



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 9 JUNE 2010
9.33 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Wednesday, 9 June 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.33 a.m.]

09:26:53 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, Brenda J Hollis, Maja Dimitrova and
09:34:24 10 Nicholas Koumjian.

11 MR ANYAH: Good morning, Madam President. Good morning
12 your Honours. Good morning, counsel opposite. Appearing for the
13 Defence this morning are Terry Munyard, myself Morris Anyah. And
14 our intern Mr Hawi Alot.

09:34:41 15 PRESIDING JUDGE: Mr Anyah, I note that the accused is not
16 present in court. We have received notification from the
17 detention authorities that Mr Taylor will not be attending court
18 today and he has voluntarily waived his right to be present. Are
19 you aware of this?

09:35:04 20 MR ANYAH: Yes, that is indeed the case, Madam President.
21 I also received the same correspondence this morning in court
22 from the head of the office, Mr Gregory Townsend.

23 PRESIDING JUDGE: Very well then. We deem it right that we
24 should proceed pursuant to Rule 60 of the rules of procedure.

09:35:24 25 Madam Witness, I am going to remind you that you took an
26 oath yesterday to tell the truth and today that oath is still
27 binding on you as you continue with your evidence.

28 WITNESS: DCT-213 [On former oath]

29 However, before the witness continues with her evidence in

1 cross-examination, there was a matter raised by the Defence
2 yesterday in relation to two documents that were about to be put
3 to the witness. The Defence did object to these two documents
4 being put to the witness for various reasons and this is the
09:36:05 5 ruling of the Court on those two documents.

6 The first of the documents is a web page from the website
7 of Lonestar Cell Liberia.

8 MR ANYAH: Well, Madam President, I apologise sincerely for
9 interrupting, but the web page is from LinkedIn which is another
09:36:34 10 website. And I appreciate the fact that your Honours have
11 considered the matter and are inclined to rule immediately or
12 imminently, but you recall that when this document was given to
13 us it was first given to your Honours and then distributed
14 accordingly to the rest of us. We didn't review it in depth.

09:36:56 15 Overnight I have reviewed it in depth and if your Honours
16 wish to hear a few additional submissions, we would be grateful
17 for that. But you are in the process of ruling and I merely
18 point out that it is from LinkedIn not an official Lonestar
19 document or from the website of Lonestar.

09:37:16 20 PRESIDING JUDGE: Be that as it may, Mr Anyah, I would
21 imagine that whatever information that you may have that is
22 contrary to what we have, you have the right to raise it in
23 re-examination. That is a possibility.

24 In any event, this is a web page and the title on top of
09:37:35 25 the page is "Lonestar Cell/MTN Liberia company profile". We are
26 of the view that there is nothing to preclude the Prosecution in
27 putting this document before the witness and the reasons given by
28 the Defence in our view do not hold water as this is
29 cross-examination and indeed the Prosecution is entitled to put

1 such a document before the witness. So the objection in relation
2 to that document is overruled.

3 The second document is a web page from allAfrica.com and
4 the title is "Liberia: TRC's economic criminals". The
09:38:31 5 Prosecution indicated that they would rely or wanted to put
6 before the witness the first two paragraphs of this article that
7 is dated 6 July 2009 and that they would not be concerned with
8 the rest; they would not put the rest of the article before the
9 witness.

09:38:50 10 Now, we have read the contents of the first two paragraphs
11 that the Defence objects to on the grounds that they go to the
12 guilt of the accused. We do not agree with the arguments of the
13 Defence for the reason that although the article indeed does
14 speak of "several individuals and institutions the TRC concludes
09:39:20 15 are guilty of economic crimes" and then gives the excerpt,
16 Mr Taylor is not on trial for economic crimes and therefore we do
17 not think that whatever is written in this article in any way
18 goes to his guilt as far as this trial and the indictment are
19 concerned. So we overrule the second objection and the
09:39:48 20 Prosecution is free to put the documents before the witness.

21 MR KOUMJIAN: Thank you:

22 CROSS-EXAMINATION BY KOUMJIAN: [Continued]

23 Q. Good morning, Madam Witness.

24 A. Good morning.

09:40:03 25 Q. Ma'am, before we come to documents, I just want to ask you
26 about something you told us yesterday in the afternoon. You said
27 that just before coming here to The Hague you called Lonestar to
28 find out when they started operating. Is that correct?

29 A. Not exactly, correct.

1 Q. Okay. First of all, did you call someone?

2 A. Yes, I did.

3 Q. And who was the person you called?

09:40:45

4 A. I called two persons. Mr Gabriel Knuckles and I called Mai
5 Urey.

6 Q. The first name, could you help us with how to spell the
7 family name, Gabriel what?

8 A. It's Gabriel Knuckles, Knuckles is K-N-U-C-K-L-E-S.

09:41:12

9 Q. And the second person you called with the family name Urey,
10 what was the first name?

11 A. Mai, M-A-I. Mai Urey.

12 Q. What is the relation of Mai Urey, if any, to Benoni Urey?

13 A. Please come again.

09:41:33

14 Q. You know Benoni or Ben Urey, U-R-E-Y, one of the directors
15 of Lonestar; do you know him?

16 A. Yes, Benodi Urey.

17 Q. Thank you for correcting me. Benodi, is that how you
18 pronounce it?

19 A. Yes.

09:41:42

20 Q. Thank you. And what is his relation to Mai Urey?

21 A. His wife.

22 Q. Thank you. Now, Mr Urey is a big supporter of
23 Charles Taylor, would you agree?

09:42:00

24 A. Tell you the truth, I have never been involved in
25 governmental or political business. I am a private business
26 person.

27 Q. Okay. Thank you. Fair enough. Did you explain to the
28 people you called why you were calling, that you were coming to
29 testify?

1 A. Well, I - after I called Mr Knuckles and he kept making
2 appointment and didn't keep up with his appointment, I called Mai
3 Urey and I start to say, "Mai, I'm going to testify and I have no
4 idea when Lonestar was established, when they launched the
09:42:36 5 cellular phone." And she said, "Give me some time, I will
6 check." I did. She did not call me back and I called her.

7 Q. Okay. And that's when she told you what?

8 A. She told me it was in 2001. August 2001, if I am not
9 mistaken.

09:43:04 10 Q. Madam, now I would like to show you some documents. The
11 first one is the one labelled "Lonestar Cell" at the top, "MTN
12 Liberia", company profile on LinkedIn. Before I show you these
13 documents, madam, were you aware that before the mobile service
14 was operational in 2001, isn't it correct that Lonestar was
09:43:56 15 established in Liberia building the infrastructure in the year
16 2000; is that right? Do you know whether that's true or not?

17 A. Please state your question again.

18 Q. Sure. I put it to you - what I am saying is: Lonestar
19 began operating - providing the services, excuse me - mobile
09:44:16 20 services in 2001 after being established in Liberia and building
21 the infrastructure in the year 2000. Is that correct?

22 A. I still don't get that. The infrastructure?

23 Q. Let's go to the document. Maybe that will help. Madam,
24 the first sentence I am going to read to you, it says:

09:44:49 25 "Lonestar Cell is the leading GSM communication company in
26 Liberia that has been operating since June 2001."

27 Madam, isn't it correct that Lonestar began providing
28 services to users of mobile phones in June 2001?

29 A. I would say again, I do not remember. This is why I kept

1 asking around.

2 Q. I appreciate that. Thank you. That is a - we understand
3 your answer. It's a long time ago. Almost ten years, correct?

4 A. I guess so.

09:45:30 5 Q. Okay. So let's go then to the second document. This is an
6 article from an internet site allAfrica.com, "Liberia: TRC's
7 economic criminals". I am only going to read to you the second
8 paragraph. That's all I am concerned with. And that says:

9 "Lonestar Communications Corporation (LSC), Liberia's only
09:45:59 10 mobile phone service provider from 2000 to 2004, allegedly
11 committed an array of economic crimes including tax evasion,
12 bribery and telecommunications fraud. LSC was owned by two
13 corporations: (a), Investcom Global Limited, a Lebanese
14 corporation that owned 60 per cent of LSC; and (b), PLC Limited,
09:46:32 15 a corporation owned jointly by Charles Taylor and Benoni Urey and
16 Emmanuel Shaw II, two of Taylor's financial advisers. Because
17 Liberia has no functioning, land-based telephone system, LSC
18 greatly profited from its status as the only company in the
19 telecommunications sector."

