



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 11 NOVEMBER 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Ms Salla Moilanen
Mr Simon Chapman

1 Wednesday, 11 November 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:32:30 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Mohamed A Bangura, Christopher Santora and our case
09:32:47 10 manager Maja Dimitrova.

11 PRESIDING JUDGE: Thank you. Yes, Mr Griffiths.

12 MR GRIFFITHS: Good morning, Mr President, your Honours,
13 counsel opposite. For the Defence today, myself Courtenay
14 Griffiths, with me Mr Morris Anyah of counsel. Also with us
09:33:03 15 today is our case manager Mrs Salla Moilanen and also our legal
16 assistant Mr Simon Chapman, who has been with us before.

17 Mr President, whilst I am on my feet can I address the
18 issues - the first four issues raised by my learned friend
19 yesterday afternoon prior to the commencement of her
09:33:25 20 cross-examination.

21 So far as request number one is concerned, an order setting
22 time for the Defence to provide lists of primary and secondary
23 witnesses, we believe that we will be in a position to provide
24 all parties with such information by the commencement of the
09:33:48 25 recess, that being 11 December.

26 Now, in terms of the remaining three requests made by the
27 Prosecution, can I preface what I have to say about those by, in
28 turn, making this request: It would be of assistance to us,
29 given that the three requests we are about to discuss are all

1 time specific - it would be helpful if we were given an
2 indication - and I appreciate how difficult it is to estimate
3 these things - as to how long cross-examination of the defendant
4 will take. Because on my calculation, we have some four weeks
09:34:38 5 until the Christmas recess, and we need to factor in some time to
6 deal with the 301 documents which have been marked for
7 identification and also time for re-examination of the witness.

8 Now, the last thing that we would want to do is to be in a
9 position where we have brought a witness all the way from West
09:35:05 10 Africa to this Court, who then has to be sent back to West Africa
11 over the four-week Christmas recess, to be brought back again in
12 the new year. So that if it is the case that the
13 cross-examination of this witness, combined with re-examination,
14 and also dealing with the various documents marked for

09:35:32 15 identification will take us into 2010, then it would help us a
16 great deal to know if that indeed will be the case, because then
17 we can plan to bring our first witnesses here in January, as
18 opposed to bringing someone here for some time before the recess,
19 and that person has to be sent back over the Christmas period.

09:35:59 20 So you can see the practical difficulty that poses.

21 So if we could be given an indication, then I see no
22 difficulty in dealing with the other three requests made by my
23 learned friend yesterday afternoon.

24 PRESIDING JUDGE: Yes. Thank you.

09:36:15 25 Did you have anything you wanted to say in reply to that?

26 MS HOLLIS: Very briefly, Mr President. First of all, we
27 are grateful to the Defence for the indication about providing
28 the primary and secondary witnesses by the beginning of the
29 recess.

1 In terms of an estimate for our cross-examination, we
2 certainly hope to be efficient in our cross-examination. That
3 will depend, in part, on how directly the questions are answered,
4 of course. We would hope to be able to conduct this examination
09:36:59 5 in four to five weeks. We would hope. We certainly would not
6 take any longer than the Defence took in their direct, and we
7 will hope it would be very much less than the 13 weeks, or
8 thereabouts, of direct examination.

9 In terms of the three remaining requests, we would suggest
09:37:18 10 that certainly two of those requests, 21-day notice and the
11 two-week notice, hinge on this accused's testimony going into the
12 new year, and we believe it will, given redirect and discussion
13 about exhibits. However, the request relating to the list of the
14 next group of witnesses to be called by the Defence by DCT
09:37:47 15 number, not by name, we believe could be provided to us by the
16 11th at no harm. They are not putting them in order; they are
17 simply saying that they envision the next group of witnesses that
18 would appear, and that would enable us over the recess to
19 organise our work in relation to those witnesses.

09:38:09 20 PRESIDING JUDGE: Thank you.

21 On that particular subject, Ms Hollis, I notice that at the
22 6 July status conference, the Prosecution did request that the
23 Defence provide a list of all witnesses intended to be called for
24 the forthcoming month, and at that stage the Trial Chamber
09:38:32 25 indicated that it would consider this issue more appropriately
26 closer to the end of the accused's testimony. That testimony
27 means the whole testimony; cross-examination, et cetera.

28 But, in any event, we will leave this until the morning
29 break, and we will deliberate over appropriate orders and refer

1 to the matter further later in the day.

2 I am sorry, you wanted to continue, Mr Griffiths.

3 MR GRIFFITHS: Just to this extent, Mr President: We are
4 grateful to my learned friend for giving us that indication,
09:39:17 5 because it does assist us in planning where we go as of January
6 of next year. And in light of that indication, I don't
7 anticipate at this stage that any orders that your Honours might
8 be minded to make in light of the current situation, that we will
9 have any difficulty in complying with them.

09:39:44 10 PRESIDING JUDGE: Thank you, Mr Griffiths. We will revisit
11 the matters after the morning break.

12 Mr Taylor, your cross-examination continues today, and I
13 will remind you that you are bound by your affirmation to tell
14 the truth.

09:40:09 15 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

16 [On former affirmation]

17 CROSS-EXAMINATION BY MS HOLLI S: [Continued]

18 Q. Good morning, Mr Taylor.

19 A. Good morning, counsel.

09:40:15 20 Q. How are you this morning, sir?

21 A. Very good. How do you do?

22 Q. Mr Taylor, over the course of the several months that your
23 Defence counsel has led you through your evidence, you have
24 testified to the Court about a great many things, and perhaps
09:40:36 25 there are various points on which you have testified to which we
26 can agree. So perhaps we could start by looking at some of these
27 areas that perhaps we are in agreement.

28 First of all, we would like to look at your definition of
29 acts of terrorism. Do you recall telling this Court what you

1 considered to be acts of terrorism on 29 July 2009? And to
2 refresh you, let me tell you what you told them. You said:

3 "For me, if you went to an innocent family and held them up
4 at gunpoint where there were women and children and old people, I
09:41:26 5 think that's an act of terrorism for me."

6 That's at page --

7 PRESIDING JUDGE: Pardon me, there is an objection.

8 MR GRIFFITHS: There wasn't an objection. I think my
9 learned friend is now coming to the point that I was going to
09:41:40 10 request.

11 MS HOLLIS: That is at page 25499 for 29 July:

12 Q. Mr Taylor, do you recall telling the Court that this was
13 your definition of acts of terrorism?

14 A. I am just looking at the references here.

09:42:06 15 PRESIDING JUDGE: Do you want that question repeated,
16 Mr Taylor?

17 THE WITNESS: No, your Honour. She had made a reference to
18 the text, and it's before me. I have just read it. I did say
19 that and I do agree.

09:42:19 20 MS HOLLIS:

21 Q. Thank you. So would you agree then, Mr Taylor, that
22 fighters going into a civilian village and systematically raping
23 females in the village and burning homes in that civilian
24 village, would you agree that those would constitute acts of
09:42:35 25 terrorism within your definition?

26 A. Well, I am going to need some help from the Court. When we
27 get into these - into definitions again, rape is a sexual
28 assault. That is a special criminal category. So when we begin
29 to lump up all of these different things as - terrorism is fear in

1 general. So I would ask for your assistance in taking these
2 different actions one by one, and probably we could deal with it.
3 Because I made a general statement of what terrorism is. Now,
4 sexual assault is a criminal offence and, of course, under the
09:43:28 5 Criminal Code it can be looked at as what? As terror? But it
6 can also be looked at in other ways. So I am going to need some
7 help from you in taking them individually, and maybe - since you
8 want to discuss it in that general term - then I can deal with it
9 if you help me.

09:43:45 10 Q. Well, Mr Taylor, you actually gave the Court a specific
11 example of holding an innocent family at gunpoint. Now, that's a
12 criminal offence, wouldn't it be?

13 A. That's a criminal offence.

14 Q. Yes. And you indicated that your definition of terror,
09:44:00 15 that that would constitute terror. So I am asking you given your
16 definition - and I think you have just answered - that going to a
17 civilian village and systematically raping the females in that
18 village, that could be an act of terror. I think you just told
19 the judges that. Is that correct?

09:44:17 20 A. Well, I disagree. Let's be specific. Because you are a
21 lawyer; I am not a lawyer. What I did in this is to give an
22 example, which is not a definition. A definition have given the
23 overall. The issue of going to villages is a point made as an
24 instance. I do not want you to describe the example as the
09:44:40 25 meaning.

26 Q. Mr Taylor, I am simply giving you your language before.
27 Perhaps we are playing little word games here, are we?

28 A. No. You are.

29 Q. Now let's try this again, Mr Taylor.

1 A. Please.

2 Q. If fighters went into a civilian village with innocent
3 families in that village and burned their homes, would you agree
4 that that would fall within your definition of terrorism?

09:45:06 5 A. I would say yes.

6 Q. And where these crimes, these rapes that we have already
7 talked about, of civilian women in this village, and burning of
8 these civilian homes, where these occurred in sight and sound of
9 other civilians, would you agree that that would be acts of
10 terrorism within your definition?

