



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 4 MAY 2010
2.00 P.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Silas Chekera
Ms Logan Hambri ck

1 Tuesday, 4 May 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 2.00 p.m.]

13:59:28 5 PRESIDING JUDGE: Good afternoon. We'll take appearances
6 first, please.

7 MR BANGURA: Good afternoon, Madam President. Good
8 afternoon, your Honours and counsel opposite. For the
9 Prosecution this afternoon, Brenda J Hollis, Nicolas Koumjian,
14:02:28 10 myself Mohamed A Bangura, Kathryn Howarth and Maja Dimitrova.
11 Thank you, your Honours.

12 MR CHEKERA: Good afternoon, Madam President, your Honours,
13 counsel opposite. For the Defence, Terry Munyard, Silas Chekera
14 and Logan Hambri ck.

14:02:52 15 PRESIDING JUDGE: Mr Chekera, why are you not properly
16 attired?

17 MR CHEKERA: I am terribly sorry, Madam President.

18 PRESIDING JUDGE: No, no, no, no, no, we can't see you, can
19 we?

14:03:03 20 MR CHEKERA: May I seek a one-minute adjournment? I'm
21 terribly sorry. Sorry, Madam President, it was inside my - my
22 apology. It was inside my collar.

23 PRESIDING JUDGE: Now I can see you.

24 MR CHEKERA: May I start again with the introduction?

14:03:18 25 PRESIDING JUDGE: Yes.

26 MR CHEKERA: I'm sorry for the oversight. For the Defence,
27 Madam President, Mr Terry Munyard, Silas Chekera and Ms Logan
28 Hambri ck.

29 While I'm on my feet, you might have noticed that Mr Taylor

1 is not present in Court. Today being a Tuesday, I understand his
2 usual appointment on Tuesday has been scheduled to this
3 afternoon. We do, however, have instructions to proceed in his
4 absence and I understand the Court has already been alerted to
14:03:56 5 that. So, with your leave, we would proceed in his absence.
6 Thank you.

7 PRESIDING JUDGE: Yes. Very well. Indeed, we are aware of
8 Mr Taylor's absence and of his having waived his rights to be
9 present during the proceedings and so we're satisfied that the
14:04:13 10 proceedings may proceed pursuant to Rule 60(B) of the Rules of
11 Procedure and Evidence.

12 Now, before we do proceed with the trial, I have two
13 matters to raise with the parties and this relates to sittings in
14 the near future. The first matter that I would like to bring to
14:04:36 15 your attention regards - relates to the upcoming plenary of the
16 judges, which is scheduled this month for the last week of the
17 month, that is, from Monday the 24th to Friday the 28th of May.
18 Now, on those five days the judges will not be sitting because we
19 will be attending the statutory plenary meeting.

14:05:43 20 Now, it's been drawn to my attention that just before the
21 luncheon break a tentative agenda for the judges plenary was
22 filed - it's a tentative agenda - which shows that the meetings
23 will begin on Wednesday, but since it's tentative we will still
24 put you on notice that from Monday the 24th through to Friday the
14:06:07 25 28th may we indeed not be sitting because of the plenary and this
26 is to give you sufficient time to organise your witnesses,
27 et cetera. That is not going to change.

28 Now, the second matter relates to the upcoming summer
29 recess or what we normally refer to as the summer recess. Now,

1 the judges are minded to take a recess not necessarily coinciding
2 with the ICC recess, which is I think in mid-July to I think the
3 end of July, but rather to complete the Defence case first. This
4 is what we are minded to do. We have no idea exactly when that
14:06:52 5 will be and that is why we wanted to, as it were, throw the ball
6 back into the court of the Defence.

7 I know that the submission did come from Mr Griffiths
8 recently asking us when would we schedule the recess so that
9 people would have plenty of time to plan the next few months of
14:07:17 10 their work. We are minded not to take time out of the sitting
11 time of the Court and to hear as many witnesses as possible from
12 the Defence before we actually think of going on recess. We know
13 from past submissions that tentatively the Defence had indicated
14 that they would complete their case, quote unquote, in the summer
14:07:46 15 of 2010.

16 Now, that doesn't particularly put a date to the close of
17 the Defence case, but in light or in view of the fact that the
18 judges would prefer to conduct the trial this way so that we can
19 only retire for the recess just before the next step of the
14:08:12 20 trial, the close of the Defence case, we would like to know from
21 you - not today. I would like a considered decision from you, of
22 course, in consultation with Mr Griffiths, who is obviously not
23 here. We would like to know when you think you are likely to
24 close your case so that we may schedule the recess immediately
14:08:36 25 after that.

26 I will hear from the Defence, first of all, probably at the
27 next earliest opportunity, when you come to a decision, and then,
28 of course, I will hear from the Prosecution as well before we
29 finally settle the dates for the recess. And those are the two

1 matters I wanted to raise.

2 Now, Mr Mineh, good afternoon to you.

3 THE WITNESS: Ma'am.

4 PRESIDING JUDGE: We continue with your testimony this

14:09:12 5 afternoon in cross-examination and I just remind you that you are
6 bound by your oath to tell the truth.

7 Mr Bangura, please continue.

8 WITNESS: DCT-131 [On former oath]

9 CROSS-EXAMINATION BY MR BANGURA: [Continued]

14:09:28 10 Q. Good afternoon, Mr Witness.

11 A. Good afternoon.

12 Q. We shall continue your testimony. You will recall
13 yesterday before the adjournment we were discussing events at
14 points where you had got to in Ivory Coast. Do you recall that?

14:09:59 15 A. Yes.

16 Q. A place called Zongwe. Do you recall that?

17 A. Yes.

18 Q. Now, just before we take up from there, there are a few
19 things that you discussed in your testimony yesterday and before
14:10:15 20 that I would like to go back to quickly, okay? Remember you told
21 this Court that you - you gave the names of two Gambians who you
22 said you recall who were in Tajura in Libya. Do you remember?

23 A. Yes, I remember.

24 Q. And one of those persons you said was called Yens. Do you
14:10:52 25 recall?

26 A. Yes.

27 Q. We subsequently established from you that it was the same
28 person as Yanks Smythe, correct?

29 A. Yes, yes, yes, Yanks Smythe, yes.

1 Q. Mr Witness, let me just ask you: When you left Libya, how
2 did you travel to Burkina Faso? What travel documents did you
3 use?

4 A. We have a travelling document that they prepared.

14:11:46 5 Q. And this travelling document which you had, which country
6 provided you with it?

7 A. The paper, they prepared it in Danane. In Danane in Cote
8 d'Ivoire.

9 Q. Was this document provided by the government of Ivory
14:12:17 10 Coast? You said it was prepared in Danane in Ivory Coast. Was
11 it provided by that government?

12 A. No, I cannot tell because Alfred Mehn was at head of the
13 decision-making. He prepared it and gave it to us.

14 Q. Was this document that you were carrying a passport?

14:12:41 15 A. Carte d'identite. It was not passport.

16 PRESIDING JUDGE: Excuse me, Mr Bangura, there are two
17 things that are indiscernible on the transcript. The witness
18 said, "No, I cannot tell because" something something "was at the
19 head of the decision-making."

14:13:06 20 Now, Mr Interpreter, you said something that we didn't
21 understand.

22 THE WITNESS: I said Alfred Mehn.

23 PRESIDING JUDGE: Is that a person?

24 THE WITNESS: [Microphone not activated].

14:13:20 25 PRESIDING JUDGE: Alfred who?

26 THE WITNESS: Alfred Mehn. Alfred Mehn. Alfred Mehn.

27 MR BANGURA:

28 Q. Mr Witness - I'm sorry, your Honour, you were going to
29 ask --

1 PRESIDING JUDGE: How do you spell that surname? M-E-N.

2 THE WITNESS: The name is Alfred Mehn. Alfred Mehn.

3 PRESIDING JUDGE: [Microphone not activated] surname
4 spelling.

14:13:59 5 THE INTERPRETER: The surname is spelled as M-E-N.

6 MR BANGURA: If your Honour will --

7 PRESIDING JUDGE: The second matter that didn't come out
8 was this - I think it was identity card but in French, right?
9 What document were you carrying, sir, Mr Witness?

14:14:29 10 THE WITNESS: Carte d'identite. Carte d'identite. It's an
11 Ivorian name. Carte d'identite.

12 PRESIDING JUDGE: Thank you. Please proceed.

13 MR BANGURA:

14 Q. Mr Witness, the Ivory Coast gave you that document, the
14:14:52 15 carte d'identite that you have referred to, correct?

16 A. [Microphone not activated] I was not there. It was
17 Godfather who prepared it. He gave it to us. I was not there
18 during the preparation.

19 Q. And where did - when you say Godfather, is --

14:15:15 20 A. Alfred Mehn. Alfred Mehn.

21 Q. Where did Godfather give you the carte d'identite that you
22 travelled with?

23 A. They prepared it in Danane.

24 Q. Where did he hand it to you to enable you to travel with
14:15:37 25 it?

26 A. He gave it to us in Danane.

27 Q. Was this on your way out of Danane to go to Burkina Faso?
28 Is this what you are referring to?

29 A. He gave it to us, from Danane we travelled to Abidjan.

1 Q. And then on to Burkina Faso. Is that right?

2 A. Yes. Yes. He gave it to the authorities there and we went
3 to Burkina Faso.

4 Q. On your way back from Libya through Burkina Faso - you said
14:16:26 5 you went to Guinea first - what kind of travel document did you
6 use?

7 A. They gave us travel document. The same document that was
8 prepared by Godfather is the one he gave it to us and Alfred Mehn
9 prepared it and gave it to us is what we used to travel.

14:16:54 10 Q. Now, when you were in Libya, did you get paid any salary
11 while you were in training?

12 A. They didn't give us money, but they provided food for us.

13 Q. Did you get any kind of allowance for your upkeep?

14 A. No.

14:17:38 15 MR BANGURA: Your Honour, just a point about spelling.
16 Your Honour asked the interpreter to spell the name Mehn and, as
17 we've established already from the witness, it's the same person
18 as Godfather. I tried to establish whether it's the same person
19 that has been identified by the witness before, because we had a
14:18:02 20 spelling which I believe is now different.

21 PRESIDING JUDGE: What was the spelling?

22 MR BANGURA: I think it was M-E-H-N.

23 MR CHEKERA: The spelling was M-E-H-N.

24 PRESIDING JUDGE: Thank you. We'll maintain M-E-H-N.

14:18:43 25 MR BANGURA:

26 Q. Mr Witness, I'm going to show you a photograph and ask you
27 if you recognise anybody in it.

28 May the witness be shown exhibit D-112B. Your Honour, the
29 document - the photograph that is to be shown to the witness is

1 actually an unmarked copy of what is exhibit D-112B because what
2 we have as the exhibit has already got marking on it with names
3 and all that.