09:47:01 20 Madam, does that refresh your recollection that until 2004,
21 the only mobile phone service in Liberia was Lonestar?

22 A. I would like to say that I don't think I am dreaming. I am
23 not dreaming at all, because there was a company that I was
24 registered with and owned a telephone.

09:47:36 25 Q. Thank you. That was ICOM, correct?

26 A. Yes.

27 Q. That was the name you gave. That was a call-back service
28 you told us, correct?

29 A. No.

1 Q. That's not? Okay. And I see perhaps we didn't really
2 answer the Justice's question clearly, so let me go back to that.
3 Can you give your best explanation of what a call-back service
4 is?

09:48:02 5 A. To the best of my knowledge, I think a call-back service
6 is - I would say I think it's a lower rate calling the
7 United States. For me, that's what it was.

8 Q. Thank you. Is it correct - you correct me if I am wrong,
9 but is it the kind of service where you call a number and then
09:48:47 10 when you reach that number and connect it, you put in the number
11 you want to call - let's say it's one of your cousins - and then
12 you hang up and then the number will call back to your phone in
13 Liberia connecting you to your cousin. Is that how it worked?

14 A. No.

09:49:03 15 Q. Could you explain?

16 A. The call-back service was when you dialled your number you
17 want to reach, it rings twice and you put it down and the call
18 will come to you, then you pick up your telephone and answer.

19 Q. Okay. Thank you. And when you pick up your telephone and
09:49:31 20 answer, do you get at that time an operator? Or would you get
21 the person you were trying to call - let's say it was a cousin,
22 just as an example - or would you get an operator, who would then
23 connect you to your cousin? Do you remember?

24 A. I don't remember.

09:49:47 25 Q. Okay. Thank you. Ma'am, the only telecommunications that
26 was operating before Lonestar was a satellite phone service which
27 was very expensive. Do you remember that? When you are talking
28 about another company, it was a satellite phone service,
29 something like Atlantic Monthly, had a very expensive service,

1 correct?

2 A. I think - maybe that is what it was, but as long as I don't
3 see a call through a telephone, I say it's wireless and I say
4 it's cell.

09:50:22 5 Q. Thank you. Now, ma'am, you said that - well, excuse me.

6 May these two documents, your Honour, that I have just put
7 to the witness be marked for identification?

8 PRESIDING JUDGE: The first of the documents, which is the
9 article entitled "Lonestar Cell MTN Liberia" is marked MFI-4; and
09:50:56 10 the second of the documents, which is entitled "Liberia: TRC's
11 economic criminals" dated 6 July 2009 is marked MFI-5.

12 MR KOUMJIAN:

13 Q. Now, ma'am, you said that when you - your brother - before
14 your brother gave you your phones, you knew that you could get a
09:51:30 15 phone through your work. Is that right?

16 A. Yes.

17 Q. And that was your work with LPRC?

18 A. Yes.

19 Q. Did you - a phone, then, was very useful in your work at
09:51:44 20 that time, a mobile phone, correct?

21 A. Would you please repeat?

22 Q. Yes. Was that because a phone would be very useful to you
23 in your work so you thought your company would, of course,
24 provide you with a mobile phone?

09:51:59 25 A. No, I didn't think that.

26 Q. Okay. Why did you think your company would provide you
27 with a mobile phone?

28 A. Because it was the company that bought this ICOM telephone
29 to make my work easier.

1 Q. Okay. So first of all, isn't it true that the phones
2 before Lonestar - you said you call anything a cellphone that's
3 not - that's mobile. Those were very, very expensive to use,
4 correct?

09:52:36 5 A. I don't understand.

6 Q. Before Lonestar, the phones that you could use without
7 saying whether they are satellite or GSM - because you've said
8 you are not aware of that technicality - they were very expensive
9 to use, the phones before Lonestar, correct?

09:53:01 10 A. Are you speaking about money-wise, or the cost?

11 Q. Yes, the cost to the user was very expensive, correct?

12 A. Well, to tell you the truth, I didn't purchase it, so I --

13 Q. Okay. Thank you. Now, did you in fact then get a phone
14 from LPRC after the mobile phones came out - the Lonestar phones
09:53:30 15 came out?

16 A. No. They promised to pay anybody who had a phone, to pay
17 for that phone for the company.

18 Q. And how would they pay for the phone?

19 A. Well, if I was given a phone, the cost of the phone, I
09:53:53 20 guess management checked the cost of the phone and were
21 reimbursed for whatever phone we had. So we used it for the
22 company.

23 Q. Well, ma'am, how did you pay for your use of the Lonestar
24 phone?

09:54:11 25 A. Come again?

26 Q. How did you pay? Did you pay a set amount per month? How
27 did you pay for the use of the Lonestar phone?

28 A. I didn't pay for the phone. I bought credits. You have
29 cards, prepaid cards.

1 Q. And that is because in Liberia, even at least as through
2 2007, it was not possible to have any monthly plan. All the
3 mobile phone services were prepaid and you had to charge the
4 phones with credits from a card, correct?

09:54:54 5 A. Yes.

6 MR KOUMJIAN: Your Honour, I have another document I would
7 like distributed. I only plan to use the first page, but I have
8 the rest of the article which I will provide to counsel opposite.

9 PRESIDING JUDGE: Please show the document to counsel
09:55:37 10 opposite first, before you put it on the overhead.

11 MR KOUMJIAN: That's the remaining pages of the article for
12 Defence counsel:

13 Q. Madam, before I show the article, you do agree that the
14 phone you had used before Lonestar was much more expensive, don't
09:56:21 15 you?

16 A. Yes.

17 Q. And in fact yesterday at page 42376, lines 11 and 12, you
18 said that when Lonestar started, "I for one just put away ICOM
19 because it was too expensive." So the phones before Lonestar
09:56:58 20 were much more expensive, you agree, correct?

21 A. I would say that because when the phone was given, I think
22 I asked the MDA administrative assistant how much these things
23 cost. She said they are pretty expensive. So if she said they
24 were expensive, I knew they were expensive.

09:57:26 25 Q. Madam, I have a document I would like to show to you, we
26 will put it on the overhead, and tell us if you can read it. If
27 you can't read it, we will allow you to pick it up. Can you read
28 it off the screen? Ma'am, can you read the article off the
29 screen?

1 A. Yes, I can.

2 Q. And this is an article from it says "The Perspective,
3 Scanning the current Liberian business environment: A first
4 person's account, Part II". First I want to ask you about the
09:58:26 5 person that wrote the document, Jackson Fiah Doe Jr. This is the
6 son of Jackson Fiah Doe who had run for President of Liberia
7 against Samuel K Doe, correct?

8 A. Please come again.

9 Q. Do you know Jackson Fiah Doe Jr?

09:58:49 10 A. Not personally.

11 Q. Not personally. Do you know that he is currently I believe
12 a deputy managing director at LPRC in Monrovia? Did you hear
13 that or no?

14 A. Not really.

09:59:06 15 Q. Okay. Thank you. Were you aware that Jackson Fiah Doe,
16 the person who ran against Samuel K Doe, had a son called Jackson
17 Fiah Doe Jr? Had you ever heard that?

18 A. No.

09:59:39 19 Q. Okay. The article is dated February 28, 2007. I am just
20 going to read part of the first paragraph:

21 "While in Liberia, I discovered that certain businesses are
22 very profitable in the country. They are generating lots of
23 money. For instance, the cellphone companies are reaping
24 enormous profits. Currently, there are four cellphone companies
10:00:03 25 in Liberia: Lonestar, Cell-Com, Liber-Cell and Comium. These
26 companies generate revenues in several ways; they sell
27 cellphones, prepaid cards (or scratch cards) and phone chips or
28 (SIM cards). The cellphone companies especially enjoy
29 significant profits from the prepaid cards. Unlike their

1 counterparts in the United States and other parts of the world,
2 which offer customers various call plans, and allow them
3 (customers) to pay phone bills at the end of the month, cellphone
4 companies in Liberia only offer customers prepaid services via
10:00:52 5 calling cards. Therefore, one has to use a prepaid phone card to
6 make local as well as international calls."

