Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 2 FEBRUARY 2010
3.00 P.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:
Justice, Julia Sebutinde Presiding
Justice Teresa Doherty
Justice Richard Lussick
Justice El Hadji Malick Sow, Alternate

For Chambers:
Ms Sidney Thompson

For the Registry:
Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:
Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:
Mr Morris Anyah
Mr Terry Munyard
Tuesday, 2 February 2010

[Open session]
[The accused present]
[Upon commencing at 3.00 p.m.]

PRESIDING JUDGE: Good afternoon. We'll take appearances, please.

MS HOLLIS: Good afternoon, Madam President, your Honours, opposing counsel. This afternoon for the Prosecution, Brenda J Hollis, Mohamed A Bangura and we're joined by our case manager, Maja Dimitrova, and our intern Nathan Quick.

MR ANYAH: Good afternoon, Madam President. Good afternoon, your Honours. Good afternoon, counsel opposite. Appearing for the Defence this afternoon are Mr Terry Munyard and myself, Mr Morris Anyah. Thank you, Madam President.

Mr Griffiths is absent. He has a prior engagement, Madam President, and we are authorised to proceed in his absence.

PRESIDING JUDGE: So noted. Mr Taylor, simply to remind you of your declaration to tell the truth as Ms Hollis continues with cross-examination.

MS HOLLIS: Thank you, Madam President.

DANKPANNAH DR CHARLES GHANKAY TAYLOR:

[On former affirmation]

CROSS-EXAMINATION BY MS HOLLIS: [Continued]

Q. Good afternoon, Mr Taylor.

A. Good afternoon, counsel.

Q. Mr Taylor, yesterday afternoon at the close of the proceedings we were talking about your relationship with General Robert Yerks. Do you recall that?

A. Yes, I do.
Q. And we had talked about General Yerks's association with ITC and, Mr Taylor, General Yerks was also associated with LISCR, correct?

A. To the best of my knowledge, I would think so, yes.

Q. And, indeed, he was a senior official in LISCR. Isn't that correct?

A. That sounds right, yes.

Q. And, Mr Taylor, indeed, General Yerks was a business associate of yours, wasn't he?

A. No. No. No, the general, never, no.

Q. And you had common business interests, didn't you?

A. No. Not at all. No.

Q. And General Yerks was working to advance your public message. Isn't that correct?

A. No. What General Yerks did, he did it as a friend of Liberia. There are many friends of Liberia, but there was no personal relationship with the general. He did not work for the Liberian government. He worked for LISCR. No, none whatsoever.

I disagree.

Q. Indeed, Mr Taylor, you, through your government, used LISCR as a way to obtain arms. Isn't that correct?

A. Never. Never, ever used LISCR to obtain arms ever.

Q. Indeed, you had funds diverted from LISCR that should have gone to the regular channels, through the banking system in Liberia. You had those funds diverted as payment for arms, didn't you?

A. But that's a different thing now. I was President of Liberia, and I wouldn't call that a diversion. The government used money as it saw fit.
Q. And those were proceeds from LISCR, correct?
A. Those - no, I wouldn't say proceeds from LISCR. No, I disagree. Those were revenues that were the property of the Government of Liberia and its people, not proceeds from LISCR.

Q. Through the management of LISCR, correct?
A. Well, LISCR worked for the government.

Q. Now, Mr Taylor, in terms of General Yerks working on your behalf, the behalf of the Government of Liberia, he had some success with that, did he not?
A. Well, there are two questions, counsel, and I want to speed up. First of all, General Yerks did not work for my government in the true sense of the word because he would have had to declare legally he was an agent. He did not - he was not employed by the Government of Liberia, so that's the first part.

Q. He worked through your business association?
A. No, not through my business. He never worked through my business association, no.

Q. And he had some success in advancing your interests. Isn't that correct?
A. Well, what do you mean by "your", counsel?

Q. Well, both yours personally. Let's start with that.
A. No, he never worked personally for me.

Q. And also the Government of Liberia's interests. Isn't that correct?
A. Yes. The general as a friend of Liberia did secure some favourable actions on the part of the United States government or its representatives.

Q. And, indeed, if we could look at MFI-105, please. That is DCT-215. Mr Taylor, we see that this MFI is a letter to
General Yerks from Susan Rice. It is headed "United States Department of State Assistant Secretary of State for African Affairs" and it is dated September - it looks to me like 8, 1999.

Mr Taylor, it says:

"Dear General Yerks, thank you for your fax letter of August 14 and your observations about Liberia and the sub-region."

Then the second to last paragraph:

"We are pleased that Liberia has friends who can help guide it in the right direction."

So General Yerks was having some success working on behalf of the Government of Liberia, correct?

A. That is correct. As a friend of Liberia, yes.

Q. And we note of course that this is a September 1999 letter, and if we look at the third paragraph from the bottom beginning "the International Monetary Fund", we see part way down that paragraph, "The IMF recommends action on three key economic issues." We see two, the rice monopoly, the petroleum monopoly, and then the third one, "Compensation of Mobil Oil for losses suffered in 1996." So, Mr Taylor, in this letter there is no mention of Mobil Oil losses in 1998, is there?

A. No, that is not mentioned in this letter.

Q. And this letter is dated September 1999, yes?

A. That is correct.

Q. Thank you. You can remove that MFI. Mr Taylor, in addition to Lester Hyman and retired General Yerks, during your presidency you had others working on your behalf to get your message out. Isn't that correct?

A. I can't recall, but there was another firm. I can't recall
Q. And, Mr Taylor, do you recall that late in 1997 you entered into a contract with a public relations firm in Washington DC by the name of Hill & Knowlton?

A. That rings a bell, yes.

Q. And that is K-N-O-W-L-T-O-N. And this firm was to assist you in lobbying, correct?

A. That is correct.

Q. As well as projecting the right public image, correct?

A. That is correct.

Q. And advising you in that capacity as well, yes, Mr Taylor?

A. Yes.

Q. And during the time that you had the services of this firm, this firm was paid some $55,000 US. Do you recall that, Mr Taylor?

A. Oh, sorry, counsel, I can't - I wouldn't know the sequence of payments, but I don't deny that we paid them. But I would not remember offhand the amounts and the times, but that sounds pretty right if you have the records, because they were hired and paid.

Q. So, Mr Taylor, this firm plus the Swidler firm would have been - and I admit I'm not always good at math - but it would have been some $680,000 US during your presidency. Is that right?

A. That sounds right. It could have maybe been more, but that sounds pretty right.

Q. Mr Taylor, in addition to these two firms and the assistance of General Yerks, you also entered into an agreement with another firm, Cohen & Woods International, yes?
A. Yes.

Q. And we have talked about that, correct?

A. That is correct.

Q. That was the firm of Herman Cohen, the former United States Assistant Secretary of State for Africa?

A. That is correct.

Q. And, Mr Taylor, you indicated earlier that for three months or so in 1999, Herman Cohen was involved in public relations services for the Government of Liberia. Do you recall telling the judges that?

A. Yes, I do.

Q. And you indicated that you paid about - you recalled paying about $100,000 to Mr Cohen for those services.

A. If I remember the evidence, I said I was not too sure of the amount. It could have been more than we paid Mr Cohen and I can remember saying that I was not sure, but we did pay him that or maybe even more.

Q. Mr Taylor, do you recall entering into a contract with Cohen & Woods International about the end of March 1999?

A. That sounds - that sounds right, counsel. These times - you know, because the President is not directly involved - I don't deny this, but I would not remember the time. I don't dispute, if the records are there. They were hired, but I don't remember the exact time, because these are done by lawyers and the Foreign Ministry, but we did hire him.

Q. And do you recall that this contract was actually for a total amount of $300,000 to be paid in increments of $100,000?

A. Okay.

Q. Do you recall that?
A. That sounds like - that sounds reasonable.
Q. And, indeed, it was Rachel Diggs --
A. The ambassador.
Q. -- who signed that agreement. Do you recall that?
A. That's the ambassador. She was the ambassador extraordinary, yes.
Q. And ambassador extraordinary to?
A. To the United States.
Q. Now, you talked about you couldn't remember for sure but you thought maybe 100,000 had been paid to Mr Cohen and his associates. Do you recall, was that remaining $200,000 paid to them during your presidency?
A. I would think so, counsel, yes. I want to - and I'm not guessing. I want to believe that, based on that contract, the Government of Liberia fulfilled its end of the contract. So I would say yes. I could be wrong, but I would say yes.
Q. So if that 300,000 had been paid, that would put us up to about $710,000 for the services of Swidler, Cohen, and Hill & Knowlton, correct, Mr Taylor?
A. Yes. I think --
Q. Roughly 680,000, another 300,000.
A. But that would be --
Q. Be 900,000 and some thousand.
A. Yes, 900 and some, yes, I would agree.
Q. I told you I wasn't very good at math.
A. Yes.
Q. Now, in addition to these firms that were working directly for you, you also received the benefit of this - another public relations firm by the name of James Waterman International. Do
1. you remember that firm, Mr Taylor?
2. A. Waterman, yes, that is correct.
3. Q. Now, they weren't actually working for the Government of
4.   Liberia, were they?

A. They were not.
5. Q. They were working instead for a company known as AmLib
6.   United. Do you remember that?
7. A. That is correct, yes.
8. Q. And AmLib United was a Liberia-based mining company. Do
9.   you recall that, Mr Taylor?
10. A. That is correct.
11. Q. And it is A-M-L-I-B is the company I'm referring to?
12. A. Yes.
13. Q. And a spokesman for the public relations firm, James
14.   Waterman, a spokesman for that firm indicated that Liberia had an
15.   image problem and that they were working with the government and
16.   they were there to help Liberia in terms of its communications
17.   problems?
18. A. That is correct.
19. Q. That was part of their role, wasn't it, Mr Taylor?
20. A. That is correct.
21. Q. During the course of the contract with this additional
22.   public relations firm, the part of the contract that related to
23.   Liberia, this firm was paid something like $750,000. Do you
24.   remember that, Mr Taylor?
25. A. No, no, no. Let's - I have to understand you properly,
26.   counsel. Are you saying that there was a contract with AmLib?
27.   Is that the firm you are referring to?
28. Q. Not between your government and JWI. It was between AmLib
and AmLib and JWI, this James Waterman firm. Do you recall that, Mr Taylor? They weren’t working directly for your government.

A. Right. And I don’t know the details of the relationship between AmLib and what were paid by that firm that hired AmLib.

Q. I have no inner working knowledge of the agreement.

A. That is correct.

Q. But we do agree that the spokesman had indicated, “Liberia has an image problem, we’re working - we’re helping Liberia in terms of its communications problems”?

A. That sounds reasonable, yes.

Q. Now, near the end of your presidency you also hired another firm by the name of Valis Associates. Do you recall that, Mr Taylor?

A. Valis, no, I don’t --

Q. V-A-L-I-S?

A. Oh, I don’t --

Q. This was January 2002. Do you recall that, Mr Taylor?

A. No, I would have to think about this. I don’t recall

Valis. I’m not saying that they could not have been hired by maybe the Foreign Ministry, but it doesn’t run by me right now.

Q. Perhaps we can assist your memory. If we could turn to tab 50 in annex 1 and perhaps that would assist you?

A. Okay.

Q. And if we could put page 1 so we can see the top of that page. And, Mr Taylor, we see here a form “Exhibit A to registration statement”. It says its pursuant to the Foreign Agents Registration Act of 1938 as amended. In the left we see “Department of Justice”. Mr Taylor, these lobbying firms had
made you aware that under United States law they had to register with the United States Department of Justice if they were doing lobbying for foreign entities, yes, Mr Taylor?

A. That is correct, yes, as agents --

Q. And that would be individuals or firms that had to do that?

A. Yes, that's --

Q. And this is the type of registration statement that they were required to file. Here, Mr Taylor, we see "Wayne H Valis, DRA, Valis Associates" and then under "Name of foreign principal" we see "Republic of Liberia"?

A. Yes.

Q. "Principal address of foreign principal", we see "Embassy of Liberia in Washington, DC". And then we see, "Foreign principal is foreign government". And then if we could move it down so we can see the bottom of the page, please:

"Branch or agency represented by the registrant, Executive Branch. Name and title of official with whom registrant deals, His Excellency Charles Taylor, President."

A. Yes?

Q. And if we could see the next page, please. At the bottom of that page, please, the very bottom of the page, we see the signature "Wayne Valis" and a date, "3/1/02". So now, Mr Taylor, do you recall entering into an agreement with this firm?

A. I really - I can't remember Valis. But I'm sure like - I don't sign these. I'm sure Valis would not use the name of the Government of Liberia in vain, so I would say that there was an agreement. I don't deny it. I don't remember this specifically.

Q. Then, Mr Taylor, if we could turn to the very back of the
package, it would be the last two pages of that package, and it should be "Supplemental statement". It should show that at the top of the page, "US Department of Justice". This is for the six-month period ending April 30, 2002, Valis Associates. And then if we could look at the next page, please, which should say "Financial information" and here we have, "Date, 1/31/02, Republic of Liberia consulting fee, $500,000". So, Mr Taylor, its association with you, this firm was paid $500,000 by the Government of Liberia, correct, Mr Taylor?

A. Yes, I don't have any problem with this. The problem with these things is that the public relations firm is hired, the President doesn't sign but they work for us. They would be like the embassy - I've been trying to see who signed the agreement. I don't dispute that we had many consulting firms. I just don't get into the details. I don't have a problem with this document.

MS HOLLIS: Madam President, if I could ask that this be marked for identification.

PRESIDING JUDGE: The document entitled "Exhibit A to registration statement, Department of Justice", is marked MFI-399.

MS HOLLIS: Thank you, Madam President:

Q. So, Mr Taylor, here we have approximately $980,000 if we're looking at the other three firms and now another $500,000. So we're looking at about 1.4, almost 1.5 million during your presidency, Mr Taylor?

A. Yes.

Q. And in addition we have the assistance provided, albeit indirectly, from the firm representing AmLib, correct?

A. Well, I don't know as to whether I want to put it that way.
Whatever AmLib did for - because of its business interests in Liberia, I'm not sure I'm prepared to attach it to what the Liberian government did in terms of its own consultancy. So I would disagree with adding them together.

Q. And indeed if you don't know the amount, it wouldn't be of assistance, would it, Mr Taylor?

A. Even if it is of assistance I think my disagreement is not with whatever they may or may not have paid. My disagreement is that I don't agree that their private enterprise in supporting Liberia because of their business interests should be tied to what the Government of Liberia did to promote its political interests with the United States. That's my disagreement.

Q. Mr Taylor, this 1.48 million or so that was paid to these firms that worked directly for the Government of Liberia, from what funds was that money drawn?

A. Oh, I would not know directly. I'm sure it's from the funds approved by the budget of Liberia. So I would say the budget of Liberia provided for that because even if it came through the maritime programme, the maritime programme is incorporated in the budget so I would say it came from the Liberian government funds.

Q. And, Mr Taylor, if we look back at your time as the leader of the NPFL, you also took advantage of lobbying and public relations firms at that time. Isn't that correct?

A. Yes, we tried at that time.

Q. During the time of the NPFL indeed you used the Swidler firm --

A. That is correct.

Q. -- as well. Isn't that correct?
A. That is correct.
Q. And Lester Hyman was part of that firm at that time, yes?
A. That is correct.
Q. And during the time of the NPFL, this lobbying and public
relations firm actually worked for your NPRAG, didn't it?
A. I would say yes.
Q. Or did it work for the NPFL itself?
A. The NPRAG.
Q. And during that time you paid them some $356,000, isn't
that right, and by that I mean NPRAG?
A. I don't know the exact - I can't remember the exact amount
now, counsel, but we did pay them. I don't remember the exact
amount now.
Q. Perhaps we can look at tab 49 in annex 1. If we could
first look at the last four pages of that document beginning with
the document that is "Exhibit A to registration statement". If
you are counting --

PRESIDING JUDGE: Has Mr Taylor seen page 1?
THE WITNESS: Not yet. It's not on the screen yet.