14:19:13

4 PRESIDING JUDGE: So, Madam Court Officer, do you have an
5 unmarked copy of 112B? Okay.

6 MR BANGURA:

7 Q. Mr Witness, you may have to move over to where the
8 photograph is being displayed on the overhead because you may
9 need to indicate - if at all you know anybody there, you will
10 need to indicate, point to that person?

14:19:41

11 A. Yes, I know somebody here.

12 Q. Who do you recognise in that photograph, Mr Witness?

13 A. Yanks, on here.

14 Q. And can you point to the person, please? I probably did
15 not --

14:20:41

16 A. Yes.

17 Q. Okay. Thank you. Is this --

18 PRESIDING JUDGE: Wait. The record will reflect that the
19 witness has pointed to the person - the African man or the black
20 man shaking hands with Colonel Gaddafi as Yanks Smythe.

14:20:59

21 MR BANGURA: Would that be sufficient? What if I suggest
22 that we have Madam Court Manager actually put an arrow and write
23 the name just for - that's open to concurrence with my learned
24 friend on the other side.

14:21:32

25 PRESIDING JUDGE: For me it would have been sufficient what
26 he has done on the record as it stands.

27 MR BANGURA: I'll take it as that then. Thank you, Madam
28 Court Assistant:

29 Q. Mr Witness, this person - can he go back to his seat,

1 please.

2 Your Honour, just before I continue the questions, this
3 being a copy of an exhibit already, may I ask that it be marked
4 for identification as 112C.

14:22:32 5 PRESIDING JUDGE: Why?

6 MR BANGURA: It's B of a document - of a series of - it
7 can't be C, because there may be C in that - there may be C in
8 that --

9 PRESIDING JUDGE: Because, Mr Bangura, we're of the view
14:23:26 10 that you don't need to mark or tender in an extra photograph
11 that's an exact replica of exhibit D-112B when I've already read
12 into the record that the witness has identified this individual
13 as Yanks Smythe.

14 MR BANGURA: Very well, your Honour. I take your point:

14:23:47 15 Q. Mr Witness, the person who you have just identified in the
16 photograph as Yanks Smythe, is it the same person whom you told
17 this Court you had - whom you knew in Tajura in Libya?

18 A. Yes, he's the one I knew from the Gambian group.

19 Q. Thank you. Remember you told this Court in your earlier
14:24:21 20 evidence that you were taken to - this was before you even left
21 Liberia to go to Danane and before you went to Libya, you were
22 taken along with others to a beach called Sugar Beach. That is
23 where you were - and others were about to be executed. Do you
24 recall that?

14:24:48 25 A. Please explain once more.

26 Q. You mentioned a place called Sugar Beach in your earlier
27 testimony. Do you remember that?

28 A. Yes.

29 Q. Now, where is Sugar Beach located?

1 A. Sugar Beach is at Camp Schefflein Highway going to - on the
2 beach. Going towards the beach.

3 Q. And would this be inside Monrovia?

14:25:36

4 A. No, outside Monrovia. It's on the beach. It's on the
5 beach.

6 Q. Thank you. Mr Witness, remember we talked about the
7 battalion where - the 6th Battalion and the commanders in that
8 battalion. This is the battalion at Bomi. Do you recall we
9 discussed that yesterday?

14:26:10

10 A. Please repeat. You are fast in your speech.

11 Q. Do you remember we talked about the 6th Battalion at Bomi
12 Hills in your testimony yesterday? Do you recall?

13 A. Yes, I said it. I repeated that yesterday.

14:26:38

14 Q. Now, if you remember, how many battalions did you have
15 within the NPFL?

16 A. Thank you. What I will say, what happened in Liberia, it
17 was revolutionary war. There were many people. There were
18 thousand plus. It was not - it was not the AFL, the national
19 army, so that you can know the battalion, but battalions were
20 plenty. This is what I want to inform you.

14:27:10

21 Q. I did not seem to get it quite clearly from what you have
22 said. There were many battalions, but do you know the number of
23 battalions that you had?

24 A. There was - you have 1st Battalion, you got 6th Battalion,
25 they got 2nd Battalion.

14:27:36

26 Q. Did you have a battle group commander in the NPFL?

27 A. Yes, we have battle group - NPFL first battlefield
28 commander was Isaac Musa.

29 Q. Is it the battlefield commander or the battle group?

1 A. He was the commander. He controlled - he controlled the
2 area.

3 Q. Did you say the battlefield commander, Mr Witness?

14:28:25

4 A. Yes, battlefield commander. [Microphone not activated] the
5 entire war activities, he was investigating it.

6 Q. When you were company commander in the 6th Battalion --

7 A. I was in Cape Mount.

8 Q. Yes. Just wait for the question. When you were company
9 commander at that time, did you have to write reports to your

14:28:49

10 battalion commander, for instance?

11 A. Yes. Whatever I have observed, I'll write it or I'll tell
12 him.

13 Q. Did you write those reports yourself or did you have
14 someone write them for you?

14:29:07

15 A. Observed that I am not satisfied with, I authorised
16 somebody to write, or I orally state it to him because it was
17 wartime.

18 Q. And when you say to him, who do you refer to as "him"?

19 A. I am explaining about myself.

14:29:39

20 Q. You said you would instruct somebody to write you a report
21 if you needed to write one or you would orally state matters to
22 somebody else. You said him. Who is him? Who would you state
23 matters to orally if you do not write a report?

24 A. When I was honour [sic] man, I report to the commander.

14:30:10

25 Q. And that person would be Oliver Varney, according to your
26 testimony, who was the battalion commander, correct?

27 A. He was the battalion commander besides --

28 Q. Thank you.

29 JUDGE DOHERTY: Mr Bangura, what is an honour man? It said

1 at the beginning of the last answer or the prior answer and it's
2 at page 15, line 18 of my font.

3 MR BANGURA: Thank you:

4 Q. Mr Witness, let me again just take you back to your last
14:31:02 5 answer. I'll just ask you the question again. The person whom
6 you said you would orally report to was a battalion commander and
7 this person was Oliver Varney, correct?

8 A. Yes.

9 Q. Thank you.

14:31:36 10 PRESIDING JUDGE: Yes, what did he mean "when I was a
11 honour man"? That is at page 15 line 12.

12 MR BANGURA:

13 Q. Mr Witness, in answering an earlier question that I put to
14 you, you said that - when I asked you who you would say these
14:32:08 15 matters to orally, you said, "When I was honour man, I report to
16 the commander." What do you mean by that, when you were honour
17 man? What do you mean?

18 A. This is to say the junior officer that works under a
19 superior officer.

14:32:38 20 Q. What would be that person's title who worked under a
21 superior officer, the junior one?

22 A. I said I was just an under man under the superior officer,
23 so it means that I was just somebody below the rank of the
24 officer above me.

14:33:08 25 Q. You were an honour man. Is that - is that --

26 PRESIDING JUDGE: Under. Under man. Not so,
27 Mr Interpreter?

28 THE INTERPRETER: Under man.

29 MR BANGURA:

1 Q. Mr Witness, the person wrote your reports when you did
2 write reports, was that person your adjutant?

3 A. Yes. He was writing for me.

4 Q. And did you refer to him as an adjutant?

14:33:45 5 A. The writer is adjutant. They got the name.

6 Q. Thank you. When you were - you testified to this Court and
7 used the word "junior commandos" at one point talking about
8 juniors subordinate to you. Do you recall that?

9 A. The people that I was superior to, these are the people I
14:34:31 10 am talking about.

11 Q. When you used the term "junior commandos", were you
12 referring to particular group of people that fall into a
13 category?

14 A. Those who did not come from Libya as Special Forces, they
14:34:53 15 were the subordinate.

16 Q. And were they the ones that you were referring to as junior
17 commandos?

18 A. Yes, exactly. Those who did not come from Libya, they were
19 considered subordinate. They were subordinate.

14:35:12 20 Q. Mr Witness, these junior commandos, did they include
21 persons who were trained inside Liberia?

22 A. Yes, that is the name we gave to them. Those who were
23 recruited in Liberia were called the junior commandos.

24 Q. Mr Witness, yesterday we were talking about your activities
14:36:12 25 at Zongwe. Do you recall?

26 A. Yes, I remember.

27 Q. And you told this Court that after you came from Guinea,
28 you and your group first came to Danane. Do you remember that?

29 A. Yes, we came to Danane because I have a house there.

1 Q. And you stayed in Danane for two days?

2 A. Yes, before we left.

3 Q. When you left Danane you went to Zongwe, correct?

4 A. After we left Danane we went to Zongwe.

14:37:08 5 Q. And at Zongwe you yourself, your group met with the other
6 groups that were within the NPFL, correct?

7 A. Those who and us came from the training, we all met there.

8 Q. And just to be clear, Mr Witness, about what time was this?

9 A. What I will tell you is I am not educated. I cannot
14:37:50 10 remember the day. All I can say is we all met there.

11 Q. But this was just before you launched the attack on
12 Liberia, correct?

13 A. Yes.

14 Q. Would this be 1989?

14:38:15 15 A. No, I can't remember. I think it was in 1989. At the
16 ending of 1989.

17 Q. When you say the ending, was it the last month or a month
18 before the last month?

19 A. I think the end of that year.

14:38:54 20 Q. Now, just remind us. You said that all of you who trained
21 in Libya met at Zongwe. Do you remember the number of your - the
22 number of men that trained in Libya at Tajura?

23 A. No. All men, no. I am not educated, so I did not write to
24 remember anything.

14:39:24 25 Q. Were you over 100?

26 A. No. The total, I can't remember, but we were many.

27 Q. And at this time that you all assembled at Zongwe, you told
28 this Court that you were divided into groups, didn't you?

29 A. We were divided into groups.

1 Q. And which are these groups that you were divided into?

2 A. Took other people and sent them to Gbutuo and others went
3 to Monrovia, another went to Bomi Hills. The rest of all that
4 remained they were sent to Loguato. Those who know book will see
14:40:26 5 it, but I do not know book.

6 Q. Now, these groups that you have mentioned --

7 PRESIDING JUDGE: What? Those who know what?

8 THE WITNESS: Those who are educated.

9 PRESIDING JUDGE: No, no, no. You said those --

14:40:39 10 THE WITNESS: Those who are educated. In other words,
11 those who know book.