7 Would you agree with what I've just read about the fact
8 that the only way to make - to use a phone, mobile phone in
9 Liberia at least up to February 2007 was through a prepaid phone
10:01:19 10 card?

11 A. Please come to the last portion of your question.

12 Q. Sure. The only way, as you explained earlier - the only
13 way to pay for the use of your phone was prepaid scratch cards,
14 correct?

10:01:36 15 A. Yeah.

16 MR KOUMJIAN: Your Honour, may this document be marked for
17 identification.

18 PRESIDING JUDGE: The document from the The Perspective
19 entitled "Scanning the current Liberian business environment: A
10:01:56 20 first person's account" dated February 28, 2007 is marked MFI-6.

21 MR KOUMJIAN:

22 Q. There is another document I would like to show you, madam.
23 Madam, were you aware that your - that Mr Jenkins Dunbar --

24 PRESIDING JUDGE: Please pause, Mr Koumjian. Can I inquire
10:03:40 25 if the Defence have seen this document before?

26 MR ANYAH: Madam President, I am familiar with the document
27 from outside of court, but as far as it being used in relation to
28 the examination of this witness, I am being tendered it today for
29 the first time. I may ask for a brief moment to look into a few

1 matters, in particular I wonder if this is already exhibited in
2 this case. I need to verify that. Secondly, I can see from the
3 top of the document a date, 14 April 2005, and I know that these
4 documents are issued in several periodic installments.

10:04:24 5 PRESIDING JUDGE: Yes, but, Mr Anyah, that is not a valid
6 objection. The reason that I asked was whether the Defence have
7 had an opportunity to familiarise themselves with the content.
8 If you have, as indeed you have indicated, then I will ask
9 Mr Koumjian to proceed.

10:04:42 10 MR ANYAH: Very well.

11 MR KOUMJIAN: Just for counsel's benefit, our records
12 indicate that it has not been exhibited:

13 Q. Madam, this is a list, a press release, with the number
14 "Press release SC/8359". We see it says, "Security Council
10:05:09 15 committee on Liberia updates its travel ban list". I am just
16 going to read a little from the first page and from the third
17 page. On the first page, just so we understand what the list is.
18 It says on the first page:

19 "On 14 April 2005, the Security Council committee
10:05:32 20 established pursuant to resolution 1521 (2003) concerning Liberia
21 decided to add the following five individuals to the list of
22 persons subject to the travel restrictions imposed by paragraph
23 4(a) of resolution 1521 (2003) and renewed by paragraph 1(a) of
24 resolution 1579 (2004) (the travel ban list)."

10:06:08 25 And then we see five names. The next sentence indicates:
26 "The revised list is reproduced in full below." If we turn to
27 the third page of the document we see the first name that appears
28 is Belle Dunbar, date of birth 27 October 1963. Is this your
29 cousin, ma'am?

1 A. No, my niece.

2 Q. And then Jenkins Dunbar, date of birth 10 January 1947. Is
3 this your brother?

4 A. Yes.

10:06:56 5 MR KOUMJIAN: May this document be marked for
6 identification or I could - could it be marked for
7 identification, please.

8 PRESIDING JUDGE: The document entitled "press release
9 Security Council/8359" and entitled "Security Council Committee
10:07:20 10 on Liberia updates its travel ban list" consisting of 7 pages is
11 marked MFI-7.

12 MR KOUMJIAN: Perhaps if I could ask that the arm be
13 lowered just so that it's not completely obscuring my view.

14 MR ANYAH: Madam President, the witness appears to be in
10:07:45 15 some distress, and I wonder if you might inquire.

16 PRESIDING JUDGE: Madam Court Manager - Madam Witness,
17 would you like a short break?

18 MS IRURA: Your Honours, the witness would like a short
19 break.

10:08:26 20 PRESIDING JUDGE: Very well. We will take a short recess
21 of about 10 minutes or so.

22 [Break taken at 10.09 a.m.]

23 [Upon resuming at 10.23 a.m.]

24 MS IRURA: Your Honours, the AV booth are requesting two
10:24:07 25 minutes before we continue.

26 PRESIDING JUDGE: I think you need to switch to the second
27 channel.

28 Mr Koumjian, please proceed.

29 MR KOUMJIAN: Thank you:

1 Q. Madam, I promise I don't have too many more questions for
2 you.

3 A. May I say something before you ask your question?

4 PRESIDING JUDGE: Certainly, ma'am. Please go ahead.

10:24:40 5 THE WITNESS: Tomorrow is June 10. The date on my
6 brother's birth record is wrong. It's June 10, 1947 and tomorrow
7 would be his birthday, this is why --

8 MR KOUMJIAN:

9 Q. We understand, and I promise you I will not ask you any
10:25:10 10 more questions about your family.

11 A. It's okay.

12 Q. Thank you. And we don't have too much - too long to go.

13 Madam, you said yesterday that your phone was stolen on 15

14 November 2009, last year, and you went immediately to the
10:25:26 15 Lonestar to have the SIM card replaced, correct?

16 A. Yes.

17 Q. Now, when you got to Lonestar, they gave you a SIM card
18 that very day, correct?

19 PRESIDING JUDGE: What has happened to the witness's
10:25:49 20 microphone?

21 MR KOUMJIAN:

22 Q. Madam, so when you received the new SIM card, the person
23 who stole your phone still had your phone with your old SIM card
24 with the same number, correct?

10:26:21 25 A. Yes.

26 Q. And you told us it was 15 November. That day you got the
27 SIM card at the Lonestar offices. Was that in Monrovia?

28 A. Yes, in Monrovia.

29 Q. What days of the week are they open?

1 A. They are open Monday through I think Saturday at I think
2 sometimes it's 12.

3 Q. Thank you. I would like to distribute a calendar for 2009.
4 Before we display that, if we can briefly look at the transcript
10:27:23 5 from yesterday, page 42381. Madam, I am going to read from line
6 17. You were asked:

7 "Q. Can you tell us what year your telephone was stolen
8 from you?"

9 A. It was last year - last year, November. November 15."
10:28:36 10 And now if we could switch to the overhead to look at a
11 calendar for last year for November. Madam, you will see from
12 the calendar that 15 November last year was a Sunday. So the
13 Lonestar office was closed. Isn't that true?

14 A. Yes.

10:29:23 15 MR KOUMJIAN: Thank you. I am finished with the document.
16 I know we have had this issue of calendars before. I would ask
17 the Court to take judicial notice that 15 November 2009 was a
18 Sunday. Or, in the alternative, to mark the calendar.

19 PRESIDING JUDGE: Mr Koumjian, the evidence speaks for
10:29:54 20 itself. The witness hasn't contradicted you. We don't need to
21 mark the calendar.

22 MR KOUMJIAN: Thank you:

23 Q. Ma'am, you told us about going to Charles Taylor's house
24 and meeting him. Do you recall talking about that? That was the
10:30:17 25 house by the German embassy and you said it happened after your
26 sister had seen on TV, on a small television station, a report
27 about Charles Taylor bringing in arms. Is that correct?

28 A. Please repeat the first part of the question.

29 Q. You told us about going to Charles Taylor's house and you

1 said it had happened after your sister, I believe it was your
2 sister, had seen on TV, on a small television station, a report
3 about Charles Taylor bringing in arms?

4 PRESIDING JUDGE: Please pause, Mr Koumjian. Yes,
10:30:57 5 Mr Anyah.

6 MR ANYAH: Madam President, I would be grateful to have a
7 transcript reference for the reference to a television because I
8 need a minute or two to look that up. And if the page number is
9 available, I would like to have it, please.

10:31:18 10 MR KOUMJIAN: Certainly. One moment, please. If we could
11 have the transcript put on the screen for yesterday, page 42383.
12 Going to the bottom of the page, the last two lines. There is a
13 question:

14 "Q. And why did Juliet ask you to do that?

10:32:06 15 A. She said she had watched a TV station, a small TV
16 station, and they said that Charles Taylor was bringing in
17 weapons so she wanted to leave the country."

18 Q. Do you recall that, madam?

19 A. Yes.

10:32:20 20 Q. And you don't recall what year that was, correct?

21 A. No.

22 Q. Even though it was the time - and you don't recall whether
23 or not Charles Taylor was President at that time, correct?