PRESIDING JUDGE: He has to see page 1.

MS HOLLIS: If you are counting from the front of the
bundle, it would be page 7 of the bundle. Looking at the lastour pages, it would be page 7 of the bundle.

PRESIDING JUDGE: Page 1 is now on the screen. I wanted
the witness to see page 1 to understand the document you are
referring to. Now we can go to page 7.

MS HOLLIS: Thank you:
Q. Now if we could go to the seventh page which would be
"Exhibit A to registration statement" and again we see this says
"Exhibit A to registration statement". We've seen a similar document before, "Swidler & Berlin" showing "The foreign principal, National Patriotic Reconstruction Assembly Government". Principal address shown at the bottom is shown as Monrovia. Then if we turn to the next page, please, which is a continuation of this form and if we could show the bottom of the page, please. This is signed by Lester Hyman, yes, Mr Taylor?

A. Yes.

Q. And now we could go back to the beginning of the bundle, please, and we will look at the supplemental statements with financial information. So if we look first - if we could look at the top of this form, supplemental statement, showing a six-month period ending 7 Jan 1992, Swidler & Berlin. And then if we could look at the next page, please. We see two entries for payments from National Patriotic Reconstruction, and the first we see is for $30,000 and the second for $100,000. Yes, Mr Taylor?

A. That is correct.

Q. And then if we look at the next page, please. 7 July 1992, supplemental statement, Swidler & Berlin. And the following page please, and here we see again two entries for payments from National Patriotic Reconstruction, $79,540, $47,373.93, yes, Mr Taylor?

A. That is correct.

Q. And, finally, if we could look at the next page. And we are looking here for the six-month period ending 7 Jan 1993, again, Swidler & Berlin. And the next page, please. And we see here 11/30/92, so it appears that 30 November 1992 was the last payment received and that is in the sum of $99,911.64, yes, Mr Taylor?
A. That is correct.

Q. So, again, not claiming to be very good at math, if we add all that up, we come to something in the neighbourhood of $356,000. Do you agree with that, Mr Taylor?

A. I agree. With due respect, counsel, I don't know as to whether we have disagreement on this. I didn't disagree that we had paid. I just said I couldn't remember the exact amount. So I don't have any disagreement with you.

Q. And then finally, Mr Taylor, about four months before your military Operation Octopus in October 1992, you retained an additional firm on your behalf, do you recall that, Newman & Company?

A. That's possible.

Q. And you gave them a $10,000 retainer fee, and by that I mean your National Patriotic Reconstruction --

A. Yes.

Q. And, Mr Taylor, the payments to Swidler & Berlin and then Newman & Company, they came out of what part of the NPRAG budget?

A. I don't know what part, but it had to be with a part that dealt with payment for consultancy or, you know, that type of professional service.

Q. And, Mr Taylor, back when you were the leader of the NPFL and head of the NPRAG and using these firms, you were also at that time using them to advise you on various public relations matters, yes?

A. Yes, they - that was a part of their job, yes.

Q. And to assist you in putting your public relations statements out into the international community?

A. I would say to an extent. I'm not sure if they were
involved in the day-to-day construct of statements, but those
officials that they dealt with, it is common under these
conditions for firms to inform the appropriate agency that,
"Look, we believe that this is the way to go. This is what we're
hearing. And we suggest that this step" - maybe there may be a
hardline position on an issue. They would advise, "Well, maybe
you should go slow." So these kinds of things happened.
Q. So they were assisting you in the public messages that you
were sending out, yes, Mr Taylor?
A. Well, I can say - I can say, yes, the way how you put it,
but anyway. Once we know that it's not a day-to-day thing. They
get paid for advice. They send an advice and then government can
work around the programme. As long as we do not understand that
they are not in a day-to-day operation of governments and policy
and then I agree.
Q. And, Mr Taylor, during the course of your leadership of the
NPFL and NPRAG and as President of Liberia, these various public
relations firms were provided with something in the neighbourhood
of $1.7, $1.8 million?
A. Well, you've asked me about two sets of situations. I will
try to split them up. First you asked about the NPFL/NPRAG. I
would like to - maybe we can add up that amount, and I would
insist that it be separated from me as President of Liberia, what
the government did. If you choose to combine them, I would say
that your math is right. But I will have serious disagreement
with combining them because we're talking about two different
periods, two different situations.
Q. And, Mr Taylor, we have seen the results - at least some of
the results of these efforts of these different companies even
here in this courtroom, haven't we?

A. I don't know what you mean, counsel.

Q. Your various public statements and pronouncements both by
you and your subordinates have been the product of the assistance
you received from such public relations firms. Isn't that right?

A. The way you put it, I would disagree.

Q. Mr Taylor, 1.48 million, thereabouts, while you were
President, that was quite a bit of money for a country that
didn't have much money to put in its budget, wasn't it?

A. That's subjective. For me it was not enough, so I will
disagree. I know other governments and friends of mine,
Presidents, that paid up to $5 million to firms in Washington DC,
so that was not enough for me. So it's a subjective situation
whether it was a whole lot of money. I would disagree with your
proposition.

Q. And this type of public relations effort and lobbying was
very important to you, was it not?

A. Yes. It was very important, yes.

Q. To the extent that monies that could have gone to other
services for Liberians were used for this lobbying. Isn't that
correct?

A. Well, again, counsel, I'll disagree with your proposition
to avoid argument. But I can just say for the benefit of the
Court, most little governments, if you don't lobby in Washington,
you really get smashed. And, counsel, if you may, before I go,
if you permit me, I've been using the phrase "friends of Liberia"
for the sake of the Court and I want to emphasise before we move
for the records, the friends of Liberia like General Yerks were
not paid any monies for their services. I just wanted it for the
records to show that.

Q. Mr Taylor, we'll have to agree to disagree on that.

A. Very well.

Q. Now, Mr Taylor, during the time you were President, in fact, in June 1998, there was finally an agreement reached relating to the status of ECOMOG in Liberia. Isn't that correct?


Q. 5 June, in fact.

A. Yes.

Q. It was signed.

A. Yes, that sounds right.

Q. That is MFI-237 before the Court. If we could see that document, please, DCT-280. Mr Taylor, just briefly, for the cover page we see "Official Journal of ECOWAS, October 1998, volume 35". And then if we could move to the next page, please.

Now, actually, if we could move to page 39 of that document. If you could move that up, please. So here we see "agreement relating to the status of ECOMOG in Liberia between the Economic Community of West African States (ECOWAS) and the Republic of Liberia". And then, Madam Usher, if you could just show us the last page of that agreement, which should be page 50. And at the bottom we see that this was done at Ouagadougou, 5 June 1998.

Yes, Mr Taylor?

A. Yes.

Q. And signed by Monie Captan, Minister of Foreign Affairs, on behalf of the Republic of Liberia, yes, Mr Taylor?

A. Yes.

Q. Now, if we could please look at the first page of that agreement, which is page 40. And if we look at the right-hand
column, the second paragraph down:

"Mindful that a democratically elected government has now been inaugurated and has assumed all sovereign powers of the republic."

So, Mr Taylor, at this time you had assumed all sovereign powers of the republic, correct?

A. That is correct. Once "you" means the government, I think - if "you" means the government, the democratically elected government, yes.

Q. Of which you were the President?

A. Yes.

Q. And then if we could please move to page 43, which will be Article 4 of the document. And if we could look at number - first of all, we see Article 4, if you could move that down a bit, "Status of ECOMOG". And then if we look at the right-hand column:

"ECOMOG shall collaborate with the government in the implementation of its remaining mandate in line with the protocols to be entered into between ECOWAS and the government."

So, Mr Taylor, under this agreement, ECOMOG's carrying out its mandate was a collaboration with your government. Isn't that correct?

A. That is correct.

Q. And now if we could please look at the next page, page 44, "entry residents and departure", number 9:

"The Government of Liberia undertakes to facilitate the entry into and departure from the territory of the special representative, the force commander and members of ECOMOG. ECOMOG undertakes to keep the government informed of such
So, Mr Taylor, under this agreement your government was given notice of the movement of the special representative, the force commander and members of the ECOMOG into and out of Liberia, correct?

A. Yes, that is correct. We have to look at what that movement means, but you haven't asked, but that is correct. But movement refers to something else. I don't know if we want to get into that, but --

Q. Actually I think there's a later entry that also talks about movement. But let's go to number 11 on right side of this page, please:

"The special representative or the force commander shall issue to each member of ECOMOG before or as soon as possible after such member's first entry into the territory, as well as to all service personnel, a numbered ECOMOG identity card, which shall show full name, date of birth, title or rank, service (if appropriate) and photograph."

Then, Mr Taylor, if we look at number 12:

"Members of ECOMOG as well as service personnel shall be required to present, but not to surrender, their ECOMOG identity card upon demand by any such official of the government."

So, Mr Taylor, they were required to carry a distinct identity card, correct?

A. That is correct.

Q. And they were required to show that on demand to any such official of the government, correct?

A. That is correct.

Q. And then if we look at the bottom of the page, "Uniforms
and arms," under number 14:

"Military members of ECOMOG operations shall wear, while performing official duties, the national military or police uniform of their respective states with standard ECOWAS accoutrements."

Then if we look at the last part of that paragraph:

"Military members of ECOMOG and such civilian personnel as may be designated by the force commander may possess and carry arms while on duty in accordance with their functions."

So, Mr Taylor, while they were on duty they were required to wear the uniforms of their respective states, correct?

A. That is correct.

Q. And the force commander could designate those persons who could carry arms while on duty, correct?

A. That is correct.

Q. Mr Taylor, was that in any type of coordination with your government in terms of determining who could carry weapons while they were on duty?

A. Well, in a way. Once the agreement called for this, I would say it was in cooperation with my government, because that's what the agreement called for, so the actions that follow are in line with what is expected, so I would say yes.

Q. And then if we could please look at page 47 at the bottom of the page initially, please, the left-hand column. Here we see, "Article V, ECOWAS flags and vehicle markings". The paragraph that begins at the bottom of that left column:

"Vehicles, vessels and aircrafts of ECOMOG shall carry a distinctive ECOWAS identification which shall be notified to the government."
So this identification of these vehicles, vessels and aircraft was notified to your government, correct?

A. Yes.

Q. "All vehicles shall be conspicuously marked and numbered for the purpose of identification. ECOMOG will give records of all vehicles to the government."

So your government also had records of all of these ECOMOG vehicles, correct?

A. No, I wouldn't say - I wouldn't put it that way, counsel.

That's what the agreement called for, but in most cases things happened rapidly and most of these little things were not implemented, neither were they challenged. For example, if ECOMOG, say, brought in on an emergency basis vehicles, they didn't, you know, rush to mark them. There were a lot of little things that are called for in here but were not really implemented but didn't cause any real problems.

Q. Mr Taylor, once those immediate emergencies were over, then you were given the notice, yes?

A. I can't say for sure that there was a follow-up. The defence people, you know, were dealing with these matters and in most of these cases little minor hiccups here and there were settled between and amongst military personnel. So I can't say for sure whether they were corrected, but I do know there were little hiccups along the way.

Q. Mr Taylor, if we look at "Article VI, Communications" under number 1:

"ECOMOG shall enjoy the facilities in respect of communications provided for in the convention only for the purpose of executing its task."
So that's a limitation in respect of enjoying the
facilities in respect of communications, yes?
A. Yes, but, you know, that's an impractical situation,
counsel. It's in the agreement but how - the Government of
Liberia did not have any means of being able to intercept every
communication to determine that ECOMOG was violating the
agreement. So that was not possible.
Q. And if we look at paragraph 2:
"Subject to the provisions of paragraph 1 above: ECOMOG
shall have authority to install and operate radio sending and
receiving stations as well as satellite systems to connect
appropriate points within the territory with each other and with
ECOWAS, UN and OAU officials in other countries, and to exchange
traffic with their communications network."
So those were the privileges, the authority that they had,
yes, Mr Taylor?
A. That is correct.
Q. Then if we look at the following paragraph, the last few
lines:
"And the frequencies on which any such station may be
operated shall be decided upon in cooperation with the
government."
A. Yes.
Q. So, Mr Taylor, it was a cooperative effort to determine
what frequencies could be used?
A. Yes, that was the intent of the agreement. Now --
Q. And the government had notice of those frequencies because
it was in cooperation with the government, yes?
A. Not all of the frequencies. We had notice of some
frequencies, but it's possible that ECOMOG operated on
frequencies other than, because these are simple frequencies.

Q. Then, Mr Taylor, if we look at B:

"ECOMOG shall enjoy, within the territory, the right to
unrestricted communication by radio (including satellite, mobile
and handheld radio) telephone, telegraph, facsimile or any other
means and of establishing the necessary facilities for
maintaining such communications within and between the premises
of ECOMOG, including the laying of cables and landlines and the
repeater stations. The frequencies on which the radio will
operate shall be decided upon in consultation with the
government."

Yes, Mr Taylor?

A. That is correct.

"It is understood that connections with the local system of
telegraphs, telex and telephones shall be made in consultation
with the government."

So once again we have this requirement under the agreement
for consultation with your government, yes, Mr Taylor?

A. It's a requirement, yes.

PRESIDING JUDGE: Ms Hollis, I hesitate to interrupt but
we've been sitting here listening to you read this document
article by article and asking Mr Taylor, "Yes, Mr Taylor",
et cetera. Most of which he hasn't disagreed with. We're just
wondering if there's a point to this and whether you might get to
the point.

MS HOLLIS: Yes.

PRESIDING JUDGE: Because simply reading passages of
something that's already an MFI is not really taking the case
MS HOLLIS: I wanted to go through these provisions, Madam President, because they lead to the point I am making and that is the limitations on ECOMOG as of 5 June 1998 which meant that their movements were known by the government, their frequencies and other things were known by the government --.

PRESIDING JUDGE: Ms Hollis, if there's a question arising out of this document - a proper question - I don't mean a question like, "Mr Taylor, do you see article this", but if there's a question arising out of this document that you want to put to the witness, please put the question.

MS HOLLIS: Madam President, I will do that and if the witness asks what I'm talking about then I will return to the document.

PRESIDING JUDGE: That's a good way to proceed.

MS HOLLIS:

Q. Now, Mr Taylor, it is correct, is it not, that also under this agreement your government had to be informed of the movement of ECOMOG within your country?

A. That is correct.

Q. And so there had to be advance notice for the movement of ECOMOG within your country, advance notice made to your government, correct?

A. That is correct.

Q. And indeed in deploying its troops in your country, ECOMOG had to collaborate with your government. Isn't that correct?

A. Well, I wouldn't - by collaborating on deployment, while it says collaboration there, the details of such collaboration - all ECOMOG had to do was say we are deploying in a particular area.
Now, what strategies and all these things they did not have to report and in many cases, like I said before, some of these points were never really carried out to the letter of the law as it's mentioned here. But as long as there was no controversy we just moved on smoothly. That's what I told you before.

Q. Indeed, Mr Taylor, these deployments were with notice of your government, as you just said, correct?
A. To a great extent, yes.

Q. Mr Taylor, this agreement that you entered into also required as a part of the agreement that the special representative, the force commander and the government would all take appropriate measures to ensure close and reciprocal liaison at every appropriate level, yes?
A. That is correct.

Q. So, Mr Taylor, this agreement that was entered into on 5 June 1998 was an agreement by which your government received notice of virtually everything that ECOMOG did. Isn't that correct?
A. I wouldn't say - no, that would be - I would disagree with that proposition.

Q. And it was an agreement which required ECOMOG to be very conspicuously marked in your country. Isn't that right?
A. That's what - that is correct. That's what the agreement said, yes.

Q. And this agreement of 5 June 1998 was basically a written agreement which memorialised the method of operation of ECOMOG in your country from very early on. Isn't that right?
A. Well, I wouldn't generalise it in that way. As the proposition is put, I would disagree.
Q. From the time of your Councils of State, ECOMOG was required to give notice of various things such as movements, wasn't it?
A. I don't recall a Status of Forces Agreement between the Council of State and ECOMOG.

