



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 8 SEPTEMBER 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg

For the Registry:

Mr Gregory Townsend
Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Ruth Mary Hackler

**For the accused Charles Ghankay
Taylor:**

Mr Terry Munyard
Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambri ck

1 Wednesday, 8 September 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.04 a.m.]

09:04:58 5 PRESIDING JUDGE: Good morning. We will start with the
6 appearances first, please.

7 MS HOLLIS: Good morning, Madam President, your Honours
8 opposing counsel. This morning for the Prosecution, Mohamed A
9 Bangura, Ruth Mary Hackler and Brenda J Hollis.

09:05:15 10 MR ANYAH: Good morning, Madam President. Good morning,
11 your Honours. Good morning, counsel opposite. Appearing for the
12 Defence this morning are Terry Munyard, myself Morris Anyah,
13 Silas Chekera and Ms Logan Hambri ck. Thank you.

14 PRESIDING JUDGE: Good morning, Mr Witness. We continue
09:05:33 15 this morning with your testimony in re-examination and I remind
16 you of the solemn declaration to tell the truth. It is still
17 binding on you today. Mr Anyah, please proceed.

18 THE WITNESS: Okay.

19 MR ANYAH: Thank you Madam President.

20 WITNESS: DCT-008 [On former affirmation]

21 RE-EXAMINATION BY MR ANYAH: [Continued]

22 Q. Good morning, Mr Witness.

23 A. Good morning.

24 Q. Yesterday afternoon before court adjourned we were
09:05:56 25 discussing Zigzag Marzah and I believe the last question I posed
26 to you was in relation to parts of Liberia that might be known
27 for the practice of cannibalism and you mentioned the
28 Marylanders. Do you remember saying that yesterday afternoon?

29 A. Yes.

1 Q. Can you tell the Court what tribe in Liberia predominates
2 in the Maryland County?

3 A. In Maryland County you will find the Grebos in Maryland
4 County.

09:06:41 5 PRESIDING JUDGE: The who, Mr Interpreter?

6 THE INTERPRETER: The Grebo.

7 THE WITNESS: The Grebo tribe. The Grebo tribe.

8 MR ANYAH:

9 Q. Can you spell Grebo for the Court. I believe it's on the
09:06:57 10 record but it would be helpful for the witness to spell it.

11 A. I'm not too sure of the spelling but let me try.

12 G-R-A-B-O, Grebo. No, it is G-R-E-B-O. Instead of G-R-A, it's
13 G-R-E-B-O. But I'm not too sure.

14 Q. Thank you. Now, Zigzag Marzah, when he gave his biography
09:07:32 15 to you and others, did he say when he first started practising
16 cannibalism?

17 A. He did not tell me when he started it. He gave his
18 biography - I mean his autobiography, but he did not tell me when
19 he started. But he gave a time frame, like the killing of the
09:07:59 20 police patrolman, it was in late - in the late 80s.

21 Q. Very well. When you spoke earlier in your testimony before
22 you were cross-examined about it, you spoke of your experience or
23 observations about Zigzag Marzah engaging in cannibalism. Can
24 you tell us what your experiences in that regard are?

09:08:29 25 A. Yes. It was in 1994 during the fall of Gbarnga when ULIMO,
26 LPC and that of ECOMOG joined and the NPFL was engaged in the
27 fight to regain Gbarnga. It was on one occasion during that time
28 when the NPFL had driven away ULIMO from the city of Gbarnga and
29 by then the front line was at a village called Wainsue. That is

1 outside Gbarnga. The front line was at a village called Wainsue,
2 a few miles away from Gbarnga. And while the fighting was going
3 on, Benjamin Yeaten sent two prisoners of war that were captured
4 in action. He sent these two prisoners of war to Gbarnga and
09:09:46 5 asked Zigzag Marzah to have them in his, Zigzag Marzah's, custody
6 until Benjamin Yeaten's return from the front line to have these
7 prisoners of war interrogated so as to get more information about
8 the ULIMO. But these prisoners of war spent two days in Marzah's
9 custody and one early morning I left where I was living in
09:10:19 10 Gbarnga and I went to Zigzag Marzah's house, I think about 8 a.m,
11 but when I got there, I saw him with a bowl of soup, a big sized
12 bowl in front of him on the table. So I called him, I said
13 Zigzag Marzah, you know in Liberia when he calls himself a man
14 that crosses the ocean without public concern, that is the man
09:10:52 15 who crosses the ocean without public concern. And I said to him,
16 "You are eating the soup and I want to eat that soup", and then
17 he called my name and said, "This soup here is not for you. It
18 is only for me. You cannot eat this soup." I said, "But I want
19 to eat what you are eating", and he then said, "If you're sure
09:11:15 20 that you want to eat this soup, just go at the back of the house
21 and come back." Surprisingly, when I went to the back of his
22 house I saw the dead bodies of the two prisoners of war. So he
23 said, "These people attempted to escape and then I shot them
24 down." So when the chief comes, that is when Benjamin Yeaten
09:11:41 25 comes, that was going to be his report. So when I looked in the
26 soup I saw livers, that means that those were the livers of the
27 people that he had killed. That was what he was eating, the
28 livers. And when I observed the bodies, he had butchered them
29 from the back and the whole body was open and the livers, the

1 hearts, I did not see anything like that beside their intestine
2 in their entire body. So that was what I saw that he did when I
3 said he practised cannibalism, that he is one who practices
4 cannibalism.

09:12:30 5 Q. A couple of questions. The village that you referred to as
6 being where the front line was, you mentioned its name. Can you
7 spell it for us?

8 A. W-U-I-N-S-U [sic], Wainsue. It is a Kpelle name.

9 Q. Thank you. Besides this episode when you encountered
09:12:59 10 Marzah eating this soup and you saw the dead bodies behind his
11 house, have you heard from anyone else that Zigzag Marzah
12 practises cannibalism?

13 A. Yes. I heard it from my other friends within the same
14 Jungle Fire, you know, they used to gossip about him and they
09:13:28 15 say, "Oh, but this man, he eats human beings, this man eats human
16 beings." He said they used to see him eat human beings at the
17 front line but since that occasion I personally never saw him
18 again eating human being.

19 Q. Thank you, Mr Witness. I want to switch topics now to
09:13:48 20 something that was mentioned to you, I believe, on Monday the
21 6th. You were provided with a name, Victor - sorry, William
22 Gensehn, and you remember being asked questions whether this
23 person by the name of William Gensehn was the NPFL overall signal
24 commander, yes?

09:14:13 25 A. Yes.

26 Q. The relevant page from the transcript of the 6th is page
27 47992. Now, you said that the person you know as William Gensehn
28 was a Special Forces. Do you recall telling us that?

29 A. Yes, I remember saying that.

1 MR ANYAH: Madam Court Manager, with your assistance, may I
2 have Prosecution exhibit P-116 produced, please. Could we go to
3 the name listed, first let's display the first page, please.

09:15:47

4 Q. Mr Witness, you see the top of that document. It is a
5 Prosecution exhibit. Its title is "Original Roster of the
6 Special Forces Commandos of the National Patriotic Front of
7 Liberia (NPFL) Republic of Liberia (1990-2001)".

09:16:33

8 If we go to the page that ends with ERN 0515 we see a name
9 at the top of the page. Mr Witness, what name do you see listed
10 next to number 60 on that document?

11 A. You mean number 61?

12 Q. No, number 60. Can you pronounce the name that you see
13 there at number 60?

14 A. Yes. That is William Gensee.

09:16:57

15 Q. Thank you, Mr Witness.

16 PRESIDING JUDGE: Mr Anyah, is this the same person as
17 Gensehn? Are we to assume that that is William Gensehn?

09:17:13

18 MR ANYAH: Madam President, I am coming to that, it will
19 take me a moment. There is another transcript that I have to
20 refer to. But let's just make a note of that; Special Forces,
21 the name William Gensee, number 60 appears.

09:17:38

22 If we look at the transcript from 6 September this year,
23 the page I gave 47992, we see that starting at line number 16,
24 the name is spelt in two different ways. We see the question
25 posed by learned counsel opposite:

26 "Q. Mr Witness, who was William Jenson" we see
27 phonetically and it is respelt Gensehn, G-E-N-S-E-H-N.

28 "A. William Gensehn was one of the NPFL's Special Forces.

29 Q. And what position did he hold in the NPFL?

1 A. I do not recall now. I do not recall it.

2 Q. He was - he was actually the overall NPFL signal
3 commander. Isn't that correct?

09:18:20

4 A. I don't know. When I was in the signal, I did not hear
5 that he was the overall signals commander."

6 Let's pause there. May we pull up the transcript from 25
7 February 2008, 25 February 2008. It is the transcript of Foday
8 Lansana, also known as C0 Nya. Well, have I two references for
9 what I wish to point out. We could use 25 February but we could
10 also use 20 February, but let's stay with 25 February since I
11 have started with that one. The relevant page is 4663.

09:18:56

12 MS IRURA: Your Honour, it will take me a while to locate
13 that transcript. I do not appear to have it in the drive.

09:19:37

14 MR ANYAH: Okay. Perhaps you have this one, the one of 20
15 February, 20 February 2008.

16 MS IRURA: If counsel could indicate the page.

17 MR ANYAH: Yes, Madam Court Manager. Page 4357.

18 Q. If we could start at line number 5, there was a question
19 from the Presiding Judge to Foday Lansana:

09:20:21

20 "Please continue with your answer, Mr Witness. You were
21 going to spell it, very well, please spell it."

22 Answer by Foday Lansana:

09:20:43

23 "Victor Gensei is spelt G-E-N-S-E-I. Mr Victor Gensei, the
24 overall signal commander of the NPFL, sent a message through his
25 deputy, Mr Galakpalah, that Roosevelt Nyameleyan and some of the
26 crew in Foya should proceed with Anthony Mekunagbe to Kuwait for
27 a smooth operation."

28 Mr Witness, have you ever heard of the name Victor Gensei?

29 A. No.

1 Q. Have you ever heard the name Galakpalah?

2 A. Yes.

3 Q. Who is Galakpalah?

09:21:23

4 A. Galakpai was - I learnt that he was a signals commander
5 within the NPFL before Fox.

6 Q. Was that before your time as a member of the NPFL signal
7 unit?

8 A. Yes.

09:21:43

9 Q. Do you know who was the overall NPFL signal commander
10 before you became a member of the NPFL signal unit?

11 A. No.

12 Q. Thank you, Mr Witness. That's all I have.

09:22:01

13 JUDGE DOHERTY: Mr Anyah, I am sure I heard a difference in
14 pronunciation of those two names. You pronounced it Galakpalah
15 and the witness responded with the name Galakpai. I know we have
16 had this in cross-examination, but I would like that clarified,
17 please.

18 MR ANYAH: Yes.

09:22:16

19 Q. Mr Witness, what name do you know as one of the previous
20 signal commanders of the NPFL, is it Galakpai or Galakpalah?

21 A. You see, I have a problem in pronouncing this name but I
22 pronounce it as Galakpai because it is a native name anyway, but
23 I don't know the right pronunciation, but I pronounce it as
24 Galakpai.

09:22:47

25 JUDGE DOHERTY: And I take it, therefore, it is one and the
26 same person, they are not two different people with similar
27 names?

28 MR ANYAH:

29 Q. Mr Witness, do you understand the --

1 A. Yes, regardless of the pronunciation, the name that I heard
2 that was once a signals commander was Galakpai.

3 MR ANYAH: And, your Honour Justice Doherty, it does appear
4 in the two variations in several places in the transcript, two
09:23:21 5 different witnesses, each witness seems to pronounce it
6 differently.

7 JUDGE DOHERTY: I do recall that in cross-examination as
8 well.

9 MR ANYAH: Thank you, your Honour.

09:23:34 10 Q. Mr Witness, a few questions about White Flower and the
11 Executive Mansion. Let's start with White Flower. How many
12 times during President Taylor's presidency did you make your way
13 into the premises of White Flower?

14 A. One time.

09:23:57 15 Q. When was that, and under what circumstances?

16 A. This was in 2003 when some of our forces that were trapped
17 in the Lofa Forest after LURD had taken almost the entire
18 Lofa County and they were even settled in Tubmanburg. Okay,
19 these forces were trapped and we did not know their location.

09:24:33 20 Q. Mr Witness, I appreciate your response, and I think I know
21 where you are headed. But let me just ask you a question: Was
22 this in relation to the Liberian forces that were trapped or
23 found at Camp Israel?

24 A. Yes.

09:24:50 25 Q. And you told us about how you had devised the mechanism
26 whereby the pilot of a helicopter would be able to locate them.

27 A. Yes.

28 Q. Now, when you went to White Flower on that occasion, did
29 you make your way to the back side of the building or premises?

1 A. No. I entered through the front of the house, that is,
2 facing the Tubman Boulevard and I came out using the same route
3 that I used to enter.

