rise again, Madam President, to inquire
29 what is the source of this evidence? The documentation behind

1 divider 16 makes no reference to the rates of pay as far as I see
2 it, unless I'm missing something. And unless, of course,
3 Mr Koumjian has chosen to give evidence, I recall that during the
4 Prosecution case we were provided with by WVS and the Prosecution
09:44:17 5 a statement setting out what was paid and what for. Where is it?
6 I would like to see it, rather than have Mr Koumjian giving
7 evidence.

8 PRESIDING JUDGE: That's very well. Mr Koumjian, the issue
9 here is the source of this information.

09:44:35 10 MR KOUMJIAN: Yes. Your Honour, it's behind tab 16. There
11 should be a second document called "DSA circular report". The
12 first page is provided just to indicate what it is. This is the
13 DSA circular report issued monthly by the International Civil
14 Service Commission and then the figures for The Netherlands are
09:45:11 15 on the next page. From the first page you'll see that the first
16 column is the rate for the first 60 days in a location. Going
17 down to The Netherlands, the rate is \$381 a day for February.

18 Now, your Honours, there is a different rate for March and
19 there was an error and that was not included. I understand that
09:45:41 20 circular is coming - being sent by email now to us and that is a
21 slightly lower rate. I want to make that clear, that's 358.
22 That should be coming momentarily.

23 PRESIDING JUDGE: Mr Koumjian, is the assumption that the
24 reference in the letter from the chief of WVS, the reference to
09:46:09 25 DSA there is necessarily equal to the DSA recognised by the
26 international service commission?

27 MR KOUMJIAN: Yes, your Honour, that is the case.

28 PRESIDING JUDGE: Mr Griffiths.

29 MR GRIFFITHS: There is a disjuncture here. What we have

1 here is clearly something which has either been downloaded from
2 the internet or provided by some international agency. What we
3 do not have is from WVS a document showing precisely what this
4 man was paid and what his hotel rate is. We don't have that. So
09:46:52 5 Mr Koumjian is cross-examining on an unfounded basis.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: We've heard from both sides and basically
8 we recognise that this is cross-examination and that counsel for
9 the Prosecution can and may put a proposition to the witness from
09:48:02 10 anywhere and it's up to the witness to answer one way or the
11 other, and that will be his evidence. So the objection is
12 overruled and, Mr Koumjian, please continue.

13 MR KOUMJIAN:

14 Q. Sir, when you leave The Hague you've been told that after
09:48:20 15 paying your hotel bill you'll receive the rest of your DSA money,
16 correct?

17 A. I was told that all the expenses on my trip would be paid
18 by the Special Court for Sierra Leone. That's what I have been
19 told. Because to my understanding, and according to the
09:48:40 20 questions that you are asking me, I don't know how would I
21 sustain myself here in The Hague? I left my job back at home in
22 Africa and came here, I left all my means of obtaining what I
23 should support my family and come to the Special Court. I cannot
24 understand why are you asking me. How can I survive here?
09:49:02 25 Remember I'm a former {redacted} also.

26 MR KOUMJIAN: I think that needs to be stricken from the
27 record, your Honour, for the witness's protection unless counsel
28 doesn't want it. I'm happy to leave it.

29 MR GRIFFITHS: I would like it stricken.

1 PRESIDING JUDGE: Madam Court Officer, there is a reference
2 to a position that the witness held previously. This is at page
3 12, line 13. Please redact the reference to that position.

4 MR KOUMJIAN:

09:49:54 5 Q. Sir, we'll come back to what you just said in private
6 session. Sir, is there any reason why you feel you deserve more
7 than people, for example, who had hands amputated who came here
8 to testify, a woman who heard her children being killed and saw
9 their decapitated heads, or a man who risked his life to stay
09:50:13 10 behind rebel lines to care for children? Do you deserve to be
11 treated better than them, Mr Witness?

12 A. I will stand to defend my interests and I would defend the
13 interests of any other person. I can recognise if she stands and
14 fights for her rights I would support her.

09:50:30 15 Q. Mr Witness, did you insist on staying in the hotel as
16 opposed to the safe house?

17 A. Provide a better place for me with dignity and I will move
18 to that place.

19 Q. You didn't answer my question. Did you insist on staying
09:50:44 20 at the hotel as opposed to the safe house?

21 A. Where do you expect me to go if I'm not staying in the
22 hotel? Provide a dignified place for me, I will go and stay
23 there.

24 Q. The house where all the other - almost all the other
09:50:57 25 witnesses have stayed, you would stay there, the safe house?

26 A. Please can you provide the place for me and if I feel that
27 it is dignified for me and I will also have my privacy without
28 mingling with anybody else I am ready to go there.

29 Q. Sir, let's just briefly calculate what DSA you have earned

1 to date since arriving in The Hague. In February you arrived on
2 the 19th, you were here for ten days at 381 days, that's \$3,810.
3 Now, we also have the rate for March which is ready to be shown
4 on the overhead?

09:51:37 5 A. Can I correct you, please. Since I arrived I have only
6 received 200 euros. The last amount I received was three days
7 ago. And I haven't received the amount you are mentioning. And
8 I wouldn't lie because I've taken an oath because of just a
9 meagre amount of money. I have earned more than that before.

09:52:00 10 MR KOUMJIAN: I don't know if the March is ready yet but
11 I'll just proceed with the questions and we can put it up later
12 if it's not ready.

13 PRESIDING JUDGE: Who?

14 MR KOUMJIAN: The March rate, I don't think we need to
09:52:11 15 distribute copies to everyone. It can be put on the overhead
16 just to show the March DSA rate. Is that ready?

17 I'll proceed, your Honour, without it at this point. There
18 seems to be some confusion:

19 Q. Sir, if the rate went down in March to 358 days, this is
09:52:30 20 the 19th day of March which means the DSA totals \$6,802. Which
21 means that to date since you arrived in The Hague your DSA totals
22 10,612 United States dollars. Mr Witness, as a person who
23 believes in social and economic equality, do you think that's
24 just for you to receive all that money when other witnesses
09:52:58 25 receive one tenth of that amount?

26 A. If I have requested any money unjustly I would have not
27 done it. And I want to - I want it to be clear. I came here to
28 tell the truth to testify on behalf of this President Charles
29 Taylor's trial. I haven't come here to calculate on these small

1 amounts that have been spent on my stay here in The Netherlands.

2 Q. Sir, you've called this a small amount, \$10,612. Without -
3 just for your own protection, wait until I complete my question.
4 Without saying anything that will reveal your identity, are you
09:53:41 5 working now?

6 A. I'm a consultant and I earn more than that.

7 Q. How much do you earn, sir?

8 A. It's private. I won't tell it to anybody.

9 Q. Sir, it's relevant to the case and I would ask the witness
09:53:55 10 be ordered to answer.

11 PRESIDING JUDGE: Mr Witness, please answer the question.
12 It is relevant.

13 THE WITNESS: It's relevant. I'm paid according to what I
14 do.

09:54:10 15 PRESIDING JUDGE: Which is?

16 THE WITNESS: When I advise to anybody else we calculate it
17 and the person pays me, so it's not a fixed salary.

18 MR KOUMJIAN:

19 Q. Basically, sir, you don't have a job. Isn't that true?

09:54:28 20 A. According to you, yes, but according to me, no. I'm having
21 a job.

22 Q. Mr Witness, you said you came here to tell the truth. I
23 just want to tabs - tab 17 can be brought up and tab 18 not put
24 on the screen. Your Honours and counsel can refer to that and
09:54:56 25 the witness be given a copy, but that should be confidential, tab
26 18, because it has the witness's name. Sir, do you recognise
27 this as a document that you signed on 19 February of this year?

28 A. Can I see my signature, please?

29 Q. If the document can be moved up, please, so the witness can

1 see his signature.

2 A. That's not my signature.

3 PRESIDING JUDGE: Why can't the witness not be shown a
4 document like we are looking at.

09:56:02 5 MR KOUMJIAN: That's correct. That's blacked out. The
6 witness needs --

7 PRESIDING JUDGE: Why is he being shown a redacted thing?

8 MR KOUMJIAN: We're in public session, but if the witness
9 could be - not put on the overhead but be given a copy of tab 18.

09:56:17 10 Not on the overhead because it includes his name and his
11 signature, but just so that he can recognise it. That was my
12 error. I apologise.

13 THE WITNESS: Yes, this is my signature on this paper I'm
14 holding.

09:56:31 15 MR KOUMJIAN: For the record, the witness was referring to
16 tab 18:

17 Q. Sir, you came here to tell the truth but you wouldn't
18 consent to speak to the Prosecution before you testified,
19 correct?

09:56:41 20 A. I have to testify and the Prosecution ask me what I'm
21 testifying, how can the Prosecution hear me without me
22 testifying? I can't understand it.

23 Q. I don't understand your answer, but I'm going to move on.

24 A. I beg you please try and understand my answer to clarify
09:57:00 25 everything. Try and understand my answer.

26 Q. Try me again, sir. Why did you refuse to speak to the
27 Prosecution if you only wanted to tell the truth here in court?

28 A. I have come to talk to the judges to testify and I didn't
29 come to be - how do you call it - interviewed by the Prosecution

1 before I testify.

2 Q. Sir, that's your right so let's just move on to another
3 issue. Looking at the confidential document, tab 18, it should
4 not be put on the overhead but if the witness can look at it.

09:57:32 5 Take it, sir. Is that your name?

6 A. Yes, this is my name.

7 Q. Sir, the third name in the three - you have three parts to
8 the name. The third name is not one you've given here in court.
9 What name is that?

09:57:49 10 A. Which third name?

11 Q. Sir, the document begins --

12 A. Can you spell the name?

13 Q. We're in public session. The document begins, "I" and then
14 it has three words, three names. The third name?

09:58:03 15 A. That is my name but written in French. And I would want to
16 specify that I am holding a passport which is bearing this name
17 and not my real name. I would want you to understand that.