12 PRESIDING JUDGE: Mr Interpreter, I would urge you please
13 to try and give the English expression. There is no such
14 expression as those who know book. It doesn't exist. Try and
14:41:09 15 speak in English in these proceedings, please, Mr Interpreter.

16 THE INTERPRETER: Yes, your Honour.

17 MR BANGURA:

18 Q. Mr Witness, you've given us the different groups and your
19 testimony in part is that you fell into the group that went to
14:41:27 20 Loguato Port, correct?

21 A. Yes, I said post.

22 Q. Can we have that again?

23 A. Post. Loguato Post.

24 MR BANGURA: Your Honour, we have had - we've had a
14:41:50 25 different word, actually. Loguato Port and that's what we
26 have in --

27 PRESIDING JUDGE: Mr Interpreter, did the witness say port
28 or post?

29 THE INTERPRETER: He said post. Post.

1 PRESIDING JUDGE: Mr Witness, what did you say? Say again.

2 THE WITNESS: We entered Loguato.

3 MR BANGURA:

14:42:25

4 Q. So it's Loguato Post. Now, where was the post, Loguato
5 Post? Where was it located?

6 A. It's at the riverbank between Liberia and Ivory Coast.

7 Q. Is this a place in Loguato? When you say Loguato Post, is
8 it a place in Loguato?

14:42:57

9 A. Boundary between Liberia and Ivory Coast. That is the name
10 given to the entry.

11 Q. Thank you. And did all these groups leave Zongwe at the
12 same time?

13 A. After they instructed us, we decided to leave.

14 Q. When you say they, who instructed you?

14:43:30

15 A. After they had named the 20 persons, then we decided to
16 travel.

17 Q. Now, can we have the names of those who made the 20
18 persons? You said 20 persons?

19 A. Which names?

14:43:52

20 Q. Who divided you into groups?

21 A. Okay. The senior officers were the ones responsible for
22 the distribution of the names and the instructions given to us to
23 leave.

24 Q. And who were the senior officers?

14:44:13

25 A. [Microphone not activated] four groups and so there were
26 four leaders.

27 Q. Now I am not talking about the leaders of the groups as
28 yet, Mr Witness. You said the senior officers divided you up
29 into groups. Who were the senior officers that divided you into

- 1 these four groups?
- 2 A. Number one is General Varney.
- 3 Q. Who else?
- 4 A. Enoch Dogolea.
- 14:44:51 5 Q. Anybody else?
- 6 A. Isaac Musa.
- 7 Q. Anybody else?
- 8 A. Moses Blah.
- 9 Q. And you have just said that - you mentioned the word 20.
- 14:45:09 10 You said they divided you up into groups of 20, I believe. Which
- 11 group had 20 men?
- 12 A. I said after they have divided us into groups, my group, we
- 13 were 20, and they told us to go to Loguato. The other groups I
- 14 cannot remember, but my group, we were 20 in number.
- 14:45:41 15 Q. Remember earlier you told us that your group that left
- 16 Libya went to - went through Burkina Faso to Guinea had 20 men.
- 17 Do you recall that?
- 18 A. Yes, I said 20. We were the 20, yes.
- 19 Q. Was it the same group that was now tasked to go to Loguato,
- 14:46:19 20 the same 20?
- 21 A. Yes. Yes, the same 20 persons. Yes, the same 20 persons.
- 22 Q. And you were going to tell us the names of the commanders
- 23 of these different groups. Who were your commanders?
- 24 A. George Karsuo. He was the leader.
- 14:46:40 25 Q. Of which group?
- 26 A. The 20 persons that went to Loguato.
- 27 Q. What about the group that went to Monrovia? Who was the
- 28 leader?
- 29 A. I don't know. I don't know. They were a separate group.

1 I don't know.

2 Q. How about the group that went to Gbutuo?

3 A. They had somebody who was responsible but I do not know the
4 person. I don't know the person.

14:47:11 5 Q. You mentioned another group that went to Bomi. Who was the
6 leader?

7 A. The leader there I cannot remember. After they had named
8 us and we started to leave, I cannot remember those who were
9 behind the leaders. I don't know.

14:47:34 10 Q. So you only knew about your group and about the 20 of you
11 in your group. Is that what you're telling this Court?

12 A. Yes. After they named and maybe called the names, the
13 list, then they provide food, we begin to walk, going. So I
14 can't tell what happened behind.

14:48:00 15 Q. Mr Witness, I asked you earlier about the number of men who
16 were trained in Libya that were now assembled at Zongwe and you
17 were not able to - you did not remember. Would it sound right if
18 I suggested to you that there were about 168 of you who were
19 trained in Libya? Does that sound right to you?

14:48:29 20 A. I said for me, I am not educated. So maybe there were a
21 hundred or more, I can't tell. No, I cannot remember the number.

22 Q. You have said you do not remember the number. You cannot
23 remember the number. Are you agreeing with me or are you not
24 agreeing with me? It's different from just saying you do not
14:49:00 25 remember the number.

26 PRESIDING JUDGE: I think it means he is not capable of
27 either agreeing or disagreeing with you. That's what he means
28 when he says, "I'm not educated. I can't remember."

29 MR BANGURA:

1 Q. Mr Witness, of these 168 you only remembered the 20 of you.
2 Is that what you are still telling the Court?

3 A. I didn't say I remembered 20. I said there were many
4 groups in Libya but the number I cannot remember. We that were
14:49:47 5 together always were 20. We are the ones that were sent to
6 Loguato.

7 Q. Thank you. And I asked you earlier did all of these groups
8 leave Zongwe together at the same time?

9 A. We met once. We met once. Those who crossed, as they
14:50:12 10 crossed in their batch. Then we always cross in batch.

11 Q. Did you all leave on the same day?

12 A. Yes, we all left from there together.

13 Q. Did anybody stay behind after the groups left?

14 A. The entire group, we left from there.

14:50:44 15 Q. So nobody stayed behind after you moved from Zongwe. Is
16 that what you're saying?

17 A. Those who were fighters, we left together but the leaders -
18 the superior officers, they were left behind. I do not know
19 about them. But the fighters, we all left together.

14:51:09 20 Q. And you have told this Court that Mr Taylor was not with
21 you in Zongwe, correct?

22 A. Yes, I didn't see him. I did not see him.

23 Q. Mr Witness, do you know somebody called Prince Johnson -
24 Prince Yormie Johnson?

14:51:36 25 A. Yes, I know Prince Johnson.

26 Q. Was he one of the commanders of the groups that left
27 Zongwe?

28 A. Prince was in Zongwe.

29 Q. He did not leave with you; is that what you're saying?

1 A. He was with us in Zongwe.

2 PRESIDING JUDGE: The question, Mr Witness, was whether he
3 was one of the commanders of the groups that left Zongwe. Was he
4 one of the commanders, Prince Johnson?

14:52:25 5 THE WITNESS: Yes, he was one of the leaders.

6 MR BANGURA:

7 Q. Mr Witness, when you say he was one of the leaders, was he
8 a commander of a group or was he one of the leaders that stayed
9 behind, because you already told us some leaders stayed behind?

14:52:44 10 A. Prince Johnson had his own faction.

11 Q. And which group - when you say faction, what do you mean?
12 Is it one of the groups that we're talking about?

13 A. He carried the group to Gbutuo.

14 Q. Thank you. Now, just on a point. Was Prince Johnson with
14:53:11 15 you in Tajura?

16 A. [Microphone not activated].

17 PRESIDING JUDGE: Mr Interpreter, we have a problem. If
18 you come in so quickly before the witness has finished, we don't
19 hear what you say - your answer at that time.

14:53:42 20 THE INTERPRETER: "Yes".

21 MR BANGURA:

22 Q. And did he travel back from Tajura through Burkina Faso?

23 A. The same route is the route that he used.

24 Q. Was he in your group of 20 that moved from Tajura to --

14:54:08 25 A. No, he was not with us.

26 PRESIDING JUDGE: And you, Mr Witness, you are not waiting
27 for interpretation, are you? Please wait for interpretation.

28 MR BANGURA:

29 Q. Do you know what time he went to Tajura?

1 A. No.

2 Q. Did he go there before you?

3 A. I met him there.

4 Q. Thank you. Now, Mr Witness, you told this Court that your
14:54:52 5 group was armed with a single barrel gun, one gun, all 20 of you.
6 Is that correct?

7 A. Repeat. Please repeat.

8 Q. Your testimony to this Court is that your group that went
9 to Loguato, you were armed with one single barrel gun. Do you
14:55:22 10 recall that?

11 A. Yes, there was one - there was one friend who gave his to
12 us.

13 Q. First of all, was that the only weapon that the group had,
14 all 20 of you?

14:55:42 15 A. Yes, that was single barrelled. After we fired, then
16 people begin to run helter-skelter. That's how we were fighting
17 until we took their weapon and defended ourselves.

18 Q. You said the gun was given to you by one friend. Who was
19 this friend?

14:56:09 20 A. Special Forces, the one Wormen Kerpeh is the one who gave
21 it to us.

22 Q. And do you know how he got --

23 PRESIDING JUDGE: Wait, please. Special Forces, the one
24 what, Mr Interpreter?

14:56:26 25 THE INTERPRETER: Wormen Kerpeh is the one who gave the
26 weapon to us.

27 PRESIDING JUDGE: Is that a name of a person?

28 THE INTERPRETER: Wormen Kerpeh is the name of an
29 individual.

1 PRESIDING JUDGE: Can you spell it for us, please?

2 THE INTERPRETER: No, I'm sorry, I'm not able.

3 PRESIDING JUDGE: Yes, but say it clearly.

4 THE WITNESS: Wornen Kerpeh.

14:56:56 5 MR CHEKERA: Madam President, I don't know whether - I
6 hesitate, I might be leading evidence, but it sounds like one man
7 who is by the name Kerpeh. Maybe my learned friend could confirm
8 or at least seek to elicit that from the witness.

9 MR BANGURA: Your Honour, I haven't obviously dealt with
14:57:17 10 the witness before. Counsel may be in perhaps a better position
11 to proffer a name and I don't have a reason to disagree with
12 his --

13 PRESIDING JUDGE: Mr Witness, this Special Forces - this
14 was one person from the Special Forces, was it?

14:57:35 15 THE WITNESS: One of us that came. He was one of the
16 Special Forces.