Q. That wasn't my question, Mr Taylor. As of the time of the Councils of State, ECOMOG was required to give notice of its movements to the council. Isn't that correct?
A. That is not correct.

Q. And it was also required to give notice of deployments of its troops. Isn't that correct?
A. That is not correct.

Q. Indeed, Mr Taylor, the ability for ECOMOG to function independently was very restricted during its time in Liberia. Isn't that correct?
A. That is not correct.

Q. Mr Taylor, you have talked to this Court about Sam Bockarie's presence in Liberia. And we are finished with that exhibit, thank you.

Q. And you have told this Court about Sam Bockarie's presence in your country beginning in December 1999 when Sam Bockarie came with members of the RUF to Liberia, yes, Mr Taylor?
A. No, that's not my - that's not my evidence before this Court. My evidence before this Court is that Sam Bockarie first came to Liberia in September 1998.

Q. Mr Taylor, I'm talking about when Sam Bockarie actually leaves the RUF and comes to Liberia with several hundred of his men?
A. Okay. Now that's your question, but that was not your original question.

Q. December 1999, yes?

A. Now this is your question. I agree, December 1999 when he finally moves into Liberia, yes.

Q. Because in fact, of course, Mr Taylor, Sam Bockarie first comes to visit you in Liberia in February or early March 1998. Isn't that correct?

A. We disagree.

Q. Now, Mr Taylor, you have also told this Court that Sam Bockarie came to your country with the knowledge -- and here I'm talking about his leaving the RUF and coming to your country in December 1999 -- that this happened with the knowledge of President Kabbah of Sierra Leone, yes?

A. Of course Kabbah knew.

Q. And that he was in agreement with this?

A. Well, Kabbah was not consulted. They didn't take his agreement. I said but he knew. But I would disagree that it was done with his - his participation, where we're leading, no, it did not take his agreement.

Q. Was he in agreement with Sam Bockarie coming to Liberia with his men in December 1999?

A. I don't know. He was told that Sam Bockarie will be moving. ECOWAS was told and everybody else, so I --

PRESIDING JUDGE: Excuse me, Mr Taylor, who told President Kabbah that Sam Bockarie was moving?


MS HOLLIS:

Q. And when you told him this you didn't ask for his response
to that?

A. We did not ask for his acquiescence. We told him what the decision had been because he was a party to this - he was a party to the conflict, and at that particular time within the RUF, once it had been agreed by Sankoh and ECOWAS, we told him what the decision was. We didn't ask. I didn't ask his opinion. I told him that we had had a meeting in Monrovia, that President Obasanjo had come over and we had met and we had decided, in the presence United Nations, a representative to Liberia, that the best way to move forward with the peace was for Sam Bockarie to be removed from Liberia and that's what I told him.

Q. And, Mr Taylor, is it your testimony that while Sam Bockarie was in Liberia, you kept President Kabbah apprised of his presence in Liberia?

A. I didn't have to. No, I'm not - that's not my testimony to this Court.

Q. And, Mr Taylor, while Sam Bockarie was in Liberia, the Government of Sierra Leone made requests that he be returned to Sierra Leone, didn't it?

A. At some level, yes. My Foreign Minister did tell me that - I think he had spoken to someone and President Kabbah had said that he wanted Sam Bockarie returned to Sierra Leone and the position of the Government of Liberia was no.

Q. Actually, Mr Taylor, on 28 January 2001 you had a telephone conversation with President Kabbah in which it was discussed handing Sam Bockarie over to Sierra Leone. Isn't that correct?

A. I said the position of the government was no. Yes.

Q. And, indeed, after that telephone conversation, President Kabbah sent you a letter on this subject. Isn't that right?
A. That is correct.

Q. And the letter was dated --

PRESIDING JUDGE: Wait, wait, Ms Hollis. The witness did not answer the question relating to the telephone conversation, whether or not in fact they had a telephone conversation. He answered a totally different question that you never asked.

I would like an answer to that question, Mr Taylor, whether on 28 January 2001 you had a telephone conversation with President Kabbah in which it was discussed that you would hand over Sam Bockarie to Sierra Leone. Did you have a telephone conversation?

THE WITNESS: Yes, I did have a telephone - I don't remember the date, but I did have a - President Kabbah and I did talk about the Sam Bockarie issue and the possibility of sending him back to Sierra Leone. And in that conversation, I did reiterate that that would not happen. We did, your Honour.

MS HOLLIS:

Q. Indeed, Mr Taylor, following this conversation he sent you a letter, did he not, on the same subject?

A. Yes.

Q. Sam Bockarie's return to Sierra Leone?

A. That is correct.

Q. And in that letter to you, dated 29 January 2001, he raised with you a statement that your Foreign Minister was reported to have made about Sam Bockarie's continued presence in Liberia, yes?

A. That is correct.

Q. And, indeed, your Foreign Minister was reported to have made this statement in New York, yes?
A. That is correct.
Q. And the statement that President Kabbah raised with you was the statement that Sam Bockarie's continued stay in Liberia was because the Sierra Leone government had failed to request their surrender. Yes, Mr Taylor?
A. That's the alleged statement by my Foreign Minister. I recall reading about that, yes.
Q. And it was that not just that was the reason Sam Bockarie continued to stay in Liberia, but also that was the reason that other high ranking RUF continued to stay in Liberia. Yes, Mr Taylor?
A. Like I said, that's an alleged statement. I'm not sure if that's what the Foreign Minister said.
Q. And in the letter that he sent to you, President Kabbah went on to remind you that this was not correct, that is, it was not correct to say Sierra Leone had failed to request that these people be returned. Yes, Mr Taylor?
A. I don't remember the details of the letter, Ms Hollis. I say I did receive a letter, yeah. I don't remember the word-for-word in the letter.
Q. You remember that he reminded you of the mutual non-aggression security treaty --
A. Yes.
Q. -- that existed between your two governments since 1986?
A. Not just the two governments, yes. By the Mano River Union countries, yes.
Q. And he reminded you that this treaty imposed an obligation on you to take all measures necessary to surrender persons who threatened the security of any member state, yes?
Q. And he also reminded you that the Government of Sierra Leone had reiterated those positions to you at a meeting between you, President Conte and President Kabbah in Bamako. He reminded you of that, yes, Mr Taylor?

A. That's the Mano River, yes.

Q. He reminded you that this was a meeting under the auspices of President Konare, yes?

A. Yeah, but Kabbah and I disagreed about his interpretation of that provision. Someone that threatened. In the opinion of the Government of Liberia and those that arranged for Sam Bockarie to come, he posed no threat to the Government of Sierra Leone. I remember the discussion very well. There was disagreement.

Q. And, indeed, President - at this meeting in Bamako, President Kabbah told you that he had expected the Government of Liberia to comply with its obligations under the treaty, yes?

A. He was wrong. I remember that. He was wrong.

Q. And by that he meant he had expected you to surrender Sam Bockarie and the other members of the RUF in your country, yes?

A. Yes.

Q. And in this letter that he sent to you he again asked you to comply with the treaty obligations, yes?

A. Yes. That was his interpretation, yes. He had it wrong.

Q. And to surrender these people to Sierra Leone?

A. That is correct.

Q. And - so, Mr Taylor, it was very clear to you what the position of the Government of Sierra Leone was, correct?

A. That was their position and they were - it was very clear
what the Government of Liberia's position was at the time and our interpretation of the agreement.

Q. Now, Mr Taylor, had your Foreign Minister made the statement that Sam Bockarie and the others were not returned because the Government of Sierra Leone had not requested it?

A. I can't recall in those exact words. I don't know what the Foreign Minister said because the Liberian government at the time had not established any formal policy where the Foreign Minister was pronounced, because when he speaks, it's a policy. I had told President Kabbah that under the agreement, Sam Bockarie did not threaten Sierra Leone. And since Sam Bockarie's entry in Liberia was an ECOWAS decision, that there was no way that he was going to be repatriated. That was the position of the Government of Liberia. And ECOWAS did not agree because - did not disagree because if they had disagreed, that issue would have been discussed. But there were two positions and a disagreement between us.

Q. So, Mr Taylor, your interpretation of that provision was that you could decide whether Sam Bockarie was a threat to Sierra Leone?

A. No, no, no, no, no. That's - no, counsel. No, that was not my interpretation. My own position on this with other members of ECOWAS, President Kabbah knowing that an agreement had been put together and that Sam Bockarie, in violation of that agreement, arrangements had been made for his repatriation to Liberia in line with Foday Sankoh who was present in the meeting. To come back and ask Liberia to turn Sam Bockarie over was only to invite confusion, and so the position of the Government of Liberia, which we reiterated to other ECOWAS member states that
agreed, because like I said, President Obasanjo was present and
Nigeria helped with this particular arrangement to remove Sam
Bockarie, that it was impractical - in fact, misguided for Kabbah
to request that Sam Bockarie be turned over and that I wouldn't
do it.

Q. Mr Taylor, this arrangement for Sam Bockarie to come to
Liberia in December 1999, this was your idea, wasn't it?
A. I participated in that discussion. It was part of a
proposal made by me to other colleagues in ECOWAS. The best
thing to do is to extract him from the process, just as Nigeria
had extracted Foday Sankoh before.

Q. So it was your initiative that this happened. Isn't that
correct?
A. Well, I wouldn't say my initiative. It was a concerted
effort. The President of Nigeria would not fly all the way from
Nigeria to come to Monrovia to discuss Sam Bockarie if there was
not general agreement on all sides, so I was a part of the
process I would say. It was not solely, solely my idea.

Q. Mr Taylor, you had reached the conclusion that arrangements
should be made to ensure Sam Bockarie and his immediate followers
stay out of Sierra Leone. Isn't that right, Mr Taylor? You had
reached that conclusion?
A. I had reached that - a conclusion that if Sam Bockarie
continued to pose a threat to peace, everything should be done to
remove him from the process. I was a part of that decision.

Q. And in fact it was after you had reached this conclusion
that you appealed to President Obasanjo and others to assist you
in carrying this out. Isn't that right?
A. I would disagree with your proposition. That presupposes
that these people are so weak and foolish that they had to
succumb to - no, I would disagree, counsel.

Q. And in fact President Obasanjo, it was simply a stopover at
Roberts International Airport when you relayed to him this
collection that you had reached. Isn't that right?

A. Totally, totally, totally not right. No. Obasanjo planned
this meeting. It was planned. It was not just a stopover. It
was planned. Foday Sankoh flew from Freetown. Bockarie came.
Obasanjo came. No, there was not a stopover, no. It was a
planned meeting to resolve this issue finally.

Q. And President Obasanjo, after you told him of your
conclusion and your initiative, President Obasanjo welcomed your
initiative, correct?

A. Yes. Well, again you asked me several questions and I just
don't want to rush like this. Obasanjo, we had been discussing
this, and he comes in and we sit and discuss. And throwing ideas
around, we concluded that this was the appropriate thing to do.

Q. If we --

A. Along with the UN too.

Q. If we could please look again at MFI-119, which is DCT-2,
please. We see, Mr Taylor, that this is one of the code cables
from RSG Downes-Thomas to Prendergast dated 22 December 1999,
"Discussions on Sierra Leone, Liberia-Guinea relations and the
MRU summit". And in paragraph 1, Mr Taylor, you will see that
your Foreign Minister shared information about talks between you
and Obasanjo during President Obasanjo's stopover at Roberts
International Airport on Monday, 21 December 1999. Yes?

A. Yes.

Q. So it was a stopover at Roberts International Airport
A. Again I don't want to argue with you about - I don't know what your interpretation of stopover is, but there was a planned meeting and he had to stop there, so.

Q. Then, Mr Taylor, if we look under "Sierra Leone":

"On the issue of the peace process in Sierra Leone, President Taylor informed his guest that he had been engaged in resolving the problems between Foday Sankoh and Sam Bockarie."

Then if we move down a few more sentences, Mr Taylor:

"He had thus reached the conclusion that arrangements should be made to ensure that Sam Bockarie and his immediate followers stay out of Sierra Leone until the end of the disarmament process."

Then it indicates that you also said that these arrangements would entail substantial expenditures that Liberia alone could not shoulder and you appealed to President Obasanjo and other leaders to assist your country in meeting the challenge. Then, Mr Taylor, according to this, President Obasanjo welcomed your initiative and promised to approach other colleagues in the region to solicit their support. So that was the tenor of the conversation between you and President Obasanjo. Isn't that right, Mr Taylor?

A. Well, we have some disagreements here. Not about the contents, but I would not fully agree with your proposition.

Here is my Foreign Minister explaining to the special representative what happened. But the conversation between Obasanjo and myself is not stated verbatim here, so I would not say according to your proposition that you are fully right. This is how officials are interpreting these discussions. But
remember we had argued about me being the point President or not
the point President, but if you see here on the third line where
it says "my assessment", so these are colleagues exchanging
ideas. So Obasanjo agrees that, "Okay, fine, I think your work,
your initiatives, I think we can go along with this" and we begin
to push it to see that it gets done, so.

Q. Mr Taylor, you were bringing Sam Bockarie into Liberia for
purposes other than peace in Sierra Leone. Isn't that correct?
A. That is not correct, counsel.

Q. And you were simply using this as an opportunity to have a
public position that would give you plausible deniability. Isn't
that right?
A. That is not correct. It was easy for Obasanjo to say,
"Well, listen, I'll take him to Nigeria tomorrow. I'll take him
to Nigeria." So I disagree with your proposition.

Q. Now, Mr Taylor, we've talked about your role in the release
of the United Nations peacekeepers who were taken hostage in
Sierra Leone. And it was a very prominent role in arranging for
their release, yes?
A. Which UN - what time? Because there were two incidences
of --
Q. These are the ones that were taken by the RUF?
A. Okay.
Q. Resulting in their release?

Q. Yes, in 2000. And, in fact, your role in the release of
these UN peacekeepers was recognised by the UN special envoy for
Sierra Leone, wasn't it? And by that I mean Special Envoy
Adeniji. He recognised your contribution, didn't he?
1. A. I would say yes. The Secretary-General did.

2. Q. And Special Envoy Adeniji visited you in Monrovia in connection with the release of these peacekeepers, didn’t he?

3. A. Yes, he did come to Monrovia.

4. Q. And indeed, in regarding the initial release of 139 of these peacekeepers, a 16 May article quotes Special Envoy Adeniji as saying that, “Whatever you might think of the role of President Charles Taylor in the Sierra Leone crisis, you have to admit he is playing a positive role.” So he certainly gave you credit for this. Isn’t that right, Mr Taylor?

5. A. That’s possible - yes, I would say yes.

6. Q. And the hostages were released unconditionally, yes?

7. A. That is correct.

8. Q. But in your talks with the special envoy, you indicated that you wanted an immediate cessation of hostilities. Isn’t that correct?

9. A. That is correct.

10. Q. And you indicated that the lives of the remaining hostages would be at risk if the pro-government forces continued pushing the rebels out of the areas that they had taken. Yes, Mr Taylor?

11. A. That is correct.

12. Q. And you do recall that at the time that these peacekeepers were taken hostage, the RUF had actually moved into the areas around Masiaka. Do you remember that, Mr Taylor?

13. A. I don’t know the different positions in Sierra Leone where they were.

14. Q. And indeed Masiaka is an important junction town in Sierra Leone, isn’t it, Mr Taylor?

15. A. I have no idea. I don’t know Sierra Leone that well.
Q. Mr Taylor, when you were talking with the special envoy you actually mentioned the Masiaka situation with him, did you not?
A. I could have based on his statements to me and the issue was we have people in captivity, there's no point in attacking, you could even kill them. And if I mentioned it at that time it's based on maybe his explanation. My answer to you is that I don't know the geography of Sierra Leone to determine as to whether it is an important junction.

Q. But actually, Mr Taylor, you specifically mentioned the case of Masiaka to the special envoy. Isn't that right?
A. I very well could have. I don't quite recall. I very well could have.