18 Q. That's exactly what I was going to get to. You are
19 travelling on a passport in a false name, correct?

09:58:26 20 A. This is not a false name. This is the name that I've been
21 given when I was born a Muslim.

22 Q. Well, you didn't indicate that when you were in your direct
23 examination telling us the names that you've had in your life.
24 Why is that?

09:58:38 25 A. I think you have to go back to the notes and watch
26 carefully. It has been given.

27 Q. Mr Witness, did you follow the testimony of Charles Taylor
28 at all in this case?

29 A. Through what means?

1 Q. Through any means. Through newspapers, through internet,
2 through whatever means.

3 A. Yes, I do follow the trials in the internet.

4 Q. Now, sir, you've testified in open session - I see this was
09:59:25 5 not in open session, so I think I would have to ask for a private
6 session to deal with the next topic.

7 PRESIDING JUDGE: You want to go into private session now?

8 MR KOUMJIAN: Let me try to avoid it, your Honours:

9 Q. Mr Witness, are you familiar with The Green Book?

09:59:57 10 A. I read The Green Book.

11 Q. And do you find it impressive?

12 A. Like any other ideology, political ideology.

13 Q. You find every single political ideology impressive?

14 A. Yes, because it gives me knowledge to know what are the
10:00:14 15 social aspects of human beings is.

16 Q. Do you agree with The Green Book?

17 A. I agree with some parts. I don't agree with some other
18 parts.

19 MR KOUMJIAN: There's some documents behind tab 1 that I
10:00:35 20 would now like to be shown to the witness.

21 MR GRIFFITHS: There is no document behind my tab 1.

22 MR KOUMJIAN: We'll provide another copy if there's one.

23 PRESIDING JUDGE: Mr Griffiths, do you now have the - a
24 document behind you?

10:01:11 25 MR GRIFFITHS: I have a copy now which does have a tab 1
26 enclosure.

27 PRESIDING JUDGE: And obviously Mr Munyard doesn't.

28 MR GRIFFITHS: Mr Munyard --

29 MR MUNYARD: Madam President, I'm familiar with The Green

1 Book. Thank you very much.

2 PRESIDING JUDGE: Please proceed.

3 MR KOUMJIAN: We have an extra copy if it's helpful to
4 anyone:

10:01:36 5 Q. I would like to start with part 3. I'm just going to read
6 very small parts of this to you, Mr Witness. And if we could go
7 to what is page 12 of 19 in part 3. I want to begin on the very
8 last paragraph which begins "driving woman".

9 PRESIDING JUDGE: Is this document paginated?

10:02:21 10 MR KOUMJIAN:

11 Q. Mr Witness, I'm going to read the following from the bottom
12 of this page, page 12, just a couple of paragraphs. It reads -
13 this is from part 3 of "The Social Basis of the Third Universal
14 Theory":

10:02:36 15 "Driving woman to do man's work in a flagrant aggression
16 against the femininity with which she is naturally provided and
17 which defines a natural purpose essential to life. Man's work
18 obscures woman's beautiful features which are created for female
19 roles. They are like blossoms which are created to attract
10:03:02 20 pollen and to produce seeds. If we did away with the blossoms,
21 the role of plants in life would come to an end. The natural
22 embellishment in butterflies and birds and animal females exists
23 to that natural vital purpose. If a woman carries out men's
24 work, she risks being transformed into a man, abandoning her role
10:03:26 25 and her beauty. A woman has full right to live without being
26 forced to change into a man and to give up her femininity.

27 Physical structure, which is naturally different in men and
28 women, leads to differences in the functions of the organs, which
29 in turn leads to differences in the psyche, mood, emotions, as

1 well as in physical appearance. A woman is tender; a woman is
2 pretty; a woman weeps easily and is easily frightened. In
3 general, women are gentle and men are aggressive by virtue of
4 their inbred nature."

10:04:07 5 Sir, is this part of The Green Book? Is this one of the
6 parts of The Green Book that impressed you?

7 A. You want to know whether this part of The Green Book
8 impresses me? These are not my philosophical or political or
9 social ideas. These are Muammar Gaddafi's ideas. And it is not
10:04:27 10 that - I told you that I don't agree with most of the ideals
11 written in The Green Book and I also agree with most of the
12 ideals written in The Green Book. And I would want to point out
13 to you that this part that you are reading, the idea that Muammar
14 Gaddafi, to my understanding, where he got these ideas are based
10:04:49 15 from the Islamic teachings of the role of women in society.

16 Q. I don't want to spend too much time on this. Let's move on
17 to page 14. And the paragraph just above evidence "Education",
18 so it will be the last full paragraph. Sir, this read as
19 follows:

10:05:15 20 "Black people are now in a very backward social situation,
21 but such backwardness works to bring about their numerical
22 superiority because of their low standard of living has shielded
23 them from methods of birth control and family planning. Also,
24 their old social traditions place no limit on marriages, leading
10:05:36 25 to their accelerated growth. The population of other races has
26 decreased because of birth control, restrictions on marriage, and
27 constant occupation in work, unlike the Blacks who tend to be
28 less obsessive about work in a climate which is continuously
29 hot."

1 Sir, do you find this an insightful piece of writing?

2 A. This is a piece of writing that doesn't emanate from my
3 thinking. It is from Gaddafi's thinking. I think the question
4 should be directed to Gaddafi.

10:06:12 5 Q. Are you impressed by this analysis?

6 A. No, it's not my opinion.

7 Q. Thank you. Now I would like to go to part 1 of The Green
8 Book. "The solution of the problem of democracy." Mr Witness,
9 Muammar Gaddafi talks about the problem of democracy. Did

10:06:36 10 Muammar Gaddafi see democracy as a problem?

11 A. I didn't ask him that question. I don't know his answer.

12 Q. Did you see - do you see democracy as a problem?

13 A. For what?

14 Q. Do you see a problem with democracy?

10:06:55 15 A. The problem I see with democracy is the wrong
16 representation of the masses. That is the only thing I see in
17 democracy. And the way I understand the meaning of democracy
18 based on the western world point of view is meaningless to me.
19 It's meaningless. I can't understand anything about it.

10:07:25 20 Q. So things like elections with representative government you
21 see as preventing rule by the masses; is that correct?

22 A. The representation of the - how do you call it -
23 representing the masses, no one can represent the masses, because
24 you have your own ideas, you have your own viewpoints and your
10:07:37 25 viewpoint can be divergent with the viewpoints of the general
26 populace. So I can't see how you can represent them genuinely.

27 Q. Let's go to page 14. I just want to read three paragraphs
28 related to the press. The first full paragraph begins:

29 "The press is a means of expression for society. It is not

1 a means of expression for private individuals or corporate
2 bodies. Therefore, logically and democratically, it should not
3 belong to either one of them.

10:08:29 4 A newspaper owned by any individual is his or her own, and
5 expresses only his or her point of view. Any claim that a
6 newspaper represents public opinion is groundless because it
7 actually expresses the viewpoint of that private individual.
8 Democratically, private individuals should not be permitted to
9 own any public means of publication or information. However,
10:08:51 10 they have the right to express themselves by any means, even
11 irrationally, to proper their insanity. Any journal issued by a
12 professional sector, for example, is only a means of expression
13 of that particular social group. It presents their own points of
14 view and not that of the general public. This applies to all
10:09:12 15 other corporate and private individuals in society.

16 The democratic press is that which is issued by a people's
17 committee, comprising all the groups of society. Only in this
18 case, and not otherwise, will the press or any other information
19 medium be democratic, expressing the viewpoints of the whole
10:09:35 20 society, and representing all its groups."

21 Mr Witness, were you familiar with these views of Muammar
22 Gaddafi in The Green Book?

23 A. I read them very well and I went through them many times.

24 Q. Sir, it's correct that Muammar Gaddafi was teaching that
10:09:58 25 the press should be controlled by the party or the state,
26 correct?

27 A. Muammar Gaddafi was expressing his viewpoints to the people
28 on what he thinks genuine press means.

29 Q. And this was one of the things that was taught at the

1 Mathaba and in the camps, The Green Book, correct?

2 A. People are asked to read The Green Book in the Mathaba and
3 in the camps.

4 Q. Do you know, did Charles Taylor share the view of Muammar
10:10:36 5 Gaddafi of the importance of controlling the press?

6 A. One thing I would want you to understand, that I can't
7 think in Charles Taylor's place and I can't reason in Charles
8 Taylor's place. He has to reason for himself. I have to reason
9 for myself.

10:10:45 10 Q. Sir, you said you discussed - many times you talked to him
11 about political matters --

12 MR GRIFFITHS: Madam President, sorry to interrupt, but it
13 may be that there's something wrong with my eyesight, but I don't
14 see anywhere in the three paragraphs referred to by Mr Koumjian
10:11:03 15 where it states that it's either the party or the state which
16 should control the press. My reading is, unless I've missed
17 something, that it's to be run by a people's committee comprising
18 all the groups of society. Where is the reference to party or
19 the state?

10:11:24 20 PRESIDING JUDGE: Mr Griffiths, some of these issues you
21 can take up in re-examination, surely.

22 MR GRIFFITHS: With all due respect, Madam President, it's
23 totally unprofessional for counsel to cross-examine on a basis
24 which is totally false. The passage upon which he is basing
10:11:45 25 these suggestions doesn't come to the conclusions that he is
26 putting to the witness. So he's consequently cross-examining on
27 a totally erroneous basis.

28 PRESIDING JUDGE: What is the question that you are opposed
29 to, Mr Griffiths, exactly?

1 MR GRIFFITHS: [Microphone not activated] page 24, line 4
2 to 6: "Is it correct that Muammar Gaddafi was teaching that the
3 press should be controlled by the party or the state?"

4 PRESIDING JUDGE: Well, that's a question. That's a
10:12:33 5 question that the witness - I don't think that counsel was
6 necessarily reading out of this passage. There's a question; the
7 witness was there; he can answer.

8 MR KOUMJIAN:

9 Q. Mr Witness, perhaps you can assist us. The people's
10:12:52 10 committees that Muammar Gaddafi was talking about, these were
11 used to run the state in Libya, correct?

