



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 17 MAY 2010
9.33 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Erica Bussey

For the Registry:

Mr Gregory Townsend
Ms Advera Nsiima Kamuzora
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 Morris Anyah
Mr Silas Chekera
Mr James Supuwood

1 Monday, 17 May 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:33:59 5 PRESIDING JUDGE: Good morning. We'll take appearances
6 first, please.

7 MS HOWARTH: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, myself Ms Kathryn Howarth, Mr Nicholas
09:34:26 10 Koumjian, Mr Mohamed A Bangura and Ms Maja Dimitrova.

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning, myself Terry
13 Munyard, Morris Anyah, Silas Chekera, James Supuwood, and Hawi
14 Alot.

09:34:55 15 Madam President, I have asked for the current witness not
16 to come into court at the moment so that I can revisit with your
17 Honours a matter that we discussed in private session last
18 Tuesday, and I wonder if we could go into private session briefly
19 to review the position.

09:35:21 20 PRESIDING JUDGE: What matter might this be?

21 MR MUNYARD: It's a matter that I can only disclose in
22 private session. It's the matter that we discussed in private
23 session on Tuesday last week as a result of which your Honours
24 made an order.

09:35:30 25 PRESIDING JUDGE: This is the matter that relates to the
26 accused and his privacy?

27 MR MUNYARD: Yes.

28 PRESIDING JUDGE: Because I need to state for the record
29 why we're going in private session, you see.

1 MR MUNYARD: Very well. I will leave the form of words to
2 you, Madam President.

09:35:51

3 PRESIDING JUDGE: So we will go into a very brief private
4 session where we'll cut the audio off from the public for the
5 protection of the privacy of Mr Taylor. Madam Court Manager,
6 please.

7 [At this point in the proceedings, a portion of
8 the transcript, pages 40930 to 40937, was
9 extracted and sealed under separate cover, as
10 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Morning, Mr Zaymay. This morning you are
4 going to continue your testimony in chief with questions from
09:54:17 5 Mr Chekera, Defence counsel. I simply wish to remind you of the
6 oath that you took to tell the truth and that oath is still
7 binding on you today.

8 MR CHEKERA: Madam President, just to correct that, we are
9 actually in cross. I would be happy to take the witness again.

09:54:50 10 PRESIDING JUDGE: I do beg your pardon. It's
11 cross-examination. Yes, of course. I do beg your pardon,
12 Ms Howarth. Ms Howarth, do continue with your cross-examination.

13 MR CHEKERA: I'm sorry to interrupt. Just to say that
14 Mr Taylor would like some assistance with his LiveNote, Madam
09:55:14 15 President.

16 WITNESS: DCT-226 [On former oath]

17 CROSS-EXAMINATION BY MS HOWARTH: [Continued]

18 Q. Good morning, Mr Witness. I want us to go back to where we
19 were on Wednesday afternoon. So if I could ask for the
09:55:33 20 transcript of 12 May 2010 at page 40925 to be pulled up, please.

21 PRESIDING JUDGE: Madam Court Officer, which button should
22 we press?

23 MS IRURA: Your Honour, the courtroom button on the
24 monitors.

09:57:23 25 MS HOWARTH:

26 Q. Sir, I'm looking at line 2. There's a question by myself:
27 "Q. Now, Mr Witness, are you aware that Elmer Glee Johnson
28 has acknowledged that although around 30 per cent of the
29 weapons used by the NPFL were captured, that the rest were

1 arms that had been supplied to Mr Taylor? Are you aware of
2 that?

3 A. No. I was in hospital when I heard that Elmer Glee
4 Johnson fell in an ambush and was killed. I was not in
09:57:50 5 Liberia by then, so I don't know."

6 Then later on, and this is the following pages at lines 23
7 and 24, you said, "I don't know Elmer Glee Johnson, no."

8 Now, Mr Witness, you've referred to being in hospital and
9 that you were not in Liberia. Where were you in hospital?

09:58:14 10 A. I was in hospital in Burkina Faso.

11 Q. And when was that?

12 A. I think it was in April 1990. It was in April 1990 that I
13 had the accident.

14 Q. And what accident was that?

09:58:43 15 A. I fell off from a truck.

16 Q. And what injury did you receive?

17 A. I fell off from a truck and I dropped down on the stock of
18 my rifle, so I --

19 THE INTERPRETER: Your Honours, could the witness be asked
09:59:10 20 to repeat that last bit.

21 PRESIDING JUDGE: Mr Witness, could you please repeat your
22 last bit of the evidence. You said you dropped off from the
23 truck and then what happened?

24 THE WITNESS: I had my arm slinged over me. And when I
09:59:37 25 dropped from the truck, I fell over on the arm and then it
26 touched my jaw and part of my jaw I thought was broken. So that
27 was how I got the accident.

28 MS HOWARTH:

29 Q. You told us you went to Burkina Faso for treatment. Why

1 did you go to Burkina Faso?

2 A. I don't know. I was sick and Mr Taylor took me there for
3 treatment. I went there for treatment because I was sick.

4 Q. Well, why all the way to Burkina Faso?

10:00:12 5 A. I don't know. I was sick and Mr Taylor took me there for
6 treatment.

7 JUDGE DOHERTY: Could I clarify, Ms Howarth, before you
8 proceed? When the witness says, "I fell over on the arm," does
9 he mean the arm of the rifle rather than his own arm?

10:00:37 10 MS HOWARTH:

11 Q. Yes, Mr Zaymay, I think you heard the question from her
12 Honour. Are you able to assist with that?

13 A. I had my own arm strapped over me. And when I fell from
14 the truck, I dropped on the rifle and the stock of the arm hit me
10:01:01 15 by my jaw.

16 PRESIDING JUDGE: The stock of the rifle? Did you say the
17 stock of the rifle hit you on the jaw, Mr Witness?

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Please proceed, Ms Howarth.

10:01:39 20 MS HOWARTH:

21 Q. Just to perhaps clarify that matter a little further, what
22 injury did you receive?

23 A. There was a combat medic in Gborplay. When they took me
24 there the combat medic told me that my jawbone got cracked, so he
10:02:06 25 referred me for me to be taken to an advanced hospital, so my
26 tooth was removed as a result of the accident.

27 Q. You said, this is at line 18, "I was sick and Mr Taylor
28 took me there for treatment." When you say Mr Taylor took you
29 there, did he travel with you?

1 A. Yes, he travelled along with me. And when I was admitted
2 in the hospital, he left.

3 Q. And from where to where did you travel?

4 A. From Liberia to Ivory Coast.

10:03:07 5 Q. And from where in Liberia to where in Ivory Coast?

6 A. From Gborplay to Danane in Ivory Coast.

7 Q. How did you travel there?

8 A. From Gborplay to Danane by car. And when we crossed the
9 river, you'll go to the first town in Ivory Coast and you would

10:03:41 10 take a car from there to Danane. From Danane we went to Man and
11 we took the airplane. There was a private plane in Man and we
12 took the plane from Man to Abidjan. From Abidjan we boarded a
13 plane from Abidjan to Burkina.

14 Q. How long after receiving your injury was it that you

10:04:12 15 travelled to Burkina Faso?

16 A. Within five days I was there.

17 Q. And when you were in Burkina Faso, what treatment did you
18 receive?

19 A. I am not a doctor to know the scientific names of the
10:04:50 20 drugs. It was the doctor who treated me, so that is all I know.

21 Q. Mr Zaymay, I'm not asking you to give the names of the
22 drugs, but can you tell us whether indeed you received any drugs
23 or any other sort of treatment?

24 A. I was treated in the hospital.

10:05:13 25 Q. My question is: How were you treated? Were you given
26 drugs? Were you bandaged? Were you x-rayed? What happened?

27 A. They x-rayed my whole head and the doctor informed me that
28 my jawbone was cracked. So they told me that I needed not to be
29 talking too much. So my upper teeth and lower teeth, they

1 brought it together and tightened it so I will not be shaking my
2 mouth. And I could not eat. They only used to grind meat. They
3 would prepare that - like Quaker Oats and I will suck that. That
4 was how I was treated.

10:06:17 5 Q. For how long were you in hospital?

6 A. I was in the hospital for two months, May and June.

7 Q. And how did you return from Burkina Faso to Liberia?

8 A. I was there when Mr Taylor called and I told him that I had
9 now recovered and I wanted to go back. So Elmer Glee Johnson and

10:07:15 10 I were there together because when I went I met Elmer Glee

11 Johnson there. So Elmer and I moved together from Burkina to
12 Liberia. No, no, no, no. Please excuse me. I was there with
13 Mr Taylor's wife Agnes Taylor. Agnes Taylor. And then Agnes
14 Taylor said, "Okay, then you have to go." He said the war was

10:07:52 15 getting tough. He said, "I have already reported to Mr Taylor
16 that you are feeling all right now, so you have to go." So she

17 put me on board the plane from Burkina to Abidjan. And from
18 Abidjan I rode on a bus, Tram Cavalli [phon], that is the bus
19 that runs from Abidjan to Danane. And from Danane to Liberia,
20 Gborplay. That was in July.

10:08:28 21 Q. Now, you've mentioned Elmer Glee Johnson. While you were
22 in Burkina Faso in April, May, June, did you meet any other
23 members of the NPFL?

24 A. No, I was there alone.

10:09:03 25 THE INTERPRETER: Your Honours, could the witness be asked
26 to at least speak in the mic and then raise up his voice a
27 little.

28 PRESIDING JUDGE: Mr Witness, the interpreter --

29 THE INTERPRETER: And repeat the last bit, please.

1 PRESIDING JUDGE: The interpreters cannot quite hear you
2 clearly. If you could speak up a bit and repeat the last bit of
3 your answer. You said you did not meet any other members of the
4 NPFL and then you said something else. What did you say after
10:09:33 5 that?

6 THE WITNESS: I said, no, I was the only NPFL man in
7 Burkina at that time with Mrs Taylor, Agnes Taylor.

8 MS HOWARTH: Madam President, might I just have one moment,
9 please. I'm most grateful.

10:10:22 10 PRESIDING JUDGE: Mr Witness, you've just said, "I was the
11 only NPFL man in Burkina at that time with Mrs Taylor, Agnes
12 Taylor." But you also said previously that Elmer Glee Johnson
13 was with you in Burkina Faso. Is he not a member of the NPFL?

14 THE WITNESS: No, it was a slip of tongue. When I went to
10:10:52 15 Burkina at that time - it was when I went to Burkina that I heard
16 about the death of Elmer Glee Johnson. He was not in Burkina at
17 that time.

18 PRESIDING JUDGE: Thanks for the clarification.

19 Ms Howarth.

10:11:12 20 MS HOWARTH: I'm going to move to a different area. If I
21 could ask for the transcript of 11 May 2010 at page 40703 to be
22 pulled up, please.

23 Madam President, I'm just trying to negotiate a suitable
24 distance to the microphone so that I can be heard but away from
10:11:39 25 the microphone so I don't have too much feedback, so if I become
26 inaudible I would appreciate if it could be pointed out to me.

27 MS IRURA: Your Honour, could counsel please repeat the
28 page, because that page doesn't seem to be on that transcript?

29 MS HOWARTH: I'm so sorry, it's 7 May rather than 11 May.

1 You're quite right:

2 Q. I'm looking at line 29, which is right at the bottom of the
3 page. Mr Witness, you said this:

10:13:21

4 "Immediately I had received my order in April 1990 I moved
5 to Gbutuo. Within that same April 1990, Mr Taylor moved
6 and was based in Gborplay, April 1990."

7 Line 9:

8 "Q. And did you remain in Gbutuo?

9 A. Yes, at that time I was in my command in Gbutuo.

10:13:47

10 Q. And for how long did you remain in Gbutuo?

11 A. I remained in Gbutuo in command for one and a half
12 months.

13 Q. From Gbutuo did you go anywhere else?

10:14:02

14 A. From Gbutuo the old man, Mr Taylor, called me to report
15 at Gborplay for my supply."

16 Now my question is this: When you said that Mr Taylor
17 called me to report at Gborplay for my supply, how did he call
18 you?

10:14:36

19 A. At that time there was no communication. We used - we sent
20 messages by sending people, and he sent someone to tell me that I
21 should report to Gborplay. There was no communication by then.

22 Q. So when you reported to Gborplay are you saying that the
23 instruction was directly from Mr Taylor to yourself?

24 A. Yes, at that time he was - yes.

10:15:19

25 Q. So there was a conversation between you and Mr Taylor at
26 that time in relation to that supply. Is that right?

27 A. Yes.

28 MS HOWARTH: If I could ask for - in fact it's the same
29 transcript, but at page 40757.

1 MS IRURA: Your Honour, could counsel please indicate the
2 date? That page is not on that particular transcript. Indicate
3 the date of the transcript. It's not on 7 May.

4 MS HOWARTH: Sorry, that's 11 May.

10:17:28 5 PRESIDING JUDGE: We do have the transcript on the
6 overhead.

7 MS HOWARTH: I'm looking at line 26:

8 Q. "Q. When you left Bomi where did you go?

9 A. I was transferred to Maryland County.

10:17:56 10 Q. And when exactly was it that you got to Maryland?

11 A. It might have been in March or February 1992.

12 Q. And very briefly, why were you transferred, if you
13 know?

14 A. Mr Taylor told me that there were certain things going
10:18:16 15 on in Bomi and he did not want me to be killed. And he
16 said he got information that I'm not part of it, so he said
17 I should be transferred from there. Since there were too
18 much of commandos at that one target, he said I should be
19 transferred from there."

10:18:36 20 Again, Mr Witness, we're in March or February 1992. How is
21 Mr Taylor communicating to you at this time?

22 A. At that time there was signal communication system in the
23 entire NPFL controlled areas.

24 Q. Can you explain how that signal communication system
10:19:12 25 operated, please?

26 A. I had a Yaesu radio. That was what I mean. I had Yaesu
27 radio communications and the headquarters was in Bomi under my
28 command. And that was where Mr Taylor used to send message for
29 me and if there was a radio message from him he will tell the

1 radio man to call me, the commander, so that he will get on to me
2 and I will communicate with him through there at that time.

3 Q. You've mentioned a radio man. What radio man are you
4 referring to?

10:20:11 5 A. The communication man.

6 Q. Are you referring to your own communication man?

7 A. The radio - there were people assigned and who were trained
8 with those radio communication systems and they were assigned to
9 the various units. So I had my own chief of communication who

10:20:47 10 was assigned with me in the radio room in Bomi.

11 Q. Who was that?

12 A. He was called Joseph Dehmi e.

13 Q. Was he known by any other names?

14 A. I have now forgotten his code name in communication but the
10:21:21 15 name I recall is Joseph Dehmi e.

16 Q. What nationality was he?

17 A. A Gio from Nimba. He was a Liberian.

18 Q. If you recall, what were the names of any other radio
19 operators operating under your command at that time?

10:21:50 20 A. I don't remember, but he was the chief who was assigned
21 with me straight by the office. He was the chief of signal.

22 Q. I just want to look at the answer you gave at approximately
23 line 21, although I have quite large type:

24 "And that was where Mr Taylor used to send message for me
10:22:34 25 and if there was a radio message from him he will tell the radio
26 man to call me, the commander, so that he will get on to me and I
27 will communicate with him through there at that time."

28 So how exactly would you then communicate with Mr Taylor?

29 A. Sometimes when I went into the radio room there was also a

1 radio operator assigned at the NPFL headquarters in Gbarnga. And
2 that was assigned directly with Mr Taylor. They used to call
3 that person Butterfly. That was the code name, Butterfly. So
4 sometimes when I went and said, "Oh, I'm in the radio room," and
10:23:42 5 if it was required for Mr Taylor himself to talk to me he will
6 come to the radio room and give me instruction. But sometimes
7 when Mr Taylor was busy he would ask Butterfly to pass the
8 instruction over to me, so that was how it used to go.

9 Q. When you say so "it was required for Mr Taylor himself to
10:24:16 10 talk to me he will come to the radio room and give me
11 instruction," do you mean there that you are talking - you and
12 Mr Taylor are talking directly?

13 A. Yes.

14 Q. And then you went on to say, "But sometimes when Mr Taylor
10:24:41 15 was busy, he would ask Butterfly to pass the instruction over to
16 me." So on those occasions where Mr Taylor was busy are you
17 saying that Butterfly would talk directly to yourself?

18 A. Yes, sometimes.

19 Q. Can you tell me what gender Butterfly was?

10:25:11 20 A. Butterfly was a lady.

21 Q. Do you know how old this lady was?

22 A. At that time Butterfly was just a girl in the twenties.

23 Q. Do you know whether Charles Taylor had a code name?

24 A. Yes, we used to call him Ebony.

10:26:16 25 Q. I'm going to ask for - it's the same - it should be the
26 same transcript, 11 May 2010, at page 40759. I'm moving on to a
27 slightly different topic now. I'm at line 5. I'll put the
28 question before that at line 3:

29 "Q. My question is when ECOMOG entered did they remain in

1 Liberia?

2 A. When ECOMOG entered and pushed us back, they set up
3 their defences and then later they deployed in Maryland in
4 1992.

10:27:23 5 Q. And when they were deployed in Maryland in 1992, did
6 you have any dealings with ECOMOG?

7 A. Yes, I was ordered to disarm ECOMOG.

8 Q. Who ordered you to disarm ECOMOG?

9 A. Mr Taylor."

10:27:44 10 How was that order from Mr Taylor communicated to you?

11 A. At one time I was called to report to Gbarnga for my
12 salary. So when I went, I met Mr Taylor himself. He told me
13 that the ECOMOG - that the ECOMOG were planning to attack us, so
14 he said he would want me to go back immediately and disarm the
10:28:44 15 ECOMOG. I met him one on one and he gave me the orders. So that
16 was how I got it.

17 Q. I wanted actually to stay on that transcript but just to
18 skip down a couple of pages. So to the bottom of 40761, please.

19 PRESIDING JUDGE: When the witness says, "I met him one on
10:29:10 20 one," Mr Witness, do you mean you met Mr Taylor personally - in
21 person, that is? You met Mr Taylor in person to get the
22 directive?

23 THE WITNESS: Yes.

24 MS HOWARTH:

10:29:51 25 Q. Line 26:

26 "Q. Now, when you got the order from Mr Taylor to disarm
27 ECOMOG, did you execute the order?

28 A. Successfully.

29 Q. And how did the disarmament process go?

1 A. I was ordered that all the - for all the three counties
2 where my battalions were assigned, ECOMOG was assigned
3 there within the various battalions, so I should order all
4 my battalion commanders to call the ECOMOG commander in the
10:30:26 5 radio room in order to receive the instruction from
6 Mr Taylor first."

7 Again, how did you receive that order that you should order
8 all of your battalion commanders to call the ECO commander in the
9 radio room?

10:30:49 10 A. When I got at my base in Maryland.

11 Q. So was that an instruction that you received over the
12 radio?

13 A. The radio commander brought the radio message to me from
14 Gbarnga, that here is the caption of the order that you should
10:31:23 15 contact all your commanders.

16 Q. Again, who was that radio commander with you in Maryland?

17 A. I do not recall.

18 Q. Was it the same or different from the person you mentioned
19 earlier?

10:31:51 20 A. No, that was a different person. I left Dehmie in Bomi.
21 That was now a different person, but I do not recall that
22 person's name now.

23 Q. You said that the radio message had come from Gbarnga. Do
24 you know who at that time was operating the radio in Gbarnga?

10:32:20 25 A. Where? In Gbarnga?

26 Q. Yes, in Gbarnga.

27 A. It was the same Butterfly.

28 Q. I'm going to continue with that transcript, please. In the
29 extract that I read you said, "I should order all my battalion

1 commanders to call the ECOMOG commander in the radio room." When
2 you said "all my battalion commanders", what do you mean?

3 A. I mean the various county commanders, the battalion
4 commanders who were under my command. There was a battalion
10:33:23 5 commander at Grand Gedeh, there was a battalion commander in
6 Grand Kru and there was one at Sinoe.