09:45:27

11 A. Well, again, I wouldn't know at this particular point
12 because again even when you look at sexual violence just in
13 recent days, in recent times, sexual violence has been declared
14 by international tribunals as war crimes. It was not that
15 before. So --

09:45:48

16 Q. Mr Taylor, let's be very clear about this.

17 A. Let me finish, counsel.

18 Q. Mr Taylor, I am going to interrupt you the times that you
19 are diverging from the question. It's a very simple question.
20 You would either agree that it was an act of terror within your
21 definition or you would disagree.

09:45:59

22 A. I disagree based on the nuance of your question.

23 Q. Now when civilians in these villages - innocent civilians
24 in these villages would be killed by fighters, would those be
25 acts of terrorism within your definition?

09:46:23

26 A. That could constitute murder. Some would define it as acts
27 of terrorism, but that's murder which is a criminal offence. And
28 that's why I don't want us to play --

29 Q. Mr Taylor, I am talking about your definition.

1 A. Well, you know, counsel, I have a responsibility to answer
2 your question and you have to give me an opportunity to answer
3 your question. You are a lawyer. Again, I am not a lawyer. And
4 these questions are asked for specific reasons. I have given a
09:47:05 5 general - a general scope of what terror is. Terror is fear.
6 You are beginning to get into specific acts. You have named
7 rape. Now you have talked about murder. And depending on how it
8 is done, if it is during war or conflict or probably ordinarily
9 it could be terror. But murder under other conditions is not
09:47:35 10 considered acts of terror, it's just basically murder. Murders
11 in the United States or other western countries are murder. So
12 it depends on the circumstances under which these occur and so I
13 need an opportunity to explain it because tomorrow you will be
14 saying, "Well, you said yes to this and yes to this and yes to
09:47:53 15 that." So we have to be specific. Murders are committed all
16 over the world and they are not called acts of terror. But
17 murder under those circumstances during war or conflict can be
18 considered an act of terror. So when you ask me this, I have to
19 put it into context before you get an answer.

09:48:11 20 Q. Mr Taylor, you seem to be playing around with I am asking
21 you legal questions. I am relying on the specific example that
22 you gave these judges, you not being a lawyer, and I am asking
23 you if other examples fall within your definition of acts of
24 terrorism. So you have said that in your mind, terror is when
09:48:32 25 you instil fear. Now, Mr Taylor, if fighters went into a
26 civilian village and killed civilians within that village, would
27 that instil fear in the people in that village?

28 A. Now if you say fighters went in and did, that would instil
29 fear, that's an act of terror. Fighters went in and did, yes.

1 Q. And, Mr Taylor, perhaps you should listen more carefully to
2 my questions because I did say fighters when I first asked the
3 question. Now, Mr Taylor, what about when fighters forced a
4 mother to laugh while they buried her child alive; would that
09:49:19 5 instil fear in the mother and anyone else who saw that?

6 A. Oh, yes. Anguish, fear, yes. Yes, it would.

7 Q. And a civilian hearing the cries of dying children who is
8 thereafter forced to look among the dead for her relatives, would
9 that instil fear in that civilian?

09:49:46 10 A. I can't say as to whether it would. You are asking me to
11 answer a hypothetical of how someone would feel under certain
12 conditions. Some people would be fearful, others wouldn't. So I
13 cannot answer that hypothetical.

14 Q. And finding her children among the bodies, would that
09:50:08 15 instil fear?

16 A. Again, I can say it would instil anguish. Fear? That's
17 still another hypothetical. A mother would feel extreme anguish.
18 Whether she would be fearful, I am not a psychiatrist or a
19 psychologist. I would say anguish. Any normal human being would
09:50:27 20 feel anguish, I would say.

21 Q. And others who saw these acts committed and this mother
22 having to look through these bodies, would that instil fear in
23 these other civilians?

24 A. I can't say. I cannot say. You are asking me to predict
09:50:41 25 the mind of an individual at a particular situation. Different
26 people respond differently under certain conditions. That's
27 another hypothetical.

28 Q. Mr Taylor, are we playing games here again?

29 A. No, you --

1 Q. Because your example, Mr Taylor, was acts of terrorism
2 would be holding an innocent family at gunpoint with women and
3 children and older people, so you were putting yourself in the
4 minds of those people, weren't you?

09:51:07 5 A. No, I wouldn't say that. Counsel, again, you keep
6 referring to playing games. I am not before this Court with my
7 life to play games. You are the lawyer and you are asking the
8 questions and all I can do is to give you my response and these
9 judges will determine whether my response was earnest or not. So
09:51:28 10 I reject your notion that I am playing games. This is my life.
11 I am not playing games. I am answering your question as I am
12 obligated to do.

13 Q. Well, let's try that again then.

14 A. Good.

09:51:41 15 Q. Now if these fighters in this same village forced civilians
16 to carry bags of heads with blood dripping from those bags, would
17 that instil fear in these villagers forced to carry those heads?

18 A. That's an act of fear, yes, I would agree.

19 Q. And if they were forced to laugh at this situation, would
09:52:02 20 that instil fear in the person forced to laugh and others?

21 A. Well, I am not sure if someone forced to laugh if it
22 instils fear. Again it depends on the condition under which that
23 person is laughing. So, again, we are getting into the mind game
24 as compared to the eyesight game. Of course someone carrying -
09:52:28 25 God forbid - heads of human beings would instil fear in you. And
26 somebody says, "Laugh." Now as to whether that would instil fear
27 in that person, I really can't truly respond to that. It could,
28 it could, but that's one that I would put in my category of a
29 hypothetical that someone says, "Laugh", and the person laughs

1 and it's fear. Now, if a gun is held at the person, that's
2 another situation.

3 Q. So a gun held at a person and they are forced to laugh,
4 that would instill fear?

09:53:01 5 A. I would agree, yes. Earnestly, yes.

6 Q. And if this bag of heads is eventually emptied out and
7 these villagers see these heads being put into a pit, including a
8 woman whose children's heads were among those, would that instill
9 fear in these villagers?

09:53:21 10 A. Of course it would. Anyone, yes.

11 Q. Now what if there was no killing of civilians directly, but
12 instead fighters come into a village or an area and they
13 systematically mutilate civilians in the sight and sound of other
14 civilians, would that instill fear in those civilians?

09:53:41 15 A. Of course it would.

16 Q. Severing the limbs of non-combatants, would that instill
17 fear?

18 A. Even if they were combatants it would instill fear.

19 Q. And carving letters such as "RUF" or "AFRC" on the chest or
09:53:54 20 backs of civilians, would that instill fear in others?

21 A. Yes, that would instill fear and this is why in my own
22 situation during my civil war in Liberia we did not have those
23 kinds of actions and anyone who attempted to do so was dealt with
24 according to our operational order that was published. Those are
09:54:18 25 terrible acts and let me make it very clear now, I do not condone
26 them and these do instill acts of fear. That's why I prevented
27 them in Liberia.

28 Q. And we will come back to that assertion of yours at a later
29 time, Mr Taylor.

1 A. Very well.

2 Q. Mr Taylor, where civilians are killed and their bodies are
3 displayed so that other civilians will see them, see the corpses,
4 that would instil fear, would it not?

09:55:36 5 A. Yes, it would.

6 Q. And, of course, civilians who hear about all of these
7 actions, that would instil fear in those civilians who hear about
8 these things, would it not?

9 A. But then again we are talking about civilians hearing. It
09:55:52 10 depends again. I cannot say, because civilians could hear that
11 from a distance. That's subjective for me. I can't say those
12 that are on - that are within sight and hearing, yes. They could
13 be away and hear of it. As to whether that would instil fear,
14 I'm sorry, I am not in a position to respond affirmatively to
09:56:15 15 that because that would be trying to deal with the psyche of that
16 person.

17 Q. Now, Mr Taylor, let's take a look at your interactions with
18 the RUF and the AFRC and see if there are things in those
19 interactions that we can agree with. You recall that you have
09:56:39 20 testified that you considered Foday Sankoh a friend and a
21 brother, yes, and here I am referring to the testimony of 12
22 August, 26622. But you would agree with that, would you now,
23 Mr Taylor, that you considered Foday Sankoh a friend and a
24 brother?

09:57:00 25 A. I am waiting for the - you are quoting a statement that I
26 made. I am trying to get the reference to that.

27 PRESIDING JUDGE: Can't you put the verbatim evidence to
28 him?

29 MS HOLLIS: Of course:

1 Q. If we look at page 26622 and we start with line 3:

2 "One of the key roles that I played as a friend and as a
3 brother was to convince Mr Sankoh that the time for peace is
4 now."

09:57:49 5 So you considered Mr Sankoh a friend and a brother, isn't
6 that right? We can agree to that?

7 A. Yes, we can agree to that, yes.

8 Q. And we can also agree that at least from August 1991
9 through May 1992, you provided Foday Sankoh and the RUF with some
09:58:08 10 assistance?

11 A. Well, again, yes, but I have to contextualise even both
12 questions.

13 Q. Well, actually, no sir, you don't. Do you agree or not
14 agree?

09:58:20 15 A. No. Excuse me, your Honour, I am going to need some help
16 because these questions have their context. "Brother" in Africa
17 means some different - "friend" means something. I have answered
18 yes, but I think I have a responsibility to contextualise what
19 that yes or no means.