12 A. The people's committees are responsible for the day-to-day
13 running of the state administration.

14 Q. Their membership was chosen by Muammar Gaddafi, correct?

10:13:12 15 A. No, it's a lie.

16 Q. Muammar Gaddafi controlled the people's committees?

17 A. It is a lie.

18 Q. And according to you, Mr Witness, are opponents to Muammar
19 Gaddafi at the time that you were there in Libya in let's say the
10:13:31 20 1980s, were they permitted on to the people's committees?

21 A. Everybody is permitted to the people's committees in Libya.
22 If you are residing in Libya and you take your national
23 responsibility you are allowed to talk freely whatever you want
24 to say. That will advance the development of those committees.

10:13:51 25 Please, I want to correct something. These popular
26 committees are not chosen by Muammar al-Gaddafi. These
27 committees are chosen after a general congress. Because the
28 Libyans have what they called a general congress and delegates
29 are chosen from the lower structures of these general congress

1 who represent - who go as representatives of those committees to
2 these general congress, taking along the propositions of the
3 lower structures of the Libyan people's authority to the congress
4 to be debated and to be adopted by the general people's congress.

10:14:36

5 So it is not Muammar Gaddafi who chooses them, Muammar Gaddafi
6 doesn't dictate them, Muammar Gaddafi doesn't take the last
7 decision. The decision belongs to the authority of the people.

8 Q. Mr Witness, these representatives are not elected, correct?

9 A. The representatives are elected by their various
10 committees.

10:14:55

11 Q. Let's move on. Sir, I was asking you did you discuss with
12 Charles Taylor his views of press freedom?

13 A. No.

14 Q. In all of your political discussions with him, you said you
15 discussed ideology and politics, you never discussed freedom of
16 expression or press freedom?

10:15:09

17 A. Charles Taylor believes in press freedom. I believe in
18 press freedom.

19 Q. How do you know that if you just told us you never
20 discussed it with him?

10:15:25

21 A. What we discussed is based on what he reads from the press
22 - daily press. The press say this, the press say that. So it is
23 from his intellectual judgment that he takes his own viewpoint
24 and not my own viewpoint.

25 Q. My question is how do you come to your conclusion about you
26 said Charles Taylor believes in press freedom. Did he tell you
27 that? How did you come to that conclusion?

10:15:40

28 A. He reads, we argue. How do you call it, we analyse most of
29 the newspapers that we read. From there I knew that he believes

1 in press freedom - freedom of the press.

2 Q. Sir, were you familiar with the arrest in the year 2000 of
3 a BBC - I believe a British journalist Sorious Samura and some
4 South Africans in Liberia?

10:16:14 5 A. No, I was not aware.

6 MR KOUMJIAN: Perhaps if the witness could be shown MFI -
7 and I hope I have given notice on this - 198.

8 Your Honour, I'm reminded too that I haven't marked
9 documents that were used. Perhaps doing it in the order that I
10:17:19 10 used them, I believe I started with tab 16 and I would ask that
11 that document, which includes the DSA rates, be marked for
12 identification.

13 PRESIDING JUDGE: Mr Koumjian, you passed around a spare
14 sheet of paper and we have already an existing similar piece of
10:17:46 15 paper behind tab 16, so please be specific.

16 MR KOUMJIAN: Your Honour, what should be included is a
17 report from WVS of expenses incurred for the witness DCT-125.
18 Secondly, the two-page document from the International Civil
19 Service Commission which shows rates for February 2010, DSA
10:18:15 20 rates. And then the document that was handed out shows rates for
21 March 2010. So in total there are five pages.

22 PRESIDING JUDGE: And you want them marked as a single
23 document?

24 MR KOUMJIAN: Yes, please.

10:18:30 25 PRESIDING JUDGE: So the document comprising the following
26 pages: One is a report from WVS dated 10 March 2010 of the
27 expenses incurred on DCT-125, that is one page; and then two
28 pages of a document entitled "International Civil Service
29 Commission DSA circular report" for February, that's comprising

1 two pages; and another document entitled "International Civil
2 Service Commission DSA circular report" for March also comprising
3 two pages. Together those pages are marked for identification
4 MFI-413.

10:19:28 5 MR KOUMJIAN: Thank you, Madam President. Now, I also
6 presented behind tab 17 and 18 first a redacted copy of a
7 statement indicating the witness DCT-125 did not wish to be
8 interviewed by the Prosecution and an unredacted. So I would ask
9 that each be marked, but the one that is unredacted that that
10:19:55 10 includes his name of course that that be marked confidential.

11 PRESIDING JUDGE: Why do you want to keep the redacted
12 version?

13 MR KOUMJIAN: Well, it just makes a public record of what
14 the public can see, but it's not important to me. If it
10:20:13 15 simplifies things we can just keep one document, the
16 confidential.

17 PRESIDING JUDGE: The letter signed by the witness DCT-125
18 dated 19 February 2010 in its full form and a page including a
19 redacted form are both marked MFI-414. I think the
10:21:22 20 differentiation between the confidentiality will arise at
21 admission stage.

22 MR KOUMJIAN: Thank you. Then, your Honour, I read from
23 documents behind tab 1, and that was - I read from parts of part
24 3 of The Green Book, The Social Basis of the Third Universal
10:21:51 25 Theory. I read from page 12, page 13 and page 14, and I actually
26 would only find it necessary to have those pages - the cover page
27 and pages 12, 13 and 14 admitted.

28 PRESIDING JUDGE: The document entitled "The Green Book"
29 and its cover page and pages 12, 13 and 14 only are marked for

1 i d e n t i f i c a t i o n M F I - 4 1 5 .

2 MR KOUMJIAN: And then I just read from part 1 --

3 PRESIDING JUDGE: Sorry, I need to go back on that. There
4 were two parts to this book. The first part was - we need to
10:22:54 5 d i f f e r e n t i a t e t h e p a r t s .

6 MR KOUMJIAN: I haven't yet come to part 1. I mean I
7 haven't yet asked your Honour to mark that.

8 PRESIDING JUDGE: So the pages that I've mentioned pertain
9 to part 3.

10:23:03 10 MR KOUMJIAN: Correct. And part 1 we would seek admission
11 only of the first page and page 14. I only read from page 14 -
12 or we would seek to mark.

13 PRESIDING JUDGE: MFI-416 will comprise the first page of
14 part 1 of The Green Book. Is that right?

10:23:38 15 MR KOUMJIAN: Yes.

16 PRESIDING JUDGE: Or the cover? So that will be page 1.

17 MR KOUMJIAN: Correct.

18 PRESIDING JUDGE: Pages 1 and 14 of part 1 of The Green
19 Book.

10:23:51 20 MR KOUMJIAN: Yes, thank you:

21 Q. Now, Mr Witness, I would like you to look at a document
22 MFI-198. If we can just put the first page on the screen briefly
23 to remind everyone what this is. This is a document entitled
24 "Motive and opportunity for UN panel of experts recommended
10:24:20 25 sanctions against Liberia." It's a document offered by the
26 Defence during the testimony of Mr Taylor and I would like to
27 read something from page 17 to you.

28 By the way, your Honour, I don't know if this now has a D
29 number or a P number because I know your Honour mentioned

1 yesterday you just issued an order, so - not yet. Okay,
2 thank you.

3 PRESIDING JUDGE: Let me find out from Madam Court Officer.
4 Is this formerly MFI-416 should now be an exhibit, or is it?

10:25:02 5 MS IRURA: Your Honour, the decision has not yet been
6 filed.

7 PRESIDING JUDGE: In any event, we all know what we're
8 talking about. MFI-416.

9 MR KOUMJIAN: Perhaps I misspoke. It's MFI-198.

10:25:45 10 PRESIDING JUDGE: Yes, this is the formerly MFI-198. It is
11 the UN panel of experts report, as you say.

12 MR KOUMJIAN: It's the response of the government, I think
13 - of the Liberian government to the UN panel of experts report:

14 Q. Sir, now going to page 17, I would like to start reading
10:26:13 15 from the section that is now at the bottom of the screen:

16 "The Four Foreign Journalists Episode.

17 Perhaps the most unnerving situation in the whole scheme of
18 attempts to demonise the Liberian government came with the arrest
19 of four foreign journalists in Monrovia in August 2000 on charges
10:26:35 20 of espionage.

21 The journalists, Sorious Samura, a Sierra Leonean and
22 producer of the Cry Freetown film; David Barre, a British citizen
23 and the alleged script writer; Timothy Lambon and Gugulakhe
24 Radebe, a South African cameraman, purportedly came to Liberia to
10:27:08 25 produce a documentary. In the course of things, the Liberian
26 government, through a tip-off from the security apparatus,
27 uncovered a 'pre-manufactured' script which was clearly intended
28 to corroborate the false allegations against President Taylor and
29 the Liberian government on diamond smuggling, gun running and

1 support to the RUF.

2 Clearly, the debacle of the journalists must have unmasked
3 the diabolical intent of powerful interests in London and
4 Washington given the outpour of appeals that came from
10:27:52 5 influential members of the international community. Those who
6 called the government to plead for the release of the journalists
7 included the Reverend Jesse Jackson, former South African
8 President Nelson Mandela, Nigerian President Olusegun Obasanjo,
9 the British foreign office, London's Channel Four TV as well as
10:28:16 10 the CNN.

11 The Liberian people applauded the government, which in
12 accordance with its laws, exercised restraint, patience and
13 maturity in dealing with the four journalists issue, thereby
14 preventing it from creating an international crisis.

10:28:35 15 Following the charge against the journalists and a day
16 before their appearance in a court of competent jurisprudence,
17 the British ambassador accredited to Liberia with residence in
18 Abidjan and special counsel representing Channel Four TV in
19 London flew to Monrovia. They were joined by the Sierra Leone
10:29:00 20 ambassador accredited to Monrovia, to 'find a way out of the
21 mess'.