09:25:37 4 Q. How much time in total did you spend inside the premises of
5 White Flower on that occasion?

6 A. I think it was less than 15 minutes.

7 Q. Did you see a tennis court in White Flower while you were
8 there?

9 A. No.

09:25:53 10 Q. Did you see a swimming pool in White Flower while you were
11 there?

12 A. I did not see a swimming pool.

13 Q. Did you make your way all the way through the premises to
14 the back gate?

09:26:13 15 A. No.

16 Q. Do you know whether, if you stood at the back gate of White
17 Flower, you can see Benjamin Yeaten's house from there?

18 A. From - no, there are houses in between. If you stood at
19 the back area of the White Flower fence towards Pacos Island you
09:26:48 20 will not see Benjamin Yeaten's house because there are houses in
21 between.

22 Q. How about Joe Tuah's house, and also the premises that
23 contain Urias Taylor's house, can you see it from the back fence
24 of White Flower?

09:27:07 25 A. You will not see it because it is down the slope.

26 MR ANYAH: May we please see MFIs 9A and 9B. Could we
27 display 9B first, please.

28 Q. Mr Witness, you recall this diagram that was shown to you
29 on Monday this week, 6 September, yes?

1 A. Yes.

2 Q. Do you know who drew this diagram?

3 A. No.

4 Q. You tell us that you were assigned to Benjamin Yeaten's
09:28:33 5 house and you tell us you are familiar with the location of
6 Joseph Montgomery's house as well as Joe Tuah's house and Urias
7 Taylor's house. As you look at this diagram, I want you to focus
8 on the distances between these various premises. Does this
9 diagram, as you look at it, even though it's a different scale,
09:29:02 10 does it accurately reflect the distances, as you know it, between
11 these various premises?

12 Let's start with the distance between Benjamin Yeaten's
13 house and what this document purports to be White Flower. Does
14 this document leave you with the impression that the distance
09:29:27 15 between the two buildings is accurately portrayed by this
16 document?

17 A. No. It shows the distance so close to what is being
18 portrayed here as White Flower.

19 Q. Can you switch seats for us, take a pen and point what you
09:29:51 20 mean by the distances being shown as too close?

21 A. Yes, I mean the distance from here to here, it's too close
22 for me.

23 Q. How about the distance from White Flower to Joe Tuah's
24 house and Urias Taylor's house?

09:30:29 25 A. From White Flower to Urias Taylor's house, it shows the
26 same thing; it shows that it is somehow joining the fence of
27 White Flower and this is not like when you go to the scene
28 itself, the real scene.

29 Q. What is between White Flower and Urias Taylor's house, that

1 is when you are in Monrovia, in Congo Town, what is actually on
2 the ground physically between the two premises?

3 A. Between the fence of White Flower and Urias Taylor's house
4 you will find houses in between. You find houses in between.

09:31:37 5 And also, there is a flower bush that is surrounding Urias
6 Taylor's house just like a fence. I don't know how it is now but
7 that was how it used to be in terms of the flower bush, but there
8 are houses in between.

9 PRESIDING JUDGE: What is a flower bridge? Did you say
09:32:03 10 flower bridge?

11 THE WITNESS: I said a flower bush. There is a flower
12 densely planted. It looks like a bush, a forest. You know, it
13 is planted in form of a bush as a fence, so it grew wide around
14 the entire area.

09:32:30 15 MR ANYAH: Thank you, Madam President.

16 Q. Mr Witness, thanks for pointing out that that is how it
17 used to be. When you say that is how it used to be, what time
18 period are you referring to? I am now speaking of what is
19 situated between White Flower and Urias Taylor's house. You were
09:32:49 20 describing it for us including the flower bush and you said that
21 is how it used to be. Give us a time frame from how that place
22 was in relation to your answer?

23 A. In relation to the time I am talking about 1998 to 2003.

24 PRESIDING JUDGE: Mr Anyah, when the witness said at page
09:33:17 25 14, line 15, when he says, "I mean the distance from here to here
26 is too close for me," can he point again what he meant, because
27 it needs to be captured on the record what exactly he is
28 referring to. From where to where is it too short?

29 MR ANYAH:

1 Q. Mr Witness, let's start with one of the focal points. From
2 where - and you could put your point at it and mention what you
3 are pointing at. From where to where is too close for you?

09:33:56 4 A. Okay. Beginning from Urias Taylor's house to the fence of
5 White Flower, from this diagram, they are closely connected,
6 okay. It does not show the actual distance as it is in reality.
7 And from White Flower fence again to Benjamin Yeaten's house, or
8 even Joseph Montgomery's house as well, from this diagram it also
9 shows that they are closely connected.

09:34:26 10 Q. Do you accept that they are closely connected or do you
11 have a different position regarding that matter?

12 A. I do not accept that they are closely connected.

13 Q. Thank you, Mr Witness. That's all I have for MFIs 9A and
14 9B. Thank you, Madam Court Officer. Mr Witness, you may resume
09:35:00 15 your seat.

16 Now let's talk about the Executive Mansion. You have
17 testified that you were assigned at the Executive Mansion from
18 shortly after the inauguration of Mr Taylor as President of
19 Liberia in 1997 until late 1998 when you took up your post at
09:35:26 20 Benjamin Yeaten's house. During the period of your time at the
21 Executive Mansion, how frequently did you go to the eighth floor
22 of that building?

23 A. Once a while. Once a while I used to go to the eighth
24 floor just to go on top of there and see - oversee the view of
09:35:54 25 the city once a while.

26 Q. Once a while. What is the frequency of that once a while
27 in, for example, a period of six months, how often would you go
28 to the eighth floor of the Executive Mansion?

29 A. During the time I was assigned there, I remember, I think

1 it was three or four times that I visited the eighth floor
2 because it was a lonely place, there was nobody there, so I used
3 to go there once a while, I think three or four times, because
4 there was nothing basically that I could go and do there that
09:36:39 5 will keep me going there frequently.

6 Q. You said it was lonely. What was housed on the eighth
7 floor? You are referring to it as a lonely place. What was
8 housed on that floor during the times while you were assigned to
9 the Executive Mansion?

09:37:00 10 A. On the eighth floor that was where the Presidents starting
11 from Tolbert to Doe, that was where they were residing, they had
12 their bedrooms there. But at this time from during the course of
13 the war, we were told that the entire eighth floor and all of the
14 things that were there were looted by ECOMOG and it was
09:37:30 15 ransacked. It was not in proper placing.

16 Q. ECOMOG looted things on the eighth floor. Have you heard
17 the name Charles Julu?

18 A. Yes, I heard the name Charles Julu.

19 Q. Who is Charles Julu?

09:37:55 20 A. Charles Julu, if I am not mistaken, he was a member of the
21 Doe government. I think he was from the Armed Forces of Liberia.
22 The Armed Forces of Liberia.

23 Q. To your knowledge did Charles Julu ever attempt to take
24 over power or seize power as the President of the Republic of
09:38:29 25 Liberia?

26 A. I heard that Charles Julu was amongst those rebel groups,
27 like ULIMO, LURD, that wanted - okay, like LURD in particular,
28 that wanted to overthrow the government of Mr Taylor. He was
29 amongst those who organised the rebel group.

1 Q. Do you know how it came to be that ECOMOG ransacked the
2 eighth floor of the Executive Mansion and looted things there?

3 A. According to the story I heard from the mansion, it
4 happened that when they were in control of Monrovia at that time
09:39:23 5 they had control over the Executive Mansion, even though there
6 was a transitional government, yet they were in power. So they
7 used that opportunity to loot the place and nobody could say
8 anything.

9 Q. Do you know whether it was only the eighth floor that
09:39:40 10 ECOMOG ransacked and looted?

11 A. I also heard that the presidential office was also looted.
12 That is the chairs - the original presidential chairs that were
13 there were taken away by ECOMOG. But I did not go there because
14 I did not know what the originals were and the ones that were
09:40:09 15 brought later, but that was the story. And also the carpet on
16 the fourth floor, it was a new carpet that was produced by the
17 new government of Mr Taylor.

18 Q. Mr Witness, I asked you a question about whether it was
19 only the eighth floor that was looted and ransacked and you
09:40:36 20 mentioned the presidential office. On which floor was the
21 presidential office situated when you were assigned to the
22 Executive Mansion?

23 A. At the time I was at the Executive Mansion, the President's
24 office was on the fourth floor.

09:40:55 25 Q. Now, besides the fourth and the eighth floors, were there
26 any other floors of the Executive Mansion that, as far as you
27 know, were looted or ransacked by ECOMOG?

28 A. Only those two floors are the story that I heard about.
29 Only those two floors.

1 Q. Thank you. You said the eighth floor was where the
2 President typically was to reside, and you said Presidents from
3 Tolbert until Doe resided on the eighth floor. Do you know where
4 President Taylor was residing while you were assigned to the
09:41:41 5 Executive Mansion, that period of time 1997 through late 1998?

6 A. No.

7 Q. Whenever you were on duty at the Executive Mansion, did you
8 ever hear that the President was staying upstairs on the eighth
9 floor?

09:42:02 10 A. No.

11 Q. To your knowledge, did Charles Taylor ever use the eighth
12 floor of the Executive Mansion as his residence, whether on or
13 off, during your period of time assigned to that premises?

14 A. I never heard that.

09:42:21 15 Q. You never heard what?

16 A. I never heard that President Taylor resided on the eighth
17 floor.

18 Q. Thank you, Mr Witness. How about the seventh floor of the
19 Executive Mansion; during your time period there how often did
09:42:43 20 you go to the seventh floor?

21 A. Okay. When I visited - I used to serve on duty at the
22 seventh floor on the long-range as well because I remember that
23 the last month in September, before my transfer, I served a one
24 week duty on the seventh floor as a radio operator, which was at
09:43:20 25 night.

26 Q. How about the sixth floor of the Executive Mansion; how
27 often did you go there?

28 A. I used to pass through and go to the seventh floor.

29 Q. What was on the sixth floor?

1 A. On the sixth floor, what mainly I heard about on the sixth
2 floor was the kitchen, you know, during lunchtime sometimes we go
3 there to ask for food from the cooks there. That was the
4 presidential kitchen. That was what I heard. But it had so many
09:44:07 5 offices which I don't know about, but what I actually remember
6 was the kitchen.

7 Q. Do you know whether when Presidents from other countries
8 visited Liberia they were ever housed at the Executive Mansion?

9 A. I don't know. I never heard that. I don't know.

09:44:30 10 Q. Do you remember being asked questions on Friday, 3
11 September, by counsel opposite about the fifth floor of the
12 Executive Mansion, in particular, in relation to the SSS having
13 radio communication equipment on the fifth floor? Do you
14 remember that?

09:44:49 15 A. Yes.

16 Q. And when you came into court on Monday the 6th, you
17 indicated to the Court that you wanted to make a correction about
18 the fifth floor and you were told by the Court that we would come
19 to that during re-examination. Can you make whatever correction
09:45:08 20 you wanted to make about what you said in relation to the fifth
21 floor?

22 A. Yes. The correction was that the counsel asked me about
23 few codes, like 405, and I said 405 was the code for the chief
24 technician of the Executive Mansion in the SSS and, with regards
09:45:42 25 to that, 405 had his office on the fifth floor. That was where
26 he carried out the repair works of the communication sets, the
27 radios, the telephones and other communication sets on the fifth
28 floor also. That was the correction that I wanted to make. But
29 there was no radio room there. I did not see any radio room

1 there, but that he had his office where he repaired radios and
2 other communication sets on the fifth floor.

09:46:29 3 Q. The person with the code name 405 who you referred to as
4 the chief technician of the Executive Mansion in the SSS, during
5 what period of time did that person have his office on the fifth
6 floor?

7 A. I noticed that from 1998 to let's say 2000, 2003.

8 Q. To your knowledge was it ever the practice of the SSS to
9 use the fifth floor for its radio communications? That's the
09:47:10 10 fifth floor of the Executive Mansion for its radio
11 communications?

12 A. No.

13 Q. Are you aware of any radio operators for the Government of
14 Liberia transmitting and receiving messages on the fifth floor of
09:47:27 15 the Executive Mansion?

16 A. I am not aware of that and I never heard that.

17 Q. When you go to the Executive Mansion, if a car drove up
18 from the gates to the front door and somebody walked out of that
19 car and entered the level of the building where the car stopped,
09:47:58 20 would that be the first floor or the ground floor of the
21 Executive Mansion?

22 A. It is the ground floor, but I said something in relation to
23 the issue of the floor.

24 THE INTERPRETER: Your Honours, could the witness be asked
09:48:22 25 to repeat that area slowly and clearly.

26 MR ANYAH:

27 Q. Mr Witness, the interpreter was unable to follow you
28 because you were not too audible. Repeat your answer a bit
29 louder and slower. You were saying something to the effect that

1 you, yourself, considered the ground floor to be something.