17 PRESIDING JUDGE: What was his name? Can you say it
18 slowly.

19 THE WITNESS: I said Wornen Kerpeh.

14:57:52 20 MR CHEKERA: With your permission, and of course subject to
21 what learned counsel might say, I have a name here that sounds
22 like the name. I could spell it and then maybe my learned friend
23 could attempt to see whether that's the name that the witness is
24 talking about. The spelling for the first name is W-O-R-M-E-N
14:58:11 25 and the second name is K-E-R-P-E-H. Maybe that would assist my
26 learned friend.

27 MR BANGURA: Your Honour, we'll settle with that. It's the
28 best we'll get:

29 Q. Mr Witness, this Wornen Kerpeh, did he tell you or do you

1 know how he got this one single-barrel gun?

2 A. The gun, it was Wormen Kerpeh's brother who gave it to him.

3 He gave it to him.

14:59:01

4 Q. Who was his brother, Wormen Kerpeh's brother? You said his
5 brother gave it to him. Who was his brother? Was he one of you?

6 A. No.

7 Q. So where was his brother based at this time?

14:59:34

8 A. He was at the riverbank. When he heard about us, then he
9 came. And when he came, he said, "We have come to assist you
10 people." So he gave us this gun to his brother.

11 Q. Thank you. And when you say he was at the riverbank, was
12 this at Zongwe?

13 A. I said he was at the riverbank.

15:00:02

14 Q. Mr Witness, the riverbank, where was this? Is this at
15 Zongwe or it is somewhere else?

16 A. It was - it was at Loguato. At Loguato. He waited for us
17 at Loguato.

18 Q. Now, the other groups, let's take them in turn. The group
19 that went to Gbutuo, do you know how they were armed?

15:00:40

20 A. What we did was - what we did is the similar they did on
21 their side. They entered into the arsenal of the army, but I was
22 not there to know exactly. But I heard that they took guns from
23 the army.

15:01:04

24 Q. Before they were able to take the guns from the army, do
25 you know whether they were armed?

26 A. [Microphone not activated] went to Gbutuo?

27 Q. That is correct.

28 A. Then who said that they were having guns? Who said so?

29 Q. Mr Witness, I'm asking you, were they armed before they

1 went into Gbutuo and took away the guns that you said the army
2 had? Before that, did that group carry any arms of their own?

3 A. No. They never had guns, but they did similar thing that
4 we did.

15:01:55 5 Q. What about the group that went to Bomi, were they armed
6 before they left?

7 A. No, they did not have guns.

8 Q. And the one that went to Monrovia, were they armed?

9 A. No, they never had gun.

15:02:17 10 Q. Now, you said you were able to capture weapons from
11 government soldiers in Loguato Post. Was this post a government
12 - government position? Was it a government facility, Loguato
13 Post?

14 A. Yes. It was the area that the soldier were assigned.

15:02:48 15 After we fired at them, they got scared, so we went to their
16 arsenal and distributed it among ourselves.

17 Q. How far was Loguato - or is Loguato from Gbutuo?

18 A. It's a distance. It's a distance. It was far away. Nimba
19 is so large. The distance is so long.

15:03:43 20 Q. Thank you, Mr Witness. Now, let's move on to something
21 else. Do you recall telling this Court about - we talked about
22 your deployment already to Bomi Hills to the 6th Battalion and
23 your testimony is that you were based at Tiene. Do you recall
24 that?

15:04:05 25 A. Yes, I was in Tiene.

26 Q. And at this time that you were in Tiene - first of all,
27 whereabouts is Tiene in Liberia? Is this a place close to Sierra
28 Leone?

29 A. Yes. It's at the Sierra Leone-Liberian border. It was not

1 nearer to Sierra Leone.

2 Q. Remember you were asked about your knowledge of the war in
3 Sierra Leone and you said you had no knowledge about the war in
4 Sierra Leone. Do you recall that?

15:04:44 5 A. They asked me and I said.

6 Q. Your deployment in Tiene was around mid-1991, correct? You
7 told this Court that, not so?

8 A. Yes, I said it was in 1991.

9 Q. And you've also told this Court that you stayed there for
10 about six months before you got injured in an ambush, correct?

11 A. Yes, it was so.

12 Q. Do you recall while you were in Tiene that a group of
13 Sierra Leoneans came there at any point in time?

14 A. Sierra Leoneans did not come. I didn't see them. We were
15 fighting with ULIMO.

16 Q. Did you hear about Sierra Leoneans or a group of Sierra
17 Leoneans who came there that had been pushed from Sierra Leone
18 during the fighting in Sierra Leone? Did you hear about that?

19 A. Those who I can remember were ULIMO fighters. They and us
20 were fighting.

21 Q. Now, at the time that you were in Tiene - sorry. Before
22 you were at Tiene as company commander, do you recall who was the
23 commander there before you?

24 A. The person was Albert Den. Albert Den. He is the one that
25 I released from there.

26 Q. Can you give us the surname again, please?

27 A. I said Albert Den. Albert Den.

28 MR BANGURA: Your Honours, I see a spelling there on the
29 screen D-E-N, sounds phonetically like what the witness is

1 saying. I don't know whether the interpreter, being Liberian,
2 may be able to give us something --

3 PRESIDING JUDGE: Mr Interpreter, is this a name you are
4 familiar with and able to spell the surname?

15:07:35 5 THE INTERPRETER: No, I'm not familiar with the surname.

6 PRESIDING JUDGE: Then we'll go with the phonetic spelling
7 of D-E-N.

8 MR BANGURA:

9 Q. Mr Witness, you left after you were ambushed. Do you know
15:07:54 10 after you had left who became the commander there at Tiene?

11 A. When I left from Tiene, I cannot remember anything. After
12 I got wounded I was not there again, so I left. I was in the
13 hospital.

14 Q. Do you know the name --

15:08:16 15 PRESIDING JUDGE: Mr Bangura, really, you asked the witness
16 who was the commander after he left Tiene and then he says, "When
17 I left for Tiene." This is the exact opposite of what you are
18 asking him. Can you clarify, please.

19 MR BANGURA:

15:08:33 20 Q. Mr Witness, I'm asking you about after you left Tiene, not
21 when you went to Tiene. After you left Tiene, do you know who
22 the name of the commander was that replaced you?

23 A. I said I cannot remember because I was wounded.

24 Q. Do you know the name Blay Washington? Have you heard that
15:09:04 25 name before?

26 A. No. No. You're saying before I'm hearing.

27 PRESIDING JUDGE: What was the first name, Mr Bangura?

28 MR BANGURA: Your Honours, it's Blay, B-L-A-Y. That's a
29 name that has come up before:

1 Q. You never heard that name?

2 A. I said, no, I've never heard that name before.

3 Q. And you never had a commander in the 6th Battalion by a
4 name like that?

15:09:57 5 A. I said I did not hear that name. I did not hear that name.

6 Q. Thank you. Mr Witness, remember you told this Court about
7 the plot that Degbon and Varney and Mekunagbe and others made to
8 kill Charles Taylor.

9 A. You finished so I can give answer?

15:10:42 10 Q. [Microphone not activated] question. Do you remember the
11 plot that you talked about, you said to kill Charles Taylor and
12 to take over the leadership of the - you said to take over the -
13 to take over the nation? Do you recall that?

14 A. I said yes.

15:11:09 15 Q. First of all, when you said that they plotted to take over
16 the nation, which nation were you referring to?

17 A. Those who were there were - what the plan was, after they
18 have killed Taylor, then they will take over the reins of power.

19 Q. So by nation you mean the reins of power over the NPFL. Is
15:11:42 20 that what you're saying?

21 A. Degbon's group. Degbon's group. After they kill Taylor,
22 then they will take over the NPFL organisation until they can
23 reach Monrovia. This is what I'm talking about.

24 Q. Mr Witness, the persons whom you mentioned as being
15:12:04 25 involved in the plot, they were all Liberians, correct?

26 A. Yes. Those of us that left Libya, they turned against us
27 and plotted.

28 Q. That does not quite answer the question. These people who
29 you mentioned - Mekunagbe, Varney, Degbon, Timothy Mulibah -

1 these were all Liberians, correct?

2 A. Yes.

3 Q. You also mentioned that - or you told this Court that they
4 were working together with the enemy in this plot. Do you recall
15:12:46 5 that?

6 A. Yes.

7 Q. The enemy in this case was ULIMO. Is that correct?

8 A. Yes, ULIMO I'm talking about. Yes, ULIMO. ULIMO.

9 Q. Now this group which was involved in the plot did not
15:13:06 10 include any person of another nationality other than Liberians,
11 correct?

12 A. No, I'm talking about Liberians. I'm talking about
13 Liberians. I'm talking about Liberians who speak the same
14 language like us.

15:13:24 15 Q. Your testimony is that this group was made up of Liberians.
16 Did it include persons of other nationalities?

17 A. No, I cannot tell you anything about this.

18 Q. One person whom you told this Court was a member of that
19 group was somebody called One Man One, correct?

15:13:57 20 A. One Man One was among them. He's Liberian. He is
21 Liberian. He is from the Gio language.

22 Q. Was he also a member of the 6th Battalion?

23 A. Yes.

24 Q. So he was under the command of Oliver Varney at the time;
15:14:19 25 is that what you're saying?

26 A. Yes.

27 Q. Was he also a Special Forces like yourself who had been
28 trained in Libya?

29 A. No.

1 Q. So where was he trained, if you remember?

2 A. When we came, then they went to undergo training. After
3 the training, then he joined us.

15:14:53

4 Q. So he would fall into the group that you refer to as junior
5 commandos, correct?

6 A. Yes.

7 Q. Was he arrested and tried like the other plotters?

8 A. Yes, they arrested him and investigated him.

9 Q. And was he found to be guilty?

15:15:15

10 A. Yes, he was guilty.

11 Q. And was he executed?

12 A. Yes.

13 Q. Now, those executions of One Man One and all the others,
14 they were approved by the leader, Charles Taylor, correct?

15:15:32

15 A. When they executed them? After they have investigated them
16 and found guilty, then the tribunal chairman gave an order. He
17 said because they plotted, because they wanted to do evil, so
18 after they were guilty, they executed them.

15:16:05

19 Q. And before those executions Charles Taylor, as the leader
20 of the NPFL, approved what the tribunal had ordered, correct?

21 A. This question, I cannot give answer because I was never
22 there. Whether they wrote it down, I can't tell you anything.
23 But what I remember is what I'm talking about now.

15:16:34

24 Q. As a matter of procedure, and you can say whether you know
25 or not, when the tribunal made findings or made an order for
26 executions, the leader of the NPFL had to approve those orders
27 before persons can be executed. Wasn't that the case?