7 Q. Going back to that transcript, I'm going to repeat again
8 line 3:

9 "So I should order all my battalion commanders to call the
10:33:46 10 ECOMOG commander in the radio room in order to receive the
11 instruction from Mr Taylor first. If we rushed on them it
12 would end up in firing and he didn't want any ECOMOG to be
13 killed.

14 Q. Who did not want any ECOMOG to be killed?

10:33:59 15 A. Mr Taylor gave me the instruction.

16 Q. Yes, and what was ECOMOG's reaction, if any, to the
17 order to disarm?

18 A. At first I was to deal with the commander that was with
19 me, commander to commander. I called him in my office. I
10:34:15 20 invited him to the radio room. I told him that there was a
21 message from Mr Taylor for him to come and receive the
22 message. We went, but he refused. Mr Taylor told him to
23 wait and not to endanger the rest of the ECOMOG's lives."
24 Now, Mr Zaymay, when you said, "We went, but he refused,"

10:34:37 25 what did you mean? What did he refuse?

26 A. He at first refused that he was not going to disarm.

27 Q. And when you said, "Mr Taylor told him to wait and not to
28 endanger the rest of the ECOMOG's lives," Mr Taylor told who?

29 A. He told the general commander for the ECOMOG. He told the

1 general commander of the ECOMOG.

2 Q. How did he tell him?

3 A. He told him that, "From where your position is, you don't
4 know the terrain. From Maryland to Monrovia would take you for
10:35:36 5 about two to three days. So for the safety of your own men, your
6 own soldiers, I would not want you to put up resistance. So
7 easily comply with the instruction and you will be brought to me
8 in Gbarnga and I will send you to your headquarters in Monrovia,"
9 and he accepted it.

10:36:00 10 Q. You told us what Mr Taylor said. Was he talking directly
11 to the general commander of the ECOMOG when he said this? In
12 other words, was it Mr Taylor talking to the general commander of
13 the ECOMOG?

14 A. Yes.

10:36:26 15 Q. And this was taking place over the radio. Is that right?

16 A. Yes.

17 Q. Just going back to that transcript for the sake of
18 completion. It continues:

19 "We went, but he refused. Mr Taylor told him to wait and
10:36:54 20 not to endanger the rest of the ECOMOG's lives. The distance
21 that he was from Maryland to Monrovia, it will take him two days.
22 So if he were to put up any violence, he wouldn't make it. He
23 wouldn't make it. He didn't know the terrain. He didn't know
24 where he was. So he told him to go and tell his commanders to
10:37:13 25 disarm, to turn the arms over to Commander Zaymay."

26 Mr Zaymay, is that what you were just explaining to us in
27 terms of what Mr Taylor told the ECOMOG commander?

28 A. Yes.

29 Q. Mr Zaymay, you've mentioned in your testimony somebody

1 called One Man One. I don't think we need to go to the
2 reference, but you had briefly said One Man One was Alpha Company
3 commander. He was assigned at Tiene and Bo Waterside, the border
4 between Sierra Leone and Liberia. What tribe did One Man One
10:38:16 5 belong to?

6 A. One Man One was a Gio man from Nimba County.

7 Q. And who was it that appointed One Man One to this position
8 that you say is Alpha Company commander?

9 A. I assigned him.

10:38:39 10 Q. And can you tell me what happened to One Man One? Did he
11 die?

12 A. Yes. I heard that One Man One died whilst I was in
13 Maryland.

14 Q. When was that?

10:39:02 15 A. I heard it in '92.

16 Q. Can you tell me One Man One, what was his real name, if you
17 know?

18 A. No, I don't know his real name. It was his fighter name
19 that I knew, his popular name.

10:39:33 20 PRESIDING JUDGE: Ms Howarth, you asked the witness what
21 happened to One Man One and did he die. He answered one of your
22 questions.

23 MS HOWARTH:

24 Q. If you know, how did One Man One die?

10:39:53 25 A. I don't know.

26 Q. Why is it that you don't know?

27 A. At that time I was no longer in command. I was far off in
28 Maryland, which was a distance from Bomi. So I did not know how
29 he died.

1 Q. Was One Man One a Special Forces?

2 A. No.

3 Q. How did he come to join the NPFL?

10:40:38

4 A. When I took over the command in Bomi Hills, I met him there
5 as one of the soldiers.

6 Q. Do you know what other assignments One Man One had?

7 A. When I took over the command, he was at the headquarters.

10:41:16

8 Q. Just skipping backwards before I go forwards, you had
9 mentioned Butterfly earlier and you said that she was a young
10 woman. Her name was Oretha Gweh, wasn't it?

11 A. I don't know, but I only knew her code name Butterfly
12 because I was not based in Gbarnga.

13 Q. Very well. And a final question on One Man One. He was
14 well known in the NPFL, wasn't he?

10:41:40

15 A. Yes.

16 Q. And he was someone who was well known because he was a
17 brave fighter, was he not?

18 A. Yes, he was a fighter.

10:42:10

19 Q. Perhaps something was missed there, but the question was a
20 brave fighter. He was well known as a brave fighter, wasn't he?

21 A. Yes.

22 Q. Mr Zaymay, you had spoken about before the invasion of
23 Liberia a rendezvous in Zongwe and you said that Charles Taylor
24 gave a speech in Zongwe. That's right, isn't it?

10:42:44

25 A. He did not give a speech. He only came and dispatched us
26 to go to our various targets. He did not give a speech.

27 Q. Could I pull up the - ask can it be pulled up, the trial
28 transcript of 7 May 2010 at 40654. Can we start at line 3. This
29 is in the middle of your answer:

1 "Zongwe was the rallying point. The group in Danane came
2 to Zongwe. That was from Bin-Houye came to Zongwe. That
3 was where we were when we met Mr Taylor. Then he started
4 planning again. He and Prince, they started planning again
10:44:21 5 how to finally enter into Liberia.

6 Q. At this point did Prince have any position in the
7 organisation?

8 A. Yes, from the base Prince was the S3 planning and
9 training.

10:44:37 10 Q. And again maybe it would be easier if you refer to the
11 base to refer to it by name so that the record is clear.
12 By base you mean which base?

13 A. Yes, at that time in Tajura where we trained Prince was
14 one of the top brass for us. He was the planning and
10:44:57 15 training officer. He was charged with planning.

16 Q. Let's continue with the meeting in Zongwe where
17 Mr Taylor was present.

18 A. So when Mr Taylor came after the other groups had come
19 and we were all together in Zongwe then Mr Taylor said,
10:45:16 20 'Gentlemen take courage. The training that you've had will
21 not go in vain. Now your brothers have entered. Your
22 brothers have entered. You people would go now to attack.
23 You people would go in in groups. Group A.' "

24 So I'll stop there. Mr Zaymay, your testimony on 7 May is
10:45:39 25 describing a rendezvous in Zongwe where you say that Mr Taylor
26 addressed the men there, telling them to take courage. That's
27 your evidence, isn't it, or are you changing it today?

28 A. You know he did not give a speech and you said he gave a
29 speech. He was not giving a speech. He only spoke to us that we

1 should be courageous. He said we - the training we underwent was
2 too advanced for the ordinary AFL training, so he asked us to
3 take courage but he did not actually give a speech. That was all
4 he said.

10:46:46 5 Q. I might come back to that. Could I ask that the transcript
6 of 29 April 2010 at page 40319 be shown to the witness - sorry,
7 be presented to the Court.

8 JUDGE LUSSICK: What was that date again, Ms Howarth?

9 MS HOWARTH: I'm sorry. It's 29 April 2010 at page 40319.

10:47:41 10 Q. This is the evidence of another witness in the case and I'm
11 going to start at line 4:

12 "Q. Let's start again, Mr Witness. You mentioned the town
13 where you were divided into groups. What's the name of the
14 town?

10:47:56 15 A. They called it Zongwe. It's an Ivorian town."

16 Then there is some discussion about the spelling:

17 "Q. Did you eventually meet up with the other groups that
18 came from Libya?

19 A. Those of us that came from Libya and crossed those
10:48:13 20 were - repeat that.

21 Q. Yes, all the Liberians who trained in Libya, did you
22 meet up in Zongwe?

23 A. Yes, we all met here in Zongwe.

24 Q. Was Mr Taylor in Zongwe at the time?

10:48:27 25 A. No, he was never there from the beginning. It was
26 Enoch Dogolea and Alfred --

27 PRESIDING JUDGE: Mr Chekera, the witness said something
28 about Enoch.

29 MR CHEKERA: That's what I'm trying to clarify.

1 Q. Did you say Enoch Dogolea and Alfred?

2 A. I said Enoch Dogolea and Isaac Musa."

3 Then there is more discussion about the spelling of
4 Dogolea:

10:48:51 5 "Q. Mr Mineh, when I asked you the question was Mr Taylor
6 there your answer was Mr Taylor was not there. Was Enoch
7 Dogolea and Alfred Musa the ones who - sorry, Isaac Musa,
8 were they the ones who were present?

9 A. They were the leaders. They were strategising our
10:49:10 10 plan."

11 So, Mr Zaymay, yourself, you are explaining Mr Taylor as
12 being in Zongwe and if not giving a speech, then at least
13 addressing you in Zongwe. And another witness has come to Court
14 and taken an oath and he has sworn that Mr Taylor was never in
10:49:32 15 Zongwe. So please can you help us with this: Who is telling the
16 truth? Is it you or the other witness?

17 A. My group - my group that entered Gbutuo, it was Mr Taylor
18 who dispatched us in Zongwe. My group that attacked Gbutuo, it
19 was Mr Taylor who briefed us, encouraged us to leave. He even
10:50:12 20 escorted us to the border. He wanted to cross. He wanted to
21 cross. But we told him, "No, you cannot enter with us in
22 Liberia. You'll have to wait whilst we go and then establish a
23 safe zone for you and then we'll call you to come in." But he
24 wanted to enter with us but we told him no and he was at Zongwe.

10:50:38 25 That was what I said.

26 Q. But it wasn't just your group in Zongwe at that time, was
27 it?

28 A. Some other groups had been dispatched. I did not see
29 Edward Mineh. I did not see Varney. He told me that, "Your

1 friends and the others have gone to their various targets. All
2 of you will meet in Liberia. So you who are here, your target is
3 Gbutuo so you have to move in." In the case of my group, Taylor
4 of course came and briefed my group before we left. I'm not
10:51:18 5 talking about other groups.

6 Q. Perhaps I'll come back to that in a moment. Now I want to
7 skip to the invasion of Monrovia. You said this was the initial
8 invasion in July 1990. Is that correct?

9 A. Which, NPFL? NPFL entered Monrovia in July 1990.

10:51:58 10 Q. I want to know if you'll agree with this: Your base was
11 the City Hall, wasn't it?

12 A. Yes.

13 Q. And at this time Charles Taylor was based in the Coca-Cola
14 factory, wasn't he?

10:52:18 15 A. He was not based at the Coca-Cola factory. In 1990 Charles
16 Taylor was still in Gborplay. He only came to the front once in
17 a while, but he was based in Gborplay.

18 Q. During the invasion of Monrovia in 1990, Charles Taylor was
19 at the Coca-Cola factory, wasn't he?

10:52:54 20 A. No.

21 Q. So are you saying that during the July 1990 invasion of
22 Monrovia, Charles Taylor was never at the Coca-Cola factory?

23 A. During the time the NPFL entered Monrovia, Charles Taylor
24 was not at the Coca-Cola factory. He was in Gborplay. He came
10:53:24 25 to the Coca-Cola factory sometimes to talk to us.

26 Q. When was that?

27 A. I remember that in July 1990 he came once at the Coca-Cola
28 factory and the battlefield commander, Sam Larto, called us and
29 told us that we should go to the Coca-Cola factory and that

1 Mr Taylor was there who wanted to talk to us. So we went there.
2 We met him there. He thanked us. He said, "I thank you people
3 so much. Now we are in Monrovia. And you take good care of
4 yourselves." He talked to us, he thanked us and he left and he
10:54:21 5 went back.

6 Q. When in July 1990 was this?

7 A. It was in July, but I do not recall the date.

8 Q. What were you doing at this time in July 1990 at the time
9 you visited Charles Taylor in the Coca-Cola factory?

10:54:44 10 A. What were we doing?

11 Q. Yes, you, Mr Zaymay, what were you doing?

12 A. I was a commander. I deployed my men in the defensive
13 waiting for a supply to move on to the mansion.

14 Q. And where were you based at the time you went to visit
10:55:13 15 Mr Taylor in the Coca-Cola factory?

16 A. City Hall.

17 Q. Now, it's right, isn't it, that your group at City Hall
18 came together with Isaac Musa and Sam Larto initially with the
19 intention of carrying out the mission to clear the city?

10:55:47 20 A. Yes, we planned to do that.

21 Q. And at this time Isaac Musa was the battle group commander
22 and he had been based in Kakata. Is that right?

23 A. Yes.

24 Q. And Sam Larto, he was deputy to Isaac Musa and he was based
10:56:14 25 on the front line at Duport Road. Is that right?

26 A. No. John Teah was a deputy to Isaac Musa. Sam Larto was
27 the field commander.

28 Q. What about where he is based? I mentioned Duport Road.
29 That's where Sam Larto was based, wasn't it?

1 A. Sam Larto was based in Monrovia at Duport Road.

2 Q. And it's right that Sam Larto in fact went to visit Charles
3 Taylor in the Coca-Cola factory with the intention of obtaining
4 arms and ammunition from Mr Taylor. That occurred at one point,
10:57:13 5 didn't it?

6 A. Yes, we were in defensive --

7 THE INTERPRETER: Your Honours, can the witness be
8 requested to repeat his answer slowly.

9 PRESIDING JUDGE: Mr Witness, please repeat your answer
10:57:25 10 slowly. Please repeat your answer.

11 THE WITNESS: Yes. Commander Zaymay, deputy Zongoya [phon]
12 and the other Special Forces were all in the defensive. We were
13 awaiting supplies to move on to the mansion. We said we were
14 tired of sitting here looking at the mansion. We cannot leave
10:57:51 15 the jungle. Here is the seat of the President. We have to move
16 on and take over at once. The battlefield commander was to go
17 for the supply. It was at that time that he left. It was at
18 that time that he called Mr Taylor and Mr Taylor said, "Okay, I
19 will be there tomorrow. You wait for me. I am coming." It was
10:58:14 20 at that time that he came to Coca-Cola factory.

21 MS HOWARTH:

22 Q. So you agree that Sam Larto went to the Coca-Cola factory
23 to see Charles Taylor with the intention of obtaining arms and
24 ammunition?

10:58:38 25 A. Yes.

26 Q. And when Sam Larto returned, he brought an order from
27 Charles Taylor, didn't he, that there should be a ceasefire? Is
28 that correct?

29 A. Yes.

1 Q. If I could pull up a different transcript. This is 6 May
2 2010 at page 40596. I'm starting at line 14:

3 "Q. Where was that that Godfather recruited you?

4 A. Godfather recruited me in Zongwe.

11:00:21 5 Q. Yes. And when he recruited you, did he tell you for
6 what purpose he was recruiting you?

7 A. We were already on stand-by expecting to come and wage
8 war in Liberia. We were expecting anybody from Abidjan,
9 like all our heads, to come and take us anywhere for
10 training. So when Godfather came, I knew that he had come
11 for training, that I was prepared for.

12 Q. Do you know whether Godfather is known by any other
13 name?

14 A. Yes, they called him Alfred Mehn.

11:00:56 15 Q. What happened when Godfather approached you?

16 A. When - Zongwe is a big city where we lived, so we left.
17 And when we came back they said our friends have gone,
18 the first group has gone. Whilst we were waiting Godfather
19 came and he said he had come for the second group. He
20 said, 'Go and collect all your friends.'"

11:01:15 21 Mr Zaymay, your evidence is that you were recruited by
22 somebody called Godfather who you say is named Alfred Mehn and
23 that he recruited you in Zongwe. Is that right?

24 A. Yes.

11:01:47 25 Q. And this is something you are quite sure about, is it?

26 A. Yes, I was recruited in Zongwe.

27 Q. Now, Mr Zaymay, you have previously told us that you had
28 given evidence to the Truth and Reconciliation Commission. Is
29 that correct?

1 A. Yes.

2 Q. And you gave that evidence on 4 February 2009, did you not?

3 A. Yes.

4 Q. And when you gave that evidence, that evidence was on oath,
11:02:26 5 wasn't it?

6 A. Yes.

7 Q. And you understood that because you were testifying on oath
8 it was important that you told the truth?

9 A. Yes.

11:02:46 10 Q. And you told the truth to the Truth and Reconciliation
11 Commission, didn't you?

12 A. Yes.

13 Q. You told the Truth and Reconciliation Commission that it
14 was Mr Taylor who came and recruited you, didn't you?

11:03:14 15 A. Yes.

16 Q. But you've told these judges that the Godfather, Edward
17 Mineh, recruited you.

18 PRESIDING JUDGE: Please pause, Mr Witness. Yes,
19 Mr Chekera?

11:03:36 20 MR CHEKERA: Yes, Madam President, if counsel is faithful
21 to the transcript and to the witness's evidence, the same
22 transcript that counsel referred to, the earlier answer by the
23 witness to the same question was that, "Mr Taylor recruited us."
24 The same transcript of 6 May 2010, the preceding discussion
11:03:56 25 before the reference to Godfather refers to Mr Taylor recruiting
26 the witness. So if counsel is alleging any inconsistency, there
27 is none.

28 JUDGE LUSSICK: What's the transcript reference to that?

29 MR CHEKERA: The same transcript of 6 May 2010, page 40596.

1 I remember this very well because I was chastised more than once
2 for leading on that particular issue.

3 JUDGE LUSSICK: Could you give us a line, please?

4 MR CHEKERA: Maybe you could start at line 3. Or maybe you
11:04:42 5 could start at the preceding page, which is 40595. That's where
6 the discussion started. But at line 3, it's very clear, that is
7 how Mr Taylor came in. And then the discussion went further to
8 discuss Godfather actually being the agent for Mr Taylor.

9 PRESIDING JUDGE: Ms Howarth, what is your response?

11:05:11 10 MS HOWARTH: Well, it's not immediately clear to me from
11 what my learned friend has referred me to. However, I simply
12 submit that it's a matter that can be dealt with in
13 re-examination.

14 PRESIDING JUDGE: But, in any event, the witness has given
11:05:24 15 two - or has pointed to two different persons as having recruited
16 him. And certainly I would like to know which of the two people,
17 Godfather and Mr Taylor, which of the two people actually
18 recruited him.

19 MS HOWARTH:

11:05:47 20 Q. Mr Zaymay, you've agreed that you told the Truth and
21 Reconciliation Commission that it was Mr Taylor who recruited
22 you. Now, I've cited a transcript reference to you where you
23 clearly tell this Court that it's the Godfather, Edward Mineh -
24 Alfred Mehn. So sorry. The Godfather, Alfred Mehn, who
11:06:29 25 recruited you. Mr Chekera says that you said it was Mr Taylor.
26 Clearly you've at least told this Court that it was either
27 Mr Taylor or it was the Godfather or it was both. What is your
28 evidence on this?

29 A. As related to the recruitment I never saw Mr Taylor. It

1 was Godfather who recruited us. When we entered at the base it
2 was then that Mr Taylor came - Mr Taylor came in and said he was
3 the one who had sent for us. Mr Taylor was the one who ordered
4 Godfather to recruit. Mr Taylor never entered at the recruitment
11:07:21 5 ground.

6 Q. So you said, "When we entered at the base it was then that
7 Mr Taylor came." Please help me with this: What base are you
8 referring to?

9 A. Godfather came and recruited us. When we went to the base
11:07:44 10 in Tajura, it was at that time that Mr Taylor came in. He said
11 that he was the one that had sent for us.

12 Q. So in Ivory Coast it's the Godfather, Alfred Mehn, who
13 recruits you, correct?

14 A. Yes.

11:08:11 15 Q. And you don't meet Mr Taylor until you get to the base?