Q. Mr Taylor, you also knew that at the time that the rebels - the RUF had moved in and taken this area around Masiaka that they had been committing crimes against civilians in that area. Isn't that right?
A. Counsel, I was not dealing with the activities in Sierra Leone following the 1999 agreement on a day-to-day basis, so I will disagree with your proposition.

Q. Mr Taylor, an immediate ceasefire at the time you proposed it would have left the RUF in control of the territory around Masiaka. Isn't that correct?
A. An immediate - wherever they were, an immediate ceasefire would have left them there.

Q. And indeed that would have meant increasing the territory that was held by the RUF. Isn't that correct?
A. I'm not going to speculate. I would disagree with your proposition.

Q. And also, Mr Taylor, had the RUF been left in place in
Masiaka, that would have put them much closer to the capital of Freetown, wouldn't it?

A. I disagree with your proposition.

Q. And it would have given a larger buffer zone between the diamond areas and the government-held territories. Isn't that correct, Mr Taylor?

A. I don't know what is going on. Your proposition, maybe you could very well be correct, but I disagree that that was foremost on my mind. I was mostly concerned about the lives of the hostages. So I disagree with the proposition as you put it. I'm not saying that the positions are far or near, I'm just disagreeing with the logic of your proposition as put.

Q. And actually, Mr Taylor, you were well aware of the importance of Masiaka, weren't you?

A. I was not.

Q. And that's why you were the one who specifically mentioned Masiaka to the special envoy?

A. No, that is totally incorrect. If I mentioned it - which I can't recall, I very well could have - it had to do with the location of the hostages and making sure that it made sense that while people are in captivity in an area you don't go about shooting, because bullets don't have names on them. So foremost on my mind was the lives of the hostages. I was not concerned with the geography or - as far as I was concerned, the period in question there's one government in Sierra Leone headed by Ahmad Tejan Kabbah.

Q. Mr Taylor, you wanted to use this situation as an opportunity to give the rebels control closer to Freetown. Isn't that right?
Q. And to give a wider buffer zone between their areas and the government-controlled area?

A. That's not correct. I disagree.

Q. Now, indeed the Secretary-General was against allowing the rebels such a gain, wasn't he?

A. I don't think the Secretary-General ever reiterated that he wanted the fighting to continue. I don't know whatever statement he made about gains or whatever. To my recollection, there was no conversation between the Secretary-General and myself or between any of his representatives that said that the fighting should continue irrespective of the presence of the hostages in whatever areas they are. So I disagree with you.

Q. Indeed, Mr Taylor, the Secretary-General's position was that all of Sierra Leone should be brought under government control?

A. That was my position too.

Q. Mr Taylor, you also talked about these peacekeepers and the release of the peacekeepers and that they came to Liberia. Yes, you remember talking about that?

A. That is correct, yes.

Q. On 19 August your Defence counsel asked you questions regarding the testimony of a Prosecution witness, TF1-338, and that number needs to be used because it is a protected witness. TF1-338. He referred you to testimony of this witness including the witness referring to the freeing of the peacekeepers held in the RUF and the Defence counsel read you the testimony of the witness that freed Zambians were brought from Foya to Monrovia by helicopter to meet with you. Mr Taylor, do you recall your
Defence counsel referring to you that testimony?

A. Yes, I have some recollection of that.

Q. That was on 19 August?

A. Yes.

Q. And that was initially at page 27173 and then 27182 and 27183, Mr Taylor?

A. Did you understand me, counsel, to say I have no recollection? I said I do have recollection of that.

Q. All right. Good. Thank you, Mr Taylor. And do you recall your response when you were asked about this passage and you were asked, “Did you meet with these freed peacekeepers?” Do you remember your response to that, Mr Taylor?

A. Not precisely, but I did respond to that.

Q. Mr Taylor, you did respond to that and you responded to that on pages 27182 and 27183 and perhaps I can refresh your recollection. You said, “I did not meet with them. I did not. He doesn’t know.” Then you were asked --

PRESIDING JUDGE: Yes, Mr Anyah, you are on your feet.

MR ANYAH: Yes, Madam President. For matters that are really not in contention it seems to us acceptable practice if learned counsel opposite might paraphrase the text or repeat it without citing the relevant page number, but when it comes to an issue that very well might be disputed by Mr Taylor we would propose that the proper practice would be to have the page brought up before the witness and have everybody on the same page when learned counsel reads what Mr Taylor is alleged to have said previously.

PRESIDING JUDGE: Are you requesting that these pages now be put on the overhead?
MR ANYAH: Yes, Madam President.

PRESIDING JUDGE: I thought that Ms Hollis was trying to save time and that Mr Taylor had no problem with the way that Ms Hollis was proceeding. Mr Taylor, would you like to see these pages on the overhead?

THE WITNESS: Of course since she is reading them - excuse me, not she. Since Ms Hollis is reading them I would like to see them because I had said before that I had no disagreement with how she was proceeding, but since she's going to read, I think it would be fair for me to see what she is reading.

PRESIDING JUDGE: Then so be it.

MS IRURA: Your Honour, if counsel could indicate the pages because TF1-338 testified from 1 September to 5 September 2008 and the transcript reference counsel has given is 19 August.

MR ANYAH: This might be of assistance. This particular witness testified before the summer recess. We commenced his evidence before the summer recess in 2008 and recommenced it after the summer recess. It was an unusual circumstance, and that's why the transcript might be in two different months.

MS HOLLIS: The reference to which I was referring is the 19 August 2009 direct examination of Mr Taylor where his Defence counsel puts this to him.

PRESIDING JUDGE: But that's what I thought as well.

MS HOLLIS: That was my page reference. 27182, 27183, 19 August.

PRESIDING JUDGE: You are not referring to the testimony of 338 as such.

MS HOLLIS: No. I'm referring to the Defence counsel's request which does refer Mr Taylor back to that evidence. And
then the follow-on question of Defence counsel asking Mr Taylor if he did meet with these peacekeepers. So we are now at 27182:

Q. And, Mr Taylor, line 24 is, "Well, did you," in relation to meeting with them, and you say, "I did not meet with them. I did not. He doesn't know." And then there's another question about who took custody of them after they were brought to Foya, and you indicate that:

"A United Nations chapter [sic] was flown to Foya, took them and flew them straight to the airport in Monrovia" — next page — "at Spriggs" —.

PRESIDING JUDGE: That was a United Nations chopper. You said chapter.

MS HOLLIS:

Q. "A United Nations chopper was flown to Foya, took them and flew them straight to the airport in Monrovia at Spriggs Payne Airport. I did not meet them in little pieces and groups and different things. No, I didn't meet them."

Do you recall telling the Court that, Mr Taylor?

A. That is correct.

Q. But, in fact, Mr Taylor, you did meet with some of those released peacekeepers, didn't you?

A. Yes, some of those, yes. The specific incident here, you are referring to the Zambian peacekeepers and I did meet some of the peacekeepers, but they were from different countries. And I would say I didn't meet them in little pieces. That's what I'm explaining.

Q. Indeed, Mr Taylor, among those peacekeepers that you met were at least one freed Zambian peacekeeper, correct?

A. Ms Hollis, I can't - I can't recall it that way, to say
that amongst the group there was one or two - I don't recall it that way. As the peacekeepers were released, I do not - I don't even remember which - in fact, they were not released by countries. They were released by groups. And so - but I did not meet any group of Zambians during that particular time.

PRESIDING JUDGE: Mr Taylor, if you listen to the question, the answers would come easy. "Indeed, Mr Taylor, amongst the peacekeepers that you met were at least one freed Zambian peacekeeper, correct?" That is the question.

THE WITNESS: I can't - I can't - I can't say. I don't know.

MS HOLLIS:
Q. But you recall, Mr Taylor, having a meeting where you announced that some of the peacekeepers had been released?

A. Yes.

Q. And you indicated that 15 of the 139 had been flown to Monrovia as of the time you had this meeting. Do you remember that, Mr Taylor?

A. Yes.

Q. And you indicated that the remaining 124 were waiting to be evacuated from Foya. Do you recall that, Mr Taylor?

A. That is correct.

Q. And when you were making this announcement, indeed, a UN spokesman indicated that they were unaware of these reported releases. Do you remember that, Mr Taylor?

A. Yes.

Q. And, in fact, at this meeting when you made this announcement you actually introduced an Associated Press reporter to two peacekeepers. Isn't that right, Mr Taylor?
A. I don't recall doing that, no.

Q. And you told the reporter that they were a freed Kenyan and Zambian peacekeeper. Isn't that right, Mr Taylor?

A. I don't recall that.

Q. If we could look at tab number 6 in annex 1, please. This is a newspaper article "Over 130 UN captives set free by Sierra Leone rebels". We see at the very top that this is guardian.co.uk, Monday, 15 May 2000, "Over 130 UN captives set free by Sierra Leone rebels". And then, Mr Taylor, it talks about your statements and it says "last night", so this would have been on 14 May, about 15 of the 139 being flown by government chartered helicopter.

PRESIDING JUDGE: Mr Anyah, you are on your feet.

MR ANYAH: Yes, Madam President, I am. I have briefly reviewed the article and it seems to us that there are portions of it that certainly implicate the charges against Mr Taylor and may very well be ascribed to his guilt. That being the case, it seems that the Prosecution initially has to meet the two-part test that your Honours pronounced in your decision of 30 November. The onus is on the Prosecution to justify the use of this document at this late stage of the proceedings.

In particular, just by way of example, there is in the document a sentence that reads - and it starts in the paragraph that starts with "West Africa and UN officials, including Secretary-General Kofi Annan's envoy". In the middle of that paragraph there is the statement: "Taylor, the region's closest ally to the Sierra Leone's Revolutionary United Front rebels." That is a conclusion in this article saying that Mr Taylor is the region's closest ally to the RUF. That is one instance where I
submit to you that it implicates the guilt of Mr Taylor and the
Prosecution has to justify its use at this late stage.

PRESIDING JUDGE: Ms Hollis, please respond.

MS HOLLIS: Well, your Honours, we would ask you simply to
ignore and not consider this clause, which is the only part of
this that may come close to what the Defence counsel is arguing.
We suggest that it is not probative of guilt. If it is, it is
one clause that your Honours can ignore. It does not mean you
cannot consider the other part of the article which is to impeach
his earlier testimony, saying that he did not meet with these
released peacekeepers and it points out that he himself
introduced two men wearing new uniforms whom he said were freed
Kenyan and Zambian peacekeepers. That's what we're using this
article for, so disregard that clause. You can do that.

PRESIDING JUDGE: But you do agree it does go to guilt?

MS HOLLIS: Only that clause in a very broad sense, but
certainly it does not taint the entire article. And we would
simply ask you to disregard that clause, which you can certainly
do. We're not asking you to use it. This relates purely to his
meeting with these peacekeepers.

[Trial Chamber conferred]

PRESIDING JUDGE: We've looked at the document and we
recall our decision of 30 November in which we emphasised that
it's not the intended use of the article that's in question but
rather its content. Now, we agree - well, by a majority, we
agree with the Defence that the content of particularly this
sentence does make the article capable of proving the guilt of
the accused and that this is obviously a new article that is
sought to be tendered by the Prosecution and we disagree that the
intended use of this document can simply be to impeach. The judges may well use it for proof of guilt if we so wish. Our hand are not tied in that regard. And we've not heard any arguments from the Prosecution justifying either that it's in the interest of justice to use this article or that, indeed, it will not prejudice the fair trial rights of the accused. And so we hold in favour of the Defence and uphold the objection that you cannot use the document.

MS HOLLIS: Madam President, before I move to another topic, may I ask that you mark for identification the documents that are at tab 49 of annex 1. This was referred to in my cross-examination. These are the documents relating to Swidler & Berlin, 1992-1993, in relation to its work for the NPRAG.

PRESIDING JUDGE: Mr Anyah, you are on your feet again.

MR ANYAH: Yes, Madam President. May I make an inquiry of learned counsel opposite? The last page of the document, at least what I have and what's been served on us, appears to be a newspaper article dated - and if you use the American date progression, it seems to be 11 December 1992. The title of the article is “Liberian ceasefire fails to take hold”. I wonder if your Honours have the same version of the document I have.

PRESIDING JUDGE: Yes, we do under tab 49. It's part of the documents in tab 49. We do.

MS HOLLIS: We would ask that that document not be - that page not be included. So that it would be the forms to the

Department of Justice and the facsimile letter from Swidler & Berlin and there should be 11 pages total. Those would be the pages we would ask that you mark for identification, Madam President.
MR ANYAH: Then we have no objection, Madam President.

PRESIDING JUDGE: The document as described by the
Prosecution consisting of 11 pages is marked MFI-400.

MS HOLLIS: Thank you, Madam President:

Q. Mr Taylor, do you recall on 25 January we talked about
restructuring of the Liberian armed forces?
A. Yes.

Q. And I suggested to you that you used militias because you
refused to restructure the AFL in a timely manner. Do you recall
that? And you said that was a blatant lie. Do you recall that,
Mr Taylor?
A. Yes, I do.

Q. And I suggested that you did not trust the AFL. You did
not trust the loyalty of the AFL. Do you remember that,
Mr Taylor?
A. That is correct.

Q. And you responded that the AFL was loyal to the republic,
not to the President. Do you remember that?
A. That is correct.

Q. Now, Mr Taylor, it's true that you were suspicious of the
AFL, weren't you?
A. Yes. There was no AFL really. Yes.

Q. And during the time you were President, you used militias
because of the suspicion of the AFL, isn't that true?
A. Well, I wouldn't say that's true, no.

Q. And indeed, Mr Taylor, you transferred most of the
responsibilities of the army to these militia groups, didn't you?
A. I would disagree. There was no army in Liberia when I took
over as President.
Q. Now, you did use some AFL, those you felt loyal to you, yes?
A. I wouldn't put it that way. I would disagree with the way you put it.

Q. And, Mr Taylor, you actually ran your militias out of the Executive Mansion, didn't you?
A. That is not correct.

Q. The Executive Mansion and White Flower, yes, Mr Taylor?
A. That is not correct.

Q. If we could please look at MFI-362 which is tab 55 in annex 3. We see, Mr Taylor, this is the interview with Daniel Chea, "A political survivor". Then if we could look at page 2, please, of this article. The top of the page:

"What kind of a leader was this man who was elected by such a wide margin? Initially he was worshipped. A lot of people had high hopes for his administration. They thought that he could change things around for this country. But Mr Taylor had his own problems, his own suspicions, and one of those suspicions - and I thought this was a big mistake - was his suspicion of the military ... because of his own suspicion of the army, he decided to transfer most of the responsibility of the army into militia groups. I thought that was a mistake. And, of course, when the militia groups began to act disorderly the people began to reject them - they rejected the whole idea of not empowering the armed forces, which is a constitutional entity, and instead Taylor empowered militia forces."

So, Mr Taylor, it is correct, isn't it, that you transferred most of the responsibility of the army into these militia groups?
A. That is not correct. The way it's put here, no, it's not correct. There was no army.

Q. And it's also true, Mr Taylor, that these militia groups began to act in a disorderly fashion. Isn't that right?

A. I would disagree.

Q. It's also true that the people of Liberia rejected the idea of not empowering the armed forces?

A. I would disagree with who - whose opinion this is. I disagree with that.

Q. And indeed, Mr Taylor, you instead empowered your militia forces. Isn't that right?

A. I disagree.

Q. If we can look down to the next paragraph:

"You also have to understand that he (Taylor) had his own alibi. He created a wall around himself where he repeatedly denied his own involvement. I remember on many occasions when we met with American diplomats who told him, 'You are involved.' He said, 'I am not involved. If you have proof, bring it.' The Ministry of National Defence (Chea) did not get involved in the policies of other countries. We were involved in the defence of our own corridor. President Taylor had his own disjointed militia that he ran from his own mansion."

So, Mr Taylor, your Minister of Defence was speaking truthfully when he said that you ran your militias from your mansion. Isn't that right?

A. That is not right. In fact Daniel Chea is not my Minister of Defence at the time that he is talking this nonsense. That's total - I disagree.

