



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 8 JUNE 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah
Ms Logan Hambriick

1 Tuesday, 8 June 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:45 5 PRESIDING JUDGE: Good morning. We'll take appearances,
6 please.

7 MS HOWARTH: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, Ms Brenda J Hollis, Mr Mohamed A
09:32:00 10 Bangura, Ms Maja Dimitrova and myself Ms Kathryn Howarth.

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

14 Madam President, before we commence there is a matter which
09:32:18 15 I must bring to the attention of the Court. It may be good news
16 for some if the weather improves, but it will certainly be bad
17 news for the Management Committee. There will be an unavoidable
18 hiatus in the proceedings this week for this reason:

19 Yesterday afternoon when we concluded an email from Salim,
09:32:45 20 head of WWS, was brought to my attention and it reads as follows,
21 and it's timed at 3.49 yesterday afternoon:

22 "Brussels Air have changed their flight schedule for the
23 month of June. Now there is no flight on Tuesday; only on
24 Mondays and Wednesdays. It was impossible to get" - the
09:33:09 25 succeeding witnesses we were intending to call - "on today's
26 flight not because of tickets but because we had told the
27 witnesses for Tuesday and they could not change. As a result,
28 the earliest those witnesses will arrive in The Hague will be
29 Thursday morning."

1 And it would be very difficult after an overnight flight to
2 put those witnesses in the witness box immediately. So it looks
3 as if following the next Defence witness, which is a very short,
4 witness DCT-213, who in chief is unlikely to last more than 30
09:33:49 5 minutes or so, that there will be an unavoidable gap until the
6 earliest Friday before the other witnesses arrive in The Hague.
7 That is the position.

8 PRESIDING JUDGE: Mr Griffiths, your submissions are noted
9 and we've also noted the fact that this is not something that the
09:34:41 10 Defence or the Court can do anything about.

11 MR GRIFFITHS: Equally, it's something that WVS had no
12 warning about. They learnt for the first time yesterday, which I
13 find quite extraordinary.

14 PRESIDING JUDGE: It's actually not extraordinary. I think
09:34:57 15 SN Brussels does do that when the seasons change. I'm speaking
16 from experience using that airline. But, nonetheless, we are of
17 the view that we should take things day by day with the current
18 witness and the one after.

19 MR GRIFFITHS: Of course.

09:35:13 20 PRESIDING JUDGE: And if indeed a delay is required, we
21 shall then revisit the issue, perhaps Wednesday or Thursday, as
22 the case may be.

23 MR GRIFFITHS: Very well.

24 PRESIDING JUDGE: Now, I too have a matter that I want to
09:35:26 25 raise with the parties before the witness continues with his
26 testimony, and this relates to the sitting hours that are
27 currently on the schedule. We - a matter was brought to the
28 attention of the judges in the week of the plenary by the
29 Registrar. It was actually a memorandum, I think, or a letter

1 written to her by the Defence where the Defence were seeking a
2 change in sitting hours. This memorandum I think was some time
3 in April. You might recall, Mr Griffiths. And certain sitting
4 hours were proposed by the Defence. The Prosecution did respond
09:36:10 5 to those sitting hours and, of course, the judges have
6 deliberated on the issue and we've come up with a schedule that
7 we think would take care of the concerns from both sides.

8 This is a memorandum that the Registrar showed to us or was
9 forwarded to us by the Head of Office, Gregory Townsend, in which
09:36:53 10 the Defence had sought earlier sitting hours and - yes, and I
11 think the Defence has - had sought to finish later in the day.
12 Now, the Prosecution, on the other hand, had said they would like
13 to finish earlier in the day but to sit the whole day Friday, the
14 reason being that they use the time after the end of the day's
09:37:32 15 sitting to prepare for cross-examination, et cetera.

16 Now, we were given a copy of this memorandum and we've been
17 thinking about it and deliberating on it. And we've taken into
18 account the need to expedite the trial and to see where in the
19 day we can extend the hearing, and it seems to me that the only
09:37:57 20 time that we could extend the day is at the beginning of the day,
21 such that instead of starting at 9.30, as we've normally done, we
22 start at 9.

23 However, we felt that we couldn't extend the day beyond
24 4.30 where the sitting normally ends because that is the time
09:38:19 25 that the parties need either to consult their client or to
26 prepare for cross-examination for the next day or to prep
27 witnesses. And, indeed, Friday afternoon, we were also of the
28 view that we couldn't sit the whole day Friday because as we've
29 settled in the past, we all need Friday afternoon at least one

1 day in the week we need an afternoon where we can do other work
2 that cannot be done outside of the day, such as deliberating on
3 motions, drafting motions, et cetera.

4 So we have come to the decision, this is not going to take
09:39:03 5 effect immediately, we're hoping that this will take effect from
6 Monday next week, that the day will begin - the day's sitting
7 will begin at 9 o'clock in the morning instead of 9.30, from
8 Monday till Friday we will start at 9. However, on Friday we
9 will end - instead of 1.30 we will end at 1 o'clock and this, in
09:39:32 10 effect, gives a total of two sitting hours per week extra, from
11 what we've heard. Now, it may not sound as much, but I think it
12 will go some ways to expediting the trial and the breaks within
13 the sessions remain as before.

14 Now, I hope there are no comments. This is not something
09:39:58 15 that we expect to debate. We've decided that this is the way
16 it's going to be. Starting next Monday we will start earlier at
17 9 o'clock and we'll see how it goes.

18 JUDGE LUSSICK: Mr Griffiths, you probably heard my comment
19 earlier. The Defence seems to be oblivious of any application to
09:40:16 20 change the sitting hours. Am I correct on that?

21 MR GRIFFITHS: I recall a discussion with the Registrar and
22 with my team, but I personally don't recollect the memo. It may
23 be an oversight by me, but I'm at a bit of a loss at the moment.

24 PRESIDING JUDGE: Ms Hollis, do you recall the memo?

09:40:39 25 MS HOLLIS: Indeed, and it was my impression that it
26 actually came from Mr Griffiths, but certainly I remember the
27 Defence memo and we did respond as to our preference.

28 PRESIDING JUDGE: Yes. Mr Griffiths, it's a simple matter.
29 One could be sent to you by our legal officer just to jog your

1 memory.

2 MR GRIFFITHS: I'm not disputing, Madam President, but it's
3 just that immediately it just didn't spring to mind.

4 PRESIDING JUDGE: Okay. Now, Mr Witness, good morning.

09:41:11 5 THE WITNESS: Good morning.

6 PRESIDING JUDGE: Before you continue your testimony this
7 morning, I'm required to remind you of the oath that you took
8 yesterday to tell the truth. That oath is still binding on you
9 today.

09:41:23 10 Mr Griffiths, please continue.

11 WITNESS: DCT-190 [On former oath]

12 EXAMINATION-IN-CHIEF BY MR GRIFFITHS: [Cont'd]

13 Q. Now, Mr Witness, yesterday, just to clarify a couple of
14 matters, you explained to us how you believe by the beginning of
09:41:49 15 1993 when ULIMO-K and ULIMO-J had joined up in Bomi Hills, that
16 the border between Liberia and Sierra Leone was blocked. Do you
17 recall telling us that?

18 A. That's correct.

19 Q. Can I ask you for some assistance - a little further
09:42:08 20 assistance on that, please. For how long did ULIMO-K and J
21 occupy those areas so as to seal off the border?

22 A. For almost a year. Almost a year. Almost a year.

23 Q. Now, the other matter I want to deal with is this: You
24 mentioned a group called New Horizon from the United States. Who
09:42:35 25 were they?

26 A. They were a group of Liberians that had political ambition
27 in Liberia and so they came over into Sierra Leone to see how
28 they could exploit that opportunity.

29 Q. And can you give us the names of any of those who came to

1 Sierra Leone?

2 A. Yeah. I could remember Chris Farley.

3 Q. Chris?

4 A. Farley.

09:43:05 5 Q. Farley?

6 A. And Joe Wallace.

7 Q. Joe Wallace?

8 A. Yes, Joe Wallace. They were the two I can remember.

09:43:19 9 Q. Now, just to pick up where we left off yesterday, remember
10 you were telling us about a deal involving Maxwell Khobe and the
11 garrison commander at Wilberforce Barracks and how as a result of
12 a dispute word about Operation Eagle got out and consequently it
13 had to be aborted and so a second option was alighted upon which
14 involved arms being stored at your commander's address in Hill

09:43:53 15 Cot in Freetown, yes?

16 A. That's correct.

17 Q. And how that fact had been made public by a BBC journalist
18 Ojukutu-Macaulay, yes?

19 A. That's correct.

09:44:03 20 Q. And that as a result of that the Republic of Sierra Leone
21 government got involved in the person of the transport minister,
22 yes?

23 A. That's correct.

24 Q. Who made a broadcast on the radio?

09:44:16 25 A. That's also correct.

26 Q. Now, during the course of that incident, did anything
27 happen to your commander?

28 A. Yes. Initially he was arrested at house by ECOMOG, but as
29 I told you, he told them he - they should give him chance. He

1 wanted to make a call. And that permission was granted. He made
2 calls. He called General Khobe initially at that time. Then
3 General Khobe told him to wait, he will contact the then
4 Vice-President Joe Albert Demby, which he did, and later on
09:44:57 5 instructions from the Vice-President we saw Momoh Pujeh. He came
6 right at the scene and he spoke with the commanders on the
7 ground, and they decided to back out and leave the commander back
8 and they left with a few of the arms back to Wilberforce.

9 Q. So was he released?

09:45:17 10 A. Yeah, he was released.

11 Q. Now, at the time of this incident, what was happening in
12 terms of the armed combatants in Sierra Leone?

13 A. Say again?

14 Q. At the time of this incident at Hill Cot what was the
09:45:39 15 situation of former RUF and SLA combatants in Sierra Leone?

16 A. Simplify this question, please, for me.

17 Q. There had been a conflict in Sierra Leone for several
18 years, had there not?

19 A. That's correct.

09:45:53 20 Q. An armed conflict?

21 A. That's correct.

22 Q. And did there come a time when a peace agreement was
23 reached in Sierra Leone?

24 A. Yeah, that's correct.

09:46:05 25 Q. To your knowledge, was one of the preconditions for that
26 peace disarmament of combatants in Sierra Leone?

27 A. That's correct.

28 Q. So at the time of this incident at Hill cot, was that
29 disarmament process in progress or not?

1 A. It was not in progress at that time.

2 Q. It wasn't. So what has happening at that time?

3 A. At that time we are still having skirmishes behind
4 Waterloo, Masiaka and all the other areas that the AFRC and RUF
09:46:44 5 were still controlling.

6 Q. Now, the arms which you managed to retain at Hill Cot, what
7 was intended in relation to them?

8 A. The intended purpose of that rifle, as I said earlier, was
9 for us to start a ground offensive into Liberia. But since that
09:47:12 10 first Operation Eagle was aborted we decided to wait for plan B
11 and the plan B was unveiled to us by Counsellor Kabinah Janneh
12 when one morning he came with a woman by the name of Aisha
13 Konneh.

14 Q. Pause there. Is that spelt I-S-A-I-T-U K-O-N-N-E-H?

15 A. That's correct.

16 Q. Did she have a nickname?

17 A. Yeah, we used to call her Iron Lady.

18 Q. Was she married?

19 A. Yes.

09:47:51 20 Q. To whom?

21 A. She was married to the late - the then leader of LURD,
22 Sekou Damate Konneh.

23 Q. So when she and Counsellor Janneh arrived, what was
24 discussed?

09:48:07 25 A. Well, they told us that they have spoken to the Government
26 of Sierra Leone and that they were now facing out for preparing
27 for disarmament, so the only way out is for us to take most of
28 our fighters through to Guinea. Then we start the operation from
29 the borders in Guinea.

1 Q. Start what operation?

2 A. The LURD operation. Operation to overthrow the government
3 of President Charles Taylor then.

09:48:48 4 Q. And so Counsellor Janneh told you that this had been
5 concluded following discussions with the Sierra Leonean
6 government?

7 A. That's correct.

8 Q. So what happened following that meeting?

09:49:13 9 A. After that meeting Aisha Konneh came with money up to about
10 \$10,000 for the recruitment.

11 Q. Pause there. \$10,000 which currency?

12 A. US dollars.

13 Q. Yes?

09:49:26 14 A. That was for recruitment in Freetown and they also gave
15 \$4,000 to four senior commanders of which I had \$1,000.

16 Q. You had \$1,000?

17 A. That's correct.

18 Q. Yes?

09:49:40 19 A. And then they also left \$2,000 for transportation of men
20 from their places, whether you're from Bo to the government wharf
21 because that was the easiest route for Guinea. We used the
22 wharf.

23 Q. To the government what?

24 A. Government wharf.

09:50:03 25 Q. Where is the government wharf?

26 A. The government wharf is like just let me say very close to
27 the CID headquarters.

28 Q. To the where?

29 A. Very close to the present place where the SLP party office

1 is in Freetown and the CID branch right at that area.

2 Q. So you gathered - transport was paid for for people to
3 gather there, yes?

4 A. That's correct.

09:50:37 5 Q. Now, how many people gathered there?

6 A. Well, initially we used to let the people go in numbers of
7 15, 20, because we wanted to avoid detection by the government.
8 So they were going in 15, 20. If there were three boats going
9 per day at least we send 60 people. So that's the way we used to
10 do it.

11 Q. And they were being sent to where?

12 A. Directly to Conakry.

13 Q. Yes?

14 A. Then they will move them forward to Nzerekore.

09:51:12 15 Q. To where?

16 A. Nzerekore.

17 Q. I think we've had that name before. And Nzerekore is in
18 which country?

19 A. Guinea.

09:51:25 20 Q. Pausing for a moment, in total how many individuals were
21 transported in this way to Guinea?

22 A. Well, the strength that was required from that side
23 initially was - because we used to take 500 per battalion, so it
24 was two battalions are left. So it's a thousand. So it took a
25 little bit of team to keep moving them by bits.

26 Q. Help us, in which year was this taking place?

27 A. This was now in the year 2000, yeah.

28 Q. Did you accompany these men to Guinea?

29 A. Yes, after the 1st Battalion has left, we then - we left

1 together with the witness I don't want to name now. We were told
2 Aisha wanted to see us so that we will brief the men in Guinea
3 and give them support and moral courage. So we left and we met
4 Aisha and we were briefed in Guinea and taken to their house at
09:52:44 5 Kipe, there was a house at Kp that was there rented.

6 Q. Kipe in which city?

7 A. Kipe in Guinea-Conakry.

8 Q. That's a city, is it?

9 A. Yes, in Conakry. Then from there they would allow us to
09:53:01 10 talk to our men. Then we came back to Sierra Leone. After
11 seeing the men off to Nzerekore we came back to Sierra Leone for
12 more recruitment.

13 Q. So who came back to Sierra Leone?

14 A. I came back together with General Ibrahim Jalloh then the
09:53:19 15 commander I don't want to name now.

16 Q. So you came back to Sierra Leone for what purpose?

17 A. Because the strength was not enough for the operation yet
18 so we needed more men so we came back for further recruitment.

19 Q. And did you recruit further?

09:53:32 20 A. Yes, we did further recruitment and that was then done -
21 we're taking a lot of CDF at that time now.

22 Q. A lot of?

23 A. Civil Defence Forces. Most of them were Sierra Leoneans at
24 that time now.

09:53:46 25 Q. Pausing for a moment, the initial group - the initial
26 battalion strength group that you mentioned, were they former
27 Special Forces?

28 A. The 1st Battalion was completely Special Forces.

29 Q. But when you returned to Sierra Leone you recruited former

1 CDF combatant?

2 A. Former CDF, former RUF and some West Side Boys that were
3 interested in the mission.

4 Q. And were they transported to Guinea?

09:54:23 5 A. They were all transported to Guinea.

6 Q. Pausing again, the arms and ammunition which had been
7 stored at Hill Cot, what had happened to that?

8 A. Well, by the time we came for the second batch load of
9 people - by the time we came for the second batch of the people

09:54:48 10 that was going we were told that we should do symbolic

11 disarmament in Freetown. Symbolic disarmament was commanders and
12 the units that were within Freetown. So to encourage the boys to

13 come and turn over their weapons. So those weapons that were

14 kept at Hill Cot Road that were brought to Brookfields Hotel, we

09:55:06 15 then went and did symbolic disarmament with them.

16 Q. Why symbolic?

17 A. Well, initially there was this - there was - there was no
18 concrete arrangement whether the RUF was prepared to disarm

19 initially, so the government pre-empted the disarmament that we

09:55:23 20 should first disarm for them to see that it is genuine so we

21 should do symbolic - that's why they call it symbolic disarming.

22 Q. I understand.

23 A. So that's why we were the first people to disarm because

24 there was this worry about the Special Forces and everything, so

09:55:37 25 they said that we first should do it and we started doing it. So

26 the arms that we stored at that place, those were the arms - most

27 of the arms that we used to disarm.

28 PRESIDING JUDGE: Please pause. Did the witness say there

29 was no concrete plan where the RUF was prepared to disarm

1 initially? I'm looking at page 16, line 6. Mr Witness, is that
2 what you said?

3 THE WITNESS: Say again.

4 PRESIDING JUDGE: Did you say initially there was no
09:56:16 5 concrete plan whether the RUF was prepared to disarm initially so
6 the government pre-empted the disarmament?

7 THE WITNESS: Let me say again. What was happening on the
8 ground was that since Sankoh was in Freetown then it was rumoured
9 that Sam Bockarie at that time was telling the boys not to
09:56:40 10 disarm. And as such the date was given for disarmament to
11 commence. So the government told us that we should first start
12 disarming to see whether they will reciprocate on the other side.

13 PRESIDING JUDGE: Where "we" means who?

14 THE WITNESS: We the Special Forces and the Loyal troops on
09:56:57 15 the government side. So we started symbolic disarmament and
16 later the RUF followed suit.

17 MR GRIFFITHS:

18 Q. Put differently, Mr Witness, was the government concerned
19 about the readiness of the RUF to disarm?

09:57:17 20 A. Yes, that was the concern because from all indication there
21 were signals that most of the RUF units were disgruntled and they
22 were not prepared to disarm. And so the government said since we
23 have given a date we should start by that date and we should
24 start doing it. If they don't do it now then the international
09:57:42 25 community will know that they are not prepared to do this, so
26 that is why we started disarming.

27 PRESIDING JUDGE: Mr Witness, are you saying that the
28 symbolic disarmament was with the knowledge of the government,
29 the symbolic part of the disarmament?

1 THE WITNESS: That's correct. Because it was even started
2 by the then Deputy Defence Minister himself, Chief Sam Hinga
3 Norman.

09:58:07 4 PRESIDING JUDGE: What I mean is was the government of the
5 day aware that the Special Forces were disarming only
6 symbolically?

7 THE WITNESS: That's correct.

8 MR GRIFFITHS:

09:58:19 9 Q. Two things there that I want to clarify: First of all, who
10 gave you Special Forces formerly part of the CDF - who gave you
11 the order to disarm?

12 A. The orders were given by - the first day we got orders from
13 General Khobe that the symbolic disarmament should be done and we
14 should fully partake. Then the next morning the coordinator of
09:58:47 15 the Civil Defence Forces and then Deputy Defence Minister Chief
16 Hinga Norman came and told us that he is in charge of the CDF and
17 as such the Special Forces are part of that unit and he was going
18 to disarm first and we should follow suit. So he was part of the
19 disarmament exercise before we followed suit that morning.