16 A. Yes.

17 Q. And that's the base in Tajura?

18 A. Yes.

19 Q. So your lawyer's got that one wrong, hasn't he?

11:08:37 20 A. Maybe I made the error from the statement that I gave, but
21 Taylor never recruited us, but Godfather recruited us and turned
22 us over to Mr Taylor. If I said Mr Taylor recruited us, it could
23 be an error from me.

24 Q. Now, you agreed with me that you told the Truth and
11:09:00 25 Reconciliation Commission that it was Mr Taylor who recruited you
26 in Ivory Coast. Why are you telling the Truth and Reconciliation
27 Commission one thing and these judges something else?

28 A. What I said to the TRC was an error. It was an error.

29 What I'm saying is that the recruitment was done by Godfather.

1 It was a recruitment team that did the recruitment, not Taylor
2 himself. Later on at the base the men who were recruited were
3 handed over to Mr Taylor as the boss. So automatically whatever
4 was going on in relation to recruitment was for Mr Taylor.

11:10:09 5 Q. So you told the Truth and Reconciliation Commission the
6 wrong thing. Is that what you're saying?

7 A. Yes. He was not in the recruiting team. It was an error.

8 Q. So you told the Truth and Reconciliation Commission the
9 wrong thing. Is that what you're saying?

11:10:34 10 A. Not wrong. It's an error. It's not wrong. Anybody can
11 make a mistake and mistakes are allowed to be made.

12 Q. So when you told the Truth and Reconciliation Commission
13 that Charles Taylor recruited you from the Ivory Coast, you got
14 that wrong, correct?

11:10:58 15 A. It is not wrong. It is an error. I'm repeating it. It's
16 an error. It's a mistake.

17 Q. So you're saying you made a mistake when giving evidence to
18 the Truth and Reconciliation Commission?

19 A. Yes.

11:11:16 20 Q. But, Mr Zaymay, you were giving evidence on oath, weren't
21 you?

22 A. Yes, I gave evidence on oath. A mistake is not a lie. A
23 mistake is allowed to be made. Anybody can make a mistake. You
24 take an oath to talk the truth, but you can make mistakes. It's
11:11:42 25 not lying.

26 Q. Aren't you careful when you give evidence on oath,
27 Mr Zaymay?

28 A. But you are careful.

29 MS HOWARTH: I want to refer to the first summary that was

1 provided by the Defence in relation to this witness:

2 Q. Mr Witness, to be fair to you I'm just going to explain
3 that before you give your evidence the Defence lawyers provide us
4 with a summary or summaries of the topics that you will discuss
11:13:00 5 in your evidence. Now, the summary that we were given by the
6 Defence - and I'm referring to the version 4 summary of 29
7 January 2010, however - this is the fourth summary for this
8 witness that was filed. All four of them were the same. I'm
9 referring to the first sentence. Mr Zaymay, it says this:

11:13:32 10 "W" - which is witness - "was an AFL soldier in the
11 Military Police in 1985, was exiled to the Ivory Coast where
12 Charles Taylor took him and others to Libya to be trained as
13 Special Forces."

14 [Overlapping speakers] Mr Witness, if you could just wait
11:14:00 15 for the question.

16 PRESIDING JUDGE: Mr Witness, could you wait for the
17 question, please, to be asked first.

18 THE WITNESS: Yes.

19 MS HOWARTH:

11:14:13 20 Q. Why did you tell the Defence lawyers that Charles Taylor
21 took you to Libya to be trained as Special Forces?

22 A. Ask your question again. I didn't get it clearly.

23 Q. Why did you tell the Defence lawyers that Charles Taylor
24 took you to Libya to be trained as Special Forces?

11:14:41 25 A. Yes, because he staged the revolution. He was the head of
26 the revolution. He staged the revolution. He organised the
27 movement and he arranged the base. So he was the boss who did
28 everything. That's what I'm saying. He took me.

29 Q. Did you tell the lawyers that Charles Taylor took you from

1 the Ivory Coast, like you told the Truth and Reconciliation
2 Commission?

3 A. Godfather was the one who recruited me and took me from
4 Zongwe to Abidjan, from Abidjan to Burkina, from Burkina onward
11:15:44 5 to Libya before I could see Charles Taylor.

6 Q. You have met someone called Edward Mineh while you've been
7 here in The Hague, haven't you?

8 A. Yes, I met Edward Mineh here.

9 Q. Please remind me, when was it you arrived in The Hague?

11:16:14 10 A. I left Liberia on the 27th - no, I left Liberia on the
11 28th, on Wednesday, and I arrived here on the 29th, on Thursday.

12 Q. And when you arrived here, Edward Mineh was also here,
13 wasn't he?

14 A. Yes.

11:16:49 15 Q. And he was also a witness for the Defence, wasn't he?

16 A. Yes.

17 Q. And you were sharing accommodation with Edward Mineh,
18 weren't you?

19 A. We were living in the same hotel.

11:17:18 20 Q. Without naming any names, and please don't name any names,
21 was there anyone - any other witnesses with you in that hotel at
22 that time?

23 A. It was only Edward Mineh that I knew before --

24 THE INTERPRETER: Your Honours, can he kindly repeat the
11:17:47 25 name of the person who came over.

26 PRESIDING JUDGE: Ms Howarth, do you wish him to repeat the
27 name of the person who came over?

28 MS HOWARTH: [Microphone not activated].

29 PRESIDING JUDGE: Mr Witness, you should not name any

1 names. Just give an answer without naming any names, please.

2 THE WITNESS: Yes.

3 MS HOWARTH:

4 Q. And when you say you knew him before, what do you mean?

11:18:23 5 A. Who? Edward Mineh?

6 Q. Yes.

7 A. I knew Edward Mineh as one of the NPFL fighters, as
8 commander for the 1st Battalion.

9 Q. So he is an old acquaintance of yours, isn't he?

11:18:55 10 A. Yes.

11 Q. And an old friend of yours as well?

12 A. Yes.

13 Q. And you are both of the same tribe; I'm right about that,
14 aren't I?

11:19:21 15 A. Yes.

16 Q. And you speak the same language, correct?

17 A. Yes.

18 Q. How many days did you share the accommodation in the hotel
19 with Edward Mineh for?

11:19:39 20 A. Maybe six days.

21 Q. And did you speak with Mr Mineh during those six days?

22 A. Oh, yes. We used to talk. While we were in the video
23 club, we used to talk.

24 Q. What do you mean by the video club?

11:20:16 25 A. You know the place where we were staying, they have a video
26 there. So when there was nothing to do, Edward having been here
27 for long, he has had some friends, the Sierra Leonean group, so
28 he used to go there to borrow video cassette discs and we would
29 go and sit down and he would play it just to pass time.

1 Q. So you passed time together and watched some videos. Did
2 you also share meals together?

3 A. Yes, we used to eat in the same dining room.

4 Q. And did you chat on those occasions too?

11:21:18 5 A. What occasion?

6 Q. When you were eating in the dining room together?

7 A. When you are eating you don't talk, so what would we be
8 discussing? I was concentrating on my mission here.

9 Q. So you talked in the video room but not when you were
11:21:46 10 eating food, correct?

11 A. Yes, when we were eating we don't talk. After I have
12 finished eating I would go to the video club.

13 Q. Could the transcript for 29 April 2010 at page 40303 be
14 shown, please. I'm going to start from line 1. This is what

11:23:00 15 Mr Mineh had to say:

16 "Q. And what happened when you were in Danane?

17 A. I was there; I built my house; I began to sell cassava.

18 Q. For how long did you remain in Danane?

19 A. I cannot remember, but I stayed too long there.

11:23:18 20 Q. Did you leave Danane to go anywhere else after that?

21 A. Yes. When I was in Danane, someone called for me and
22 carried me elsewhere.

23 Q. Who came for you?

24 A. Godfather came for me and said, 'Let's go. There is
11:23:36 25 a place that I want to carry you. There is someone that

26 has come to be our saviour, so let's go.'

27 Q. Godfather, did he have another name? Did you know him
28 by another name?

29 A. His name is Alfred Mehn."

1 Then skipping to the next page at line 24:

2 "Q. Mr Witness, when Alfred Mehn approached you what did
3 he say to you?

4 A. What he told me, then I agreed, he came for me and told
11:24:14 5 me that because they are killing the Dan, to wherever you
6 go there, I will go.

7 Q. Did he say he was going to take you to any particular
8 place?

9 A. Yes.

11:24:27 10 Q. Where he was going to take you?

11 A. He took me and carried me to Abidjan. From Abidjan we
12 went to Burkina Faso. Then we advanced to Libya.

13 Q. Did he tell you why he was taking you to Libya?

14 A. Yes.

11:24:40 15 Q. Why was he taking you to Libya?

16 A. He carried me to Libya for those who - for the Dan
17 tribe to regroup and take training to fight Doe, so I
18 agreed."

19 So Mr Mineh is saying there that it's the Godfather Alfred
11:25:00 20 Mehn who recruits him from Ivory Coast, isn't he?

21 PRESIDING JUDGE: Ms Howarth, I don't know what kind of
22 question you want to put to the witness. Are you simply saying
23 to him has he seen what the transcript says, or what is the
24 question?

11:25:35 25 MS HOWARTH: It's as simple as asking his agreement that
26 what I've just read reflects the fact that Mr Mineh said that
27 Alfred Mehn, the Godfather, recruited him from Ivory Coast:

28 Q. That's right, isn't it, Mr Witness? That's what Mr Mineh
29 is saying there, that the Godfather recruited him from Ivory

1 Coast? Do you agree or disagree? Was that what he was saying?

2 A. Yes, I would agree with him because Godfather and Degbon
3 were the recruiting team. They were recruiting us in the Ivory
4 Coast, but I was not in Edward Mineh's group to know whether it
11:26:39 5 was Godfather who took him along. I was not in his group.

6 Q. I would like to refer to the updated summary that was
7 provided by the Defence, and this was the first of two. This was
8 provided on 5 May 2010. Mr Witness, this updated summary
9 explains this:

11:27:25 10 "Witness went into exile in the Ivory Coast where Charles
11 Taylor's emissaries took him and others to Libya for military
12 training with a view to topple Doe."

13 Now, this is different from what is stated in the first
14 summary we were provided with and it's different from what you
11:27:48 15 told the Truth and Reconciliation Commission. My question is
16 this: Did you and Mr Mineh put your heads together and discuss
17 who it was who recruited you from the Ivory Coast? Did you
18 discuss the Godfather - Godfather, Alfred Mehn?

19 A. Discuss - ask your question again. You said I discussed
11:28:19 20 what with Edward Mineh or Godfather? I did not get your question
21 clearly.

22 Q. Did you discuss with Edward Mineh your recruitment in Ivory
23 Coast by Edward Mineh, Godfather - Alfred Mehn, Godfather?

24 A. I discussed with Edward Mineh where?

11:28:47 25 Q. While you've been sharing the hotel here in The Hague?

26 A. No. I was strongly advised that I should not discuss my
27 testimony with anybody, so I never discussed anything with Edward
28 Mineh.

29 Q. So you are saying it's just a coincidence that you've

1 changed your story from it being Charles Taylor who recruited
2 you, which is what you told the TRC, to it being Alfred Mehn,
3 Godfather?

4 A. I said any movement of the NPFL that was done for
11:29:40 5 recruitment to attack Liberia was supervised Charles Taylor.
6 Charles Taylor never came on the ground in Zongwe in Ivory Coast
7 to recruit me. It was Godfather who recruited me. The
8 recruitment team was Godfather and Degbon.

9 When I was - I was recruited by Godfather and when I got to
11:30:03 10 Tripoli, that was the time Mr Taylor came in as the overall boss
11 for our organisation. So automatically he recruited. He sent
12 for the people, but he never came on the ground to recruit me. I
13 continue to say this.

14 MS HOWARTH: I don't know if this is a convenient point,
11:30:28 15 Madam President.

16 PRESIDING JUDGE: Yes, this is a convenient moment to take
17 the midmorning break. We will reconvene at 12 o'clock.

18 [Break taken at 11.30 a.m.]

19 [Upon resuming 12.03 p.m.]

11:58:17 20 PRESIDING JUDGE: Right. Ms Howarth, please continue.

21 MS HOWARTH: I am grateful:

22 Q. Now, Mr Witness, we have spoken about your appearance
23 before the Truth and Reconciliation Commission and the fact that
24 you gave evidence before them. When you did so, am I right in
12:03:47 25 saying you gave evidence for about an hour and a half? Does that
26 sound about right, or not?

27 A. I can't remember the exact time. I was not having a watch.

28 Q. Does it sound like a reasonable estimate? It doesn't have
29 to be exact.

1 A. I can't tell.

2 Q. Very well. You on that occasion told the Truth and
3 Reconciliation Commission your story about what happened during
4 the wars in Liberia, didn't you?

12:04:43 5 A. Yes.

6 Q. And when you were telling them your story, you explained,
7 as we have already mentioned this morning, that Charles Taylor
8 came and recruited you from the Ivory Coast, and after that you
9 told them about how you invaded Liberia and you entered with

12:05:14 10 Prince Johnson in Gbutuo. That's correct, isn't it?

11 A. Yes.

12 Q. You spent some time in your testimony to these judges in
13 this Court talking about your training in Libya, correct?

14 A. Yes.

12:05:41 15 Q. But when you were relaying your story to the Truth and
16 Reconciliation Commission, you didn't mention your training in
17 Libya at all, did you?

18 A. Yes, I told them I was trained in Libya.

19 Q. When it was the part of your testimony where you were
12:06:10 20 relaying your story - not the part where you are being asked
21 questions, but the chance you had to tell your version of
22 events - you didn't mention Libya, did you?

23 A. I talked about Libya; that I was trained in Libya.

24 Q. So you are saying when you told your story in your own
12:06:46 25 words your events, you told the Truth and Reconciliation
26 Commission about your training in Libya?

27 A. Yes. They asked me what had caused me to take arms against
28 Samuel Kanyon Doe. I explained how I went to exile, how I left
29 and went for training, the type of training I took, how I

1 entered. I explained everything.

2 Q. Now, the format of the hearing before the Truth and
3 Reconciliation Commission was this: You had an opportunity to
4 explain your story to the commissioners uninterrupted for some

12:07:36 5 time, didn't you?

6 A. Yes.

7 Q. And then after that the commissioners were able to ask you
8 questions, weren't they?

9 A. Yes.

12:07:56 10 Q. And you very helpfully answered those questions, correct?

11 A. Yes. Yes.

12 Q. Now, in the part where you were telling the commissioners
13 your story, your version of events, you didn't mention that you
14 trained in Libya, did you?

12:08:25 15 A. I told them where I was trained and the type of training I
16 undertook and how I entered Liberia. I explained to them. I did
17 not jump from Ivory Coast to come to Liberia. I was trained, and
18 I told them.

19 Q. So you are saying that when you were giving your own
12:08:47 20 version of events you told them about the Ivory Coast, and from
21 the Ivory Coast you told them that you went to Libya to Tajura
22 and was trained there by Charles Taylor? Is that what you are
23 saying?

24 A. Yes.

12:09:06 25 Q. Mr Zaymay, that's not true, is it?

26 A. What is not true?

27 Q. It's not true that you when you were narrating your story,
28 your version of events, that you told those commissioners about
29 Libya. You didn't mention Libya at all, did you?

1 A. Well, maybe they made a mistake. Then how did I leave
2 Ivory Coast to come and fight in Liberia? Where was I trained?
3 Then they made the mistake.

12:09:50

4 Q. Mr Zaymay, you didn't mention Libya to them at all until
5 you were asked the question directly by one of the commissioners.
6 That's what happened, isn't it?

12:10:18

7 A. I explained where I was trained. If it is not mentioned
8 there, then that is their error. They asked me what had caused
9 me to join the NPFL, and I explained what had caused me to join
10 the NPFL and where it was organised in Libya, and I explained
11 where I was trained. If it was not there, then they may have
12 made the mistake, not me.

12:10:36

13 Q. So are you saying you spoke twice about Libya? You spoke
14 once about Libya when you were relaying your story of events, and
15 then again when you were asked questions. Is that what you are
16 saying?

17 A. Yes.

12:10:58

18 MS HOWARTH: Your Honour - Madam President, I would like to
19 refer the witness to his testimony before the Truth and
20 Reconciliation Commission. It's in a bundle. A copy has been
21 provided to the Defence previously, and there are bundles for
22 your Honours.

23 Yes, if Mr Zaymay could be shown the copy.

12:12:32

24 MS IRURA: There are two bundles. Could counsel indicate
25 which of the two.

26 MS HOWARTH: It should be one bundle with two tabs, tab 1
27 and tab 2. It's in tab 1.

28 PRESIDING JUDGE: Mr Witness, can you read the document on
29 the computer?

1 THE WITNESS: This one is not clear to me. My eyesights
2 are not good.

3 PRESIDING JUDGE: It's not clear to me either and I am
4 wearing glass. Perhaps the witness could be given the document
12:13:22 5 directly, the paper copy for him to read.

6 MS HOWARTH: Madam President, there should be copies of the
7 bundles for your Honours. I don't know --

8 PRESIDING JUDGE: Yes, we do have copies. I was just
9 concerned that the witness, you know, should be shown a copy
12:13:45 10 that's legible.

11 MS HOWARTH:

12 Q. Mr Witness, you have in your hands a copy of the testimony
13 that you gave before the Truth and Reconciliation Commission and
14 at the top it reads - the top of the first page it reads,
12:14:12 15 "testimony before the Liberian Truth and Reconciliation
16 Commission." Then it says, "Montserrado County, February 4,
17 2009, Mr Edward T Zaymay." If I could turn to page 3. I am
18 going to start where it says "that". It's in the middle of the
19 page. You said:

12:14:59 20 "That was how the old ma gave me US \$10 and I left with
21 tears in my eyes and I said to myself, 'I will return to this
22 country and revenge,' and that was what motivated some of us to
23 have taken arms against this Doe government. While it was sweet
24 to other people, it was bitter cola to some of us. And so I left
12:15:22 25 and make my way into exile and while there I met some soldiers,
26 Namibians, civilians and others in exile and decided that we
27 should remain there and rally and buy single barrel and enter
28 Liberia because we are all trained the same way. That was our
29 plan but there was no leader. It was Prince Johnson, Isaac Musa

1 and by then Podier was in Abidjan. We remained there and if it
2 were Butterfly that came as a leader and said to us let go, we
3 would have done it and we will take him to be God and remained
4 committed to him like Taylor. So we were there until Taylor came
12:15:59 5 and recruited us and we pull out. Those day people in Nimba
6 making their farms, citizens, killing them, there must be a stop
7 to it. We were trained and we entered. I entered with Prince
8 Johnson in Gbutuo with two single barrels and five stalks."

9 Mr Zaymay, where in what I just read does the word "Libya"
12:16:28 10 occur?

11 A. Excuse me. This statement, at first I was called to the
12 TRC head office in Sinkor in Monrovia. That was where they
13 recorded me when I explained everything. My statement was taken
14 down and they told me that they were taking it to the TRC office.
12:17:01 15 So it may be the people's error when they did not mention Libya,
16 but I did explain to the people where I took my training and the
17 type of training I undertook and how I entered.

18 MS HOWARTH: Madam President, may I just have a moment. I
19 want to be fair to the witness and true to what he said to the
12:18:18 20 truth commission. I just want to find a reference I wasn't
21 intending to refer to.

22 I am grateful for the time. I have been unable to find
23 what I am looking for. If I can locate it I will certainly come
24 back to it:

12:20:26 25 Q. Mr Zaymay, this is not a copy of a witness statement. This
26 is a copy of the testimony that you gave on 4 February 2009,
27 isn't it?

28 A. I was recorded when I gave my statement and when I entered
29 into the hall, I explained the same thing. If the people - the

1 people were the ones who were taking the record. If they did not
2 mention it here, then they would have made the error. It was not
3 me. How could - where would NPFL have come from to enter
4 Liberia? Where was NPFL organised? I explained where I had come
12:21:11 5 from.