Q. During your presidency he was your Minister of Defence,
yes, Mr Taylor?

A. During my presidency, but this interview is some two years after my presidency.

Q. During your presidency the security forces of Liberia - most of the members of those security forces were your former NPFL, weren’t they?

A. I wouldn’t say most. A lot of them were. All of the factions were involved.

Q. Indeed you had several thousand security forces in Monrovia and in the countryside. Isn’t that right?

A. No, that’s not correct.

Q. And all of these security forces were armed. Isn’t that correct?

A. That is not correct.

Q. Indeed, Mr Taylor, you used these security forces in the September 1998 fighting against Roosevelt Johnson. Isn’t that correct?

A. We used whatever we had, yes. September 1998, yes.

Q. And indeed in this fighting these security forces were augmented by other former NPFL. Isn’t that true?

A. That is not - well, yes to an extent that is true. All forces fought, yes.

Q. Mr Taylor, it’s true, is it not, that you would only place your personal security in hands of the people who had fought for you during the civil war?

A. That is not correct. If that was true Varmuyan Sherif would not have been next to me with a gun. No, I disagree.

Q. Indeed, Mr Taylor, these security forces engaged in harassment of civilians during your time as President, didn’t
they?

A. There were some problems, yes.

Q. And these were not just limited occasions where there were problems, were they, Mr Taylor?

16:50:45

A. They were limited.

Q. Indeed these security forces engaged in harassment of opposition leaders. Isn't that correct?

A. That is not correct.

Q. And also of journalists. We've talked about that before?

16:50:57

A. Well, I don't call that harassment, so I would disagree.

Q. And they also engaged in harassment of human rights workers. Isn't that correct?

A. We have disagreement on that.

Q. And, Mr Taylor, this occurred throughout your presidency.

16:51:12

Isn't that correct?

A. That is not correct.

Q. If we could please look at tab 102 from annex 1. This is "US Department of State, unclassified document". If we could first please see the first page of this document. If we could move it up. So this is from the American embassy, Monrovia, to the Secretary of State, Washington, DC. If we could move down, please, on the page. We see the subject, "Security and Charles Taylor's Liberia, why ECOMOG is so important." Mr Taylor, this is a document that was prepared 17 October 1998. We saw that in the caption above. Would you like to see that again, Mr Taylor?

16:52:48

A. No, no, no, it's okay.

Q. Then if we could please turn to the page that has at the top the numbers ending in 5807. If we could look at paragraph 7(c). If we could see that paragraph, please:
"In the meantime, Charles Taylor's security services have gone back to their usual bad habits" --

PRESIDING JUDGE: Ms Hollis, please pause.

MR ANYAH: Madam President, I cannot recall from the top of my head whether this is a Rule 70 document that was previously disclosed to the Defence. But in any case, it is fresh evidence as far as I can tell for purposes of cross-examination. There are portions of the document that we submit go to the guilt of Mr Taylor, either directly or incidentally through Rule 93, and the Prosecution trying to bring in evidence of what happened in Liberia to establish a consistent pattern of conduct. Therefore the onus again, as previously stated, is on the Prosecution to justify the late use of this document. If the document was prepared as counsel indicated in 1998, I think, then the Prosecution had it or had access to it and could have used it in its case.

In any event, there is the two-prong standard that they have to meet and we would submit that the Prosecution should demonstrate that it satisfies the interest of justice test, as well as the fact that it doesn't infringe on the fair trial rights of Mr Taylor, failing which they should be precluded from using this document.

PRESIDING JUDGE: Ms Hollis, the document that I have is marked in the margin entirely, indicating that you intend to rely on it as a full document, not just the paragraph you are reading. Am I correct?

MS HOLLIS: We had marked the full document for potential use with your Honours, yes, we had.

PRESIDING JUDGE: In that case then please respond to the
objection of the Defence.

MS HOLLIS: Yes. We are referring your Honours to paragraph 7(c) only. We are not asking that your Honours consider other portions of this document based on the answers given by the accused.

As to the paragraph 7(c), we suggest that this is not something that the Prosecution has to meet the two-prong test for. We are going back to the statement of the Minister of Defence that these militias under the control of President Taylor engaged in disorderly conduct, that security services under his control engaged in disorderly conduct. We are not asking your Honours to consider this to be probative of guilt and we suggest that indeed it can be used in a limited way.

To the extent your Honours determine it is probative of guilt then we would rely on our prior submissions as to the permissible use of this paragraph 7(c) of this document. But that is the only part of this document that we are asking your Honours to consider.

[Trial Chamber conferred]

PRESIDING JUDGE: Ms Hollis, I'm advised that the tape has run out, so I think we'll take our half hour break now and when we return we'll give our ruling on the use of this document.

MS HOLLIS: Thank you, Madam President.

[Break taken at 4.59 p.m.]

[Upon resuming at 5.30 p.m.]

PRESIDING JUDGE: Before the break we were looking at paragraph 7(c) of this document entitled "unclassified". We have examined it in light of Mr Anyah's objections, and by a majority we are inclined to uphold the objection on the grounds that on
the reading of this paragraph, one can say that it's alluding to a pattern of conduct of Mr Taylor's security services and therefore, indirectly, to his guilt. It is a new document that has not been used as part of the Prosecution case, and therefore, in light of our ruling of 30 November, the two-prong test has not been established. We uphold the objection, and you cannot use the document.

MS HOLLIS:

Q. Mr Taylor, after you became President you appointed Joe Tate as your Director of Police, we have talked about that, yes?

A. Yes, we have.

A. Yes, we have.

Q. And he was a former NPFL commander, yes?

A. No. Joe Tate was not an NPFL ever - ever an NPFL commander.

Q. What position, if any, did he hold within your organisation during the civil war?

A. Joe Tate, in fact, came in late. He served, if I am not mistaken, as something like a security adviser, but he had no combat experience.

Q. And, Mr Taylor, you also you appointed former NPFL in other high level positions in the police after you became President, isn't that correct?

A. Former NPFL? Yes, there were a few, yeah.

Q. And I believe you have told the Court that Paul Mulbah became the Director of Police after Mr Tate was killed in the aircraft accident, is that correct?

A. That is correct.

Q. And indeed, in February 2002 the Liberian Coalition of Human Rights Defenders called for his resignation, didn't they?
A. In 2002?

Q. February 2002, Mr Taylor.

A. I am not sure, but I think they did.

Q. And this was a coalition of 19 Liberian human rights

groups, was it not?

A. I don't know, counsel.

Q. This Coalition of Human Rights Defenders?

A. I don't know about this coalition, really. Groups were

coming together. That's a serious period. I don't know.

Q. Now, Mr Mulbah's resignation was called for because he had

arrested the national director of the Catholic Justice and Peace

Commission, isn't that right?

A. I don't recall if that is the period. I do remember the

police arresting the then Counsellor Morris, I think -

Johnison-Morris.

Q. Frances Johnison-Morris?

A. That is correct.

Q. And at that time she was the national director of the

Catholic Justice and Peace Commission, isn't that right?

A. Yes, she was.

Q. And after her arrest, she was actually stripped of her

clothing and put in a cell with males; isn't that correct?

A. Total nonsense. Total nonsense. Frances Johnison-Morris

was not - not to my knowledge. Counsellor Johnison-Morris was

arrested and to the best of my recollection from the Justice

Department, I think she was released in the shortest time. That

is not correct. I disagree.

Q. And, Mr Taylor -

PRESIDING JUDGE: Ms Hollis, is this Frances with an E-S?
MS HOLLIS: I have it with an E-S.

PRESIDING JUDGE: So it's not "Frances", the way it's spelled in the transcript?

MS HOLLIS: It is F-R-A-N-C-E-S, according to my understanding. Frances, not Francis.

Q. Mr Taylor, it was because of her arrest and the way she was treated after her arrest that this call for his resignation came about, isn't that correct?

A. I don't recall the circumstances, if that is the time that happened. I don't recall, really.

Q. Now, indeed, Mr Taylor, in addition to this lady's arrest and her treatment after the arrest, the Liberian Coalition of Human Rights Defenders were also concerned that Director Mulbah's tenure had been characterised by widespread police brutality, isn't that correct?

A. I don't know the circumstances.

Q. Now, Mr Taylor, this is the Director of the Liberian National Police, and you as President weren't aware of such serious allegations against the Director?

A. That's not what I am saying. I say I'm aware she was arrested. I did not say I was not aware of the allegations.

Q. Mr Taylor --

A. I was responding to this so-called coalition of human rights groups, and I am saying I don't know this group, but I have said to this Court that she was arrested by the police.

Q. Mr Taylor, my question was that the coalition also expressed its concern that Director Mulbah's tenure as Director of Police had been characterised by widespread police brutality?

A. I don't recall that exact statement. I do not recall it.
Q. Mr Taylor, that would have been brought to your attention, would it not?
A. I do not recall that statement, counsel.
Q. And indeed, they were also concerned that his tenure had also been characterised by intimidation of citizens and harassment of citizens, isn't that right?
A. I disagree with your - you know, we are not getting into the essence. I don't want to get into an argument, but at the time we are speaking about, I would disagree with your proposition as you put it.
Q. And indeed, Mr Taylor, the coalition, in requesting the resignation of Colonel Mulbah, also was concerned that he had failed to institute discipline within the police, isn't that right?
A. I have no knowledge of it. This so-called coalition, in 2002 Liberia is on fire, groups are taking sides. I don't even know if there was a coalition or who claimed to be a coalition. So I have no recollection of that.
Q. Mr Taylor, these were very serious accusations being made against this Director of Police, weren't they?
A. Accusations, yeah. If they came out, yeah, they were serious.
Q. And you would have been briefed on those, wouldn't you?
A. Not necessarily. I don't even know if the whole story - with all these strange papers coming up, I don't even know of them.
Q. And you would have asked for the details of all these incidents, wouldn't you, Mr Taylor?
A. Yes, if something serious - I know Frances Johnson-Morris
very well. I protected her throughout the war. She was behind the line in Danane with me. I know Frances Johnson-Morris. She is not an enemy to us, so I don't agree with all these things. And it was a very serious matter, like you said. If Frances
Johnson-Morris had been stripped, that would have been a serious matter. But I am not aware of this coalition and what it was saying. That did not come to my attention.

Q. Mr Taylor, you were aware that in fact this happened to her, but you took no action against your Director of Police, did you?

A. I was not aware, counsel.

Q. Mr Taylor, also this coalition was concerned that the Director of Police had ordered the flogging of students at the University of Liberia. You were aware of that as well, weren't you?

A. Could you ask that again?

Q. The coalition was also concerned that the Director of National Police had ordered the flogging of students at the University of Liberia, isn't that correct?

A. Well, that's two different questions. I will break them up. I was aware of allegations that the police - not the Director - that the police had beaten some students on the campus of the University of Liberia. That's the first part. The second part: Was it said by this coalition? I have no recollection that it came from this coalition. It was reported in a newspaper.

Q. And indeed, Mr Taylor, the Director later talked about his actions on state radio, isn't that correct?

A. It's possible. I am President. I don't listen to every
radio. It's possible.

Q. Mr Taylor, you were briefed about all of these incidents relating to Mr Mulbah, weren't you?

A. Well, what do you mean by "all of the incidents"? You have asked me about three sets. I have told you I am aware of the arrest of Frances Johnson-Morris; I have told you I'm aware of the allegations that the police beat some students. If you are talking about those two, I am aware of them.

Q. And you took no action against Director Mulbah, did you, Mr Taylor?

A. We never punish in Liberia because of allegations. I've never - I never took any decision against any official just based on allegation. So I didn't take any action against him because they were mere allegations, and in any case, the Minister of Justice would have to look into it first.

Q. And that was not done, was it?

A. Well, I don't know what the results from the Minister of Justice was. I have no idea.

Q. Mr Taylor, you would have been briefed on that, wouldn't you?

A. If there had been any prudent - if it had been correct and they had come to - it had come to my attention with a recommendation, of course I would take action, I would have been aware. But it never came back to me. These were just mere noise in the press, as usual, from what I understood.

MS HOLLIS: I would ask that your Honours look at tab 45 in annex 1. It is a Perspective article, "Human rights defenders call for resignation of Police Director Mulbah". It explains the circumstances of the arrest of Counsellor Frances Johnson-Morris.
and the other conduct of Mr Mulbah which resulted in this call
for his resignation.

Now, it is the view of the Prosecution that this is not
probative of guilt; however, in light of a very broad
interpretation, should your Honours determine this is probative
of guilt, we would suggest to your Honours that you should
consider this. It is indeed a contradiction of this accused's
testimony about the rule of law and accountability during his
tenure, and it also indicates that he put in place individuals
who carried out various actions against the freedoms and physical
security of the people of Liberia, but took no action against
them for these actions.

We do believe that this is permissible for your Honours to
consider, and again we are asking you to consider it for
impeachment, and we would rely also on our prior arguments in
this regard.

PRESIDING JUDGE: Would you give as you moment to read this
document, please? Mr Anyah, we were reading the document. You
stand to object to its use?

MR ANYAH: I hope your Honours would permit the Defence to
be heard.

PRESIDING JUDGE: Go ahead.

MR ANYAH: I make the observation about the tone of this
article, as well as the previous one just objected to by the
Defence. The Prosecution called in chief, not as a Rule 93
witness pertaining to conduct in Liberia that would form pattern
evidence - they called TF1-355, Hassan Bility, who testified
about the human rights situation in Liberia. That witness
tested and alleged all sorts of gross human rights violations
on the part of Mr Taylor's administration.

These articles, in our submission, fall in line and step with those allegations of Mr Bility. Here you have reference to Counsellor Frances Johnson-Morris who I believe was a former Chief Justice of the Republic of Liberia, it is mentioned in the article she was a former Chief Justice of the Republic of Liberia and the actions of the police are said here to clearly negate recent assurances by President Taylor that civil liberties of the people will be respected in accordance with constitutional provisions during the period of the state of emergency. That's later in the document and it would be in page 1 of 3 in the second to last paragraph.

The document in its totality shows lawlessness, shows severe human rights violations on the part of the police chief and the police entity under Mr Taylor's presidency and this is a case where such evidence has been relied on to suggest that Mr Taylor condoned such actions, had no respect for civil rights and liberties, and ergo replicated the same kind of practice in Sierra Leone and I cannot see how the Prosecution can say in all sincerity that this document does not implicate Mr Taylor's guilt. Rule 93 is alive and well in this case and that's what this evidence is, we submit.

PRESIDING JUDGE: Ms Hollis, you want to submit further, because I thought you had said your bit?

MS HOLLIS: I thought as well, but then there was an objection that was heard that introduced an additional argument as it relates to the witness Hassan Bility and I would like to be heard on that.

PRESIDING JUDGE: Okay.
MS HOLLIS: And the point is this: You recall the testimony of Hassan Bility and the testimony of Hassan Bility was that the things that were done to him was because of his reporting and associating this accused with the RUF. That was the substance of his testimony. So we do not believe that its been properly characterised, your Honours, as very broad testimony about human rights in Liberia. It was in relation to basically retribution or revenge against him for his articles associating the accused with the RUF in Sierra Leone. We would ask that your Honours consider that when you are deciding on the objection from the Defence. Thank you, Madam President.

PRESIDING JUDGE: We have looked at the contents of this document. We are of the view that basically what this document does is to describe the tenure of the director of police, Paul Mulbah, and certain incidents that have happened under his tenure. We are of the view that this in no way is a reflection - there is nothing in this article that reflects directly or indirectly on Mr Taylor as such. In fact, on the contrary, the article speaks of assurances that President Taylor had given to the people that their civil liberties would be respected. So we find that there is no merit in the Defence objection and we would allow the Prosecution to use the document.

MS HOLLIS: Thank you, Madam President. If you could please put the first page of the document:

Q. And we see, "Human rights defenders call for the resignation of Police Director Mulbah, The Perspective, Monrovia, Liberia, February 23, 2002." Then, Mr Taylor, you see in the first paragraph that:
“The coalition observed that Director Mulbah’s tenure was characterised by widespread police brutality, mayhem, intimidation, harassment of civilians, deception, tactical cover-ups and empty promises of investigation into acts of lawlessness by police officers.”