09:58:36 20 PRESIDING JUDGE: Well, the question was: "And can we also
21 agree that at least from August 1991 through May 1992, you
22 provided Foday Sankoh and the RUF with some assistance?" So I
23 don't understand what your hesitation is in answering that,
24 Mr Taylor.

09:59:05 25 THE WITNESS: Well, I can explain, your Honour, what my
26 hesitation is. Between the period in question, there was - if we
27 look at it as providing assistance, Foday Sankoh also provided me
28 assistance, could so the context of that --

29 PRESIDING JUDGE: Well, that doesn't affect - you were not

1 asked whether he provided you with assistance. You were asked
2 did you provide him with assistance.

3 THE WITNESS: Well, would you ask the question, then.

4 MS HOLLIS:

09:59:36 5 Q. Certainly, Mr Taylor. During the time period from August
6 1991 through May 1992, we could agree that you provided Foday
7 Sankoh and the RUF with at least some assistance. Could we not
8 agree to that?

9 A. Yes, that is correct.

09:59:51 10 Q. And Mr Taylor, we do appreciate your concern about
11 providing the Court with context. We remind you that over the
12 last several months you have provided the Court with context and
13 your views on various things, so that we believe perhaps you
14 should not be so apprehensive about that?

10:00:10 15 Mr Taylor, it appears we can also agree that during that
16 time period, Foday Sankoh also provided you with assistance. Is
17 that correct?

18 A. Well, listen, your comments, counsel - I disagree with your
19 comments and I will be - I will continue to ask this Court for an
10:00:28 20 opportunity to not just answer yes or no. I have cooperated,
21 your Honour - excuse me, Mr President. I cooperated with this
22 Court and will continue to do so. Yes or no answers will not
23 suffice with me. I can tell you right now my life is on the
24 line. Your warning to me now is not your responsibility. The
10:00:47 25 judge has already warned me. I will not just answer "yes" or
26 "no" to your questions. I will make sure that these judges have
27 an opportunity of listening to me, which may very well be my last
28 opportunity. So your warning I consider out of place. So you
29 can ask your question and I will answer it.

1 Q. Let's hope that you do, Mr Taylor.

2 A. Very well.

3 Q. Now, we could also agree, could we not, that at least
4 during this time period you provided Foday Sankoh and the RUF
10:01:18 5 with facilities in Gbarnga, your NPFL headquarters at the time,
6 we can agree to that, can we not?

7 A. Well, it depends on what you mean by "facilities". What
8 are you speaking about, counsel? Help me.

9 Q. Well, let's see. What a bedroom, living room and kitchen
10:01:36 10 facilities made available in your Executive Mansion. We can
11 agree that you provided that, can we not?

12 A. No.

13 Q. No?

14 A. Not in my Executive Mansion. That is incorrect. That's a
10:01:49 15 misstatement of the fact. I did not provide those in my
16 Executive Mansion, and I challenge you to show me in the
17 reference here where I said that.

18 Q. Of course, Mr Taylor. If we could please look at 20 July
19 2009, at page 24808 beginning at line 9.

10:02:18 20 "Q. So where you lived at Gbarnga at this time in 1991,
21 what was it called at that stage?

22 A. The Executive Mansion.

23 Q. Now, what facilities were made available to Foday
24 Sankoh within that residence?

10:02:37 25 A. Oh, ordinary things. A bed. We have, you know,
26 furniture for the bedroom, living room. He was provided
27 light current. In fact, one of the things we did install
28 - even in Buchanan we had 24-hour light in Buchanan.
29 Gbarnga was also provided - the entire city of Gbarnga was

1 provided with light current, so he received light. He had
2 just the basic facilities for his bedroom, the living room
3 and kitchen facilities."

4 Now, that's what you said in response to your Defence
10:03:11 5 counsel's questions about what facilities you provided within the
6 Executive Mansion in Gbarnga in 1991, Mr Taylor.

7 A. But I am sure under re-examination that will be dealt with,
8 because before then a building is described. But I will say to
9 you that I am sure before this there is - it is described as a
10:03:34 10 building, and the question is, What do you provide at the
11 facility? So I would leave that for re-examination.

12 Q. Actually, Mr Taylor, if we look again at the question, the
13 question is - first of all identifying where you lived as the
14 Executive Mansion, the question then is: "What facilities were
10:03:53 15 made available to Foday Sankoh within that residence?"

16 A. Counsel, like I said, I can remember very clearly my
17 testimony before this Court where a witness had described the
18 residence that Foday Sankoh lived in as not being --

19 Q. Mr Taylor --

10:04:11 20 A. -- as not being --

21 Q. Mr Taylor --

22 A. Excuse me --

23 Q. I am going to interrupt you --

24 A. Well, if you interrupt me, then I don't need to be here.

10:04:15 25 Q. Mr Taylor, I am going to interrupt you, and I apologise for
26 that --

27 A. Well, I will come back and respond --

28 Q. -- but we are talking about your testimony at page 24808 --

29 A. You are misstating the facts, because you are zeroing in on

1 a particular part of my testimony, where another part describes a
2 building not far from where I live. So you are trying to mislead
3 me into a trap, and I resent that. Because this narrows in based
4 on the kind of questions, but the issue at stake here is a
10:04:47 5 building that even Prosecution witnesses state where Foday Sankoh
6 lives not too far from me. So you are asking me zeroing in on a
7 part of my testimony, where other parts it is clarified. So then
8 we may have to go through the entire testimony to show this. I
9 can't just answer that way. I think you are misquoting the
10:05:06 10 facts.

11 Q. Actually, Mr Taylor --

12 PRESIDING JUDGE: Perhaps maybe if you rephrase it so that
13 Mr Taylor will be referred to - more specifically to what he
14 said. Not what other witnesses said, but what he said.

10:05:20 15 MS HOLLIS: Yes, sir, Mr President, I read to him what he
16 said. I did not refer to other witnesses; Mr Taylor referred to
17 other --

18 PRESIDING JUDGE: Mr Taylor referred to other witnesses to
19 explain what he said.

20 MS HOLLIS: Yes.

21 PRESIDING JUDGE: But all you're asking him is did he say
22 that.

23 MS HOLLIS: That's correct. I am asking him --

24 PRESIDING JUDGE: So can you go over verbatim his testimony
10:05:39 25 again, please.

26 MS HOLLIS:

27 Q. Let me first of all ask the original question which led to
28 all of this recitation, and that is: Mr Taylor, can we agree
29 that during this time, August 1991 through at least May 1992, you

1 provided Foday Sankoh and the RUF with facilities in Gbarnga,
2 NPFL headquarters, and as far as Foday Sankoh is concerned,
3 Mr Taylor, that at some time during this period you provided
4 Foday Sankoh with a bedroom, living room and kitchen facilities
10:06:26 5 in the Executive Mansion. Can we agree to that?

6 A. We cannot agree to that.

7 PRESIDING JUDGE: Yes, Mr Griffiths.

8 MR GRIFFITHS: I am sorry, I hesitate to interrupt, but in
9 our submission this is totally misleading. On the previous page,
10:06:44 10 page 24807, at line 13:

11 "Q. Where was this residence in relation to another
12 residence that we have been told about which you occupied?
13 Where were they in relation to each other?

14 A. Foday Sankoh lived a little distance from my area."

10:07:08 15 Page 24807, the preceding page before this passage.

16 PRESIDING JUDGE: Well, that's why I was saying if you put
17 the exact words attributable to Mr Taylor and in answer to what
18 precise question, we may be able to move on from here.

19 MS HOLLIS: Hopefully we will. Hopefully we will:

10:07:35 20 Q. Now, I have put this to you before and this, Mr Taylor, is
21 your response to your Defence counsel's question at 24808:

22 "Q. So where you lived in Gbarnga at this time in 1991,
23 what was it called at that stage?

24 A. The Executive Mansion.

10:07:58 25 Q. Now what facilities were made available to Foday Sankoh
26 within that residence?

27 A. Ordinary things. A bed. We had, you know, furniture
28 for the bedroom, living room. He was provided light
29 current. In fact, one of the things that we did install -

1 even in Buchanan, we had 24-hour light in Buchanan.
2 Gbarnga was also provided - the entire city of Gbarnga was
3 provided with light current, so he received light. And
4 there is no running water in Gbarnga, but he just had the
10:08:32 5 basic facilities for his bedroom, the living room and
6 kitchen facilities."

7 Now, that was your response to your counsel's question at
8 page 24808; correct?

9 A. That's what I am saying. We disagree - I disagree that
10:08:52 10 contextually that is what is the reference. So I disagree.

11 Q. Well, we are not talking about context, Mr Taylor --

12 A. But I disagree.

13 Q. -- we are talking about plain language that is set out on a
14 page.

10:09:03 15 A. Well, I disagree, and I am sure the judges will be the
16 final ruler. I disagree.