09:59:06 20 Q. Now the second part of that which I want to clarify with
21 you is this: When you say symbolic disarmament, does that mean
22 that you were only giving up part of your arms symbolically or
23 that you were seeking to send a symbol to the RUF? Do you
24 follow? Which of those two is right?

09:59:27 25 A. We are just sending a signal to the RUF that we were
26 prepared to disarm, but we never gave up all the arms that
27 particular day.

28 Q. Did you in due course give up all of the arms?

29 A. Yes of course. As soon as they started disarming and it

1 was rumoured that RUF has also started disarming then everybody
2 was willing to give up the arms now.

3 Q. So what happened to the totality of the arms which had been
4 at Hill Cot?

09:59:55 5 A. The total - the arms that were at Hill Cot were all
6 disarmed. We disarmed everything.

7 Q. They were all given to whom?

8 A. It was given to the UN because they were taking the arms
9 from us.

10:00:11 10 JUDGE DOHERTY: Mr Griffiths, when you say the arms at Hill
11 Cot do you also include the ammunition? Because I recall the
12 witness saying that ammunition was stored there.

13 MR GRIFFITHS:

14 Q. Was it the arms and the ammunition which was handed over to
10:00:26 15 the United Nations?

16 A. That's correct. Because there was - in fact, there was
17 that programme, if there is any arms without ammunition, then it
18 means the ammunition - you have either hidden the ammunition. So
19 we have to bring your arms and the ammunition all together before
10:00:41 20 you disarm.

21 PRESIDING JUDGE: Further to that question, when you say
22 the totality of the disarmament, does that include the arms and
23 ammunition that had been smuggled into Brookfields Hotel earlier?
24 Were those given back to the UN?

10:00:58 25 THE WITNESS: That's correct. It was in fact in the
26 Brookfields Hotel that we started the symbolic disarmament.

27 MR GRIFFITHS:

28 Q. Just to be clear, all of the arms which had been smuggled
29 out of Wilberforce, as you told us yesterday, with the connivance

1 of General Maxwell Khobe, were all of those arms and ammunition
2 handed over to the United Nations?

3 A. Yes. Those that were in the Brookfields Hotel that we took
4 from Hill Cot to Brookfields Hotel, all was handed over to the
10:01:35 5 United Nations.

6 Q. Did that include the arms at Hill Cot as well?

7 A. That's correct.

8 Q. Thank you. So we have this situation now where you and
9 other commanders of the Special Forces are in Sierra Leone

10:01:51 10 recruiting from former CDF combatants. Meanwhile, there's a
11 battle - battalion-strength group of former Special Forces in
12 Guinea. Is that right?

13 A. That's correct.

14 Q. So explain to us how the situation develops thereafter.

10:02:12 15 A. In Guinea or in Sierra Leone now?

16 Q. Well, let's start with Sierra Leone and we'll move to
17 Guinea.

18 A. After the first - we left the first battalion in Guinea,
19 they were there for planning. They were already in Nzerekore now
10:02:28 20 for planning and the first phase of advancing. We started

21 recruiting in Freetown again and that recruitment was a little
22 bit tedious because we were facing a lot of problems with the
23 security forces now, because it has already leaked that Liberians
24 and Sierra Leoneans were going to Guinea to start war. So they

10:02:45 25 were making arrest at the wharf here and there, but at that time
26 still we're having this contact with Khobe. So from point to
27 point he will come in and the government will come in to say,
28 "No, these people are just going for business," and they will
29 release them. So by the time we have all the strength that we

1 wanted, then we left as an advanced party for Nzerekore to start
2 the operation proper.

3 Q. And who is "we"?

4 A. The Special Forces - the commanders of the Special Forces
10:03:12 5 then.

6 Q. And did you go before or after the CDF recruits?

7 A. After the CDF recruits, because most of them that we took
8 were waiting to be disarmed and give them their benefits, so it took
9 a little bit of time. After they received their benefits, so we

10:03:30 10 decided to go with them. So after they have travelled, then
11 myself, General Jalloh, then there was a commander named Dog,
12 that's the nickname. Dog.

13 Q. As in the animal?

14 A. Yes, Dog.

10:03:42 15 Q. Dog?

16 A. That's the name, yes. Yes, we all crossed together now.

17 Q. And you go to Guinea?

18 A. To Guinea to Nzerekore.

19 Q. To Nzerekore?

10:03:50 20 A. That's correct.

21 Q. And just paint the picture for us now. In Nzerekore, first
22 of all, how many of you have now gathered?

23 A. The strength was almost over 2000, because there was a
24 group of Mandingos that has already been training before we

10:04:08 25 reached there and they - most of them were also Guineans and
26 Liberians, because the border is porous in those areas. You have
27 Sierra Leone, Kailahun, Guinea on the other side, then Liberia,
28 so people - you have Gissis on the Liberia side. On the other
29 side, Mandingos in Liberia. So there was a strength of about

1 over 2,000 now.

2 Q. Now, these Mandingos who had been trained in Guinea, first
3 of all, who had trained them?

4 A. They were trained by the Guinean gendarme.

10:04:45 5 Q. And where in Guinea had they been trained?

6 A. In Nzerekore.

7 Q. Nzerekore?

8 A. That's correct.

9 Q. And what kind of facilities were made available to you in
10:04:55 10 Nzerekore?

11 A. Well, we have open field for training and then we are given
12 rifles for training, live rounds. Then food, medicine, then
13 vehicles.

14 Q. And who provided all of that?

10:05:13 15 A. The Guinean government.

16 Q. And what was the objective behind this operation? Just
17 remind us.

18 A. Well, the objective of LURD was to make - was to topple the
19 government of Mr Charles Taylor.

10:05:28 20 Q. Now, that name LURD, when was that name applied to the
21 group?

22 A. After all the forces have combined and then --

23 Q. Combined where?

24 A. In Guinea, Nzerekore. The Special Forces from Sierra
10:05:43 25 Leone, the CDF, former RUF and West Side Boys all combined
26 together. They then decided to call LURD, Liberia United - let
27 me cool down and just - that was when LURD was really formed, so
28 that it should not be seen as any faction-oriented. There should
29 be one goal and our goal should be one Liberia, and nobody should

1 say, "You are Mandingo. You are Krahn. You are this." No.

2 Q. At this stage who was the leader of this movement called
3 LURD?

10:06:30

4 A. The leader of LURD at that stage was the - was Sekou Damate
5 Konneh.

6 Q. And just tell us a little bit about him. Where was he
7 from?

10:06:46

8 A. Well, Sekou Damate Konneh was from Liberia. He has a
9 Liberian background. He is a Mandingo. But after the rebel war
10 in Liberia, he resided in Guinea together with the wife Aisha
11 Konneh. He was a businessman. And that's all I could say about
12 him.

10:07:05

13 Q. And, help us, do you have any idea how it came about that
14 the Guinean government was supporting this movement to the extent
15 of providing arms, ammunition, food, medicines and so on? Who
16 had created that link; do you know?

17 A. That link was created by the wife, Aisha Konneh.

18 Q. Yes?

10:07:22

19 A. Whom, in fact, when we were in Guinea we have told have
20 very close relationship with the President Lansana Conte, because
21 even at Nzerekore we see presidential vehicles coming on our base
22 and she goes straight to the President. And even our commander,
23 that I don't want to name now, was given that opportunity to see
24 directly with the President then at that time, President Lansana
25 Conte.

10:07:50

26 Q. So we've got the picture now. This group in Guinea
27 assisted by the Guinean government.

28 A. That's correct.

29 Q. So what's the next step?

1 A. The next step was to open front lines in Liberia.

2 Q. And where were those front lines opened?

3 A. In Lofa County.

4 Q. Before I come to deal with that, can I just seek your
10:08:16 5 assistance on another matter. Was LURD dominated by Mandingos?

6 A. It wasn't 100 per cent dominated by Mandingos.

7 Q. But did they have a very powerful influence in LURD?

8 A. Yes, they had a very powerful influence in LURD, that's
9 correct.

10:08:41 10 PRESIDING JUDGE: Mr Griffiths, sorry to interrupt, but let
11 me take the witness back a little bit to the government wharf and
12 the smuggling out of fighters to go into Guinea. Now, the
13 witness said at my page 21, he explained that news had leaked
14 already that Liberians and Sierra Leoneans were going to Guinea
10:09:12 15 to start the war, so they were making a rest at the wharf here
16 and there, but at that time - Ms --

17 MS HOWARTH: Sorry, I'm not wishing to interrupt
18 your Honour at all. It was just, when your Honour has finished,
19 there was a point I wanted to make perhaps before your query is
10:09:36 20 answered.

21 PRESIDING JUDGE: Where was I? Yes. But we were still -
22 this is what the witness said: But at that time we were still -
23 we have having this contact with Khobe, so from point to point he
24 will come in and the government will come in to say, "No, this is
10:09:55 25 just going for business," and release them. Now, the question I
26 want to ask is - or to understand, the witness is saying that the
27 Sierra Leone Army would come in from time to time to try and
28 arrest these people at the wharf, but at the same time Khobe
29 would come in to protect these people. And then you said, "And

1 the government will come in to say, 'No, this is just going for
2 business,' and release them." Now, is the witness saying that
3 the fighters went into Guinea with the knowledge and acquiescence
4 of Tejan Kabbah and his government? Is that the evidence?

10:10:41

5 MR GRIFFITHS:

6 Q. Do you understand the question, Mr Witness?

7 A. I understand the question.

8 Q. So was the Government of Sierra Leone headed by President
9 Ahmad Tejan Kabbah complicit in the setting up of LURD and the
10 transport of its combatants to Guinea?

10:11:00

11 A. Well, I will say this clearly: Because, in the first
12 place, because of international law, no government will come and
13 declare that I know exactly what is going to happen, but they
14 were in the know.

10:11:16

15 Q. They were in the know?

16 A. They were in the know, because they knew very well we were
17 Liberians in Sierra Leone fighting. At the end of the day, our
18 objective was to go back. So - and we were fighting along the
19 CDF and they know they also have - at some points go and help us
20 back. So they knew very well. There were top officials in the
21 government that knew very well. As I've told you, the

10:11:29

22 Vice-President knew about our motives. He was met by New
23 Horizon. He was met by Aisha Konneh. General Khobe knew very
24 well. It was only few police officers that were deployed at the
25 wharf that never knew what was going on. So any time they effect
26 arrest, they will have calls from superior officers that would
27 tell them, "No. You play low. We know these people."

10:11:49

28 PRESIDING JUDGE: Yes, but the question was in relation to
29 Tejan Kabbah himself, was he complicit in all this, to your

1 knowl edge?

2 THE WITNESS: To my knowl edge, the presidency was far above
3 us. But I could tell you about the Vice-President. He was fully
4 aware. That was Joe Albert Demby.

10:12:14 5 PRESIDING JUDGE: Very well. Ms Howarth, you wanted to say
6 somethi ng.

7 MS HOWARTH: Yes, I'm grateful. It was just the answer
8 given just prior to Madam President's question, it's at page - my
9 page 24, line 17, the question was: "Before I come to deal with
10:12:31 10 that, can I just seek your assistance on another matter? Was
11 LURD dominated by Mandingos?" And the answer that's recorded is:
12 "It was 100 per cent dominated by Mandingos." However, the
13 answer given by the witness was, "It was not 100 per cent
14 dominated by Mandingos." And I think that can be seen by the
10:12:53 15 subsequent question and given, but given it's an opposite, I
16 thought it perhaps appropriate to --

17 MR GRIFFITHS: I clearly recall that.

18 MS HOWARTH: -- point it out.

19 MR GRIFFITHS: So I concur.

10:13:06 20 PRESIDING JUDGE: Yes, you are absolutely right. I'm sure
21 they will pick this up in the corrections.

22 MR GRIFFITHS:

23 Q. We come then to the opening of front lines. You've told us
24 these were to be opened in Lofa County, yes?

10:13:16 25 A. That's correct.

26 Q. Now, the first incursion, did that have a name?

27 A. Before we started the LURD operation, an operation has
28 already gone months before. That was the operation that really
29 pre-empted the attack and that operation was called Mosquito

1 Spray.

2 Q. Mosquito Spray?

3 A. Yeah.

10:13:44

4 Q. And just talk us through, please, what that Mosquito Spray
5 operation involved.

10:14:03

6 A. Well, that was done because, in attacking Liberia, there
7 was no legal basis for anybody to tell anybody that we have been
8 attacked from Guinea and Guinea would have denied. So what the
9 unit did was to infiltrate into Liberia, because there is a very
10 vast jungle, very big forest in those areas, and they did a
11 pre-emptive strike on Guinea pretending that there was attack
12 coming from Guinea.

13 Q. Come from?

14 A. From - that attack coming from Liberia.

10:14:16

15 Q. So just talk us through that again. An advance force
16 infiltrate into Liberia?

17 A. Liberia.

18 Q. Then pretend to attack Guinea from Liberia?

19 A. Yes. They shell Guinea from Liberia.

10:14:35

20 Q. The people doing the shelling were whom?

21 A. That's the first advance unit. That was operation Mosquito
22 Spray. They are Liberians that were based in Guinea that have
23 infiltrated.

10:14:50

24 Q. So were - those who shelled Guinea, were they members of
25 LURD?

26 A. Yeah. Most of them became members of LURD now.

27 Q. And --

28 PRESIDING JUDGE: Sorry, I don't understand that answer

29 "most of them became members of LURD now". So did they become

1 members of LURD after shelling?

2 THE WITNESS: Most of them were LURD because a lot of them
3 died in that jungle. So those that survived it became members of
4 LURD. Not all them any more.

10:15:16 5 PRESIDING JUDGE: At the time of the shelling they weren't
6 yet members of LURD, is that what you are saying.

7 THE WITNESS: No, they were member of LURD but it was only
8 the operation that was code named Mosquito Spray.

9 MR GRIFFITHS:

10:15:26 10 Q. We need to clarify this. Let's start right at the
11 beginning because I want to avoid any confusion. What did
12 operation Mosquito Spray involve? Just talk us through it.

13 A. Mosquito Spray was an operation code name to enter Liberia,
14 then shell part of Guinea. That will then give option to Guinean
10:15:57 15 government to respond that there has been attack on Guinea.

16 Q. And those who carried out this shelling, from where did
17 they come?

18 A. They came from Guinea, cross and infiltrate into Liberia.

19 Q. And those who crossed from Guinea into Liberia who
10:16:17 20 conducted that sham attack Guinea, were they members of LURD?

21 A. Initially they were not member of LURD at that time because
22 LURD formation was not well coordinated at that time because the
23 combination of bringing LURD together is a combined force of we
24 the Special Forces from Sierra Leone and, as I've told you, the
10:16:38 25 CDF, the West Side, it's this combination of tribes, including
26 the Krahn and other people, that came up with LURD. But that
27 operation was not fully conducted by LURD. But after that
28 operation it was then at that point that Guinea gave - have the
29 option to shell Liberia. They shelled Lofa indiscriminately for

1 some time and most of those guys recruited back into Guinea. And
2 later when they met the formation of LURD they infiltrated into
3 LURD and became full members of LURD.

10:17:14

4 Q. So just help me with a matter of timing then. At the time
5 of the Mosquito Spray operation --

6 A. That's correct.

7 Q. -- was the organisation called LURD already formed?

8 A. No.

10:17:28

9 Q. So that Mosquito Spray operation, were you in Guinea at the
10 time that it took place?

11 A. No, it took place before we got to Guinea.

12 Q. So it took place before you got to Guinea?

13 A. That's correct.

14 Q. How do you know about it then?

10:17:35

15 A. We are all fighters. Most of the guys that went on the
16 operation were also part of us and then we are briefed that they
17 have already done this and there is now every indication for
18 infiltration because at that time the forces of Taylor were also
19 now - they came with force because after that shelling they were
20 also engaging Guinean troops on the border area, so we have all
21 options now to go in.

10:17:57

22 MR GRIFFITHS: Are there any further questions?

23 PRESIDING JUDGE: Yes, indeed. I wish to understand,

10:18:14

24 Mr Witness, are you saying that part of the Special Forces or the
25 fighters on your side decided to cross into Liberia and shell the
26 country that had taken them in, Guinea?

27 THE WITNESS: That's correct.

28 MR GRIFFITHS:

29 Q. Mr Witness, do you understand the word "pretext"?

1 A. Can you break it down for me?

2 Q. Why was it thought necessary to mount operation Mosquito
3 Spray?

4 A. It was very important because there was no way anybody will
10:19:00 5 attack Liberia openly because Liberia was a sovereign state and
6 Guinea is part of the Mano River Union of course, so there was no
7 way Guinea would have allowed us to attack Liberia as a guerilla
8 force unless something must have happened from that end. So
9 shelling part of Guinea raised an alarm that there was attack on
10:19:26 10 Guinea. So that gave the option to the Guinean government to
11 respond. So we going in was not a problem to Guinea any more.

12 PRESIDING JUDGE: Is this now - is the witness saying that
13 this Mosquito Spray was with the - or the Guinean government was
14 complicit in this operation Mosquito Spray?

10:19:47 15 THE WITNESS: What do you mean by "complicit", ma'am?

16 MR GRIFFITHS:

17 Q. Were they involved? Were they in the know about operation
18 Mosquito Spray, the Guinean government?

19 A. Yes, they were in the know.

10:20:00 20 Q. How close was the connection between Aisha Konneh and
21 President Lansana Conte?

22 A. Too close to call.

23 Q. Mmm?

24 A. Very close. Very cordial.

10:20:13 25 Q. From your knowledge, could operation Mosquito Spray have
26 been launched without the knowledge of the Guinean government?

27 A. Say again.

28 Q. Could that operation have been launched without the
29 knowledge and acquiescence of the Guinean government?

1 A. Impossible.

2 Q. So they knew about it?

3 A. That's correct.

4 Q. And they condoned it?

10:20:44 5 A. That's correct.

6 Q. And they used that as an excuse then to cover your actions
7 in launching an invasion of Liberia?

8 A. That's correct.

9 PRESIDING JUDGE: Ms Hollis, I think you had better let it
10:21:01 10 go. It's already on the record. But, Mr Griffiths, may I
11 caution you please not to suggest answers.

12 MR GRIFFITHS: Well, I totally disagree with that, Madam
13 President, with respect. In the --

14 PRESIDING JUDGE: You really can't do that, Mr Griffiths.

10:21:17 15 MR GRIFFITHS: [Microphone not activated].

16 PRESIDING JUDGE: Mr Griffiths, you really can't do that.
17 You really can't disagree with me.

18 MR GRIFFITHS: Very well:

19 Q. Now, what happened? Can you give us a date for operation
10:21:33 20 Mosquito Spray?

21 A. As I said yesterday, I have been a military man, dates are
22 not too important. I cannot remember too much. I cannot tell
23 you.

24 Q. Very well. What happened after operation Mosquito Spray?

10:21:47 25 A. Then after Mosquito Spray we have already then assembled in
26 Guinea. We are given the green light now for LURD operation to
27 start and the operation was blessed by Sekou Damate Konneh. Then
28 we invaded Liberia.