24 A. No, I don't.

10:32:36 25 Q. But whether he was President or not, he was already a very
26 famous person in Liberia. Is that right?

27 A. Well, if you say. I think famous is a relative term for
28 those who know that somebody is famous, but I am not in that
29 business.

1 Q. Thank you. Well, let me ask my question differently. For
2 you, a citizen of Liberia, a resident of Monrovia, was
3 Charles Taylor, when you met him, a famous person or a very
4 noteworthy person?

10:33:19 5 A. I would say yes.

6 Q. But because it's hard to remember years, you don't remember
7 the year, correct?

8 A. I don't remember.

9 Q. Do you remember if this was at the time of the fighting
10:33:39 10 against Roosevelt Johnson in April 1996 in Monrovia?

11 A. I don't - I don't recall.

12 Q. Okay. Thank you. Now, ma'am, yesterday in a private
13 session you were asked about another phone number, not the number
14 that you said was your phone number, but you were shown a piece
10:34:07 15 of paper with another phone number written on it and that's
16 P-135, and I am not going to show it on the screen because it was
17 private session, but you were asked at page 42395, the question
18 was, line 24:

19 "Q. Have you ever received a call on your cellular
10:34:37 20 telephone from that number? And.

21 A. No, no."

22 Do you recall that?

23 A. Yes.

24 Q. Ma'am, do you remember now what number it was that you saw
10:34:48 25 on that piece of paper?

26 A. I don't remember.

27 Q. Ma'am, how is it then that you could say definitively that
28 you had not received a call from that number? Could you remember
29 all the numbers that have called you?

1 A. All the very important numbers I remember.

2 Q. So isn't it correct, really, madam, that you don't remember
3 whether all the numbers had called you? That's right, isn't it?

4 A. Please rephrase your question.

10:35:23 5 Q. The truth is, you cannot remember all the phone numbers
6 that called your mobile telephone over the years, can you?

7 A. I can't remember, but I know that most of my calls are
8 business calls for catering. So I remember them because I saved
9 them.

10:35:50 10 Q. So, ma'am, the truth is though, you cannot say whether or
11 not you received a call from that number. No one could remember
12 that, can they, all the numbers that called them? I made that
13 question compound, so let me ask it simpler.

14 You cannot say truthfully, definitively, whether or not you
10:36:12 15 received a call from that number, correct?

16 A. Please restate your question.

17 Q. Ma'am, when you said that you had never received a call
18 from that number, you were saying that to be helpful to the
19 Defence, correct?

10:36:38 20 A. I don't understand what you mean by being helpful to the
21 Defence.

22 Q. Ma'am, you cannot remember, you have just told us, I
23 believe, all the numbers that called you, correct?

24 A. Yes, I don't remember all.

10:36:52 25 Q. So if someone gives you a number, a Liberian phone number
26 beginning with 06, you can't say whether or not that number over
27 the years had called you or not, could you - can you?

28 A. Maybe not definitely, but.

29 Q. So, ma'am, what I am suggesting to you is that the answer

1 you gave was not the complete truth because the complete truth is
2 you wouldn't know whether or not that number had called you or
3 not. Isn't that true?

4 A. Maybe.

10:37:30 5 Q. Thank you. Madam, you said the number that you have
6 testified is your mobile phone number - that number was said in
7 open session in this trial in June 2007 and then that witness was
8 brought back for cross-examination in August 2007. Is it correct
9 that you received no phone call or no contact from the Defence
10 until 2009?

11 PRESIDING JUDGE: Please pause. Mr Anyah?

12 MR ANYAH: I believe counsel has been speaking of the year
13 2007. The opening statement was on 4 June, so I think there is
14 an error with respect to the years in the question.

10:38:21 15 MR KOUMJIAN: I appreciate that. Thank you, counsel. That
16 was my error. 2008. Let me restate it. My apologies:

17 Q. Madam, this witness testified in June 2008. There was a
18 break for the Defence to investigate information about phone
19 numbers the witness had until August 2008. Madam, you did not
10:38:52 20 receive any contact or call from the Defence until 2009. Isn't
21 that true?

22 A. 2009. Yes, I think it was in 2009.

23 Q. Ma'am, that was last year, correct?

24 A. I think so.

10:39:19 25 Q. Ma'am, from what you have testified to, from 2001 to 2009,
26 you had the same phone. That is from the time you received the
27 phone until it was stolen on Randall street, November 2009, over
28 eight years, according to your testimony, you had the same phone
29 with the same SIM card. Is that right?

1 A. Yes.

2 Q. And you never lost that phone during those eight years?

3 A. I can't remember misplacing it.

4 Q. Okay. But it's possible that something like that could
10:40:01 5 happen and you have just forgotten it because it's been so long,
6 correct?

7 A. I don't know.

8 Q. Okay. And, madam, it's correct that the number you gave as
9 your current phone number, on several occasions individuals have
10:40:17 10 called you asking for Charles Taylor? Correct?

11 A. Yes.

12 MR KOUMJIAN: Thank you. No further questions.

13 PRESIDING JUDGE: Mr Anyah, any re-examination?

14 MR ANYAH: Yes, Madam President, I have a few questions.

10:40:35 15 RE-EXAMINATION BY MR ANYAH:

16 Q. Good morning, Ms Hoff. I have a few questions for you
17 stemming from the questions that were asked by counsel opposite,
18 so please bear with me to the extent I touch on matters that
19 might be a bit sensitive to you at this point, given what you
10:40:54 20 told the Court after we resumed from the last break.

21 Let's start with the last question that was just asked to
22 you by counsel opposite. The question was - this is at line 18
23 of my page 26 - you were asked this question:

24 "Q. The number you gave us as your current phone number,
10:41:23 25 on several occasions individuals have called you asking for
26 Charles Taylor, correct?

27 A. Yes."

28 The time period during which persons have called asking for
29 Charles Taylor is when? That is, when was the first time you

1 received a call from someone asking for Charles Taylor on your
2 phone?

3 A. Like I said, it was on a Saturday when I was catering, when
4 the first two, I think, three calls came saying that there was a
10:42:04 5 trial going on and somebody said that that number was
6 Charles Taylor's number. It was at that time I received - I
7 started receiving calls, and about six, eight months, after that
8 time, there was a foreign call 1.30 that night, when somebody
9 called and said, "May I speak to Mr Taylor?" I said, "This is not
10:42:37 10 Mr Taylor. He is in The Hague. And please don't wake me up,
11 because you know where Mr Taylor is", and I couldn't sleep again.
12 But not before then.

13 Q. What year was it that you received the first call that the
14 request was made to speak to Charles Taylor? Did you understand
10:43:18 15 the question, Ms Hoff?

16 A. Please?

17 Q. Yes. You told us about receiving a call on a Saturday
18 during which the person asked for Charles Taylor. I want to know
19 in what year did you receive that call?

10:43:33 20 A. Did I - the calls that came that Saturday were calls from
21 two or three different persons, but they did not say that they
22 wanted to speak to Charles Taylor at that time. They said there
23 was a trial going on. Two of them just called and said, "Is this
24 Taylor's number?" and "May I know who is speaking?" And it cut
10:44:04 25 off.

26 Q. Very well. Just listen to my question. I appreciate the
27 distinction you are trying to make. Before these calls came on
28 that Saturday, had you ever received any call where the person
29 calling asked whether you were Charles Taylor or the number you

1 had belonged to Charles Taylor?

2 A. Never. Never.

3 Q. Now, what year was it that you received the first call from
4 someone inquiring whether your number was Charles Taylor's

10:44:44 5 number? What calendar year; that's what I am referring to.

6 A. I won't remember the year. I said it before. But I think
7 it was sometimes last year, because right after those calls, I
8 think that's when Mr Gray contacted me. I don't recall the exact
9 time. I think, to the best of my knowledge, it was last year

10:45:17 10 sometime.

11 Q. Was Charles Taylor in Liberia at the time you received the
12 first of these calls?

13 A. No.

14 Q. Where was he when you received the first of these calls?

10:45:30 15 A. He was here in The Hague.

16 Q. Thank you, Ms Hoff.

17 Could Ms Hoff be shown all the MFIs marked by the
18 Prosecution, starting with MFI-4, MFI-5, MFI-6 and MFI-7, please.