17 Q. So you disagree that the language I just read to you, you
18 disagree you said that language?

19 A. I disagree to the context structurally of the full meaning
10:09:23 20 of what is before this Court. What is before this Court is
21 facilities provided to Foday Sankoh. And because you have short
22 circuited it, and this takes away from this the true meaning. So
23 I disagree and these judges will - I just disagree. That's my
24 answer. I disagree.

10:09:44 25 Q. Thank you for that. And of course you should feel very
26 comfortable, because these impartial and independent judges are
27 the ones who ultimately decide what was said and what it meant.

28 Now, Mr Taylor, would you agree that at some point you
29 provided a guesthouse for Foday Sankoh in Gbarnga?

1 A. I fully agree.

2 Q. And that you allowed Foday Sankoh access to the NPFL radio
3 facilities in Gbarnga so he could communicate with his men in
4 Sierra Leone; would you agree with that?

10:10:17 5 A. Within the period, yes, I agree.

6 Q. And for his convenience, you also provided Foday Sankoh
7 with a jeep to use in Liberia; would you agree with that?

8 A. Yes, I agree.

9 Q. And would you also agree that you accommodated Foday Sankoh
10:10:43 10 with NPFL security when he was in Gbarnga?

11 A. You say accommodated him with NPFL security. Well, I can
12 generally agree. Yes, he was provided security while he was
13 there, yes.

14 Q. And Foday Sankoh was welcome to take advantage of
10:11:10 15 facilities that you provided him there at any time; would you
16 agree with that?

17 A. Well, you have to help me now to clarify. When you say
18 Foday Sankoh - you know, facilities that I provided him there at
19 any time, would you help me - clarify what you mean "there"?
10:11:29 20 Where? What are you talking about?

21 Q. Well, what we have before talking about all along,
22 Mr Taylor: Gbarnga during the time period you agree that you
23 interacted with Foday Sankoh, that is, August 1991 to May 1992.

24 A. Well, then let's be specific. You are asking me - and I
10:11:48 25 could be wrong. Your question is: Did Foday Sankoh take
26 advantage of all facilities in Gbarnga while he was there?

27 Q. No, Mr Taylor.

28 A. What is your question?

29 Q. I am asking if you agree that Mr Sankoh was free to use the

1 facilities you provided him in Gbarnga at any time he chose to do
2 so?

3 A. Facilities that I provided him, yes. Yes.

10:12:21

4 Q. Now, during the same time period that you have admitted to
5 your interaction with Foday Sankoh, you also gave Foday Sankoh
6 arms and ammunition, you say in small amounts. Can we agree to
7 that?

8 A. Yes, we can.

10:12:40

9 Q. And in part, you provided this out of respect for Foday
10 Sankoh, who at this time was working as your partner, according
11 to you, in securing the Liberia-Sierra Leone border; can we agree
12 to that?

13 A. Yes, we can agree.

10:12:58

14 Q. And this type of support and assistance that was provided
15 to Foday Sankoh and the RUF during this time period, August 1991
16 to May 1992, that would have been provided with your knowledge
17 and authorisation; can we agree to that?

18 A. Of course, yes.

10:13:20

19 Q. And this assistance that you provided during this time
20 would have benefitted Foday Sankoh and the RUF, would it not?

21 A. It would have. It would have benefitted them, yes.

22 Q. Now, Mr Taylor, can we also agree that you had NPFL
23 subordinates in Sierra Leone from August 1991 to May 1992?

24 A. Yes, we can agree on that.

10:13:51

25 Q. And that at some point Foday Sankoh complained to you about
26 the conduct of these subordinates?

27 A. That is correct, yes. We can agree.

28 Q. Can we also agree that when Foday Sankoh was in Gbarnga, if
29 you wanted to see him you would just send for him?

1 A. I can agree with that, yes.

2 Q. And can we also agree that if Foday Sankoh wanted to come
3 see you in Liberia during this time period, all he had to do was
4 call Dopoe or any of the senior radio people? Can we agree to
10:14:47 5 that?

6 A. No, we cannot.

7 Q. We cannot agree to that?

8 A. No.

9 Q. Let me remind you of your testimony of 20 July 2009, page
10:15:05 10 24809, starting at line 25. Do you have that before you,

11 Mr Taylor?

12 A. Yes.

13 Q. Where you say:

14 "Whenever I wanted to see Foday Sankoh while he was in
10:15:27 15 Gbarnga, I would just send for him. If Foday Sankoh wanted to
16 come to Liberia to see me, all he had to do was to call Dopoe or
17 any of the senior radio people that he had established contact
18 with."

19 Do you see that language, Mr Taylor?

10:15:43 20 A. Yes, I do.

21 Q. "Because once Foday Sankoh had accepted by us to help us
22 control that border, there was a tie in to frequencies. If he
23 wanted to call to Liberia he could call on a frequency to get to
24 Dopoe or any other of the senior people he wanted to talk to."

10:16:02 25 Now that's what you told the Court, isn't that correct,
26 Mr Taylor?

27 A. That is correct.

28 Q. And you would agree that that was the case?

29 A. That was the case, yes.

1 Q. Now, Mr Taylor, let's turn our attention to 1997. In 1997,
2 after you attained the presidency of Liberia, you became a member
3 of the ECOWAS Committee of Four on Sierra Leone, which then
4 became the Committee of Five. We would agree to that, yes?

10:16:39 5 A. That is correct.

6 Q. And you became the point person on Sierra Leone, at least
7 in part because of your prior relationship with your friend and
8 brother Foday Sankoh. You would agree with that, would you not?

9 A. Well, I would - I have some difficulties with agreeing with
10:17:01 10 that, except it is put into proper context. But if I said that
11 in the transcript, I am sure it will be contextualised. I was
12 not put on that committee because of Foday Sankoh. I was put on
13 that committee because of my unique position in ECOWAS at the
14 time.

10:17:19 15 Q. Mr Taylor, let me repeat the question. Perhaps you didn't
16 hear it. You became the point person on Sierra Leone, at least
17 in part because of your prior relationship with your friend and
18 brother Foday Sankoh. You would agree with that, would you not?

19 A. I would disagree. You started getting into in part, in
10:17:42 20 whole. I would disagree.

21 Q. You would disagree with that?

22 A. Yes.

23 Q. Then perhaps, Mr Taylor, we could look at the transcript of
24 23 July 2009, beginning at page 25183. Is that before you,
10:18:14 25 Mr Taylor?

26 A. No, not yet. It's coming.

27 Q. Do you have it now before you?

28 A. What line - I have a page before me.

29 Q. Is it 25183, Mr Taylor?

1 A. Yes.

2 Q. Now if we look down starting at line 26:

3 "We are put on the Committee of Five and I have mentioned
4 here, I believe, that I am put on it because my colleagues joke
10:19:04 5 at me and say, 'You are a former rebel, so you know what to do,'
6 and immediately I am given the task of being the point person in
7 dealing with Sierra Leone. Because Guinea is supporting Kabbah
8 and has been involved in problems with us and so I am
9 asked - because of the earlier association with Sankoh from '91,
10:19:28 10 they asked me with my experience to join. We get on board."

11 A. Yes, so where is the "in part" here that's in your
12 question. You said "in part".

13 Q. Well, in fairness to you, Mr Taylor, you had also indicated
14 that one the reasons you were chosen to be the point man was
10:19:50 15 because I believe your words were you were an old rebel?

16 A. Well, if you really wanted to be fair with me, you have
17 read my transcript of my testimony. In this testimony, I do not
18 say "in part". So please don't be that fair to me. I think you
19 are being unfair. If you really wanted to be fair, you have read
10:20:08 20 this, you have referred to this transcript and asked me, but you
21 added the word "in part". That's why I objected, because I don't
22 remember saying "in part".

23 Q. Mr Taylor, I never said that you said "in part". Let's use
24 another term. One of the reasons that you were chosen to be the
10:20:24 25 point person for Sierra Leone was because of your prior
26 relationship with your good friend Foday Sankoh. Isn't that
27 correct?

28 A. Well, to a great extent, yes.

29 Q. Thank you, Mr Taylor. Now, as a member of the Committee of

1 Five, you also provided advice to President Abacha that he should
2 slow down a bit on his thoughts about using force against the
3 junta. Would you agree with that?

4 A. Yes.

10:21:15 5 Q. Let's take a look at 1998 and see if your interactions with
6 the RUF and AFRC, if there is anything we can agree on during
7 1998. We can agree, can we not, that in September and October
8 1998, Sam Bockarie visited you in Monrovia?

9 A. Yes, we can agree on that, yes.

10:21:43 10 Q. And we can also agree, can we not, that at that time Sam
11 Bockarie was one of those on the travel ban --

12 A. Yes, we can agree.

13 Q. -- provided by the United Nations?

14 A. Yes.

10:21:59 15 Q. And can we agree that at that time Foday Sankoh was under
16 arrest in Sierra Leone?

17 A. About this time.

18 Q. September?

19 A. September/October 1998, yes.

10:22:19 20 Q. And we can agree that when Sam Bockarie visited you in
21 September he wanted you to help with the release of your friend
22 and brother Foday Sankoh. Can we agree to that?