6 Q. Mr Zaymay, if you look at the document, the first page, it
7 says "presenter" and from then onwards there is the record of
8 your evidence that you gave and that's pages 1, 2, 3, 4, 5, and
9 of 6 and then at page 6 we see questions from the commissioners
12:21:46 10 and then the remaining pages are indeed those questions. Not so?

11 A. Yes, they asked me questions and I answered to them.

12 Q. So the format that it took was yourself giving your
13 testimony, your story, followed by the commissioners asking their
14 questions to you, correct?

12:22:17 15 A. Yes.

16 Q. But in the statement that I read to you, when you were
17 giving your version of events, you don't mention Libya, do you?

18 A. I could remember explaining where I was trained. Where I
19 was trained.

12:22:41 20 Q. You don't mention Tajura, do you?

21 A. I mentioned where I was trained. I was trained in Tajura
22 in Libya. I mentioned it. That was where NPFL was organised.
23 That was where I saw Taylor. I explained.

24 Q. You didn't mention at all about Libya, Tajura, training as
12:23:05 25 Special Forces, when it was your turn to give your version of
26 events, did you?

27 A. I said I explained. It might be an error from the people,
28 but not me.

29 Q. Did you not mention Libya in your story because you were

1 trying to protect Mr Taylor?

2 A. I was trying to protect Mr Taylor? By what means?

3 Q. Well, Mr Taylor didn't want people to know about him
4 training Special Forces in Libya, did he? Do you remember that?

12:24:03 5 THE INTERPRETER: Your Honours, can he repeat his answer
6 slowly.

7 PRESIDING JUDGE: Mr Witness, whatever you said has not
8 been captured by the interpreter. Please repeat your answer
9 slowly.

12:24:15 10 THE WITNESS: I am repeating it. I said, if I intended to
11 tell them in Liberia, then why could I come here in an
12 international war crime court and admit it here? I protect him
13 in Liberia and not in a war crime court?

14 MS HOWARTH:

12:24:40 15 Q. There was a time, wasn't there, Mr Zaymay, when Mr Taylor
16 didn't want people to know about training in Libya, wasn't there?

17 A. There was no time that I know of.

18 Q. So you are saying Mr Taylor has always said, 'Oh, yes, I
19 was training Special Forces in Libya'? He has always been open
12:25:12 20 and honest about that, has he?

21 A. He never told me. I was not close to Mr Taylor, but I knew
22 where I was trained. It's not a secret. When NPFL entered
23 Liberia, everybody knew where NPFL had come from. It was not in
24 secret.

12:25:46 25 Q. Mr Zaymay, I am not sure that you have really answered my
26 question so I am going to try again. Mr Taylor has not always
27 been completely open and honest about training Special Forces in
28 Libya, has he?

29 A. No.

1 Q. So when you failed to mention Libya to the Truth and
2 Reconciliation Commission when you were telling your version of
3 events, was that because you were trying to protect Mr Taylor?

4 A. No. I was not protecting Mr Taylor. When NPFL entered
12:26:40 5 Liberia, everybody knew where NPFL had come from. If I was
6 protecting Mr Taylor in a common country like Liberia, what about
7 here in an international court here?

8 Q. I want to be a hundred per cent complete in having listened
9 to what you have said to turn to page 7 of the testimony from the
12:27:06 10 Truth and Reconciliation Commission. About halfway down the page
11 there is a question from Commissioner Konneh. He says:

12 "Mr Witness, we want to thank you for coming to testify in
13 what you know and what you did during the Liberian civil
14 war. For your general testimony, we gathered that you were
12:27:35 15 one of those who went to Libya for training. Is that
16 right?

17 Response: Yes."

18 Mr Witness that's all you told the Truth and Reconciliation
19 Commission about Libya, isn't it?

12:27:54 20 A. Yes. They asked me this question, where I was trained, and
21 I told them I was trained in Libya. If I did not mention Libya
22 in my testimony, how would they have asked this question?

23 Q. I would like the witness to stay here where he is for a
24 moment, because I am going to come back to the testimony. But if
12:28:17 25 it's possible for the transcript of 11 May 2010 at page 40790 to
26 be put on the screen, I would be grateful. I am at line 15,
27 Mr Zaymay. This is an extract from your testimony to this Court
28 during your evidence-in-chief at line 15:

29 "Q. Do you know anyone by the name Dr Manneh?

1 A. I heard about Dr Manneh, but I never saw him. I did
2 not even know what he looked like.

3 Q. What did you hear about Dr Manneh?

4 A. I heard from some of the Senegambians that was
12:29:43 5 assigned to Mr Taylor that their leader was called
6 Dr Manneh, but I never saw him."

7 Now, I would like you to - if we could all turn towards the
8 end of the TRC transcript. It's page 21, right at the bottom.
9 This is during the questions that are being asked to you.

12:30:21 10 "Question: What will you say about other mercenaries like
11 Dr Manneh?

12 Response: No, I don't know Dr Manneh.

13 Question: Coko Samba Samel from the Gambia known in
14 Liberia as Dr Manneh in the NPFL, you never heard about him
12:30:53 15 and you don't know him?

16 Response: When we entered I got my instruction and I went
17 straight to the front."

18 Mr Zaymay, why, when you gave testimony before the Truth
19 and Reconciliation Commission, did you say, "No, I don't know
12:31:16 20 Dr Manneh," but also on oath to these judges you explained that
21 in fact you did know who Dr Manneh was because you had been told
22 by the Gambians that he was their leader?

23 A. Knowing somebody by name is different from hearing.
24 Knowing somebody is different from hearing about somebody, okay?
12:31:57 25 You can tell me that this is my leader, meaning Dr Manneh. It
26 does not mean that I saw him and I knew - I saw him in person and
27 I knew him. The people from Senegambia told him that - tell me
28 that he was their leader. I did not see him to even know him and
29 how he looked. So knowing somebody is different from hearing

1 about somebody.

2 Q. Isn't it the case that you are telling one thing to the
3 Truth and Reconciliation Commission and another thing to these
4 judges?

12:32:38 5 A. The TRC asked me if I knew Dr Manneh and I said, "No, I
6 don't know Dr Manneh." I did not even see him in person, but I
7 heard about him. That was what I told the TRC, and that's the
8 same thing I am saying here. I did not see Dr Manneh in person.
9 I heard from some of the Gambian guys that Dr Manneh was their
10 leader.

11 Q. If I could - and again please stay where you are for the
12 moment. If I could refer to the trial transcript again at 11
13 May, page 40785.

14 PRESIDING JUDGE: We have the transcript.

12:34:06 15 MS HOWARTH: I am grateful. I will start from the top.

16 Q. We are talking here about your testimony regarding the
17 Roosevelt Johnson incident.

18 "A. First in 1998 after the elections in 1997. When
19 Charles Taylor was elected President, the first attack in
12:34:29 20 1998 by Roosevelt Johnson on Camp Johnson Road, September
21 18.

22 Q. What was the attack about? And again, just be very
23 brief in your description of the attack?

24 A. Roosevelt Johnson from the ULIMO-J, where he was living
12:34:49 25 at Camp Johnson Road was declared by him as the Executive
26 Mansion for ULIMO-J. They established a roadblock there.
27 Nobody could pass through. So Mr Taylor ordered the ECOMOG
28 commander that was assigned with Mr Taylor to go and tell
29 Roosevelt Johnson to come to him. Why should he put a

1 roadblock in the city? Roosevelt Johnson refused, so his
2 man opened fire on the ECOMOG. The ECOMOG executed the man
3 who opened fire on Roosevelt Johnson - on ECOMOG from
4 Roosevelt Johnson. Then Taylor ordered Roosevelt Johnson's
12:35:31 5 arrest. That was what brought the war, September 18.

6 Q. And how did that war end?

7 A. We fought the war. From the arrest, it turned into a
8 war and we fought the war. Roosevelt Johnson escaped into
9 the American embassy. That was where the war ended.

12:35:51 10 Q. And when you say 'we fought the war' were you involved
11 in the fighting?

12 A. Yes.

13 Q. And which unit in the AFL were fighting under?

14 A. We had a combined AFL now. I had taken over my
12:36:06 15 military police unit. All of us joined. The entire AFL,
16 we attacked Roosevelt Johnson."

17 Mr Zaymay, are you satisfied that that's a correct
18 recollection of what happened on September 18?

19 A. Yes.

12:36:32 20 Q. If I could refer to page 6 of the testimony from the Truth
21 and Reconciliation Commission. Mr Zaymay, I am going to read
22 what you told the Truth and Reconciliation Commission about the
23 September 18 incident. I am at page 6. I am going to start
24 where it says "That was where the incident". It's just above the
12:37:17 25 middle of the page:

26 "That was the incident that brought September 18 when the
27 chief of staff report to the President that when Roosevelt remain
28 on Camp Johnson Road he will create problem for the army and the
29 President ordered his arrest from Camp Johnson Road and that was

1 what that brought, September 18. He called and asked me Zaymay,
2 are you in BTC? Yes, sir, I answered. You will close the gate
3 and nobody will enter and order the Light Alert Force to move to
4 me to defence, and they exchanged fire and Roosevelt is on his
12:37:59 5 way to BTC, entered by the way of PHP and there was a heavy force
6 of artillery headed by ATU from the mansion came by the way of
7 Redemption Street and entered at the back of BTC fence with BZT
8 and by then Roosevelt and his men were on the football field and
9 when the heavy force came they all ran towards PHP. ATU took
12:38:26 10 complete control, they put me in control and they went to do
11 house search and anybody we find will be consider enemy."

12 First, Mr Zaymay, what's PHP?

13 A. BHP - PHP is an area - it's an area by the BTC. It is an
14 area where people live.

12:39:09 15 Q. You know what PHP stands for?

16 A. No, I don't know what it stands for.

17 Q. Now, when you testified about this incident to the Truth
18 and Reconciliation Commission, you said that the reason for -
19 that Charles Taylor ordered the arrest of Prince Johnson was that
12:39:39 20 he was going to cause a problem for the army, didn't you?

21 A. Yes, for the army and the entire Liberian people - the
22 entire Monrovia people.

23 Q. But when you have given evidence about this incident before
24 their Honours you have given a different version of events,
12:40:08 25 haven't you?

26 A. What's the difference? Roosevelt Johnson declared himself
27 President and placed a roadblock in the city. That was what
28 brought the problem. What different statement that - have I
29 made?

1 Q. The version that you have given to these judges is that
2 there was a roadblock, first of all, something you didn't mention
3 to the Truth and Reconciliation Commission, and because of this
4 roadblock, Charles Taylor orders ECOMOG to tell Roosevelt Johnson
12:40:46 5 to report to him. He refuses, and Roosevelt Johnson's men open
6 fire on the ECOMOG, and it's only then that Charles Taylor orders
7 his arrest. So it's as a result of Roosevelt Johnson's men
8 opening fire on the ECOMOG that Charles Taylor orders the arrest.
9 That's what you are telling these judges. But you told the TRC
12:41:13 10 that it was because a problem would be caused for the army. So
11 there is two different version of events there, aren't there,
12 Mr Zaymay?

13 A. The issue of Roosevelt Johnson came about as a result of
14 the roadblock at Camp Johnson Road. And when he declared himself
12:41:40 15 President, he said no other person can pass through that area.
16 That was what caused the problem. Roosevelt Johnson's issue came
17 about as a result of the roadblock. That's what caused the
18 problem.

19 Q. When you gave your version of events to these judges, you
12:41:57 20 spoke about the AFL, didn't you?

21 A. Yes.

22 Q. But when you gave your version of events to the Truth and
23 Reconciliation Commission, you talked about a heavy force of
24 artillery headed by the ATU from the mansion, didn't you?

12:42:28 25 A. That was during the fighting now. At that time
26 Roosevelt Johnson had created the problem. It was during the
27 fighting.

28 Q. I don't believe that answers my question. When you talked
29 about your version of events to the Truth and Reconciliation

1 Commission, you talked about a heavy force of artillery headed by
2 the ATU from the mansion, didn't you?

3 A. Yes.

12:43:11

4 Q. And you referred to them coming by way of Redemption Street
5 and entering the back of BTC fence with BZT, didn't you?

6 A. Yes.

7 Q. And you said that the heavy force came and they ran towards
8 the PHP.

9 A. Yes.

12:43:30

10 Q. And that the ATU took complete control.

11 A. Of the barracks, yes.

12 Q. Now, when you gave your version to the TRC, you also said,
13 "They put me in control and they went to do house search and
14 anybody we find we will consider enemy." You didn't mention that

12:43:57

15 to this tribunal, did you?

16 A. If I did not mention it, then I forgot.

17 Q. Mr Witness, you're again giving one version of events to
18 this tribunal when you gave a different version of events to the
19 Truth and Reconciliation Commission.

12:44:24

20 A. What different version?

21 Q. We don't need to go round in circles. Mr Witness, if we
22 could refer to the witness summary provided. It's the third
23 summary that was given, which was the second updated summary on
24 the same day.

12:44:58

25 A. Excuse me. I explained the September 18 incident. What
26 caused the September 18 war, I explained. If I did not mention
27 ATU, it means that I forgot.

28 Q. Just returning for a second to the version of events you
29 did give to the TRC, when you said, "They went to do house search

1 and anybody we find will be considered enemy," what did you mean
2 by that?

3 A. Because Roosevelt Johnson's first incident - Roosevelt
4 Johnson escaped and went to BTC, the military barracks. He
12:46:07 5 called upon all the AFL to support him, and the AFL supported him
6 and we fought and he escaped. So during the second time,
7 September 18, when he went to the barracks - at that time I was
8 at the defence. He went to the barracks. It was at that time
9 that the chief of staff called me and said Roosevelt Johnson had
12:46:35 10 gone to the barracks to look for manpower, because
11 Roosevelt Johnson was in a faction, he was a ULIMO-J from the
12 army, he had gone to the barracks to ask the army to join him.
13 That was the time I moved there.

14 When they met me they said, "Okay, we are going to do a
12:47:01 15 house to house search in the barracks. Any AFL man who is
16 discovered in any of the houses, it would mean that he was in
17 support of Roosevelt Johnson. Why has he not joined the AFL to
18 fight and he is in a house?" That was the reason they said they
19 were going to do a house to house search in the barracks against
12:47:23 20 the AFL who never took part in the war.

21 Q. Roosevelt Johnson was staying in a neighbourhood with many
22 Krahn people, wasn't he?

23 A. Yes, at that time he was still in the barracks.

24 Q. So it was the Krahn people who were considered the enemies,
12:47:50 25 wasn't it?

26 A. Not all Krahn people. Those who were loyal to Roosevelt
27 Johnson. There was ULIMO-J. It was not all Krahn people who
28 were members of ULIMO-J. Roosevelt Johnson's own faction group
29 was called the ULIMO-J. So you had few of the Krahn people who

1 were committed to him. It was not all the Krahn people that were
2 enemies.

3 Q. I want to refer to the third summary that was provided by
4 the Defence, which is in fact a second updated summary provided
12:48:36 5 also on 5 May this year. Mr Zaymay, I am going to read the first
6 line of an additional summary that was provided by the Defence
7 about your expected testimony. It says this:

8 "W" - which is witness - "was MP commander in the AFL
9 during the Camp Johnson Road incident in Monrovia in 1997."

12:49:09 10 Why did you tell the lawyers that the Camp Johnson Road
11 incident occurred in 1997? It occurs in 1998, doesn't it?

12 A. The Camp Johnson Road incident occurred September 18,
13 1990 - '97.

14 MS HOWARTH: Very well. I am moving now to a different
12:50:03 15 area, so the witness can return to his usual seat, if he is more
16 comfortable there.

17 PRESIDING JUDGE: He is sitting in his usual --

18 MS HOWARTH: [Microphone not activated].

19 Q. If I could pull up another transcript, please. It's from 7
12:50:40 20 May this time, page 40710. I am going to read at line 2:

21 "Q. Do you remember exactly when it was that you were
22 transferred to Bomi Hills?

23 A. I was transferred to Bomi Hills in February. Almost
24 the February ending.

12:51:36 25 Q. And what was your assignment in Bomi Hills?

26 A. To take over as the 6th Battalion commander in Bomi as
27 battalion commander."

28 I am going to skip a bit and go down to line 25, please:

29 "Q. Mr Zaymay, when you retreated from Monrovia you went

1 to Kakata. For how long did you stay in Kakata?

2 A. I stayed in Kakata from August 1990 up to the time I
3 was transferred in February 1991 to Bomi.

12:52:13

4 Q. When you took over the command of the 6th Battalion in
5 Bomi, who were you taking over from?"

6 A. I was succeeded by Oliver Varney.

7 And then skip a bit again to page 40714.

8 PRESIDING JUDGE: Ms Howarth, it says he succeeded Oliver
9 Varney. He was not succeeded by Oliver Varney.

12:52:35

10 MS HOWARTH: Thank you. I am most grateful:

11 "Q. For how long did you remain in Bomi - sorry, in Cape
12 Mount?

13 A. On the fact-finding mission that we went on?

14 Q. No, when you took over from Oliver Varney, for how long
15 were you in that assignment as commander?

12:53:08

16 A. I remained there for - I cannot remember the exact time
17 that I spent in command, but I remained there for a
18 while. I can't give the exact figure."

19 So, Mr Zaymay, this is your testimony on 7 May and you are
12:53:27 20 telling us that you were appointed 6th Battalion commander, that
21 you get this appointment in February of 1991 and that you succeed
22 Oliver Varney. Is that correct?

23 A. Come again. Come again with your question.

24 Q. I will break them down. You were appointed the 6th
12:53:56 25 Battalion commander, weren't you?

26 A. Yes.

27 Q. And you told us that you got this appointment in February
28 1991?

29 A. Which one? Which assignment?

1 Q. The appointment as 6th Battalion commander in Bomi?

2 A. No. Bomi - you mean 2nd Battalion is in Kakata to Monrovia
3 and Bomi is 2nd Battalion.

12:54:47

4 Q. So you are saying today that when you were - the
5 appointment you received in February 1991 was to take control of
6 the 2nd Battalion in Bomi, or are you telling us you were
7 appointed 6th Battalion commander but not in Bomi? Please help
8 if you can.

12:55:27

9 A. I was assigned as commander to attack Monrovia in July 1990
10 in the 2nd Battalion. That is between Kakata to Monrovia. And
11 almost at the end of February, I was transferred to Bomi Hills in
12 '91 as the 6th Battalion commander. 2nd Battalion controlled
13 Kakata to Monrovia and 6th Battalion was located in Bomi Hills.
14 So I was transferred to Bomi Hills at the end of February in 1991
15 as the 6th Battalion commander.

12:55:55

16 Q. So why a few minutes ago did you say, "Bomi - you mean the
17 2nd"?

18 A. No, in Bomi it was 6th Battalion and 2nd Battalion was
19 Monrovia. Kakata to Monrovia. And Bomi Hills was 6th Battalion.

12:56:25

20 Q. And when asked about the time period that you spent as the
21 6th Battalion commander, you initially said that you couldn't
22 remember the exact time but you remained there for a while, but
23 you couldn't give the exact figure, correct?

24 PRESIDING JUDGE: Please pause, Mr Witness. Pause.

12:56:56

25 Mr Chekera?

26 MR CHEKERA: If learned counsel is following up on the
27 transcript that was read, the answer related to his assignment in
28 Maryland, not in Bomi.

29 PRESIDING JUDGE: Ms Howarth, what's your comment?

1 MS HOWARTH: Without taking a moment to look at the
2 transcript I am unable to immediately say. I didn't understand
3 that to be the position. I obviously thought that he was
4 referring to his appointment in Bomi. But certainly I'm happy to
12:57:27 5 go to page 40713 just prior to that to try and clarify it, or
6 otherwise it can be raised by my learned friend in his
7 re-examination.

8 MR CHEKERA: Not to the extent that counsel is quoting the
9 wrong provisions in the transcript. That can be addressed in
12:57:43 10 re-exam. What we are saying is counsel should remain faithful to
11 the transcript and that's not an issue for re-exam.