19 Could we first display MFI-4, please. It's very hard for us to
20 read the document. Perhaps a hard copy could be given to the
21 witness to hold up close. Yes. That appears to be better.

10:47:14 22 Ms Hoff, first of all, can you read what is on the screen;
23 that is, do you see it legibly and clearly?

24 A. Yes.

10:47:34 25 Q. You remember being shown this document a few minutes ago
26 today - well, I believe it started yesterday afternoon - but you
27 remember discussing it with counsel opposite today as well? You
28 remember that, Ms Hoff?

29 PRESIDING JUDGE: She was not shown this document

1 yesterday.

2 MR ANYAH:

3 Q. You were shown this document today, this morning; you
4 remember that?

10:47:59 5 A. Yes.

6 Q. Thank you. Now, if we zoom out a little bit. Ms Hoff, do
7 you see at the top, the top left-hand corner, it says "LinkedIn";
8 do you see that?

9 A. Yes.

10:48:20 10 Q. And Madam Court Officer, could we scroll to the bottom
11 left-hand corner to the end of the document so that the last line
12 is shown on the page. Ms Hoff, do you see a website address
13 "http://www.linkedin.com"; do you see that?

14 A. Yes.

10:49:05 15 Q. Are you familiar with the website called LinkedIn?

16 A. No.

17 Q. Do you know how information is uploaded or put into this
18 website called LinkedIn?

19 A. No.

10:49:17 20 Q. Do you know whether anybody in the public domain can upload
21 information onto this website called LinkedIn?

22 A. Please restate your question.

23 Q. Yes. Do you know whether LinkedIn is the sort of website
24 that anybody in the public can log into and upload any
10:49:41 25 information they wish to upload into it?

26 A. I don't know anything about the website.

27 Q. So you do not know how information makes its way into
28 LinkedIn?

29 A. No.

1 Q. Can we go to the top of the document, please. Thank you,
2 Ms Hoff. Now, the primary reason you were shown this document,
3 from the questions, had to do with when Lonestar started
4 operating in Liberia. So let's read what it says. At the top it
10:50:12 5 says:

6 "Lonestar Cell is the leading GSM communication company in
7 Liberia that has been operating since June 2001."

8 Do you see the reference to Lonestar having started its
9 operations in June 2001 per this document? Do you see that,
10:50:36 10 Ms Hoff?

11 A. Yes.

12 Q. Can we go to MFI-5, please. And just bear in mind what you
13 have seen in the first document, June 2001. If we could focus on
14 the second paragraph that was read to Ms Hoff. Now, the second
10:51:22 15 paragraph, Ms Hoff, reads - and I will just read the first
16 sentence of that paragraph:

17 "Lonestar Communications Corporation (LSC), Liberia's only
18 mobile phone service provider from 2000 to 2004."

19 Let's pause there. One document said Lonestar started
10:51:55 20 operating in June 2001. This document says from 2000 Lonestar
21 was Liberia's only mobile phone service provider. Ms Hoff, does
22 the information in these two documents regarding the time frame
23 when Lonestar started operating in Liberia appear to be the same
24 to you?

10:52:16 25 A. No.

26 Q. What is the difference between the two?

27 PRESIDING JUDGE: Please pause. Mr Anyah, are really these
28 questions that are fit for a witness? Are these not questions or
29 things you should reserve for your submissions? Do the documents

1 not speak for themselves?

2 MR ANYAH: Well, first of all, the documents haven't been
3 admitted, Madam President; and second of all, these issues were
4 pursued in cross-examination by counsel opposite. In particular
10:52:52 5 this issue was considered to some degree during that examination,
6 and I am using the same documents to point out additional
7 information, as we see it, in re-examination that was not pointed
8 out in cross-examination. But the witness has answered the
9 question.

10 PRESIDING JUDGE: Very well.

11 MR ANYAH: Thank you, Madam President:

12 Q. I did not get an answer from you to the last question, but
13 I think you have answered the question in its core in the
14 previous answer, so we will move forward.

10:53:26 15 Now, this document we are looking at, if we go to the top
16 of the document again to the left-hand corner, Ms Hoff, this
17 document at the top left-hand corner says "allAfrica.com"; do you
18 see that?

19 A. Yes.

10:53:50 20 Q. And when you go down the left-hand side of the page, do you
21 see a notation that says "New Democrat (Monrovia)"?

22 A. Yes.

23 Q. Are you familiar with the New Democrat?

24 A. Yes, it's it is a newspaper that comes out every day in
10:54:12 25 Monrovia.

26 Q. The New Democrat is a newspaper that comes out every day in
27 Monrovia?

28 A. Yes.

29 Q. Are you familiar with the Liberian TRC, or the Truth and

1 Reconciliation Commission of Liberia?

2 A. Well, I heard when it was going on, but it didn't interest
3 me, because everything almost that they said it sounded like lies
4 to me because we knew some of the people. So I really didn't
10:54:40 5 follow the TRC, no.

6 Q. And then you see in the middle of the page it says,
7 "Liberia: TRC's economic criminals", and then the first
8 paragraph says:

9 "Contest over the economy was one of the prime reasons for
10:55:06 10 the prolongation of the war and its attending horrors as the
11 plunder of meagre resources intensified. The TRC, in its report
12 based on its mandate of investigating economic crimes, has listed
13 several individuals and institutions it concludes are guilty of
14 economic crimes. Excerpt: "

10:55:34 15 Do you know what it means when the word "excerpt" is used
16 there, Ms Hoff?

17 A. No.

18 Q. Do you know whether the information in this document come
19 from the TRC report, Ms Hoff?

10:55:53 20 A. I don't know because I see "New Democrat Monrovia" and I
21 see "allAfrica.com", so I don't know if this is the original
22 document from TRC. I wouldn't know.

23 Q. Thank you, Ms Hoff. Can we move to MFI-6, please. Can I
24 ask one more question, Ms Hoff, before MFI-6. This newspaper,
10:56:26 25 the New Democrat, what is the reputation of that newspaper in
26 Monrovia?

27 A. Normally, sometimes the reason why I purchase New Democrat
28 is everything about Taylor is in there. Everything they write,
29 Taylor has to be in the newspaper every day, that Democrat. So

1 normally when you want to read about the Court, you know, the
2 trial, you can get the Democrat. You get information.

3 Q. Are there newspapers in Liberia that have the reputation of
4 being pro or against Charles Taylor?

10:57:18 5 A. I think the Democrat is the only one I hear people say
6 against Taylor.

7 Q. The paper you just referred to, the New Democrat?

8 A. Yes, the Democrat.

9 Q. Thank you, Ms Hoff. Now, MFI-6. The name Jackson Fiah Doe
10:57:53 10 Jr has been mentioned to you. Do you know that person?

11 A. No. I know before the war there was a Jackson F Doe. I
12 didn't know what the - I don't actually know what the F was for,
13 but I know there was an older man, Jackson F Doe, that ran one
14 time to be President when Samuel Kanyon Doe was running, I

10:58:23 15 remember.

16 Q. Do you see at the top it says "the calm after the storm"?
17 Do you see that?

18 A. Yeah.

19 Q. And you see it as a web page with the name The Perspective
10:58:42 20 and do you see the words "The Perspective" again underlined in
21 the middle part of the top of the page?

22 A. No.

23 Q. Right below where you have "Jackson F Doe"?

24 A. Okay.

10:58:58 25 Q. And do you see the reference to "Atlanta, Georgia, February
26 28, 2007"?

27 A. Yes.

28 Q. Do you understand what that reference to Atlanta, Georgia,
29 is?

1 A. I would say maybe that is where he resided. I don't know.

2 Q. If we scroll down the page - when you say maybe that's
3 where he resided, who is the "he" you are referring to, Ms Hoff?

4 A. Maybe the Jackson Fiah Doe.

10:59:36 5 Q. Yes, the first full paragraph at the middle of the page,
6 there is a part of that paragraph that starts with the sentence
7 that begins with "although" and I will just read it for you. The
8 writer says:

9 "Although I was in the country for only two weeks, I spent
11:00:03 10 about 250 United States dollars on prepaid cards to call my
11 family, customers and employees in the United States."