22 In the wake of the legal procedures Channel Four TV faxed
23 an 'unreserved apology' to the Liberian government for any
24 offence that the actions of the journalists who were in their
10:29:17 25 employ, might have caused the Liberian government and people.

26 Subsequently, the four journalists, while in prison issued
27 a similar handwritten unreserved apology. They were eventually
28 released by the courts and permitted by the government to depart
29 the country following their apology.

1 Perhaps what is most unnerving about the entire episode is
2 the intelligence information uncovered about the true identity of
3 the journalists. Through Interpol cooperation it was revealed
4 that one of the so-called journalists, Timothy John Lambon, the
10:29:57 5 assumed TV cameraman, was a soldier of fortune who once offered
6 his service in Rhodesia during its civil war years, and has been
7 involved in wars throughout southern Africa, including Angola and
8 South Africa during the apartheid era. Aside from the attempts
9 to corroborate the false allegations against the Taylor
10 government, what then could have been the motive of a potential
10:30:27 10 assassin parading as a TV cameraman among a media crew, several
11 of whom are also suspected to have been impersonating as real
12 journalists. Suspicion of their deadly motive was further
13 revealed from their desperate, tenacious and persistent efforts
14 to interview the President of Liberia at 'all cost'.
10:30:55 15

16 The four journalist' episode was a clear indication that
17 their intention to produce a documentary on Liberia and link
18 President Taylor to 'blood diamonds' and gun-running charges, was
19 connected to the motive of the out-going US State Department and
10:31:20 20 the British foreign office.

21 Also, following this episode, an avalanche of allegations
22 against Liberia ceased for a considerable period, until October
23 (2000) when the Greenstock delegation and a panel of experts from
24 the United Nations Security Council, visited Liberia to
10:31:45 25 investigate the diamond trade and its effects on the Sierra Leone
26 conflict."

27 Mr Witness, now Mr Taylor also talked about this episode in
28 his testimony. And this is what Mr Taylor had to say about the
29 arrest of these journalists. If we could put the transcript on

1 the screen from 16 February this year at page 35073. That's 16
2 February, 35073. I'll start reading from the first full
3 paragraph, line 8. Mr Taylor testified:

4 "But before this group came into Liberia, which is about
10:33:10 5 2000, we had received some information, and they were very
6 persistent. We had refused, apparently, the minister tells me,
7 for so long. There was this fear that because of the attacks
8 against me - at this particular time in 2000 there were various
9 attacks against me, the news media, the BBC, Washington Post and
10:33:33 10 everything - that we needed to be very careful, and even their
11 insistence on filming me, I should be - we should be very
12 careful, because cameras exist that have certain capabilities
13 that could harm leaders.

14 One of the examples that had been given by our - I mean, to
10:33:49 15 our security was the killing of Ahmad Shah Massoud of Afghanistan
16 by using some similar electronic camera or something and that
17 this - and that cameras existed that had rays or beams that could
18 be pointed to an individual and could cause them in some way some
19 bodily harm after the fact. So we were very, very much on high
10:34:15 20 alert."

21 Now, Mr Witness, can you see here that in his testimony -
22 this is from Mr Taylor's re-direct examination just last month -
23 he lied when he said he was given a warning that our security was
24 - given an example of the killing of Ahmad Shah Massoud of
10:34:38 25 Afghanistan? Do you see that?

26 A. I've seen the writing, but I'm trying to see - can you show
27 me where the lie lies?

28 Q. Well, Mr Witness, these journalists were arrested in August
29 2000. Ahmad Shah Massoud was killed September 9, 2001, over a

1 year later. So Mr Taylor was lying when he said he was given a
2 warning to his security that the same thing could happen to him
3 that happened to Massoud because it hadn't happened. It hadn't
4 happened. It didn't happen for another year. Do you see that?

10:35:22 5 A. I'm seeing what you are reading from the document, but I
6 was not aware about this issue of these journalists and I can't
7 remember Shah Massoud - I don't know Shah Massoud of
8 Afghanistan - when he was killed. And I cannot confirm whether
9 he was lying or not. But one thing I will tell you that, common
10:35:46 10 to every leader, every political leader in the world, he has to
11 rely on the information that his security officers give him to be
12 able to be careful for his own security. So if he had made a
13 mistake on the dates of the Afghan who was killed and the
14 incident that took place in Liberia on this issue of these
10:36:08 15 journalists, I don't see what I can do to clarify the situation.
16 I'm not aware of what went on.

17 Q. Sir, just so that there's no doubt, let's look at the
18 documents behind tabs 19, 20 and 21 to see the date of the
19 assassination of Ahmad Shah Massoud. That should be tabs 19, 20
10:36:38 20 and 21. Sir, do you see what we're looking at just above where
21 it says "Profile: The Lion of Panjshir" is a date, Monday, 10
22 September 2001?

23 A. Correct.

24 Q. And, sir, I'll just read the first two paragraphs:
10:37:39 25 "Ahmad Shah Massoud, who has been injured in an
26 assassination attempt, is easily the most important leader in the
27 anti-Taliban alliance in Afghanistan.

28 Commander Massoud was wounded in a suicide bomb attack at
29 his headquarters in a garrison town in the northern province of

1 Takhar. "

2 Now, that's all I'm going to read from this document, but
3 let's look at tab 250. Sir, this is a document from the internet
4 called "afghan-web.com", "Afghanistan Online" and it appears to
10:38:36 5 be a biography of Ahmad Shah Massoud. And in order to just speed
6 things up, I don't want to read it all, but if you take the first
7 paragraph, I'm going to start reading from about five lines up:

8 "Massoud was chosen as leader of UNIFSA when on September
9 9, 2001, two days before the September 11 terrorist attacks in
10:39:14 10 the United States, Massoud was killed. "

11 Then if you turn the page, we see the entry - the last
12 entry in the table: "September 9, 2001. Death. Killed by
13 suicide attackers. "

14 If we can now go to tab 21. It's a very brief article
10:39:56 15 dated April 29, 2003, in the New York Times. I'll read the
16 entire article:

17 "Afghanistan announced it had set up a commission to track
18 down those responsible for the assassination of the anti-Taliban
19 commander Ahmad Shah Massoud as the country celebrated the 11th
10:40:16 20 anniversary of the defeat of the Communist government.

21 Mr Massoud, also a famed anti-Soviet fighter, was killed by two
22 suicide bombers posing as journalists in northern Afghanistan two
23 days before the September 11, 2001, terrorist attacks. "

24 So, Mr Witness, it's not a question of Mr Taylor not
10:40:40 25 remembering a year correctly. He testified under oath in
26 re-direct examination that one of the reasons he arrested Soroush
27 Samura and these other journalists who were investigating his
28 role in supporting the RUF in report [sic] for diamonds, he said
29 one of the reasons he did that was because his security had been

1 warned about the killing of Massoud by journalists and a
2 cameraman, but this hadn't happened in 2000. It happened over a
3 year later. Can you explain that, Mr Witness?

4 A. I am not Mr Taylor to explain that, please. I have no
10:41:17 5 knowledge of what - the incident with the journalist and I have
6 no knowledge of the decision of Charles Taylor and I have no
7 knowledge of what went around - what motivated Taylor to give his
8 evidence on that, making the mistake.

9 MR KOUMJIAN: Your Honour, may these three documents
10:41:38 10 perhaps be given one MFI number. They deal with the same subject
11 of dating the death of Ahmad Shah Massoud.

12 PRESIDING JUDGE: The BBC News of Monday, 10 September
13 2001, comprising the article entitled "Profile: The Lion of
14 Panjshir" and the article entitled "www.afghan-web.com", the
10:42:46 15 topic entitled "Ahmad Shah Massoud" giving a chronology of his
16 life comprising two pages, and the next article is an article
17 from the newyorktimes.com dated 29 April 2003, the title is
18 "After-effects briefly noted, Afghan panel to investigate
19 Massoud's death" comprising one page. Those documents are
10:43:23 20 collectively marked MFI-417.

21 MR KOUMJIAN: Thank you, your Honour. If the witness could
22 be shown the transcript of 9 March of this year, his testimony in
23 open session, page 36797. If we can go to line 23:

24 Q. Mr Witness, you said:

10:44:57 25 "Charles Taylor never introduced Foday Sankoh to me. To my
26 knowledge and to the way I deal with Charles Taylor, I noticed
27 that it is an issue of internal matter. It's an internal matter
28 of the NPFL, and he has never discussed that issue with me on -
29 Foday Sankoh's issue."

1 Mr Witness, what did you mean when you said that
2 Foday Sankoh was an internal matter of the NPFL?

3 A. Foday Sankoh had no relations with SOFA, so Foday Sankoh's
4 dealing with the NPFL was an internal matter of the NPFL and the
10:45:33 5 RUF.

6 Q. Mr Witness, you also testified that you had read Footpaths
7 to Democracy. Do you recall that?

8 A. Yes.

9 Q. And do you recall saying that you read that in late 1996 or
10:45:57 10 1997?

11 A. Yes.

12 Q. How did you happen to read that publication - that
13 document?

14 A. I got this document from a friend in Ouagadougou.

10:46:16 15 Q. And what friend was that that gave you this document?

16 A. He's a diplomat.

17 Q. Yes, sir. Who was that?

18 A. I can't mention his name here.

19 Q. Is there a reason why you can't mention his name?

10:46:33 20 A. For security reasons.

21 Q. You believe he would be in danger if it was revealed that
22 he gave you a copy of Footpaths to Democracy?

23 A. Both him and me can be in danger.

24 Q. Okay, then we'll deal with that in private session. You
10:46:52 25 are read it after you were given the document, correct?

26 A. I read it briefly.

27 Q. You read it enough to offer an opinion in this Court about
28 it, correct?

29 A. I can offer an opinion in any document that I read. I'm a

1 politician.

2 Q. So you read the document and, sir, why did you have the
3 interest to read the ideology of the RUF?

4 A. I read the ideology of every politician worldwide that I
10:47:18 5 can lay my hands on to enrich my political knowledge.