28 A. That is supposed to be. It's supposed to be that way, but
29 I was not there during the signatory.

1 Q. And you have no reason to doubt that in this case that
2 practice was not followed?

3 A. That what?

4 Q. You have no reason to doubt that in the case of Mekunagbe,
15:17:28 5 One Man One and the others, this procedure where Mr Taylor or the
6 leader of the NPFL had to approve the executions, you have no
7 reason to doubt that this was not followed at that time, do you?

8 A. I said according to law it's supposed to be this way.

9 Q. Now, when you told this Court that Degbon and others wanted
15:18:23 10 to kill Charles Taylor and be leaders of the NPFL, how did you
11 know that this was their intention?

12 A. It was through the manner in which they were fighting. It
13 was not satisfactory to the command. When we told them to go
14 with us to fight, they would refuse. When we captured a town and
15:19:00 15 we are retreating, they will set ambush. And they did that twice
16 to me. Now they formed their own unit they called Black Kadaffa.
17 Then they decided to join ULIMO so that they will have greater
18 force to fight Charles Taylor. So after they have decided, then
19 their plan was revealed and they were arrested and they were
15:19:34 20 found guilty.

21 Q. Mr Witness, remember you told this Court about an earlier
22 plot that had been made against Charles Taylor in Libya?

23 A. Yes, it was so.

24 Q. And remember you gave the names of those who you said were
15:20:20 25 involved in that plot?

26 A. I said yes.

27 Q. And if I recall, you gave us the name of Cooper Miller as
28 one of the persons who was involved, correct?

29 A. Yes, I would try my best.

1 Q. You also mentioned Augustine Zamma. Was this person
2 involved in the plot?

3 A. Yes.

4 Q. Augustine Wreh, was he also involved in that plot?

15:21:01 5 A. Yes.

6 Q. Now, when this plot was revealed, Mr Taylor was informed,
7 correct?

8 A. Yes, they told Mr Taylor. Investigated them. They
9 investigated them and they confessed. They said that whenever

15:21:26 10 Taylor comes to our control area, they should bump him and burnt
11 his house. After they investigated them, they were guilty. When
12 Taylor came they gave him the document. Then he said he would
13 not leave them to the control area. So he took them over.

14 Q. Mr Witness, apart from these names that I've mentioned,
15:21:54 15 were there other persons involved in this plot?

16 A. No. Those who did the conspiracy, these are the names I
17 have named.

18 Q. You actually gave three names and they are the ones who
19 were responsible. Is that correct?

15:22:17 20 A. Yes.

21 Q. And you told this Court that those three persons were
22 removed from the base after they had confessed to being involved
23 in this plot, right?

24 A. Yes.

15:22:34 25 Q. And they were taken to Burkina Faso?

26 A. Yes.

27 Q. Did anybody connected with that plot still remain at the
28 base after these persons were taken away?

29 A. Those I can remember are the three names I have given you.

1 Q. This was a well-known affair. Everybody on the base knew
2 that this plot was on and everybody knew when the confessions
3 were made. Is that correct?

4 A. I said yes.

15:23:21 5 Q. And so everybody knew who the plotters were - or alleged
6 plotters were, correct?

7 A. Yes.

8 Q. Thank you. Mr Witness, you told this Court about - you
9 were asked by counsel about the philosophy of the NPFL regarding
10 treatment of civilians. Do you remember that?

11 A. Yes, I said it so.

12 Q. And you told this Court that you - the NPFL had taught you
13 to treat civilians humanely, correct?

14 A. I said yes.

15:25:08 15 Q. You also told the Court that before you joined the NPFL, as
16 a soldier in the national army, the Armed Forces of Liberia, you
17 had learned the principles of treating civilians humanely. Do
18 you recall that?

19 A. Yes.

15:25:34 20 Q. Mr Witness, first with the AFL where you were before you
21 came to the NPFL, they - the government in Liberia at the time,
22 Doe's government, did not practice those principles of being fair
23 to civilians - of treating civilians humanely, did it?

24 A. Please repeat this question so that I can give you an
15:26:14 25 answer. You are talking fast.

26 Q. Now, the Government of Liberia, Doe's government, that was
27 a government in power when you were a member of the AFL, correct?

28 A. Yes.

29 Q. That government did not have a very good record with the

1 way it treated civilians, correct? It didn't have a good human
2 rights record, did it?

3 A. Yes, it was so.

15:26:58 4 Q. When the coup of Quiwonkpa failed, that government
5 undertook a raid of people from Nimba. Isn't that so?

6 A. Yes.

7 Q. And there was widespread human rights abuses against the
8 people of Nimba?

9 A. Yes.

15:27:14 10 Q. It was the army, the AFL, that was involved in --

11 A. Yes, it was his soldiers.

12 Q. So, in fact, those principles that you claim to have
13 learned while you were in the AFL were never practised by the
14 AFL?

15:27:37 15 A. It didn't happen. Doe government - Doe government were
16 comprised of its own tribal people so they were always
17 witch-hunting the tribe that Quiwonkpa hailed. They arrested
18 women and killed them.

19 Q. So in fact --

15:28:05 20 JUDGE DOHERTY: Mr Bangura, the words "witch hunting the
21 tribe", was that witch-hunting?

22 MR BANGURA: I'll try. I'm not sure how - whether that
23 came from the witness directly or it was a translation.

24 PRESIDING JUDGE: Mr Interpreter, what did you say? Witch
15:28:23 25 hurting?

26 THE INTERPRETER: Witch-hunting. Witch-hunting.

27 MR BANGURA: Sounds very much like witch-hunting. It's a
28 question of pronunciation, I think.

29 PRESIDING JUDGE: It is witch-hunting.

1 MR BANGURA:

2 Q. Mr Witness, some of those abuses by the Doe government were
3 what the NPFL was trying to put right when they came to - when
4 they formed themselves into a revolutionary movement, correct?

15:29:07 5 A. Yes. This is the reason why we organised ourselves to
6 liberate our people. So we could not have sat down supinely for
7 our people to die. It was the Krahn tribal people. They were
8 from the Doe's tribe.

9 Q. So in fact that's one of the reasons why the majority of
15:29:38 10 the early members of the NPFL, that is, Special Forces, were Gios
11 and Manos, correct?

12 A. Yes, yes. After Doe had killed our people, after Quiwonkpa
13 has died, besides Quiwonkpa, lot of Gio people were killed.

14 Q. And when the NPFL came to the scene, they started taking
15:30:16 15 revenge, didn't they, against Doe's people?

16 A. What I can remember is, it was Doe's soldiers that attacked
17 us. Whether they killed people in some places, I cannot tell
18 because I was always at the front line.

19 Q. Mr Witness, like the AFL, the NPFL did not practice what it
15:30:54 20 taught its soldiers, did it?

21 A. Yes, we did that.

22 Q. It did not treat civilians humanely.

23 A. Yes, we saved the civilians. We welcomed them to our
24 controlled area.

15:31:20 25 Q. The records of abuses by the NPFL were really very high
26 during the period that they reigned as a revolutionary group.
27 Isn't that so?

28 A. No. If it did happen, I cannot remember. The group -
29 there were several groups, so I cannot give account of all of the

1 groups.

2 Q. I am talking here of the NPFL, Mr Witness. I agree there
3 were other groups, but I'm talking specifically about the NPFL.
4 Do you agree?

15:32:05 5 A. You said what happened.

6 Q. That the NPFL did not have a good record of human rights
7 with civilians in Liberia.

8 A. No, it never happened.

9 Q. Have you heard about the TRC, the Truth and Reconciliation
15:32:24 10 Commission of Liberia? Mr Witness, did you understand the
11 question?

12 A. Re-ask.

13 Q. Have you heard about the TRC in Liberia, Truth and
14 Reconciliation Commission?

15:32:58 15 A. Yes, I heard about this.

16 Q. This was a body that was set up to look into cases of human
17 rights abuses that had occurred during the war in Liberia. Do
18 you know that?

19 A. Yes. It was not only NPFL. All the factions who did
15:33:29 20 evils, they reported themselves and so they were broadcast.

21 Q. Mr Witness, I've not said that it was just the NPFL that
22 they were looking at. They were looking at what happened
23 throughout the war in Liberia. We knew of other factions.
24 Didn't we? We knew of ULIMO, which we've talked about already,
15:33:51 25 not so?

26 A. Please repeat your question.

27 Q. [Microphone not activated] ULIMO as one of the factions in
28 the fighting in Liberia during the whole period of the war, not
29 so?

1 A. Yes.

2 Q. The LPC. I think you mentioned that group.

3 A. Yes.

4 Q. We had MODEL before that.

15:34:26 5 A. Yes. Yes.

6 Q. We had the LURD forces. Do you recall that group as well?

7 A. Yes.

8 Q. Now, the TRC during its work was able to establish out of
9 all of these groups, the NPFL exceeded in the violations that

15:34:55 10 they committed against civilians. They topped all of the other

11 groups in committing violations against civilians. Do you agree?

12 A. Yes, it happened.

13 Q. And you know - you may not know, but the TRC interviewed as
14 many as 20,000 people - sorry, 20,000 statements it took, not -

15:35:30 15 that's correct. 20,000 people. Do you know that?

16 A. Yes. They asked them questions and we heard this on the
17 radio.

18 Q. I'll just show you an example of one of the findings of the
19 TRC relating to the NPFL.

15:35:54 20 Your Honours, may the witness be shown exhibit P-463A.

21 Mr Witness, I will try and read what we have in this
22 document to you, but let me just tell you what the document is.

23 This is a page from the report by the TRC of Liberia that I've
24 just - we've just discussed. Do you understand that?

15:37:03 25 A. Yes. I have seen it.

26 Q. And on this page we have the findings of the TRC relating
27 to acts of torture, including rape and ill-treatment. And on
28 this page we've got a number of dates showing when particular
29 incidents occurred. There are three there that are of interest

1 to us. The first one is about the middle of the page, September
2 1992. It says:

3 "Nearly 600 ECOMOG soldiers were taken prisoner; some of
4 whom were severely beaten by their NPFL captors."

15:38:17 5 Did you hear that, Mr Witness? Mr Witness?

6 A. Yes, I heard this as explained in this exhibit.

7 Q. This is a finding which the TRC of Liberia made that the
8 NPFL in 1992 took nearly 600 ECOMOG soldiers as prisoner and
9 subjected them to abuse, beating them up. In 1992, Mr Witness,

15:39:05 10 where were you? Where were you deployed?