23 A. That came up in the discussion. One of the issues, yes.

24 One of the issues discussed, yes.

10:22:41 25 Q. And can we also agree that during this September visit, Sam
26 Bockarie had respect for you and he was aware of the past
27 relationship between you and Sankoh?

28 A. Well, respect for me, yes. I would assume - one would
29 assume that he had knowledge of it. I cannot speak factually to

1 that because Foday Sankoh never travelled with Sam Bockarie to
2 Gbarnga. So I would in fairness say he should have had knowledge
3 of that, yes.

10:23:19 4 Q. Mr Taylor, let's look at what you told the Court on 3
5 August at page 25811. Mr Taylor, do you have that page before
6 you?

7 A. Not yet. I am sure it's coming up.

8 Q. You have that page before you now, I believe, is that
9 correct?

10:24:00 10 A. Yes, I do.

11 Q. And if we look at line 9:

12 "Q. What was Bockarie's reaction to you?

13 A. Well, Bockarie had - by the time he reached to me,
14 he had some respect for me. He had known of the former
10:24:15 15 relationship between Sankoh and myself."

16 You see that language?

17 A. Yes. I have said yes. I have said yes to your question,
18 so.

19 Q. And in fact one of the principle concerns that he raised
10:24:32 20 with you was freeing Sankoh, the release of Sankoh, isn't that
21 correct?

22 A. I have said yes. It's asked and answered, yes.

23 Q. Now can we agree that on this visit, this September visit,
24 you arranged for Sam Bockarie to stay in a hotel and provided
10:24:53 25 security for him?

26 A. Yes.

27 Q. And can we agree then that when Sam Bockarie came back to
28 Monrovia for this October visit you set up a guesthouse
29 designated for use by Sam Bockarie and the RUF when they were in

1 Monrovia?

2 A. That is perfect. That is correct, yes.

3 Q. And at this RUF guesthouse you provided Special Security
4 Service security under the command of Benjamin Yeaten. Can we
10:25:35 5 agree to that?

6 A. Yes, I can say so. Not under his direct command, but, yes,
7 okay, generally I can say yes, yes.

8 Q. Under his command in the sense that he was the director of
9 the SSS?

10:25:50 10 A. That is correct, yes.

11 Q. And also at this guesthouse you provided a telephone and at
12 some point a long-range radio. Can we agree to that?

13 A. A long-range - well, I provided Bockarie a telephone. I am
14 not sure - if you mean that at the guesthouse there was a
10:26:17 15 telephone with Bockarie, I would say yes.

16 Q. And that was a landline telephone?

17 A. No, it was a satellite telephone.

18 Q. If we could look at page 26012, 5 August, and if we can
19 look at line 22. Do you have that before you, Mr Taylor?

10:26:51 20 PRESIDING JUDGE: It hasn't come through yet.

21 THE WITNESS: It's coming through I am sure in a minute.

22 PRESIDING JUDGE: Yes, it's there now, Ms Hollis.

23 MS HOLLIS:

24 Q. And if we can look at line 22:

10:27:04 25 "In the facility besides the radio I have said we put a
26 landline telephone in the building."

27 So you would agree that you had a landline telephone and
28 you would also agree that there was a kitchen in the building
29 where food was cooked, you had the services?

1 A. Yes.

2 Q. Cooks, you put those there?

3 A. Yes. That is correct, yes.

10:27:35 4 Q. And, according to your testimony, all of this was paid for
5 by the Government of Liberia. We can agree to that, yes?

6 A. That is correct, yes.

7 Q. Now can we also agree that in 1998, on a third occasion Sam
8 Bockarie passed through Monrovia on his way to Burkina Faso?

9 A. That is correct.

10:28:02 10 Q. And when he passed through Monrovia on his way to Burkina
11 Faso, you met with him?

12 A. That is correct.

13 Q. And that Sam Bockarie also came back through Monrovia on
14 his way back, his return trip from Burkina Faso. Can we agree to
10:28:20 15 that?

16 A. That is correct, yes.

17 Q. Now, Mr Taylor, during your testimony the Defence made
18 reference to your presidential papers that were marked MFI-28.
19 Do you recall talking about those presidential papers, various
10:28:44 20 entries in them?

21 A. Yes, I do.

22 Q. You talked about the polio campaign in Liberia. We can
23 agree, can we not, that the polio campaign itself in Liberia was
24 carried out in January and February 1999? We can agree to that,
10:29:04 25 can we not?

26 A. Well, we have to be very careful with that. I can say yes,
27 but that's not - it was not just one campaign. You are talking
28 about another year's campaign, yes.

29 Q. And in fact on 22 November you gave a speech announcing

1 this January-February polio immunisation campaign, yes?

2 A. Yes.

3 JUDGE SEBUTINDE: Which year? 22 November of which year?

4 THE WITNESS: '98.

10:29:34 5 MS HOLLIS: November 1998:

6 Q. Announcing the January-February 1999 campaign. We can
7 agree to that?

8 A. We can agree to that, and that's what I am saying when you
9 try to stop me. That speech - the campaign actually starts in

10:29:54 10 December. That's the official launch by - that is stated in that
11 statement. But the campaign starts before that particular time.

12 Q. Now, can we also agree that on one of these three visits
13 that Sam Bockarie makes to Monrovia, you provided him with a
14 handheld satellite phone?

10:30:16 15 A. Yes. The second visit, yes.

16 Q. So in 1998 you met with Sam Bockarie at least three times,
17 including the time he went through Liberia to Burkina Faso?

18 A. En route --

19 Q. Can we agree to that?

10:30:35 20 A. En route, yes.

21 Q. And Sam Bockarie wanted you to help with the release of
22 Foday Sankoh?

23 A. Yes.

24 Q. Can we agree with that?

10:30:47 25 A. Yes.

26 Q. And first you accommodated Sam Bockarie in a hotel, and
27 then on the other visit you had established this guesthouse?

28 A. That is correct.

29 Q. Which you equipped with various things: Catering,

1 security, long-range radio, phone, all paid for by the Government
2 of Liberia?

3 A. 100 per cent correct, yes.

10:31:15

4 Q. And all of these things, we would agree, were to the
5 benefit of Sam Bockarie and the RUF; can we agree to that?

6 A. No, we cannot agree to that because it is to the benefit, I
7 would say, of the peace process. That's my
8 interpretation - that's my reasoning for giving it. You may have
9 another, but it's not for his specific benefit. It's to the
10 benefit of the peace process.

10:31:37

11 Q. But it also would have benefitted Sam Bockarie and the RUF,
12 would it not?

13 A. Well, that's your call, counsel. I have given you my
14 answer.

10:31:48

15 Q. Thank you, Mr Taylor. Now, let's move on to 1999. We can
16 agree, can we not, that after the 1999 attack on Freetown,
17 arrangements were made for Foday Sankoh and the RUF to come to
18 Liberia for transport on to Lome for a peace conference there.
19 We can agree with that, can we not?

10:32:12

20 A. Yes, we can.

21 Q. And we can agree that at this time you had contact with the
22 RUF and Sam Bockarie?

23 A. Yes, we can agree.

10:32:32

24 Q. And around April 1999, can we agree that you were part of
25 the operational phase of the logistics to move the RUF delegation
26 to Lome?

27 A. I can agree "you" being the Government of Liberia. As an
28 individual, no. "You", plural, the Government of Liberia, yes.

29 Q. Thank you, Mr Taylor. And your security personnel escorted

1 RUF persons, arranged travel documents, provided laissez passers,
2 those were the ways in which your government assisted in this
3 process; can we agree to that?

4 A. Yes, we can agree. We can agree to that, yes.

10:33:24 5 Q. And we can agree, can we not, that among those who
6 travelled through Liberia to Lome were Ibrahim Bah and Omrie
7 Golley?

8 A. That is correct.

9 Q. And Ibrahim Bah and Omrie Golley arrived in Monrovia before
10:33:51 10 the rest of the RUF delegation arrived later in April; can we
11 agree to that?

12 A. Yes, we can, yes.

13 Q. And can we agree that during the time that Ibrahim Bah and
14 Omrie Golley were in Monrovia, that you met with them?

10:34:13 15 A. We can agree.

16 Q. I am sorry, Mr Taylor, did you say we can agree to that?

17 A. Yes, we can agree.

18 Q. I am sorry, I just didn't hear that. And can we agree that
19 before they left for Lome, Ibrahim Bah and Omrie Golley went to
10:34:37 20 Sierra Leone to meet with Sam Bockarie and the proposed RUF
21 delegation?

22 A. To Sierra Leone. Went to Sierra Leone, yes, we can agree,
23 yes.

24 Q. And can we agree that in fact it was Omrie Golley who put
10:35:04 25 his name and Ibrahim Bah's name on the list of delegates
26 submitted by the RUF?

27 A. Well, that question, maybe if I got your - can we agree
28 that Omrie Golley put their names?

29 Q. Their two names on the list of delegates?

1 A. I am not sure. The two names, counsel, are on the list.
2 Quite frankly, I don't know who put them there, if that is your
3 question. Maybe I lost your question. But if your question is
4 that he put them there, quite frankly, I am saying they are
10:35:43 5 there, but I am not present when they are put, so I cannot say
6 that he put them on the list.