6 Q. Sir, at that time you were in Burkina Faso in late 1996,
7 1997 - is that right?

8 A. Yes.

9 Q. When did you actually get there? In 1996? Base there?

10:47:37 10 A. When I was where?

11 Q. Burkina Faso?

12 A. I was in Burkina Faso in 1996, 1997. I was there before
13 even that.

14 Q. Now, Mr Witness, when you read that document, did you speak
10:47:57 15 to any RUF members about it?

16 A. No.

17 Q. Have you --

18 A. Please. Don't let nobody judge me wrong. I don't know any
19 RUF leadership so I don't have any relationship - close
10:48:18 20 relationship with the RUF.

21 Q. Sir, you know Sam Bockarie, don't you?

22 A. I've never seen his face before. I only heard his name
23 over the BBC.

24 Q. You know Eddie Kanneh, don't you?

10:48:33 25 A. I don't know nobody by the name Eddie Kanneh. The only
26 person I have seen face-to-face and that's the end of it was
27 Foday Sankoh. I don't know anybody from the RUF.

28 Q. And Foday Sankoh was your revolutionary brother, correct?

29 A. I don't think you will be right in saying that Foday is my

1 revolutionary brother without my appreciation.

2 Q. Question, sir: Were the RUF your revolutionary brothers?

3 A. Every liberation movement that calls itself a revolutionary
4 and I'm convinced that if they are revolutionaries they are my
10:49:07 5 revolutionary brothers in the fight for the liberation of the
6 African people.

7 Q. And you view it as your duty to assist all those fighting
8 for liberation, all these revolutionary brothers, correct?

9 A. My Pan-African duty is solidarity with them.

10:49:37 10 Q. Mr Witness, you learned that Foday Sankoh had been in
11 Libya, correct?

12 A. I learned that as you said. Yes, it's true.

13 Q. When did you learn that?

14 A. I learned that after when he launched his revolution.

10:49:53 15 Q. Where were you when you learned that the RUF was fighting
16 inside Sierra Leone?

17 A. In 1991 I was in Danane. By that time I was sick.

18 Q. Did you hear Foday Sankoh on the radio when he announced
19 the attack in Sierra Leone?

10:50:17 20 A. No.

21 Q. Did you hear Foday Sankoh on 1 March 1991 giving a 90-day
22 ultimatum to the Momoh government threatening to launch an attack
23 if the ultimatum wasn't met within 90 days?

24 A. I didn't hear it myself. I was told.

10:50:43 25 Q. But it wasn't even 30 days. It was later that same month
26 that you learned that the RUF was actually fighting inside Sierra
27 Leone, correct?

28 A. I didn't know anything about it.

29 Q. You said you learned about the RUF being in Sierra Leone

1 when you were in Danane. Was that in March 1991?

2 A. Yes.

3 Q. Sir, do you recall Charles Taylor making threats against
4 any forces that threatened to intervene, ultimately ECOMOG, in
10:51:30 5 the Liberian conflict?

6 A. No.

7 Q. Do you recall Nigerians and nationals of other countries
8 that contributed to ECOMOG being detained in Liberia when you
9 were there?

10:51:50 10 A. Can I just be very clear in what I said even when I gave my
11 testimony here. No foreign nationals from West Africa who were
12 in Liberia was arrested. I was there. I said it here that the
13 orders were given to me by His Excellency President Taylor to
14 secure the people. I was responsible for their security, for
10:52:15 15 their feeding, I was responsible for their repatriation under the
16 orders of President Taylor when he ordered me to provide trucks,
17 transportation for them, and the people who were transported out
18 of Liberia under Taylor's orders were first and foremost the
19 diplomats whom I assisted in getting them into the US ship.

10:52:40 20 Number two, the Ghanaians, I even went with the delegation to
21 Ghana, the Ghanaian delegation to Ghana to negotiate on how they
22 will be repatriated back to Ghana. I arranged the repatriation,
23 providing transportation to the Nigerian nationals who were in
24 Liberia. I arranged for the transportation of the Niger
10:53:03 25 nationals who were in Liberia with the assistance of a diplomat -
26 a Nigerian who is now a diplomat who was by that time living in
27 Liberia. I arranged --

28 PRESIDING JUDGE: Sorry, did you say a Nigerian?

29 THE WITNESS: No, Nigerian. Sorry, Niger. I assisted the

1 repatriation of the Ivoirians by providing transportation for
2 them. All not my initiation, it was through the orders of
3 President Taylor. I organised the repatriation Guinean-Conakry
4 nationals. I organised and assisted in the repatriation of the
10:53:53 5 Gambians, the Burkinabes and the Sierra Leoneans who wanted to go
6 back to Sierra Leone. But everybody who was displaced, a foreign
7 national living at that time in Liberia was protected. They were
8 all staying at Fendell and I was based in Buchanan and most of
9 them also were based in Buchanan and they were not being chucked
10:54:18 10 in a concentration camp. They were free, they had their houses
11 and we had a place where the NGOs assisted to house them and to
12 feed them.

13 MR KOUMJIAN:

14 Q. Sir, who were you dealing with in getting - you said
10:54:33 15 helping Sierra Leoneans that wanted to go back to their country?

16 A. The Liberian how do you call it - the president of the
17 Liberian committees, just as the president of all the other
18 committees of all the different nationalities who were in Liberia
19 by that time.

10:54:47 20 Q. What Sierra Leoneans were you dealing with?

21 A. The displaced people, the displaced Sierra Leoneans who
22 were there, their committee. Because we asked all the nationals
23 who were there to form committees so I was not dealing with an
24 individual.

10:55:03 25 Q. Sir, you've said no Nigerians or others were detained. You
26 were in Liberia in July, August 1990, correct?

27 A. Yes.

28 Q. If the witness could be shown MFI-192. Sir, this is a book
29 by Herman Cohen who was a United States State Department official

1 and later worked under a contract for Charles Taylor. And if we
2 could turn to page 149.

3 A. Are you asking me to recognise him?

4 Q. Well, I'm not, but do you recognise him?

10:56:25 5 A. No, I've never seen him before.

6 Q. I want to just read to you the second full paragraph. Just
7 that paragraph on this page. Mr Cohen wrote:

8 "To Taylor the ECOWAS refusal to name him interim

9 President proved that Nigeria hated him and secretly supported

10:56:56 10 Doe, a conclusion bolstered by the ECOWAS secretariat's location

11 in Nigeria. The view of Cote d'Ivoire President

12 Houphouet-Boigny, a major NPFL supporter, that ECOWAS was a

13 vehicle for Nigerian domination of the sub-region encouraged

14 Taylor's jaundiced view of Nigeria. After one week, the talks

10:57:20 15 broke up in deadlock on 19 July. Accordingly, Taylor kept the

16 Nigerian citizens trapped behind his lines as hostages to deter a

17 Nigerian intervention."

18 Mr Witness, that's the truth, isn't it?

19 A. It's a lie. Because even - how do you call it - it was not

10:57:44 20 only Nigerians who were members of the ECOMOG group. You have

21 Gambians. You had other nationals. And even the formation of

22 ECOMOG, the whole idea came from the meeting that took place in

23 Banjul. So I can't see why Cohen is writing such a defamatory

24 information in this newspaper like this.

10:58:05 25 Q. Let's go to the next page, the first full paragraph:

26 "To establish an interim regime, a national conference of

27 Liberian political parties and civil society would select the

28 government and its interim leader, who would be ineligible to run

29 for President. His exclusion as head of the interim government

1 and ECOMOG's domination by Nigerians convinced Taylor he would be
2 the loser. He therefore objected strongly and noisily, warning
3 the Nigerians not to come in. Taylor's detention of their
4 citizens and protests against their alleged support for Doe
10:58:54 5 convinced the Nigerians they had no option but to intervene."

6 Mr Witness, you were aware that Nigerians were detained by
7 Taylor's forces in July and August 1990, correct?

8 A. It's a lie. And I will tell you that according to what
9 you've read just now, that Taylor realised that he would be the
10:59:16 10 loser, therefore, this is why - no, it's not true because - you
11 know, Taylor is a politician. He's not just an adventurer. He
12 knew what he was doing. He was playing his cards, like anybody
13 else in the world can play his cards to win in politics. So if
14 he sees that by being leader of the interim government he will be
10:59:32 15 the loser, he will not stand for elections. He can't see the
16 rationale why he took up arms to fight to liberate his own
17 people, so Charles has to stand to see to it that he becomes the
18 President of Liberia to be able to implement his programme that
19 he wanted for his people in Liberia.

10:59:48 20 So the issue that because he saw that he was a loser, this
21 was why he had Nigerians behind his line trapped and they kept
22 them in detention camps was a lie. Nobody was chucked in a
23 detention camp in Liberia during the time I was there, because
24 all the nationals, foreign nationals of the West African
11:00:09 25 sub-region who were there during that time were there under
26 protection, not kept in any place. They were fed. They were
27 taken care of. And the proof is that, ask any NGO that was
28 there, independent NGOs, even non-African NGOs who were there by
29 that time, they can give you the real version of what took place

1 and how they participated in securing these people and feeding
2 those people. So it is a real big lie to say that these people
3 were kept behind Taylor's line against their own will. It is not
4 true.

11:00:44 5 Q. Mr Witness, Mr Taylor warned ECOMOG that if they came in he
6 would fight them. Isn't that true?

7 A. He has the right. He is fighting for his people. And if
8 anybody comes to disturb the struggle that he is fighting for
9 other interests, as a leader of the Liberian people, Charles
10 Taylor has every right to do whatever he wants to protect what he
11 has already won.

12 Q. Sir, please answer my question. And let me read it again
13 so I make sure you have it.

14 A. Go ahead.

11:01:18 15 Q. Sir, Charles Taylor warned ECOMOG that if they came in his
16 forces would fight them. Isn't that true?

17 A. I said that Charles Taylor has a right to say that as a
18 leader.

19 PRESIDING JUDGE: What you are answering is not what was
11:01:41 20 asked. That's why it was asked again, because you didn't answer.
21 You are giving your opinion on something else.