12 PRESIDING JUDGE: Actually, it doesn't say United States
13 dollars, does it?

14 MR ANYAH: It has the dollar sign.

11:00:23 15 PRESIDING JUDGE: Yes, but it could be Liberian dollars,
16 because earlier when he is referring to 5 dollars he does say
17 5 US dollars. So we don't know what these dollars are.

18 MR ANYAH: That's a good point, I appreciate it, but it is
19 dollars and we will just proceed with the amount given and the
11:00:49 20 ambiguity as is remains:

21 Q. The issue is, Ms Hoff, what I have just read, this
22 sentence, "although I was in the country for only two weeks",
23 what do you understand it to mean?

24 A. Maybe it meant that he spent too much money on cards.

11:01:15 25 Q. What do you understand the length of time period this
26 person is saying they were in a particular country?

27 A. Please restate.

28 Q. Yes. What do you understand as the time frame or period of
29 time that this writer says they spent in a particular country?

1 A. A short time frame. Two weeks.

2 Q. And do you know to which country the writer refers when
3 they say "although I was in the country for only two weeks"?

4 A. I am sure it's Liberia.

11:01:55 5 Q. Thank you. That's MFI-6. Can we go to MFI-7, please.
6 Ms Hoff, you remember being shown this document earlier this
7 morning?

8 A. Yes.

9 Q. Can we go to page 3, please. And, Ms Hoff, I will ask that
11:02:45 10 you just bear with me, it's necessary that we cover these issues
11 again. The reference there to Mr Jenkins Dunbar, the birthday in
12 question listed in this document, is that his correct birthday?

13 A. No.

14 Q. What is Mr Jenkins Dunbar's correct birthday?

11:03:04 15 A. June 10, 1947.

16 Q. Thank you. Now, yesterday you were asked questions about
17 Mr Dunbar. In particular you were asked about his service as
18 Minister of Lands, Mines and Energy in Liberia. You were also
19 asked about your niece, Ms Belle Dunbar. Can I ask you this in
11:03:31 20 respect of those two persons: The fact that Jenkins Dunbar was a
21 minister in Mr Taylor's government, has that in any way affected
22 what you have told this Court, I mean its sincerity or
23 truthfulness?

24 A. Please come again.

11:03:53 25 Q. Yes. The fact that your late brother served as a minister
26 in Mr Taylor's government, has that in any way affected your
27 sincerity before this Court, your truthfulness?

28 A. No.

29 Q. The fact that Ms Belle Dunbar, your niece, was a director

1 at the LPRC, the Liberian Petroleum Refining Company, has that in
2 any way affected the truthfulness of what you have told this
3 Court?

4 A. No.

11:04:20 5 Q. The fact that Ms Fanny Dunbar-Bull - it's either Fanny
6 Dunbar-Bull or Ms Fanny Bull-Dunbar. I want to be more specific.
7 Ms Fanny Dunbar-Bull served as a dietician for Mr Taylor, has
8 that in any way affected your sincerity or truthfulness before
9 this Court?

11:04:45 10 A. No.

11 Q. Thank you. That's all with MFI-7. Now, you told us of
12 your phone being stolen and you went over that with counsel this
13 morning regarding the date on which you said it was stolen. You
14 remember yesterday in private session I read you transcripts from
11:05:23 15 this case about someone who claimed to have had the same number
16 that you have. Do you remember what years that person said they
17 were in Liberia?

18 A. No.

19 Q. Was your phone ever misplaced, lost or stolen in the years
11:05:44 20 2000 to 2003?

21 A. Ask the question again.

22 Q. Yes, Ms Hoff. Was your telephone ever lost, as in
23 misplaced or stolen, in the years between 2001 when you got it
24 and 2003?

11:06:05 25 A. No.

26 Q. Thank you. Yesterday - this is at page 42413 of the
27 transcript, if that could be pulled up, please?

28 PRESIDING JUDGE: Mr Anyah, I am just wondering the
29 question that you put to the witness, this is the statement you

1 said at page 38 line 7, "You remember yesterday in private
2 session I read you transcript about someone who claimed to have
3 had the same number that you have." Was that what the transcript
4 actually said? I thought that witness said that the witness's
11:07:00 5 number is the same as Mr Taylor's number and the witness himself
6 gave by way of a confidential exhibit his own number, which is
7 different from the witness's number. Am I mistaken?

8 MR ANYAH: No, you are not mistaken. You are absolutely
9 right. That was an error on my part and I withdraw that
11:07:22 10 question. The relevant question for our purposes has to do with
11 the dates, whether the witness's telephone was lost or misplaced
12 and the witness has answered that question. So essentially I
13 will seek leave of your Honours to withdraw that question. Thank
14 you:

11:07:37 15 Q. Now, I don't know if we have this page, page 42413.
16 Ms Hoff, you were asked some questions and you gave a response.
17 This won't take long. At page 42413, line 27, you were asked
18 this question:

19 "Q. Okay, sorry, I am talking about the Lonestar number,
11:08:16 20 the phone, the one your brother gave you that starts 06.
21 When did you obtain that?

22 A. It was the first day Lonestar opened, the first day,
23 because everybody with 510 comes in the first day and then
24 the 512 and that's how it went. I don't remember the day."

11:08:51 25 What I want to ask you is what you meant by saying in
26 relation to the first day Lonestar opened, when you say, "The
27 first day, because everybody with 510 comes in the first day and
28 then the 512," what do you mean by those sequence of numbers in
29 relation to when Lonestar opened?

1 A. When Lonestar opened, there was a rush for telephones and
2 the first set of people had one like 51, 5100, 512. So the first
3 day is those that have the 510, because all the other persons I
4 know that got phone that day was in that same series, the 510.

11:10:01 5 And then the next day, you know, I think it started to go up like
6 512, 513. Now it's almost 08 something. I don't remember the --

7 Q. When you see the telephone number of someone who subscribes
8 to Lonestar, are you able to tell around what time period they
9 may have obtained that number from Lonestar? That is, was it the
10 beginning of Lonestar's operation, a few years after, or later in
11 the sequence of time?

12 A. Well, I can tell maybe from the first day and the second,
13 then up to present, because the one up to present gone to about
14 10 numbers, I think.

11:10:56 15 Q. But for the numbers that you were issued during the earlier
16 periods of Lonestar's operation, are you able to tell which
17 number was issued first in sequence?

18 A. Yes, from what I got, yes.

19 Q. Thank you, Ms Hoff. Do you know the differences between a
11:11:24 20 satellite phone and a mobile phone?

21 A. Maybe not.

22 Q. Do you know the difference between a mobile phone and a
23 cell phone?

24 A. I guess not.

11:11:49 25 MR ANYAH: Thank you, Madam President. That's all I have
26 in re-examination.

27 PRESIDING JUDGE: I am just wondering if the judges have
28 any questions. Yes, the judges have one or two questions for the
29 witness, please.

1 JUDGE LUSSICK: Madam Hoff, did you bring your mobile phone
2 with you to The Hague?

3 THE WITNESS: Yes, I have it at the residence.

4 JUDGE LUSSICK: Thank you.

11:12:30 5 JUDGE DOHERTY: Thank you, Madam Witness. Yesterday you
6 spoke about the incident where your telephone was stolen, and
7 this morning in answer to questions by counsel for the
8 Prosecution you confirmed that you immediately went to Lonestar
9 after that incident. That's page 20, line 1 of today's
11:12:56 10 transcript. Yesterday you also explained to us at the Lonestar
11 office you asked - and I am looking at my notes now, and it was
12 page 123 of yesterday's transcript - you asked for the same
13 number that you had had previously, and they put something in the
14 computer, it came out, and you said:

11:13:19 15 "They gave a paper. I broke it off on the stick. I broke
16 it off and I put it into the --"

17 But you did not complete that answer, and I do not know
18 what it was that you put it into. Could you tell us, please.

19 THE WITNESS: Yes. Actually, when they gave the cards,
11:13:41 20 they tell you that you have about two hours or so to wait before
21 you can use the SIM. So when I said I put it in, it was after
22 the time that they told me, I broke it off and put it into a
23 telephone.

24 JUDGE DOHERTY: But you have told us that the telephone was
11:14:06 25 stolen. What telephone did you put it into?

26 THE WITNESS: I used to sell telephones. My brother is in
27 the States used to send phones to sell. Just telephones, but no
28 SIM cards.