2 Please say your answer again.

3 A. I said that I considered the ground floor to be floor
4 number one, first floor.

09:48:56 5 Q. And where you said the radio communications equipment was
6 was on which floor?

7 A. Yes, do you mean those that 405 was repairing or do you
8 mean what? I don't understand it.

9 Q. I understand the distinction. The ones that you operated,
09:49:32 10 on which floor were they kept?

11 A. Good. The one that I operated was on the fourth floor of
12 the Executive Mansion.

13 Q. Do you know whether, and listen to my question carefully -
14 whether below the entry point of the driveway, that is when
09:49:55 15 someone comes with a car, below that entry point there is another
16 point of entry into the Executive Mansion in Monrovia?

17 A. I don't understand the question.

18 Q. Very well. Did the Executive Mansion have, for example, a
19 side entrance?

09:50:24 20 A. I did not notice that.

21 Q. Very well. The person you referred to as 405, the
22 technician, was that person a trained radio operator?

23 A. I never saw him operating a radio, with the exception of
24 repair works.

09:50:52 25 Q. Thank you, Mr Witness. Well, one more question: The
26 radios that he repaired, were those radios for operators that
27 were operating on the fourth floor?

28 A. Both radios for operators and the walkie-talkies that the
29 SS securities carried. If they were faulty, he repaired them.

1 Q. Thank you, Mr Witness. I asked you whether President
2 Taylor resided at the Executive Mansion to your knowledge during
3 the time period of your assignment there and you said you did not
4 hear that. And then I asked you if you know where he resided
09:51:41 5 during that period of time. Now, do you know where President
6 Taylor was residing at when he was elected? That is, on the eve
7 of his election as President around that period late July into
8 early August of 1997, do you know where he was residing?

9 A. Yes.

09:52:02 10 Q. Where was that?

11 A. That was the house that was next to the German embassy in
12 Sinkor, Tubman Boulevard.

13 Q. Do you know for how long he remained at that premises near
14 the German embassy?

09:52:31 15 A. I remember that he moved to White Flower in January of 1999
16 for his birthday celebration. That is what I know about.

17 Q. Do you know whether he lived anywhere else besides near the
18 German embassy before moving to White Flower?

19 A. No.

09:52:58 20 Q. When you say no, what do you mean? You do not know or he
21 did not move to anywhere else?

22 A. I do not know whether he lived elsewhere, with the
23 exception to the building next to the German embassy. I do not
24 know.

09:53:17 25 Q. Thank you, Mr Witness. Yesterday it was suggested to you
26 during cross-examination that the SSS of Liberia were responsible
27 for people's entry and exit from Liberia. This was proposed to
28 you during the context of Sam Bockarie's trips to Burkina Faso.
29 Do you recall that?

1 A. Yes.

2 Q. The relevant page is page 48195 of yesterday's transcript.

3 Let me just read it quickly. At the end of that page, at the
4 bottom, a question was asked by learned counsel opposite, line

09:54:09 5 26:

6 "Q. And in fact, because the SSS was responsible for
7 entries into and exits from Liberia, the SSS would have had
8 full details about Sam Bockarie leaving from Monrovia to
9 Burkina Faso. Correct?"

09:54:28 10 That's the question you were asked.

11 A. Mm-hm.

12 Q. This same question, or its import, that is the SSS being
13 responsible for entries and exits from the country, was proposed
14 to you on Monday the 6th as well at page 47967. Mr Witness, let

09:54:50 15 me ask you this: Did the Government of Liberia have an
16 immigration service at the time you worked during President
17 Taylor's administration for the government?

18 A. Yes.

19 Q. Did it have a border patrol service?

09:55:09 20 A. Yes.

21 Q. Did it have what in some countries is called a Foreign
22 Ministry, but perhaps in Liberia called a protocol department?

23 A. Yes, they had a Foreign Ministry.

24 Q. If somebody was attempting to enter Liberia during the time
09:55:31 25 period 1997 until 2003, would they approach the SSS for a visa to
26 enter Liberia?

27 A. No.

28 Q. Who would be the government agency that would issue them a
29 visa, if they required one?

1 A. I believe the foreign ministry.

2 Q. How about when they were exiting the country, what official
3 of government is likely to be the one that attends to them at
4 their point of exit from the country?

09:56:08 5 A. I believe the foreign ministry and the immigration.

6 Q. So what do you say to this proposition, that the SSS was
7 responsible for people's entry and exit from Liberia during
8 President Taylor's presidency?

9 A. What I have to say about this is that the SSS
09:56:37 10 responsibility was strictly the protection of the President, the
11 first family, and other VIPs.

12 Q. Thank you, Mr Witness. You remember on Monday the 6th we
13 spent some time on this particular issue. Learned counsel
14 opposite read you your testimony from 27 August about Varmuyan
09:57:09 15 Sherif selling ammunition to the RUF. And the issue had to do
16 with who told you about this, was it Sam Bockarie or someone
17 else. Now, I want to read that transcript to you again. There
18 are two transcripts in question.

19 The first transcript is from 27 August, at page 47389.

09:57:58 20 Yes. If we go to line 12, the record has you saying:

21 "At one time Sam lectured us, explained this to us, that
22 this fellow, Varmuyan Sherif, of ULIMO, sold arms to him - let me
23 say, ammunition to him."

24 Do you recall that part of the record being put to you by
09:58:28 25 counsel opposite?

26 A. Yes.

27 Q. And if we go a few pages down, to page 47394, starting at
28 the question at line 18, you were asked this question on the
29 27th: You went on to say that:

1 "A. At one time Sam lectured to us, explained this to us,
2 that this fellow, Varmuyan Sherif, of ULIMO, sold arms to
3 him, let me say, ammunition to him.

4 Q. Who lectured you, was it Sam that lectured you?

09:59:18 5 A. Okay. I'm sorry if I mentioned the word 'us' but it is
6 almost exact. He - he informed Jungle about it and Jungle,
7 in turn, informed me. The information was that Sam
8 Bockarie bought ammunition from Varmuyan Sherif. So if I
9 had said 'us' then I made a mistake. When I saw Sam
09:59:45 10 Bockarie during his three visits, he did not inform me
11 about anything like that. Is that clear?"

12 Mr Witness, it was not perhaps clear to all of us, so let
13 me ask you again: Who informed you about the sale of ammunition
14 by Varmuyan Sherif to Sam Bockarie?

10:00:06 15 A. It was Jungle who informed me, who gave me this information
16 that Sam Bockarie told him he, Jungle, that, he bought - that Sam
17 Bockarie bought ammunition from Varmuyan Sherif. I got this
18 information from Jungle.

19 Q. Thank you, Mr Witness. Also on Monday the 6th of
10:00:32 20 September, you remember being asked questions about why it was
21 acceptable to use the code name "Master" during communications
22 between Base 1 and Bravo Zulu 4/Planet 1 and yet unacceptable to
23 use the word "Principal". You remember this discussed with
24 counsel opposite?

10:01:03 25 A. Yes.

26 Q. This took place at page 47953 to - sorry, 47953 to 47954 of
27 the transcript of 6 September.

28 Now, Mr Witness, can you clarify for us why it was
29 appropriate to use the term "Master" and not the term "Principal"

1 when communicating with Bravo Zulu 4/Planet 1.

2 A. Yes, the reason was that the term "Principal", even within
3 the Government of Liberia radio communication system, will refer
4 to the commander of certain radio stations or the overall

10:02:06 5 commander of a particular group as principal. And secondly, the
6 term "Principal" in Liberia is also referred to as the head of an
7 institution, but unlike the term "Master", which I believe was
8 only used by the RUF, but was not known to the Government of
9 Liberia operators. So, if the term "Principal" is used on the

10:02:36 10 radio communication net of the RUF between Base 1, and Bravo Zulu
11 4 or Base 1 and Planet 1, if anybody who would have been
12 monitoring this particular net from the Government of Liberia

13 side, would exactly know that this operator - there is an
14 operator from Liberia and an operator from the RUF communicating

10:03:01 15 and they will also exactly know if you use the term "Principal"
16 that you are referring to a higher officer from one end.

17 Q. Which of those two terms, "Principal" versus "Master", did
18 you feel was more susceptible to being understood, if there was
19 an interception?

10:03:29 20 A. The term "Principal".

21 Q. Thank you, Mr Witness. You will remember also on Monday
22 the 6th questions were asked of you about this universal police
23 code, 10-21, or 10-2-1, and in particular, you were read

24 transcripts from 31 August when you were testifying in-chief, and

10:04:01 25 you attempted to explain that you did not use 10-2-1 and you did

26 not use 50 but you used another phrase when communicating to

27 refer to the telephone. What phrase did you use when

28 communicating to refer to the telephone?

29 A. I - the phrase was on the other side.

1 Q. And during what occasions did you use that phrase in lieu
2 of using 10-2-1?

3 A. When my boss wanted to get in touch with Planet 1 or Bravo
4 Zulu 4 on the telephone, or if the boss of Planet 1 wanted to get
10:05:11 5 to my boss on the telephone, then the term on the other side
6 would be used, "And that my subject wants to get to your subject
7 on the other side", and it was understood as being a telephone.

8 Q. Who is the person you refer to as "my boss man"?

9 A. When I say, "My Boss Man", it means the director, Benjamin
10:05:48 10 Yeaten, when I say, "Their Boss Man", it meant Sam Bockarie.

11 Q. During the time period when Base 1 was in communication
12 with Planet 1/Bravo Zulu 4, was it always the practice to use
13 this phrase "On the other side" in lieu of using the universal
14 code, 10-21?

10:06:15 15 A. Yes. It was the practice because Base 1 totally avoided
16 the term 10-2-1 or 10-21.

17 Q. How about from the other side, as in Planet 1 or Bravo Zulu
18 4, to your knowledge, when you were assigned to Base 1, did the
19 operators from the RUF in Buedu ever use the universal police
10:06:43 20 code for telephone, 10-2-1 when communicating with Base 1?

21 A. No. Never.

22 Q. Thank you, Mr Witness. Do you remember being asked a
23 question about Gibril Massaquoi and your evidence to this Court
24 that Massaquoi was seen by you in Monrovia in late 1998?

10:07:13 25 A. Yes.

26 Q. Do you remember being read a transcript from the RUF trial
27 in Freetown about Gibril Massaquoi's evidence?

28 A. Yes.

29 Q. Can I ask that we revisit that transcript again, the copies

1 that I have, have been highlighted on - I wonder if counsel
2 opposite has a clean copy? Or if the Court has a clean copy? I
3 would be grateful to receive it.

10:07:47

4 PRESIDING JUDGE: Was this one of the documents marked for
5 identification?

6 MR ANYAH: MFI-10; could that be produced, please? Yes, we
7 start from the first page:

10:08:49

8 "Q. Mr Witness, listen to what Gibril Massaquoi told the
9 Court in Freetown about the period of his incarceration.
10 The critical issue being your evidence that you saw him in
11 Liberia in late 1998. The question at line number 2:

12 Q. How long did you remain in Pademba Road Prison after
13 that?

10:09:13

14 A. More than a year. Since October 17th to January 6.
15 October 17, 1997, to January 6, 1999."

16 And then we go down a few lines. He had been asked about
17 ECOMOG taking over Freetown, and he had said in line 7 that, yes,
18 by February of 1998, ECOMOG took over Freetown. And now go to
19 line 24 a question is asked of Massaquoi:

10:09:54

20 "Q. Do you remember when, in 1998 this was?

21 A. Yes, this was February 15, 16 of 1998."

22 In this context, he is referring to being brought back to
23 prison, and that appears at lines 21-23.

10:10:31

24 If we go over to the next page, Massaquoi at line 1 is
25 saying:

26 "Yes, I was charged and tried."

27 This is in relation to the offence of treason. Then this
28 question is asked of him:

29 "Q. When was the trial?

1 A. This was from April until November of 1998."

2 Are you following me, Mr Witness? He is saying he had a
3 trial from April --

4 A. Yes.

10:10:56 5 Q. -- to November of 1998:

6 "Q. What was the result of that trial?

7 A. I was acquitted and discharged."

8 Let's pause there. Mr Witness, do you know what an
9 acquittal is when someone is acquitted of an offence and is
10 discharged?

10:11:13

11 A. He was found not guilty.

12 Q. And then listen to the next question and answer, question
13 to Massaquoi:

14 "Q. Were you released from Pademba Road Prison?

10:11:34

15 A. No."

16 Now listen to this: "I was released from the dock and
17 later re-arrested and sent back to Pademba Road."

18 Mr Witness, what do you understand by the word
19 "re-arrested"?

10:11:55

20 A. He was set free and after a moment or time he was arrested
21 again.

22 Q. Yes. Thank you, Mr Witness. Do you stand by your
23 testimony that you saw Gibril Massaquoi in Monrovia in late 1998?