22 THE WITNESS: He wants me to answer what is in his head. I
23 will not do it.

24 PRESIDING JUDGE: No. He has asked you a question, which
11:01:54 25 is quite simple, that you can answer. Mr Koumjian, please ask
26 the question again.

27 MR KOUMJIAN: Yes:

28 Q. Mr Witness, isn't it true that Charles Taylor warned ECOMOG
29 that if they entered Liberia his forces would fight them?

1 A. No, it's not true.

2 Q. And, Mr Witness, isn't it true that Charles Taylor had his
3 forces begin a process of detaining foreign nationals
4 particularly targeting Nigerians?

11:02:25 5 A. It's not true.

6 MR KOUMJIAN: If we could have the transcript, please, of
7 20 July, page 24730.

8 PRESIDING JUDGE: Is this 20 July of last year?

9 MR KOUMJIAN: Sorry, 20 July 2009, yes. 24730:

11:03:22 10 Q. Mr Witness, this is from the testimony of Mr Taylor. Just
11 perhaps for completeness, if we go to the page before, I'll just
12 start reading the last sentence on the previous page. Line 25,
13 the question from Defence counsel to Mr Taylor was:

14 "Q. Now as a consequence of that, Mr Taylor, bearing in
11:03:53 15 mind that at this stage the NPFL controlled a sizeable
16 portion of the country, did you take any steps against the
17 nationals of those contributing countries who were within
18 your territory?

19 A. Yes, to an extent we did. Doe is killed now in
11:04:13 20 September, but we have warned ECOMOG that because certain
21 contributing states had taken sides we knew that they would
22 not be fair and that we will fight them if they arrived.
23 Now, by October ECOMOG commenced a massive bombing raid,
24 indiscriminate bombing raid across NPFL areas. Some of
11:04:34 25 them were a little too precise, and what we did at that
26 particular time was to begin a process of picking up
27 certain nationals, especially we were targeting Nigerians
28 because at that particular time there was a free flow of
29 information" -and a particular point here, I think, of

1 notice would be - "when ECOMOG deployed in Liberia in
2 August, I have mentioned to this Court that Camp Schefflein
3 was not captured by the NPFL at that time."

4 So, Mr Witness, who is the liar, Mr Taylor, when he says he
11:05:12 5 did begin the process of picking up nationals contributing
6 countries and targeting Nigerians, or you?

7 A. Now, if Taylor is lying, you can prove him lying. But I am
8 telling you the truth and I want you to understand that.

9 Liberia, the area that Charles Taylor liberated was not just
11:05:36 10 three inches. He liberated most of the parts of Liberia. And
11 where I was staying, what we were responsible of, that is what

12 I'm telling you. What Taylor told you, he is telling you. If
13 security are priorities of Taylor's, NPFL has picked up people, I
14 was not aware. But what I'm telling you is that I have my proofs

11:06:01 15 that if you can ask some these NGOs - there is the Red Cross, the
16 Catholic relief service, you have MFS, you have Medecins Sans -
17 okay, MFS, and you have these journalists without borders - they

18 can tell you exactly what I was doing in Buchanan with all the
19 nationals who were under my protection. So if Charles Taylor has
11:06:25 20 given the orders that some Nigerians were picked up, it was not

21 to my knowledge. And you should always put this in your mind
22 when you are asking me a question: I am not part of Charles
23 Taylor's military strategy and plans.

24 Q. Mr Witness, everyone who was in NPFL territory during that
11:06:42 25 time, and particularly someone in your position, would have known
26 that Nigerians and other nationals of ECOMOG countries were being

27 detained and targeted. Isn't that true?
28 A. Unless if you want to let me accept it in your way of
29 thinking, but, to my knowledge, I was not aware.

1 Q. Sir, when you saw Foday Sankoh you said in Gbarnga,
2 according to you, for the first time, did you go to talk to him?

3 A. It's clear in the testimony I gave that I didn't speak to
4 him. I just always shook hands with him, and I went to see
11:07:26 5 President Taylor.

6 Q. Were you curious about Foday Sankoh?

7 A. On what?

8 Q. Who he was, what his movement was about.

9 A. I'm not an adventurer, so I always do things precisely to
11:07:46 10 prove that I'm a political leader.

11 Q. You said you saw him and then you went to see Taylor. Did
12 you then ask President Taylor about Foday Sankoh?

13 A. I told you that internal - NPFL internal matters, I don't
14 meddle with them.

11:07:56 15 Q. Wouldn't it be natural for you, sir, to ask about another
16 revolutionary group in the neighbouring country?

17 A. No, it's not our way of dealing. Our movement has its own
18 way of dealing with other movements. We don't pass through
19 another movement to be able to get information concerning another
11:08:15 20 movement. That would be pettiness.

21 MR KOUMJIAN: If the witness could be shown the transcript
22 of 23 September of last year, page 29480.

23 MS IRURA: Your Honour, just to remark that this is private
24 session material.

11:09:25 25 PRESIDING JUDGE: I hope it's not being broadcast. Is it?
26 Is it being broadcast beyond the Court? Okay, so it's not being
27 broadcast. It's okay.

28 MR KOUMJIAN: Madam President, I would like to read a
29 paragraph that begins line 18 and --

1 PRESIDING JUDGE: Please do take care, because this is
2 private session material, and depending on how you ask, I would
3 not want you to reveal any protective information.

4 MR KOUMJIAN:

11:10:03 5 Q. Mr Witness, this is from the testimony of Mr Taylor. I'm
6 starting to read from line 18. He testified in September - in
7 fact - excuse me. I will have to deal with this in private
8 session. I apologise for not thinking about that.

9 Sir, I would like you - did you ever discuss at any time
11:10:42 10 with Foday Sankoh the ages of the individuals in his armed
11 forces?

12 A. What are you saying?

13 Q. Did you ever discuss with Foday Sankoh what ages were his
14 soldiers?

11:11:01 15 A. No. And I want to ask you, which Foday Sankoh? A ghost or
16 real Foday Sankoh?

17 PRESIDING JUDGE: Please, please, please. A "no" will
18 suffice. Okay?

19 THE WITNESS: Pardon?

11:11:12 20 PRESIDING JUDGE: A "no" will suffice. It is enough for
21 you to say "no". You do not need to give running commentaries in
22 addition.

23 MR KOUMJIAN:

24 Q. Sir, did you ever discuss with Charles Taylor
11:11:28 25 Foday Sankoh's view of child - the use of child soldiers?

26 A. No.

27 Q. Did you discuss with anyone Foday Sankoh's views on the use
28 of child soldiers?

29 A. No.

1 Q. If the witness could be shown from his testimony from
2 9 March, page 36884. I would like to ask you about something you
3 said there, sir.

4 MS IRURA: Your Honour, once again, this is private session
11:12:22 5 material.

6 MR KOUMJIAN: Out of an abundance of caution, I could deal
7 with it in private session then:

8 Q. Mr Witness, when were NPFL soldiers - NPFL trainees first
9 in Libya, if you know?

11:13:06 10 A. When they first went I didn't know. I knew that they were
11 there but I don't know when they first went.

12 Q. When did you become aware that they were there?

13 A. I was aware that they were there in '87.

14 Q. Do you recall when in '87?

11:13:23 15 A. I can't.

16 Q. Do you know how they got to Libya, whether they passed
17 through other countries?

18 A. No.

19 Q. Mr Witness, where were you when Thomas Sankara was killed?

11:13:57 20 A. I was in Accra. That very day I was in Accra.

21 Q. When you had arrived in Accra that day?

22 A. No, I was there a few days before he was killed.

23 Q. And when did you return to Burkina Faso?

24 A. I didn't come straight to Burkina Faso. From Ghana I went
11:14:19 25 to Libya.

26 Q. How many days before Thomas Sankara was killed had you left
27 Burkina Faso?

28 A. I left Burkina Faso few weeks before Sankara was killed.

29 Q. Now on this trip where you went to Libya, was the NPFL

1 there in Libya?

2 A. When Sankara was killed?

3 Q. Well, you said you went to Libya after Sankara was killed
4 from Ghana?

11:15:00 5 A. Yes.

6 Q. Was the NPFL there?

7 A. No, to my knowledge.

8 Q. When you were in Accra, where was Charles Taylor to your
9 knowledge?

11:15:11 10 A. When?

11 Q. On this trip that you just mentioned?

12 A. Charles Taylor, I got the information that he was in
13 Burkina. Because I don't monitor his movements.

14 Q. Sir, do you recall the date that Thomas Sankara was killed?

11:15:41 15 A. No.

16 Q. If we could have the document behind tab 10, please, put on
17 the screen. Sir, you'll see that is this a document from a
18 LexisNexis service. It's an article from the New York Times,
19 dated 26 October 1987 from Ouagadougou. "Dateline: Ouagadougou,
11:16:58 20 Burkina Faso, October 24." Let me just read the first three
21 sentences:

22 "For a decade, the two young military officers were
23 inseparable friends. They trained together, they ate together
24 and, eventually, they plotted together. Once in power, however,
11:17:25 25 Captain Thomas Sankara and Captain Blaise Compaore found that
26 this country of 8 million people was too small a place for both
27 of them. The showdown came October 15, when a unit of Captain
28 Compaore's commandos shot President Sankara and 12 aides to
29 death."

1 Then, to avoid reading the whole article, if we can go to
2 page 2. In the middle of the page:

3 "Two young men at the gravesite said they were offended by
4 the treatment of the President's body. Under the cover of a
11:18:22 5 curfew in the pre-dawn hours of October 16, the bodies of Captain
6 Sankara and his 12 aides were thrown into a common grave and
7 covered with a light layer of dirt. The burial was so hasty that
8 mourners were able to dip their handkerchiefs in pools of blood
9 that drained from the grave. On October 17 the remains were
11:18:49 10 reburied in separate graves."

11 Then if we go to the third page, second paragraph at the
12 top:

13 "On the radio the night of the coup, the new President
14 denounced his erstwhile comrade in arms as 'the renegade
11:19:15 15 Sankara.' Radio commentators later branded the former President
16 a traitor and megalomaniac. Later in the week, Captain Compaore
17 told reporters that he might erect a memorial to the slain
18 President."