29 PRESIDING JUDGE: Sorry, I didn't understand your answer.

1 Ma'am, what telephone did you put the new SIM into?

2 THE WITNESS: I had telephones home.

3 PRESIDING JUDGE: You mean you had a spare telephone set at
4 home?

11:14:43 5 THE WITNESS: I sell telephones, so I just took one to use.

6 PRESIDING JUDGE: Are there any questions arising from
7 these inquiries by the judges?

8 MR KOUMJIAN: No, your Honour.

9 MR ANYAH: Not by the Defence. Thank you.

11:15:06 10 PRESIDING JUDGE: Very well. Madam Witness, I just want to
11 thank you for your testimony, which has now come to an end, and
12 we will soon discharge you from the courtroom as soon as some
13 exhibits have been admitted. In the meantime, we wish you a safe
14 journey home.

11:15:25 15 THE WITNESS: Thank you.

16 PRESIDING JUDGE: Mr Koumjian, do you wish to tender any of
17 the MFIs into evidence?

18 MR KOUMJIAN: Yes. I would tender all the exhibits that we
19 put to the witness, and I would indicate I have no objection to
11:15:41 20 the Defence exhibits.

21 PRESIDING JUDGE: Yes. I beg your pardon, I had forgotten
22 that the Defence had two documents marked for identification.

23 MR ANYAH: Yes, Madam President, I would like to have them
24 admitted, but admitted confidentially, because you recall these
11:15:59 25 numbers that we wished to remain private. So that would be both
26 MFIs 1 and 2, we seek that they be exhibited, but confidentially.

27 And I do have a few objections to make regarding the
28 Prosecution's MFIs.

29 PRESIDING JUDGE: Let me get the Defence exhibits out of

1 the way. Madam Court Manager, I think the next will be exhibit
2 D-419.

3 MS IRURA: That is correct, your Honour.

11:16:43

4 PRESIDING JUDGE: Then MFI-1, which comprises a sheet of
5 paper on which the witness has indicated her own telephone
6 number, is admitted as exhibit D-419 and will be marked
7 "confidential".

11:17:16

8 The second document, which was MFI-2, is a sheet of paper
9 on which the witness indicated the telephone numbers of her
10 brothers and sister. That will be admitted as exhibit D-420 and
11 will be marked "confidential".

12 [Exhibits D-419 and D-420 admitted]

13 Mr Anyah, I will hear you on the other exhibits.

11:17:39

14 MR ANYAH: To be more precise, and for purposes of brevity
15 and efficiency, I do not have an objection per se to MFI-6, which
16 is the Jackson Doe article. All I would ask is that only the
17 portions considered during cross-examination or re-examination be
18 included as part of the exhibit. Essentially, I am asking that
19 the first full paragraph only constitute the exhibit, not the
20 parts dealing with rice importation and the like. So that's
21 MFI-6, and that's the observation there.

11:18:06

22 I would make the same observation regarding MFI-7, the
23 Security Council document. Counsel opposite read the top part of
24 the first page without naming the names on the rest of the first
25 page. The transcript reflects that counsel merely said there are
26 some names listed on the first page. And then we went to page 3,
27 and counsel opposite considered only two entries.

11:18:28

28 Now, we ask that to the extent this is exhibited, that the
29 exhibit is made up of only the parts of the third page referred

1 to by counsel opposite and the parts of the first page referred
2 to by counsel opposite; that is, we object to the balance of the
3 document constituting any part of the exhibit.

4 PRESIDING JUDGE: On what grounds do you object to the rest
11:19:04 5 of the document?

6 MR ANYAH: I object on the grounds of your decision of 30
7 November 2007. This is a case where - most of the names that are
8 listed in this document have featured in Mr Taylor's
9 cross-examination at some point or another. Look at the first
11:19:22 10 page: Musa Cisse, Chief of Protocol; during the
11 cross-examination of Mr Taylor, Victor Bout was considered; the
12 second name Ibrahim Balde, also known as Ibrahim Bah; Cyril
13 Allen, all these name - or most of them have been put to
14 Mr Taylor, Talal El-Ndine and the like.

11:19:44 15 Now, there are notations made about each of these persons.
16 This is a Security Council document. The Prosecution called 91
17 witnesses, tendered hundreds of exhibits. This document is a
18 very notorious document in Liberia. It is the infamous travel
19 ban documents that has caused a lot of hardship for a lot of
11:20:06 20 people in Liberia. Not once in the entire course of this case
21 did the Prosecution seek to have it admitted as an exhibit.

22 We filed before your Honours litigation about this
23 particular document, CMS --

24 PRESIDING JUDGE: No, no, no, no, no. Mr Anyah, I want you
11:20:24 25 to go - our decision was very clear as to when a document may not
26 be admitted in evidence. The grounds or criteria are few and
27 succinct. I don't want to hear a litany of submission on this.
28 Just simply tell me - tell the judges on what grounds you object
29 to the rest of this document being admitted in evidence simply.

1 MR ANYAH: I object on the basis of paragraph 27 of your
2 decision of November 30, 2009. That paragraph calls for a
3 particular standard when a document that is to be deemed to be
4 fresh evidence is sought to be admitted.

11:21:07 5 There is a three-part test. First, the Prosecution must
6 disclose the document. We were given that document in court
7 today. Second, in the first half of the second --

8 PRESIDING JUDGE: Disclose what kind of documents?

9 MR ANYAH: Documents that go to the guilt of the accused,
11:21:26 10 and that is what I submit this document is.

11 PRESIDING JUDGE: Now get to the point and tell us which
12 part of this document goes to the guilt of the accused, please.

13 MR ANYAH: Well, all of the parts of the document in the
14 column called:

11:21:44 15 "Justification: Victor Bout, businessman, dealer and
16 transporter of weapons and minerals, arms dealer in contravention
17 of UN Security Council, supported former President Taylor's
18 regime in an effort to destabilise Sierra Leone and gain access
19 to illicit acts and gain illicit access to diamonds."

11:22:09 20 That goes to the guilt of Mr Taylor.

21 PRESIDING JUDGE: Very well. That is all I wanted you to
22 get to very succinctly. You are objecting to the rest of this
23 document because, as far as you can see, it contains material
24 that goes to proof of guilt. Would I summarise that?

11:22:23 25 MR ANYAH: Yes. So that's this document MFI-7.

26 MFI-4 and MFI-5, I object on the basis of generally
27 acceptable principles of evidence. The Special Court does not
28 have a best evidence rule, but this rule in several jurisdictions
29 exists, and it is an important rule, it's an important

1 jurisprudential and evidentiary principle.

2 The first one, MFI-4, comes from a website called LinkedIn.
3 This is like some of those websites they have these days,
4 facebook and the rest, where people go and upload any information
11:23:12 5 they want, whether it is true or not, and there is no
6 accountability, so to speak.

7 Now, you look at this MFI-4, and it is not even an
8 individual. It --

9 PRESIDING JUDGE: Sorry to interrupt you. Do you not think
11:23:27 10 that these, your arguments relating to MFI-4 and 5, are arguments
11 to go to the weight of the document rather than its
12 admissibility?

13 MR ANYAH: That is why I prefaced it with saying I am
14 triggering, if you will, or relying on a best evidence rule that
11:23:47 15 I hope your Honours will consider in the context of this
16 document.

17 PRESIDING JUDGE: Well, that rule does not apply at the
18 admissibility stage. It applies when you are weighing the
19 evidence at the end of the day.

11:23:59 20 MR ANYAH: In jurisdictions where I have practiced, it can
21 apply to the admissibility stage.

22 PRESIDING JUDGE: Not in this jurisdiction. And you
23 know that, Mr Anyah, really.

24 MR ANYAH: Well, I make the objection nonetheless and I am,
11:24:11 25 of course, in the Court's hands as far as that is concerned.

26 The same observation with regards to MFI-5, which is the
27 Liberian TRC excerpts, if you will. You have heard testimony by
28 the witness. There is reference here to the New Democrat. So
29 what we have here is allAfrica website reprinting something from

1 the New Democrat which the New Democrat says came from the TRC
2 reports. That's the essence of this document. Nobody knows
3 where this information came from. That's the nature of this
4 document.