29 Q. How many fronts were opened during the course of that war

1 Launched by LURD?

2 A. Well, as I told you, the initial strength that was
3 available was almost four battalions because we were taking 500
4 per battalions. So every battalion we have five fighting
10:22:36 5 patrols, 100 per patrol. That's a company plus. So we already
6 opened up over 20 fronts initially we entered Monrovia because
7 this was more of a guerilla warfare than a conventional warfare.
8 But we were having complete overhead cover from the Guinean
9 government because they were shelling for us whilst we were
10:22:58 10 moving initially.

11 Q. So when you say the Guinean government who are you talking
12 about?

13 A. The Guinean army.

14 Q. Were providing what?

10:23:05 15 A. Artillery cover for us.

16 Q. Artillery cover for your invasion?

17 A. That's correct.

18 Q. And was the invasion restricted to the Guinea-Liberia
19 border? Did you only enter over the Guinea-Liberia border?

10:23:30 20 A. We started from that axis and we push all the way very
21 close to Bomi. But we were having difficulties in maintaining
22 the territory because Lofa was very too large, so we decided to
23 open another front in Sierra Leone.

24 Q. Where in Sierra Leone?

10:23:49 25 A. In Pujehun District. So since we were very much familiar
26 with the terrain here, we are then withdrawn from Liberian axis,
27 from Lofa, to Bo. At that time the Guinean contingent was based
28 in Bo.

29 Q. Of what?

1 A. Of UNOMSIL was based in Bo. So that was where we used to
2 receive arms from Guinea through the Guinean contingent. Then
3 since they were UNOMSIL they escort those arms for us all the way
4 to the border, Gissiwulo, Gba, Liya, all those crossing points.
10:24:27 5 They will just drop us in the jungle, we would collect the arms
6 then we will cross into Liberia.

7 Q. So the Guineans contingent of UNAMSIL based in Bo in Sierra
8 Leone were providing you with arms and ammunition and transport
9 in order to attack Liberia from Sierra Leone?

10:24:50 10 A. That's correct.

11 Q. Just talk us through how these incursions developed.
12 You've opened this second front now in Sierra Leone. How do
13 things develop thereafter?

14 A. Well, since Sierra Leone was very close - the border from
10:25:13 15 Pujehun was very close to Monrovia, we had - we were - it was
16 very easy for us to recruit from Pujehun District because that
17 was a very big dominated base by CDF. It was very easy to
18 recruit because we transported a lot of arms and ammunition
19 through that axis, so we then linked up with the mother forces
10:25:34 20 from Guinea, we linked up at Bomi Hills, then we took the whole
21 of Cape Mount, then we started pressurising Monrovia.

22 Q. How long did that whole process take?

23 A. Well, the whole process took us - because we link up with
24 that forces in Bomi then we started planning the final phase of
10:25:53 25 our first operation how to get into Monrovia. All those things
26 took us almost two to three months.

27 Q. And in due course was an assault launched on Monrovia?

28 A. Yes, we launched the first assault on Monrovia. That first
29 - but before we launched this first assault on Monrovia the whole

1 team, because we were having our access directly from Lofa all
2 the way to Guinea, so we were called by Sekou Damate Konneh for
3 briefings in Guinea. We were there, Dog, myself, General Jalloh,
4 and then he got a call from Monrovia.

10:26:43 5 Q. Who got a call?

6 A. Sekou Damate Konneh. First he got the call and he came
7 outside and he told us, "Gentlemen, you don't have to waste time.
8 We've just had a call that Taylor forces are running out of
9 ammunition. They don't even have enough mortar rounds, so make a
10 push."

10:26:59 10

11 Q. Where did that call come from?

12 A. From Liberia. Directly from Liberia.

13 Q. Do you know who made the call?

14 A. Yes, we were made to know that it was a journalist called
15 Hassan Bility.

10:27:11 15

16 Q. Hassan Bility?

17 A. Yes, that's correct.

18 Q. So he was providing information, was he, to Damate Konneh
19 in Guinea?

10:27:27 20

21 A. Yeah, that's what we were told directly because we were
22 there in fact when he made - because he told us and he told us to
23 wait, after one hour he will call again, and we were all seated,
24 on the sat phone he called.

25 PRESIDING JUDGE: Excuse me, Mr Witness, you are running
26 again with your testimony. A lot of what you are saying is not
27 captured on the record. I'm going to ask you again as I asked
28 you yesterday to speak slowly. You are not just having a
29 dialogue with counsel. You are giving evidence to court which is
being recorded, please.

10:27:38 25

1 MR GRIFFITHS:

2 Q. Very well. Mr Witness, your called to Guinea for a
3 briefing along with other commanders, yes?

4 A. That's correct.

10:28:02 5 Q. For a briefing with Sekou Damate Konneh, yes?

6 A. And --

7 Q. And whilst there, a telephone call is received?

8 A. That's correct.

9 Q. Who from?

10:28:15 10 A. From a journalist in Monrovia, Bility.

11 Q. And what information was provided to Sekou Damate Konneh?

12 A. Well, Sekou Damate Konneh told us in the first phase that
13 he has just had instruction that Taylor's forces were running low
14 of arms and ammunition and that we should make a very big push
10:28:40 15 for Monrovia. That is the time to get it and to get him. Then
16 whilst we were there he told us to wait. We are refreshing. In
17 the space of 30 minutes the call came again.

18 Q. From whom?

19 A. From Hassan Bility and we are all seated and told us listen
10:29:00 20 to it carefully, and he asked him what's the situation on the
21 ground and he told him directly that things on the ground are not
22 good, so let the people move and push from Monrovia. So you will
23 see for yourself they are running out of ammunition. So that was
24 loud and clear to all of us. So we are supposed to be in Guinea
10:29:18 25 for seven days. Then he told us to cut short, we'll go and plan
26 the first phase of the operation from Monrovia.

27 Q. And did you do that?

28 A. Yes, we left and we went and the first phase of the
29 operation was to really test whether that information given to us

1 was correct. So we made a push from Klay all the way to
2 Freeport, that's our first stop. We made - we met a little bit
3 of resistance but not that too much because any time we are
4 pushing too much they are retreating because at that time we are
10:29:50 5 shelling heavily. We are heavily armed. We are using mortars,
6 BZTs. But the only problem we were facing, we hadn't enough
7 vehicles because the route from Guinea to Lofa was too bad.

8 Q. The roads?

9 A. Yeah, the roads were too bad. So in that operation our
10:30:06 10 plan was to have vehicles - open vehicles that we could use to
11 mount our BZTs anti-aircrafts and the rest. So we went in for
12 the first attack. We collected those things, food, diesel,
13 enough fuel for our vehicles that we made a retreat back to Bomi
14 Hills.

10:30:28 15 Q. And what happened thereafter?

16 A. After that we then planned another phase of the operation.
17 This was to hit Monrovia and come back, so that we draw the
18 firepower of the enemy, because we knew they were running low out
19 of ammunition. And hitting them when we were retreating and we
10:30:47 20 know they will pursue us. In pursuing, they will use more arms.

21 So that was the objective of the second --

22 PRESIDING JUDGE: Mr Witness, slow down, please. You have
23 to repeat your answer.

24 MR GRIFFITHS:

10:31:00 25 Q. Just go over that again, Mr Witness. It's not easy giving
26 evidence in a courtroom, as you've discovered, right? But it's
27 important that everybody follows what you have to say because
28 what you have to say is important. So, please, just take your
29 time - we're not in a rush - and just tell us the account you

1 want to.

2 A. The second phase of the operation, as I said, was to draw
3 their firepower because we knew very well that the moment we
4 engage Monrovia, they will be engaging us. And if we decide to
10:31:36 5 retreat, they will pursue us. And in pursuing us, they will have
6 more rounds to waste. So we went to Monrovia for the second
7 time. We got what we wanted from there, fuel, food, at the port,
8 because there was enough food at the port. We looted a lot of
9 food, then retreated back to Bomi. But then there was this
10:31:59 10 persistent call that we should go and finish the job.

11 Q. From whom?

12 A. From our leader, Sekou Damate Konneh, that he was in fact
13 on his way to Bomi and he doesn't want to speak to any commander
14 from Bomi. He wants to speak to us directly from Monrovia and
10:32:16 15 that we should move at all costs and we should make sure that,
16 one, Monrovia is totally taken and that Mr Taylor should be
17 arrested; we shouldn't kill him because they want to try him.

18 So then we went in for the third time in Monrovia. We are
19 there for almost five days. We have occupied the whole of
10:32:41 20 Bushrod Island. We have the strength moving towards
21 Gardnersville. We already crossed the double bridge into battery
22 factory, that was our front line, because our objective was to go
23 for Red Light. Then the main bulk of the operation was to cross
24 the two bridges now into centre of Monrovia. So --

10:33:04 25 Q. Go on.

26 A. The phase of that operation was to be launched on a
27 Saturday, faithfully on Saturday, to cross the bridge. So we
28 have already prepared artilleries because I was an artillery
29 personnel with General Jigay. He was operating the first BZT,

1 advanced BZT, that was to be the second BZT --

2 PRESIDING JUDGE: I'm going to pull you up again,
3 Mr Witness. What you are saying is not being recorded. The
4 transcriber just cannot keep up with you. Can you please make an
10:33:35 5 effort to slow down.

6 MR GRIFFITHS:

7 Q. You were telling us you were operating the second BZT.
8 Yes?

9 A. Then the third BZT was supposed to be operated by another
10:33:50 10 unit called Horsepower, which was --

11 Q. Called Horsepower?

12 A. Horsepower, yeah. Which was operated by General Julu. So
13 before that morning now, because which was supposed to be a dawn
14 attack until day, K1, General K1, who was operational commander,
10:34:10 15 came to the artillery headquarters at Katupa Vai Town and told
16 us, "This operation has been called off," and we should remain
17 where we are. They have instructions that we should not cross
18 the bridge any more.

19 Q. Instructions from whom?

10:34:25 20 A. Well, that I cannot tell you perfectly clear because I
21 don't want to lie. He told us that he has instructions from
22 above that we shouldn't cross the bridge and that very soon there
23 will be an ECOMOG force that will be on the ground - UNOMSIL
24 force that will be on the ground and there will be some - we will
10:34:48 25 see an overflight of Marines, that we shouldn't shoot at them.

26 Q. An overflight of Marines?

27 A. Yes, the US Marines because --

28 Q. US Marines?

29 A. Yes. Because they were visible at sea.

1 Q. You can see them?

2 A. Yes. You could see the warship. They were visible. You
3 could see them - if you are at the port, you could see them. So
4 they told us we shouldn't attack them, we shouldn't fire at them,
10:35:09 5 and the instruction was we are not supposed to cross the bridge
6 any more.

7 Q. And did you at some stage discover what had happened to
8 President Taylor?

9 A. Well, whilst we were in Monrovia we were told that
10:35:24 10 negotiation was going on for him to peacefully leave, so as such
11 there was then no need for us to pursue him any more. So we
12 decided to wait and see. So we are still at our defensive
13 positions and then the ECOMOG force came. Then there was
14 ceasefire and they deployed between us - the bridge and us and
10:35:49 15 the LURD forces on the other side of the bridge.

16 Q. Now, did you in due course discover that President Taylor
17 had in fact left Monrovia?

18 A. Yes. After some days we are then briefed that the next day
19 that President Taylor will be leaving. That there has been high
10:36:12 20 power delegation from ECOWAS that they are negotiating for his
21 departure and where he will go and that the next day he will be
22 leaving. And the next day we are told he has already left.

23 JUDGE DOHERTY: Mr Griffiths, before I lose sight of it, I
24 recall the witness mentioned there would be a UNAMSIL ground
10:36:33 25 force coming and then later he talked about an ECOMOG force
26 coming. Is it - which is it, please?

27 MR GRIFFITHS:

28 Q. Can you help with that, please?

29 A. Yeah, I will help with that. You know when we were in

1 Sierra Leone we are used to this UNOMSIL, UNOMSIL, but that was
2 to be a UN force that was supposed to be what - in Sierra Leone
3 we have this UNOMSIL, UNMIL, so - but it was purely a UN force
4 that was coming because they were having blue helmets.

10:37:04 5 Q. Right. Now, I'm hoping we can take --

6 PRESIDING JUDGE: So this has nothing to do with ECOMOG
7 then? Because you used both phrases.

8 MR GRIFFITHS:

9 Q. Was it an ECOMOG force or was it a UN force that came and
10:37:18 10 took up position?

11 A. It was a UN force, because they are all having blue helmets
12 when they came.

13 Q. Let's just be clear about it. You were told that what
14 force would be entering Monrovia?

10:37:34 15 A. A UN force was coming to deploy.

16 Q. The force that did in fact deploy, was it a UN force or an
17 ECOMOG force?

18 A. It was a UN force.

19 Q. How were they dressed?

10:37:45 20 A. They were dressed in - the helmets is different because
21 they used military fatigue and the blue helmet indicates that
22 they are UN forces.

23 Q. Thank you. Now, following the departure of President
24 Taylor, what happened to LURD as an organisation?

10:38:05 25 A. LURD as an organisation, first and foremost, we are asked
26 to vacate the vicinity of Liberia because they wanted to see no
27 arms and Monrovia should be an arm-free city. So we are all
28 ordered to move back to our headquarters at Bomi Hills and we are
29 at Bomi Hills. And we are there until I waited disarmament.

1 PRESIDING JUDGE: Did the witness say - sorry - we were
2 asked to vacate the vicinity of Liberia? That is what we have on
3 the record.

4 THE WITNESS: Monrovia. Monrovia. Not Liberia. Monrovia.

10:38:46 5 PRESIDING JUDGE: You did say Liberia.

6 THE WITNESS: No, I'm sorry, it's Monrovia. Because we
7 were in Monrovia.

8 MR GRIFFITHS:

9 Q. So you were asked to vacate Monrovia and move back to Bomi
10:38:57 10 Hills. Is that correct?

11 A. That's correct.

12 Q. And did you do that?

13 A. We did that.

14 Q. And what happened thereafter?

10:39:02 15 A. After that there was now negotiation between our leaders.
16 There was now political development in Liberia for the formation
17 of an interim government which would involve all these people to
18 rule for a period of time until after disarmament, so we were
19 there. LURD participated in that interim government.

10:39:30 20 Q. LURD participated in the interim government?

21 A. Yeah, LURD participated in the interim government.

22 Q. And who was the LURD representative or representatives in
23 that interim government?

24 A. Well, they had a lot of representative because Kabinah
10:39:42 25 Janneh served in that government. Vamba Kanneh served and --

26 PRESIDING JUDGE: Sorry, what did you say? What name did
27 you say to start with?

28 THE WITNESS: Counsellor Kabinah Janneh served in that
29 transitional government.

1 MR GRIFFITHS:

2 Q. Who else?

3 A. Dr Vamba Kanneh served.

4 Q. If you can't remember any more names, Mr Witness, don't

10:40:07 5 worry. Don't worry. It's unimportant.

6 Now, as you are undoubtedly aware at a later stage
7 elections took place and Ellen Johnson-Sirleaf was elected
8 President, yes?

9 A. Yeah, that's correct.

10:40:26 10 Q. Were you in Liberia at that time?

11 A. No. I have moved back to Sierra Leone. After -
12 immediately after disarmament, I came back to Sierra Leone.

13 Q. Yes. Now, that new President, Ellen Johnson-Sirleaf, had
14 you encountered her at any stage prior to her election as

10:40:39 15 President?

16 A. If I have encountered her?

17 Q. Yes.

18 A. Personally, no.

19 Q. Had you heard of her before?

10:40:46 20 A. Of course.

21 Q. In what context?

22 A. In only one context, but that was not clarified to us.
23 Because when the New Horizon came in Freetown they told us that
24 they - they were comprised of a lot of Liberians, including Ellen
10:41:03 25 Johnson-Sirleaf, and that's a big wig and she has influence for a
26 push. That was the only time her name was mentioned, but she
27 never spoke to us.

28 Q. So the name was mentioned in connection with New Horizons,
29 yes?

1 A. That's correct.

2 Q. Now, you mentioned earlier - and it may have slipped
3 notice, but I want to go back to it - that you were instructed
4 that President Taylor was to be captured so that he could be put
10:41:34 5 on trial. Yes?

6 A. That's correct.

7 Q. Now, help us with this: Have you ever had contact with the
8 Special Court for Sierra Leone prior to coming to this Court to
9 give evidence?

10:41:48 10 A. Yes, of course.

11 Q. In what context?

12 A. Well, the first context was through our commander that I
13 have told you.

14 Q. Your commander?

10:41:58 15 A. That I don't want to name now.

16 Q. Yes?

17 A. We were called together with another {redacted}
18 Sylvester, and then General Jigay because he was part of the RUF.
19 Our first assignment was - initially when we were entering Guinea
10:42:19 20 was to make sure that we find out whether indeed Johnny Paul
21 Koroma was dead. That was our first assignment.

22 Q. Who gave you that assignment?

23 A. Well, that assignment came from our commander but he was
24 dealing directly with David Crane at the time.

10:42:35 25 Q. David Crane, what, the Prosecutor of this Court?

26 A. Yeah, he was the Prosecutor of the Court.

27 Q. So David Crane was in contact with your commander who you
28 cannot name and asked you to carry out this operation, yes?

29 A. That's correct.

1 Q. And did he, David Crane, provide you with any assistance in
2 order to do that?

3 A. Yes, because to move in those areas in search of
4 information he needed money, so they gave us money.

10:43:02 5 Q. Who gave you the money?

6 A. Well, the money particularly was turned over to us by our
7 commander but he went to David Crane and received - he gave him a
8 phone, a flat phone, just like a laptop, and then they gave him
9 money.

10:43:16 10 Q. How much?

11 A. Well, I cannot tell exactly how much he gave to him but the
12 money that they gave to us in Bo was \$1,000, me, Passaway and
13 General Jigay.

14 PRESIDING JUDGE: Is that \$1,000 between the three of you?

10:43:35 15 THE WITNESS: That's correct. That was for transportation.

16 MR GRIFFITHS:

17 Q. And you were being given that by David Crane, the
18 Prosecutor of this Court, to do what?

19 A. For certain informations because they were not sure whether
10:43:50 20 Mosquito was really dead and they were not sure whether - they
21 were thinking that Johnny Paul Koroma was still alive. So they
22 wanted confirmation. Since we are fighting that axis and we are
23 in Monrovia, they wanted to have first-hand information whether
24 that was true.

10:44:06 25 PRESIDING JUDGE: Because you are fighting what?

26 MR GRIFFITHS:

27 Q. Since you were fighting where?

28 A. Since we are fighting in Liberia and it's where these
29 people were supposed - they were thinking they were supposed to

1 be, so they thought we would give them viable information about
2 those two people.

3 Q. So did you carry out investigations on behalf of the
4 Prosecutor of this Court into the deaths of Johnny Paul Koroma
10:44:31 5 and Mosquito?

6 A. That's correct.

7 Q. And what was the result of those investigations you carried
8 out on his behalf?

9 A. Well, we were told that Johnny Paul Koroma was killed in
10:44:45 10 Lofa County when he crossed from Sierra Leone into Lofa and that
11 he never reached Monrovia. He had some scuffle with some of the
12 soldiers that he met and he couldn't properly identify himself to
13 them, so a scuffle ensued between them and he was killed.