19 Then I am going to skip down six paragraphs:

11:19:39 20 "According to one western diplomat who said he had
21 interviewed one of Captain Sankara's surviving bodyguards, the
22 President was unarmed when Captain Compaore's men entered the
23 presidential compound.

24 At the presidential compound Friday President Compaore gave
11:19:59 25 his version of the killing. Captain Sankara had resisted arrest
26 with a machine pistol, he said, killing one of the Compaore men."

27 Mr Witness, do you know - does this accord with your memory
28 that Thomas Sankara was killed on 15 October 1987?

29 A. Yes, I know Sankara was killed in October but the precise

1 day I can't remember.

2 Q. And at that time NPFL recruits were in Burkina Faso in
3 Ouagadougou, correct?

4 A. No.

11:21:09 5 MR KOUMJIAN: Your Honour, at this time it might be useful
6 for me to go into private session. I have a lot of matters to
7 cover in private session.

8 PRESIDING JUDGE: For the members of the public listening,
9 we have to go into a brief private session for the protection of
11:21:34 10 this witness.

11 MR KOUMJIAN: Just to be fair to the witness, I think it
12 will be more than brief. I have a lot of matters to cover in
13 private session.

14 PRESIDING JUDGE: That's fine.

11:21:42 15 MR KOUMJIAN: Thank you. Your Honour, may that article
16 that was just shown be marked for identification.

17 [At this point in the proceedings, a portion of
18 the transcript, pages 37610 to 37656, was
19 extracted and sealed under separate cover, as
11:21:53 20 the proceeding was heard in private session.

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1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 MR GRIFFITHS: Madam President, your Honours, both the
4 witness and Mr Taylor expressed a desire to see each other at the
14:34:17 5 conclusion of the witness's evidence. I raised this matter with
6 the Registrar and Mr Townsend contacted security in this building
7 who have decided that the easiest way of facilitating that is for
8 the witness, on the conclusion of his evidence, to be taken to
9 the holding cell just behind the Court here. Security are happy
14:34:41 10 with that, that they can see each other for 15 minutes at the
11 conclusion of his evidence. You can see why I decided to raise
12 this in the absence of the witness. And I'm told by security
13 that all they require in order to put the necessary arrangements
14 in place is for the judges to indicate that they have no
14:35:03 15 difficulty with such a meeting taking place. And I was asked to
16 raise it at this stage in the hope that, if the witness's
17 testimony finishes today, it can be facilitated at 4.30.

18 PRESIDING JUDGE: Mr Koumjian, before we give our decision
19 one way or the other, could we hear from the Prosecution
14:35:43 20 regarding this application.

21 MR KOUMJIAN: Your Honour, in this situation I believe just
22 as a friend of the Court, it's our view that, for security, this
23 should be a monitored - also for the integrity of the
24 proceedings - a monitored visit, if such a visit is permitted.

14:36:05 25 PRESIDING JUDGE: Mr Griffiths, will this be a monitored
26 visit?

27 MR GRIFFITHS: Can I indicate, Madam President, my learned
28 friend may well be unfamiliar with the procedures backstage, if I
29 can call it thus, but there are always at least three security

1 guards in attendance who observe visits through a glass panel in
2 the door. So it would be impossible for anything untoward to
3 take place during the course of such a visit.

14:36:41 4 PRESIDING JUDGE: Mr Koumjian, is that the same as
5 monitored?

6 MR KOUMJIAN: No. My understanding of monitored would be,
7 of course, to monitor the conversation. And I don't know if
8 counsel - whether that - I am, as counsel says, unfamiliar with
9 what takes place backstage, but our concern, of course, and I
14:36:53 10 would imagine it would be the concern of security also, is that
11 normally any visits to a detainee other than those that are
12 privileged such as with counsel are monitored, which means that
13 the conversations are listened to. And in particular with this
14 witness, I see every reason why - who is - well, I don't have to
14:37:14 15 go into that.

16 PRESIDING JUDGE: Who normally is that third party that
17 sits monitoring?

18 MR GRIFFITHS: Well, I'm told by Mr Taylor that such
19 meetings normally take place in sight and hearing of those
14:37:30 20 responsible for his security, as opposed to being recorded.

21 [Trial Chamber conferred]

22 PRESIDING JUDGE: Mr Griffiths, we have been considering
23 and we're concerned about this visit for a number of reasons, one
24 of which is, supposing there's a need for the witness to be
14:40:41 25 recalled for some reason or other on the stand. Do you foresee
26 that this will definitely not happen?

27 MR GRIFFITHS: Madam President, I can't see any
28 circumstance in which, as presently advised, we would be
29 considering recalling either this or any other witness.

1 PRESIDING JUDGE: Supposing the Prosecution want to recall
2 him? Anyway, these are the risks that one takes when one
3 arranges such a meeting. However, we've also taken note of the
4 concession by the Prosecution that they would in principle not be
14:41:29 5 opposed to such a visit provided it is monitored for the
6 integrity of the proceedings.

7 MR GRIFFITHS: Madam President, I'm sorry to interrupt, but
8 can I also say that there is this safeguard if your Honours are
9 concerned at the prospect of the witness having to return: A
14:41:50 10 handwritten recording could be made of the meeting, and that
11 could be used as ammunition in cross-examination at a later stage
12 if the need arose to recall him.

13 PRESIDING JUDGE: In any event, let me finish my ruling.
14 This is what we had come up, and this is the ruling of the Court.

14:42:13 15 In view of the Prosecution's stand on this issue, we agree
16 that for the integrity of the proceedings the visit should be
17 monitored, and we're not satisfied that only three security would
18 constitute the monitors.

19 We direct that the head of office from the Registry,
14:42:39 20 Mr Townsend, should be present, and in the event that he's unable
21 to be present, then the chief of detention of - Silvano, I think,
22 should be present. Mr Townsend indicates that he would be able
23 to be here within the precincts of the Court by 4 o'clock this
24 afternoon. This is a note I've just received. So as long as
14:43:17 25 Mr Townsend is present, this visit is possible. It's agreeable
26 to the judges.

27 MR GRIFFITHS: I'm most grateful.

28 PRESIDING JUDGE: So the witness would be brought in,
29 please.

1 MR KOUMJIAN: Your Honour, perhaps just to take advantage
2 of the time, there are a couple of documents that I failed to ask
3 to be marked that were just used. Those would be the documents
4 behind tabs 14 and 15. I'd ask that they be given an MFI number.

14:44:04 5 [In the presence of the witness]

6 PRESIDING JUDGE: Whilst we're still in open session, I
7 will mark these documents. The first is the document behind tab
8 15. Now, Mr Koumjian, you have to specify what parts of this
9 document you want marked.

14:44:51 10 MR KOUMJIAN: This document behind tab 15 entitled "The
11 Special Rapporteur on Prisons and Conditions of Detention in
12 Africa: Achievements and Possibilities", I'm only requesting the
13 first page and then the pages that I read from, which are 165 and
14 166.

14:45:14 15 PRESIDING JUDGE: Then the document as described by counsel
16 comprising three pages is marked MFI-419. The document behind
17 14, specify please the pages.

18 MR KOUMJIAN: Your Honour, on this document I only read
19 from page 5, but my request would be to have the entire document
14:45:45 20 marked because I think it puts in context the tone of the
21 document, that it's quite critical of human rights practices in
22 that country.

23 PRESIDING JUDGE: This is a document comprising 13 pages
24 entitled "US Department of State, Diplomacy in Action" and the
14:46:09 25 date is 23 February 2001. That is marked MFI-420.

26 Now if we could revert into private session, please, for
27 the completion of certain evidence that is confidential.

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[At this point in the proceedings, a portion of the transcript, pages 37661 to 37693, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

2 MS IRURA: Your Honour, we're in open session.

3 MR KOUMJIAN: Could the witness be shown the transcript

4 from 14 July 2008, page 13567. I'm going to read from 25,

15:57:25 5 starting at the end. This is testimony of a witness, TF1-388,

6 who testified in 2008, Mr Witness. This witness, TF1-388, was

7 asked:

8 "Q. ... Can you just remind us at the time that you

9 encountered Akim Turay and General Ibrahim at Voynjama?

15:57:46 10 A. This was in December of 1999, sir.

11 Q. And do you know what was their mission? What was the
12 purpose of their trip?

13 A. Well, from my discussion with him Akim Turay at that
14 particular time, I saw them with vehicles. A truck was

15:58:05 15 loaded with logistics, but the one I can really identify

16 was that there was a machine in a truck which Akim

17 described as a mining plant. He said they were carrying it

18 to Sierra Leone to mine diamonds with it in Tongo. So that

19 was one of the most important issues that he spoke about.

15:58:24 20 Q. Did Akim tell you who gave them the mining plant that

21 they were taking along, as well as the other logistics as

22 you described them that they were taking to Tongo?

23 A. Specifically, you know, he did not say this person had

24 taken this mining plant and given it to us, but at that

15:58:45 25 particular moment when they came he only said that they

26 were from Charles Taylor in Monrovia and that they were

27 going to Sierra Leone. He described this machine to me as

28 a diamond mining plant that they could be carrying to

29 Kono."

1 Then if we go down some lines to line 26:

2 "Q. Now, you mentioned the name General Ibrahim. Do you
3 know this person called General Ibrahim?

4 A. General Ibrahim, I knew him before this time as one of
15:59:14 5 the delegates that used to go to Sam Bockarie behind the
6 rebel lines, you know as someone who had been sent by
7 Charles Taylor before this time.

8 Q. Do you recall about what time you last saw him come and
9 see Sam Bockarie, as you say, behind the rebel lines?

10 A. I cannot remember the specific time that I saw him, but
11 I can remember him in Sierra Leone behind the rebel lines
12 before this time."

13 Mr Witness, were you aware of Ibrahim Bah going to Sierra
14 Leone?

15:59:44 15 A. No.