24 A. Yes, I stand by my testimony that in late 1998, during Sam
25 Bockarie's second visit to Monrovia, he introduced Gibril
26 Massaquoi to me, who had come along with him on this second trip.

10:12:25

27 Q. Thank you, Mr Witness. Thank you, Madam Court Officer.

28 Mr Witness, on 6 September, Monday this week, counsel asked
29 you questions in relation to the reasons why you joined the NPFL.

1 Do you recall that?

2 A. Yes.

3 Q. In particular, counsel suggested to you that you joined the
4 NPFL because you wanted to seek revenge for the loss or deaths of
10:13:09 5 your close relatives at the hands of Samuel Doe's government. Do
6 you recall that?

7 A. Yes.

8 Q. Can you remind the Court again all of the reasons why you
9 joined the NPFL?

10:13:25 10 A. Yes. I joined the NPFL, number one, because I was
11 insecure. My family members had been killed. And, moreover, the
12 government of Samuel Doe was now targeting Nimbadians. He was
13 targeting Nimbadians. And then now that my other family members
14 had been killed, I decided to join the NPFL in order, first, to
10:14:12 15 protect my life and those of the remaining members of my family,
16 and also to protect Nimba County as a whole from the hands of
17 Samuel Doe.

18 MR ANYAH: Madam President, with leave of your Honours, the
19 remaining questions I have were dealt with by counsel opposite in
10:14:33 20 private session and I would make an application for a private
21 session.

22 PRESIDING JUDGE: The reasons, please, need to go on the
23 record.

24 MR ANYAH: The reasons being the protection of the witness
10:14:46 25 before your Honours.

26 PRESIDING JUDGE: Certainly. For those reasons the Court
27 will go into brief private session for the protection of the
28 witness.

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[At this point in the proceedings, a portion of the transcript, pages 48256 to 48270, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

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

3 PRESIDING JUDGE: Mr Witness, the judges have one or two
4 questions for you, please.

10:50:45 5 JUDGE DOHERTY: Mr Witness, yesterday when you were giving
6 evidence concerning the purchase of arms and ammunition in the
7 southeast of Liberia and Lofa County you said that Benjamin
8 Yeaten sent people to buy arms and ammunition from the LPC and
9 ULIMO. Now, where did the funds to buy those - that ammunition
10:51:17 10 come from?

11 THE WITNESS: Well, for correction's sake, I did not say he
12 sent those men to buy ammunition from the LPC. I said those
13 areas were once controlled - like the southeastern part was
14 controlled by the LPC and Lofa was controlled by the ULIMO. To
10:51:44 15 answer your question, I do not know where he got the money from.

16 JUDGE DOHERTY: So if he sent people there to areas
17 controlled by the LPC or ULIMO, who exactly was he buying the
18 arms and the ammunition from?

19 THE WITNESS: This area was once controlled - at this time,
10:52:14 20 after the elections, it was not under the control of the LPC or
21 the ULIMO, but it controlled it prior to the elections. And I
22 don't know from whom they bought the ammunition.

23 JUDGE DOHERTY: Tell me, was the LPC a friend or an enemy
24 of the NPFL?

10:52:39 25 THE WITNESS: The LPC fought against the NPFL.

26 JUDGE DOHERTY: Likewise, was ULIMO a friend or an enemy of
27 the NPFL?

28 THE WITNESS: ULIMO was not friendly with the NPFL. ULIMO
29 fought against the NPFL.

1 JUDGE DOHERTY: A different topic. You had said in your
2 examination-in-chief - you were describing monitoring and your
3 ability to monitor. For example, you gave an example of a call
4 you monitored between Foday Sankoh and Sam Bockarie. Are you
10:53:20 5 saying that you, as a radio operator, could monitor any calls, be
6 they Government of Sierra Leone, Government of Liberia, or RUF?

7 THE WITNESS: I said, as a radio operator, provided I scan
8 on the frequency, anyone who was transmitting, I could intercept
9 the call and, when the communication is clear to my
10:53:51 10 understanding, I would understand the communication.

11 JUDGE DOHERTY: So would it follow from that that another
12 radio operator could scan and monitor calls you were making?

13 THE WITNESS: Exactly so. Another radio operator could do
14 that. Even during the time of war, LURD used to monitor our
10:54:18 15 communication and intercept our communication and we too did the
16 same thing.

17 JUDGE DOHERTY: And would you know that another operator
18 was listening and monitoring your call?

19 THE WITNESS: You will not know. You won't know. There
10:54:38 20 would be no signal to show that.

21 JUDGE DOHERTY: Thank you. Those were all my questions.

22 JUDGE LUSSICK: Mr Witness, earlier this morning you told
23 us a few things about White Flower. Do you remember Mr Anyah
24 asking you some questions about White Flower?

10:55:02 25 THE WITNESS: Yes, your Honour.

26 JUDGE LUSSICK: And you told us that from the back gate of
27 White Flower you cannot see Benjamin Yeaten's house and also,
28 from the back gate of White Flower, you cannot see Joe Tuah's
29 house. Do you remember saying that?

1 THE WITNESS: Your Honour, I remember saying that from the
2 back fence of White Flower you cannot see Joe Tuah's house, nor
3 Benjamin Yeaten's house, from the back fence. I remember saying
4 the back fence.

10:55:42 5 JUDGE LUSSICK: Just listen to this. This was the question
6 you were asked:

7 "Q. Do you know whether, if you stood at the back gate of
8 White Flower, you can see Benjamin Yeaten's house from
9 there?

10:55:57 10 A. No, you can't."

11 Now that's not the back fence, that's the back gate.

12 THE WITNESS: If the question indicated gate then I did not
13 understand it, but I responded by saying the back fence.

14 JUDGE LUSSICK: This is your response:

10:56:25 15 "From - no, there are houses in between. If you stood at
16 the back area of the White Flower fence, towards Pacos Island you
17 will not see Benjamin Yeaten's house because there are houses in
18 between."

19 You made another reference to fence and now you are saying
10:56:45 20 that's not right, you should have said - I beg your pardon. Yes,
21 you did make a reference to fence. And also in relation to Joe
22 Tuah's house, you were asked this question:

23 "How about Joe Tuah's house, and also the premises that
24 contains Urias Taylor's house, can you see it from the back fence
10:57:11 25 of White Flower?"

26 And your answer was, in effect, you won't see it.

27 Now my question is when were you at the back fence of White
28 Flower? Have you ever been there?

29 THE WITNESS: Yes, I have been to the back fence of White

1 Flower because there is a road leading to the other community. I
2 passed there several times. I have been passing there.

3 JUDGE LUSSICK: So when you were asked this question, "Did
4 you make your way all the way through the premises to the back
10:57:51 5 gate", you answered, "No". But are you saying you know where the
6 back gate is anyway, even though you never made your way there?

7 THE WITNESS: I am saying that the back side of the fence,
8 the back side, there is a road there from the backside of the
9 fence to another community. There is a road there.

10:58:19 10 JUDGE LUSSICK: So what you're saying then is you have been
11 to the back fence but not through the property but along the
12 road. Is that what you're saying?

13 THE WITNESS: What I am saying is that I never entered
14 White Flower from the back side of the fence, but I passed - I
10:58:39 15 passed by the back side of the fence of White Flower and went to
16 another community. There is a road there.

17 JUDGE LUSSICK: All right. I understand now. You're
18 saying that your views from the back of White Flower are in fact
19 from the road outside the back fence of White Flower. Is that
10:58:59 20 what you meant?

21 THE WITNESS: Yes, what I am saying is that at the back
22 fence of White Flower there is a road passing there to another
23 community which I sometimes travel with.

24 JUDGE LUSSICK: All right. Thank you, I understand now.
10:59:20 25 That's my only question.

26 PRESIDING JUDGE: Madam Court Manager, I don't know how we
27 are for time because I have one or two questions for the witness.
28 Is the tape still running?

29 MS IRURA: Your Honour, I am informed that we have two

1 minutes left on the tape.

2 PRESIDING JUDGE: I think we will take my questions after
3 the break, the midmorning break.

4 Mr Witness, you haven't yet finished your evidence but we
11:00:08 5 will have the midmorning break now and reconvene at half past 11.

6 THE WITNESS: Yes.

7 [Break taken at 11.00 a.m.]

8 [Upon resuming at 11.35 a.m.]

9 PRESIDING JUDGE: Ms Hollis, you're on your feet.

11:36:20 10 MS HOLLIS: Yes, Madam President, to note a change of
11 appearance. The Prosecution has been joined by Ms Howarth.

12 PRESIDING JUDGE: Yes. Whilst we're on appearances, I did
13 omit to recognise Mr Gregory Townsend, the head of the
14 sub-office. He has appeared today, particularly because this is
11:36:47 15 his last day with the Special Court for Sierra Leone, as he will
16 be moving to the STL. So our loss will be somebody else's gain.
17 And simply to say on behalf of the judges that we do appreciate
18 you, Mr Townsend, and for everything that you've done for the
19 Court and we do wish you very well in your next job.

11:37:15 20 MR TOWNSEND: Thank you very much, your Honours. I thank
21 all here.

22 PRESIDING JUDGE: Thank you.

23 Now, Mr Witness, we do continue with a few questions from
24 the Bench.

11:37:28 25 JUDGE DOHERTY: Mr Witness, when I was asking you some
26 questions, I omitted to ask you: In the course of your evidence
27 you referred to Mr Benjamin Yeaten and your working and other
28 relationship. Is Mr Yeaten still alive?

29 THE WITNESS: I don't know. Since he left Liberia in 2003,

1 I have not got any information about him.

2 JUDGE DOHERTY: Does that mean, therefore, that you don't
3 know where he's living, if he is alive?

4 THE WITNESS: It means that I do not know whether he is
11:38:07 5 alive, and, even if he is alive, I do not know where he is now.

6 JUDGE DOHERTY: Thank you.

7 PRESIDING JUDGE: Mr Witness, my questions relate to the
8 sketch map that was marked MFI-9A and the Google maps that were
9 shown to you yesterday I think it was, the maps that you said you
11:38:32 10 couldn't read.

11 I'm wondering if, Madam Court Officer, you could show the
12 witness MFI-9B. That's the map, the sketch that he marked, but
13 also to show him the Google map in tab 1.

14 Now, Mr Witness - I said show them to the witness, not put
11:39:53 15 on the overhead, show them to the witness, please.
16 Simultaneously. I want him to look at the sketch map and also to
17 look at the Google map, side by side.

18 Mr Witness, do you see any similarities between the sketch
19 and that map?

11:40:16 20 THE WITNESS: For the sketch here, it's almost like a
21 single drawing; but for this one here, which is from the
22 computer, they have a lot of structures here.

23 PRESIDING JUDGE: Now, can you juxtapose the sketch over
24 the Google map, please; in other words, place the sketch directly
11:40:59 25 over the map. And I'm hoping that, indeed, you are showing the
26 witness the Google map at tab 1; is that what you're doing? Just
27 show me. Let me see. Put the Google map on the overhead so we
28 can all see what it is you're showing the witness. Yes, yes,
29 that is the tab. That's the map in the tab.

1 Now, please - in exactly that direction, put your sketch
2 map, 9B, over. Let the witness do that. Not on the overhead,
3 let the witness do that. Put it over the Google map, juxtapose,
4 put it over and hold the two of them like this; like this,
11:42:38 5 together.

6 Now, Mr Witness, if you keep turning to see, as you're
7 holding this, do you agree that the sketch map is an exact
8 replica of the Google map? Just keep checking. You see the
9 roads follow where the roads, the buildings, Joe Montgomery's
11:43:11 10 house, just keep turning, turning to see the Google map, so that
11 you can see both the Google map and the sketch.

12 Mr Witness, please look at what I'm doing. Okay. I'm
13 holding the pages together juxtapose but I'm checking to see one
14 side.

11:43:42 15 THE WITNESS: Okay, okay.

16 PRESIDING JUDGE: I did not say turn over the page. Do you
17 know the meaning of juxtapose?

18 THE WITNESS: Because the interpreters are - do you mean
19 like this?

11:44:04 20 PRESIDING JUDGE: Yes. Do you know the meaning of
21 juxtapose? It means sitting on top of the other.

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: Okay. Now, would you agree with me that
24 the sketch map is, in fact, a sketch of the Google map underneath
11:44:22 25 it?

26 THE WITNESS: I don't think it is the same. And,
27 furthermore, for this sketch, after it had been explained to me,
28 I think yesterday, this was how I understood it and gave my
29 explanation, based on what was explained to me; but, besides

1 that, I did not understand it too.

2 PRESIDING JUDGE: You see, you told the Court that you
3 cannot read or understand the Google map because it has too many
4 things on it and you just didn't understand it.

11:45:05 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: And I tried to explain to you yesterday
7 that you imagine yourself in an airplane looking down on this
8 area, it's an aerial view of this area. You still couldn't
9 understand. Now, when you were shown a sketch, the sketch is
10 also an aerial view, that you understood.