14 Q. Where in Lofa County?

10:45:06 15 A. Well, the specific location I don't know, but we were told
16 he was killed in Lofa.

17 Q. And where did you get that information from?

18 A. We got that information from an ex-ATU fighter who was
19 called Senegalese. He was a Sierra Leonean but he was fighting
10:45:23 20 on the other side.

21 Q. For the ATU?

22 A. For the ATU.

23 Q. The Anti-Terrorist Unit?

24 A. That's correct.

10:45:28 25 Q. Now, what about your investigations into the death of
26 Mosquito?

27 A. That also was confirmed that he was killed along the Ivory
28 Coast border and it was also confirmed to us that he was not
29 taking instructions from his superior officers and he was doing

1 things on different orders and, as such, a scuffle also ensued
2 between them and he was killed.

3 Q. Where did you get that information from?

4 A. From this same person because he was an ATU.

10:46:01 5 Q. And you mentioned earlier that you had been instructed that
6 Charles Taylor was to be put on trial, yes?

7 A. That's correct.

8 Q. Who had given you that instruction?

9 A. That instruction was given to us by - the first instruction
10:46:34 10 was given to us by Sekou Damate Konneh because he told us
11 directly that there is already an international arrest warrant
12 for Charles Taylor that he has committed atrocities and that they
13 wanted him to answer questions so we shouldn't kill him, we
14 should arrest him and make sure we turned him over to this Court
10:46:55 15 for questioning - for the Court for questioning.

16 Q. So you were given that instruction before or after Charles
17 Taylor left Monrovia?

18 A. We were going with that instruction before we even entered
19 Monrovia.

10:47:07 20 Q. Before you entered Monrovia?

21 A. Yes.

22 Q. You had that instruction?

23 A. That we should capture him, not to kill him.

24 PRESIDING JUDGE: Could we have a time frame for this
10:47:14 25 particular instruction, please? A year, perhaps a month?

26 THE WITNESS: During the operation?

27 MR GRIFFITHS:

28 Q. Can you give us a year when you were given that instruction
29 to capture him for him to be put on trial?

1 A. I have told you I have a problem with dates.

2 PRESIDING JUDGE: I'm not asking for a date, sir. I'm
3 asking for a year.

4 MR GRIFFITHS:

10:47:35 5 Q. How close was it to the departure of Charles Taylor? Was
6 it in the same year or what?

7 A. It was in the same year that Mr Taylor left.

8 Q. And can you help us as to roughly how long before he left
9 you received that information?

10:47:55 10 A. That information was given to us three months into -
11 because - three months, because we are in operation for almost
12 three to four months, yes.

13 Q. So you were given it when?

14 A. Three months into the operation.

10:48:22 15 Q. Now, where were you when your commander made these contacts
16 with David Crane?

17 A. We are in Bo directly.

18 Q. You were in Bo?

19 A. Yes.

10:48:36 20 Q. What were you doing in Bo at that time?

21 A. I've told you Bo was the base for our recruitment.

22 Q. Recruitment for what?

23 A. For the LURD operation. So whilst we were on this movement
24 then - you know the Court was in Sierra Leone already now. He
10:48:53 25 had this contact with this Court, our commander, so he came and
26 briefed us that we have another assignment attached to this
27 programme. The Special Court want to have certain information
28 and if you guys can just give me this information about Johnny
29 Paul, about Mosquito, then that will be well with us. And that

1 we also have this instruction that Mr Taylor should not be killed
2 because he is wanted here, he must be captured and turned over to
3 the Court. That was in Bo.

10:49:30 4 PRESIDING JUDGE: I'm sorry, I'm going to have to ask you
5 for a time frame for this as well. What year was this?

6 THE WITNESS: It was during the same year that Mr Taylor
7 left Liberia because it was just four months - but I couldn't
8 remember the year exactly, but it was just four months back but
9 the same year that he left.

10:49:49 10 MR GRIFFITHS: Madam President, I am told by Mr Taylor that
11 he would like an opportunity to consult with me before I conclude
12 with this witness. I've just received that instruction now.

13 First of all, a particular name was mentioned during the
14 course of this witness's testimony and I would ask that that name
10:51:30 15 be redacted, please. He was mentioned as a Defence witness.

16 PRESIDING JUDGE: Yes, can you guide me as to the page and
17 line, Mr Griffiths?

18 MR GRIFFITHS: I'm seeking to locate it now. The matter
19 has just been brought to my notice.

10:52:27 20 PRESIDING JUDGE: Mr Griffiths, are you looking for the
21 line?

22 MR GRIFFITHS: We're both searching for it now as we speak.
23 Page 46, please, line either 20 or 21 depending on the font being
24 used.

10:53:20 25 PRESIDING JUDGE: From my record I can't even tell the
26 names. I can only see a name Sylvester but the others are not
27 legible, so I have no recollection who these were. Is that what
28 you are referring to?

29 MR GRIFFITHS: Precisely.

1 PRESIDING JUDGE: And which of these names? There's a
2 litany of names. The one to which the word "witness" is
3 attached?

4 MR GRIFFITHS: Yes.

10:54:38 5 PRESIDING JUDGE: Mr Griffiths, we are of the view that the
6 record as it stands really makes no one the wiser as to what this
7 witness meant when they referred to that name. I mean, witness
8 in where? In what case? To what? Maybe to the murders,
9 et cetera? Who knows?

10:55:00 10 MR GRIFFITHS: The point is, Madam President, once the
11 transcript has been perfected it will become clear and I see the
12 transcriber nodding in agreement who that witness is.

13 PRESIDING JUDGE: Yes, the point I am making is witness
14 where? In what? Or witness to what, is the issue? Of course
10:55:22 15 the dialogue that you and I are having is making it very obvious
16 witness to what, but if you had just left the issue it might have
17 gone undetected even as it stands.

18 MR GRIFFITHS: Which is why I was being quite Delphic in
19 dealing with the matter in the hope that it could be resolved
10:55:43 20 swiftly without any contention.

21 PRESIDING JUDGE: You want the Court to redact only that
22 first name?

23 MR GRIFFITHS: Yes, and the word "witness".

24 PRESIDING JUDGE: Very well then. Word "witness" and the
10:55:54 25 name immediately following that word will be redacted.

26 JUSTICE DOHERTY: Mr Griffiths, if my memory serves me
27 correctly that name was mentioned more than once. Am I right?

28 MR GRIFFITHS: But not in relation to any legal
29 proceedings:

1 Q. Coming back to your narrative, Mr Witness, do you recall
2 telling us about the various attacks which were conducted on
3 Monrovia? Yes?

4 A. That's correct.

10:56:37 5 Q. How many attacks in all were launched by LURD on Monrovia?

6 A. Three major attacks.

7 Q. Now, bearing that fact in mind --

8 PRESIDING JUDGE: Mr Griffiths, we are just wondering to
9 ourselves in view of the fact that the person whose names we're
10:57:26 10 redacting is a protected witness, we're wondering how this
11 witness came to know that that person is a witness. Good
12 question, isn't it?

13 MR GRIFFITHS: Well, why I'm looking rather querulous is
14 because it's not a question for me. It should be a question for
10:57:49 15 the witness surely.

16 PRESIDING JUDGE: It should be a question for the Defence.

17 MR GRIFFITHS:

18 Q. Three attacks you've told us, yes? Three attacks?

19 A. Yes, there were three attacks.

10:58:07 20 Q. Now help us. When in relation to those three attacks was
21 this contact made by David Crane? Was it before the three
22 attacks or when?

23 A. Before the three attacks.

24 Q. So before the assault was launched on Monrovia, this
10:58:29 25 meeting took place in Bo where you were told of David Crane's
26 involvement, yes?

27 A. That's correct.

28 Q. By the way, Mr Witness, before I conclude, who was the
29 commander of the Mosquito Spray operation that you told us about?

1 A. He was called Prince Cio.

2 Q. What?

3 A. Prince Cio

4 Q. Prince?

10:59:15 5 A. Cio

6 Q. CO?

7 A. That's the name that we know of.

8 Q. The letter C and then O?

9 A. Yeah.

10:59:25 10 Q. Or is it S-I-O?

11 A. Yeah.

12 PRESIDING JUDGE: Well, is it CO or is it S-I-O? It can't
13 be both. Which is it, Mr Witness?

14 THE WITNESS: It's not CO. S-I-O. Prince Cio. That's the
10:59:47 15 way we call it, C-I-O. It's not CO.

16 MR GRIFFITHS: I need to clarify two spellings. One, the
17 Iron Lady who was mentioned, her first name is spelled A-I-S-H-A.
18 Secondly, a place name in Guinea was given Kipe. That is K-I-P-E
19 acute. That's all I ask in chief.

11:00:50 20 MS HOLLIS: Madam President, I ask the leave of your
21 Honours to make an application and raise an objection.

22 PRESIDING JUDGE: Yes, certainly we'll hear the
23 submissions, please.

24 MS HOLLIS: Thank you, Madam President. Madam President,
11:01:12 25 we would like to make these submissions in the absence of the
26 witness.

27 PRESIDING JUDGE: Could the witness please be escorted out
28 temporarily. Mr Witness, you are not yet done with your evidence
29 but the following application will be made in your absence. You

1 will then return afterwards.

2 [In the absence of the witness]

3 PRESIDING JUDGE: Yes, Ms Hollis.

4 MS HOLLIS: Thank you, Madam President. Madam President,
11:02:00 5 your Honours, the most recent summary that we have that was to
6 guide us in our preparation to cross-examine this witness was a
7 summary that was provided on 29 January 2010, and the CMS number
8 for this was at 27032 and this is what we have for this witness's
9 testimony:

11:02:48 10 "Background. The witness was a member of the CDF. The
11 witness will testify about the structure of the CDF and the
12 formation of ULIMO. Arms and ammunition. The witness will state
13 that the CDF received arms from the Sierra Leonean government
14 which obtained its arms from South Africa and the UK. The CDF
11:03:18 15 also obtained arms from ECOMOG through Liberia. The witness will
16 also explain that the AFRC captured large quantities of CDF arms
17 and ammunition in Kenema and that Sam Bockarie obtained arms from
18 the State House and took them to Pendembu after the AFRC coup."

19 That is the summary, the most recent summary, which we
11:03:45 20 submit we are allowed to rely on in preparing for the
21 cross-examination of this witness.

22 The very first summary that we were given by the Defence
23 contained details that they later omitted. They contained
24 details, simply the name of General Ibrahim Jalloh, Mohamed
11:04:13 25 Tarrawalley Sparrow, ethnic groups around the Pujehun District
26 area, General Abu looks like Warn Mohamed, ECOMOG commander,
27 again the capture of large quantities of arms and ammunition from
28 the CDF by AFRC around Zimmi and Kenema, General Bropleh and
29 Terminator, how some of the STF members joined the West Side

1 Boys, how ULIMO was formed and commanders like General Karpeh and
2 General Free Kalay and General Passaway.

3 MR GRIFFITHS: I wonder if I can have the CMS number for
4 that reference, please.

11:05:17 5 MS HOLLIS: That is the very first summary we were given,
6 25333, and thereafter the Defence chose to eliminate those
7 details and give us the last summary that you have.

8 Now, if we look at what this witness has testified to your
9 Honours, the great majority of the testimony is certainly not
11:05:38 10 covered by the last summary provided to us, the summary on which
11 we were allowed to rely, and indeed the great majority of that
12 information is not even covered by the more detailed first
13 summary.

14 PRESIDING JUDGE: Ms Hollis, is the last summary version 5
11:05:59 15 or version 6? What might it be?

16 MS HOLLIS: Version 4 is what we have.

17 PRESIDING JUDGE: We've got version 5. So I just want us
18 all to be on the same page. I don't know if there's a version
19 that supersedes version 5.

11:06:27 20 MS HOLLIS: We have the 29 January 2010.

21 PRESIDING JUDGE: There is one dated 12 May 2010.

22 MS HOLLIS: And I believe that is exactly the same as the
23 29 January 2010 version, my case manager tells me. So the point
24 is this: That the versions on - the last version that we were
11:06:56 25 given, the version on which we are allowed to rely in preparing
26 is, to put it mildly, grossly inadequate compared to what this
27 witness has told your Honours. There is nothing in there about
28 this witness being a member of the LUDF, about the witness being
29 a member of ULIMO. In fact, it says he's a member of CDF. In

1 his testimony to your Honours even when he talks about fighting
2 with the CDF, if you will note his testimony, he always holds the
3 Special Forces out as a separate unit. He talks about Special
4 Forces and CDF. Special Forces fighting alongside the CDF. So
11:07:41 5 he himself in his testimony has talked about others telling him
6 and his group you are part of the CDF. He has never identified
7 himself as part of the CDF.

8 Certainly nothing in these summaries indicates that he went
9 into Liberia as part of ULIMO and fought in Liberia. Nothing
11:08:02 10 indicates the split between ULIMO-J and ULIMO-K. Nothing
11 indicates how they got arms in Liberia. Nothing indicates the
12 disarmament in Liberia, including of other factions. Nothing
13 indicates his recruitment into the Special Forces, his return to
14 Sierra Leone. There is no indication of the operations that he
11:08:30 15 took part in as part of the Special Forces.

16 Your Honours might conclude that that would be covered by
17 the statement that he was a senior member of CDF. But certainly
18 the details have not been included in anything we have been
19 given. And certainly there is nothing about these meetings that
11:08:50 20 he says his group took part in with Mr Supuwood and others where
21 a project was supposedly planned called Operation Eagle and other
22 options for overthrowing Charles Taylor were discussed.

23 Nothing in any of those in any way would alert us to that.
24 Nothing indicates about the movement of people into Liberia as
11:09:20 25 part of this overall objective to overthrow Charles Taylor.
26 Nothing indicates Operation Eagle was abandoned and then the
27 other operation was pursued. Nothing indicates the fighting as
28 part of the first group without a name. Nothing indicates that
29 this name went to Guinea as part of this first group which was

1 not named. Nothing indicates his knowledge of the creation of
2 the LURD. Nothing indicates the composition of the LURD.
3 Nothing indicates the supposed involvement of Guinea with LURD's
4 activities, including this Mosquito Spray operation as he
11:10:01 5 described it. Nothing indicates other actions he talked about in
6 relation to the LURD in Liberia. Nothing indicates the
7 involvement of a person he said was identified as Hassan Bility
8 in providing intelligence. Nothing indicates his statement about
9 contacts with the OTP of the Special Court and the supposed
11:10:26 10 taskings that he and others were given.

11 We would suggest to your Honours that this goes beyond
12 simple inadvertence and in fact borders on if not is bad faith on
13 the part of the Defence to surprise the Prosecution so that we
14 would be unable to prepare in a timely manner to meet this
11:10:49 15 evidence.

16 Now in addition to all of these areas that were not in any
17 way given notice of in these summaries, there are, we believe,
18 two areas where there are differences in what is in the summary
19 and what this witness has told your Honours.

11:11:10 20 The first one is that in the summary you are told that the
21 CDF, that arms were captured by the AFRC. In his testimony he
22 was very clear that while this was during the junta it was
23 definitely the RUF. That raises the question of whether he
24 earlier had told the Defence a different version, indicating it
11:11:44 25 was the AFRC. And also in relation to the somewhat more nuanced
26 point of whether or not he was a senior member of the CDF, in the
27 summary it does portray him as a senior member of the CDF. We
28 suggest in his testimony he definitely talks about his group as
29 fighting alongside the CDF but he does not portray himself as a

1 member of the CDF.

2 We believe because of these differences, and also because
3 the Defence chose to eliminate details in the second through the
4 most recent summaries, that the Prosecution should be entitled to
11:12:25 5 receive the statements of this witness to find out why those
6 details were eliminated. Did the witness tell the Defence
7 contrary statements with contrary facts? And we believe that we
8 have a right to those statements.

9 Whether we receive the statements or not, since in our view
11:12:48 10 the great majority of this witness's evidence is a surprise, we
11 are not able to proceed with an effective cross-examination at
12 this time. We are unable to test the credibility of this witness
13 on all these new areas until we have time to research it and some
14 of these researches we need to do cannot be done by simply
11:13:12 15 looking at transcripts in this trial and looking at exhibits in
16 this trial. We need our investigators involved, which, had we
17 had an adequate summary, we would have had time to have them
18 involved.

19 For these reasons, your Honours, we would ask first and
11:13:33 20 foremost that we be provided with statements this witness has
21 given to the Defence. Secondly, we would request your Honours
22 give us a delay so that we can adequately investigate these
23 matters before we commence the cross-examination of this witness.
24 Because of the nature of the matters which are a surprise to us,
11:13:58 25 and the number of the matters which are a surprise to us, we do
26 not believe we would be able to commence with an effective and
27 informed cross-examination of this witness until the end of next
28 week because we need investigators to do some of this
29 investigation for us from our office in Sierra Leone.

1 So we make that application to your Honours and we make
2 this objection that once again in our view we have been given an
3 inadequate summary and in relation to this particular summary, we
4 are of the view that it is also a misleading summary from the
11:14:39 5 Defence. Thank you.

6 PRESIDING JUDGE: Mr Griffiths, your response, please.

7 MR GRIFFITHS: I accept, Madam President, your Honours,
8 that the details contained in this summary do not properly
9 reflect the full extent of this witness's testimony, and I must
11:15:11 10 accept much of the blame for that for this reason. An updated
11 summary had been prepared by someone in our office, but that
12 matter was brought to my attention at a late stage and
13 consequently had inadequate time in which to ensure service of
14 that updated summary on the Prosecution, and I accept totally the
11:15:43 15 blame for that.

16 However, whilst accepting culpability in that regard, I
17 totally object to the suggestion that our reasons for so behaving
18 or acting were motivated by any mala fides. I totally object to
19 that. We have always sought, in our dealing with the
11:16:09 20 Prosecution, to treat them with respect and not to question their
21 motivation in, we would submit, the most ungracious way my
22 learned friend has today.

23 In consequence, I do not object to the adjournment, but I
24 do object to disclosure, and I object to disclosure on this
11:16:42 25 basis. What is pointed to as differences in testimony in our
26 submission is not material. This is a ploy to obtain further
27 ammunition for cross-examination, if there be any. In order, in
28 our submission, for this Court to say that disclosure ought to be
29 ordered, the Prosecution need to demonstrate that they have been

1 so prejudiced that they cannot adequately deal with issues in
2 cross-examination, and in our submission, they are here clutching
3 at straws.

4 You will recall that during the testimony of this witness,
11:17:35 5 at one point he did speak of the AFRC capturing a large quantity
6 of arms left behind by ECOMOG in Zimmi, and you will recall your
7 intervention, Madam President, when you sought clarification as
8 to whether he was referring to the AFRC or the RUF. That was
9 yesterday. And it's quite clear from the testimony of the
11:18:02 10 witness that he tends to use the words "AFRC" and "RUF" and
11 "junta" somewhat interchangeably during that period following the
12 coup in May 1997. It's quite clear from his testimony that that
13 is the case. So the submission being made that there has somehow
14 been a shift in the position taken by this witness on that issue
11:18:32 15 is, in our submission, completely unfounded. It has no basis in
16 fact.