Now, Mr Taylor, you most certainly would have been aware of these accusations. Isn’t that right?
A. Well, not necessarily.
Q. Mr Taylor, in the next paragraph it goes on to describe the arrest and subsequent detention of Catholic Justice and Peace Commissioner, National Director Counsellor Frances Johnson-Morris by Director Mulbah himself. Now, Mr Taylor, your director of police carries out an arrest of this person who would be a prominent person, and you would be aware of that arrest, wouldn’t you, Mr Taylor?
A. I said I was aware that --
Q. And indeed she was immediately stripped of her wearing and thrown into a cell of males. And, Mr Taylor, you would have been made aware of such an egregious act, wouldn’t you, Mr Taylor?
A. No, I would not necessarily have been aware and I don’t even think this happened.
Q. Now this is a person that you said was behind lines during the civil war, yes?
A. Frances Johnson-Morris, yes, she was --
Q. And you considered her a friend?
A. Excuse me. When I said behind, she was in fact with my sister in Danane. I would consider her a friend, yes.
Q. And, Mr Taylor, you were told about this conduct against this woman, weren’t you?
A. No, I was not. I said I was aware of her arrest. No one -
in fact Paul Mulbah would have never done this. If anyone would
have come to tell me that Frances was stripped, no, it would not
have been a small matter. No, no one told me this.

Q. It wasn't a small matter and you were told. Isn't that
right?

A. I was not told. I know Frances personally, no.

Q. And, Mr Taylor, the allegation on page 2, if we could look
up at the top, the second paragraph: That your police director
had failed to institute discipline within the police and refers
to numerous acts of lawlessness by the police against innocent
people. Mr Taylor, as the President of Liberia, a man, as you
told this Court, very interested in human rights, you were made
aware of that, weren't you, Mr Taylor?

A. I was not.

Q. And then the final paragraph, the flogging of students at
the University of Liberia and boasting of his actions on state
radio. That is also something you were made aware of, isn't it,
Mr Taylor?

A. Well, now there's two questions; the flogging and the
boasting. Now which one do you want me to answer first?

Q. Both of them. First of all the flogging.

A. I was aware of --

Q. You were made aware of that, yes, you talked about that?

A. -- news reports allegations that the police and not Paul
Mulbah - that the national police individuals had beaten some
students at the university.

Q. And, Mr Taylor --

A. Excuse me, let me answer the second question. As for the
boasting.

Q. I was about to put it to you, Mr Taylor.

A. Okay, I'm sorry. Then put it.

Q. And the second question relating to the boasting of it on state radio. First of all, Mr Taylor, state radio, that would be a radio that was owned by the Government of Liberia?

A. That would be, yes.

Q. And so it was a Government of Liberia radio and you were aware that he talked about his actions, boasted of his actions on the state radio, weren't you?

A. That is not correct. If Paul Mulbah had boasted on any radio - because committing a crime against a detainee, I don't think he would have been a police director for another hour. I don't - I never heard of this.

Q. And, Mr Taylor, this article is dated February 23, 2002. How long did Paul Mulbah serve as the Director of National Police of Liberia?

A. After the death of Joe Tate, up until I left the presidency.

Q. And was he ever suspended based on the allegations in this article?

A. The Ministry of Justice did not take any actions, so it means that they found the allegations to be false.

Q. Or it means that you took no action, simply.

A. No, counsel, it simply means that they found no - nothing factual in their allegations and The Perspective that we are talking about here, we haven't even talked - what is The Perspective. This is somebody - this is not any known newspaper or any - this is - anyway, that's not your question. Let's go.
MS HOLLIS: Madam President, could I ask that this be marked for identification.


Yes, Mr Anyah?

MR ANYAH: I hesitate to rise again in respect of this document, but I plead with your Honours to reconsider your decision, having reviewed the document in more detail. I say so because this is a case of command responsibility as well and the import of this document is to suggest a failure to act on the part of Mr Taylor. Incidentally, in the last paragraph of the document is an arrest - is the allusion to arrests of two journalists of The Analyst newspaper and one cannot help but recall the testimony of TF1-355, Mr Bility, and if memory serves me well he was a journalist who worked for that newspaper. So I reiterate my objection. Your Honours have ruled, we are bound by it, but, with respect, and with permission of the Court, I ask that your Honours reconsider it.

PRESIDING JUDGE: Mr Anyah, I will say two things in relation to your submission: One, I will reiterate that there is nothing in this article that goes to the conduct of Mr Taylor directly or indirectly. However, how he answers questions that follow this article, that is the evidence and that is permissible. But this article, read on the face of it and on its own, there is nothing in it that goes to the conduct. There is no mention of Mr Taylor in this document in a bad way. That is the first thing that I would say.

But, secondly, now that we have allowed its use, questions
have been asked, answers have been given, they form part of the record. I suggest that the next stage, which is the application to admit, is the stage - the proper stage for you to raise these objections, because the evidence is the evidence. We are just marking this for identification.

Please proceed, Ms Hollis.

MS HOLLIS:

Q. Mr Taylor, do you recall on 14 September your Defence counsel asking you about a unit called SOD?

A. Yes, yes.

Q. And you were asked if you were aware of a unit called SOD, and you indicated that you were not aware of such a unit; do you recall that, Mr Taylor?

A. That is correct.

Q. And then your defence asked you, "Was there such a unit in Liberia after you became President?" and you said "No." Do you recall that?

A. Yes.

Q. And then your Defence counsel tells you what "SOD" stands for, Special Operations Division, and you said, "No, not to my knowledge." You remember that, Mr Taylor?

A. That is correct.

Q. Indeed, Mr Taylor that testimony of yours wasn't truthful, was it?

A. That was truthful.

Q. Mr Taylor, the Special Operations Division, SOD, was actually created by Joe Tate, isn't that correct?

A. I don't know the police's - the question to me was did I know. I did not know of what units they had with what name, the
police. So my statement was truthful.

Q. And it was created in 1997, isn't that correct?
A. I have no idea about that.
Q. Now, just --
A. It could have been, but I didn't know.
Q. Just so we are clear, Mr Taylor, is it your testimony to
this Court that during the entire time of your presidency you
were never aware of this unit called SOD?
A. Well, my testimony to - that's my testimony, that I was not
aware of the different units in the police. That's my testimony.
Q. During --
PRESIDING JUDGE: Mr Taylor, excuse me, please answer the
question asked. We are talking about the SOD, not various units
in the police force. Did you know of the existence of the SOD or
did you not? That is the question.
THE WITNESS: I understand that, your Honour.
PRESIDING JUDGE: Throughout your presidency.
THE WITNESS: Throughout my presidency. I understand the
question.
PRESIDING JUDGE: So what is your answer?
THE WITNESS: My answer is I was not aware of that unit in
Liberia at the time of my presidency.
MS HOLLIS:
Q. Now, Mr Taylor, in 2001 there was a BBC news article that
indeed said that your cousin Joe Tate created the SOD and that it
was created in 1997. So, Mr Taylor, the BBC knew the existence
of the SOD, but you did not; is that what you are telling us?
A. I did not know of a unit called the SOD in the police.
That's my evidence.
Q. And indeed, Mr Taylor, the Human Rights Watch talked about this unit, the Special Operations Division, in its 2001 World Report. Mr Taylor, did you read that report?

A. No.

Q. So the Human Rights Watch knew about the existence of this SOD unit in Liberia, but you did not; is that what you are telling us?

A. That's exactly what I am saying. It doesn't mean that they are right. I am just saying I did not know.

Q. And indeed, Mr Taylor, if we consider also that this unit was included in reporting of IRIN-West Africa Update, 339 for 1998, it talked about this Special Operations Division within the police. So, Mr Taylor, this was mentioned in an article in IRIN in 1998. They knew about this SOD, but you did not; is that what you are saying?

A. I don't even know what IRIN is. I said I did not know of it.

Q. And, Mr Taylor, in 1998 your cousin, Joe Tate, was he suspended as Chief of Police in 1998? Do you recall that?

A. I am trying to think. He very well could have. I don't recall.

Q. He was suspended after he was called before the Liberian Senate to answer questions about the beating of a Senate clerk by members of the SOD. You recall that, don't you, Mr Taylor?

A. I don't really remember the incident, no. I don't remember the incident.

Q. Your government indicated that Police Chief Tate was suspended for administrative reasons. Do you recall that?

A. No, I don't recall it. He very well could have, but I
don't remember the incident.

Q. But, Mr Taylor, you do recall it, don't you? Because about two weeks later you reinstated him as the Police Director. You recall that, don't you?

A. Really, I don't know the incident, quite frankly. I don't recall. I am not saying that it probably didn't happen, but your question is to me do I recall. I do not - I am trying to factor in my mind. I do not recall the incident of Joe Tate being suspended. He very well could have.

Q. Now, before you reinstated him, you would have asked for the details about why he was suspended in the first place, wouldn't you?

A. No, not necessarily. Once the Justice Minister recommended something, I would not go and investigate what the Ministry of Justice had to do.

Q. And you wouldn't want to be briefed on why he had been suspended?

A. I am sure the Justice Minister probably came in and briefed me on his suspension. I am just saying I cannot recall the situation, but he would have come in and briefed me on both the suspension and bringing him back to work. He couldn't dismiss him, but he could suspend him.

Q. And this would have been of particular interest to you because this was your cousin?

A. Not necessarily. I look at Joe Tate as Director of Police, not as my cousin.

Q. And indeed as Director of Police, that would have been a matter of interest to you as well, wouldn't it?

A. If what would have been a matter of interest to me?
Q. That he had been suspended.

A. Well, not necessarily, but it would be of some interest.

Q. And in particular, that he had been suspended because of the actions of members of the police Special Operations Division, isn't that right? That would have been of interest to you, wouldn't it, Mr Taylor?

A. That would have been of interest.

Q. And the Special Operations Division, in fact, had a reputation for harassment of civilians. That would have been of interest to you, yes, Mr Taylor?

A. Of course. If the police, the protector of the people, are harassing them, of course it would have been of interest to me.

MS HOLLIS: Now, again in an abundance of caution I would ask that your Honours consider tab number 79 in annex 3. In the Prosecution's position, it is not probative of guilt. This is tab 79 in annex 3. Your Honours will note there is only one portion that is marked, and it is on page 2 of the document. Just to be clear, after your Honours have reviewed it, to the extent you consider it to be probative of guilt, we would rely on our prior arguments as to the use of the document.

PRESIDING JUDGE: We just want to be sure we are looking at the same document. There have been instances when the tabs don't tally.

MS HOLLIS: This is IRIN-West Africa update 339 for 1998, 11.16.

PRESIDING JUDGE: The passage you want to draw our attention to is where?

MS HOLLIS: It is marked on the second page under "Taylor reinstates suspended police chief".
PRESIDING JUDGE: And that's two paragraphs or one
paragraph?

MS HOLLIS: That is two paragraphs.

PRESIDING JUDGE: Yes, Mr Anyah.

MR ANYAH: Madam President, in light of your ruling in respect of the prior document, on its face the portion of the
document highlighted by the Prosecution may, arguably, go to
guilt. The problem is the procedure that's clearly outlined in
your decision, and that procedure calls for us to focus on the
content of the document. It is not what portions the Prosecution
intimates it intends to use and the purpose for which they offer
it. These paragraphs are being offered purportedly to impeach
Mr Taylor. But the document in its totality, its content,
involves evidence that goes to the guilt of Mr Taylor.

PRESIDING JUDGE: Mr Anyah, we are not talking about the
entire document. We are just talking about these two paragraphs
alone, as I understand Ms Hollis, that the Prosecution does not
intend to use the entire document.

MS HOLLIS: That is correct.

PRESIDING JUDGE: Only the two paragraphs in question.

MS HOLLIS: Only the marked portion.

PRESIDING JUDGE: Do you still object to those two
paragraphs, and those two paragraphs alone?

MR ANYAH: Well, I still object, Madam President. In
particular you will see that there is a sentence there in
reference to the SOD, that it has a reputation for harassment of
civilians, and again, this is a case of command responsibility.
All these - these sorts of allegations suggest that Mr Taylor
condoned this type of practices amongst his police apparatus, and
we submit that that has implications for Article 6.3 and the
charges in this case regarding whether or not others subordinated
to him in carried out acts in Sierra Leone that he failed to
either prevent or punish.

PRESIDING JUDGE: Allow us to read it again and see.

We are unanimously of the view that there is nothing in
these two paragraphs that goes to guilt, and therefore the
Prosecution may use these two paragraphs.

MS HOLLIS: And just to ensure the document we are looking
at is the correct one, the first page of the document showing
IRIN-West Africa update 339 for 1998.11.16, and then if we look
down, Saturday-Monday, 14-16 November, 1998. Then if we could
please move to the second page, and if you could move it down and
move it so we can see marked portion.

And, Mr Taylor, do you see here in these two paragraphs
what we have just been discussing, and that is the suspension of
Police Chief Tate and then subsequently your reinstatement of the
police chief. And, Mr Taylor, it indicates that Tate had been
called before the Senate on contempt charges to answer questions
about the alleged beating of a Senate clerk by members of the
police Special Operations Division and it indicates that this
Special Operations Division has a reputation for the harassment
of civilians.

Now, Mr Taylor, you knew of this incident involving your
police chief and cousin Joe Tate. That's the truth, isn't it,
Mr Taylor?
A. I have told you I do not recall the situation. I do not
say it did not happen. Your questions have been to my
recollection. And I can see that from that paragraph you just
read, this whole thing is handled by the Ministry of Justice,

talking about fully complied with the conditions set for his - so
I do not recall this thing. I am not denying that it happened.
I do not recall this happening. And it looks like something that
did not get to me.

Q. And this Special Operations Division having this reputation

of acting improperly towards civilians, you were aware of that,
weren't you, Mr Taylor?
A. I was not aware of that. The Justice Department had

authority. I was not aware of that.

Q. Mr Taylor, you were also aware, were you not, that the SOD

was accused of attacking a group of street sellers in the red
light district of Paynesville in August 1999.
A. This President, I swear. I was not aware, counsel. I was

not aware. I don't dispute them. These are police operations,
clearing markets. I am not aware. I am President of Liberia. I
am not aware. I don't deny that some of these things could have
happened. I, as President, am not aware of the incident you just
described, no.

Q. Mr Taylor, in this incident at least one civilian was
reported to have died and about 15 to have been arrested. You
would be briefed on that incident, wouldn't you, Mr Taylor?
A. Possibly.

Q. And this incident was reported by Amnesty International in

its report in 2000. So Amnesty International was aware of the
existence of SOD, but you were not. That's your testimony, is
that right, Mr Taylor?
A. That's my testimony. I was not aware of any SOD. The
police had a task force. They called it the Special Task Force.
They are mixing it up with - I am not aware of an SOD. I don't care what Amnesty said.

Q. Now, Mr Taylor, in 2002, in February in fact of 2002, during your declared state of emergency, you remember accusing people in certain areas of Monrovia of harbouring rebels. You remember that, don't you, Mr Taylor?

A. That I was accusing people?

Q. Yes.

A. It's possible. The government was accusing people of harbouring rebels, yes.

Q. And, Mr Taylor, the SOD in fact conducted house to house searches as a result of that accusation. Isn't that right?

A. Well, I said - maybe we are getting mixed up. I have only been answering your question. I don't know if a police SOD. I know the police conducted searches. The police task force, maybe somebody is mixing up and got the name wrong, but I am only answering your questions. What the police was doing was - war was in the city and, because of the mixture of the population, they were conducting searches and did find people that were rebels. This was an ongoing thing.

Q. Mr Taylor, this was very important, this was very important, this accusation about there being rebels in the city. Isn't that right?

A. Yes. Very important.

Q. And, as President, you were being briefed about what was happening to find out if these accusations were true, weren't you?