11 A. '92 I was in Monrovia.

12 Q. Now, we shall in a bit come to your deployment around
13 Monrovia. And do you recall at that time having - being involved
14 in fighting with ECOMOG?

15:39:36 15 A. Yes, at that time we were fighting ECOMOG.

16 Q. And you did take ECOMOG officers prisoner, didn't you?

17 A. No, I did not remember. But we exchanged guns at Camp
18 Schefflein how we - there were others who were maybe doing other
19 things, but I can't give account of what they did.

15:40:16 20 Q. I will come back to your deployment around Monrovia.

21 PRESIDING JUDGE: What did the witness mean they exchanged
22 guns?

23 THE WITNESS: They exchanged fire. Exchanged fire. It's
24 about 14 ECOMOG and us were fighting at Camp Schefflein. They
15:40:43 25 were fighting alongside the AFL for Doe's army. So we fight
26 them.

27 MR BANGURA:

28 Q. Mr Witness, I'll take you down further - further down on
29 the same page. The last two entries I'm going to deal with on

1 that page. The penultimate one is an entry for September 1994.

2 Do you recall that time?

3 A. 1994, what happened?

4 Q. I just asked you whether you recall that period:

15:41:31 5 "The NPFL reportedly detained and ill-treated 30 civilians
6 from the Bassa ethnic group in Butuo, Nimba County, accused of
7 supporting the LPC."

8 Mr Witness, you told this Court that you were made
9 superintendent of Bassa.

15:42:01 10 A. I was in Nimba. I was in Nimba.

11 Q. And you were made superintendent of Nimba in 1993. What
12 areas did your administration cover?

13 A. Entire Nimba County.

14 Q. And this area that is mentioned here, Bassa - Gbutuo, was
15:42:36 15 that part of Nimba County?

16 A. Yes, it is in Nimba.

17 Q. And you were still superintendent of Nimba in 1994, weren't
18 you?

19 A. It was in '93.

15:42:57 20 Q. Mr Witness --

21 A. Yes.

22 Q. -- you were made superintendent in '93 and you continued in
23 that position up until just before the elections that brought
24 Mr Taylor to power, correct? That's what you told this Court.

15:43:12 25 A. Yes.

26 Q. So that would be through to 1996 at the least, correct?

27 A. Yes, I was superintendent, yes.

28 Q. And so September 1994, Gbutuo in Nimba County, that was
29 under your watch as superintendent. That's an area that your

1 administration covered and within the time frame that you were
2 superintendent, correct?

3 A. Yes, I was superintendent.

4 Q. And here is a case where 30 civilians from the Bassa ethnic
15:43:52 5 group were ill-treated, they were detailed and ill-treated. Did
6 you know about this?

7 A. This matter, I did not see it because Nimba is large. Not
8 everything reaches my desk. So I cannot say yes or no because
9 Nimba is large.

10 Q. Mr Witness, you were telling this Court not so long ago - a
11 few days back, you were extolling your virtues as superintendent
12 of Nimba, don't you recall?

13 A. I said yes.

14 Q. The good things that you did in Nimba, the bridges you
15:44:42 15 built, the rehabilitation that you made to facilities - public
16 facilities. Do you recall that?

17 A. Yes.

18 Q. [Microphone not activated] administration, your good
19 office, entertaining guests officially. Do you recall all of
15:45:07 20 that?

21 A. Yes, I welcomed strangers.

22 Q. You built bridges connecting - linking remote areas of
23 Nimba County at the time, didn't you?

24 A. Yes.

15:45:25 25 Q. And yet you did not know that people or persons of the
26 Bassa ethnic group residing in your county were being victimised
27 in this manner? You did not know that?

28 A. If it happened, if I had known it I would have taken
29 action. But that case did not reach my desk. So because Nimba

1 is so large, I was situated in the headquarters. Whether they
2 beat people or they imprisoned people, I did not hear it. It was
3 during the wartime, so I cannot really give an account.

15:46:19 4 Q. The reason given here is because these were persons
5 supporting the LPC. That was another faction, correct?

6 A. I said I do not know anything about this matter. Whatever
7 happened in Nimba, I alone cannot be responsible to give an
8 account.

15:46:49 9 Q. Mr Witness, the truth is you were not an effective
10 superintendent as you have claimed in this Court, correct?

11 A. If I had seen anything against humanity I would have
12 reported it. And Nimba is big county, so Gbutuo is far away from
13 Sanniquellie, so nobody left from Gbutuo to inform me. This is
14 what I will explain to you. This does not mean that I am not
15:47:25 15 capable superintendent. Whatever I could have done was - if the
16 case have come before me I would have taken action. And what
17 happened in Gbutuo, I did not hear about it, so I can't give an
18 account.

15:47:48 19 Q. Mr Witness, let's look at another entry. Again September
20 1994. It says:

21 "Large numbers of civilians and refugees were beaten and
22 raped and their property looted by the armed groups involved in
23 the fighting around Gbarnga."

15:48:11 24 Mr Witness, Gbarnga, was it under your administration at
25 the time? Did it fall under Nimba?

26 A. Gbarnga is far away from my administration. I was in
27 Nimba.

28 Q. Does Gbarnga fall under Nimba County - within Nimba County,
29 your administration?

1 A. No. It is a different county by itself. Very big. It has
2 its own superintendent far away from my administration.

3 Q. Thank you. In 1994 who had control of Gbarnga? September
4 1994, which faction had control of Gbarnga?

15:49:05 5 A. In Gbarnga? Those who captured Gbarnga were ULIMO, LPC.

6 Q. [Microphone not activated] spread it out too widely.

7 September --

8 A. Yes.

9 Q. -- 1994 which faction had control of Gbarnga? I did not
10 say that you should go over all the factions. Just tell us which
11 one?

12 A. It was in the hands of the enemies. It was in
13 LPC-controlled area.

14 Q. Mr Witness, that cannot be true.

15:49:55 15 PRESIDING JUDGE: It was in the area - it was in whose
16 control?

17 THE WITNESS: LPC. LPC. In 1994?

18 PRESIDING JUDGE: Are you asking a question, Mr Witness, or
19 stating a fact?

15:50:19 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: Mr Bangura, perhaps you should ask the
22 question again.

23 THE WITNESS: Repeat the question.

24 MR BANGURA:

15:50:27 25 Q. Are you saying, Mr Witness, which faction again? Just
26 simply, which faction was in control of Gbarnga in 1994? That's
27 all the question is. Simply say.

28 A. There were many factions. What I can remember is ULIMO and
29 LPC, they captured Gbarnga.

1 Q. Mr Witness, leaving aside the last entry, from what we have
2 seen in the case of the ECOMOG soldiers and in the case of the
3 people of the Bassa ethnic group, this was not a situation where
4 the NPFL was keeping to its philosophy about humane treatment of
15:51:21 5 civilians. Do you agree?

6 A. I want you to repeat your question.

7 Q. The examples we've seen are not examples where the NPFL was
8 keeping to its philosophy, which is to treat civilians humanely.
9 Do you agree?

15:51:47 10 A. Yes, we learned about this.

11 PRESIDING JUDGE: Mr Bangura, do ask your questions in a
12 simple manner that the witness can understand and probably the
13 interpreters too. You are asking your sentences in a convoluted
14 manner.

15:52:10 15 MR BANGURA: I'll try and break it down:

16 Q. Mr Witness, when the NPFL ill-treated 30 civilians in Bassa
17 - in Gbutuo and - that was not a good example of the philosophy
18 that you had about treatment of civilians, was it?

19 A. No, it's not supposed to be that way. If they did so, then
15:52:46 20 they did evil. We did not go - undergo the training to do harm
21 to people. What happened there, what they said about this, if it
22 is true, then it's wrong.

23 Q. Mr Witness, we'll go on to something else. You have told
24 this Court already that you were part of a group that advanced
15:53:19 25 towards Monrovia, correct?

26 A. From Monrovia? Please repeat your question.

27 Q. You have told this Court even just now that you were at one
28 point in Monrovia - around Monrovia. Remember how we talked
29 about the ECOMOG soldiers who were captured and you agree that

1 you were around Monrovi a at that time, 1992, you said?

2 A. Yes, I was in Monrovi a.

3 Q. Do you recall 1990 you told this Court also that you were
4 in Monrovi a - or were part of a group that was advancing towards
15:54:16 5 Monrovi a?

6 A. Yes.

7 Q. So you were in Monrovi a at two different times with your
8 group. Is that what you're telling this Court?

9 A. No. When I went to Monrovi a in 1992 I did not carry any
15:54:41 10 group.

11 Q. What were you doing in Monrovi a in 1992?

12 A. In 1992 somebody that was sick from my family was
13 hospitalised and I went to greet the person.

14 Q. Were you at that point in time taking part in any military
15:55:04 15 activity?

16 A. No, I was in NPFL.

17 Q. I'm saying this time that you were in Monrovi a, were you
18 involved in military activity around Monrovi a at that time?

19 A. No, after the elections they recalled us and we rejoined
15:55:36 20 the armed forces.

21 Q. Mr Witness, we're talking of 1992.

22 A. No, I was not - I was not in the army.

23 Q. I'm not talking about the army.

24 PRESIDING JUDGE: I think something is lost in translation.

15:55:59 25 Obviously, Mr Bangura, something is lost in translation. I don't
26 know how the question is being translated, but do ask your
27 question again.

28 MR BANGURA:

29 Q. Mr Witness, you have just told this Court that in 1992 you

1 were around Monrovia - or in Monrovia, correct?

2 A. Yes.

3 Q. You said you were visiting a relative who was sick,
4 correct?

15:56:29 5 A. Yes.

6 Q. [Microphone not activated] ask you whether at this time you
7 were also involved in any military activity in and around
8 Monrovia?

9 A. I said no. At that time we have not been recalled in the
15:56:53 10 army.

11 Q. Mr Witness, at this time in 1992 which faction did you
12 belong to? Was it the army, was it NPFL, or was it any other
13 faction? Which faction did you belong to?

14 A. Where? Please explain your question. When I went to
15:57:20 15 Monrovia, or somewhere different?

16 Q. In 1992 your testimony before this Court is that you were
17 in the NPFL, correct?

18 A. Yes, I was in NPFL. Then I went to greet my relative and I
19 returned.

15:57:41 20 Q. Now, you told this Court that you were part of a group that
21 advanced towards Monrovia in 1990. Do you remember that?