12 PRESIDING JUDGE: Ms Howarth, you should quote the
13 transcript accurately to the witness when asking him questions.
14 And try to look at the transcript that you want to refer to him
12:58:07 15 and quote accurately, please.

16 MS HOWARTH: Yes. Well, perhaps the easiest thing is to go
17 back to that transcript. I certainly - my understanding was that
18 that did refer to Bomi because of the discussion that goes on
19 before that at the previous page. So perhaps I can bring that
12:58:27 20 page up and we can clarify this matter. So it's 7 May 2010,
21 40713. I can't find a convenient point at 40713, but I might try
22 and do it by looking at 40714 and asking the witness what he was
23 referring to himself:

24 Q. So, again, the question is:

13:00:28 25 "Q. For how long did you remain in Bomi - sorry, in Cape
26 Mount?

27 A. On the fact-finding mission that we went on?

28 Q. No, when you took over from - when you took over from
29 Oliver Varney, for how long were you in that assignment as

1 commander?

2 A. I remained there for - I cannot remember the exact time
3 that I spent in command, but I remained there for awhile.
4 I can't give the exact figure."

13:00:55 5 Now, the question there says when you took over from Oliver
6 Varney, for how long were you in that assignment as commander.
7 When you took over from Oliver Varney, which position did you
8 occupy?

9 A. I took over from him as battalion commander over the 6th
13:01:28 10 Battalion.

11 Q. And where was that?

12 A. In Bomi. Bomi.

13 MS HOWARTH: Madam President, in relation to the earlier
14 objection, I do believe that the question referred to his
13:01:46 15 appointment to 6th Battalion commander in Bomi from Oliver
16 Varney. So I don't believe there was any misquoting of the
17 transcript on my part there, but I will continue with the answer
18 that's given:

19 Q. You were then asked:

13:02:04 20 "Q. For how long were you in that assignment as commander?

21 A. I remained there for - I cannot remember the exact time
22 that I spent in command, but I remained there for a while.
23 I can't give the exact figure."

24 So, Mr Zaymay, when you were asked by your lawyer on 7 May
13:02:22 25 how long you occupied that position as 6th Battalion commander
26 taking over from Oliver Varney, you couldn't recall how long you
27 were in that position for, could you?

28 A. Yes. I can't remember for how long I was in that position,
29 but it was from February to the end of 1991.

1 Q. February, which year?

2 A. February 1991 to the end of 1991.

3 Q. If I could please refer to the transcript of 11 May 2010,
4 page 40742. I am looking at line 8. This is a transcript on
13:04:15 5 11 May. You are still being asked questions by your lawyer at
6 this point. The question here is:

7 "Q. Now, when you were in Bomi, where were you based?

8 A. My headquarters was in Tubmanburg, the capital of Bomi
9 County.

10 Q. For how long were you in Bomi?

11 A. I was in Bomi from the end of February up to - I was in
12 Bomi for a year up to the time ULIMO attacked.

13 Q. Sorry, end of February of which year, if you can just
14 remind us again?"

13:04:54 15 PRESIDING JUDGE: Mr Howarth, we don't seem to be reading
16 from the same transcript.

17 MS HOWARTH: Is it possible to pull the transcript back up
18 so I can see what was on the screen, please. It should be the
19 previous page, 40742. That's 40743. It should be line 8 I
13:05:31 20 referred to, beginning with "now, when you were in Bomi". I am
21 so sorry if I was rushing ahead there:

22 Q. So I will go back to line 8:

23 "Now, when you were in Bomi, as you said you took over
24 command from Oliver Varney of the 6th Battalion, which
13:05:59 25 areas were you in control of?

26 A. The 6th Battalion that I served as commander for
27 controlled lower Lofa now called Gbarpolu County, Bomi
28 county and Cape Mount. Three counties.

29 Q. Now, besides Bomi and Cape Mount, where you came from,

1 was the NPFL in control of any other areas in Liberia?"

2 A. Yes. NPFL was in --

3 PRESIDING JUDGE: Mr Witness, this is not a question to
4 you. Counsel is just reading a copy of the transcript. It's not
5 a question.

13:06:49

6 THE WITNESS: Okay.

7 MS HOWARTH: Yes, I think I have just discovered the
8 problem that Madam President was alluding to earlier. If I could
9 just have one moment to check my own transcript, I would be very
10 grateful. Perhaps I could continue reading from the transcript
11 as it was on the screen, please:

13:07:11

12 Q. So I had got as far as line 18:

13 "Q. Now, who was in control of Lofa?

14 A. Lofa was controlled by Anthony Mekunagbe.

13:08:09

15 Q. Now, when you were in Bomi, where were you based?

16 A. My headquarters was in Tubmanburg, the capital of Bomi
17 County.

18 Q. For how long were you in Bomi?

19 A. I was in Bomi from the end of February up to - I was in
20 Bomi for a year up to the time ULIMO attacked.

13:08:24

21 Q. Sorry, end of February of which year? If you can just
22 remind us again.

23 A. February 1991.

24 Q. Now, you mentioned an attack by ULIMO. The time that
25 you went to Bomi, was there any fighting going on in Bomi?

13:08:40

26 A. No.

27 Q. And you said when ULIMO attacked. Do you remember
28 exactly when it was that ULIMO attacked?

29 A. ULIMO attacked mid-May 1991."

1 Now, Mr Witness, I am confused because earlier in answering
2 questions today you said you were appointed in February 1991 up
3 to the end of that year and in your testimony here you say you're
4 appointed in February for a year, which would be till February
13:09:29 5 1992, and then again you say your appointment runs until ULIMO
6 attacks, which you said is mid-May 1991. Mr Zaymay, you are not
7 clear when you were appointed, for how long you were appointed
8 6th Battalion commander, are you?

9 A. What do you mean? I am not clear like how?

13:10:00 10 Q. Well, you have given three different versions of how long
11 you held that position for. Haven't you?

12 A. I was in Bomi for almost a year, almost a year. For almost
13 a year. I cannot remember the exact month or the exact time,
14 that I continue to say.

13:10:34 15 Q. Could I refer to a Prosecution exhibit and this is P-386.
16 Mr Zaymay, are you able to see the document?

17 A. Yes, I can see it.

18 Q. Now, this is a diagram that is drawn by another Defence
19 witness, somebody called Yanks Smythe. Do you know who he is?

13:12:12 20 A. I know Yanks, yes.

21 Q. And how do you know him?

22 A. I know Yanks to be one of the Senegambians.

23 Q. And when did you get to know him?

24 A. I got to know him in Liberia. They were all assigned with
13:12:46 25 Mr Taylor as special bodyguards.

26 Q. And when was it that you got to know him?

27 A. I got to know Yanks - I got to know Yanks after Taylor was
28 elected President. I used to see him sometimes when he went to
29 the mansion.

1 Q. And you know, don't you, that he was later appointed
2 ambassador to Libya?

3 A. Not at my level. I was in the army. I did not know about
4 ambassadors.

13:13:58 5 Q. I appreciate that, but you do know that he at one point
6 held that position, don't you?

7 A. I don't know.

8 Q. Very well. Let's look at the diagram. Now, he was asked
9 if he could draw a diagram of the NPFL command structure, and
10 that's written at the top left-hand corner, and just beneath that
11 he has put the date and the date that is there is "March 1991".
12 Do you agree?

13 A. Read that. What? What company structure? I do not
14 understand the handwriting.

13:14:59 15 Q. Okay. In the top left-hand corner is written "NPFL command
16 structure, March 1991". Do you understand?

17 A. Yes.

18 Q. And there is a box in - it's really in the middle of the
19 page where the various battalions are listed. Can you see that?

13:15:32 20 There is 1st, 2nd, 6th?

21 A. Yes, I can see 1st Battalion.

22 Q. Next to that there's 2nd Battalion and next to that there
23 is 6th Battalion?

24 A. Yes.

13:16:00 25 Q. And underneath 6th Battalion he has written the name Oliver
26 Varney?

27 A. Yes.

28 Q. And his evidence to this Court was that Oliver Varney was
29 the 6th Battalion commander. Do you follow?

1 A. Yes.

2 Q. So Yanks Smythe doesn't mention you as 6th Battalion
3 commander, does he?

4 A. Yes, he did not mention me as 6th Battalion commander, but
13:16:51 5 I was 6th Battalion commander in '91, to the end of '91. He
6 might not know.

7 Q. Yanks Smythe has got this right, hasn't he? It was Oliver
8 Varney who was the 6th Battalion commander in March 1991 in Bomi
9 Hills, isn't it?

13:17:17 10 A. No. Oliver Varney was - in 1990 Oliver Varney was sent
11 from Buchanan to go and attack Bomi Hills and when he attacked
12 Bomi Hills in 1990, and I succeeded him in 1991. This is a 1990
13 break down that you see here.

14 Q. Are you saying Yanks Smythe lied to the Court when he said
13:17:49 15 that Oliver Varney was a 6th Battalion commander in March 1991?

16 A. This is a mistake. It was in 1990 that Oliver Varney was
17 battalion commander. He might have forgotten. This is a
18 mistake. But I succeeded him in 1991.

19 Q. Who was Oliver Varney's deputy?

13:18:17 20 A. Morris Mayer.

21 Q. So he has got that part right, hasn't he?

22 A. You mean the Morris Mayer?

23 Q. Yes.

24 A. I cannot see anything. I can't understand the handwriting.

13:18:37 25 Q. Yes. If you just - where it says "6th Battalion, Oliver
26 Varney, Bomi Hills" there is a line that's drawn down from where
27 it says "Oliver Varney"?

28 A. Yes.

29 Q. It says "Deputy Morris Mayers".

1 A. Yes.

2 Q. If we could refer to another trial transcript. This is the
3 29 April 2010 at page 40343. This is the testimony of Mr Mineh
4 that he gave to this Court earlier on. At line 2:

13:20:20 5 "A. I was in Harbel in 1990, at the end of 1990, then 1991
6 I went to Gbarnga.

7 Q. Did you stay long in Gbarnga?

8 A. Yes, I was there for a while, yes.

9 Q. And from Gbarnga did you go anywhere else?

13:20:36 10 A. After I left Gbarnga Mr Taylor sent me to Cape Mount
11 County.

12 Q. And if you recall, when were you sent to Cape Mount
13 County?

14 A. It was in '91 in the middle. I can't remember the day
13:20:52 15 because there was no rating document. It was in '91
16 ending. In fact, in the middle."

17 Skipping down to line 24:

18 "Q. And were you fighting under any battalion when you
19 went to Cape Mount?

13:21:07 20 A. The battalion I was was 6th Battalion.

21 Q. And who was leading the 6th Battalion?

22 A. The head was Degbon. He was the overall commander, but
23 my control area is Cape Mount.

24 Q. Was Degbon leading the 6th Battalion?

13:21:28 25 A. He was the head. He was the head of the Special
26 Forces.

27 Q. And was he in command of the 6th Battalion in Bomi?

28 A. Yes, he was the head of all of us."

29 Then skipping down to line 27 on the same page:

1 "Q. When you were fighting under the 6th Battalion in Cape
2 Mount, what was your position?

3 A. I was company commander. I got other people under me.
4 All of us, our leader, the head, was Degbon.

13:21:58 5 Q. And who else was above you beside Degbon?

6 A. Anthony Mekunagbe.

7 Q. Anyone else?

8 A. Oliver Varney."

9 And then skipping down on the same page to line 22:

13:22:15 10 "Q. The question that I asked you and I want you to answer
11 directly if you can: What was Anthony Mekunagbe's
12 position?

13 A. He was dividing food and ammunition. That's what he
14 controls.

13:22:29 15 Q. And was he superior to you?

16 A. Yes. Yes, he was superior to me.

17 Q. And what was Oliver Varney's position?

18 A. Oliver Varney, he was one of the leaders, yes, there."

19 So, Mr Mineh doesn't mention you, 6th Battalion commander,
13:22:57 20 does he?

21 A. Mr Mineh, when I was there as commander Mr Mineh was not
22 there. Mr Mineh went there when I had been transferred. The
23 first commander who was in Cape Mount was Moses Mahn. He was a
24 Special Forces. Moses Mahn. He was the company commander in
13:23:30 25 Cape Mount County.

26 PRESIDING JUDGE: Mr Howarth, I note that the transcript is
27 referring to Mineh as M-E-H-N, which is also the name of somebody
28 else we have heard, but I think this Mehn is the one that
29 testified before the current witness, spelt M-I-N-E-H.

1 MS HOWARTH: Yes, your Honour is quite right:

2 Q. Mr Witness, Mr Mineh said it was the middle of 1991 that he
3 was in Cape Mount. That's when you were there too, isn't it?

13:24:29

4 A. Yes, I was in Cape Mount during the time for the ULIMO
5 attack.

6 Q. So he puts you there at the same time, doesn't he?

7 A. Yes.

8 Q. But he doesn't know anything about you being the 6th
9 Battalion commander because he is talking about Oliver Varney,
10 isn't he?

13:24:47

11 A. Oliver Varney came there and met me there. All of them
12 came as reinforcement.

13 Q. We can have a look a bit more at what Mr Mineh says if we
14 could please pull up the transcript of 3 May 2010, 40430.

13:25:59

15 MS IRURA: Your Honour, I have the text transcript. It
16 will just take me one moment to get the PDF version. Thank you.

17 MS HOWARTH:

18 Q. Starting from the top of that page. Again this is
19 Mr Mineh's testimony:

13:27:03

20 "Q. Mr Witness, when you were a company commander, you
21 said it was in the 6th Battalion, who were you answerable
22 to?

23 A. I report to joint chief of staff, the head of the
24 entire army.

13:27:16

25 Q. And who was that person at that time?

26 A. The joint chief of staff was John Teah.

27 Q. Mr Witness, as a company commander you were within a
28 battalion of other companies, correct? You said you were a
29 company commander of the 6th Battalion, so you were within

1 your one company amongst three other companies that made up
2 that battalion, right? Correct?

3 A. Yes, go ahead. Yes.

4 Q. And your battalion was based in Bomi, the 6th
13:27:47 5 Battalion, at the time you were company commander, wasn't
6 it?

7 A. Yes, in Bomi.

8 Q. And you say who was the battalion commander at this
9 time?

13:27:58 10 A. Cape Mount? Our head was - the overall head was Degbon

11 Q. Was Degbon the battalion commander of the 6th
12 Battalion?

13 A. He was the head of Cape Mount control area.

14 Q. Mr Witness, you are very much familiar with the
13:28:15 15 structure of battalions and companies. You have told this
16 Court that you served as battalion commander, before you
17 had served as a company commander, you had operated within
18 the battalion as the combat officer. Now, if you were a
19 company in the 6th Battalion then there would have been a
20 battalion commander. Isn't that the case? Wouldn't it
21 have been the case for the 6th Battalion?

22 A. Yes, it has a commander.

23 Q. So who was the battalion commander for the 6th
24 Battalion?

13:28:41 25 A. 6th Battalion commander was Oliver Varney, but Degbon
26 was the overall chief.

27 Q. So Oliver Varney was answerable to Degbon. Is that
28 what you are telling this Court?

29 A. Yes.

1 Q. Was Degbon based also in Bomi?

2 A. Yes. We all were there. They all were there. After
3 the war was raging, then they came. Wangakor.

4 Q. What was Degbon's position actually?

13:29:15 5 A. Degbon was the head, he was the overall chief.

6 Q. Did his position have a name, a title?

7 A. Yes, he was the head.

8 Q. Do you get the question right? You have talked
9 about - we know of a company commander, a battalion

13:29:33 10 commander, but Degbon's position as your overall chief have
11 a title. If you don't know, say you don't know, but that's
12 the question.

13 A. Yes, I cannot remember. But all I know is that he was
14 the head battalion commander.

13:29:40 15 Q. So from what you have told this Court, Degbon had
16 supervision over everybody within the 6th Battalion, right?

17 A. Yeah, we were under him. Everything was being
18 administered by him.

19 Q. Now, what about Anthony Mekunagbe?

13:29:54 20 A. Mekunagbe, he was there. He was one of the - he was
21 the supply officer for the arms and ammunition. Oliver and
22 Degbon. They were all the big brass."

23 Mr Zaymay, you are not included by this witness as being in
24 the big brass, are you?

13:30:24 25 A. In what he said he did not make mention of me but I was
26 there. I succeeded Oliver Varney in '91. After Oliver Varney
27 had gone to Maryland, I was sent there to serve as battalion
28 commander for 6th Battalion when ULIMO attacked in Bomi.

29 PRESIDING JUDGE: Mr Howarth, do you have any further

1 questions arising from that particular transcript?

2 MS HOWARTH: No, I don't at this moment. Thank you.

3 PRESIDING JUDGE: Then, in view of the time, we will take
4 the luncheon break and reconvene at 2.30.

13:31:44 5 [Lunch break taken at 1.31 p.m.]

6 [Upon resuming at 2.30 p.m.]

7 PRESIDING JUDGE: Good afternoon. Ms Howarth, you were
8 continuing with your cross-examination.

9 MS HOWARTH: I'm grateful, Madam President. If I could
14:31:49 10 just announce a change of appearance in the Prosecution Bench.

11 Mr Nicholas has left us and we're joined by Ms Brenda J Hollis:

12 Q. Now, Mr Zaymay, whilst giving evidence you have mentioned

13 that you had a number of face-to-face conversations between

14 yourself and Mr Taylor. Without going into great detail about

14:32:18 15 each of those conversations, can you remind us, please, of the

16 occasions where you've spoken face-to-face with Mr Taylor?

17 A. Where? In Liberia?

18 Q. The ones that you've spoken about in evidence here. So,

19 yes, some in Liberia and I believe also too in Danane in Ivory

14:32:56 20 Coast,

21 A. Not Danane; Zongwe. I said in Zongwe before I left for

22 Liberia, I met Mr Taylor the last time when we retreated from

23 Guinea - when we were deported from Guinea, he came to Zongwe.

24 And the group that I was in - the group that I was in to attack

14:33:34 25 Liberia, he came to Zongwe and encouraged us. He spoke to us and

26 reinforced the SOP. He said Prince Johnson was to take the group

27 and his target was Gbutuo. That was the last time I saw him

28 before we entered Liberia.

29 Q. Perhaps I need to short-circuit this, but other

1 conversations you've had with Mr Taylor included a conversation
2 that took place in Danane in April 1990. This is just after you
3 left Prince Johnson's group and you explained you spoke to
4 Mr Taylor and he was lamenting about the progress of the war. Do
14:34:37 5 you recall telling the Court about that?

6 A. Yes. When we broke away - when we escaped from Prince, he
7 sent for T Zaymay, John Teah and Oliver Varney in Danane. When
8 we went, he thanked us for the efforts we've made. He said we
9 were to continue. Prince Johnson was alone. NPFL is the mother
14:35:19 10 unit. So, Zaymay, you were to go as commander to Gbutuo. This
11 happened in Danane.

12 Q. That conversation where he asked you to go as commander to
13 Gbutuo, that happened the following day, did it not?

14 A. Yes. After he had talked to us, we left that same day.

14:35:47 15 Q. And it was another conversation that you had with Mr Taylor
16 in Gborplay in 1990 where he called for you to report for supply
17 and following that you say you successfully captured Tappita.
18 That's correct, isn't it?

19 A. Yes.

14:36:14 20 Q. And another example is a conversation you have with
21 Mr Taylor when you take over as commander, as you say, from
22 Oliver Varney. Is that correct?

23 A. It was a radio message to me that I should leave and
24 transfer to Maryland.

14:36:52 25 Q. And, again, was that a direct communication between
26 yourself and Mr Taylor speaking on the radio, or via radio
27 operators?

28 A. It was a radio communication. When I was in Maryland, we
29 talked one to one and we had a direct contact on radio.

1 Q. When you say, "We talked one to one and we had a direct
2 contact on radio," what do you mean?

3 A. I went to the radio station, and he told me how I was to
4 disarm ECOMOG. That was what I meant by one to one.

14:37:46 5 Q. Very well. Now, you also explained earlier this morning
6 that when you went to Burkina Faso, you travelled with Mr Taylor.
7 I take it you also had a conversation - or perhaps several
8 conversations with him on that occasion. Is that fair to say?