7 MS HOLLIS: Perhaps to assist you - and perhaps it would be
8 appropriate at this time if the Prosecution were to provide a
9 package of materials - package 1, which we have put together for
10:36:01 10 the Court and the Defence.

11 Now, in addition to the materials in that package, which we
12 will be getting to shortly, if Mr Taylor could be shown MFI-83.
13 This is an exhibit that was used in your direct testimony,
14 Mr Taylor. It's a series of code cables relating to the
10:37:36 15 logistics of the move of the delegation to Lome, and perhaps when
16 you see that you can recall it?

17 MR GRIFFITHS: May I seek some assistance? Because my
18 records show me there is an 83 - my records show there is an 83A
19 and an 83B, D, E, F, G, H. There are a number of 83 MFIs, so
10:38:04 20 which one are we looking at?

21 MS HOLLIS: That is correct. That is the exhibit in toto,
22 and now I am going to ask that Mr Taylor be shown in particular
23 MFI-83E. E as in echo.

24 Q. Mr President, you may recall that this is an exhibit that
10:38:45 25 you and your counsel went over during your direct examination?

26 A. Yes.

27 Q. Do you recall this document?

28 A. Yes.

29 Q. And Mr Taylor, if you would please look at page 3. At the

1 top it is page 5 of 8, but the typed number is 3.

2 A. Yes.

3 Q. You see that?

4 A. I do see that.

10:39:07 5 Q. And if we can look at paragraph 5 of that document.

6 A. Yes.

7 Q. And if we could go up, starting four lines from the bottom
8 of that page, where it says:

9 "On their return Golley briefed us on their meeting and
10 expressed optimism regarding the progress made thus far in
11 selecting members of the delegation and the security arrangements
12 for the RUF members. He showed us a list with 14 names on it,
13 but excluding his and General Bah's. He then copied the same
14 names on a new sheet of paper, adding his and General Bah's at
10:39:56 15 the top. He informed us that the two of them, himself and
16 General Bah, would be flying to Lome using either a UN or
17 commercial flight upon arrival in Monrovia."

18 So it was Mr Golley who added his and General Bah's name to
19 the list of delegates; can we agree to that?

10:40:20 20 A. It's on this report. I have no difficulty with this
21 document.

22 Q. Thank you. And if we can continue to look at this
23 document, can we agree that Omrie Golley made it clear that no
24 one should be allowed to talk to Sankoh, especially the press,
10:40:40 25 before the arrival of the RUF delegation in Lome? And,

26 Mr Taylor, if you could look at the typed number 2 - page 2, and
27 at the top it's 4 of 8.

28 A. Yes, I have it.

29 Q. And if we can look at four lines above, the beginning of

1 paragraph 4:

2 "He also stressed to Mr Kouyate that he did not want Sankoh
3 to go through the ordeal of talking to a lot of people. He made
4 it clear that no one should be allowed to talk to Sankoh,
10:41:26 5 especially the press, before the arrival of the RUF delegation."

6 And if we go to the very top of that page, Mr Taylor, we
7 see there that the "he", the reference is Mr Golley. Do you see
8 that, Mr Taylor?

9 A. Yes, I see it.

10:41:42 10 Q. So can we agree that according to this report, Mr Golley
11 made it clear no one should be allowed to talk to Sankoh,
12 especially the press, before the arrival of the RUF delegation?

13 A. I have no quarrel with this document. We agree.

14 Q. Thank you. I don't need further use of that document.

10:42:20 15 Mr Taylor, can we also agree that you sent your own delegation to
16 Lome?

17 A. That is correct, yes.

18 Q. And your delegation was in place as of April; can we agree
19 to that?

10:42:29 20 A. Yes.

21 Q. And members of your delegation included Ms Musuleng-Cooper
22 and Joe Tuah; can we agree to that?

23 A. That is correct, yes.

24 Q. And as members of your delegation in Lome, they had the
10:42:47 25 opportunity to meet with Foday Sankoh and the RUF delegation; can
26 we agree with that?

27 A. Yes.

28 Q. And at the actual Lome conference, can we agree that you
29 were called to Lome to put pressure on the RUF delegation, Foday

1 Sankoh in particular?

2 A. Well, to an extent we can agree, but again there has to be
3 to be - I am called to Lome, for the benefit of this Court, by my
4 colleagues to help to bring an end to all of the squabbling over
10:43:32 5 there to try to get an agreement. Now, we can agree generally in
6 that way, yes.

7 Q. And this involved putting pressure on the RUF side; can we
8 agree to that?

9 A. Amongst other things, yes.

10:43:55 10 Q. And we can also agree, can we not, that in your role as
11 friend and brother to Foday Sankoh, your role was to convince him
12 that "the time for peace is now", as you put it?

13 A. Well, I have to disagree with that categorisation of that.
14 I would say in my role as a member of the Committee of Five, yes.

10:44:32 15 That friendship, yes, but, I mean, the specifics of my role does
16 not end with just being a friend and brother of Foday Sankoh. I
17 am a member of the committee and I am charged with the
18 responsibility on Sierra Leone, so that's the full answer.

19 Q. And can we agree that as a brother to Foday Sankoh, one of
10:44:52 20 your roles was to convince Mr Sankoh the time for peace was now?

21 A. I think I have answered your question, what my role was,
22 counsel.

23 Q. Well, let's look at 12 August, page 26622. Mr Taylor, do
24 you see that page?

10:45:29 25 A. It's coming up, I am sure. Just a minute.

26 Q. Do you have that now?

27 A. Yes, we have it. What line is that?

28 Q. And, Mr Taylor, if we could look beginning at line 3, this
29 is you testifying:

1 "One of the key roles that I played as a friend and as a
2 brother was to convince Mr Sankoh that the time for peace is
3 now."

4 We can agree to that, yes, Mr Taylor?

10:46:51 5 A. Read my answer. Is that my response? You see, this is the
6 problem with this, where the Court has advised that I am sure in
7 re-examination we will cover this, but when you begin to chop
8 into my response and don't read the entire response and ask and
9 then you require me to answer to not my full response then it
10:47:16 10 presents a problem for me and I want you to help me. I want to
11 respond to my answer. This is my response. Now when you stop
12 there, it throws the whole thing, unless the whole thing is
13 played.

14 Q. Mr Taylor, it's very simple. I asked a question and the
10:47:33 15 question I asked you was if we could agree that one of the roles,
16 and you have said "key roles", that you played as a friend and
17 brother was to convince Mr Sankoh the time for peace is now. Can
18 we agree to that?

19 A. We can agree that one of my roles was that, in addition to
10:47:56 20 other roles that I am sure will come up. Yes, that's my
21 response.

22 Q. Thank you, Mr Taylor. And we can agree that you told the
23 Court that in this negotiation process at Lome, that the process
24 starts with demands on both sides. That's the way that process
10:48:19 25 works. Can we agree to that, Mr Taylor?

26 A. Are you quoting me or are you asking me a direct question?

27 Q. I am asking you if we can agree to that?

28 A. Is that based on statement I have made.

29 Q. Let's just say first of all do you agree that in these

1 negotiations the process starts with demands on both sides?

2 A. Well, I have to know whether it's a direct question or
3 whether it is based on a statement that I have made that we have
4 to agree as to whether I made it or did not make it. Are you
10:48:49 5 asking me whether I made that statement or are you asking me to
6 agree on the proposition you are putting forth?

7 Q. Well, let's start with the proposition I put forward. Do
8 you agree, Mr Taylor, that the process starts with demands on
9 both sides, meaning the negotiation process?

10:49:02 10 A. Not necessarily. You don't necessarily have to start
11 negotiations with demands. It could be one of the processes, but
12 that's not a necessary and sufficient condition to start the
13 process.

14 Q. Now let's look at 12 August, page 26595. You have that
10:49:37 15 before you now, Mr Taylor?

16 A. Yes, I do.

17 Q. And if we could look at line 12:

18 "Q. Now, just help us, please. What did you have to do in
19 order to achieve this agreement? Let's take, for example,
10:49:49 20 your dealings with Foday Sankoh. What did you have to do
21 and say to him?

22 A. The process starts with demands on both sides."

23 So, Mr Taylor, would you agree that the process starts with
24 demands on both side?

10:50:03 25 A. But then again I agree with this. Your proposition as put,
26 that's why I said I disagree with your proposition, because you
27 made a proposition that negotiations start with demands. This
28 context I made this statement I stand by it, okay. I disagree
29 with your proposition, that's why I am saying not necessarily.

1 In this process, that's what I am talking about, this statement,
2 I agree with my statement as put here.

3 Q. So we can agree that in this process the process started
4 with demands on both sides?

10:50:36 5 A. When I get there, yes.

6 Q. And then you spoke about the negotiations and you said at
7 the end:

8 "Even with these agreements, I am calling them these
9 because there were several elements of this, not everyone came
10:50:54 10 out of there happy. Not everyone got what they wanted from this,
11 but it was the best possible solution."