17 Secondly, my learned friend concedes that the second
18 difference pointed to is somewhat nuanced, that is, the reference
19 to CDF. Of course the witness has said on more than one
11:18:55 20 occasion, "I was a member of the Special Forces," but you will
21 recall that he gave testimony to the effect that he was recruited
22 by Sam Hinga Norman, who was present at Ricks Institute, and we
23 know from the very fact that that man, the former Deputy Defence
24 Minister was put on trial in this very Court for forming the CDF,
11:19:24 25 that there must have been, from that starting point, some
26 connection between the Special Forces recruited by him and the
27 overall organisation which he ran, the CDF.

28 So in our submission, the idea that these words: "The
29 witness was a member of the CDF; the witness will testify about

1 the structure of the CDF," that that somehow represents a
2 difference, a change, a tailoring, if you will, of his evidence,
3 in our submission is totally fatuous. Because you will see, if
4 we look at the construction of that sentence, "structure of the
11:20:08 5 CDF". The Special Forces were part of the structure of the CDF,
6 so what is misleading about that in light of the testimony given
7 by this witness?

8 So in our submission, the second part of my learned
9 friend's application should be refused. In our submission, there
11:20:26 10 is no basis in law for it. In effect, we would submit this is a
11 fishing expedition and, as such, should be refused.

12 PRESIDING JUDGE: Ms Hollis, do you wish to reply at all?

13 MS HOLLIS: Just very briefly on the law, Madam President.
14 We would simply suggest to your Honours that it is in the
11:21:24 15 interest of justice in this instance to provide us with these
16 statements.

17 There is a large question as to why all of these details
18 were omitted from subsequent summaries. Is it because the
19 witness changed his evidence, and so these are not thought to be
11:21:43 20 any longer in good faith? Is it because he said something
21 different, and so they dropped them off entirely? We don't know
22 that. We do know there were certain details in the first summary
23 that were subsequently deleted by the Defence from all subsequent
24 summaries. So was it because of a change in the witness's story?
11:22:02 25 Was it because of equivocation in the witness's story? Was it
26 because the Defence decided they no longer wanted to give us this
27 kind of detail? We don't know. Aside from the third
28 possibility, the first two have to do with the interest of
29 justice and us being allowed to determine if this witness gave

1 consistent statements to the Defence.

2 We would point out, as your Honours have noted, that once a
3 witness testifies, the witness's credibility is at issue, and
4 inconsistencies in statements given to the Defence as compared to
11:22:38 5 this testimony is relevant to a determination of this
6 credibility. We would also point out that the issues that are
7 raised regarding the credibility of the witness need not go to
8 central issues in the indictment. That is not required.

9 So as a matter of law, your Honours, we believe that in
11:22:56 10 this instance we have met the test to be provided the statements
11 of this witness. Thank you for the opportunity for allowing me
12 to make these comments.

13 PRESIDING JUDGE: In view of the time - we only have five
14 minutes left to the time we normally take our midmorning break -
11:23:14 15 we are going to adjourn for the break, and during the break the
16 judges will deliberate and return at 12 noon with a ruling on
17 this issue. Court is adjourned accordingly.

18 [Break taken at 11.25 a.m.]

19 [Upon resuming at 1.09 p.m.]

13:09:05 20 PRESIDING JUDGE: Yes, Ms Hollis.

21 MS HOLLIS: Madam President, may I note a change of
22 appearance for the Prosecution. Mr Mohamed A Bangura has
23 departed and we are joined by Mr Nicholas Koumjian.

24 PRESIDING JUDGE: Thank you.

13:09:37 25 MR GRIFFITHS: Can I also make the same observation. We
26 have been joined by Mr Morris Anyah and Mr Hawi Alot.

27 PRESIDING JUDGE: That too is noted.

28 Now, this is the ruling of the Court on the Prosecution's
29 oral application:

1 The Prosecution's oral application for the disclosure of
2 the statement of witness DCT-190 is on two grounds: Firstly,
3 that the summary dated 12 May 2010, that is, the summary before
4 us, is grossly inadequate; and secondly, that the witness's
13:10:22 5 evidence-in-chief is at variance with the summary. The
6 Prosecution cites two examples; namely, that while the summary
7 shows that the AFRC was the organ or the faction that captured
8 the CDF arms and ammunition at Kenema, the witness's testimony in
9 chief ultimately points to the RUF as the ones who captured those
13:10:52 10 arms.

11 The second alleged inconsistency is where the witness is
12 stated in the summary to have been a member of the CDF, whereas
13 in his evidence-in-chief the witness states he was a member of
14 the Special Forces that fought alongside the CDF.

13:11:12 15 Now, the Defence, whilst conceding that the summary is
16 indeed inadequate, does not agree that there are material
17 inconsistencies between the witness's summary and his testimony
18 in chief so as to warrant a disclosure of his statement. The
19 Defence therefore opposed the disclosure, although they do not
13:11:36 20 object to the adjournment sought by the Prosecution.

21 Now, to restate the jurisprudence on the issue, there is no
22 blanket right for the Prosecution to see the statement of a
23 Defence witness, but in each case the Trial Chamber retains the
24 discretion to order such disclosure, depending on the
13:11:58 25 circumstances of each case. The test for the Court to determine
26 is whether the Prosecution has demonstrated such undue or
27 irreparable prejudice that it would be in the interests of
28 justice to order the disclosure of the statement.

29 We have also held that a witness summary is not meant to be

1 a complete statement of everything that the witness will attest
2 to, but must at least provide a reasonable indication, however
3 brief, of the evidential areas to be covered by the witness in
4 his testimony.

13:12:38 5 We have further held that where a summary is indeed grossly
6 insufficient but not necessarily inconsistent with the witness's
7 testimony, the appropriate remedy is for the Prosecution to be
8 granted extra time to adequately prepare for cross-examination of
9 that witness.

13:12:58 10 Now, in the present case the Defence have conceded that the
11 summary pertaining to witness DCT-190 is indeed inadequate.
12 Having heard the witness's testimony in chief, there is no doubt
13 in the Trial Chamber's mind that there are a lot of material
14 areas that have been covered in the witness's testimony about
13:13:23 15 which no indication whatsoever was given in the summary. The
16 Trial Chamber therefore finds that the summary is not only
17 inadequate; it is grossly inadequate.

18 On the issue of inconsistencies, the Trial Chamber agrees
19 with the Prosecution that the witness's testimony in chief,
13:13:45 20 relating firstly to the capture of arms and ammunition in Kenema,
21 is at variance with what is stated in his summary. The Chamber
22 also agrees with the Prosecution that there is inconsistency
23 between his testimony and summary in relation to his membership
24 of the organisation known as the CDF. Both these inconsistencies
13:14:12 25 are, in the Trial Chamber's view, material in nature.

26 Furthermore, this situation is complicated by the fact that
27 the Defence earlier on this year filed a more detailed summary
28 covering many of the areas that the witness has in fact testified
29 upon, but then the Defence withdrew this summary and replaced it

1 with a more scanty version now before us. It is not clear why
2 this was done.

13:14:57 3 To complicate matters further, Defence counsel, after
4 taking responsibility for the scanty summary that has been
5 submitted - the scanty summary, has then submitted that the
6 Defence did in fact prepare an updated summary that presumably
7 would have contained more detail than the one at issue, but never
8 got around to serving it on the Prosecution.

13:15:19 9 What is clear is that the net result of these various
10 findings raises more questions than answers, as the Prosecution
11 has rightly pointed out, and that ultimately the Prosecution
12 would suffer undue prejudice if the statements were not
13 disclosed.

13:15:38 14 In the premises, the Chamber orders the immediate
15 disclosure of the witness statement or statements of witness
16 DCT-190 to the Prosecution.

17 The Chamber also grants the Prosecution an adjournment to
18 be able to prepare for cross-examination of this witness.

13:16:04 19 Now, we will determine the extent of the adjournment after
20 hearing from Ms Hollis.

21 Ms Hollis, you have asked for an adjournment until the end
22 of next week, which would ultimately give you one and a half
23 weeks that you have asked for, but we were wondering whether you
24 would be prepared to start on your cross-examination of this
13:16:28 25 witness. If we merely interposed the next witness, had that next
26 witness give their full testimony, that might well take us up to
27 Thursday this week, and would you be able to start the testimony
28 of the cross-examination of this witness, or not?

29 MS HOLLIS: May I confer with Ms Howarth?

1 Thank you for that time to consult, Madam President. The
2 Prosecution of course will look forward to getting the statement
3 today as soon as possible, and we believe that we would be able
4 to conduct some of the cross-examination not today and not
13:18:08 5 tomorrow, but perhaps starting - what would that be - Thursday to
6 conduct that which we believe we could properly prepare for.

7 PRESIDING JUDGE: So it would make sense if the trial
8 Chamber proceeded in this manner: That the next witness be
9 called this afternoon and the testimony of that witness, both in
13:18:29 10 chief and cross-examination and re-examination, if any, be
11 handled and exhausted before the cross-examination of DCT-190
12 begins? Would that make sense? Is that practicable?

13 MS HOLLIS: That is for the Prosecution, yes.

14 PRESIDING JUDGE: I will ask the same question of the
13:18:50 15 Defence. Do you have any objections to the proposed manner?

16 MR GRIFFITHS: Are we talking about the cross-examination
17 commencing on Thursday of this week?

18 PRESIDING JUDGE: Cross-examination commencing upon the
19 completion of the testimony of the next witness, whenever that
13:19:10 20 may be.

21 MR GRIFFITHS: Well, I can inform the Court, because you
22 may need to take this into consideration, the next witness should
23 be concluded this afternoon. The next witness should not last
24 more than an hour, an hour and a half, because that witness deals
13:19:28 25 with a rather discrete issue, which can be dealt with within a
26 fairly narrow compass.

27 PRESIDING JUDGE: You are, of course, referring to the
28 testimony in chief.

29 MR GRIFFITHS: No, no. Well, of course I can't anticipate

1 cross-examination. But Mr Anyah, who will be taking that
2 witness, tells me that he anticipates the witness will be no
3 longer than 30 minutes in chief.

13:19:57 4 PRESIDING JUDGE: In any event, I think we are talking at
5 cross-purposes here, both you and the Defence - sorry, the
6 Defence and the Prosecution are agreed that the right thing to do
7 is to interpose this witness - this next witness.

8 MR GRIFFITHS: I am agreed on that.

13:20:11 9 PRESIDING JUDGE: And to exhaust the testimony of that
10 witness and then to see if indeed the Prosecution is in a
11 position to start cross-examination of the current witness. If
12 they are not, I am sure we will hear from them. And so this is
13 the way we are going to proceed:

14 At 2.30 when we reconvene - and I am looking at the clock,
13:20:35 15 we have only have ten minutes before the luncheon break - when we
16 reconvene at 2.30, the Defence will present their next witness.
17 We will stand over - perhaps we will have to call back this
18 current witness for me to explain what has happened and then we
19 will start stand him over, DCT-190, while we exhaust the evidence
13:21:00 20 of the next witness.

21 Perhaps there is time to call DCT-190 back.

22 [In the presence of the witness]

23 PRESIDING JUDGE: Mr Witness, a matter has arisen in court
24 that requires a stand over of your evidence. Namely, that the
13:22:39 25 Prosecution has asked for time to look into certain aspects of
26 your testimony before they will be in a position to cross-examine
27 you and this request has been granted by the Court. You will
28 remain in The Hague and you will be called upon when the time
29 comes to continue your testimony in cross-examination. However,

1 in the meantime I will caution you, as I have done before, that
2 you are not to discuss your testimony with anyone until all of
3 your testimony is completed.

4 THE WITNESS: Yes.

13:23:20 5 PRESIDING JUDGE: So the Court will adjourn until 2.30 this
6 afternoon.

7 [Lunch break taken at 1.23 p.m.]

8 [Upon resuming at 2.30 p.m.]

9 PRESIDING JUDGE: Good afternoon. Mr Anyah, are you taking
14:30:42 10 us through the next witness?

11 MR ANYAH: Yes, I am, Madam President. Good afternoon,
12 Madam President. Good afternoon, your Honours. Good afternoon,
13 counsel opposite.

14 The next Defence witness is DCT-213. Madam President, the
14:31:00 15 witness will be testifying in English and the witness wishes to
16 be sworn in on the Bible.

17 I should add that currently the witness is subject to a
18 decision of your Honours regarding protective measures dated 27
19 May 2009. Having spoken to the witness, the witness wishes to
14:31:22 20 testify openly, and so we would ask for a rescission of that
21 protective measure of pseudonym which was granted the witness.

22 I should also add that there will come to a time during the
23 course of the examination of the witness when I will apply to
24 your Honours and Madam President to move into private session to
14:31:44 25 protect the privacy of the witness as well as others who may be
26 implicated in the witness's testimony who are not parties to this
27 case.

28 And there is lastly in that some vein a particular exhibit
29 I will refer to that is a confidential exhibit that I would want

1 dealt with in private session. Thank you, Madam President.

2 PRESIDING JUDGE: Very well. The submissions of counsel
3 are noted. Mr Koumjian, you have something to say in response?

14:32:19

4 MR KOUMJIAN: No, your Honour, just to announce the change
5 of appearance this afternoon for the Prosecution. This afternoon
6 the Prosecution's represented by Brenda J Hollis, Maja Dimitrova
7 and myself.

14:32:40

8 PRESIDING JUDGE: That is noted. As I was saying, the
9 submissions by the Defence to rescind the protective measures
10 accorded to witness DCT-213 are granted. The application is
11 granted, and the protective measures contained in that decision
12 as pertaining to that witness are indeed rescinded at the
13 witness's request. Please call the witness in.

14:33:13

14 MR ANYAH: Madam President, please permit me to indicate
15 that Ms Logan Hambrick is no longer with the Defence. Thank you.

16 WITNESS: DCT-213 [Sworn]

17 EXAMINATION-IN-CHIEF BY MR ANYAH:

18 Q. Good afternoon.

19 A. Good afternoon.

14:35:18

20 Q. We've spoken outside the courtroom before and I told you
21 some guidelines, if you will, about giving evidence to a court,
22 and I want to reiterate some of those here in court just to
23 remind you.

14:35:36

24 The first thing you will recall I mentioned was that when
25 you give your evidence you should not look at me; rather, you
26 should face the justices. So if you could please keep that in
27 mind while you testify, we would be grateful. Additionally,
28 please kindly speak up when you respond to my questions so that
29 everybody within the well of the courtroom will hear you clearly

1 as well as the stenographer and others viewing the proceedings.

2 A. Okay.

3 Q. And lastly, should I ask you any question that you do not
4 hear well through the headsets, please feel free to ask me to
14:36:12 5 repeat the questions. Do you follow me?

6 A. Yes.

7 Q. Thank you very much.

8 A. Thank you.

9 Q. Could you introduce yourself to the Court by stating your
14:36:21 10 full name, please?

11 A. My name is Aleatha Korto Hoff.

12 Q. Ms Hoff, could you spell each of your names for us?

13 A. A-L-E-A-T-H-A.

14 Q. And could you spell Korto?

14:36:45 15 A. Korto is K-O-R-T-O.

16 Q. And your last name, please?

17 A. Hoff, H-O-F-F.

18 Q. How old are you, madam?

19 A. I'm 60 years old.

14:37:05 20 Q. In which country were you born?

21 A. Liberia.

22 Q. In which country do you currently reside?

23 A. Liberia.

24 Q. What do you do for work right now?

14:37:21 25 A. I'm a caterer.

26 Q. What do you cater to? Or what do you cater?

27 A. Wedding cakes, funerals, and I have a bakery also.

28 Q. How long have you been a caterer for?

29 A. Maybe for 19 years, on and off.

- 1 Q. Do you belong to any tribe in Liberia?
- 2 A. Yes, the Kpelle tribe.
- 3 Q. And besides English, do you speak any other languages?
- 4 A. I try a little French. Just a little.
- 14:38:04 5 Q. Do you speak any languages in Liberia?
- 6 A. Yes, I speak Kpelle.
- 7 Q. How far did you go in school?
- 8 A. I'm a university graduate.
- 9 Q. Which university did you attend?
- 14:38:24 10 A. University of Liberia.
- 11 Q. What did you study?
- 12 A. Management with emphasis on business administration.
- 13 Q. Did you obtain any degrees following your studies?
- 14 A. I did.
- 14:38:38 15 Q. What degree did you obtain or degrees did you obtain?
- 16 A. A BSc.
- 17 Q. Do you have any children?
- 18 A. Yes, I do.
- 19 Q. How many children do you have?
- 14:38:53 20 A. Two boys.
- 21 Q. Are you presently married?
- 22 A. Yes.
- 23 Q. For how long have you been married?
- 24 A. Since June 29, 1974.
- 14:39:14 25 Q. Thank you, Ms Hoff. Do you currently maintain membership
26 in any associations or organisations in Liberia?
- 27 A. Yes, I do.
- 28 Q. What membership or memberships do you maintain?
- 29 A. My church. The Lutheran Church in Liberia, St Matthew's

1 Lutheran Church, and the Chamber - Women's Chamber of Commerce in
2 Monrovia.

3 Q. Thank you, Ms Hoff. Ms Hoff, do you own any telephones?

4 A. I own a telephone.

14:40:07 5 Q. What sort of telephone is it?

6 A. It's a cellular telephone.

7 Q. At your residence do you have any telephones besides this
8 cellular telephone you've mentioned?

9 A. No.

14:40:22 10 Q. In what city in Liberia do you reside?

11 A. In Paynesville, Monrovia, Liberia.

12 Q. The cellular telephone that you say you own, I want us to
13 make a distinction between the actual phone itself and the
14 telephone number. Now, is there a telephone number assigned to

14:40:49 15 the phone that you own?

16 A. Yes, there's a --

17 Q. For how long have you had that number?

18 A. Since August 19 - excuse me. August 2001.

19 Q. Which company, if any, is your cellular telephone provider?

14:41:22 20 A. Lonestar.

21 Q. Since August 2001 have you maintained the same telephone
22 number?

23 A. Yes.

24 Q. The telephone number that you currently have today, that is
14:41:42 25 the cellular telephone number, is it the same number as you had
26 in August 2001?

27 A. Please repeat.

28 Q. Yes. Your cellular telephone number today, is that the
29 same number that you had or have had since August 2001? That is,

1 I'm asking you whether there has been a change in your telephone
2 number between August 2001 and today. Has there been any kind of
3 change in your number?

4 A. No.

14:42:20 5 MR ANYAH: Madam President, for the privacy of the witness
6 may I request that the witness be given a blank piece of paper to
7 write her cellular telephone number on.

8 PRESIDING JUDGE: Very well. That may be done.

9 MR ANYAH:

14:43:18 10 Q. Ms Hoff, could you kindly sign that document and put
11 today's date on it. Today is 8 June 2010.

12 Now, before the document is taken away, one more question,
13 and I appreciate the fact that it would need to be shown to
14 everybody here present, but to the extent I wish the witness to
14:43:57 15 write something additional on the paper, I would ask permission
16 to proceed.

17 Ms Hoff, the country Liberia, does it have a country code,
18 if someone were calling Liberia?

19 A. Yes.

14:44:11 20 Q. Can you write on that paper - can you first tell us what
21 the country code is and then can you write it on that piece of
22 paper?

23 A. I have already written it on the piece of paper, but I can
24 tell you.

14:44:24 25 Q. Yes. Please tell us what it is.