11:45:24

11 THE WITNESS: Yes, I understood.

12 PRESIDING JUDGE: Would you agree? Would you agree that
13 the sketch is also an aerial view?

14 THE WITNESS: Yes, but for this sketch it was explained,

11:45:45

15 and this area was shown to me that this is White Flower and this
16 is this, so I gave my explanation based on the explanation or the
17 understanding that I gained from this explanation. But, from
18 this Google map, looking at this clear picture, I can't see
19 anything that I could recognise here that is familiar on which I
20 can base my explanation, like what the sketch can explain to me.

11:46:07

21 PRESIDING JUDGE: Yes, but there was nothing written on the
22 sketch either. You were asked --

23 THE WITNESS: Yes, there was --

24 PRESIDING JUDGE: All you were shown was the

11:46:26

25 T-intersection. That was all that counsel opposite - counsel on
26 the Prosecution showed you the T-intersection that you very
27 quickly recognised, and you showed us the houses of Joe
28 Montgomery and B Yeaten.

29 Now, if you look at the Google map, do you not see the

1 T-intersection, as you juxtapose this sketch over? Can you not
2 see the T-intersection?

3 THE WITNESS: Where? Where is it here? Now she has shown
4 it to me that it is here.

11:47:25 5 PRESIDING JUDGE: Can you, on the Google map, see the house
6 of Joe Montgomery?

7 THE WITNESS: You see, your Honour, for this sketch here,
8 they showed to me that this is a T-intersection and that here and
9 here, that was where - what I based my explanation on; that if
11:48:01 10 this is the T-intersection, then this is Joe Montgomery's house
11 and this is Benjamin Yeaten's house. But for this map here, I
12 have not seen something familiar that this is the picture here
13 that is either taken by a computer or a camera. But I have not
14 seen a familiar structure or a landmark on which I can actually
11:48:22 15 base my explanation, because there are a lot of structures here.
16 This map is actually confusing me. I do not understand it, as
17 compared to what this sketch explains to me.

18 PRESIDING JUDGE: Mr Witness, Madam Court Officer just
19 showed you the T-intersection, didn't she?

11:48:51 20 THE WITNESS: Yes. She said this is the T-intersection.

21 PRESIDING JUDGE: And you are telling us that from the
22 T-section you cannot see the two houses, one representing Joe
23 Montgomery and the other representing Benjamin Yeaten from that
24 T-section?

11:49:16 25 THE WITNESS: Okay. If this is the T-intersection, then on
26 the left, across the T-intersection will be Joe Montgomery and
27 then here will be Benjamin Yeaten, but I am not sure whether
28 these are the structures. But should this be the T-intersection,
29 then this will be Joe Montgomery's house and then this will be

1 Benjamin Yeaten's. But what I am saying here about this whole
2 photograph is that I have not seen a familiar thing that I can
3 say, "Oh, yes this is here and this is here", as compared to
4 other photos that are clear that have been shown to me before.

11:49:55 5 PRESIDING JUDGE: Of course, the other thing, Mr Witness,
6 that you attested to in re-examination was the distances between
7 the two houses, Joe Montgomery's house and Benjamin Yeaten's
8 house, which you then stated were too close on the sketch. The
9 reason I asked you to juxtapose the sketch on the map is because
11:50:21 10 this is the exact distance given in the Google map. And you also
11 said the distances between Joe Tuah and Urias's house and White
12 Flower was also too short in the sketch. But when you juxtapose
13 the sketch on to the map, these are as near distances as possible
14 to a Google map; a Google map is a photograph of the area.

11:50:55 15 THE WITNESS: Yes, your Honour. In talking about the
16 nearness of houses, I said that on this sketch here, looking at
17 this sketch, the distance from Benjamin Yeaten's house to that of
18 White Flower here, is close on the sketch here. But the actual
19 distance on the ground is longer than what is being shown here.
11:51:17 20 And then in relation to Montgomery's house and Benjamin Yeaten's
21 house, I said they shared a common fence. There is a fence in
22 between. That was the relationship that I spoke about here.

23 PRESIDING JUDGE: I'm sticking with the distances.
24 Sticking with the distances on the sketch and looking at the
11:51:42 25 Google map, would you not say that you are wrong when you say
26 that the distances between Joe Montgomery's house and Yeaten's
27 house is not accurately reflected?

28 THE WITNESS: Yes, your Honour, I never focused on - I
29 never said the distance between Joe Montgomery's house and

1 Benjamin Yeaten's house. I said the distance between Benjamin's
2 house and that of White Flower fence on this sketch map was short
3 - shorter than the actual distance on the ground there. But for
4 Joe Montgomery's house and Benjamin Yeaten's house, the only
11:52:33 5 comment that I made there, for which they asked me about, was
6 that I said they had - they had a common fence sharing boundary,
7 but I did not talk about their closeness or their distance apart.
8 In terms of distance, I talked about Benjamin Yeaten's house to
9 White Flower and from Urias Taylor's house to White Flower.

11:52:58 10 PRESIDING JUDGE: Okay. The distance between Benjamin
11 Yeaten's house and the wall fence of White Flower on the sketch
12 is basically the same distance as that on the Google map, even
13 though you say you don't understand or don't follow, but
14 actually, if you juxtapose the sketch over the map, you will see
11:53:21 15 that whoever drew this sketch literally traced - traced and
16 copied the Google map into a sketch. Would you still say that
17 the distances are, in reality, longer than depicted on the
18 sketch?

19 THE WITNESS: Your Honour, you see, the problem here is -
11:53:54 20 you see, on this photo, I'm seeing here on this sketch here the
21 distance here is shorter. But if it was something that I knew
22 about the distance - actual distance calculation, I would have
23 commented that the distance calculated is shorter than the
24 distance here. But looking at the picture, what I'm seeing here
11:54:14 25 is that on the sketch map here, as they drew it, it makes
26 Yeaten's house somehow closer to the fence of White Flower.

27 PRESIDING JUDGE: There are no further questions from me.
28 Any questions arising from the judges's questions?

29 MR ANYAH: Yes, Madam President, I have questions but I

1 yield first to counsel opposite.

2 MS HOLLIS: Well, it's Defence counsel's witness, so I
3 allow Defence to go first.

11:54:49

4 PRESIDING JUDGE: But Defence has always the right of
5 reply, so you go first, Ms Hollis

6 FURTHER CROSS-EXAMINATION BY MS HOLLIS:

11:55:17

7 Q. Mr Witness, when you were looking at both the sketch and
8 the map, in fact, Mr Witness, you were able to see that the
9 sketch was basically drawn from the map. You were able to see
10 that, weren't you, Mr Witness?

11 PRESIDING JUDGE: Please leave the sketch and the map
12 before the witness. He hasn't finished.

13 MS HOLLIS:

11:55:44

14 Q. Mr Witness, as you compared the Google map and the sketch,
15 you were able to see quite clearly that basically this sketch was
16 drawn from that Google map. You were able to see that, weren't
17 you?

11:56:11

18 A. I don't know whether they drew it from it. I don't know,
19 because on this Google map there are a lot of structures that are
20 not on this map. So I don't know whether they drew it directly
21 from here or they just looked at it and drew it, I don't know.

11:56:35

22 Q. Well, Mr Witness, as you look at the Google map itself,
23 your attention was drawn to the T-intersection and you said if it
24 was the T-intersection leading to the houses of Benjamin Yeaten
25 and Joseph Montgomery, you were able to show the judges where
26 Joseph Montgomery's house would be and where Benjamin Yeaten's
27 house would be, correct?

28 A. Yes, I said from this T-intersection if - should this be
29 the T-intersection, then the two houses here behind the

1 T-intersection will be Joe Montgomery's house and Benjamin
2 Yeaten's house. That was what I said.

3 Q. And looking at that Google map, do you agree that that
4 Google map shows accurately the distance between the White Flower
11:57:19 5 compound and the house of Benjamin Yeaten?

6 A. I don't know the distance calculation between Benjamin
7 Yeaten's house and that of White Flower fence, so I wouldn't say
8 it is correct. But what I commented on was that the distance on
9 the sketch map has been drawn closer, but the actual distance on
11:57:50 10 the ground in Liberia is further than this.

11 Q. Now, Mr Witness, you were able to say, looking at the
12 sketch, that the distance made it seem closer. When you look at
13 the map, are you telling the judges that the map makes the
14 distance look closer?

11:58:10 15 A. Looking at the map here, to me, the distance is a little
16 bit wider than the distance on the sketch. That is how I see it.

17 Q. Mr Witness, listen very carefully to my question. I'm
18 talking to you about the map, and that is what your frame of
19 reference is; the map. Now, as you look at the map, are you
11:58:37 20 telling the judges that on the map the distance between Benjamin
21 Yeaten's house and White Flower appears to be closer than it
22 actually is? Are you telling the judges that?

23 A. Yes.

24 Q. So you think that this map is incorrect as well, is that
11:58:58 25 what you're saying? This photograph, this Google map photograph,
26 are you telling the judges you think this Google map photograph
27 is incorrect as well?

28 A. I am telling the judges that this map showing the distance
29 - it shows it closer to me. I don't know whether it is correct,

1 but to my sight it appears shorter than when it compares to the
2 actual distance between Benjamin Yeaten's house and that of the
3 fence of White Flower.

11:59:39 4 Q. Mr Witness, isn't it much more likely that you simply are
5 misremembering the distance between Benjamin Yeaten's house and
6 White Flower?

7 A. I am saying that I do not know the distance in terms of a
8 distance calculation, in terms of metres or miles between
9 Benjamin Yeaten's house and that of White Flower. But what I'm
12:00:05 10 saying, at the real scene, the scene is far apart from one
11 another as it is there in Liberia. But on the map, it shows it
12 to be closer to each other. It shows that the distance between
13 Yeaten's house here on this map and that of the fence of White
14 Flower on this map here, it shows that they are a little closer
12:00:30 15 to each other.

16 Q. One other question relating to Judge Doherty's questions
17 about where Benjamin Yeaten got the money to buy the ammunition
18 from these areas that once were controlled by the LPC and
19 ULIMO-K.

12:00:48 20 Mr Witness, you have told the judges a lot of things that
21 Benjamin Yeaten confided in you. Can you explain to the judges
22 why you were never told the source of the money that Benjamin
23 Yeaten used to buy this ammunition?

24 A. The reason there is that Benjamin Yeaten was not
12:01:21 25 accountable to me. He was my boss, and I only hear from him what
26 he decides to tell me. Or sometimes some of the information I
27 hear are those things that he says when I'm present, but he was
28 not accountable to me - to him. He was not accountable to me, I
29 was accountable to him.

1 Q. Fair enough. So your evidence is that he told you all
2 these other things you have talked about, but he never told you
3 where he got the money to buy the ammunition. Is that correct?

12:02:02

4 A. The evidence is that what he told me is what I explained to
5 this Court. I did not say he told me all that he told me, but
6 what he told me is what I have told this Court.

7 Q. Did anyone else ever tell you where the money came from to
8 buy this ammunition?

12:02:26

9 A. I do not know where the money came from. Nobody ever told
10 me where the money came from.

11 MS HOLLIS: Thank you, Madam President. I have no further
12 questions.

13 PRESIDING JUDGE: Mr Anyah, please.

14 MR ANYAH: Thank you, Madam President.

12:02:42

15 FURTHER RE-EXAMINATION BY MR ANYAH:

16 Q. Mr Witness, a couple of questions. Madam Court Officer,
17 please leave the documents there. In relation to a question you
18 were asked by Justice Lussick about the back area of White
19 Flower, do you remember questions this morning about the gate
20 vis-a-vis the fence and you mentioned the road behind White
21 Flower. Now, when you went to White Flower in 2003, your one
22 visit to White Flower, when you entered inside the premises of
23 White Flower, did you make your way all the way through the
24 premises to the back gate of White Flower? I'm speaking now of
25 your visit in 2003.

12:03:20

26 A. No, I entered through the gate facing Tubman Boulevard and
27 I stopped right in front of White Flower, by the step. There is
28 a step there, that was where I met the President and we carried
29 on with whatsoever discussion and I left. I did not go to the

1 back. I did not go to the back.

2 Q. Thank you, Mr Witness. Now, regarding --

3 A. Yes. And I want to talk on a certain thing that has to do
4 with this back gate business. I am not arguing against the fact

12:04:08 5 that there should have been a gate at the back of White Flower.

6 But what I'm saying is that I do not recall or I did not take
7 notice of the back gate at the back fence of White Flower. I am
8 not saying that there was either a gate there or that there was
9 no gate there, but I do not recall seeing a gate there.

12:04:33 10 Q. But do you recall seeing a fence at the back of White
11 Flower? And I'm not asking you vis-a-vis your visit in 2003. Do
12 you know whether there was a fence behind White Flower at the
13 time you were stationed at Base 1 from late 1998 until 2003?