16 Q. Mr Witness, were you aware of Ibrahim Bah, let's say since
17 the time Charles Taylor was elected President, 1997, going to
18 Liberia?

19 A. No, I was not there.

15:59:59 20 Q. Were you aware of Ibrahim Bah travelling there?

21 A. No.

22 Q. Was Ibrahim Bah in Burkina Faso in 1998?

23 A. I don't know anything about it.

24 Q. Let's go to the transcript of 23 February this year, page
16:00:33 25 35733, the testimony of Yanks Smythe. 35734. At line 8, Yanks
26 Smythe was asked:

27 "Q. And are you saying from 1992 onwards Ibrahim Bah never
28 returned to Liberia while you were there?

29 A. No, he never returned to Liberia. I only saw him in

1 1998 when I went to Burkina for treatment. In fact, he was
2 very nice to me because his wife was cooking for me every
3 day, sending me food. Up to the time I left Liberia to go
4 to Libya, he never returned to Liberia. I never saw him
16:01:45 5 there."

6 First of all, Mr Witness, {redacted} -
7 may that be redacted, your Honour?

8 PRESIDING JUDGE: I don't know.

9 MR KOUMJIAN: Let me rephrase the question or redact it,
16:02:10 10 please.

11 PRESIDING JUDGE: Okay. Just to be on the safe side, Madam
12 Court Officer, please redact the comment by counsel in the
13 question he was asked about to ask.

14 MR KOUMJIAN: Thank you:

16:02:23 15 Q. Sir, were you aware that Yanks Smythe came to Burkina Faso
16 in 1998 and was staying with Ibrahim Bah?

17 A. 1998 I was not in Burkina.

18 Q. Well, where were you then?

19 A. I was in Ivory Coast seeking treatment. I was sick by that
16:02:48 20 time.

21 Q. In 1998?

22 A. Yes, 1998 I was still sick.

23 Q. Sir, didn't you say you went to Ivory Coast in 1993?

24 A. Since I was sick I was in Ivory Coast until I left Ivory
16:03:14 25 Coast I can remember in 1998 or 1999. I was all the time in
26 Ivory Coast. I was not going to Burkina Faso; I was not in
27 Liberia. So all that happened, I can't tell you, I know anything
28 about it.

29 MR KOUMJIAN: Can the witness, given that last answer, be

1 shown the testimony of 10 March, page 36967. This is private
2 session, so I don't believe I can read it in public. Shall I
3 just come back to this, Madam President?

4 PRESIDING JUDGE: Yes, you may.

16:04:13 5 MR KOUMJIAN: Or should be go to private session briefly.

6 PRESIDING JUDGE: No, proceed with what you're doing. If
7 it's necessary we will go back into private session later.

8 MR KOUMJIAN:

9 Q. Mr Witness, isn't it true that you based yourself in
16:04:27 10 Burkina Faso from the end of 1986 all the way through 2003?

11 A. I was based, I had my house there, I had everything there.

12 Q. So, sir, weren't you aware of Yanks Smythe being in Burkina
13 Faso in 1998 staying with Ibrahim Bah?

14 A. No, I was not there.

16:04:51 15 Q. Let's see what Charles Taylor says about Ibrahim Bah being
16 in Liberia. Could we have the transcript of 11 August 2009, page
17 26516. In the passage I'm about to read to you, Mr Witness, the
18 context is Mr Taylor is being asked about persons travelling to
19 the Lome negotiations in July 1999 or April of 1999. And we see
16:05:55 20 on line 10:

21 "Q. But during this period, Mr Taylor, did you meet with
22 Ibrahim Bah and Omrie Golley?

23 A. No, when Bah and Golley first came to the country I
24 didn't meet them. I didn't have to meet them, no.

16:06:15 25 Q. Did you see them at all before they left for Lome?

26 A. Yes, I did see them before they left."

27 So here we see Mr Taylor acknowledging seeing Ibrahim Bah
28 in 1999. Can we also have the transcript, please, of 25 August
29 2009 at page 27563. I'm going to read from the very bottom of

1 the page:

2 "Q. After you became President, to your knowledge, did Bah
3 remain in Liberia?

4 A. Well, Bah - after I became President I heard that Bah
16:07:25 5 came into Liberia a few times. But Bah had left Liberia
6 back --

7 Q. When?

8 A. In 1994. Early 1994 Bah had left Liberia along - and
9 Dr Manneh also left - with some of them. So when I'd heard
16:07:43 10 that some of the Gambians had come, I heard that Bah came
11 in and went as a businessman in Liberia."

12 Were aware, Mr Witness, of Ibrahim Bah making business
13 trips to Liberia during the presidency of Charles Taylor?

14 A. Never because I was never there.

16:08:04 15 Q. Mr Witness, during your testimony a lot of time was spent
16 reading a speech by Muammar Gaddafi about his views of the world
17 and imperialism. Do you recall that?

18 A. Yes.

19 Q. And you understand that the purpose that so much emphasis
16:08:39 20 was placed by the Defence in your testimony on that speech was to
21 show that Charles Taylor could no more support terrorists than
22 Muammar Gaddafi would support terrorists. You understand that,
23 don't you?

24 A. I didn't get you well.

16:08:56 25 Q. You understand - you appreciate, that the purpose, the
26 suggestion by the Defence is that Charles Taylor would no more
27 support terrorists than Muammar Gaddafi would support terrorists?

28 A. I never knew that Muammar Gaddafi was supporting terrorists
29 because I was not a terrorist, so I didn't see any terrorists

1 there. I don't know anything about it.

2 Q. Mr Witness, it's never been the Prosecution's position that
3 everyone that dealt with Libya or Muammar Gaddafi was a
4 terrorist. But, Mr Witness, isn't it true that some of those
16:09:28 5 that Muammar Gaddafi trained and supported were terrorists?

6 A. I only know about our training, but I don't know about
7 training other terrorists because I didn't meet any terrorists in
8 Libya.

9 Q. Did you meet the Colombians from the movement of 19 April
16:09:49 10 called M-19?

11 A. I only met their leaders at the general congress, but I
12 didn't know that they were there for training.

13 Q. And were you aware of them - the famous incident where they
14 took hostages from the supreme court building, all the judges and
16:10:03 15 others present, resulting in the deaths of many individuals?

16 A. I don't know anything about it.

17 Q. Were you aware of Muammar Gaddafi during this period of
18 time supporting anti-Yasser Arafat factions, Palestinian factions
19 that were more radical?

16:10:19 20 A. I don't know anything about it.

21 MR KOUMJIAN: I'd like the witness to be shown the
22 documents behind tab 13 and tab 11.

23 PRESIDING JUDGE: Mr Koumjian, we can't show both at the
24 same time. Which would you have the Court Officer show first?

16:11:37 25 MR KOUMJIAN: Let's start with tab 13, please. This is an
26 article from BBC News dated Tuesday, 14 August 2001, "The IRA's
27 Store of Weaponry." If we can just go then to the next page, 2
28 of 4, to the very bottom of the page. There's a heading "Libya
29 Connection", and I'll read:

1 "But the IRA's acquisition of arms in the 1980s helped
2 transform the organisation into one that could fight a
3 devastating and sustained campaign.

4 The first arms connection with Libya was discovered in
16:12:35 5 1973, when a ship laden with guns and ammunition, the Claudia,
6 was apprehended off the Irish coast.

7 According to Libya's leader Colonel Muammar Gaddafi, he
8 resumed contact with the IRA in 1986, after the UK assisted the
9 US in bombing Tripoli.

16:13:04 10 It is believed that three substantial shipments of arms
11 reached Ireland before the French authorities apprehended a ship,
12 the Eskund, laden with some 150 tons of weaponry.

13 It is these supplies from Libya which provided the IRA with
14 its most significant and infamous weapon, Semtex."

16:13:29 15 Now let's go to other document. I believe it's tab 11.
16 It's entitled, "Havel Says His Predecessors Sent Libya
17 Explosives", and it's dated March 22. We see published in very
18 small print - above "London, March 22" we see "published March
19 23, 1990":

16:14:08 20 "President Vaclav Havel of Czechoslovakia said today that
21 the ousted Communist Government in Prague had shipped 1,000 tons
22 of lethal Semtex explosives to Libya, which had passed it on to
23 terrorist organisations.

24 '200 grams is enough to blow up an aircraft,' he said, 'and
16:14:33 25 this means world terrorism now has supplies to Semtex to last 150
26 years.'

27 The Czechoslovak-made plastic substance is pliable, high
28 yield, odourless and undetectable by sniffer dogs or conventional
29 baggage inspection X-ray machines."

1 Mr Witness, first of all, do you recognise the name Vaclav
2 Havel as being the former President of Czechoslovakia who became
3 President after the Velvet Revolution who had been in prison
4 during the previous communist regime?

16:15:18 5 A. I was not closely following the political events in
6 Czechoslovakia that time. I don't know anything about him.

7 Q. Mr Witness, in Libya among the topics of training was
8 explosives, correct?

9 A. I don't know anything about it. I'm not a military - I was
16:15:35 10 never there during the training.

11 Q. Were you aware of Libya sending 1,000 tons - remember
12 there's 2,000 pounds in a ton - so that's 2 million pounds of
13 Semtex plastic explosive to Libya - excuse me, that
14 Czechoslovakia had sent that to Libya?

16:15:55 15 A. I don't know anything about it. It's a top secret - Libyan
16 top secret. I don't know anything about it.

17 MR KOUMJIAN: Perhaps just one more small area to cover in
18 private session and I'll conclude the cross-examination.

19 PRESIDING JUDGE: Madam Court Officer, please go briefly
16:16:43 20 into private session.

21 [At this point in the proceedings, a portion of
22 the transcript, pages 37702 to 37707, was
23 extracted and sealed under separate cover, as
24 the proceeding was heard in closed session.]

16:31:35 25
26 [Whereupon the hearing adjourned at 4.30 p.m.
27 to be reconvened on Monday, 22 March 2010 at
28 9.00 a.m.]

29