26 A. It's 00 231.

27 Q. And how many digits after that is your mobile telephone
28 number? You don't have to say the number. How many digits after
29 the country code is your number?

1 A. There's another number between my number and the country
2 code.

3 Q. And what is that number?

4 A. 6.

14:44:54 5 MR ANYAH: Okay. Very well. May the document be shown to
6 counsel opposite and if I could see it as well and your Honours
7 could be shown the document. I don't know if your Honours wish
8 to see it.

9 PRESIDING JUDGE: Certainly.

14:46:37 10 MR ANYAH: Madam President, may I ask that that document be
11 given an MFI number, please.

12 PRESIDING JUDGE: The sheet of paper upon which the witness
13 has indicated her telephone number is marked MFI-1.

14 MR ANYAH: Thank you, Madam President:

14:46:58 15 Q. Now, Ms Hoff, the number you've just written on what has
16 been marked as MFI-1, can you tell us how you obtained that
17 number?

18 A. It was in August, I don't exactly remember the date, but
19 Lonestar started giving - selling telephones and I was at work
14:47:24 20 and I decided that I needed one. Even though I knew my office
21 would provide one, I still thought I needed one. I waited, when
22 I got to - just about leaving, I got a telephone call from my
23 brother saying that, "Where are you?" "I'm at work." "Stay
24 put." "What is it?" "A surprise." And I remained at the
14:47:52 25 office. When he came he brought three telephones in a bag.

26 That's how I obtained my telephone.

27 Q. The brother you referred to, what is that person's name?

28 A. Jenkins Dunbar.

29 Q. And where were you working in August when you received this

1 telephone of 2001?

2 A. At the Liberian Product Refinery Company - Corporation,
3 please, excuse me.

4 Q. Can you say that name again?

14:48:25 5 A. It's LPRC, Liberian Product Refinery Corporation.

6 Q. You said you knew your office would provide one but you
7 still thought you needed one. What your office would have
8 provided to you, is that also a cell phone?

9 A. Yes.

14:48:58 10 Q. How many cellular telephone companies were there in Liberia
11 in August of 2001, if you know?

12 A. There were two.

13 Q. Can you give us the names?

14 A. One before Lonestar came was ICOM, if I remember clearly.

14:49:23 15 ICOM. Owned by one of the Dennises.

16 Q. ICOM that you've referred to, is that an acronym or is that
17 the full name of the business?

18 A. I think that's about all I remember, ICOM.

19 Q. Can you spell that for us, Ms Hoff?

14:49:48 20 A. It was "I", like dash but there was no dash, it's C-O-M,
21 ICOM.

22 Q. And you made reference to the Dennises. Is that a name?

23 A. Yes, in Liberia. I think there were four brothers, I don't
24 know how many, but one of the brothers had that company.

14:50:13 25 Q. And can you spell Dennis for or Dennises for us?

26 A. It's D-E-N-N-I-S, Dennis.

27 Q. Thank you, Ms Hoff.

28 PRESIDING JUDGE: Mr Anyah, Dennis was a surname, a family
29 name?

1 THE WITNESS: Yes, it's the last - a surname.

2 MR ANYAH:

3 Q. Ms Hoff, you said that this ICOM was in existence before
4 Lonestar came. At my line 19 of page 81, you started your answer
14:50:54 5 by saying, "One before Lonestar came was ICOM." When Lonestar
6 came, were there one or two cellular telephone providers in
7 Liberia?

8 A. Please repeat.

9 Q. Yes. When Lonestar came into Liberia and started providing
14:51:17 10 cellular telephone numbers, was ICOM still in existence?

11 A. Immediately as Lonestar started, I for one just put away
12 ICOM because it was too expensive and I think others did also.

13 Q. When you say you for one put away ICOM, can you tell us
14 whether you had a cellular telephone provided by ICOM?

14:51:52 15 A. Yes, I did.

16 Q. And in what year did you get that cellular telephone?

17 A. I can't remember how long it - maybe about a year or maybe
18 seven, eight months. I really can't remember, but it was not too
19 long.

14:52:16 20 Q. The number to the ICOM telephone, was it the same as the
21 number to the Lonestar telephone?

22 A. No, no, no.

23 Q. Has Lonestar been your cellular telephone provider, that
24 is, for the number you have, continuously from 2001 until today?

14:52:42 25 A. Yes.

26 Q. Today in Liberia do you know how many cellular telephone
27 companies there are?

28 A. I think there are four.

29 Q. Can you give us the names, please?

1 A. Lonestar, Cell-Com, Liber-Cell and I can't remember but I
2 think it's the 04.

3 Q. What is 04?

14:53:39

4 A. It's the - like Lonestar is 06, they start with 04, but I
5 just can't remember that. But there are four.

6 Q. When you say "they start with 04", who is the "they" in
7 your statement?

8 A. The company. The company that I can't remember.

14:54:04

9 Q. We will come back to these numbers, 04, 06, but let's
10 repeat the names of the companies you mentioned. We want to get
11 to the spellings right. You said Lonestar?

12 A. Yes.

13 Q. And we have it spelt on the transcript. And you said
14 Cell-Com. Can you spell Cell-Com for us, please?

14:54:24

15 A. I think it's C-E-L-L-O-M, Cell-Com.

16 Q. C-E-L-L-O-M, Cellom, or it is Cell-Com?

17 A. C-E-L-L-C-O-M, Cell-Com.

18 Q. Thank you, Ms Hoff. Can you spell Liber-Cell for us,
19 please?

14:54:47

20 A. I think it's L-I-B-E-R then C-E-L-L. I haven't used any of
21 those, so I don't really just look to see which, you know - I
22 haven't used any of those besides Lone Star, so I just look and
23 see and go by.

24 Q. Ms Hoff, you referred to 04 and then you said, "It's like
14:55:24 25 Lonestar is 06." This is at line 14 using a 14 point font at my
26 page 83. What do you mean by those digits, 04, 06, in relation
27 to the companies that you mentioned?

28 A. Okay, now I remember the 04 is Comium. Comium is the
29 company that has the 04.

1 Q. And what does the 04 stand for?

2 A. I think it's just - I won't know because I'm not in the
3 communication business, but like 06 is Lonestar, 077 is Cell-Com,
4 04 is Comium and 05 is Liber-Cell.

14:56:24 5 Q. The 06 you've referred to in relation to Lonestar, does
6 that apply to telephone numbers that Lonestar provides?

7 A. Well, of late I have been seeing something else. The 06
8 was what we started with, but right now you have 088, so I guess
9 06 is just - I don't know. It's just the beginning of the
10 number.

14:57:10 11 Q. Very well. When you receive calls from others on your
12 cellular telephone are you able by looking at the number to know
13 which cell phone provider a caller has?

14 A. Yes.

14:57:29 15 Q. How are you able to do that?

16 A. From the beginning of the numbers.

17 Q. Taking Lonestar as an example, how would you know if a call
18 came in that the provider of that person's - that person's
19 cellular provider was Lonestar? How would you know that?

14:57:52 20 A. Because the number would come 06 whatever.

21 Q. And in respect of Cell-Com, how would you know that the
22 person calling you had Cell-Com as their cellular provider?

23 A. Because it would register 077 and then the number.

24 Q. How about Comium, how would you differentiate or
14:58:15 25 distinguish a number belonging to someone who subscribed to
26 Comium?

27 A. It comes 04, then the number.

28 Q. And what of Liber-Cell?

29 A. It comes 05 and then the number.

1 Q. Thank you, Ms Hoff. Now, going back to how you got your
2 telephone you, said your brother provided you with the telephone,
3 but I recall you mentioning that there were three. Let me repeat
4 your words. You said, "When he came, he brought three telephones
14:59:03 5 in a bag. That's how I obtained my telephone."

6 A. Yes, I said it.

7 Q. The other two telephones that were brought by your brother,
8 what happened to them?

9 A. He told me take one and give the other ones out. And my
14:59:25 10 sister was visiting from the States and my older brother was
11 there, so I gave my sister a lower number, I took the middle and
12 gave my brother the older - the larger number. That's how I
13 divided the telephone.

14 Q. The sister you referred to, what is your sister's name?

14:59:45 15 A. Juliet B Dunbar.

16 Q. The brother you referred to, what is his name?

17 A. Franklin Roosevelt Dunbar.

18 Q. Between you and Juliet, who is senior to whom?

19 A. I am.

15:00:03 20 Q. The numbers that you gave respectively to Franklin and
21 Juliet, were they similar to the number you have written on the
22 paper in court?

23 A. Yes.

24 MR ANYAH: Madam President, may I ask that the witness be
15:00:31 25 given a piece of paper to write the respective telephone numbers
26 of Franklin and Juliet.

27 PRESIDING JUDGE: Yes, that may be done.

28 MR ANYAH: And could you please sign and date that piece of
29 paper, Ms Hoff. Thank you.

1 Could the document be shown to counsel opposite, please.

2 Could you please show the Justices.

3 Madam President, with leave of your Honour may the document
4 be given an MFI number.

15:04:29 5 PRESIDING JUDGE: Certainly. The sheet of paper indicating
6 two other telephone numbers and signed by the witness is marked
7 MFI-2.

8 MR ANYAH: Thank you, Madam President:

9 Q. Ms Hoff, in the time period since August 2001 since you've
15:04:49 10 had the telephone number up until today, have you allowed anyone
11 else to use that same number as theirs?

12 A. No.

13 Q. Now, just to make the record clear, when I refer to
14 telephone and telephone number, do you know what a SIM card is,
15:05:23 15 Ms Hoff?

16 A. Yes, I do.

17 Q. What is a SIM card?

18 A. The SIM card is a little card that contains information
19 that's stored in a telephone. It can be your book list, it can
15:05:47 20 be your reminder. It takes a lot of things. It is just a small
21 piece of card that slips into the telephone.

22 Q. Is your SIM card, to your knowledge, specific to your
23 telephone number? That is, does a SIM card and a person's
24 telephone number go hand and hand?

15:06:18 25 A. Could you repeat, please?

26 Q. Yes. Does a person's telephone number go hand in hand with
27 their SIM card, to your knowledge?

28 A. Yes.

29 Q. Have you ever allowed someone else since August 2001 to use

1 your SIM card?

2 A. No.

3 Q. Have you ever since August 2001 misplaced your SIM card for
4 any appreciable period of time? Did you follow the question?

15:07:00 5 A. Please repeat.

6 Q. Yes. Have you ever lost or misplaced your SIM card?

7 A. Yes.

8 Q. Since August 2001 until now have you ever lost or misplaced
9 your SIM card?

15:07:15 10 A. I won't say misplaced. My telephone was stolen from my car
11 on Randall Street because my son had called me to say that he
12 wasn't working any more and I was kind of confused, and somebody
13 yelled and said, "Oh, they're calling you, Old Ma'am", and when I
14 looked, my telephone was snatched away. But when I looked and
15:07:44 15 didn't see it, I went straight to Lonestar and retrieved my SIM
16 card again.

17 Q. Well, let's consider what you've said. Can you tell us
18 what year your telephone was stolen from you?

19 A. It was last year - last year, November. November 15.

15:08:08 20 Q. Was it 2009? When you say last year --

21 A. 2009, yes.

22 Q. Now, you said something in relation to your son, that your
23 son had called you to say that he wasn't working any more. When
24 you say "he wasn't working any more", is that a person or is that
15:08:34 25 a telephone you're referring to when you use the male pronoun
26 "he"?

27 A. A person.

28 Q. So who wasn't working any more?

29 A. My son.

1 Q. And how is that connected to the theft of your telephone?

2 A. Well, you know mothers. When he called to say that:

3 Mummy, I'm not working, I don't have a job, I was kind of

4 confused and I was in the traffic. I stop a while and I call him

15:09:08 5 back and told him don't worry, I'll be there for you. And I got

6 back in the car, started the car, drove on Randall Street, when

7 this person scream, Oh, they're calling - when I looked, my

8 telephone was gone. It was last year, November. I remember.

9 And I retrieved my card the same day at Lonestar.

15:09:34 10 Q. When you say you retrieved your card the same day at

11 Lonestar, can you tell us whether you retained the same telephone

12 number after retrieving this card you referred to?

13 A. I did. The same number.

14 Q. Now, separate and apart from this incident last year, at

15:09:57 15 any other period in time since 2001 up until now have you lost or

16 misplaced your SIM card?

17 A. Never. No, never.

18 Q. Do you know Charles Taylor, Ms Hoff? I mean personally?

19 A. No. I know him as the President of Liberia - former

15:10:29 20 President of the Republic of Liberia.

21 Q. Have you ever met Charles Taylor, Ms Hoff?

22 A. Yes.

23 Q. How many times?

24 A. Twice.

15:10:42 25 Q. In what year was the first time you met him?

26 A. I can't remember the year, but it was when he was living in

27 Sinkor now near the German embassy. I don't remember the year.

28 Q. And how did it come to be that you met him?

29 A. This morning - my sister was his dietician, and she had

1 gone to the market that morning and passed by my house. I am not
2 too far from the market. And I was kind of confused, and she
3 asked me, What's going on? I said, I have a problem. She said,
4 What's the problem? I said, My sister Juliet called me and told
15:11:45 5 me to take my mother, my nephews, and my cousins to Ghana. Why?
6 She said that was - there were arms coming to the country. And I
7 told my sister Fanny, I said, So I'm confused. I don't want know
8 what to do. She said, Wait. I'm going there to that house, and
9 I will ask Charles Taylor, because he knows that I'm afraid of
15:12:11 10 guns. And she went to the house. It was maybe about 45 more
11 minutes she came back to my house, she said, He wants to see you.
12 But when we got to the house, he was gone to work and he told her
13 that I should wait until he comes for lunch, which he did.
14 Q. Now, let me ask you a few questions on the basis of what
15:12:39 15 you've said. You said this morning "my sister was his
16 dietician". What is the name of the sister you're referring to?
17 A. Fanny Dunbar-Bull.
18 Q. Can you spell her name for us?
19 A. Yes.
15:12:55 20 Q. Please do?
21 A. Fanny, F-A-N-N-Y, Dunbar, D-U-N-B-A-R dash B-U-L-L.
22 Q. For how long was she Mr Taylor's dietician?
23 A. Well, for as long as he was in Liberia.
24 Q. You said your sister Juliet called you and told you to take
15:13:41 25 your mother, your nephews and your cousins to Ghana. Is that
26 what you said?
27 A. Yes, I did.
28 Q. And why did Juliet ask you to do that?
29 A. She said that she had watched a TV station, a small TV

1 station, and they said that Charles Taylor was bringing in
2 weapons, so she wanted us to leave the country.

3 Q. What year was this, Ms Hoff?

4 A. I don't recall. I don't recall the year.

15:14:18 5 Q. You said you told your sister Fanny about being confused
6 and you said, "She said, 'I'm going there to that house and I
7 will ask Charles Taylor because he knows that I'm afraid of
8 guns.'"

9 A. Yes.

15:14:41 10 Q. Did fanny do as she said?

11 A. Yes, she did. As long as she came to call me and said that
12 he wanted to talk to me, I figured she did.

13 Q. You said, "When we got to the house he was gone to work."

14 A. Yes, I said that.

15:15:03 15 Q. Did you go to Charles Taylor's house?

16 A. Yes, along with my sister. She came to pick me up.

17 Q. Which sister did you go with?

18 A. Fanny Dunbar-Bull.

19 Q. And where was this house located at?

15:15:19 20 A. In Sinkor near the German embassy.

21 Q. When you went there, did you meet Charles Taylor?

22 A. No. He had gone to work.

23 Q. While you were there, did you see or meet Charles Taylor?

24 A. Yes. He came home for lunch.

15:15:37 25 Q. Was he President of Liberia then?

26 A. That I don't really remember. I don't - I don't remember
27 whether he was President then. I don't.

28 Q. When you saw him, what happened, if anything?

29 A. When he came he offered me some of his lunch. I said,

1 "Thank you," because I had had lunch and he ate. Then later on
2 he went in a room and brought a brown envelope and he told me,
3 "Just look and see what's in this envelope." I did. I saw two
4 tickets with two men name, I don't remember the names, and a
15:16:44 5 brochure and receipts in the package for - I'm not a technician,
6 but it was like a radio station. Something they use, put up
7 antenna, whatever, for radio station.

8 And after I looked at it he said, "I brought this to tell
9 you something." He said, "The station you are talking about is -
15:17:19 10 you know, they are a small station in the States and I know
11 exactly who is doing that. It's" - I think he said Aaron George.
12 He said, "They do those things. They take little things to these
13 stations to allow them, you know, to damage my image."

14 And then he asked me, he said, "Did you hear that there's a
15:17:48 15 station called ELWA Love Winning Africa in Monrovia?" He said,
16 "They said that I removed the station." I'm not a technician. I
17 don't know what it is that he moved. But he said, "I only show
18 you these papers to tell you how people lie, because I sent for
19 this, I sent people for training and now the news were out that I
15:18:15 20 stole or I removed the station from ELWA." And he said to me,
21 "Look" - he showed me his hair, he said, "Look, I'm getting grey,
22 I'm getting old and I have my children here. Don't try to take
23 your family out of here because nothing is going to happen.
24 There will be no more war." And I said, "Thank you."

15:18:46 25 Q. The station you have referred to as ELWA Love Winning
26 Africa, what kind of station is that?

27 A. It's a Christian station.

28 Q. Is it a television station?

29 A. No, a radio station.

1 Q. The other references to stations in your answer, you said,
2 "I saw two tickets with two men name," that you don't remember
3 the names, you saw a brochure and receipts, and then you told us
4 you were not a technician and then you said, "But it was like a
15:19:28 5 radio station."

6 A. You could see the - like satellite, like - I don't know how
7 to describe it, but I could see what it was because a similar
8 thing is right there at ELWA. I could see it and I read it.

9 Q. Now, you said he said, "Don't try to take your family out
15:20:01 10 of here because nothing is going to happen. There will be no
11 more war." Do you know where he was referring to when he said
12 there would be no more war or regarding which country he was
13 referring to?

14 A. To Liberia. I live in Liberia.

15:20:23 15 Q. Well, that's the first time you said you met
16 Charles Taylor.

17 A. Yes.

18 Q. You told us there were two occasions. What was the second
19 occasion?

15:20:31 20 A. One time he made an impromptu visit at the refinery and I
21 were kind of late in meeting him, but as the manager at the
22 refinery, the product storage terminal, I went to meet him and he
23 asked me how was the terminal. I said fine. And then we just
24 walked - he just walked to his car and he was ushered in and he
15:20:57 25 left. That was the second time.

26 Q. Do you know Charles Taylor - do you know whether
27 Charles Taylor had a cellular phone when he was in Liberia?

28 A. I don't know, but as President I figure he would have a
29 hundred, he could have ten, he could have five.

1 Q. Did anyone ever call your cellular telephone asking for
2 Charles Taylor?

3 A. Yes, yes.

4 Q. When did that happen?

15:21:41 5 A. It happened on several occasions, but this started - it was
6 on a Saturday when the person called and said, "May I speak to
7 Charles Taylor?" I said, "You miss it big time. You go have to
8 find his number. This is Mrs Hoff. Can I help you?" And they
9 put the telephone down. Then somebody else called to talk to
15:22:11 10 Charles Taylor, the same day, the same time, and I just said,
11 "This is Mrs Hoff," and put the telephone down.