A. Well, "you were being briefed", I understand that differently. If you ask me did I receive some briefings from
time to time, yes. Intermittently, yes. But there was not a continuous everyday briefing as in "you were being briefed".

PRESIDING JUDGE: Mr Taylor, stop being pedantic, please.

Some of these questions are asked very simply, in their ordinary grammatical sense. Don't try to split them. When you do that you only complicate matters yourself.

THE WITNESS: Okay, Madam President.

MS HOLLIS:

Q. Mr Taylor, you were aware that the SOD was at least one of the units that was conducting these searches, weren't you?

A. I was not aware.

Q. You were briefed on that, weren't you, Mr Taylor?

A. I was not.

Q. Now, Mr Taylor, are you familiar with the peace agreement that was entered into between the Government of Liberia, LURD and MODEL in Accra just seven days after you left the presidency --

A. Ask your question again.

Q. -- on 18 August. Are you familiar with the peace agreement that was entered into between the Government of Liberia, LURD and MODEL just seven days after you stepped down as President?

A. Yes.

Q. On 18 August?

A. Yes.

Q. And, Mr Taylor, did you read that peace agreement?

A. I haven't had an opportunity, no.

Q. Do you recall that, as part of the agreement, several security services were to be restructured?

A. I was not aware.

Q. And that indeed two special security units and paramilitary
groups were mentioned by name and that was the Anti-Terrorist Unit and the Special Operations Division. You weren't aware of that, Mr Taylor?

A. No.

Q. Mr Taylor, we suggest that indeed you were well aware of the existence of the SOD and that, for whatever reason, you haven't testified truthfully about that to these judges.

A. Well, we disagree. I was aware of - I have said there was a police task force, if that's what's referred to as SOD. I don't know any unit called SOD. I knew of a task force, a police task force. That's what I knew. I don't know the SOD name, so I testified truthfully to your question.

Q. Mr Taylor, do you remember on 2 November your Defence counsel giving you an opportunity to comment on certain aspects of the testimony of TF1-114, Dennis Koker? Do you remember that?

A. Yes, Dennis Koker, yes.

Q. And do you recall that one of the portions of that testimony you were asked to comment on was about his seeing people come to Sam Bockarie with ammunition?

A. I don't remember the whole. If you've got it, bring it forward. I don't remember the whole thing.

Q. Okay. And do you remember that you were asked about his description of these people and where he said that they had a Liberian dialect, they had on camouflage and black cap and that some of them had on polo T-shirts on which was written "Navy Rangers" and he said these T-shirts were yellow in colour. Do you remember that testimony being put to you?

A. Yes, I have some recollection. Not verbatim. I have some recollection of that yellow T-shirt business, yes.
Q. And that also Mr Koker had explained that they wore a uniform, some of them underneath of the uniform they would wear polo T-shirts, and that they would wear a jacket and a polo T-shirt underneath and the polo T-shirt had the writing on it. You remember being reminded of that testimony, Mr Taylor?

A. Counsel, I don't - I don't know the - I don't know the details of that testimony any more of Dennis Koker. I don't remember it.

Q. Would it assist you if we went back and looked at that, Mr Taylor?

A. No, we can go ahead. I am sure what you are quoting - I am just saying that I can't sit here and memorise what Dennis Koker said, but I believe you are reading from the records, so.

Q. And, Mr Taylor, you may recall that you said you weren't aware of any Navy Ranger shirts, that there were shirts for other military units, but you weren't aware of any Navy Ranger shirts. Do you remember saying that?

A. Yes.

Q. And also that nobody goes to war in yellow, that yellow would only magnify your position. Do you remember saying that, Mr Taylor?

A. Yeah, I remember saying that.

Q. Now, of course, indeed in relation to Mr Koker's testimony he wasn't talking about going to war. He was talking about delivery of ammunition to Sam Bockarie, yes?

A. Well, I don't have the text before me, but, you know, I don't know the context of Dennis's whole testimony, so I just have to go along with you if that's what the record says, what he said.
Q. Now, Mr Taylor, do you remember in mid-2002 certainly LURD and the Government of Liberia were engaged in conflict, yes?

A. Yes.

Q. And in July 2002 do you recall the Government of Liberia recapturing Tubmanburg from the LURD?

A. Counsel, I don't - I don't - I don't know. There was pushing and pulling, that's possible.

Q. Do you recall that after this recapture of Tubmanburg, the SSS director, Benjamin Yeaten, took local journalists and international correspondents on a tour of Tubmanburg? Do you recall that, Mr Taylor?

A. That could very well be. I don't have any recollection. These things change hands, one week, two weeks later, so it's possible that that happened.

Q. Do you remember a press secretary of yours by the name of Passawe?

A. Yes, I do.

Q. What was the first name, Varney?

A. Varney Passawe.

Q. And that indeed, Mr Taylor, at this time he was with the journalists that met with Benjamin Yeaten. Do you recall that?

A. It's possible.

Q. And do you recall that there were pictures taken of this tour of Tubmanburg and this meeting with Benjamin Yeaten? Do you recall that?

A. It's possible. It's possible.

Q. If we could please look at tab 56 in annex 4. Passawe, as I understand the spelling, and correct me, Mr Taylor, if I am wrong, is P-A-S-S-A-W-A-Y. Is that correct?
A. No, I have known it to be P-A-S-S-A-W-E. That's how I know it.

Q. If we could please first look at the document that ends in the numbers 876 - P0000867, I think I had twisted those around.

It's 867. This is talking about after two months of occupation and intensive fighting between the dissident LURD and GOL troops, Tubmanburg was recaptured on July 19, 2002. It talks about local journalists and international correspondents taking a conducted tour of Tubmanburg on 20 July, 2002. SSS director Benjamin Yeaten in military outfit met the journalists led by presidential press secretary Varney Passawe. We see here Varney is spelt V-A-A-N-I-I. Is that is that correct to your memory, Mr Taylor?

A. I think he spells his Varney V-A-R-N-E-Y, Varney. The Passawe is how we spell it in Liberia, but the Varney, that could be another way. But I know it to be V-A-R-N-E-Y.

Q. And does this help you now recall this --

A. I don't know what this document is. I really don't know what it is.

PRESIDING JUDGE: Yes, Ms Hollis, I don't know what this document is either. Please explain.

MS HOLLIS: Pardon me?

PRESIDING JUDGE: What is this document that we are looking at?

MS HOLLIS: This is a document - these are photographs that were from a photo album that was taken from Mr Taylor's office at White Flower.

PRESIDING JUDGE: But the article that you just read, what is it?

MS HOLLIS: And the article is the introduction to the
photographs. It was basically an article that explained the tour of Tubmanburg that was taken by these journalists with Benjamin Yeaten. So this is the portion of the article that explains the background for this tour. And then the subsequent photographs are of this tour.

PRESIDING JUDGE: So this write-up is part and parcel of the photographs?

MS HOLLIS: Yes. And if we could please look at the document P0000866.

Q. Mr Taylor, we see here the caption is that Benjamin Yeaten gives an interview in Tubmanburg in which he praises the gallantry of Roland Duo of the navy for capturing Tubmanburg from the dissidents. And, Mr Taylor, in July 2002 what was Roland Duo's position?

A. Your Honour, I still have problems with the newspaper. I don't know what it is, a newspaper incident, and we are moving forward. I will answer your question, but I asked what was this document. The explanation - but anyway, I will just go ahead. But I don't know if this is a newspaper incident or what this is.

I don't know.

PRESIDING JUDGE: Just a moment. Pause, please. Mr Anyah.

MR ANYAH: Madam President, I think the difficulty we are wrestling with is how this text came to be superimposed or combined with photographs and whether the text was created simultaneous with the photographs or by the same person.

Now, the Prosecution has not marked this document on the side indicating whether its use is for guilt or impeachment. Flowing from the questions asked by learned Counsel opposite leading to the introduction of this document, we have certain
concerns on our side of the bar regarding the photographs, in particular those showing young men with T-shirts that form part of this document.

You remember the reference to the evidence of TF1-114, Mr Koker; you will remember reference being made to Mr Taylor's evidence about uniforms and the navy division and the like; and we have a set of photographs before your Honours with photographs of people in T-shirts. We have this written text that purports to present facts that are related to the photographs, and there is no indication whether this is for guilt, whether this is for impeachment. And on its face, depending on how you interpret the questions leading up to this, it would seem to us that it is being brought in connection with the evidence of Dennis Koker and/or to establish something going to guilt. So I think something more should be asked of the Prosecution regarding this document. If they are going to ask that it be considered for guilt, then the onus is on them to articulate the reasons why it satisfies your Honours' standard.

PRESIDING JUDGE: I thought that the counsel for the Prosecution prefixed the use of this document by saying it was for impeachment.

MS HOLLIS: Madam President, indeed it is for impeachment. And as we explained in the cover letter with our disclosure, only where we ask it be considered both for impeachment and guilt did we mark it. If it is not marked with an "I" and "G", then it is for impeachment only.

PRESIDING JUDGE: But, more importantly, for me the purpose for which the Prosecution intends to use is beside the point. I think the point that Mr Taylor concerns himself with is he wants
to understand what is this document. And I think the Defence
does ask a pertinent question: Was this writing part of the
photographs? Because perhaps, Ms Hollis, you need to explain to
us the document in its totality so that we may understand it
better. I must admit, even I haven't quite understood even after
you have explained the text.

MS HOLLIS: Yes.

PRESIDING JUDGE: What is this document?

MS HOLLIS: Madam President, these were photographs that
were taken were a photo album that was seized from Mr Taylor's
office at White Flower, so this is not something that the
Prosecution has generated or researched. It is something that
was taken from this photo album. The entire photo album was in
fact disclosed to the Defence on 28 March 2007. It is also
listed as number 46 on the disclosure receipt and was identified
as photos from Mr Taylor's office at his Congo Town residence.
So whether - this is what we got in terms of the input, the
superimposition of this text. It was this way in the photo
album. We have not superimposed it in any way.

More importantly, Madam President and your Honours, we
would suggest that first of all you recall the preface to going
to this document was the description of people with yellow shirts
and Mr Taylor saying that you don't go to war in yellow shirts.
We are basically just dealing with the fact that there are yellow
shirts - Navy Ranger yellow shirts in these photographs. Nothing
to do with any ages or anything in these photographs. So --

PRESIDING JUDGE: May I inquire if there is an original of
this document that is actually in colour? Because we have black
and white copies --
MS HOLLIS: You were provided --

PRESIDING JUDGE: -- and therefore that argument would not help.

MS HOLLIS: You were provided with colour in the set that we gave, but we do have an extra copy that we can provide you. If I may have a moment, we will organise these for you.

PRESIDING JUDGE: Where is the coloured copy? Is that the coloured copy? We have looked at the photographs and the text along with it, and we have heard the explanation by the Prosecution of the origin of this document, and we have looked at it. On the face of it there is nothing, in our view, that goes to guilt. It's showing pictures of people carrying arms and wearing some kind of uniform, and there is nothing in the text that, in our view, goes to guilt.

So we overrule the objections of the Defence and rule that the Prosecution may use this document.

MR ANYAH: Madam President, I have not formally objected. If your Honours, please --

PRESIDING JUDGE: But I thought you had, Mr Anyah. I am looking at page 98 from the middle of the page where I gave you audience and then you went on to express the - what you called the concerns from that side of the bar. You alluded to TF1-114 and the evidence that he gave, et cetera, et cetera, and whether the text is indeed part of the photographs or who wrote it, et cetera. We have heard responses on the other side. If there is anything additional, then I would like to hear it. But not a repetition.

MR ANYAH: Yes, Madam President. When I stood up incidentally, I did not think I was making an objection in the
sense that I wanted some clarification from the Prosecution regarding the intended purpose for introducing the document. Our concern is not so much the text, because that issue can be argued at the time of admissibility; how it came to be that the text is superimposed on the photographs, if you will.

The basis for my objection is the colour of the T-shirts in the photographs. The Prosecution has indicated that they disclosed to document to us on 28 March 2007. Dennis Koker was one of their first witness. The evidence of that witness indicates that the witness saw people with shirts bearing the same colour and inscription that are depicted in this photograph.

Now, that is factual - that is direct evidence from a witness going to the guilt of Mr Taylor. The Prosecution at that time could have introduced these photographs, or attempted to do so, through that witness. They did not. Now we are at the stage of cross-examination and these photographs are being presented for the first time. The Prosecution has had them since they executed this search on Mr Taylor's property.

With respect to learned Counsel opposite saying that it comes from Mr Taylor's property, yes, counsel is an officer of the court and may make such a proffer, but they should call a witness to give such evidence under oath as to the source and provenance of these photographs.

PRESIDING JUDGE: Mr Anyah, I am going to stop you there and remind you of your prior submissions before my ruling where you spoke of the evidence of Dennis Koker and you said:

"So I think something more should be asked of the Prosecution regarding this document. If they are going to ask that it be considered for guilt, then the onus is on them to
articulate the reasons why it satisfies your Honours standard."

So as far as I am concerned, you did object to the use of this document and we have ruled on it. You gave your reasons at the time. You are now seeking to augment the reasons, and I think that cannot be allowed. We listened to your objections. I did call on the opposite side to proffer an explanation - a further explanation as to the document, and then we looked at it. And in our view, I made a ruling based on the submissions on both sides and on the content of the document, and so I cannot take back that ruling. The Prosecution may use the document --

MR ANYAH: Thank you, Madam President.

PRESIDING JUDGE: -- in cross-examination.

MS HOLLIS:

Q. Now if we could please have the document P0000866 put on the overhead, please. Mr Taylor, in July 2002, what was the position of Roland Duo?

A. Roland Duo was Chief of Staff of the navy.

Q. And, Mr Taylor, the person in the middle of this photograph wearing the hat with - it appears to be yellow letters on it, camouflage hat, you would agree that that is Benjamin Yeaten, would you not?

A. That is correct, yes.

Q. And if we look to the right behind Mr Yeaten as we are looking at the picture, there is a person there with a blue shirt or jacket of some kind and an undershirt that is yellow in colour, yes, Mr Taylor?

A. There is one person standing there with a - yes.

Q. And then if we could please look at the document P0000868. Mr Taylor, in this photograph, in the centre of the photograph,
the man who has the microphones placed in front of him, that is

Roland Duo, is it not?

A. That is correct.

Q. And he has on a shirt or jacket of some type and underneath

that a yellow shirt, yes?

A. Yes.

Q. And you can see some - appear to be some partial letters

that are shown on there, yes, Mr Taylor?

A. I am not sure if that's letters, so I wouldn't say yes.

Q. And to his left, as we view the photograph, that is

Benjamin Yeaten, yes?

A. No.

Q. As we view the photograph?

A. You say to his left. As we view the - to the left of the

photo as we view it is Benjamin Yeaten.

Q. Yes. And then to the right of the photo as we view it,

behind Roland Duo in between two men, we see a man who has a blue

shirt or jacket of some type and he is wearing a yellow shirt

underneath, yes, Mr Taylor?

A. That is correct and there are white shirts and blue shirts,

too.

Q. And then if we could look at the next photograph, please,

P0000869. Mr Taylor, in the middle of this group of people, in

the front is Benjamin Yeaten, yes?

A. That is correct.

Q. And to the left as we view the photo is a person wearing a

yellow T-shirt with the words "Navy Rangers", yes?