14 A. Yes, I recall that the entire property of White Flower was
12:05:00 15 surrounded by a high fence.

16 Q. Thank you, Mr Witness. Now, let's look at these images
17 MFIs 9A and 9B. Mr Witness, before you came to Court, have you
18 ever seen previously an aerial photograph, that is, a photograph
19 taken from the sky?

12:05:19 20 A. No.

21 Q. Do you know what Google is?

22 A. I just heard it from the Court. I don't know. I was even
23 thinking that it was the name of a human being.

24 Q. When you look at what is said to be a Google image, if you
12:05:45 25 look at it closely, in the centre of it at the bottom, do you see
26 a year there next to the name "Google"?

27 A. Yes, I am seeing 2010 here. I don't know whether it is
28 year, but I'm seeing 2010.

29 Q. And what time were you stationed at Base 1 again?

1 A. I was at Base 1 from late 1998 to 2003.

2 Q. Do you know what time period this image depicts or
3 represents? That is, what year that these structures that are
4 reflected on this photograph were as they are? That is, do you
12:06:43 5 know the time frame when this thing was taken?

6 A. I don't know.

7 Q. As you look at that photograph, does it resemble your
8 understanding of the area around White Flower and Benjamin
9 Yeaten's house when you were there between 1998 and 2003?

12:07:04 10 A. No. This is why I am saying that this picture does not
11 show me anything that I remember or something that I am familiar
12 with.

13 Q. Do you see to the left of that Google image there is a line
14 drawn and there is something like a scale that says 79 metres, to
12:07:30 15 the bottom left of the Google map? Do you see the line I'm
16 referring to?

17 A. Yes, I have seen it.

18 Q. And it has the number 79 written there?

19 A. Yes, 79M.

12:07:51 20 Q. Do you see any such scale indications on MFI-9B, the
21 hand-drawn version? Do you see any scale provided on that
22 document?

23 A. No, there is no scale here.

24 MR ANYAH: Madam Court Manager, may the transcript of
12:08:13 25 6 September, Monday this week, 2010, be pulled up. In particular
26 page number 48072, please.

27 Q. Yes, Mr Witness. On Monday of this week, learned counsel
28 opposite was going through these documents with you. And I want
29 you to listen to a response you gave to counsel in respect of a

1 few questions. Let's start at line number 8. A question was
2 asked of you:

3 "Q. Then, behind that, towards White Flower was be Urias
4 Taylor's house, is that correct?

12:09:02 5 A. Behind that, towards White Flower, but far away from
6 White Flower.

7 Q. Well --"

8 And then you answered, you said:

9 "A. When you are here - when you are in Joe Tuah's house,
12:09:17 10 you do not see - and at Urias Taylor's house you do not see
11 White Flower because it is below the hill."

12 Now, Mr Witness, what hill are you referring to in that
13 response?

14 A. The hill is that the fence of White Flower is built over a
12:09:42 15 hill. The hill that moves from the street, from Tubman
16 Boulevard, all the way down to Benjamin Yeaten's house, it's up
17 the hill.

18 Q. Mr Witness, do us a favour, because not everybody here
19 perhaps has been to this area of Monrovia. So kindly switch
12:10:00 20 seats, and could the diagram be displayed, in particular, the
21 Google map, and describe for us this hill you are referring to.

22 PRESIDING JUDGE: Are you asking the witness to show us the
23 hill on the Google map or on the sketch?

24 MR ANYAH: I mean the Google map. He can show the area
12:10:29 25 where he says it is, even though it's an aerial image.

26 Q. Mr Witness, you have referred to a hill. Can you use a pen
27 and tell us what area you referred to as a hill.

28 A. From this map, I am unable, but I can try using the sketch
29 that had been given to me.

1 Q. Very well. May the witness be shown MFI-9B, thank you.

2 PRESIDING JUDGE: It was the B, not D.

3 MR ANYAH: I said B; thank you, Madam President.

12:11:13

4 Q. Now, Mr Witness, please point for us the general area that
5 you say is hilly or a hill.

12:11:50

6 A. Okay. With the understanding that they said this map shows
7 this being White Flower and this being the T-intersection, then
8 from the junction here, of this street, from the junction of this
9 street going down, let's say up - all around here is up the hill;
10 it's on top of the hill. The entire place is a hill, here, going
11 down this way. And near the edge of the White Flower fence, by
12 the real thing, when you get down you will see a school building,
13 a single school building, near the White Flower fence. That is
14 where the hill ends. And then when you go down again, between
15 Musa N'jie's house, and a few other houses, there is also a hill
16 there.

12:12:21

17 Q. If I can stop you for a moment. Remember to go slowly.
18 Just take it easy. Now, where is the top of the hill in relation
19 to that diagram? Point to the area of the diagram where you say
20 the top of the hill is.

12:12:42

21 A. The top of the hill is here, by the intersection of this
22 street that is going down to Pacos Island and that of
23 Tubman Boulevard. The entire area where White Flower is built is
24 on top of a hill.

12:13:02

25 Q. And where do you say is the bottom of the hill?

26 A. Okay. At the bottom of the hill, when you walk down this
27 street, coming to the edge of the fence of White Flower, you see
28 that the hill ends here. And again, between the fence of White
29 Flower, between the fence of White Flower and Montgomery - no,

1 not Montgomery - Joe Tuah and Urias Taylor, there is a little
2 hill in between here also, that is - Musa N'jie's house is here
3 and there are some other houses here. Behind them, towards Joe
4 Tuah and Urias Taylor, there is a little hill there also. And
12:13:54 5 below there is where you find Urias Taylor's house and Joe Tuah.
6 So, when you are here, when you are here, you do not see clearly,
7 White Flower clearly, due to the fact that there is a hill; that
8 is number one, and, secondly, the flower plants that is in
9 between Urias Taylor's house, and that is the area where you find
12:14:18 10 Musa N'jie's house and others. That flower blocks the view.

11 Q. Which premises sits lower between White Flower and Musa
12 N'jie's house? Using the same elevation, as an example, which
13 one would sit higher or lower in that particular area of Congo
14 Town in Monrovia?

12:14:43 15 A. In this particular area, Musa N'jie's house is higher than
16 Joe Tuah and Urias Taylor's house.

17 Q. How about between Musa N'jie's house and White Flower,
18 which is higher, one versus the other?

19 A. Between Musa N'jie's house and White Flower you can clearly
12:15:08 20 see the fence of White Flower.

21 Q. Is Musa N'jie's house higher or lower than White Flower?

22 A. Musa N'jie's house is lower than White Flower; it's even
23 lower than the fence of White Flower, very low.

24 PRESIDING JUDGE: Could the witness perhaps on his sketch
12:15:31 25 map point to the house of where Musa N'jie's house would be.

26 Just point to us and show us where Musa N'jie's house would be.

27 THE WITNESS: According to this sketch, Musa N'jie's house
28 would be somewhere here. Somewhere here. At the back fence of
29 White Flower. Musa N'jie's house is not far away from the fence

1 of White Flower, the back fence.

2 MR ANYAH: Thank you, Mr Witness.

3 Q. Now, Mr Witness, on either that sketch, MFI-9B, or the
4 Google map that you are shown, is there anything on either of
12:16:27 5 those documents that indicates that what you are looking at is a
6 slopey area of Congo Town?

7 A. No, it's flat.

8 Q. Is there anything to indicate a hill present in that
9 sketch?

12:16:44 10 A. No, I am not seeing anything that indicates a hill.

11 Q. How about on the Google map? Does it take into account the
12 fact that that area of Monrovia is hilly?

13 A. From the view I am seeing here, the entire map is like an
14 entire flat land, a lowland, no hills.

12:17:14 15 Q. Thank you, Mr Witness.

16 I have nothing further.

17 PRESIDING JUDGE: Thank you. We have some exhibits to take
18 care of. We'll start with the Defence.

19 MR ANYAH: Thank you, Madam President.

12:17:33 20 Madam President, we move, with respect, to have all
21 exhibits marked for identification admitted into evidence, and I
22 will point out that some of them, at the time when they were
23 marked for identification, I made the request that they be
24 treated confidentially. I will make an indication as to those
12:17:52 25 ones.

26 Madam President, you will remember marking 21 photographs
27 for identification, MFI-2, photographs 1 to 21. Now, some of
28 those have indications by the witness as to his signature and DCT
29 number. The first of those is MFI-2E, and I'm using the document

1 provided by Madam Court Manager. But the Defence photograph
2 number for that one is 289, that's D-289.

3 The second one, Madam President, would be --

4 PRESIDING JUDGE: DP-289?

12:18:42 5 MR ANYAH: Yes, that's correct, DP-289.

6 The next one would be DP-293. 293.

7 PRESIDING JUDGE: Could you please refer to the MFI number?

8 MR ANYAH: Yes, Madam President. It would be MFI-2I,
9 DP-293. The next one would be MFI-2K, DP-295. The next one
12:19:28 10 would be MFI-2N, DP-298. And the last one would be MFI-2S,
11 DP-303.

12 With respect to the Prosecution exhibits, to the extent
13 that I learned counsel opposite intends to move to have all
14 admitted, I have an objection to one and I have an application as
12:20:15 15 to another, and, besides those two, I have no quarrels with the
16 rest being admitted, and I will give an indication now as to
17 which ones.

18 The one that I have a request about is what was marked as
19 MFI-4. This is a photograph showing Oretha Gweh, Charles Taylor
12:20:39 20 and Benjamin Yeaten. That photograph was previously admitted
21 before this Court as Defence exhibit 414 and also as Prosecution
22 exhibit 387. My application is this:

23 The current version before your Honours has notations
24 written around it, script, or text, about when the photograph was
12:21:01 25 taken and the like. When it was admitted on the two previous
26 occasions before your Honours, your Honours admitted only the
27 photograph and not the text, and I make the same application
28 today. The first time it was admitted was on 3 March 2010 and,
29 at the time of admission, at page 36623, lines 20 to 22,

1 Madam President admitted it without the caption or text around
2 it.

3 The second time the document was admitted was on
4 31 May 2010, and at pages 41665, lines 24 to 28, it was admitted
12:21:45 5 without the text around it.

6 And so on this particular occasion I make the same
7 application that, to the extent that they move it to be admitted,
8 I would have no objection if it was admitted without the text
9 around it.

12:21:59 10 The one that I take exception to, that I object to, is
11 MFI-7. This was considered in private session but I can speak to
12 it without revealing any details.

13 This is the alleged roster of the SSS, ATU and Border
14 Patrol Unit. I object to the first page of that document being
12:22:22 15 admitted. I do not object to the rest of it, at least, the pages
16 that counsel referred to, being admitted. I object to the first
17 page for a number of reasons: The fact that it has no date; the
18 fact that it refers to the SSU when the subsequent pages, at
19 least the caption of the second page, in particular, does not
12:22:51 20 refer to the SSU; and in sum and substance, my position, or our
21 position, is that that first page does not go with the rest of
22 the document. The rest of the document has a date. The first
23 page has no date.

24 So our position is it does not go with the rest of the
12:23:09 25 document and it would be misleading to admit it as such, and so I
26 object to that page going in.

27 JUDGE DOHERTY: Mr Anyah, would you refresh my memory. Did
28 - am I correct in recalling that the witness identified the
29 signature of the person who signed that covering letter?

1 MR ANYAH: Your Honour Justice Doherty, I do not believe
2 that the witness did because the witness said that he did not
3 know that person. A question was asked of the witness if the
4 witness knew who signed the document or was familiar with that
12:23:47 5 person, and I believe that the witness said they did not know the
6 person. I'm trying to find the portion of the transcript where
7 this was covered with the witness and I might be able to do it in
8 a moment.

9 PRESIDING JUDGE: That is my recollection, Mr Anyah. The
12:24:07 10 witness was asked and he did indicate he didn't know this person.

11 JUDGE LUSSICK: And the other thing, Mr Anyah. I seem to
12 recall the witness saying that the SSU has since ceased to exist
13 and the members are now members of the SSS.

14 MR ANYAH: I think he said the ATU.

12:24:33 15 JUDGE LUSSICK: I beg your pardon. Yes, that's quite
16 right. The SSU are now members of the ATU.

17 MR ANYAH: Yes.

18 JUDGE LUSSICK: And that may well be why page 2 doesn't
19 refer to the SSU.

12:24:46 20 MR ANYAH: Yes.

21 JUDGE LUSSICK: So, in other words, what I'm saying is
22 that's evidence that says perhaps page 1 does belong with the
23 rest of the document.

24 MR ANYAH: I actually, with respect, view it the opposite
12:24:57 25 way; that because page 1 mentions something and the rest does
26 not, they don't go together. Page 1 mentions the SSU, but I'm in
27 the Court's hands, I can only make my objections and I've made my
28 objection to that.