9 A. He took me to Burkina Faso. I cannot go alone because I
14:38:18 10 had not been there. We travelled. I cannot go alone, so he took
11 me there and handed me over to his wife and he went back to
12 Liberia.

13 Q. Yes, I understand that from before. My question was simply
14 whether any conversation took place between you and Mr Taylor on
14:38:39 15 that occasion.

16 A. Yes. I was moving with him, so we were talking.

17 Q. So you are somebody who has had conversations, one to one,
18 with Mr Taylor on a number of occasions. That's fair to say,
19 isn't it?

14:39:03 20 A. Yes.

21 Q. Now, before the break we were talking about your
22 appointment as 6th Battalion commander. Do you recall?

23 A. Yes.

14:39:29 24 Q. And we looked at a chart drawn by a Defence witness,
25 Mr Yanks Smythe, in which he identified in March 1991 Oliver
26 Varney as being the 6th Battalion commander. Do you recall?

27 A. Yes, I saw it here.

28 Q. And then we looked at the evidence of Edward Mineh, and he
29 also identified Oliver Varney as being the 6th Battalion

1 commander. Do you recall that?

2 A. Yes, I saw Edward's own.

3 Q. Now, I just want us to refer to the evidence that Mr Taylor
4 has given in the case about yourself, Mr Zaymay. If I could ask
14:40:20 5 for a transcript to be brought up, please. It's the transcript
6 of 20 January 2010, page 33697. Now, if I could just go down to
7 line 18, please. The question is this, and this is a transcript
8 from Mr Taylor giving evidence:

9 "Q. Now, Mr Taylor, we've talked before about Benjamin
14:41:28 10 Yeaten, we've talked about Joe Tuah. Who was Edward
11 Zaymay?

12 A. Edward Zaymay is an Armed Forces of Liberia officer.

13 Q. And had he been a part of your NPFL previously?

14 A. Yes, Zaymay was one of the Special Forces."

14:41:57 15 Now, Mr Zaymay, in all of the weeks that Mr Taylor gave
16 testimony, this is all he had to say about you. He doesn't
17 mention you as 6th Battalion commander. Another Defence witness,
18 Mr Yanks Smythe, doesn't mention you as 6th Battalion commander,
19 and your old acquaintance and friend Mr Mineh, he didn't mention
14:42:31 20 you as 6th Battalion commander. Were you really 6th Battalion
21 commander?

22 A. Oh, I will not tell lies. I served as a 6th Battalion
23 commander from '91 to the ending to November, almost to the end
24 of '91 and I was transferred to Bomi Hills. I was in Bomi Hills
14:43:01 25 when ULIMO - the first and second attack by ULIMO occurred. When
26 ULIMO attacked Liberia, I was in command of the 6th Battalion in
27 Bomi. Why should I tell lies?

28 Q. Well, Mr Witness, this is yet again another end date to
29 your appointment as 6th battalion commander. You've just told us

1 from '91 to the ending to November. Where does November suddenly
2 come from? Earlier on it was one year. Then it was May. Were
3 you ever 6th Battalion commander or are you just confused about
4 whether you were there or not?

14:43:48 5 A. I said - I am still repeating it - I was transferred from
6 the 2nd Battalion to the 6th Battalion. From the 2nd Battalion
7 to the 6th Battalion in Bomi Hills as commander for the 6th
8 Battalion. I was in command of the 6th Battalion when ULIMO
9 first attacked and when it attacked the second time. At the time
14:44:10 10 that ULIMO attacked, I was transferred to Maryland. I was
11 commander for the 6th Battalion from February '91 to the ending
12 of '91 in November. I was commander.

13 Q. 1991 doesn't end in November, does it? It ends in
14 December.

14:44:38 15 A. I said almost one year, from 1991, February, I took over
16 the command up to November 1991 ending. Almost to the end.
17 That's why I said I cannot tell the exact time that I spent in
18 command.

19 Q. This would have been a significant appointment, wouldn't
14:45:04 20 it, the appointment as 6th Battalion commander? Is that fair to
21 say?

22 A. Yes, I was 6th Battalion commander.

23 Q. Then can you tell me this: When giving your story to the
24 Truth and Reconciliation Commission, why did you not mention your
14:45:31 25 significant appointment as 6th Battalion commander?

26 A. The TRC wrote me a letter saying that - and when I went,
27 they told me to explain what the cause was for Liberia's civil
28 crisis. I was to explain the cause of Liberia's civil crisis and
29 I explained what I knew, what the cause was. They did not tell

1 me when I was a commander. TRC only asked me to explain what I
2 knew about the Liberia war, what the cause was, what caused us to
3 take arms against a constituted government. And I explained.
4 They never asked me when I was a commander or when I was a
14:46:37 5 commander or when I was a commander.

6 Q. But you had the opportunity to tell your story to the Truth
7 and Reconciliation Commission. Why wasn't this significant
8 appointment part of your story?

9 A. The way they introduced the issue to me, the way they
14:47:07 10 introduced it, they never asked me to explain where I had
11 commanded. They only asked me to explain the root cause of the
12 Liberian civil crisis. That was what they indicated in the
13 letter they sent to me. And when I went, they explained to me
14 that I should explain the cause of the Liberian war, and I
14:47:34 15 explained the cause of the war. They never asked me when I was
16 in command, who was a commander, where I was in command, no.

17 Q. Did you not tell them because you never were 6th Battalion
18 commander?

19 A. I was not a 6th Battalion commander? I served as the 6th
14:48:02 20 Battalion commander.

21 Q. Did you not ask them because you didn't want them to know
22 that you were 6th Battalion commander? I'm sorry. Did you not
23 tell them because you didn't want them to know you were 6th
24 Battalion commander?

14:48:20 25 A. But if I were to tell them that I was the 6th Battalion
26 commander, what would have been the crime there? Would it have
27 been a crime? Would it have been a crime if I had said I was the
28 6th Battalion commander? Would I have been a failure?

29 Q. Well, in their report they have recommended a number of

1 people for Prosecution, haven't they? You're aware of that,
2 aren't you?

3 A. Yes, I'm aware.

4 Q. Did you not tell them that you were a 6th Battalion
14:48:56 5 commander so that they wouldn't consider you as one of the people
6 for potential Prosecution?

7 A. Oh, I entered with war. I entered with war and I attacked
8 the constituted President at that time. That cannot prosecute
9 me, except ---

14:49:24 10 THE INTERPRETER: Your Honours, can the witness be kindly
11 requested to repeat his answer slowly.

12 PRESIDING JUDGE: Mr Witness, you were running too quickly
13 with your testimony. Please repeat your answer slowly.

14 THE WITNESS: Okay, I repeat: I entered in Liberia with
14:49:47 15 war and attacked the Samuel Kanyon Doe constitutionally elected
16 government. If I was a battalion commander, would I be
17 court-martialled? To fight in --

18 THE INTERPRETER: Your Honours, the witness is still
19 speaking very fast.

14:50:09 20 PRESIDING JUDGE: Mr Witness, you are still speaking too
21 fast. I did ask you to slow down. Now, you're going to start
22 again where you said, "If I was a battalion commander, would I be
23 court-martialled?" Now, continue from there slowly, please.

24 THE WITNESS: The question was like I was afraid because -
14:50:37 25 I was afraid if I had said I was the 6th Battalion commander, I
26 would be court-martialled. So I said, what is the big deal
27 there? What is the crime there? I invaded Liberia. I attacked
28 the constituted President at that time. It's not anything big.
29 But if I said I was 6th Battalion commander, if I said I was 6th

1 Battalion commander, then it will be big for me to attack the
2 Liberian government at that time. And to be 6th Battalion
3 commander, which would be bigger?

4 MS HOWARTH:

14:51:19 5 Q. Now, you told us last week about your meetings with Mr Gray
6 in Liberia. You said you met for two days and met for several
7 hours on each of those days and that later on you were
8 cross-examined on your statement by Silas and Logan. Can you
9 tell me, on any of those occasions in Monrovia, did you - you
14:51:54 10 never mentioned, did you, that you were the 6th Battalion
11 commander? That's correct, isn't it?

12 A. I can't remember.

13 Q. Please try to remember. On any of the occasions when you
14 were talking to the lawyers in Monrovia, did you mention that you
14:52:21 15 were 6th Battalion commander?

16 A. Yes.

17 Q. Are you sure about that?

18 A. It's in my testimony, yes. I told them.

19 Q. Well, can you help me as to why it never appeared in a
14:52:49 20 summary of your evidence given to us by the Defence?

21 A. I explained that I was 6th Battalion commander and there
22 was a question about when and where I commanded. And I told them
23 that - I told them wherever I had commanded, here and there, from
24 2nd Battalion to 6th Battalion, from 6th Battalion to Maryland.

14:53:34 25 Q. And who asked that question?

26 A. Mr Silas asked me this question.

27 Q. And where was he when he asked that question?

28 A. He asked me in Liberia and here.

29 Q. Mr Zaymay, that's not true, is it? Because if you had said

1 that to your lawyers, they would have put that in the summary for
2 the Prosecution, wouldn't they?

3 A. Oh, it's not in my testimony? It's not in my statement?
4 It's not there?

14:54:37 5 Q. No. Now, let's move on to your position as 1st Battalion
6 commander.

7 Madam President, I don't know if it's possible, but my view
8 of the witness is actually obscured at the moment because there's
9 a sort of arm that's stuck up. I don't know if it's possible to
14:54:56 10 adjust it so that I can see him better, please.

11 PRESIDING JUDGE: Is that better, Ms Howarth?

12 MS HOWARTH: [Microphone not activated]:

13 Q. Now, Mr Zaymay, you've also told this Court that you were
14 appointed as 1st Battalion commander in 1990. When do you say
14:56:09 15 you were given that appointment?

16 A. Early in 1990.

17 Q. Can you assist with a month, please?

18 A. It might be April.

19 Q. And who appointed you?

14:56:40 20 A. Mr Taylor.

21 Q. And for how long do you say you hold this position?

22 A. About a month.

23 Q. And during this April, what was the 1st Battalion's area of
24 operation?

14:57:04 25 A. To deploy from Gborplay along the border line to Gbutuo.

26 Q. Now, last week you were asked by the lawyer for the Defence
27 to write down the command structure of the NPFL in 1990. And as
28 was pointed out by Madam President, you did not write your own
29 name down as 1st Battalion commander. Why was that?

1 A. You asked me to write down the structure from 1990 to 1991.
2 From 1990 to 1991. So I did it in 1990 to 1991, because one
3 month's assignment I did not consider it to be any assignment.
4 So I started from 1990, 1st Battalion upwards.

14:58:36 5 Q. This is your first assignment as a battalion commander,
6 wasn't it?

7 A. Yes.

8 Q. You forgot to write it down on the piece of paper, didn't
9 you?

14:58:56 10 A. I decided that a month's assignment is not anything, so I
11 took it as a deployment. That was why I never wrote it down. I
12 went to the 2nd Battalion in 1990.

13 Q. This is your first significant appointment in the NPFL,
14 isn't it?

14:59:26 15 A. Yes, that was my first assignment in the NPFL.

16 Q. You say you were assigned to this position by Mr Taylor?

17 A. Yes.

18 Q. But you're saying it wasn't important enough to write down.
19 Is that your evidence?

14:59:57 20 A. Yes, because the assignment only lasted for a month.

21 Q. Well, let's have a look at what some other people say about
22 the 1st Battalion commander. Again, if we could look at
23 Mr Mineh's evidence. If I could please refer to the trial
24 transcript of 29 April 2010 and the page is 40326.

15:01:45 25 I'm sorry. May I just have a moment, because I don't think
26 my papers are quite in order. So sorry. Now, in relation to
27 your role as - I'm going to abandon that for the moment because I
28 haven't got the correct reference, so I'll come back to that, if
29 I am able to, later on.

1 Mr Zaymay, we've already referred to what Charles Taylor
2 had to say about you in this case. He never mentions you as 1st
3 Battalion commander. Again, is that because you never held this
4 position?

15:03:17 5 A. 1st Battalion? I took it as a deployment.

6 JUDGE DOHERTY: The witness has mentioned this word
7 "deployment" before when you asked him was that his first
8 assignment. I'm afraid the subtleties of an assignment and of
9 deployment are somewhat lost on me.

15:03:46 10 MS HOWARTH:

11 Q. Mr Witness, you've heard the question from her Honour. Can
12 you explain the difference between a deployment and an
13 assignment?

14 A. Yes. Deployment is to take a unit and put them in
15:04:11 15 position. An assignment is when you assign and command the unit.

16 JUDGE DOHERTY: Thank you.

17 PRESIDING JUDGE: Mr Witness, so in that case who is
18 assigned and who is deployed?

19 THE WITNESS: The instruction that was given to me to go to
15:04:44 20 Gbutuo, and I went there, it took me about a month and I was
21 called back to move to Tappita. So I took this assignment as a
22 deployment. That was why I never mentioned my command as --

23 PRESIDING JUDGE: Mr Witness, you've lost the question. We
24 are trying to understand the difference between assignment and
15:05:19 25 deployment. You've explained to us some things and I'm asking
26 you: Between the commander and the people he commands, who is
27 assigned and who is deployed?

28 THE WITNESS: Deployment means the subordinate whom a
29 commander takes and puts in a position. That is what we call

1 deployment. Assignment is where a commander takes complete
2 control of the men.

3 PRESIDING JUDGE: I think that's clearer now. Ms Howarth,
4 please continue.

15:06:10 5 MS HOWARTH: I'm grateful. I did manage to use that time
6 to find the reference that I was attempting to refer to before,
7 so perhaps we could go back to that. The date was correct. It's
8 29 April 2010. The page should be 40328.

9 PRESIDING JUDGE: We have the page in front of us.

15:06:52 10 MS HOWARTH: I'm grateful:

11 Q. I'm at line 15. This is - Mr Zaymay, this is from
12 Mr Mineh's testimony on 29 April:

13 "Q. And when you were sent to Bassa, were you fighting in
14 any battalion?

15:07:07 15 A. Yes. After I was sent to Bassa, the man called Titus
16 was removed and I replaced him.

17 Q. What's the name again? The name of the person you
18 replaced.

19 A. Titus Menlee.

15:07:24 20 Q. Sorry, the name again. Titus who?

21 A. Titus Menlee. It's a Dan tribal word."

22 Then the spelling is given:

23 "Q. And you replaced Titus Menlee as what?

24 A. 1st Battalion commander.

15:07:39 25 Q. And was this still in 1990?

26 A. Yes."

27 Now, Mr Zaymay, Mr Mineh never mentions you as
28 1st Battalion commander, does he?

29 A. No.

1 Q. In this piece of testimony, Mr Mineh refers to his own
2 appointment as battalion commander, correct?

3 A. Yes.

15:08:27

4 Q. And it was his name, Mr Mineh's name, that when you were
5 asked to write down the name of battalion commanders, you wrote
6 his name down as 1st Battalion commander, didn't you? You got
7 that right.

15:08:55

8 A. I - Mineh served as 1st Battalion commander. When I had
9 the accident and went to Burkina Faso, I returned in July. When
10 I came back in July, there was an attack. It was only Monrovia
11 that was to be attacked, so I took over the 2nd Battalion command
12 to enter - to attack Monrovia with the men. Mineh was coming in
13 as a 1st Battalion commander to enter into Monrovia.

15:09:25

14 Q. But Mr Mineh says that he replaced Titus Menlee as
15 1st Battalion commander. He says that, doesn't he?

16 A. He said - yes, I understand him saying that he replaced
17 Titus Menlee as 1st Battalion commander. I understand that.
18 Meaning he took over as 1st Battalion commander.

15:09:53

19 Q. So when you were asked to write down who was 1st Battalion
20 commander in 1990, not only did you forget to write your own name
21 down, but you also forgot to write the name of Titus Menlee down,
22 didn't you?

15:10:23

23 A. If Titus Menlee took over the command as 1st Battalion
24 commander, then at that time I was in hospital. Any time
25 Mr Taylor can make changes. If Titus Menlee was serving as the
26 1st Battalion commander, then I was in hospital. But when I
27 returned in July, from April - when I returned in July, Edward
28 Mineh - I was told that two commanders would enter Monrovia, 1st
29 and 2nd battalions. So if we entered Monrovia - so if Edward

1 Mineh delayed then, the attack by the 1st Battalion of the AFL
2 would continue their target. So if Titus was in command, then at
3 that time I was in hospital. I didn't know because I did not
4 know when Bassa was attacked. I was not involved in the Bassa
15:11:07 5 attack. At that time I was in hospital.

6 Q. So what you're saying is there may have been appointments
7 by Mr Taylor that you are simply not aware of. Is that right?

8 A. Yes, when I was in hospital.

9 Q. Now, again, in relation to what you say is your appointment
15:11:46 10 as 1st Battalion commander, this isn't something that's mentioned
11 by Mr Taylor. Was that because you never had this appointment?

12 A. Oh, I was the first that took up assignment ordered by him
13 and it only lasted for a month, and I had an accident and went to
14 hospital. So I don't know why he doesn't talk about it.

15:12:25 15 Q. You never mentioned this to the Truth and Reconciliation
16 Commission either, did you?

17 A. I can't tell whether I spoke about it or not.

18 Q. Would you like to have a look through the testimony of your
19 - the transcript of your testimony and see if you can find it?

15:13:00 20 Do you think it might be there?

21 A. If it is there, then I talked about it. If it's not there,
22 then I didn't talk about it.

23 Q. You didn't talk about it, did you?

24 A. I can't be exact. I can't remember.

15:13:20 25 Q. I'll ask again. Would you like to have a look through and
26 see if you can see it?

27 A. It is not important to me. That's why I said if it is
28 there, then I talked about it. If it is not there, then I didn't
29 talk about it. No need for me to look at it.

1 Q. This is your first significant appointment in the NPFL.

2 What do you mean it's not important to you? It was important to
3 you, wasn't it?

15:14:04

4 A. I was appointed 1st Battalion commander and it lasted for a
5 month. So to me, I did not consider it important. I took it as
6 a deployment. Just to go and put men in position and later on
7 move. That was how I took it to be. That's why I didn't mention
8 it here.

15:14:20

9 Q. Now, you've also given evidence about being 2nd Battalion
10 commander, haven't you?

11 A. Yes.

12 Q. Would it surprise you to learn that Mr Taylor doesn't
13 mention that and neither have any other witnesses for the Defence
14 who have come here?

15:14:38

15 A. Yes, it surprises me because from hospital I took over the
16 command to move to Monrovia and I moved the troops to Monrovia,
17 and Sam Larto served as a battlefront commander.

18 Q. Would it surprise you to learn that you never mentioned
19 this to the TRC either?

15:15:12

20 A. I told you that the TRC only asked me what the root cause
21 of the war was that I know about and that was what I explained.
22 They did not ask me how many units I commanded. How would I talk
23 about it? What they asked me to talk about was what I talked
24 about.

15:15:31

25 Q. And when you met with Mr Gray for two days in Monrovia and
26 when you met again with Silas and Logan in Monrovia, not only did
27 you not mention that you were 6th Battalion commander; you didn't
28 mention about being 2nd Battalion commander and you didn't
29 mention about being 1st Battalion commander either, did you?

1 PRESIDING JUDGE: Please pause, Mr Witness.

2 Yes, Mr Chekera.

3 MR CHEKERA: I do not know where those allegations are
4 coming from. I would like to know before I make further
15:16:02 5 submissions on the matter.

6 PRESIDING JUDGE: I think counsel is quite entitled to put
7 statements to the witness. I know that she doesn't have the
8 statements of the witness, but she is quite entitled to put a
9 proposal to the witness and we would like to hear what the
15:16:19 10 witness has to say about it.