12 Do you recall saying that on 12 August, Mr Taylor?

13 A. Yes, I do.

14 Q. Now if we could take a look at what the RUF got from the
10:51:17 15 Lome accord and it would be of assistance to look at tab 1 of the
16 bundle.

17 PRESIDING JUDGE: Is this tab 1 already in evidence,
18 Ms Hollis?

19 MS HOLLIS: This is not. There have been some judicially
10:51:40 20 noticed facts related to the Lome agreement, but the Lome
21 agreement itself, which is tab 1, is not in evidence. We have in
22 this bundle those pages that we are referring to, so as not to
23 burden the record with pages that we are not referring to. We
24 have a complete copy of the Lome agreement, should your Honours
10:52:13 25 wish that.

26 THE WITNESS: Well, I am going to need some help. Is this
27 the Lome agreement? I would like to see the agreement.

28 MS HOLLIS: Well, perhaps if Mr Taylor could be shown --

29 THE WITNESS: Not a page. I want to see the agreement,

1 because I don't know where these pages are coming from. Where is
2 the agreement?

3 MS HOLLIS:

4 Q. So you want to see the entire agreement, Mr Taylor?

10:52:42 5 A. That is correct, counsel, to make sure that those pages
6 reflect the agreement.

7 MS HOLLIS: In fact, my case manager has helpfully reminded
8 me that in the bundle all 21 pages of the agreement are present.
9 So if Mr Taylor could be shown the entire agreement, please.

10:53:14 10 PRESIDING JUDGE: Ms Hollis, we are getting a little
11 concerned here that you are going to introduce fresh evidence.
12 Now, you have closed your case. Is the purpose of putting this
13 document to the accused to tender further evidence after you have
14 closed your case?

10:53:38 15 MS HOLLIS: The purpose of putting this document to this
16 accused, one of the purposes for this document, is to impeach and
17 challenge the testimony of this accused. It is for that
18 reason --

19 PRESIDING JUDGE: Just for that purpose?

10:53:54 20 MS HOLLIS: Yes. Now what we would suggest to your Honours
21 is that at the time of admissibility it is possible there will be
22 argument for other purposes, which your Honours then will have to
23 consider how you would use the document. But from each of these
24 documents, they are being used to challenge and impeach the
10:54:11 25 testimony of this witness.

26 MR GRIFFITHS: Mr President, I wonder if I could be heard
27 on that.

28 PRESIDING JUDGE: Yes.

29 MR GRIFFITHS: I wonder if I could be heard on that issue

1 because it is a matter which concerns me and I was awaiting an
2 opportunity to raise it once my learned friend indicated that it
3 was the Prosecution's intention to put in not just this package,
4 but other packages of what I can only style as cross-examination
10:54:41 5 material. Because my understanding of the principle is, so far
6 as the Prosecution is concerned they should place before a
7 tribunal all materials they intend to be relied upon in support
8 of their case. So far as the Prosecution is concerned, there is
9 no separate category of impeachment material. They have a duty
10:55:05 10 and obligation to present before a tribunal all materials they
11 intend to rely upon.

12 The idea that the Prosecution can, in effect, ambush a
13 defendant by introducing during the course of cross-examination
14 new material is a novel concept, as far as I am concerned. It is
10:55:28 15 their duty and obligation to place before the Court all materials
16 that they intend to rely upon during the currency of their case,
17 unless a matter arises ex improviso, and in that situation,
18 material can be put in in rebuttal. But so far as this general
19 category which my learned friend indicates of impeachment
10:55:52 20 material, in our submission, so far as the Prosecution is
21 concerned, no such category of evidence exists. Because, in
22 effect, it then allows the Prosecution to ambush a defendant with
23 material which they did not introduce as part of their case. And
24 I think before we go any further with any of these bundles, I
10:56:15 25 would like an assurance that none of these bundles includes
26 documents which were not introduced during the course and
27 currency of the Prosecution case.

28 PRESIDING JUDGE: That's the objection, Ms Hollis. Do you
29 wish to respond to it?

1 MS HOLLIS: Yes, I do, Mr President. Thank you. First of
2 all, we will give no such assurance. And there is a category of
3 evidence that can be used in cross-examination during the Defence
4 case which is used to impeach the evidence that has been
10:56:50 5 presented. In that instance, new information can be used.

6 There are exceptional circumstances where this new
7 information, upon deciding admissibility of the evidence, may
8 also be used for other purposes. That is a matter of argument at
9 the time of tendering the documents for admission. But
10:57:13 10 your Honours faced this issue in the Brima et al case and you
11 decided that where the documents are used to challenge the
12 witness's evidence, then such evidence may be used.

13 I am referring to a decision that was made on 29 June 2006.
14 The decision itself was made at page 48 of that transcript.
10:57:45 15 There was discussion as well at page 47. The issue was new
16 information which was being used by the Prosecution during
17 cross-examination of Defence witnesses - during the examination
18 of the first accused in that particular case and the Presiding
19 Judge held as for the Prosecution's obligation to hand over
10:58:27 20 documents to the Defence during cross-examination, and this was
21 actually notice of such documents, the Presiding Judge held that
22 handing them over during cross-examination only applied to new
23 evidence which the Prosecution was going to introduce. And went
24 on to say:

10:58:43 25 "There is no possible way the Prosecution would have known
26 in advance they were going to introduce these documents until
27 such time as the accused in the witness box gave evidence. These
28 documents are being used in cross-examination, not to introduce
29 new evidence, but to challenge evidence of the witness that is

1 already on record. I do not see any objection to the use of
2 those documents to challenge the witness's evidence."

3 We suggest that we may use new documents to challenge the
4 witness's evidence, and it is an entirely separate argument as to
10:59:19 5 whether those documents could be put to any other use by
6 your Honours when you are considering the evidence before you at
7 the end of the trial.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: Well, we have to - on another matter, we
11:00:29 10 have to formulate some orders on an application made by the
11 Prosecution yesterday, so we are going to adjourn now and
12 consider this matter as well. We will come back at the normal
13 time of 12 o'clock.

14 [Break taken at 11.00 a.m.]

12:01:27 15 [Upon resuming at 12.50 p.m.]

16 PRESIDING JUDGE: We'll deal firstly with the four points
17 of the application made by the Prosecution yesterday.

18 The first application was that the Defence provide a list
19 of core and backup witnesses prior to the recess. We understand
12:52:01 20 from what Mr Griffiths for the Defence said this morning that
21 there would be no problem doing that, so by consent we order that
22 the list of core and backup witnesses be provided to the
23 Prosecution by the Defence on or before close of business, 11
24 December 2009.

12:52:28 25 The next request was that the Defence provide the next set
26 of Defence witnesses by DCT number only prior to the recess. We
27 don't think that that is an unreasonable request and therefore we
28 order the Defence to provide that list to the Prosecution on or
29 before close of business, 11 December 2009.

1 The third and fourth applications were, firstly, for a
2 21-day notice of identity of witnesses to run during the recess
3 and then two weeks' notice of the call order of Defence witnesses
4 for the weeks of 11 January 2009 and 18 January 2009 to be
12:53:48 5 provided by the Defence to the Prosecution. We will deal with
6 both of those applications by ordering that the recess shall not
7 affect the 21 days or two weeks' notice of call order that are
8 already in effect.

9 There has been an objection to the Prosecution introducing
12:54:27 10 in cross-examination some fresh documents. We are aware of our
11 decision in Brima et al referred to by Ms Hollis, but there have
12 since been other relevant decisions we need to consider, bearing
13 in mind that the issue at hand is to be decided on a case-by-case
14 basis.

12:55:00 15 We note that the bundle of fresh documents presented to us
16 by the Prosecution today seems to be only one of several such
17 bundles. Furthermore, we understand from what Ms Hollis has said
18 that the purpose of the documents might eventually go beyond
19 impeachment of the credibility of the accused.

12:55:27 20 We also note the objections of the Defence dealing with
21 disclosure issues and claiming that they had been ambushed by the
22 presentation of these fresh documents.

23 The issue of the Prosecution tendering fresh evidence at
24 this stage of the trial, after it has closed its case, whether
12:55:53 25 for impeachment and/or other purposes, is one that must carefully
26 be considered by the Trial Chamber on a case-by-case basis and
27 entails carefully balancing the interests of justice with the
28 fair trial rights of the accused. We therefore consider that the
29 Prosecution should be called upon to justify the presentation of

1 this fresh evidence at this late stage by filing submissions by
2 way of formal motion and that the Defence should be given an
3 opportunity to formally respond.

12:56:41 4 Now the question, Ms Hollis: Is the Prosecution in a
5 position to proceed with other questions while that is being
6 done?

7 MS HOLLIS: Mr President, we're in a position to proceed
8 perhaps with not other questions, but questions on a different
9 basis and that is a good faith basis to ask the questions.

12:56:59 10 PRESIDING JUDGE: I'm sorry?

11 MS HOLLIS: A good faith basis to ask the questions without
12 actually offering your Honours the documents. So, for example,
13 Mr President, we have provided a bundle. The Defence has taken
14 exception to that in terms of having the physical documents
12:57:18 15 before you and perhaps marked for identification. However, there
16 is certainly no rule that prohibits a party from asking questions
17 based on a good faith basis. So if we can ask the questions on a
18 good faith basis we can proceed with the same questions because
19 they are not privileged --

12:57:38 20 PRESIDING JUDGE: What is the meaning of a good faith
21 basis?