12 Q. Can I stop you there for a second?

13 A. Yes.

14 Q. These two calls you've referred to, did they happen on the
15:22:28 15 same day?

16 A. Yes, the same day just back to back.

17 Q. In what year did you receive those calls?

18 A. It was sometimes last year.

19 Q. A year ago?

15:22:40 20 A. Yes.

21 Q. Do you remember the month?

22 A. No, no.

23 Q. Did either of the two callers identify themselves?

24 A. No, they didn't.

15:22:56 25 Q. After those two calls, what happened next?

26 A. After those two calls, a third call came and this person
27 didn't say either who he was. It was a man. He said, "Ma'am,
28 there's a trial going on and this number was called as
29 Charles Taylor's number." So I told him, I said, "The person

1 that called this number for Charles Taylor, maybe they ate
2 torborgee and snails and it was so sweet, so they're lying. But
3 this number is mine. I'm talking to you." It was I think the
4 fourth call that Mr John Gray called.

15:23:50 5 Q. Let's pause there for a minute.

6 A. Yes.

7 Q. You said some words that are indiscernible on the record.
8 You said somebody called, that the person said, "Ma'am, there's a
9 trial going on and this number was called as Charles Taylor's

15:24:10 10 number." And then you told the person that called that - the
11 person that called this number for Charles Taylor, maybe they ate
12 something. What is the something you said they may have eaten?

13 A. In Liberia we have something they call bitter balls, but
14 you mix it with okra and snails and in some countries soda and

15:24:44 15 when you eat that your mouth is so sweet. I said that's what
16 that person ate. That's why they are calling my number.

17 Q. Can you spell okra for us, please?

18 A. O-R-K-A, okra.

19 Q. That is pronounced orka. If you pronounced O-R-K-A, it was
15:25:08 20 would be pronounced orka. Is that the spelling of okra, as far
21 as you know?

22 A. I think so.

23 Q. Very well. And you mentioned a word torborgee?

24 A. Yes.

15:25:33 25 Q. Can you spell it for us, please?

26 A. I'll spell it the way I can. It's T-O-R-B-O-R-G-E-E.
27 That's how I would spell it.

28 Q. Thank you, Ms Hoff. You said I think the fourth call that
29 Mr Gray called. You gave the full name, Mr John Gray. Who is

1 John Gray, to the best of your knowledge?

2 A. To tell you the truth, John Gray, I know him just to be a
3 Cape Mountanian. He's from the - my husband's hometown,
4 Robertsport, Cape Mount County. That's who I know John Gray to
15:26:32 5 be.

6 Q. Can you tell us about this call from John Gray?

7 A. Yes. When he called, he said, "Ma'am, this is John Gray."
8 I said, "Yes, what can I do for you?" He said, "Oh, there was a
9 trial - Charles Taylor trial going on and somebody called this
15:26:54 10 number as Charles Taylor's number. Can I come to your home?" I
11 said, "You're welcome." So he asked me where to find the house
12 and I told him and he came.

13 Q. And did he say the purpose behind his visit?

14 A. Well, at that point he really didn't say it. He said that,
15:27:24 15 "Can I bring an affidavit for you to sign?" I said, "Sure." I
16 think that was the conversation we had at that point.

17 Q. And the affidavit would pertain to what?

18 A. That the telephone in question was mine.

19 Q. Ms Hoff, have you ever known Charles Taylor's telephone
15:28:00 20 number, any sort of telephone?

21 A. No, never.

22 Q. Now, you referred to Charles Taylor saying there would be
23 no more war in Liberia or saying there would be no more war and
24 you deduced that he meant Liberia. Was there a time period where
15:28:20 25 there was war in Liberia?

26 A. Yes.

27 Q. Do you know any of the warring factions during that war?

28 A. No. I didn't even want to know any.

29 Q. Did you have any connections or contacts with any of those

1 who were engaged in the fighting in Liberia?

2 A. No, never.

3 Q. Do you know whether there was a time when there was war in
4 the neighbouring country of Sierra Leone?

15:28:57 5 A. Yes, yes.

6 Q. Do you know what the fighting in Sierra Leone was about?

7 A. No.

8 Q. Do you know any of the parties who took part in the
9 fighting in Sierra Leone?

15:29:09 10 A. I don't know.

11 Q. When Charles Taylor was President of Liberia, did you ever
12 loan your telephone - I mean your cellular telephone - to any
13 member of his government?

14 A. No.

15:29:32 15 Q. Thank you, Ms Hoff.

16 Madam President, I wish to apply to move into private
17 session for the purposes which I spoke of previously. I will say
18 this: I wish to read some transcripts to the witness. The
19 transcript that I'm to read was made in - the evidence was given
15:30:01 20 in open session, and I could read those transcripts in open
21 session, but I would ask that they not to be published for the
22 public's consumption by Madam Court Manager, and I would also not
23 make reference to the date of the transcript; I would simply read
24 the page of the relevant pages into the record.

15:30:30 25 But there will come to a time in the transcript where a
26 phone number is presented, and at that point - before we get to
27 that point I will then ask to move into private session. I
28 wonder if that's permissible and a manner in which your Honours
29 might see fit.

1 PRESIDING JUDGE: Why do you need to read out that number
2 at all if in fact it resembles the number on any of the exhibits
3 so far marked? Do you need to?

4 MR ANYAH: Well, for purposes of completion of the record I
15:31:14 5 wanted to read it in private session, and I would still like to
6 read it to the witness - put it to the witness in private session
7 and ask questions about it. What I'm suggesting is as a perhaps
8 way of proceeding forward that would allow most of the
9 proceedings be open to the public, that I read up to the point
15:31:39 10 where this number is mentioned and then we go into private
11 session to deal with that number and an exhibit. May I proceed?

12 PRESIDING JUDGE: Certainly. I was just trying to digest
13 what it is you're suggesting. This is a public transcript
14 already, but you don't want it be referred to publicly.

15:32:14 15 MR ANYAH: Only portions of it, because then the necessary
16 association would be made with this witness. Essentially, a
17 number was put on the record, and to minimise the damage done by
18 the fact of having this number on the record, given that we've
19 brought this witness here, I do not wish to read that part of the
15:32:32 20 public record in open session, and I would rather deal with that
21 number in private session.

22 PRESIDING JUDGE: Does the Prosecution object to this
23 procedure?

24 MR KOUMJIAN: Not knowing which transcript or which
15:32:46 25 portion - although I have an idea - counsel will read, as long as
26 the witness who testified in closed session is not identified, I
27 don't have an objection if it would not lead to his identity or
28 her.

29 MR ANYAH: Just so the record is clear, the former witness

1 testified openly but with a pseudonym and voice distortion and, I
2 believe, facial distortion. So this is a public transcript.

3 PRESIDING JUDGE: Very well. Proceed as you've suggested,
4 Mr Anyah.

15:33:18 5 MR ANYAH: Thank you, Madam President:

6 Q. Now, Ms Hoff, I'd like to read you a transcript. And just
7 listen to what I'm reading, and at some point we will move into
8 private session, where I will ask you some more questions. A
9 witness testified - the relevant page for everyone's benefit -
10 and this should not be published, please - I will start at page
11 12642 on the transcript.

12 PRESIDING JUDGE: Mr Anyah, I don't know what you mean by
13 "this should not be published". You've published the page number
14 yourself.

15:33:58 15 MR ANYAH: I apologise for not being clear. I don't wish
16 for it to be put on the overhead projector.

17 PRESIDING JUDGE: Very well. Start reading, please.

18 MR ANYAH:

19 Q. A question was asked by learned counsel opposite at line
15:34:19 20 24:

21 "Q. Madam Witness, I'm going to ask you a question and I
22 want you to give me a very short answer, because I'm going
23 to ask you details later in a different session. You
24 mentioned that President Taylor had a satellite phone.
15:34:36 25 Just tell us how did you know that President Taylor had a
26 satellite phone?

27 A. Because I had his number at the time, direct number
28 from him, and I had his satellite - the direct number for
29 his satellite phone and the cell phone. But presently I

1 can only remember the cell phone because it's very short,
2 but I can't remember that for the satellite phone.

3 Q. Can you tell us President Taylor's cell phone number at
4 the time you were in Liberia now from memory?

15:35:19 5 A. Yes.

6 Q. What was his cell phone number?"

7 And then the witness gives a number. Now, this witness
8 indicated that they were in Liberia off and on, but in a
9 concentrated period of about two years, between 2000 and 2002,
10 2003. The transcripts for those references, one of them starts
11 at page 12618, another one at page 12646, another one at page
12 12650, another one page 12649 and at page 12651. All those
13 transcripts taken together put a time frame during the period of
14 time when this witness says they were in Liberia for a longer
15 duration or period of time.

15:36:26 15
16 Now, Madam President, could we go into private session,
17 please.

18 PRESIDING JUDGE: Very well. We'll go into a brief private
19 session for the protection of the privacy of the current
20 witness.

21 [At this point in the proceedings, a portion of
22 the transcript, pages 42394 to 42396, was
23 extracted and sealed under separate cover, as
24 the proceeding was heard in private session.]

25
26
27
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29

1 [Open session]

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

3 MR ANYAH: Thank you:

15:45:42

4 Q. Ms Hoff, have you ever received a telephone call from
5 Charles Taylor?

6 A. No.

7 Q. Have you ever used your telephone to make a phone call to
8 Charles Taylor?

9 A. No.

15:45:56

10 Q. Has anyone purporting to be Charles Taylor ever called your
11 telephone?

12 A. No.

13 Q. Do you know whether someone other than yourself has had
14 possession of your telephone at a time when they received calls

15:46:21

15 from Charles Taylor?

16 A. No.

17 MR ANYAH: Thank you, Madam President. That's all I have
18 in chief.

19 PRESIDING JUDGE: Very well. Ms Hollis, who is
20 cross-examining the witness?

15:46:35

21 MS HOLLIS: Mr Koumjian will cross-examine this witness,
22 Madam President.

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

24 CROSS-EXAMINATION BY MR KOUMJIAN:

15:46:50

25 Q. Good afternoon, Madam Witness.

26 A. Good afternoon.

27 Q. Madam, your brother was the Minister of Mines for
28 Charles Taylor. Is that correct?

29 A. Yes.

1 Q. And his name was Jenkins Dunbar, correct?

2 A. Yes.

3 Q. He passed away last year, last summer. Is that correct?

4 A. Yes.

15:47:09 5 Q. And he brought into Liberia the Greater Diamonds Company
6 run by Nico Shefer. Is that correct?

7 A. I don't know.

8 Q. Did your brother ever introduce you to Nico Shefer?

9 A. No. I don't know him.

15:47:25 10 Q. What years was your brother working for Charles Taylor?

11 A. I can't tell - I don't have any date that I remember.

12 Q. And, madam, do you - would it be correct that he worked for
13 Charles Taylor throughout Charles Taylor's government from the
14 time at least he was elected President until Charles Taylor left

15:48:03 15 the country?

16 A. Yes.

17 Q. Madam, are you related in any way to Belle Dunbar?

18 A. Yes.

19 Q. What is your relationship to Belle, B-E-L-L-E, Dunbar?

15:48:16 20 A. My niece.

21 Q. She was the director of the LPRC during Charles Taylor's
22 presidency, correct?

23 A. Yes.

24 Q. And that was the company that you told us you were working
15:48:30 25 for, correct?

26 A. Yes.

27 Q. It's actually the Liberian Petroleum Refining Corporation,
28 is that correct, or company?

29 A. Yes.

1 Q. Madam, going back to the meeting that you had with John
2 Gray, you said that Mr Gray called you and said that he had an
3 affidavit he wanted to bring for you to sign. Is that correct?

4 A. Yes.

15:48:57 5 Q. And this was in your first conversation with Mr Gray that
6 he said this to you?

7 A. Yes.

8 Q. So he told you he had an affidavit and when did you next
9 have contact with Mr Gray?

15:49:10 10 A. It was after maybe two or three months.

11 Q. And what happened? Tell us about the next contact you had
12 with Mr Gray.

13 A. He told me that he wanted me to talk to two lawyers.

14 Q. Okay. Do you remember, first of all, what month Mr Gray
15:49:43 15 first called you?

16 A. I don't remember.

17 Q. Do you remember what month it was when he came to see you?

18 A. When Mr Gray called me that Saturday, he came that same
19 Saturday and I don't remember the month.

15:50:01 20 Q. Okay. This is two or three months after the first contact.
21 Is that correct? First you had a telephone call, correct?

22 A. Yes.

23 Q. And then you said two or three months later he told you he
24 wanted you to talk to two lawyers. Is that correct?

15:50:16 25 A. No.

26 Q. All right. Please explain.

27 A. He - when he called me that Saturday --

28 Q. The first time are you speaking?

29 A. The first time, yes. He did come to my house and he told

1 me that - in fact, he asked me if I would sign the paper and I
2 said yes. And when he came he brought along the paper.

3 Q. So he had already written the paper and you signed it?

4 A. Yes.

15:50:46 5 Q. Is that correct?

6 A. Yes, I did.

7 Q. Ma'am, did you tell him your name?

8 A. Well, I think he knew my name because there's a fellow
9 called Wayne Johnson that used to do some call back number. When
10 it was all over that my number was Charles Taylor's - when
11 Johnson told them, this number belongs to Mrs Hoff, that was one
12 of my best customers, and that's how Mr Gray got my name to call
13 me.

14 Q. I see. So Mr Gray didn't call your number - the reason he
15:51:18 15 called your number is that a Mr Johnson had told him that was
16 your number?

17 A. No.

18 Q. Excuse me. Johnson, is that a man or a woman?

19 A. A man.

15:51:30 20 Q. Is that Wayne?

21 A. Wayne, yes.

22 Q. And Wayne Johnson, you said, told Mr Gray that the number
23 was yours. Is that correct?

24 MR ANYAH: Madam President, I read the record differently.
15:51:55 25 It doesn't say Wayne Johnson told Mr Gray. The evidence says
26 Wayne Johnson told them.

27 PRESIDING JUDGE: Yes, but counsel is asking for
28 clarification, Mr Anyah. He's entitled to do that. Definitely
29 the record is not clear from what the witness has said and a

1 clarification is in order.

2 MR ANYAH: Very well.

3 JUDGE DOHERTY: Mr Koumjian, I do not know the expression
4 "to do some call back number". Perhaps that could be clarified
15:52:24 5 too.

6 MR KOUMJIAN: Okay:

7 Q. Ma'am, we'll come to that in just a moment. Just so we
8 know, first of all, Wayne Johnson, how do you know him?

9 A. When ICOM started the telephone before Lonestar, it was
15:52:48 10 call back number where you pay a fee, then you call - I would
11 call my kids and the telephone will ring twice and then you put
12 it down and then they will call you back.

13 Q. Ma'am, ICOM was not a mobile phone company, was it?

14 A. I think it was because they had wireless telephones and we
15:53:22 15 carried them around.

16 Q. Before I lose this, you said - and I want to use your words
17 - in answering my question, I had asked you if you told Mr Gray
18 your name. You answered: "Well, I think he knew my name because
19 there was a fellow called Wayne Johnson that used to do some call
15:53:55 20 back number." So explain, first of all, what you meant when you
21 said Wayne Johnson used to do some call back number.

22 A. Yes, I think I will go back a little. When - the first
23 time when John Gray called - normally when I answer my telephone,
24 I say, "Hello, this is Mrs Hoff." And it was the first time I
15:54:25 25 think he heard my name, because when I answer my telephone I say,
26 "Hello, this is Mrs Hoff. Can I help you?" So I called my name
27 to John Gray. Then he asked me if he could come by.

28 Q. Ma'am, I'm asking you about your previous answer.

29 A. Yeah.

1 Q. Which your current answer doesn't seem to have anything to
2 do with it. Previously you said, "There's a fellow called Wayne
3 Johnson" --

4 A. Yes.

15:54:51 5 Q. -- "that used to do some call back number."

6 A. Yes.

7 Q. "When it was all over that my number was Charles Taylor's,
8 when Johnson told them, this number belongs to Mrs Hoff, that was
9 one of my best customers, that's how Mr Gray got my name to call
10 me."

15:55:10

11 So did Mr Gray, is it your understanding, he got your
12 number from Wayne Johnson?

13 A. Well, this is what I'm saying. I think I went back a
14 little. The first time when he asked me I said that there were
15 four calls. Mr Gray called and this is how I answered my
16 telephone. "Hello, this is Mrs Hoff. Can I help you?" When
17 Mr Gray came, then he explained to me that Wayne Johnson had told
18 him that he knew me and he knew my house, he knew where I used to
19 work and I was his best customer. But in the beginning I called
20 my name to Mr Gray.

15:55:33

15:56:00

21 Q. So when you said, "Wayne Johnson used to do some call back
22 number," you were implying, were you not - well, first of all,
23 call back number is when you call someone to call you back.
24 That's the service. Is that correct?

25 A. Yes.

15:56:20

26 Q. It's actually something that's done for overseas phone
27 calls. Isn't that right?

28 A. Yes.

29 Q. So when Wayne Johnson used to do some call back number, you

1 were implying that Wayne Johnson had the phone number at issue in
2 this - in your testimony, the one that we've already seen, you
3 spoke about, it's in private session, so I don't want to repeat
4 it, but it begins 06, that that number was something that Wayne
15:56:53 5 Johnson used to call back on. Is that right?

6 A. Would you please restate your question?

7 Q. You said, when I asked you how - if you told Mr Gray your
8 name, you said, "I think he knew my name because there's a fellow
9 called Wayne Johnson that used to do some call back number." Why
15:57:14 10 when I asked you if you told Mr Gray your name did you say "Wayne
11 Johnson used to do some call back number"?

12 A. Because when Mr Gray came he told me that, "Do you know a
13 Wayne Johnson?" I said, "Yes. He used to - I would registered
14 with him to - for some call back number when I used to talk to my
15:57:41 15 kids."

16 Q. What did the affidavit say that you signed?

17 A. That the telephone number in question is mine and was
18 originally mine and it's mine.

19 Q. Did it have your name on it, the affidavit?

15:58:01 20 A. I don't remember. I don't remember.

21 Q. Did it have the date that you supposedly obtained the
22 number?

23 A. Obtained my telephone number?

24 Q. Yes.

15:58:12 25 A. No, I don't think so, because I didn't know the day that I
26 obtained the telephone. I remember the month and the year, but
27 not the day.

28 Q. Ma'am, you told us at the beginning of your testimony you
29 stated and spelled your name. Is that correct?

1 A. Yes.

2 Q. And that's your true name, is that right?

3 A. Yes.

4 Q. And is that the name you gave Mr Gray?

15:58:44 5 A. Yes.

6 MR KOUMJIAN: Your Honour, I have a document - I only have
7 one copy because I didn't anticipate needing it, but I would like
8 it to be shown to the witness, first to counsel to make sure
9 there's no objection. I blacked out some other information that
10 would be confidential. I would ask it to be displayed on the
11 overhead.

12 MR ANYAH: Madam President, before that is done, this
13 document contains our office telephone numbers, it contains
14 Mr Griffiths's email and our case manager's email, and I don't
15 think that part should be made public, please.

16 MR KOUMJIAN: That's fine. If counsel could either fold
17 the paper or black out - he's welcome to black out any
18 information that would be confidential that he mentioned.