29 I also misspoke. I said I had only one objection. I

1 actually have two objections. My last has to do with the witness
2 summaries that were marked for identification yesterday.

3 These are now MFIs 11A and 11B. MFI-11A is the witness's
4 summary from 10 July 2009, filed under CMS 809. MFI-11B is the
12:25:41 5 witness's summary dated 29 January 2010, filed under CMS 897. I
6 object to both of those for reasons that were indicated yesterday
7 to the Court. Namely, they were not discussed directly with the
8 witness during the cross-examination by counsel opposite and they
9 should not be admitted because they are identical in every way to
12:26:14 10 MFI-11C, the summary from 12 May 2010.

11 So that's our position. Thank you.

12 PRESIDING JUDGE: Thank you, Mr Anyah.

13 Ms Hollis, perhaps you could begin with your comments on
14 the Defence exhibits and then proceed on to your own exhibits.

12:26:33 15 MS HOLLIS: Thank you, Madam President. We have no
16 objections to the Defence exhibits.

17 We do move that all exhibits that we asked to be marked for
18 identification be admitted into evidence.

19 In relation to MFI-4, we have no issue with the request
12:26:59 20 that was made by Defence counsel in terms of the text that
21 appears on that photograph, because that is consistent with what
22 the Court has done previously. So we have no issue at all with
23 the Court only considering the photograph and not the text.

24 In relation to MFI-7, the entire document, as presented to
12:27:25 25 your Honours, should be admitted. The Defence counsel arguments,
26 we suggest, do go to weight. If we look at the first page of
27 this document, "Republic of Liberia, Special Security Service to
28 Honourable Benjamin Yeaten, Director", we know that he was the
29 director of the Special Security Service. And if we look at the

1 first paragraph of that first page:

2 "As per your directive to submit to you the complete roster
3 of men of the SSS, ATU and Special Border Patrol Unit, I herewith
4 submit same for your review."

12:28:18 5 In the first paragraph there is no mention or break down
6 including the SSU. The SSU was a unit that did transform into or
7 the personnel moved into the ATU. And the fact that the SSU is
8 mentioned here may very well simply be a matter of a transition
9 period. However, the fact that the SSU and the ATU are both
12:28:46 10 mentioned we suggest is further evidence of why the document
11 should be admitted because, indeed, SSU did transition into the
12 ATU, or at least the personnel did.

13 So if we look at the first paragraph of the cover letter,
14 and then we look at the second page, which does contain a date,
12:29:12 15 then we have, "Complete roster for the SSS, ATU and Border Patrol
16 Unit." Border Patrol Unit does not have Special, but we suggest
17 it is close enough that, for purposes of admitting this document,
18 this document should be admitted with the roster.

19 So we believe that it is sufficient on its face to be
12:29:42 20 admitted for your Honours to consider and to determine what
21 weight that you may decide to give this document. That is our
22 response in relation to MFI-7 and we would ask that you admit the
23 entire document.

24 Shall I continue with the summaries as well?

12:30:11 25 In relation to the objections to MFI-11A and 11B, we will
26 restate what we have indicated yesterday. We made it clear when
27 we spoke with your Honours in our submission requesting
28 statements, that versions 3, 4 and 5 were identical but were
29 submitted at different dates. The Prosecution determined it

1 would be a waste of Court time and inefficient for us to go to
2 each of these three summaries as they were identical. For that
3 reason, the questions put to this witness were that various
4 aspects of his story were different and the difference occurred
12:31:06 5 after 12 May 2010. That meant that from the time that they began
6 to take his information, until 12 May 2010, his story was
7 different. And, indeed, he talked to you about the times that he
8 was interviewed and he, himself, said, "Yes, this is different
9 than what I told the people in Monrovia."

12:31:35 10 He also indicated in relation to contradictions or
11 inconsistencies, at times he said, "Well, I did tell the people
12 in Monrovia that but it did not, for some reason, find its way in
13 the summary." Or he said, "Yes, indeed, what I told the people
14 in Monrovia was different."

12:31:56 15 It is important for your Honours to have these summaries
16 because it is indicative that from 10 July 2009, through
17 12 May 2010, this witness's supposed testimony was diametrically
18 different than what the witness testified to in court in regard
19 to the substantial parts of his testimony. We believe that it is
12:32:25 20 important that your Honours have these summaries and that you
21 have all of the summaries to look at, because what is not in the
22 summaries is as important for your evaluation as what is
23 inconsistent or contradictory in the summaries.

24 So we do request that you take all of these summaries,
12:32:46 25 because we think it's important for completeness and to show this
26 change after a year or more with this witness.

27 Now, the Defence argues two things that seem to be somewhat
28 contradictory. First they argue that they should not be put into
29 evidence because they were not put to the witness, but then they

1 argue that they're all the same. So, again, we go to how do we
2 properly use Court time? Going to all three identical summaries
3 would have been a waste of Court time, but the questions were
4 fashioned in such a way as to make it clear that this witness had
12:33:32 5 said the same thing, the same incorrect things, from the first
6 summary - from the first interviews, through 12 May. Only after
7 that had the witness changed his story. So, for those reasons,
8 we ask your Honours that you do admit all of these summaries.

9 One last matter before I sit down, Madam President.

12:33:57 10 Questions arising from the Bench involve the use of the Google
11 Earth photograph that was at tab 1. It was put to the witness,
12 the witness reviewed it, there were follow-up questions from both
13 parties about it. We would ask that your Honours also admit into
14 evidence that Google Earth photograph which was referred to and
12:34:23 15 was given to the witness and the witness did consider it. So we
16 would ask that as well, Madam President.

17 PRESIDING JUDGE: Ms Hollis, would you be agreeable to
18 generically giving it a similar number as MFI-9A, B and this
19 would now be 9C?

12:34:44 20 MS HOLLIS: We think that would be most efficient, Madam
21 President. Thank you.

22 PRESIDING JUDGE: And would the Defence object?

23 MR ANYAH: We object to the admission of the Google map.
24 Yes, we do. And we do not believe that the witness has displayed
12:35:02 25 sufficient familiarity with this image, although it comes now
26 through the Court. And given questions posed of the witness, and
27 how this whole matter arose, considering also his responses to
28 questions that were posed by counsel opposite in chief on
29 6 September, we do not think that this document should be

1 admitted.

2 More than anything else, as far as we are concerned, what
3 appears on the record reflects the understanding of others about
4 this document more so than it does the witness. Thank you.

12:35:45 5 MS HOLLIS: May the Prosecution respond to that objection?

6 PRESIDING JUDGE: Yes, please.

7 MS HOLLIS: Madam President, what is important about this
8 Google map: This witness does not have to adopt it, but we
9 suggest it is relevant in assessing the witness's credibility

12:36:02 10 when he talks about his view of the distance between these houses
11 and White Flower. And we also suggest that it goes to his
12 broader credibility when he purports not to be able to see
13 anything in this photograph which is similar to the diagram, even
14 after being asked to juxtapose the diagram with the photograph.

12:36:30 15 It has been referred to. It is important for the record,
16 as well as for assessing credibility of this witness, that it be
17 an exhibit and the witness's statements as to whether he is able
18 to actually understand it or identify anything on it, would go to
19 what weight would eventually be given to this document by your
12:36:52 20 Honours. But we would ask that it would be admitted, and we
21 think it would be proper for it to be admitted.

22 PRESIDING JUDGE: Thank you. We will confer.

23 [Trial Chamber conferred]

24 Right. I'm going to start with the findings or holdings of
12:39:50 25 the Trial Chamber on the various MFIs and documents that are
26 still in contention between the parties.

27 And in this case I want to start with MFI-11A and 11B,
28 which are the Defence witness summaries of this witness for the
29 dates - unfortunately, there is no date on the first one.

1 Anyway, MFIs 11A and B. The first summary has not been dated on
2 our documents here, but the view is that these will be admitted
3 by a majority of the Trial Chamber and Justice Lussick will state
4 the reason for the majority; the majority being Justice Lussick
12:40:54 5 and Judge Doherty.

6 JUDGE LUSSICK: Well, the reasons are that it's
7 acknowledged that the content of the summaries in question is not
8 in issue, and, obviously, the best evidence of those summaries is
9 the summaries themselves. Now, those summaries, and I'm
12:41:19 10 referring to the contents of the summaries prior to 12 May 2010,
11 were the basis of a substantial part of the cross-examination.
12 And, that being the case, the majority is of the view that it's
13 proper that such summaries now become part of the evidential
14 record. That is the reason why we say these summaries are to be
12:41:48 15 admitted into evidence.

16 PRESIDING JUDGE: And just for completeness, on those two
17 MFIs, my reasons for disagreement are - or dissent are very
18 simple in that I'm of the view that any document that is admitted
19 for evidence in the course of a witness's oral testimony should
12:42:20 20 be shown to the witness in order for the witness to speak to the
21 document, whether his evidence is, "I do not know what that
22 evidence is," or, "I cannot understand what the evidence is", or
23 whatever his testimony may be, the witness should, in fairness,
24 be shown the document and the assertion of the party showing the
12:42:44 25 document should also be put to the witness for the witness to
26 speak to the document and to answer the assertion. This, in my
27 view, was not done for MFIs 11A and 11B and for reasons of
28 fairness I would exclude them.

29 I will now return - let me give the Court's findings on the

1 other documents objected to.

2 The first document, of course, was MFI-4, that the parties
3 have now agreed may be admitted without the captions. So that is
4 not problematic any more.

12:43:28 5 MFI-7, this is the roster or the document entitled "Roster
6 for the SSS", et cetera, with the letter accompanying it. Now,
7 we've taken note of the objections relayed by Mr Anyah on behalf
8 of the Defence.

9 We are, however, of the view that, under our rules, these
12:43:52 10 objections does not go to admissibility, they simply go to
11 weight. In that regard, we do agree with the Prosecution that
12 the document may, indeed, be admitted and due weight will be
13 given to all the points that the Defence have raised in due
14 course.

12:44:10 15 The question of the Google map, that is the document that
16 would now be MFI-9C, that is the Google map. Again, the Chamber
17 is of the view that the map was referred - this was a document
18 that was referred to the witness and the witness did speak to it,
19 even if his evidence was that he didn't understand the document.

12:44:38 20 And so it formed part of his testimony in that regard. So,
21 again, the objections will go to weight and will go also to
22 credibility and assessment and the total assessment of the
23 evidence of this witness and everything he has said will be taken
24 into account in considering this Google map. So the Defence
12:45:05 25 objections to that document are also overruled.

26 Now, that having been said, I'm going to start admitting
27 these documents and allocating exhibit numbers.

28 Starting with MFI-33, this was a piece of paper on which
29 the witness wrote, I think, four names - or wrote a group of

1 names confidentially. That will now be admitted as exhibit D-450
2 and will be marked confidential.

3 Madam Court Manager, I hope I'm correct in the numbering.
4 Yes.

12:45:55 5 MFI-1 was the next document. This was also another piece
6 of paper on which the witness wrote several names confidentially.
7 This is now admitted as exhibit D-451 and will be marked
8 confidential.

9 [Exhibits D-450 and D-451 admitted]

12:46:23 10 Now, MFI-2A to U, these were 21 photographs generically
11 given the same MFI numbers, MFI-2A, B, C, through U. Now, these
12 documents are going to be given the same generic number, that's
13 exhibit D-452A to U respectively, with this caveat: Photographs
14 E, I, K, N, S, these photographs will be marked confidential.

15 [Exhibits D-452A to U admitted]

16 The next MFI is MFI-3 and this was a photograph which is a
17 replica of exhibit P-493E, as now marked by the witness. This is
18 going to be admitted as exhibit D-453.

19 Yes, Mr Anyah?

12:47:58 20 MR ANYAH: Yes, Madam President. I did not remember to ask
21 that this be marked as confidential. I believe the witness
22 signed the back of this document, and so I would make that
23 application now; that it be marked as confidential to that
24 extent.

12:48:15 25 PRESIDING JUDGE: Does the Prosecution object?

26 MS HOLLIS: No, if the witness signed it using his name, we
27 have no objection.

28 PRESIDING JUDGE: I don't know if he signed it using his
29 name. But I think to be on the safe side, we will mark it

1 confidential. So that will be exhibit D-453 and it will be
2 marked confidential.

3 [Exhibit D-453 admitted]

4 And those were the Defence exhibits.

12:48:47 5 Now, for the Prosecution exhibits, we start with MFI-4,
6 which was a replica of exhibit P-387, as now marked by this
7 witness. That photograph is admitted into evidence without the
8 captions, but with the markings of the witness, as exhibit P-591.

9 The photograph that was MFI-5, as marked by the witness, is
12:49:37 10 now exhibit P-592. I do not know if the witness signed this
11 photograph. Can I be advised, Madam Court Manager?