22 A. In 1990? I fought and I entered Monrovia. I remained at
23 the University of Liberia.

24 Q. Which group or which battalion were you fighting with at
15:58:13 25 this time?

26 A. I was in 1st Battalion.

27 Q. And you have said that you got up to the university of -
28 the university?

29 A. Yes.

1 Q. You had said previously that the campus was where you
2 stopped, correct?

3 A. Yes, I stopped here.

15:58:49

4 Q. And the campus of the university is near the Executive
5 Mansion in Monrovia, isn't that so?

6 A. Yes.

7 Q. And that is in the City of Monrovia itself, correct?

8 A. Yes.

15:59:07

9 Q. So the campus - University of Liberia campus is within the
10 city of Liberia proper, correct?

11 A. It's in Monrovia. Near Monrovia in the city centre.

12 Q. Thank you. And you told this Court that that was where you
13 were when ECOMOG arrived in Liberia, correct?

14 A. Yes.

15:59:31

15 Q. This was around August 1990. Is that right?

16 A. Yes.

17 Q. You told this Court that you were deceived by ECOMOG into
18 agreeing to a peaceful --

19 A. Yes.

15:59:51

20 PRESIDING JUDGE: Mr Witness --

21 THE WITNESS: It was so.

22 PRESIDING JUDGE: -- can you please keep your voice quiet
23 while the lawyer is asking the question. Stop saying "yes, yes"
24 before you've heard the rest of the question.

16:00:05

25 THE WITNESS: Okay. Ma'am, I'm sorry, I will not repeat it
26 again.

27 MR BANGURA:

28 Q. You told the Court that you were deceived by ECOMOG. You
29 said - correct?

1 A. Yes, they came. Yes, they did so.

2 Q. And that ECOMOG asked you not to continue fighting, but to
3 settle the war peacefully - that they would help you settle the
4 war peacefully, correct?

16:00:50 5 A. Yes.

6 Q. They then turn around, according to your testimony, and
7 they attacked you, and that was how you left the university
8 campus in Liberia, correct?

9 A. Yes. Yes, after they engaged us into fighting and they
16:01:14 10 bump us, so I retreated.

11 PRESIDING JUDGE: Mr Bangura, we'll have to take the break
12 there as the tape has run out. We'll reconvene at 4.30.

13 [Break taken at 4.01 p.m.]

14 [Upon resuming at 4.31 p.m.]

16:27:37 15 PRESIDING JUDGE: Mr Bangura, please proceed.

16 MR BANGURA:

17 Q. Mr Witness, the truth about what happened in August 1990 is
18 that NPFL attacked ECOMOG as they were trying to land in Monrovia
19 at the Freeport. Isn't that the case?

16:32:25 20 A. Please repeat your question.

21 Q. NPFL attacked ECOMOG in August 1990 as ECOMOG were trying
22 to land in Monrovia at the Freeport. Isn't that what happened?

23 A. No, I can't remember. I can't - the one that happened at
24 the University of Liberia campus is the one I can remember but
16:33:04 25 the one that happened to Freeport you are talking about, I cannot
26 remember.

27 Q. But you know that ECOMOG arrived in Liberia - in Monrovia
28 in August 1990. You know that, don't you?

29 A. Yes, it was so. I heard so.

1 Q. And about this time you were based at the campus in
2 Monrovia, correct, the university campus?

3 A. Yes, I was at the university. At Freeport, no, I cannot
4 tell you anything about what happened to Freeport.

16:33:48 5 Q. You said you were not at the Freeport, but did you hear
6 that ECOMOG were attacked as they tried to land at the Freeport?

7 A. I said I heard it. I heard it so that NPFL attacked
8 ECOMOG, but I was not there.

9 Q. And this was even before ECOMOG had stepped foot on
16:34:17 10 Liberian soil. Isn't that so?

11 A. I said yes, yes, but I was not near there. They said that
12 NPFL attacked ECOMOG, but I was not present to see anything about
13 this.

14 Q. Was there any loss of life in that attack on the part of
16:34:43 15 ECOMOG?

16 A. Yes, there was war. So people died. Some people died, but
17 I was not near - around the area.

18 Q. And when you say some people, you mean ECOMOG officers died
19 or ECOMOG personnel?

16:35:15 20 A. Those I am talking about are ECOMOG soldiers. ECOMOG
21 soldiers. Maybe some ECOMOG soldiers died but I was not there,
22 so I don't know actual story about the death of ECOMOG.

23 Q. Mr Witness, you told this Court that you saw Foday Sankoh
24 in Harbel in 1990. Do you recall?

16:35:45 25 A. What do you say?

26 Q. You said you saw Foday Sankoh in Harbel in 1990. Do you
27 recall that?

28 A. Yes, I saw him.

29 Q. You saw him in a parking lot. Do you recall saying that?

1 A. Yes, I said so.

2 Q. Now, first of all, this parking lot, was it part of a
3 public facility? Was it part of a building or some public
4 facility?

16:36:20 5 A. It was a parking lot of a car - parking lot of cars. Yes.

6 Q. At the time you saw Foday Sankoh in Harbel, the NPFL had
7 control of Harbel, correct?

8 A. Yes. Then I have captured and left the area. I was to
9 Schefflein.

16:36:50 10 PRESIDING JUDGE: Excuse me. There is a question and an
11 answer that were not recorded and I think the microphones will
12 show that they weren't even heard by the transcribers. You asked
13 the witness if the parking lot was a public park for vehicles and
14 the witness said yes. I hope that that is recorded finally in
16:37:15 15 the transcript.

16 MR BANGURA: Thank you, Madam President:

17 Q. Mr Witness, I asked you the question whether at this time
18 Harbel was under the control of the NPFL, and what was your
19 answer again?

16:37:37 20 A. I said yes, after I have captured the area.

21 Q. When you say "after I", are you saying that you led the
22 forces that captured Harbel at this time?

23 A. Yes. The NPFL had captured the area.

24 Q. And having control of the area meant that you had mounted
16:38:06 25 your checkpoints at that time, correct?

26 A. Yes, I had a checkpoint there.

27 Q. Was Foday Sankoh alone when you saw him in the car lot, the
28 car parking lot?

29 A. He was just standing by a car. He alone was standing by a

1 car.

2 Q. And did you know why Foday Sankoh was in Harbel at that
3 time?

4 A. No, no. I just passed by him.

16:38:43 5 Q. Was Charles Taylor in Harbel at this time?

6 A. In 1990, Papay was in - Charles Taylor was in Harbel.

7 Q. Thank you. Mr Witness, do you know the name Jackson F Doe?

8 A. Yes, I know him.

9 Q. The F in that name stands for Fiah, correct?

16:39:22 10 A. Yes.

11 Q. Jackson F Doe was a Gio man, wasn't he?

12 A. Yes, he was from the Gio tribe.

13 Q. Thank you. Mr Witness, do you know of NPFL buying
14 ammunition from ECOMOG at some point in time in Liberia?

16:39:59 15 A. No, I don't know anything about this. I cannot explain
16 anything. If anything happened as such, no, I can't tell.

17 MR BANGURA: Your Honours, I have no further questions for
18 the witness. Thank you.

19 PRESIDING JUDGE: Thank you. Mr Chekera, do you have any
16:40:16 20 re-examination?

21 MR CHEKERA: Maybe just two questions or so.

22 RE-EXAMINATION BY MR CHEKERA:

23 Q. Mr Mineh, when you first spoke to the Defence team and you
24 spoke with me in Monrovia, you did not tell me that you had
16:40:38 25 trained in Libya. Why was that so?

26 A. Yes, it is true.

27 PRESIDING JUDGE: Yes, Mr Bangura?

28 MR BANGURA: [Microphone not activated].

29 PRESIDING JUDGE: Mr Chekera, why don't you switch off

1 yours. Perhaps that's the reason. There you are.

2 MR BANGURA: Your Honours, I do not see any controversy
3 arising from the answer which the witness gave to this Court when
4 I asked him this question. He had said that he was afraid.

16:41:28 5 Madam President will recall that it was an area that I tried to
6 go over again and I was reminded that in fact the witness had
7 answered the question quite clearly, that he was afraid.

8 PRESIDING JUDGE: Mr Bangura, it's not for you to say
9 whether or not there is a controversy. As long as the matter
16:41:43 10 arose during cross-examination, counsel is quite entitled to
11 bring it up in re-examination. I don't know what else he wants
12 to show in re-examination. Perhaps what the witness said to you
13 is different from what he is going to say now. I don't know.
14 But I overrule the objection.

16:42:03 15 Mr Chekera, do ask your question again.

16 MR CHEKERA: Thank you, Madam President:

17 Q. Mr Mineh, the question was: When I first spoke with you in
18 Monrovia, you did not tell me that you had trained in Libya. Why
19 was that so?

16:42:22 20 A. What I want to tell you, the lawyer, I forgot. I recovered
21 and remembered, but I did not hide anything. The truth of the
22 matter is I took my training in Libya.

23 Q. Yesterday when you were asked about the same issue, you
24 also said that you were afraid. What were you afraid of?

16:43:00 25 A. I was not afraid, but actually I forgot about the story of
26 taking training in Libya. I joined the NPFL in Loguato. No, I
27 actually made a mistake. I took my training in Libya. But I was
28 not actually afraid. This is the fact I want to establish.

29 Q. Just one quick question. I want you to listen very

1 carefully, because it's a very straightforward issue. You were
2 asked about the attack by the NPFL on ECOMOG in Monrovia just a
3 few minutes ago. When Monrovia - sorry. When ECOMOG was at the
4 Freeport, where was the NPFL in Monrovia Freeport?

16:44:00 5 A. NPFL was at Freeport, at the area going towards Duala.

6 Q. Earlier on you mentioned that when you - your group
7 attacked Monrovia, you stopped at the university campus. When
8 did you advance to the Freeport?

9 A. Freeport was not under my control. It was different person
16:44:28 10 who was controlling the area. I was at the university campus.

11 MR CHEKERA: That will be all, Madam President. Thank you.

12 PRESIDING JUDGE: The judges don't have any questions for
13 the witness.

14 Mr Mineh, this is now the end. You have come to the end of
16:44:50 15 your evidence, and the Trial Chamber would like to thank you for
16 your evidence and you may now stand down. We wish you a safe
17 journey home when you do return. The witness may be escorted out
18 of the courtroom.

19 THE WITNESS: Okay, Madam President I want to thank you. I
16:45:10 20 want to thank all the judges. I want to thank all the lawyers.
21 I am so happy. May God bless you. May you do your work
22 successfully. God bless you.