19 MR ANYAH: Well, I merely have my copy. Counsel's copy is
20 with the witness.

21 MR KOUMJIAN: Can you give it back to Mr Anyah to make the
22 - we'll print copies for your Honours.

23 PRESIDING JUDGE: How do you want to do this? Do you want
24 the document not displayed, but instead to have copies circulated
25 to the judges? Or do you wish to black out the confidential
26 information, Mr Anyah?

27 MR ANYAH: Well, we could fold the document, and I think
28 that solves the problem. I do wonder, though, whether the parts
29 that have been blacked out by learned counsel opposite might

1 still not be visible when displayed on the overhead, because I
2 can actually make out some of the letters and the parts that have
3 been blacked out contain the names of other Defence witnesses.
4 So I don't know if the blacked out portion has been appropriately
16:01:14 5 done on this copy of the documents.

6 PRESIDING JUDGE: Names, or pseudonyms?

7 MR ANYAH: The true names and DCT numbers of Defence
8 witnesses blacked out, but you can make them out through the
9 black inscription.

16:01:28 10 PRESIDING JUDGE: Does Madam Court Manager have a black
11 marker that could effectively black out the names of these
12 witnesses?

13 MS IRURA: Your Honour, we should have one at hand. I will
14 confirm.

16:01:59 15 MR KOUMJIAN: We're also printing, I think, a version that
16 will have some information blacked out. That's coming out of the
17 printer. But I believe it still needs to be folded as Mr Anyah
18 suggested.

19 MR ANYAH: Madam President, the document appears fine to us
16:02:42 20 for display.

21 PRESIDING JUDGE: Please display the document.

22 MR KOUMJIAN:

23 Q. Now, ma'am, I don't know if you can read the screen in
24 front of you, but there's a name that appears in number 3, the
16:03:29 25 third row down in the table, and that name is "Aletha-Dunbar
26 Huff".

27 PRESIDING JUDGE: How come we don't have this? We don't
28 have this document displayed on the screen.

29 MR KOUMJIAN: If your Honours push "evidence". It's on

1 mine. If you push "evidence":

2 Q. Now, ma'am, the first name is not the correct spelling of
3 your name, correct?

4 A. No, it's not.

16:04:05 5 Q. The third name, it says "H-U-F-F". That's not how you
6 spell your name, is it?

7 A. No.

8 Q. And the middle name is different than the name you gave us,
9 correct?

16:04:17 10 A. Correct.

11 Q. How many - you said that Mr Gray said he wanted to
12 introduce you to two lawyers. Did he do that?

13 A. Yes, he did send me to a house in Sinkor.

14 Q. And who did you speak to?

16:04:42 15 A. It was Logan and Silas.

16 Q. Thank you. Since speaking to these two lawyers, have you
17 spoken to any other members of Charles Taylor's Defence team to
18 your knowledge?

19 A. Yes.

16:05:03 20 Q. And can you tell us when was the next meeting you had with
21 the Defence?

22 A. Yesterday.

23 Q. Okay. Between meeting with the two lawyers at the house in
24 Sinkor and yesterday, did you have any other meetings with the
16:05:22 25 Defence?

26 A. No.

27 Q. Did you have any phone conversations with Mr Gray or other
28 members of the Defence?

29 A. No, when Mr Gray sent me to the house in Sinkor, he never

1 called me again.

2 Q. Now, ma'am, you're not sure of the months that you met -
3 that you received the phone call from Mr Gray, correct? You're
4 not sure what month that was?

16:05:41 5 A. No.

6 Q. Nor the month of your meeting with the lawyers, correct?

7 A. No.

8 Q. But you say you can remember that it was August 2001,
9 almost nine years ago, that you received the phones?

16:05:56 10 A. Yes.

11 Q. Is that right?

12 A. Yes.

13 Q. How is it you remember the month nine years ago, but you
14 don't remember this getting a call about testifying in an

16:06:05 15 international war crimes trial last year?

16 A. This was because when I was about to come, I called the
17 Lonestar office to find out when they had the telephones out, and
18 it was the date that they gave me.

19 Q. So you didn't know, without calling Lonestar, when it was
20 that you received the phones?

16:06:29 21 A. No.

22 Q. And, ma'am, did you have this conversation with Mr Gray
23 before or after your phone was stolen?

24 A. Please repeat.

16:06:52 25 Q. Yes. You told us your phone was stolen last year. Did you
26 speak to Mr Gray before or after your phone was stolen?

27 A. After. After. After.

28 MR KOUMJIAN: Before I leave the courtroom officer sitting
29 at the table, your Honour - well, may this document be marked for

1 identification. I don't have a copy before me, but it is a
2 letter from the Defence disclosing the names of witnesses to the
3 Prosecution. And perhaps given the top, it should be marked
4 "confidential".

16:07:55 5 PRESIDING JUDGE: The document dated 12 April 2010
6 addressed to the Prosecution from the Defence disclosing the
7 names of various Defence witnesses, including that of DCT-213, is
8 marked MFI-3.

9 MR KOUMJIAN:

16:08:51 10 Q. Madam Witness, the document that I showed you that had your
11 name incorrect was a letter from the Defence to the Prosecution.
12 Do you have any explanation for why the Defence would have a
13 different name for you?

14 A. I don't think I have any explanation. Because just before
16:09:14 15 I came, the lady went to look for a file and she said, Dunbar,
16 Dunbar. I said, Dunbar? She said, why? I said, My name is
17 Aleatha K Hoff. My passport carries my name. She said, I will
18 have to correct it because if I don't, I will have problem with
19 your ticket. So I don't ever write my name that way. I don't
16:09:45 20 know how it got there. I always give my correct name.

21 Q. Then was your correct name on the affidavit that Mr Gray
22 brought you, the one that you signed?

23 A. I don't remember. I don't remember.

24 Q. When you spoke to Mr Gray, did he ask you - or did any
16:10:15 25 other member of the Defence team ask you - to obtain your records
26 for your phone number at Lonestar?

27 A. Please come again?

28 Q. Did Mr Gray, or any member of the Defence, ask you to
29 obtain your records from Lonestar for that phone number? You

1 haven't answered the question. Is it confusing you, or why are
2 you not answering the question?

3 A. Could you please state it again?

4 Q. Yes. Did Mr Gray, or any member of the Defence, ask you to
16:10:57 5 get your records from Lonestar, the records for that phone
6 number?

7 A. They asked me if I had the papers, and I really do save my
8 papers, but during the last war before Charles Taylor left the
9 country, they practically had to take me bodily out of the place
16:11:23 10 because they had some other forces, they're coming, some
11 faction - warring faction coming - to the terminal. My bags, my
12 everything, my deeds, everything was left at the terminal.

13 Q. So you normally would save this kind of record, but because
14 of the war and the need to flee when LURD was entering Monrovia,
16:11:48 15 you don't have that record. Is that correct?

16 A. Yeah, normally I keep some records, but I don't have that.

17 Q. Ma'am, you said it was before you spoke to Mr Gray, correct
18 me if I'm wrong, that your phone was stolen, correct?

19 PRESIDING JUDGE: The witness said after the phone was
16:12:16 20 stolen she spoke to Mr Gray.

21 MR KOUMJIAN: Correct. I think I just stated it the
22 reverse way:

23 Q. Your phone was stolen before you spoke to Mr Gray. I
24 earlier had said you spoke to Mr Gray before or after, and you
16:12:29 25 said you spoke to Gray after your phone was stolen. Correct? Is
26 that right?

27 MR ANYAH: Madam President, may I be heard, please. Let's
28 look at the nature of the question propounded by the witness.
29 How can the witness answer the question? The question, "Your

1 phone was stolen before you spoke to Mr Gray. I earlier had said
2 you spoke to Mr Gray before or after. And you said you spoke to
3 Mr Gray after your phone was stolen, correct?" That's not a fair
4 question. That's a vague question.

16:13:10 5 PRESIDING JUDGE: The witness did answer the question put
6 to her because I think she followed the question. She hasn't
7 complained. If she hadn't understood, she would have said
8 "Please repeat", so the objection is overruled.

9 MR KOUMJIAN:

16:13:30 10 Q. Ma'am, just to be absolutely clear I'll ask you again: Did
11 you speak to Mr Gray before or after your phone was stolen?

12 MR ANYAH: Objection. That question has been asked and
13 answered. Your Honours pointed it out. The question was asked
14 of the witness earlier on and the witness gave a response. It's
16:13:51 15 in the record.

16 PRESIDING JUDGE: Mr Koumjian, please continue:

17 MR KOUMJIAN:

18 Q. Is that correct, ma'am? Ma'am, was it before or after your
19 phone was stolen that you spoke to Mr Gray?

16:14:01 20 MR ANYAH: Madam President, I object. That question has
21 been asked and answered. The witness has answered the question.

22 PRESIDING JUDGE: I think to bring an end to this back and
23 forth argument, I'm going to permit Mr Koumjian one last time to
24 ask this question in a straightforward manner to the witness and
16:14:22 25 we will have the witness state for the record what her answer is.

26 MR KOUMJIAN: Thank you:

27 Q. Madam Witness, did you speak to Mr Gray before or after
28 your phone was stolen?

29 A. I really don't remember.

1 Q. Madam, do you have the paperwork that you received when you
2 obtained the same phone number back you testified after your
3 phone was stolen?

4 A. Please repeat.

16:15:15 5 Q. Certainly. Do you have any paperwork from Lonestar that
6 you received when you - well, let me start again. Your phone was
7 stolen, correct?

8 A. Yeah.

9 Q. You went to Lonestar and you explained to them that your
16:15:33 10 phone had been stolen. Is that right?

11 A. Yeah.

12 Q. And what else did you say to them?

13 A. Nothing. They asked me for --

14 Q. Did you just ask for another phone?

16:15:47 15 A. No.

16 Q. What did you ask for?

17 A. I asked for my same number. I told them it was missing and
18 they asked me the number, I gave it and they put it in the
19 computer and it came out.

16:16:00 20 Q. And it came out as what, ma'am?

21 A. {Redacted}.

22 Q. They put your name in the computer and that came back?

23 A. I don't know what they put into the computer, but I know
24 the card was given to me in the SIM card on a slip sticking and I
16:16:22 25 broke it off and put it into the --

26 PRESIDING JUDGE: The number just stated by the witness
27 will be redacted from the record, please, and members of the
28 public who might have heard it are not to repeat it. This is for
29 the protection of the privacy of the witness.

1 MR KOUMJIAN:

2 Q. Ma'am, we don't want you to state your number, just to
3 protect your privacy, unless we are in private session. So you
4 said you went to Lonestar and you asked for your number back.

16:16:52 5 You said, "They asked me the number, I gave it, they put it in
6 the computer and it came out." Now, ma'am, are you saying
7 Lonestar, you just went in and asked them - first of all, how
8 many days after your phone was stolen did you go into Lonestar?

9 A. About maybe five, ten minutes.

16:17:18 10 Q. So you just went in and you asked for a number and did they
11 tell you, "Okay, this number is free"?

12 A. They can't tell you the number is free. They ask the
13 previous number you used and - they have their record and they
14 know, you know - I guess they know what to do.

16:17:35 15 Q. Did they have your name on the record?

16 A. I don't know whether they had my name, but I know my number
17 came up.

18 Q. Well, ma'am, you didn't buy the phone, did you?

19 A. I didn't buy which phone?

16:17:52 20 Q. The phone that you were using that you said had this
21 number.

22 A. No, I didn't buy it. It was given to me, as I said.

23 Q. It was given to you by the Minister of Mines for
24 Charles Taylor's government, correct?

16:18:06 25 A. Yes.

26 Q. And I'm sure, is it correct, that Mr Dunbar had access to a
27 great many phones from Lonestar. Is that right?

28 A. I don't know that.

29 Q. Ma'am, you said that Lonestar was not the first telephone

1 company to operate in Liberia. Is that right?

2 A. Yes, I said that.

3 MR KOUMJIAN: Could we have the transcript, please, for 27
4 January this year, page 34207?

16:19:39 5 PRESIDING JUDGE: Are we going to have this transcript
6 displayed?

7 MR KOUMJIAN: I'll just repeat. It's the date that I have
8 and I haven't been able to check - I believe this is open
9 session, but someone should check. 27 January 2010, 34207. If
16:20:04 10 we could go to the bottom of the page, I believe:

11 Q. Madam, this is from the testimony of Charles Taylor in
12 January 2010 of this year. He was asked on line 28:

13 "Q. Lonestar was the first mobile company to have a
14 licence to operate in Liberia, correct?

16:20:40 15 A. That is correct."

16 Ma'am, Lonestar - your testimony was wrong when you said
17 that Lonestar was not the first company. Do you agree?

18 A. I don't.

19 Q. Now, you said you obtained the phone when? When did you
16:21:15 20 obtain the phone?

21 A. Which phone?

22 Q. The first phone.

23 A. I don't know the time. I don't know the time.

24 Q. Do you know the year?

16:21:25 25 A. No. But I know the name of the phone that I used before
26 Lonestar.

27 Q. Okay, sorry. I'm talking about the Lonestar number, the
28 phone, the one your brother gave you that starts 06. When did
29 you obtain that?

1 A. It was the first day Lonestar opened. The first day,
2 because everybody with 510 comes in the first day and then the
3 512 and that's how it went. I don't remember the day.

4 Q. So you don't remember which month it was in?

16:22:04 5 A. It was in - like I told you, I told the Court that
6 Lonestar - the day Lonestar started was September 2001 and that's
7 the day I got the telephone, the very day.

8 Q. Well, actually, that's not accurate either. Lonestar
9 started in June 2001. Isn't that correct? They started in June.

16:22:29 10 A. That was the date given to me. I said - I told the Court
11 also that I didn't know. I had to find out.

12 MR KOU MJIAN: Your Honour, I have a document - first of
13 all, it's a web page, Lonestar Cell/MTN Liberia company profile
14 on LinkedIn. I'd like to distribute that. Actually, there's two
16:23:09 15 documents, so I'll distribute them both now. I'm going to start
16 with the page Lonestar Cell/MTN Liberia company profile.

17 MR ANYAH: Madam President, may I have a minute to review
18 this document. At least one of them I may have an objection to
19 before it is published or shown to the witness.

16:25:22 20 PRESIDING JUDGE: Very well.

21 MR ANYAH: Thank you.

22 MR KOU MJIAN: Your Honour, I may indicate, it may be useful
23 to counsel to know that on the document, the second document,
24 which is an article from allAfrica.com, "Liberia: TRC's Economic
16:27:01 25 Criminals", I'm only seeking to read the first two paragraphs -
26 put the first two paragraphs to the witness.

27 MR ANYAH: Madam President, I object to this second
28 document in its entirety, including the first two paragraphs.
29 The first paragraph on its face is just an introductory

1 paragraph, but the second paragraph certainly is problematic.
2 The title of the document alone, as counsel has alluded to, is
3 titled: "Liberia: TRC's economic criminals." We see in the
4 second paragraph allegations of economic crimes including tax
16:27:47 5 evasion, bribery, telecommunications fraud. We see names
6 provided and an indication that those names are two of
7 Mr Taylor's financial advisers. Your Honours have issued a
8 decision from last November, 30 November 2009, that deals with
9 fresh evidence after the closure of the Prosecution's case and
16:28:16 10 its use or admissibility in court. A standard is enunciated in
11 that document regarding fresh evidence that might be probative of
12 the guilt of the accused. They have to show that it's in the
13 interests of justice. They also have to show that they do not in
14 any way vitiate or undercut the fair trial rights of Mr Taylor.
16:28:41 15 The decision is CMS 865. The relevant paragraphs to which I'm
16 alluding to are, in particular, paragraph 27.

17 Now, the Prosecution brings this document which in its
18 entirety when you consider some of the allegations, this document
19 goes directly to the guilt of Mr Taylor. And even if you exclude
16:29:11 20 the paragraphs they do not wish to use and you look at the second
21 paragraph, given cross-examination of Mr Taylor undertaken, in
22 part by counsel opposite here present, dealing with alleged
23 financial irregularities and the like, to use this witness, who
24 comes here to identify her telephone number and its relationship
16:29:35 25 to this case as the medium or vehicle through which this type of
26 information should be brought before your Honours, we say is
27 improper. And the Prosecution has not shown, with respect to the
28 second paragraph, that the standard enunciated in your decision
29 is met.

1 And even with respect to the first paragraph, you will note
2 that it says that the individuals listed and institutions were
3 guilty of economic crimes, that being a conclusion of the TRC.
4 So already the first paragraph is suggesting that the names that
16:30:18 5 appear below - and there is a colon indicating that excerpts
6 follow from the TRC's finding - the first paragraph, even though
7 introductory in nature, is suggesting that the names that follow
8 are implicated in economic crimes, and then there is the
9 association with Mr Taylor and his financial advisers allegedly
16:30:40 10 that are named here.

11 So the Prosecution has to satisfy your decision of 30
12 November. That is the basis of my objection to the second
13 document and the two paragraphs in question.

14 I see that the time is up, but I make the objection
16:30:55 15 nonetheless.

16 And with respect to the first document, a question arises
17 about the fairness of putting this document before this witness.
18 The witness does not work for Lonestar. The witness has
19 testified in detail what recollection she has about the time
16:31:11 20 Lonestar started its operations, and her answer is crystal clear
21 on the record that she's not 100 per cent certain. So what is
22 the purpose of putting this document if not to confound and
23 confuse the witness? Indeed, I object to both documents.

24 PRESIDING JUDGE: In view of the time perhaps, Mr Koumjian,
16:31:37 25 I will allow you to respond now, and then we'll rule on the use
26 of these documents tomorrow.

27 MR KOUMJIAN: Thank you. Very briefly, the documents are
28 relevant to this witness's testimony. There's clearly nothing in
29 the sections I wish to read that goes - anything in the first

1 document or anything in the - it's actually the second paragraph
2 only that I need in the second document about the TRC that goes
3 to the charges in this case. None of it is proof of the charges
4 in this case.

16:32:10 5 PRESIDING JUDGE: And what is your response to the
6 objection to the first document?

7 MR KOUMJIAN: That it's relevant. And, your Honour, I
8 don't think counsel wants to stipulate that the witness is
9 uncertain about all dates, but it goes to point out that in fact
16:32:25 10 some of her testimony has been incorrect.

11 MR ANYAH: With respect, I did not say the witness has been
12 uncertain about all dates. She has indicated she had some
13 difficulty recalling when Lonestar starting operating in Liberia.

14 PRESIDING JUDGE: I will reserve the Court's ruling for
16:32:47 15 tomorrow.

16 Madam Witness, we've come to the end of the day's
17 proceedings. Obviously, you haven't finished your testimony.
18 There are more questions to be asked, and we're going to adjourn
19 to tomorrow at 9.30. But in the meantime, I'm required to
16:33:04 20 caution you not to discuss your evidence with anybody. Thank
21 you.

22 Court adjourns to tomorrow at 9.30.

23 [Whereupon the hearing adjourned at 4.33 p.m.
24 to be reconvened on Wednesday, 9 June 2010 at
25 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-190	42311
EXAMINATION-IN-CHIEF BY MR GRIFFITHS	42311
DCT-213	42369
EXAMINATION-IN-CHIEF BY MR ANYAH	42369
CROSS-EXAMINATION BY MR KOUMJIAN	42397