22 MS HOLLIS: That we have a sufficient basis to put the
23 question, that it is not a frivolous question, that it's not an
24 unfounded question, and that is a virtually universal rule
12:57:53 25 regarding putting information to a person on cross-examination.

26 PRESIDING JUDGE: It's a bit hard to speak in general
27 terms. I'm not quite sure what questions you're going to ask, so
28 I think the way to proceed is to ask them and see if they are
29 objectionable or not. Do you have anything to say at this stage?

1 MR GRIFFITHS: Well, Mr President, at first blush the
2 suggestion now being made by my learned friend appears to be a
3 back door way of getting in before the tribunal the very material
4 which your Honours have now, in our submission, rightly ruled
12:58:38 5 should be the matter of written submissions.

6 PRESIDING JUDGE: That's right. But as I said,
7 Mr Griffiths, I understand what you're saying but I'm not quite
8 sure what this good faith basis questioning is going to be.

9 MR GRIFFITHS: Neither am I familiar with either the phrase
12:58:54 10 or the proposed procedure. So it's very difficult to comment on
11 something which at this point in time I fail to understand.

12 PRESIDING JUDGE: But if I understand you, notwithstanding
13 the claim that the questions will be on a good faith basis, your
14 objection still stands that if questioning goes to these
12:59:23 15 previously undisclosed documents, you will object.

16 MR GRIFFITHS: I would object. That's the point,
17 Mr President.

18 PRESIDING JUDGE: I understand. Thank you. Yes,
19 Ms Hollis.

12:59:43 20 MS HOLLIS: Simply to assist your Honours, the questions
21 that I would intend to go forward with would be questions - the
22 good faith basis for which asking would be premised on these
23 documents. And, your Honour, just to point out, it is not
24 prohibited in any way, that I'm aware of, to ask a witness on
13:00:11 25 cross-examination questions about a particular area, and if the
26 witness indicates they are not aware of it, to put to the
27 witness: So you're not aware of X, Y or Z? I'm not aware of any
28 rule that prohibits that. It is the actual marking and admission
29 of the document that I understand is the issue and there, of

1 course, as we've alerted earlier, we believe that has to do with
2 the purpose, not the document itself. But if your Honours intend
3 to rule that we could not even put a question to this accused,
4 for example, to the extent of: Do you recall that under article
13:00:54 5 such-and-such of Lome this was set out, and the witness says,
6 "I'm not aware of that. I don't remember," we would say, "Well,
7 let me refresh you," and put that to him. If your Honours are
8 ruling that under your decision we could not ask even that, then
9 we would ask for time to consider exactly what approach we can
13:01:17 10 take and what materials we can use and to consider any options in
11 light of your Honours' ruling.

12 PRESIDING JUDGE: You see, there would be no objection - I
13 guess you've quoted that as an example, have you?

14 MS HOLLIS: Yes, Mr President.

13:01:37 15 PRESIDING JUDGE: There would be no objection if you asked
16 the witness does he know what the Lome accord says on a certain
17 subject. But you have to look at your questioning in the context
18 of what we have just ordered. Now, if the witness says, "No, I
19 don't know," you are then not permitted to read on to the record
13:02:03 20 what the Lome accord says when we have just called for formal
21 submissions on whether anything that you've presented by way of
22 fresh evidence is going to be used or not.

23 MS HOLLIS: Thank you for that clarification, Mr President.
24 And in light of that --

13:02:19 25 JUDGE SEBUTINDE: Ms Hollis, if I may also additionally add
26 something.

27 MS HOLLIS: Yes.

28 JUDGE SEBUTINDE: The questions you ask or you may ask now,
29 if I understand you correctly, you may seek to impeach the

1 credibility of Mr Taylor. In my understanding, impeaching the
2 credibility of a witness entails showing a contradictory
3 situation to what he stated prior in his testimony, isn't it?
4 For example, if he stated facts A, B, C, D, you now seek to show
13:02:57 5 or to demonstrate that it's not A, B, C, D; it's X, Y, Z instead.
6 Now, that, in my view, is different from a situation where you
7 may seek to introduce totally new evidence establishing guilt on
8 the part of the accused that is not related to his testimony.
9 And if we can keep this separation or this compartmentalisation
13:03:21 10 in our heads - all of our heads, I think we will be on the right
11 track.

12 For me, that's the difference between evidence that you
13 seek to impeach the credibility of his prior testimony, in which
14 case you'll have to demonstrate to us what his prior testimony
13:03:35 15 was which it is that you then seek to impeach, as opposed to
16 fresh evidence that you may wish to bring in now that leads to
17 his guilt that perhaps you overlooked prior or that didn't even
18 arise out of his evidence-in-chief. For me, that's how I see the
19 difference. The first one is admissible; the second one is not.

13:03:59 20 MS HOLLIS: Thank you for that, Justice Sebutinde, because
21 that is what we apparently not clearly attempted to articulate,
22 that all of this information would be used for the purpose of
23 impeachment; however, at the time of admission of the document,
24 there could be arguments made that your Honours would have to
13:04:18 25 rule on as to whether any other purposes would be admissible for
26 the use of the document. So that each document that we would
27 refer to would be to impeach the witness, and I'm not aware of
28 any requirement to show step by step that it is particular
29 impeachment, but we certainly could - and it's not always as

1 straightforward as "you said X" and "we say Y". It could very
2 well be, for example, when it comes to Lome, the accused's denial
3 of assisting the RUF or the AFRC in any way under all the various
4 theories that we have set forward that he provided assistance to
13:05:02 5 them, but looking at the provisions of Lome, which were very
6 beneficial to the RUF, would impeach that testimony he has given
7 that he in no way assisted them other than this short period of
8 time he is willing to admit to. So it's sometimes more nuanced
9 than "you said X" and now we suggest that it's really Y. But
13:05:28 10 that, in our view, would go to impeachment of his credibility as
11 well, so that it's a broader area.

12 And as we had attempted to articulate before, we believe
13 all of these documents go to impeachment in that sense and then
14 it is for your Honours to determine if it is admissible to use
13:05:44 15 these documents in any other way upon the proper showing. So I'm
16 sorry I did not make that sufficiently clear, but thank you
17 Justice Sebutinde for your providing me with the distinction you
18 see in your mind because that is what we were articulating in
19 terms of the use of these documents.

13:06:01 20 JUDGE SEBUTINDE: That is not to say that I'm overruling
21 the ruling that the Presiding Judge just made in relation to the
22 bundle in front of us though. That ruling remains for formal
23 submissions.

24 PRESIDING JUDGE: Our ruling at present, Ms Hollis, is that
13:06:39 25 you can't make use of any of these documents until we've
26 considered the formal motion that we've called for.

27 MS HOLLIS: Well, in light of that ruling, Mr President, we
28 would request that we be given time to consider what evidence we
29 may go forward with as we contemplate our options and the formal

1 submission that you have spoken about.

2 PRESIDING JUDGE: That's reasonable. How much time are you
3 looking for? Tomorrow morning or --

4 MS HOLLIS: I think tomorrow morning, your Honour, because
13:07:12 5 we have to try to - there's certainly some areas we can go
6 forward in that would not be contrary to this ruling, but as we
7 had organised our presentation, I have to see which of those are
8 ready for us to proceed on. And also then that will give us time
9 to consider the formal submission you have spoken of and also our
13:07:35 10 options in relation to the ruling that you have made.

11 PRESIDING JUDGE: Thank you, Ms Hollis.

12 Would you have any objection to that course of proceeding?

13 MR GRIFFITHS: Mr President, with respect, I consider it a
14 very reasonable request in the circumstances, because one
13:07:53 15 appreciates the amount of detailed preparation which must
16 necessarily go into a cross-examination such as this and
17 rejigging such a procedure cannot be easy. Likewise in
18 preparation for the motion that my learned friend has to file,
19 there is a need for some focused thinking as soon as possible on
13:08:16 20 that issue. So, in the circumstances, I consider it to be very
21 reasonable.

22 PRESIDING JUDGE: Thank you, Mr Griffiths.

23 I probably don't need to say this, but I will just make it
24 clear that what's going to - the adjournment now until tomorrow
13:08:32 25 morning is simply for the Prosecution to reassess its position on
26 cross-examination. We're not calling for any formal motion to be
27 filed by tomorrow morning. I hope that was understood.

28 MS HOLLIS: That was, Mr President. Thank you.

29 PRESIDING JUDGE: All right. Thank you.

1 Mr Taylor, we're going to adjourn early, as you no doubt
2 heard. I'll just remind you of the order that you are not to
3 discuss your evidence with any other person.

4 We will adjourn now until 9.30 tomorrow morning.

13:09:05

5 [Whereupon the hearing adjourned at 1.09 p.m.
6 to be reconvened on Thursday, 12 November 2009
7 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DANKPANNAH DR CHARLES GHANKAY TAYLOR	31584
CROSS-EXAMINATION BY MS HOLLIS	31584