11 Ms Howarth, perhaps you could repeat the question.

12 MS HOWARTH: Yes:

13 Q. Mr Zaymay, when you met with Mr Gray for two days in
14 Monrovia and when you met again with Silas and Logan in Monrovia,
15:16:37 15 not only did you not mention that you were 6th Battalion
16 commander; you didn't mention about being 2nd Battalion commander
17 and you didn't mention about being 1st Battalion commander
18 either, did you?

19 A. Oh, I explained everything. I explained everything and I
15:17:03 20 was asked from this assignment where next did you go? From this
21 assignment, where did you go next, and I explained.

22 MS HOWARTH: Madam President, I would like to refer to the
23 first summary that we were given by the Defence, please:

24 Q. Mr Zaymay, when you were giving evidence on Wednesday, you
15:17:34 25 explained that you met with Mr Gray in Monrovia for those two
26 days last year and also initially with Silas and Logan. Was that
27 also last year?

28 A. Yes, last year. I can remember.

29 Q. Now, I'm going to actually read out the summary that was

1 provided to us, and this was most recently on 29 January 2010.

2 It says this about you:

3 "W" - which is witness - "was an AFL soldier in the
4 Military Police in 1985, was exiled to the Ivory Coast where
15:18:23 5 Charles Taylor took him and others to Libya to be trained as
6 Special Forces. W" - witness - "was involved in the invasion of
7 Monrovia under Charles Taylor's instructions not to attack the
8 City Hall until ECOMOG arrived. W" - witness - "will testify
9 that it was not in the AFL or NPFL standard operation procedure,
15:18:44 10 SOP, to cut off the limbs of civilians; only to attack enemy
11 forces during the rebellion in Liberia. No NPFL soldiers cut off
12 any limbs. Only one time a boy got his hands blown off by a
13 grenade. W" - witness - "will testify that they captured arms
14 from the Doe forces and also details, arms deals in Foya, as well
15:19:06 15 as detailing acquisition of military supplies."

16 Mr Witness, that's all there is. Nowhere in that is any
17 mention made of your appointment as 6th Battalion commander, as
18 1st Battalion commander, as 2nd Battalion commander. You didn't
19 tell that to the Defence team, did you?

15:19:39 20 A. If it is not there, then I forgot to talk about it. If
21 it's not there. But I know that I took over - I was assigned 1st
22 Battalion commander among the entire Special Forces when we were
23 called to Danane. Mr Taylor told me that he wanted - since
24 Prince Johnson has left the base, Prince Johnson might not be in
15:20:11 25 position to fight his way to Monrovia. So he might intend to
26 retreat to go to the Ivory Coast. So, Zaymay, you are going as a
27 1st Battalion commander. Organise your men. Go to the base and
28 select your men and move to Gbutuo and deploy from Gborplay to
29 Gbutuo along the riverbank and I did that.

1 And later, when I had the accident, when I returned, I took
2 over the 2nd Battalion to enter Monrovia. From 2nd Battalion I
3 was transferred to the 6th Battalion and I succeeded Oliver
4 Varney at the 6th Battalion. I remained there during the ULIMO
15:20:56 5 first and second attacks before I was transferred to Maryland.
6 It happened.

7 Q. Mr Zaymay, you told us on Wednesday that you spent two days
8 with Mr Gray, correct?

9 A. Yes.

15:21:17 10 Q. You told us that you were there at 10 and that you left at
11 2 each day.

12 A. Yes.

13 Q. You told us that they took a statement from you, correct?

14 A. Yes.

15:21:36 15 Q. You told us that they recorded you while they were taking
16 that statement, correct?

17 A. Yes.

18 Q. Then you told us that when Silas and Logan came to
19 Monrovia, they cross-examined you on two occasions about your
15:21:57 20 statement?

21 A. Yes. Yes.

22 Q. So that's eight hours spent with Mr Gray, approximately.

23 A. Yes.

24 Q. And then several hours again spent with Silas and Logan,
15:22:26 25 correct?

26 A. Yes.

27 Q. And despite all of these hours, are you now telling us that
28 you completely forgot to mention that you were either 6th
29 Battalion commander, 2nd Battalion commander, or 1st Battalion

1 commander?

2 A. Yes, I said I believe that I said it. Whatever is not
3 there means I have - I forgot. This whole issue that came
4 about --

15:23:11 5 THE INTERPRETER: Your Honours, can the witness be kindly
6 requested to repeat his answer slowly.

7 PRESIDING JUDGE: Please pause, Mr Witness. You have to
8 repeat your answer slowly. The interpreter didn't get a word
9 that you said. So repeat your answer, please, slowly.

15:23:28 10 THE WITNESS: Okay. I said during my statement the
11 command, the assignment and assignment that you are talking about
12 that it is not in my statement, that means I forgot. This whole
13 issue here, the movement of the NPFL over 15 years back, it's not
14 a kind of school where people go to take down notes. This is,
15:24:06 15 when they ask you question, you will say, yes, this for the 5th
16 grade or it's for government exam, or it's for the 9th grade. It
17 is something that you are doing off the record. It is hard to
18 even remember everything. So if anything happened in time of
19 combat, if you say it's not in my statement, then I forgot. But
15:24:28 20 it really happened.

21 MS HOWARTH:

22 Q. Now, another thing that you've told these judges about is
23 being the Military Police providing security for Mr Taylor when
24 he came to Tajura. Do you recall giving evidence about that?

15:24:51 25 A. Yes.

26 Q. And is that - that's something else, isn't it, that you
27 forgot to tell your lawyers when you met with them in Monrovia?

28 A. It is not in my statement that on the base I served as a
29 Military Police commander.

1 Q. Mr Zaymay, I read out a moment ago what was in the summary
2 that had been provided and it wasn't there, but if you would like
3 me to re-read it, I'm happy to do so. Do you agree that it
4 wasn't in the summary that I read?

15:25:45 5 A. I can't tell.

6 Q. Well, perhaps it is best for me to re-read it at the risk
7 of repeating things. Mr Zaymay, the summary again says this:

8 "Witness was an AFL soldier in the Military Police. In
9 1985 was exiled to the Ivory Coast where Charles Taylor took him
10 and others to Libya to be trained as Special Forces."

15:26:11

11 Then explains how you were involved in the invasion of
12 Monrovia. It then talks about standard operation procedures and
13 it then talks about the capture of arms from Doe forces, arms
14 deal, and about the acquisition of military supplies. So,
15 Mr Zaymay, nowhere in that summary does it say that you were the
16 Military Police responsible for Charles Taylor's security in
17 Tajura, so I'll repeat the question: That's something that you
18 failed to mention - another thing that you failed to mention to
19 your lawyers in Monrovia, isn't it.

15:26:41

20 A. When the lawyer asked me, I never explained about my
21 Military Police function in Tajura. But he asked me that when
22 Taylor came to the base, does he talk to so many people? And I
23 said no. And he asked me how I knew. And I said, because I was
24 providing security as Military Police during the training -
25 during the training on the base. That was how I knew that nobody
26 could visit him in Tajura.

15:27:07

27 Q. Mr Witness, the question was this: That's something you
28 failed to mention to the lawyers when you were speaking to them
29 in Monrovia, isn't it?

1 A. Yes, I never mentioned it.

2 Q. And, again, it's something that you never mentioned to the
3 Truth and Reconciliation Commission, isn't it?

4 A. For the TRC, I can't remember.

15:28:37 5 Q. I'm sure if you did, then your lawyers will point it out
6 later on. Would it surprise you that Mr Taylor never mentioned
7 your role as Military Police commander either? That's at Tajura,
8 just to be clear.

9 A. That happened during the training - during the training.
15:29:08 10 It was not an important issue. It happened during the training.
11 But I myself does not take it important, because when my lawyer
12 asked me how I knew that when Taylor came to the base he did not
13 interact with people, where did he normally go? That was how my
14 providing security came about.

15:29:33 15 Q. Your friend and acquaintance, Mr Mineh, he also gave
16 evidence about Tajura and about the training there. He didn't
17 mention you and your role there as Military Police providing
18 security to Mr Taylor either. Is that because you never had this
19 role?

15:30:03 20 A. I never had the position where?

21 Q. As Military Police in charge of Mr Taylor's security at
22 Tajura.

23 A. On the base I was Military Police commander. That was
24 where Mr Taylor built confidence in me and said that, "You are a
15:30:31 25 career Military Police. When we go to Liberia, when we succeed,
26 I'll make you Military Police commander for the AFL." That was
27 where my recommendation came from and that was where my
28 assignment came from. That was how my assignment came about. I
29 was Military Police commander on the base.

1 Q. I just want to spend a moment taking about the 3rd
2 Battalion. Again, when you were asked to jot down who had the
3 roles as battalion commanders in 1990 and then later 1991, in
4 relation to the 3rd Battalion you named somebody called George K
15:31:21 5 Tokpah. Do you recall giving that evidence?

6 A. Yes.

7 Q. If I could ask for the transcript of 11 May at page - I'll
8 just get this right before I say it. Yes, I'm sorry. It's
9 actually 29 April 2010, and it's 40327, the bottom of that page,
15:32:26 10 please. I'm sorry for the confusion. This is evidence given by
11 Mr Mineh, and I'm reading from line 27:

12 "Q. When you were advancing, Mr Mineh - when you were
13 advancing and you went as far as Yekepa, were you fighting
14 under any battalion?

15:33:11 15 A. I was in a battalion. I was in the 3rd Battalion. The
16 commander was George Karsuo and there I was until I was
17 called.

18 Q. Could we have the name of the commander again, the
19 commander of the 3rd Battalion?

15:33:27 20 A. That's what I said, his name is George Karsuo."

21 And then that's spelled K-A-R-S-U-O. Mr Zaymay, this is a
22 completely different person from the George K Tokpah that you
23 named as 3rd Battalion commander, isn't it?

24 A. It is not different. George - the K-A-R-S-U-O that you see
15:34:06 25 there stands for K. George K Tokpah. The K is the local name,
26 Karsuo. That's his middle name. It's George K Tokpah. It's the
27 same name. It's not different.

28 Q. So is Tokpah something else you've forgotten?

29 A. George Karsuo - the Karsuo there, the K-A-R-S-U-O there is

1 the middle name, K. Tokpah, T-O-K-P-A-H. George K Tokpah. So
2 some people cut it short to say George Karsuo. George Karsuo.
3 The last name is Tokpah. George Karsuo Tokpah.

15:35:07 4 Q. Let's move to the 4th Battalion. If I could, again, ask
5 for another transcript, please. It's from 11 May 2010, page
6 40819. It would be at line 28, when we get there.

7 MS IRURA: Can counsel please repeat the page reference?

8 MS HOWARTH: It's 11 May 2010, 40819. If we could go to
9 line 28, please:

15:36:17 10 Q. This is from your own testimony, Mr Zaymay. I'll start
11 with the question at line 26:

12 "Q. When you were commander of the 6th Battalion in Bomi,
13 what units fell under you?

14 A. The 6th Battalion was a brigade. I was the commanding
15:36:37 15 general. Morris Mayer was the deputy commanding general to
16 me. We had the 1st Battalion. We had the 2nd Battalion.
17 We had the 3rd Battalion and we had the 4th Battalion. So
18 all units reported to the deputy commanding general and the
19 deputy commanding general in turn reported to the
15:36:57 20 commanding general."

21 Now, if we could just skip down. It's the same transcript
22 of 11 May, but it's at page 40775. I'm at line 9. This is in
23 response to a question to yourself from the Presiding Judge. The
24 question is:

15:37:57 25 "From the 3rd Battalion you had the 6th Battalion.

26 THE WITNESS: Yes, we did not have the 4th Battalion in
27 the NPFL. We did not have the 4th Battalion."

28 Can you explain to me please where the 4th battalion has
29 disappeared to? Because you had it in the first extract I read

1 to you. You say, "We had the 4th battalion." Suddenly it
2 disappears. Where's it gone?

15:38:47

3 A. Where? In which of the areas? Within the brigade in Bomi
4 Hills or within the NPFL? Which one? Which one do you want to
5 know?

6 Q. Well, it's your evidence, Mr Zaymay. First of all, you are
7 telling us you have a 4th battalion. Then later on in the day
8 you are telling us there's no 4th battalion in the NPFL. What's
9 the situation?

15:39:09

10 A. No, please try and get me clear. The entire military
11 structure of the NPFL, starting from chairman joint chief of
12 staff down to the least, we had the 1st - we had 1st, 2nd, 3rd --

13 THE INTERPRETER: Your Honours, could the witness be asked
14 to slow down and repeat that last bit.

15:39:34

15 PRESIDING JUDGE: Mr Witness, you are running again with
16 your evidence. Please slow down. Now, you said you had the 3rd
17 Battalion and then what?

15:40:01

18 THE WITNESS: In the structure - in the NPFL structure we
19 had the 1st, okay? In the field we had the 1st, 2nd, 3rd. And
20 then we go to the 6th battalion. There was no 4th Battalion in
21 the NPFL structure. But if you went as a commander, if your unit
22 was promoted to a brigade level, then you can create 4th
23 Battalion within your command - within your command. What I'm
24 saying is that in the bigger structure of the NPFL there was no
25 4th battalion. That is what I'm trying to say. So that's the
26 answer.

15:40:34

27 MS HOWARTH:

28 Q. Now, during the time you say you were commander of the 6th
29 Battalion, where was the 1st Battalion headquarters based?

1 A. At first when I went there I was a colonel. It was a
2 battalion. But when all units modified to a brigade, then the
3 6th Battalion was changed to a brigade. The 1st Battalion, Alpha
4 company, Alpha company was 1st Battalion and it was assigned on
15:41:53 5 the Po River and Po River was a buffer zone. It was a boundary
6 between NPFL-controlled area in Bomi and that is between Bomi and
7 Monrovia. So Po River was where the Alpha company commander
8 Aloysius Mende was assigned.

9 Q. What about the 2nd Battalion headquarters, where do you say
15:42:33 10 that is?

11 A. The 2nd Battalion headquarters was the Bravo company headed
12 by One Man One responsible for the entire Cape Mount County. It
13 was responsible for Cape Mount County, Robertsport itself. Cape
14 Mount County, the capital for there is Robertsport itself. No,
15:43:17 15 no, excuse me. The 2nd Battalion, One Man One was responsible
16 for Cape Mount, but, you know, Cape Mount is divided. We have
17 the capital city called Robertsport and then we have Tiene. It's
18 also a district headquarters in Cape Mount that is on the
19 straight line going towards the border between Sierra Leone and
15:43:43 20 Liberia. So One Man One was responsible for Tiene and the
21 straight route to Bo Waterside - and straight through to Bo
22 Waterside towards a certain part of the Lofa Bridge.

23 Q. What about the 3rd Battalion headquarters, where was that
24 based?

15:44:10 25 A. The 3rd Battalion commander, Moses Mahn, a Special Forces,
26 was responsible for the Cape Mount city. Because he was there
27 for Robertsport, just for Robertsport because at Robertsport they
28 have a seaport.

29 Q. And your evidence is that all of these battalions were

1 responsible to you as 6th Battalion commander.

2 A. Yes. And one more. The 4th Battalion was responsible for
3 Lower Lofa, Lower Lofa, now called Gbarpolu. They were all under
4 my command.

15:45:06 5 Q. And you are telling this Court that the 6th Battalion
6 wasn't in fact a battalion; it was a brigade. Is that your
7 evidence?

8 A. All battalions of the NPFL were later modified. All
9 battalions of the NPFL were modified into divisions. Divisions.

15:45:27 10 Q. Mr Zaymay, if a unit is a brigade, then it's called a
11 brigade, isn't it?

12 A. Yes.

13 Q. And if a unit is called a battalion, it's called a
14 battalion, isn't it?

15:45:53 15 A. Yes.

16 Q. So it doesn't make any sense at all, does it, when you say
17 that the 6th Battalion was a brigade and that you were in charge
18 of all these battalions, does it?

19 A. Oh, I said that the 2nd Battalion, 1st Battalion, navy
15:46:25 20 battalion, artillery battalion, 3rd Battalion, 6th Battalion,
21 that was the structure at first when the NPFL was moving in. All
22 those sectors were battalions and then it was later that the
23 battle group and the deputy battle group. Battle group was Isaac
24 Musa and the deputy was John Teah, but at last all of those units
15:46:57 25 were modified into divisions. All the battalions were modified
26 into divisions. And the battle group, Isaac Musa was the
27 chairman of the joint chiefs. And the deputy battle group to
28 Isaac Musa was John Teah, a two star general and deputy battle
29 group. All battalion commanders were promoted to brigadier

1 generals and all battalions were then modified to divisions. The
2 2nd Battalion became second division. And --

3 THE INTERPRETER: Your Honours, could the witness be asked
4 to repeat that one. It was not very clear.

15:47:40 5 PRESIDING JUDGE: Witness, pause. Pause. You are running
6 again. You said the 2nd Battalion was modified to second
7 division. Now, continue from there.

8 THE WITNESS: I said it was not just the 6th Battalion that
9 became a division. The whole military structure was changed. It
10 was generally changed. At first when we came we had the battle
11 group commander and the deputy battle group commander. Isaac
12 Musa was battle group commander and John Teah was the deputy
13 battle group commander. Isaac Musa then later changed to the
14 chairman of the joint chiefs and John Teah was changed to Deputy
15 Chairman of the joint chiefs and he was a two star general. All
16 other battalions from first to the last were all promoted into
17 becoming divisions.

18 At that time then the manpower had increased, so they were
19 no longer battalions. So the 2nd Battalion was then changed to
20 army division. And 1st Battalion was changed to first division.
21 Navy battalion was changed to navy division. And the Strike
22 Force - Strike Force Maryland was changed to Strike Force
23 division. And the 6th Battalion was changed to a division. So
24 it was not just the 6th Battalion that was changed into a
25 division. All other units were changed into divisions and there
26 was no exception. So you cannot just take the 6th Battalion as a
27 specific case.

28 JUDGE LUSSICK: Mr Witness, we're trying to follow what
29 you're saying. You've gone now from battalion to division. What

1 happened to the brigades you were talking about earlier?

2 THE WITNESS: The brigade? The 6th brigade - all the
3 brigades fell under the chairman of the joint chief of staffs.
4 And --

15:50:15 5 JUDGE LUSSICK: No, I did not ask you who was commanding.
6 You said earlier that the 6th Battalion became a brigade. Now
7 you are telling us that the battalions have all moved to
8 divisions. So I'm asking you what happened to the brigades?
9 Have they been phased out of the hierarchy now?

15:50:35 10 THE WITNESS: The brigade remained. The brigade
11 headquarters was stationed in Bomi.

12 JUDGE LUSSICK: Didn't you tell us that the battalions now
13 became divisions? You said that, didn't you?

14 THE WITNESS: Do not contradict me. I said - I said, you
15:51:16 15 know, the army cannot be running as a battalion and then you go
16 and put someone over as chairman of the joint chief, because the
17 chairman of joint chiefs was a high rank.

18 PRESIDING JUDGE: Please pause, Mr Witness.

19 JUDGE LUSSICK: Mr Witness, you are getting off the point.
15:51:36 20 You said just a few moments ago that the battalions became
21 divisions. Now, a division is a bigger army unit than a brigade.
22 I'm asking you: Did they move from battalion to division, as you
23 just said, or what happened to the brigades that you are talking
24 about? And in future, I'll thank you to answer my questions and
15:51:58 25 not rebuke me for contradicting you. I want straight answers.
26 Now, what's the answer?

27 THE WITNESS: The answer is that the brigade stands.

28 JUDGE LUSSICK: I'll leave it in your capable hands. I'm
29 confused with what this witness is saying.

1 MS HOWARTH:

2 Q. So, Mr Zaymay, is your evidence now this: That battalions
3 became brigades and thereafter battalions are modified into
4 divisions? Is that what you're telling this Court?

15:52:39 5 A. Yes.

6 Q. Perhaps we'll return to this later on.

7 PRESIDING JUDGE: And before we leave it, could we have a
8 time frame when these changes took place, Mr Witness? When were
9 these transformations?

15:52:59 10 THE WITNESS: The changes were made in '91. '91, during
11 the first ceasefire. It was made in '91.