23 PRESIDING JUDGE: Thank you. We appreciate that.

24 Mr Chekera, are you going to address the judges on the next
16:45:38 25 witness?

26 MR CHEKERA: Mr Munyard will take over.

27 PRESIDING JUDGE: Good afternoon, Mr Munyard.

28 MR MUNYARD: Good afternoon, Madam President. I hope you
29 can hear me. It's always been my practice to speak in one

1 microphone only, which is switched on. I don't see the need to
2 work on as if a press conference with a number of microphones on
3 at once, but I think on this side of the court sometimes there is
4 a problem with the microphones picking up. I am assuming that
16:46:08 5 you are all able to hear me perfectly well. Thank you.

6 Madam President, we wrote this morning to your legal
7 officer Mr Meisenberg and also to the Prosecution indicating that
8 we are not going to call the next anticipated witness, DCT-133,
9 and we would therefore intend to move on to the witness next in
16:46:35 10 our list as indicated to the Court, which is DCT-226.

11 Now, can I say first of all - and I will come back to this
12 in a moment - 226 was in our notice of witnesses to be called
13 starting next week, Monday, 10. I will come back to that point
14 in a moment.

16:47:01 15 The position in relation to all of our recent witnesses is
16 that we were expecting a number of them to come to The Hague
17 earlier than they were able to, and the reason that they weren't
18 able to come to The Hague is the same reason that's affected
19 literally millions of people worldwide; namely, the Icelandic
16:47:25 20 volcano that disrupted flight arrangements for many people. As a
21 result we had a number of witnesses who came later than planned,
22 and certainly by the end of this last week we have had all hands
23 on deck proofing a number of witnesses at once. But the position
24 is that witness DCT-226 is not yet fully proofed. We haven't
16:47:52 25 quite finished proofing him, and what we would ask the Court for
26 is an adjournment of simply tomorrow's hearing in order to then
27 call him on Thursday.

28 Now, as I have indicated, he is not in the witness order
29 officially until next Monday, and therefore the Prosecution may

1 well, clearly, have something to say about their preparedness for
2 that witness were we to call him early. But what we are asking
3 for is an adjournment of tomorrow's session only, and may I point
4 out in this regard that the witness DCT-133, who we're not
16:48:41 5 calling now, was anticipated to take some three days in
6 evidence-in-chief, and in his case I would have anticipated at
7 least two, and possibly more, days in cross-examination. And so
8 by not calling him, we are actually, in our estimation, probably
9 saving about a week of court time.

16:49:05 10 But as I have indicated, for the logistical problems that
11 have beset everybody, we would invite the Court to grant us the
12 indulgence of not sitting tomorrow so that the witness we next
13 plan to call can be properly proofed.

14 PRESIDING JUDGE: Thank you, Mr Munyard. I would like to
16:49:25 15 hear from the Prosecution on this issue. Ms Hollis, please.

16 MS HOLLIS: Thank you, Madam President. Madam President,
17 the Prosecution is very sensitive to the reality that it takes
18 time to deal with witnesses once they arrive, and we are also
19 aware that sometimes the logistics of moves don't work out as we
16:49:50 20 planned.

21 However, the Prosecution does have a concern, and the
22 concern is this ever-changing order of witnesses and lack of
23 two-week notice for witnesses, and the concern of the prosecution
24 is very practical. It is simply this: For this week we were to
16:50:10 25 expect DCT-133 to be the next witness and the standby witness was
26 to be witness DCT-008, who possibly would have gone into next
27 week.

28 Based on that, we prepared for both of these witnesses. As
29 I said, DCT-133 was estimated to testify in direct for 16.5

1 hours. The backup for this week, 008, was estimated to testify
2 for 14 hours on direct. That's quite a bit of preparation on our
3 part to try to be prepared in advance for what these witnesses
4 may say in direct examination.

16:50:52 5 We had notice of only one witness for next week, and that
6 was DCT-226, and that witness was estimated to testify for 11
7 hours. Today at about 11 o'clock we were notified that DCT-008
8 would not be a backup witness; would not testify at this time.
9 That's what we learned today at about 11 o'clock.

16:51:18 10 Then we were also at that same time told that the next
11 witness would be DCT-133. That was at about 11 o'clock today.
12 We were told that by the Defence. Then we received an email at
13 12.10 notifying us that DCT-133 would not testify as the next
14 witness.

16:51:40 15 The consequence of all of this is that we prepared for the
16 next two witnesses, putting in considerable time, and now we have
17 neither of those witnesses being called, and now we have DCT-226
18 to be called Thursday or Friday of this week after preparation
19 time by the Defence, a witness who was to be called next week.

16:52:06 20 And the short order of it is that it is very difficult for us to
21 effectively organise our work and be prepared to meet these
22 witnesses' testimony in a timely and efficient manner if we do
23 not have consistent and accurate notice as to who the witnesses
24 will be. So once again we have been faced with a change that
16:52:26 25 puts us at a disadvantage in terms of planning.

26 To assist us in the planning for 226, we would ask if the
27 Defence can tell us indeed what their current estimate is for the
28 time on direct examination for this witness. Does it remain, as
29 I understand it, 11 hours for direct, or has that been changed?

1 That would assist us in preparing to meet the direct examination
2 of this witness, and it may be that we would ask your Honours -
3 if we feel we are not prepared, we would ask your Honours if we
4 would be able to proceed with cross-examination beginning next
16:53:06 5 Monday. We would like to begin with cross-examination as soon as
6 direct is finished. But given again this last-minute change in
7 schedule, we cannot give assurance that we would be prepared to
8 do so.

9 So I would like to express our concern about these frequent
16:53:23 10 changes and last-minute changes, understanding at the same time
11 that exigencies do arise.

12 I would also like to ask what the current estimated time
13 for direct examination of this next witness will be so that the
14 Prosecution can determine if we would be prepared to proceed with
16:53:41 15 cross-examination as soon as the direct examination has been
16 completed.

17 In terms of the Defence request that they be allowed
18 additional time to prepare this witness, we do not oppose that
19 request. We understand that recent events beyond the control of
16:53:59 20 any of the parties may have impacted the logistics of movement of
21 witnesses.

22 So, Madam President, those are our inputs, our concern, our
23 lack of opposition to the request for additional time to proof
24 and also our request that we be given the current estimate for
16:54:20 25 the time for direct examination of this witness.

26 PRESIDING JUDGE: Certainly. We appreciate that,
27 Ms Hollis. Mr Munyard, is there anything additional you would
28 like to say in reaction to or in response to the concerns raised
29 by the Prosecutor?

1 MR MUNYARD: Yes, Madam President, if I may. And we
2 appreciate that everyone is inconvenienced by changes of plan.
3 We are particularly sensitive to the difficulties that getting
4 witnesses up here in batches and hoping to proof them all at once
16:55:01 5 - the difficulties that are then caused when they don't come. I
6 am surprised that at 11 o'clock this morning the Prosecution had
7 a communication indicating that 133 was to be the next witness.
8 That clearly had been sent out in error and I apologise for that.

9 As far as the - well, Ms Hollis refers to the ever changing
16:55:26 10 order of witnesses. I don't think it's quite fair to say that
11 there has been an ever changing order of witnesses. There have
12 of course been some changes. The lack of two weeks notice in
13 this particular instance arises entirely as a result of not
14 calling 133 who, as I say, was anticipated to last a week. We
16:55:49 15 are trying to be efficient by having another witness ready, but
16 that witness is the one who is officially listed for next Monday.

17 As far as the back-up witness is concerned, that witness
18 will be called, the reserve witness, I should say - that witness
19 will be called but can't be called at the moment for personal
16:56:12 20 reasons, personal to the witness. And as they were a reserved or
21 back-up witness, they will --

22 PRESIDING JUDGE: This is 008?

23 MR MUNYARD: Yes. As far as my learned friend's request
24 for information as to the anticipated length of
16:56:31 25 examination-in-chief is concerned, it stands at 11 hours which by
26 my reading is two full court days. But normally court day when
27 we are sitting normal hours is five and a half hours. I hope
28 that helps the Prosecution.

29 We are grateful to my learned friend for her understanding

1 of our need to fully prepare a particular witness who, as I have
2 indicated, is already under preparation and we anticipate being
3 ready on Thursday when the Court is due to sit.

4 [Trial Chamber conferred]

16:57:18 5 PRESIDING JUDGE: We have noted the explanation given to us
6 by the Defence. We have also noted the concerns expressed by the
7 Prosecution. In particular, we do note that the decision to drop
8 witness DCT-133, if I understand it, really didn't have anything
9 to do with the volcanic disruption, and so perhaps in all
16:59:24 10 fairness that decision ought to have been communicated to the
11 Prosecutor much earlier. The fact that DCT-133 was no longer
12 going to come, I don't think that had anything to do with the
13 volcanic disruption.

14 MR MUNYARD: Madam President, do you want me to reply on
16:59:46 15 that? Because I can clarify the position. That decision was
16 communicated to the Prosecution as soon as it was made.

17 PRESIDING JUDGE: Which is when? Today?

18 MR MUNYARD: This morning, yes.

19 PRESIDING JUDGE: Then I think that is their concern. It's
17:00:00 20 a valid concern --

21 MR MUNYARD: Yes.

22 PRESIDING JUDGE: -- in my observation, having put in all
23 the time that they have put in. But let me finish with my
24 ruling. It really doesn't change what I am about to say.

17:00:14 25 Now, we have listened to the complaints or the concerns of
26 the Prosecution, which we think are valid. However, we also feel
27 that the fact that the next witness, next available witness was
28 not able to come into the country because of reasons beyond
29 anyone's control are also valid reasons. So the application by

1 the Defence for extra time to prep the witness, which application
2 has not been opposed by the Prosecution, is granted.

3 We also are of the view that if after this witness has
4 testified the Prosecution is of the view that they require extra
17:01:05 5 time to prepare for cross-examination of that witness for the
6 reasons they have stated, then the Trial Chamber will entertain
7 an application at that stage.

8 In the meantime, we will - of course, I will observe that
9 effectively what the Defence is asking for is an afternoon's
17:01:23 10 hearing, that's an adjournment for an afternoon's hearing since
11 tomorrow was scheduled for a half day's hearing anyway. So we
12 will adjourn the proceedings to Thursday afternoon, that is, at
13 2 o'clock in the afternoon.

14 MR MUNYARD: Very grateful, Madam President.

17:01:47 15 PRESIDING JUDGE: Court is adjourned accordingly.

16 [Whereupon the hearing adjourned at 5.01 p.m.
17 to be reconvened on Thursday, 6 May 2010 at
18 2.00 p.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-131	40490
CROSS-EXAMINATION BY MR BANGURA	40490
RE-EXAMINATION BY MR CHEKERA	40535