11:24:49 5 The Prosecution has in this same case presented evidence
6 directly from the TRC report. Why not in this instance? And so
7 I invoke again the best evidence rule at this stage of
8 admissibility, and I urge your Honours to consider it as a
9 generally applicable principle of international law and to
11:25:08 10 preclude the admissibility of this document. Thank you.

11 PRESIDING JUDGE: Mr Koumjian, if you could take us through
12 your MFIs. I know that you have indicated that you wish to
13 tender all of them; however, I just wish to clarify from you:
14 MFI-4, you wish the entire page to be admitted, not so?

11:25:36 15 MR KOUMJIAN: Yes.

16 PRESIDING JUDGE: What is your response to Mr Anyah's
17 objections?

18 MR KOUMJIAN: As to MFI-4, 5 and 6, those are arguments
19 that go to the weight to be given. There is no rule that
11:25:51 20 requires that evidence come from a primary source in the Special
21 Court of Sierra Leone or other international tribunals. As to --

22 PRESIDING JUDGE: MFI-5 is just the first two paragraphs --

23 MR KOUMJIAN: Correct.

24 PRESIDING JUDGE: -- that you wish tendered.

11:26:07 25 MR KOUMJIAN: That is correct. And also for the travel ban
26 list, I would indicate that the only portions that I request -
27 that we will be requesting are pages 1 and 3, the first page I
28 read just to introduce what this is, a list, and the two names I
29 read on page 3.

1 PRESIDING JUDGE: And MFI-6, which is The Perspective, you
2 have no objection to the first paragraph only --

3 MR KOUMJIAN: No objection.

4 PRESIDING JUDGE: -- being admitted.

11:26:43 5 MR KOUMJIAN: Correct.

6 PRESIDING JUDGE: Very well. First of all, let me say on
7 the outset that the Defence objections relating to MFI-4, 5 and 6
8 are objections really that go to the weight of these documents
9 and they are not objections that we are prepared to entertain at
10 the stage of admission of a document and so they are not a bar to
11 admission of these documents.

12 As relates to the arguments relating to MFI-7, I think
13 those have now been rendered moot since the Prosecution has
14 indicated that they only intend to tender the title page - in
11:27:45 15 fact the title of the document, really, without the list of names
16 and only the two names referred to on page 3. So there are no
17 issues between the parties as relates to that MFI. And so I will
18 relate the various Prosecution exhibits as follows:

19 MFI-3 - there was an MFI-3 that I don't seem to have. That
11:28:29 20 was a Prosecution exhibit, wasn't it?

21 MR KOUMJIAN: Yes, your Honour, and that was the
22 correspondence from the Defence to the Prosecution which has a
23 different name for this witness.

24 MR ANYAH: If I may, Madam President, when the Prosecution
11:28:54 25 sought that it be marked for identification, I believe they
26 requested that it be confidential. We would urge the same be
27 adopted, should it be exhibited. We have no objection to it.

28 PRESIDING JUDGE: Right. This is the document that was
29 marked MFI-3 as redacted yesterday and that document is now

1 admitted as exhibit P-543 and will be marked confidential.

2 MFI-4, which I have described before and which consists of
3 a whole page, that is exhibit P-544.

11:29:55

4 MFI-5, consisting of a single page but only the first two
5 paragraphs of that page are admitted in evidence as
6 exhibit P-545.

11:30:23

7 MFI-6, which is a page out of The Perspective, and that is
8 page 1 of the article entitled "Scanning the current Liberian
9 business environment: A first person's account" by Jackson Fiah
10 Doe Jr. The first paragraph on that page is admitted in evidence
11 as exhibit P-546.

11:30:55

12 Lastly, the press release Security Council/8359, an article
13 entitled "Security Council on Liberia updates its travel ban
14 list". Now, that first page, the title on the first page, as
15 well as page 3, the portion that relates to the two names that
16 were dealt with in the witness's examination, that's Belle Dunbar
17 and Jenkins Dunbar, those portions of that document are admitted
18 as exhibit P-547.

19 [Exhibits P-543 to P-547 admitted]

11:31:19

20 Madam Witness, we do wish you a safe journey home and thank
21 you very much for your evidence.

22 THE WITNESS: Thank you.

11:31:58

23 PRESIDING JUDGE: Ms Hollis, I must turn to you at this
24 stage to inquire. It's now time for the mid-morning break and
25 you had indicated that you might be able to proceed with
26 cross-examination of DCT-190 after the testimony of the current
27 witness. Now it has so happened that the current witness has
28 finished her testimony earlier than Thursday as had earlier been
29 indicated. How do you wish us to proceed?

1 MS HOLLIS: Thank you, Madam President. Very briefly, we
2 would ask your Honours for the following procedure. We believe
3 there are two options. The first option would be that we begin
4 our cross-examination of DCT-190 tomorrow morning on those
11:32:39 5 portions of the testimony for which we had notice. As I
6 indicated yesterday, we do need to use our investigators on some
7 of the new matters. We have sent taskings for that. We would
8 not be prepared to deal with those new matters tomorrow.

9 We still are of the view we would be prepared to deal with
11:33:01 10 those new matters towards the end of next week, should
11 your Honours allow us that time. So we would ask that other
12 witnesses be interposed.

13 But, to be clear, we would be prepared to proceed with some
14 of the cross-examination beginning tomorrow morning. And we do
11:33:19 15 want to thank the Defence. Last evening at 1836 we were provided
16 about 35 pages of statements of the witness.

17 PRESIDING JUDGE: Very well. That is appreciated. And,
18 Mr Anyah, I don't know if you are able to answer this. I know
19 that I think earlier on this week Mr Griffiths, lead counsel,
11:33:43 20 indicated to the Chamber that due to travel changes in the
21 airline that brings the witnesses from Africa to The Hague,
22 changes that were beyond our own control, these witnesses would
23 not be here until Sunday or Tuesday, I don't know. Sometime
24 anyway. But what is the final position? Are you in a position
11:34:09 25 say to proceed with the next witness say on Friday?

26 MR ANYAH: Madam President, we do face difficulties
27 logistically in that sense because of some developments with the
28 airlines that brings the witnesses and Mr Griffiths mentioned
29 these yesterday. As I stand before your Honours, we do not have

1 in The Hague besides the witness that has just finished and the
2 one whose testimony has been continued, DCT-190, another witness
3 I believe. I think those are the only two witnesses we have
4 physically in The Hague. We expect some witnesses towards the
11:34:55 5 end of this week, today being Wednesday, but how many are coming
6 I am not entirely sure. Originally two were scheduled to come in
7 the next few days. I have been told it's down to one and there
8 might be another person arriving over the weekend.

9 We have no difficulty with the manner of proceeding
11:35:16 10 proposed by counsel opposite, which is to commence with the
11 cross-examination of DCT-190 tomorrow. Where a difficulty might
12 arise would be sometime early next week. To the extent that the
13 Prosecution is unable to continue that cross-examination for
14 reasons indicated already, we may come to a point early next week
11:35:39 15 where we have just had a witness arrive and we might be seeking
16 time to meet with the witness and proof the witness.

17 So it's hard for me to say. All I can say is we will be
18 prepared to go forward tomorrow and we will keep your Honours
19 apprised about the developments regarding the transportation of
11:35:57 20 our witnesses and to the extent early next week we need more time
21 to meet with the recent arrival, we would make the appropriate
22 request.

23 PRESIDING JUDGE: Thank you. Your submissions are also
24 appreciated. So we will adjourn the proceedings to tomorrow
11:36:14 25 morning at 9 for cross-examination of DCT-190 and any glitches
26 that may arise beyond the Court's control, we will cross those
27 bridges when we get to them.

28 Sorry, I must have misspoken. We will adjourn to tomorrow
29 until 9.30. Court is adjourned accordingly.

1 [Whereupon the hearing adjourned at 11.37 a.m.
2 to be reconvened on Thursday, 10 June 2010 at
3 9.30 a.m.]
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I N D E X

WITNESSES FOR THE DEFENCE:

DCT-213	42418
CROSS-EXAMINATION BY KOUMJIAN	42420
RE-EXAMINATION BY MR ANYAH	42438

EXHIBITS:

Exhibits D-419 and D-420 admitted	42453
Exhibits P-543 to P-547 admitted	42459