12 PRESIDING JUDGE: And when was the first ceasefire,
13 exactly?

14 THE WITNESS: The first ceasefire took place in 1990 and
15:53:52 15 later extended into '91 and '92. It extended to '91.

16 PRESIDING JUDGE: Mr Witness, you've totally lost me. I
17 asked you the question: When were these changes from battalions
18 to divisions? And your answer is: These changes were made in
19 1991 during the first ceasefire. I then asked you: In 1991,
15:54:30 20 when was this first ceasefire? And then you said to me: The
21 first ceasefire took place in 1990. Now, does that make sense to
22 you?

23 THE WITNESS: The changes were made in 1991.

24 PRESIDING JUDGE: Yes, I understand that. And then I asked
15:54:54 25 you: When in 1991 were these changes made?

26 THE WITNESS: Mmm, 1991.

27 PRESIDING JUDGE: I asked you: When in 1991 were these
28 changes taking place? When in 1991 did battalions become
29 divisions?

1 THE WITNESS: I do not remember the exact month.

2 PRESIDING JUDGE: The reason I'm asking you, Mr Zaymay, is
3 you have told us over and over again that you were commander of
4 the 6th Battalion from February 1991 until November 1991. And
15:55:50 5 the name of the thing that you were commander of was
6 6th Battalion, not 6th division. That is why I'm asking you:
7 When did this 6th Battalion in 1991 suddenly turn into a
8 division?

9 THE WITNESS: I left and took over as battalion commander
15:56:21 10 early February - I mean, early '91, and I remained in command in
11 that same '91 when the changes were made to - into brigades. I
12 left that command area as a general.

13 PRESIDING JUDGE: Ms Howarth, I think you had better
14 continue with your cross-examination.

15:56:51 15 MS HOWARTH: I'm grateful, Madam President:

16 Q. Now, Mr Zaymay, the truth is that you don't remember these
17 dates, do you?

18 A. I do not recall the exact month, but it took place in '91.
19 But I do not recall the exact month and the date.

15:57:15 20 Q. You are just guessing, aren't you, Mr Zaymay?

21 A. Oh, why should I guess? I do not recall the month, but it
22 happened in '91. What makes that a guess?

23 Q. Mr Zaymay, you don't remember the years either, do you?

24 A. What do you mean I do not remember?

15:57:40 25 Q. Let's move on. Could I ask for the transcript of 11 May
26 2010 at page 40756. Just from line 12, please. Now, Mr Zaymay,
27 you were asked this by your lawyer:

28 "Q. What do you know about the RUF?

29 A. Oh, in 1990 I heard over Network Africa that rebel

1 forces had entered Sierra Leone called the RUF."

2 Do you notice anything odd about your statement there?

3 A. Whether I notice anything that is false in my statement?

4 Q. Yes, that's the question.

15:59:29 5 A. I don't notice any falsity in my statement.

6 Q. But you are talking about the invasion of Sierra Leone
7 there, aren't you? You are saying that took place in 1990,
8 aren't you?

9 A. Yes, 1990.

15:59:54 10 Q. Mr Zaymay, the invasion of Sierra Leone did not take place
11 in 1990. It took place in 1991. Do you follow?

12 A. No.

13 Q. Mr Zaymay, this is another example of where you are
14 confused about dates, isn't it?

16:00:15 15 A. I'm not confused about dates. I'm not confused. If I do
16 not remember, I will not force it. I will tell you I don't
17 remember the dates. But I will remember the year.

18 Q. Mr Witness, the invasion of Sierra Leone took place in
19 1991. Many, many witnesses have come before this Court and said
16:00:44 20 that. That's another example of you getting the date wrong,
21 isn't it?

22 A. But I can - I remember 1990. That is what I know.

23 Q. What about the other dates you've given us so far, are you
24 as sure of them as you are sure of 1990?

16:01:17 25 A. Yes, to me.

26 Q. While we're still in 1990, can you tell me, were you ever
27 based in Lofa County in 1990?

28 A. No.

29 Q. Were you ever based in Lofa County in 1991?

1 A. Part of Lofa County.

2 Q. Which part?

3 A. Lower Lofa, which is now called Gbarpolu. The Lower Lofa
4 now called Gbarpolu County. It was part of the 6th Battalion
16:02:19 5 command.

6 Q. In 1990, were you ever based in Camp Naama?

7 A. No. I had never been to Camp Naama.

8 Q. What about 1991, were you ever based in Camp Naama then?

9 A. I have never been to many Camp Naama since my life.

16:02:47 10 Q. In 1990, were you ever based in Gbarnga?

11 A. I was not based in Gbarnga. I was based in Kakata. I only
12 used to go to Gbarnga during meetings.

13 Q. What about 1991, were you ever based in Gbarnga then?

14 A. No.

16:03:27 15 MS HOWARTH: Madam President, I'm moving to a slightly
16 different area, but before I do so I'm helpfully reminded I
17 should have asked earlier on that the transcript from the TRC
18 please be given an MFI.

19 PRESIDING JUDGE: Do you wish both tabs in 1 and 2 to be
16:03:47 20 marked, or just tab 1?

21 MS HOWARTH: It's just tab 1 at the moment. I haven't yet
22 - I don't believe I've yet reached tab 2, unless something has
23 gone askew with --

24 PRESIDING JUDGE: The whole of tab 1?

16:04:01 25 MS HOWARTH: Yes, please.

26 PRESIDING JUDGE: Madam Court Manager, are we down to
27 MFI-1?

28 MS IRURA: Your Honour, we are on MFI-1.

29 PRESIDING JUDGE: In that case, the testimony - the

1 document entitled "Testimony before the Liberian Truth and
2 Reconciliation Commission, Montserrado County, February 4, 2009,
3 by Edward T Zaymay" consisting of 12 pages - consisting of 22
4 page is marked MFI-1.

16:05:03 5 MS HOWARTH: I'm most grateful:

6 Q. Now, Mr Zaymay, you have said in your testimony that you
7 know somebody by the name of Dopoe Menkarzon, correct?

8 A. Yes.

9 Q. And you explained to the Court that you trained with him as
16:05:24 10 a Special Forces and that he was someone who was a ground
11 commander assigned to the mansion. That's right, isn't it?

12 A. Yes.

13 Q. Now, do you know Dopoe Menkarzon to be the assistant
14 director of operations for an American international security
16:05:48 15 company?

16 A. No.

17 Q. Very well. Now, I want to ask you a question coming back
18 to something you said earlier on today. You - in answer to
19 questions from me earlier today, you agreed that Sam Larto came
16:06:34 20 with instructions from Charles Taylor for a ceasefire and this is
21 during the July invasion of Monrovia. You agreed that Sam Larto
22 went for supplies of arms and ammunition to Mr Taylor at the
23 Coca-Cola factory and came back with an instruction for a
24 ceasefire. Do you recall that?

16:07:01 25 A. Yes.

26 Q. But elsewhere in your evidence, Mr Zaymay, you've referred
27 to Isaac Mongor - Isaac Musa as coming with the instruction for a
28 ceasefire. Do you recall giving that evidence?

29 A. Yes.

1 Q. And that was on 7 May where you explained that our battle
2 group commander came with an instruction that the leader had been
3 told by the Americans that the war had been won and that there
4 should be a ceasefire. Do you recall that?

16:07:53 5 A. Yes.

6 Q. So can you please tell us: Who was it who came with that
7 instruction? Was it Sam Larto, as you told us this morning, or
8 was it General Isaac Musa, as you told us earlier on?

9 A. General Isaac Musa, chairman of the joint chiefs, received
16:08:24 10 instruction from Mr Taylor and he passed it on to us. We were
11 all on the defensive at the City Hall, police headquarters, and
12 et cetera. I was battle - and our battlefield commander was told
13 and he told us. And then we told him that, "We are now here, so
14 you should go back for supplies so that we'll be able to
16:08:59 15 accomplish our mission, the target." And he said, "Tomorrow I
16 will go to the Coca-Cola factory because Mr Taylor is coming
17 there. I will get the supplies from him." So he left for
18 Coca-Cola factory.

19 When he went, he met Isaac Musa and he said the instruction
16:09:21 20 was from the battle group. I did not go with him, with Sam
21 Larto, to the Coca-Cola factory. I remained at my point of
22 defensive. I remained on defensive and it was Sam Larto, the
23 deputy battle group commander, who went to the rear and brought
24 instruction. And he said he got the instruction from the
16:09:49 25 chairman of the joint chiefs, from the battle group.

26 Q. So who brings the instruction? Is it Isaac Musa or Sam
27 Larto?

28 A. For all I know it was Sam Larto who brought it to us in the
29 field. Sam Larto brought it to us from the field - in the field

1 and he said he got it from Coca-Cola factory.

2 Q. So why earlier on did you say it was Isaac Musa?

3 A. Isaac Musa would not come to the front. Isaac Musa brought
4 the information - or rather the instruction, and Sam Larto

16:10:37 5 received it and he brought it to us. So Isaac Musa brought it

6 from Gbarnga, and he passed it on to Sam Larto, and Sam Larto in

7 turn brought it to us in the field.

8 Q. Another question in relation to Isaac Musa. And if I could
9 please refer to the transcript of 12 May 2010 at 40912. I'm

16:11:49 10 looking at line 15, please. Mr Zaymay, this is again an extract

11 from your own evidence. The question:

12 "Q. Yes, I'm just coming back. Who was the battle group
13 commander for Octopus - Operation Octopus?

14 A. Octopus? Octopus Operation, at this time all the units

16:12:16 15 had been changed to different names. Battle group -

16 battlefront commander Isaac Musa was changed to chairman of

17 the joint chiefs. Battlefront commander Sam Larto had

18 died, so there was no battle group commander. Or there was

19 only the chairman of the joint chiefs to supervise the

16:12:34 20 front."

21 Now, if I could now turn to the transcript of 11 May, so

22 the day before, please, and that's at 40769. That's at line 17.

23 The day before, Mr Zaymay, the following was said:

24 "Q. After you were summoned by Isaac Musa, did the NPFL

16:13:35 25 launch an attack on Monrovia?

26 A. Yes.

27 Q. And which fighting units in the NPFL were involved?

28 A. The entire NPFL.

29 Q. And who was in overall command during that attack?

1 A. The overall chief was the battle group commander.

2 Q. And the attack on Monrovia, is that what you referred
3 to as Operation Octopus?

4 A. Yes."

16:14:06 5 So Mr Zaymay, on 11 May you were telling us that there was
6 a battle group commander and that that battle group commander was
7 in charge of Operation Octopus. But by 12 May you are saying
8 there was no battle group commander at the time of Operation
9 Octopus. What's the situation, Mr Zaymay: Was there one or
16:14:30 10 wasn't there one; or do you not remember?

11 A. No, the battlefield commander was Sam Larto. When Sam
12 Larto died, no other person ever took that assignment again to my
13 knowledge. So it was then changed to - the unit was then
14 modified. The battlefield commander Isaac Musa was promoted to
16:15:08 15 chairman of the joint chiefs, and John Teah was promoted to major
16 general deputy chairman - deputy to the chairman of the joint
17 chiefs. Sam Larto had died, and there was no longer a battle
18 group established.

19 JUDGE DOHERTY: Ms Howarth, this is a very confused answer.
16:15:38 20 Your answer was - your question was directed to battle group
21 commanders. The answer starts talking about battlefield
22 commanders and goes on about battlefield commanders, and then at
23 the end it refers to battle group commanders being - was no
24 longer established. It seems uncoordinated to me.

16:16:04 25 PRESIDING JUDGE: Mr Witness, can I ask you to focus on the
26 questions that are being asked. Your mind seems to be wandering
27 away. Am I right?

28 THE WITNESS: No.

29 PRESIDING JUDGE: Then please focus and focus on the

1 answers that you are giving. This is important evidence and it's
2 permanent evidence. So if you keep mixing your phrases, battle
3 group meaning field commander or whatever, if you keep mixing it
4 up, that is going to be your fault. Now, you've described Sam
16:16:39 5 Larto as being battlefield commander but also as being battle
6 group commander. That cannot be right.

7 THE WITNESS: Sam Larto - Sam Larto was the battlefield
8 commander. Sam Larto was the battlefield commander. When Sam
9 Larto died, no other person ever took up that assignment. It was
16:17:12 10 only Isaac Musa and John Teah with whom we were dealing.

11 PRESIDING JUDGE: But what was the position of John Teah?

12 THE WITNESS: John Teah was the deputy to Isaac Musa.

13 MS HOWARTH: I'm not sure my original question was really
14 answered, so I'm going to put it again.

16:17:55 15 Q. Mr Zaymay, on the --

16 A. Yes.

17 Q. On the 11th of May you were asked who was in overall
18 command during Operation Octopus, and you explained that the
19 battle group commander was an overall command. Then on 12 May
16:18:18 20 you were asked again about Operation Octopus, and you said there
21 was no battle group commander. Now, what's the situation: Was
22 there or wasn't there a battle group commander at the time of
23 Operation Octopus?

24 A. There was a battle group commander: Isaac Musa, chairman
16:18:48 25 of the joint chiefs; and deputy was John Teah; and Sam Larto was
26 battlefield commander. And after Sam Larto died, there was no
27 replacement for Sam Larto.

28 PRESIDING JUDGE: So, Mr Witness, the question asked to you
29 simply was this: Was there or wasn't there a battle group

1 commander at the time of Operation Octopus.

2 THE WITNESS: I've answered yes. I said Isaac Musa.

3 PRESIDING JUDGE: Of course, Operation Octopus happened in
4 which year?

16:20:03 5 THE WITNESS: 1992.

6 PRESIDING JUDGE: And you're saying that in 1992 there was
7 a battle group commander?

8 THE WITNESS: Yes.

9 MS HOWARTH:

16:20:28 10 Q. And can you explain to me when I asked you about this on
11 Wednesday afternoon - and I don't have to necessarily go there
12 but the reference is 12 May 2010, 40911 - why when I asked you
13 during Operation Octopus it's Isaac Musa who was the battle group
14 commander did you tell me that he was chairman of the joint
16:20:52 15 chiefs and say, no, he was not battle group commander?

16 A. Isaac Musa's assignment was battle group commander and his
17 deputy was John Teah. So when Isaac Musa was promoted to
18 chairman of the joint chiefs, we didn't used to call him battle
19 group. We used to call him chairman. We used to call him
16:21:28 20 chairman of the joint chiefs. When Sam Larto died, there was no
21 other replacement made for Sam Larto. So for Isaac Musa --

22 PRESIDING JUDGE: Nobody has asked you about Sam Larto.
23 We're still on the issue of battle group. We're trying to
24 understand this business of the battle group. Nobody has asked
16:21:47 25 you about Sam Larto.

26 THE WITNESS: Isaac - we used to call Isaac Musa chairman
27 of the joint chiefs and the battle group was his former
28 assignment. So we still used to call him battle group. And we
29 also used to call him chairman of the joint chiefs.

1 MS HOWARTH:

2 Q. Mr Witness, you just can't remember, can you, when Isaac
3 Musa was battle group commander or battlefront commander? You
4 are just not sure about that, are you?

16:22:25 5 A. Isaac Musa remained - Isaac Musa was battle group and from
6 battle group to chairman. There was no replacement for battle
7 group. And he was performing both functions, so we used to call
8 him battle group and chairman.

9 THE INTERPRETER: Your Honours, the witness was so fast in
16:22:54 10 his last bit.

11 PRESIDING JUDGE: Mr Witness, can you repeat what you said,
12 that last bit that you said.

13 THE WITNESS: I said Isaac Musa, from battle group he went
14 to chairman of the joint chiefs. So there was no replacement
16:23:22 15 made to the battle group. So he supervised. And even when I
16 left Maryland, when I came he was the one that I reported to.
17 And he ordered me to go to the field. It was Isaac Musa.

18 MS HOWARTH:

19 Q. I'm going to move on from this now. I want to spend a
16:23:44 20 moment in relation to Sam Tuah. I want us to have a look at your
21 evidence in relation to Sam Tuah. If I could please again ask
22 for some assistance in relation to the transcript of 11 May, and
23 this is page 40795. I'm starting from line 2. The answer is as
24 follows:

16:24:42 25 "A. I knew Sam Tuah, but I did not know him to be a
26 commander. But he died in 1990, and then Anthony Mekunagbe
27 took over the command.

28 Q. What was Sam Tuah's position, if you know, before
29 Anthony Mekunagbe took over?

1 A. Sam Tuah was given a command before entering Monrovia
2 with a group of NPFL. He was given a group of platoon that
3 he moved with, and all of us entered Monrovia that same
4 day. He was heading a platoon that he attacked Monrovia
16:25:18 5 with on that same day."
6 So your evidence is that Sam Tuah died in 1990, correct?
7 A. Yes, I could remember Sam Tuah died in 1990.
8 Q. If we could please refer to the transcript of 26 October
9 2009, and that's page 30240. I'm at line 20, please. This is
16:26:31 10 testimony given by Mr Taylor, and it goes as follows:
11 "Q. Sam Tuah, you know him, don't you, Liberian?
12 A. Yes, I do.
13 Q. What role did he have in Liberia?
14 A. Sam Tuah was the commander of the special operations
16:26:57 15 unit that I sent to the border with Sierra Leone in 1991."
16 Then just on to the next page at line 24:
17 "Q. But you do accept that, or do you accept that Sam Tuah
18 was the field commander for all the Liberians that crossed
19 into Sierra Leone?"
16:27:28 20 He goes on:
21 "For all the Liberians that crossed into Sierra Leone, no.
22 He was the commander of the unit that I sent into Sierra
23 Leone to fight ULIMO."
24 So Mr Taylor is saying there that he sends Sam Tuah in to
16:27:45 25 Sierra Leone in 1991. But, Mr Zaymay, you've just told this
26 Court on oath that Sam Tuah died in 1990. Who is telling the
27 truth, please: You or Mr Taylor?
28 A. Sam Tuah, I told you that I did not know him in person but
29 I heard that Sam Tuah died in 1990. I did not know where he died

1 and I did not know how he died. I did not know him in person. I
2 am just quoting from information that reached to me. I was not
3 at the scene of his death.

4 Q. So you were guessing, were you?

16:28:34 5 A. Yes. It was the information that was given to me and I'm
6 quoting from that information.

7 Q. And are you guessing about the other dates and other pieces
8 of information that you've told their Honours?

9 A. The information - I am not guessing on the other dates.
16:28:58 10 The information given to me about the individual by other people
11 is what I am quoting from that Sam Tuah died in 1990. I met him
12 once. But I did not know how he died and where he died, but I
13 heard it from friends that he died in 1990.

14 Q. Is it because you are guessing that you are getting things
16:29:25 15 wrong?

16 A. What is it that I'm getting wrong? I am guessing
17 specifically on this particular thing, and I said it was the
18 information given to me by friends about the death of Sam Tuah.
19 That is what I am saying.

16:29:51 20 Q. So are you suggesting that you have got it right and
21 Mr Taylor has got it wrong; that Mr Taylor was lying to this
22 Court when he said he sent Sam Tuah into Sierra Leone in 1991?

23 A. I am quoting. I said I don't know where Sam Tuah died. It
24 was according to information that I got from a friend - from my
16:30:17 25 friend. That is what I am saying and I've said I was not at the
26 scene when Sam Tuah died. I don't know how he died. I was told
27 by my friend. That is what I'm saying. I am not saying
28 Mr Taylor is lying.

29 Q. So you got it wrong?

1 A. The information given to me is what I'm saying, so I don't
2 know if it's wrong.

3 MS HOWARTH: Madam President, if that's a convenient point.

16:30:47

4 PRESIDING JUDGE: Indeed. We've come to the end of the
5 day's proceedings. We will adjourn to tomorrow at 9.30 and,
6 Mr Zaymay, as usual you are not to discuss your evidence with
7 anyone. Court adjourned accordingly.

8 [Whereupon the hearing adjourned at 4.30 p.m.

9 to be reconvened on Tuesday, 18 May 2010 at

16:32:05

10 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-226 40938

CROSS-EXAMINATION BY MS HOWARTH 40938