12 MS HOLLIS: Madam President, I can tell your Honours that I
13 asked that the witness put the DCT number on, and I'm hopeful
14 that there was no signature of a name.

12:50:01 15 PRESIDING JUDGE: We will ascertain. Is there a signature?
16 There is no signature, so there's no need to have that one
17 confidentially. So it's merely exhibit P-592.

18 MFI-6, this was the document entitled "Liberian Codes
19 Revised, Volume 3" and it comprised pages 1, iv, vi and pages
12:50:49 20 283, 284, 285 and 286. Collectively, that is now exhibit P-593.

21 The document entitled "Complete roster for the SSS, ATU and
22 Border Patrol Unit", and this is a document comprising a cover
23 letter and four pages accompanying it as described in the MFI-7,
24 that is now admitted as exhibit P-594.

12:51:35 25 The photograph MFI-8, which was a replica of exhibit
26 P-3730, as now marked by the witness, is admitted as exhibit
27 P-595. And I would like to know if there's a signature on that.
28 There is no signature on that, so that need not be marked
29 confidentially.

1 [Exhibits P-591 to P-594 admitted]

2 MFI-9A, 9B and 9C, these are the sketch map - the
3 hand-drawn sketch map is without any writings. This is a
4 hand-drawn sketch map by the Office of the Prosecution, depicting
12:52:49 5 a map of White Flower and its neighbourhood. This is MFI-9A. It
6 is now going to be admitted as exhibit P-596A.

7 Now, the same sketch, or a replica of that sketch, as
8 marked by the witness, is going to be admitted as exhibit P-596B
9 and the Google map of White Flower and its neighbourhood is going
12:53:30 10 to be admitted as exhibit P-596C.

11 [Exhibits P-596A to C admitted]

12 The next document is MFI-10, and this is an open session
13 transcript from the case of the Prosecutor versus Alex Tamba
14 Brima and others, transcript of 7 October 2005, pages 110, 111,
12:54:04 15 and the last page 104 indicating the witness's names, are
16 admitted as exhibit P-597.

17 [Exhibit P-597 admitted]

18 The summaries that were marked there, there are four
19 summaries, yes, there are four summaries, A, B, C, D that were
12:54:35 20 marked as MFI-11A, B, C and D are now going to be admitted into
21 evidence as exhibit P-598A through D respectively.

22 [Exhibits P-598A to D admitted]

23 Mr Witness, I want to thank you for your evidence. You
24 have now come to the end of it, and we wish you a safe journey
12:55:13 25 home, when you do return home.

26 THE WITNESS: Thank you. Thank you.

27 PRESIDING JUDGE: So the witness may actually be escorted
28 out.

29 Now, Mr Anyah, could you please address the Bench on the

1 way forward for the Defence.

2 MR ANYAH: Thank you, Madam President. Madam President,
3 with the leave of your Honours, may my colleague, Mr Terry
4 Munyard, be heard on that issue? Thank you.

12:56:06 5 PRESIDING JUDGE: Good morning - good afternoon, Mr Anyah -
6 sorry, Mr Munyard, I beg your pardon.

7 MR MUNYARD: Madam President, you are quite correct, what
8 at the beginning of the session looked as though it might be a
9 short morning has indeed now gone well into the afternoon.

12:56:22 10 However, I hope that I can be fairly brief.

11 May I, in making my submissions, summarise, first of all,
12 what we are proposing and then explain why.

13 What the Defence would propose for the Court and the
14 parties is that we have a status conference on Monday next. The
15 reason for having it then is as follows:

16 We have arranged to see Mr Taylor at the prison. His
17 entire - well, not his entire, but most of his legal team to see
18 him at the prison - to discuss outstanding matters relating to
19 the Defence, outstanding motions, both those on which the Court
12:57:08 20 has yet to rule, and there are a number of motions on which we
21 are still working and seek to lodge.

22 Tomorrow, when one might have perhaps expected to sit,
23 tomorrow is a Jewish holiday, it is the beginning of Rosh
24 Hashanah, the Jewish new year. Mr Taylor is of the Jewish
12:57:36 25 religion and always observes Rosh Hashanah. He wishes to be
26 present in court when we do have a status conference to consider
27 the way forward. And so, the obvious next day would be Friday,
28 but Friday is a Muslim holiday, and so, for reasons of religious
29 observance, we are suggesting, therefore, that we sit on Monday

1 to hold the status conference. And to --

12:58:25 2 PRESIDING JUDGE: Mr Munyard, just to interrupt, Friday is
3 a holiday here in the Special Tribunal for Lebanon, and by reason
4 of their being our host, we cannot sit, even if we wanted to, on
5 Friday. It is a public holiday. It is a public holiday,
6 therefore, here in the building where we are hosted.

7 MR MUNYARD: Yes, quite. I wasn't suggesting otherwise,
8 but that's the reason for our not being able to sit on Friday,
9 and so we would, with respect, propose a status conference on
10 Monday.

11 On Monday, we expect then to have been able to have full
12 discussions with Mr Taylor and to be able to present to the Court
13 and the parties our proposals for the closing of the Defence case
14 and whatever consequential matters follow therefrom.

12:59:12 15 Can I say just one other thing in this context. And that
16 is that the Court decided some months ago now to give us our
17 summer break in two portions: One week in July and the other,
18 traditionally it was another two weeks, although I know on at
19 least on one occasion, possibly two years running, that's been
12:59:38 20 extended to a third, but that doesn't matter. The Court said
21 that we would have the rest of our summer holiday at the end of
22 the evidence.

23 I anticipate that if that is, indeed, the case, that the
24 Jewish holiday of Yom Kippur, which is the most solemn religious
13:00:03 25 festival in the Jewish calendar, as I understand it, would be
26 likely to fall within that holiday, the Court holiday that is,
27 and therefore there would be no question of us losing a day for
28 the observance of Yom Kippur, which we have in the past observed.

29 I merely mention that so that the Court is aware that

1 observing one Jewish holiday may well, in the event, lead us not
2 to observe another Jewish holiday, with the consequential loss of
3 that day.

4 PRESIDING JUDGE: I'm not sure that I catch your drift,
13:00:37 5 Mr Munyard, but remind us again when Yom Kippur day is.

6 MR MUNYARD: Well, it's one of those moveable feasts. I
7 saw a calendar from Mr Townsend that referred to Yom Kippur as
8 being observed, I think on Friday the 17th this year. I
9 anticipate that if the Court grants us, as you said you would,
13:01:10 10 the remaining weeks of the holiday --

11 PRESIDING JUDGE: Is that 17 September?

12 MR MUNYARD: Yes. Yes.

13 PRESIDING JUDGE: What I do know is that since we took on
14 the holiday regime of the Special Tribunal for Lebanon, we have
13:01:22 15 traded in some of these holidays for other holidays, and Yom
16 Kippur is one of those days we no longer observe as a public
17 holiday in the Special Court for Sierra Leone. But, Mr Townsend,
18 is here, he could shed more light.

19 MR MUNYARD: To be entirely frank, I don't think it's
13:01:44 20 necessary. I was simply making the point that Mr Taylor wants to
21 observe his religious festival tomorrow. In a week or so's time
22 there would be another religious festival he would wish to
23 observe, but it is unlikely that that would cause this Court any
24 difficulty at all, for the reasons I've mentioned. I had
13:02:03 25 intended it to be a very short point. I am sorry I've taken so
26 long to explain it.

27 PRESIDING JUDGE: Yes. But what was your point in relation
28 to the Court recess and Yom Kippur? What was your point?

29 MR MUNYARD: That it's likely to fall during the Court

1 recess so we wouldn't be making any proposals at all about not
2 being here on Yom Kippur. That's the point, very shortly.

3 I'm making it purely as a point of economy, if --

13:02:39

4 PRESIDING JUDGE: In other words, you are requesting or
5 suggesting that the recess should fall within or include Yom
6 Kippur?

7 MR MUNYARD: It will be, if you're agreeable with our
8 proposals that we have a status conference on Monday where we
9 iron out the time table. That's effectively what I'm
10 foreshadowing.

13:02:57

11 Madam President, unless there's any matters that I have
12 made even less clear than that last one, then those are our
13 submissions at the moment.

13:03:18

14 Can I say, while I am on my feet, that Mr Townsend leaves
15 this Court with the gratitude of the Defence team, and we are
16 sure that he will serve the Lebanese Tribunal as effectively as
17 he has this Tribunal, and given the job he is going to, he will
18 be lucky that he won't have to spend very many hours in the
19 padded cell that is this courtroom, and we wish him well.

13:03:33

20 PRESIDING JUDGE: Ms Hollis - before Ms Hollis is called
21 upon, Mr Townsend wanted to say something.

13:03:51

22 MR TOWNSEND: I just want to thank the Defence and
23 Mr Munyard for that. And just for the purposes of clarity, the
24 ICC will observe a holiday on 17 September, that's a week from
25 Friday, for Yom Kippur, but that is not an official STL or
26 Special Court holiday for the record. Thank you.

27 PRESIDING JUDGE: Yes.

28 MS HOLLIS: Madam President, the Prosecution appreciates
29 the reasons the Defence has given for asking for a status

1 conference on Monday, and we have no problem with that request.

2 However, we do have counsel, who have various
3 responsibilities and also obligations, and so we would like to
4 know does the Defence, at this time, anticipate they'll be
13:04:27 5 calling a witness next week or, at this time, are they still of
6 the view that, as currently instructed, this witness will be
7 their last witness? Because if there's going to be a witness
8 next week, then we have to, obviously, know who that would be and
9 how to prepare for it.

13:04:46 10 So certainly they should be at least able to tell us that
11 today instead of waiting Monday for that.

12 PRESIDING JUDGE: Certainly. Mr Munyard, what is your
13 response?

14 MR MUNYARD: No difficulty with that at all, your Honour.
13:04:58 15 We had hoped that we'd made it clear. Obviously there's been
16 some confusion. We are not anticipating calling a witness next
17 week. We are not, as at presently instructed, anticipating
18 calling further live evidence; but I emphasise, "as at presently
19 instructed". But that's not meant to suggest that we've got a
13:05:19 20 witness in the wings. I'm simply not at this stage, before we
21 close our case formally, wanting to rule that out completely.
22 But I hope everybody reads what I'm saying as meaning that, at
23 the moment, we are not anticipating calling any further live
24 evidence. Should that change, of course, we'll let the Court and
13:05:42 25 the parties know as soon as possible.

26 JUDGE LUSSICK: But the answer to that would be apparent at
27 the status conference, is that right, Mr Munyard?

28 MR MUNYARD: Your Honour, until we've taken Mr Taylor's
29 full instructions, I can't - I can't say that the answer will be

1 apparent at the status conference. But can I say this, I don't
2 think that the position is going to be any different at the
3 status conference, and it's unlikely that the position would be
4 any different by the close of the Defence case. I'm not ruling
13:06:14 5 it out, but I'm not suggesting it's likely. I hope that's
6 helpful.

7 [Trial Chamber conferred]

8 PRESIDING JUDGE: Now, I recall that at some stage last
9 week or the week before, I can't quite recall, but the Trial
13:08:12 10 Chamber did indicate that there would be a status conference held
11 at the end of the evidence or the case for the Defence. However,
12 from the comments of Mr Munyard, this does not appear to be that
13 status conference. This seems to be like an intermediary kind of
14 status conference and will be followed by a major status
13:08:35 15 conference at which we will discuss, for instance, things like
16 closing arguments, the length of the closing arguments, the time
17 for filing these arguments, et cetera. That, I think, will be
18 another status conference.

19 However, I think what we are looking at on Monday is a mini
13:08:55 20 status conference that would be focused on a limited scope of
21 matters. The Trial Chamber is quite agreeable to holding a
22 status conference. We are minded to have it set for 10 o'clock
23 on Monday, 10 a.m, to have that status conference at which
24 basically we are going to hear from the Defence on the way
13:09:25 25 forward. We are, of course, aware that we have decisions pending
26 and we're hoping to take the time between now and then also to
27 dispose of these motions that are pending.

28 So, in the meantime, the Court stands adjourned until
29 Monday, 13 September at 10 o'clock in the morning.

1 [Whereupon the hearing adjourned at 1.09 p.m.
2 to be reconvened on Monday, 13 September 2010
3 at 10.00 a.m.]
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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-008	48229
RE-EXAMINATION BY MR ANYAH	48229
FURTHER CROSS-EXAMINATION BY MS HOLLI S	48282
FURTHER RE-EXAMINATION BY MR ANYAH	48285

EXHIBITS:

Exhibi ts D-450 and D-451 admi tted	48302
Exhibi ts D-452A to U admi tted	48302
Exhibi t D-453 admi tted	48303
Exhibi ts P-591 to P-594 admi tted	48304
Exhibi ts P-596A to C admi tted	48304
Exhibi t P-597 admi tted	48304
Exhibi t P-598A to D admi tted	48304