A. That is correct.

Q. And to the right in the rear as we view it is a person who
appears to be wearing some type of beret, a tall person, you see
that, Mr Taylor?
A. Yes.
Q. With some type of jacket or shirt and partial words "NAV
RANG", yes, Mr Taylor?
A. That is correct.
Q. And then closest to General Yeaten on the right is a lady
with a yellow shirt, yes?
A. Yes.
Q. And we see at least one letter there, "A" and she is
wearing some type of vest, yes, Mr Taylor?
A. That is correct.
Q. So, Mr Taylor, yellow was a colour that was used with your
fighters. Isn't that right?
A. No, no, I wouldn't say that. With my fighters, no.
Q. So these are not - these Navy Rangers with Benjamin Yeaten
are not your fighters, Mr Taylor?
A. Well, yes, these individuals are fighters, yes.
MS HOLLIS: Madam President, I would ask that you mark for
identification pages - and I would ask that this be a cumulative
exhibit, pages P0000867 as A, the red letters on the side;
P0000867.
PRESIDING JUDGE: You have repeated 67 twice. Is that what
you want?
MS HOLLIS: 00867 would be A. In other words, I would ask
that you mark several of these but you mark them as a cumulative
exhibit.
PRESIDING JUDGE: The one ending 866 is one of the pages
you want?
1   MS HOLLIS: Yes. And that could be A as well. 866 would
2   be A and then 867 as B, 868 as C, 869 as D.
3   PRESIDING JUDGE: And you don't want the front page marked
4   as part of the document for identification?
5   MS HOLLIS: The first page that I looked at was the text.
6   PRESIDING JUDGE: The cover page is what I am referring to.
7   MS HOLLIS: Yes, we would like that as well, please,
8   Madam President.
9   PRESIDING JUDGE: The documents presented as an album
10  consisting of photographs and text is marked as follows: The
11  first page with the words "Album" is MFI-403A; the page ending
12  866 is 403B; the page ending 867 is 403C; the page ending 868 is
13  403D; and lastly the page ending 869 is 403E.
14   MS HOLLIS: Thank you, Madam President:
15   Q. Mr Taylor, we have talked about the Special Security
16  Service and, Mr Taylor, when was the Special Security Service
17  created?
18   A. I can't recall the year that the Special Security Services
19  was created. I would just say it's more than fifty years old. I
20   don't know when it was created.
21   Q. Was there a similar service that was known by a different
22  name in Liberia?
23   A. No, it's always been the Special Security Services.
24   Q. And, Mr Taylor, the Special Security Services had several
25  mandates when you were President. Isn't that right?
26   A. I don't want the President to quarrel with me again. When
27  you say several mandates, what do you mean?
28   Q. Well, for example, one of the mandates of the Special
29  Security Service was that it was to protect and secure the
President, his immediate family, yes? That was one of their mandates, yes?
A. I would say yes.
Q. As well as to protect and secure other officials and visiting dignitaries who are designated by the President, yes, Mr Taylor?
A. Counsel, I don't know, but it was created by an Act of the legislature. That could very well be right, but I cannot quote verbatim here in this Court all of the if that is within the law that you are reading, I will take your word for it.
Q. And, Mr Taylor --
PRESIDING JUDGE: Please pause. Mr Anyah, you are on your feet.
MR ANYAH: Yes, Madam President, I apologise for interrupting but I wonder if MFI-402 has been used because our records do not show that it has been used.
PRESIDING JUDGE: I absolutely do agree with you. That was because I went and marked a document that I wasn't asked to mark. I do beg your pardon. Now you remember, Ms Hollis, there was an earlier your document that referred to.
MS HOLLIS: That was IRIN I believe, and I have been reminded that I did not ask it be marked and I would ask that you mark it for identification.
PRESIDING JUDGE: So the record remains as it is. I am going to mark "IRIN-WA Update 339 of Events in West Africa", dated 14-16 November 1998, just the two paragraphs on page 2 of 4, as MFI-402.
MS HOLLIS: Thank you, Madam President:
Q. Now, Mr Taylor, among the mandates of the Special Security
Service was to perform such other functions as may from time to
time be assigned by the President. Isn’t that right?
A. Ms Hollis, I don’t know the legislation. If you have it,
that could very well be right.

Q. Let’s assist you with that, Mr Taylor. If we could look at
P-129, “Liberian Codes Revised”, Volume III we are looking at.
If we could please go to page - the page that is indicated as
leaf 349, “Subchapter C: Special Security Service”. If we could
go down to the bottom of that page first, please, “Liberian Codes
Revised, Volume III”, page 349. Then if we could go back up to
section 2.40 and we see, Mr Taylor, that the functions of the
service are set out in this section, yes? And A is what we have
talked about, “To protect and secure the President, his immediate
family, other officials and visiting dignitaries.” Yes,
Mr Taylor?
A. Yes, that’s what it says on this paper.
Q. And we see that on this page there are other functions that
are set out. Then if we move to the next page, 350, and if you
could go to the top of that page, please. And we see under H:
“To perform such other functions as may from time to time be
assigned by the President.” So, Mr Taylor, the Special Security
Service was tasked with carrying out functions as you assigned
them, correct?
A. Well, based on the law here, other functions I may, yes.
Q. So whatever you assigned them to do under this code, they
were to carry out, yes?
A. In all fairness to me, I see 12 there there’s a footnote.
I am not a lawyer. I don’t know. Maybe this will specify what
they mean by “may perform some functions from time to time as may
be assigned by the President". So maybe if I saw this footnote I would know.

Q. Let's look at it. It's at the bottom of the page and it simply refers to prior legislation; no explanation, Mr Taylor.

A. But prior legislation would show what the extent of - I'm sorry.

PRESIDING JUDGE: Yes, Mr Anyah.

MR ANYAH: To be fair to Mr Taylor, granted that this is already exhibited by the Prosecution, if you look at the pages that have the copyright indication, it shows that these laws were first codified or revised in 1998 and there is a second revision, I believe, in 2006. And so the question arises whether the specific provisions being put to Mr Taylor were in force while he was President of Liberia. I am referring to the Prosecution's pagination which has an ERN number in red, and you will see that on what is my page 5 of - page 5 in ceratum, ERN 00031458, it says, "First published December 1998, second print in an update 2006", and this would be page iv of the document. I don't know if the second print in an update perhaps includes a revision of the text of the document. But that is after Mr Taylor's time in Liberia, and it raises a question whether the document as is was what was in force when he was President.

PRESIDING JUDGE: Yes, Ms Hollis, that may be a pertinent point. What is your response?

MS HOLLIS: Well, my response is that Mr Taylor wasn't saying it wasn't, and in fact he was talking about what the plain language under B meant. But to be fair, I am very happy to limit my questions to 1998 and 1997.

PRESIDING JUDGE: Please rephrase it in that way. Yes, I
think it will be fairer that way. Rephrase the question.

MS HOLLIS: Thank you:

Q. Now, Mr Taylor, in 1997 and 1998 the Special Security
Service was mandated to perform such other functions as may from
time to time be assigned by the President. That's you, yes,
Mr Taylor?

A. Yes.

Q. And indeed, you took advantage of that subpart H, did you
not?

A. I don't know what you mean, Ms Hollis

Q. And you tasked the Special Security Service directly to do
a variety of functions for you, did you not, Mr Taylor?

A. I don't understand. You have to clarify your question. I
don't understand.

Q. You tasked them directly to carry our functions pursuant to
this subsection H; isn't that right, Mr Taylor?

A. I don't remember any specific task that I tasked them with
under this particular provision. No, I don't remember any
specific task that they were tasked with outside of their duties.

Q. And, Mr Taylor, if we look up at G at the top of the page,
we see that as of 1998 - 1997, 1998, they also were tasked with
serving as liaison with other security agencies in matters
pertaining to the screening of persons to be employed at the
Executive Mansion and for other services of the President. So
they were to act as a liaison with other security agencies
pertaining to the screening of people to be employed at the
Executive Mansion. So they were involved in the screening of
employees at the Executive Mansion, yes, Mr Taylor?

A. Yes.
Q. And, Mr Taylor, it's true, is it not, that in 1997 and 1998, you, with the advice and consent of the Senate, appointed the administrative head of the service?
A. Yes.

Q. And that was Benjamin Yeaten?
A. Yes.

Q. And he was designated as director?
A. Yes.

Q. And it's also true, is it not, that he was responsible to you through the Director General of National Security for the administration of the SSS?
A. No.

Q. Now, Mr Taylor, that is what the Liberian code in effect in 1997 and 1998 requires?
A. That he be responsible to me through the --

Q. Director General of the National Security for - and this was the Director General of National Security For the Administration of the SSS?
A. That's what the law says, yes.

Q. And, Mr Taylor, you told us earlier that the director of the SSS was responsible to you through the --
A. Minister of State.

Q. -- Minister of State?
A. Yes.

Q. So, Mr Taylor, by whose direction was Benjamin Yeaten responsible to you through the Minister of State?
A. Well, that was my understanding of the situation of the law. I didn't go through this, but throughout the ages, the SSS director reports to the - even now - to the Minister of State.
Q. And Mr Taylor, it's also correct, is it not, that during the time this is in effect, that is, certainly 1997, 1998, the duties of the director included reporting directly to you on all phases of the operation of the service and all matters pertaining to the service. So the director reported directly to you on those matters; isn't that right, Mr Taylor?

A. No. But then that means that you are misleading everybody here. Because if we go by this paragraph, it says - even if we take this paragraph, he reports to the President through the director general. So you're - I disagree with your proposition that he reported directly to me.

Q. Well, Mr Taylor, we are reading the plain language of the Liberian code --

A. Yes, I am reading it too.

Q. -- "A. To report directly to the President", that's you, Mr Taylor, "on all phases of the operation of the service and all matters appertaining to the service as may be required or as directed by the President." So, Mr Taylor, you were the one who decided --

A. What are you reading?

Q. -- what was required and directed, yes?

A. I do not see the paragraph you are reading from.

Q. I am sorry, Mr Taylor. We are looking at 2.41, subpart A.

A. Okay.

Q. You see that now, Mr Taylor?

A. Yes.

Q. I apologise.

A. Well, I didn't read this though. That's not how it worked then, before me, and now.
Q. Well, that's exactly how it worked --
A. Well, then maybe I was in violation of the law. But he reported to the Minister of State.

Q. That is exactly how it worked then you were the President in 1997 and 1998, isn't it, Mr Taylor?
A. That's what the law says, yes.

Q. And it also includes in the duties of the directors under D, to call on other security agencies for additional personnel whenever the need may arise for reinforcement of the service. So the director was able to bring in additional personnel from other security agencies in Liberia, isn't that right?
A. That's what the law says.

Q. And they would be assigned to the service in accordance with the request of the director, yes?
A. Yes.

Q. And then they would be under the complete command and supervision of the director, as we see at the top of the next page?
A. Yes. That's what it says, yes.

Q. And then if we look under 2.43 on this page, Mr Taylor, we see that the director had the authority to appoint all such other officers and employees of the service as he may deem necessary and assign their duties subject to your approval, Mr Taylor?
A. Yes.

Q. Yes?
A. Yes.

Q. So a very wide latitude for the director subject only to your approval; isn't that right, Mr Taylor?
A. That is correct.
Q. And then if we could please move to page 352 under section 2.45, very top of the page, please. We see here that officers and members of the SSS had the power to arrest just as police officers. Yes, Mr Taylor?

A. Yes.

Q. So, Mr Taylor, in 1997, 1998, you had great control over the director of the SSS, isn’t that correct?

A. Well, I had control over the SSS, yes.

Q. And you could assign them other duties as you deemed were needed, isn’t that right?

A. That is correct.

Q. And indeed, the director of the SSS would report directly to you should you so direct, yes, Mr Taylor?

A. If I so direct, yes.

Q. And you can remove that exhibit. Thank you very much.

Now, Mr Taylor, you recall when you were testifying about Hassan Bility and his allegations of torture. You remember your testimony about those allegations, Mr Taylor?

A. I remember testifying about the allegations, yes.

Q. And do you remember on 3 November of last year saying that “Any human on this planet that says there was torture during the Charles Taylor administration is a liar and I challenge them to bring any evidence.” You recall that, Mr Taylor?

A. Yes, I do.

Q. But of course, Mr Taylor, during your tenure as President in Liberia there were many allegations of torture carried out by your subordinates, isn’t that right?

A. Yes, there were allegations.

Q. And those allegations were factually correct, weren’t they?
A. I disagree.

Q. Torture was a not uncommon occurrence during your tenure as President of Liberia, isn't that right, Mr Taylor?

A. I totally disagree. It was not a practice in my government. I disagree.

Q. Indeed, Mr Taylor, your son engaged in acts of torture as head of the ATU, isn't that right?

A. Not to my knowledge, no.

Q. And you were well aware of those acts, weren't you, Mr Taylor?

A. I was not aware of any acts committed by him torturing anyone.

Q. And members of the ATU also carried out acts of torture while you were President, isn't that right, Mr Taylor?

A. Not to my knowledge.

Q. And indeed, Mr Taylor, you recall the testimony of a witness known as TF1-590 who testified about being tortured at Gbatala while your son was in command of the ATU; you recall that, don't you, Mr Taylor?

A. That is correct, I recall that.

Q. And indeed, you were aware of the torture that had been inflicted on that person, weren't you, Mr Taylor?

A. I was not aware of any torture and I don't think that torture happened in - I think it was in 2001. That is not correct.

Q. And Mr Taylor, you have, during your direct examination, mentioned a person by the name of John Tarnue; yes, Mr Taylor?

A. Yes.

Q. And in fact, John Tarnue was tortured by your son Chucky,
A. Not to my knowledge. I known there was a conflict between them. No, not to my knowledge.

Q. And indeed, you were very aware of that torture, weren't you, Mr Taylor?

A. I was not aware of any torture on Tarnue. I was aware of a conflict. There was a fight between he and the commander. I think there was - they fought physically, and that matter came to my attention.

Q. Mr Taylor, you were briefed that this torture of John Tarnue occurred while he was being held by your subordinates. You were aware of that, weren't you, Mr Taylor?

A. I was aware that John Tarnue was being held. I was not aware that he was tortured by my subordinates. I was told that he and Chucky had a fight.

Q. And indeed, part of the torture you were aware was plastic being melted on his chest, isn't that right?

A. No, I was not aware of that.

Q. And also damaged being done to his testicles; you were aware of that, Mr Taylor?

A. No, I was not aware of that.

Q. And Tiawan Gongloe, you remember him, don't you?

PRESIDING JUDGE: Remember to spell the name if you can't pronounce it. At least we can get the spelling.

MS HOLLIS: Let me give you the spelling that I have.

Mr Taylor perhaps you can assist me: T-I-A-W-A-N, Tiawan; Gongloe, G-O-N-G-L-O-E. Do you know if that's the correct spelling?

A. Well, I can't - I wouldn't say yes, but it sounds correct
Q. And Mr Taylor, Tiawan Gongloe was one of Liberia's most prominent human rights lawyers during your tenure as President, wasn't he?

A. I know he was a lawyer. Most prominent, I don't know. I know Tiawan very well.

Q. And he actually spoke out against the use of violence as a means of State power, didn't he?

A. Yes. Tiawan was always talking, yes.

Q. And indeed, he was arrested and interrogated because of those statements that he made, wasn't he?

A. I don't know. I know Tiawan was arrested. But as to whether he was arrested for those statements that you referred to, I don't know. I know he was arrested.

Q. And, Mr Taylor, when he was arrested and questioned, he was stripped naked and put in police cells, isn't that right?

A. I don't know what happened at the police station, counsel.

Q. And then two police officers beat him severely and kicked him, and this continued throughout the night; isn't that correct, Mr Taylor?

A. I have no knowledge of that, Ms Hollis. None whatsoever.

Q. And indeed, Mr Taylor, the next morning he was taken for questioning but was unable to stand or sit as a result of his injuries; isn't that right, Mr Taylor?

A. I don't know, Ms Hollis. I am President of Liberia. I'm the President. I don't know. I really don't.

Q. Mr Taylor, you were briefed about this incident, weren't you?

A. No, I was not briefed about any incident as you have
described. I said I was aware that Tiawan was arrested. As to
whether he was beaten and kicked all night at a police station,
it never came to my attention. That is something that the
Justice Ministry would look at. It was not brought to me.

Q. Now, this would be very serious misconduct by these police,
would it not, Mr Taylor?
A. I agree.
Q. And you would have been made aware of that, wouldn't you?
A. Not necessarily.
Q. And you also would have been made aware that as a result of
this treatment Mr Gongloe lost hearing in his left ear, and that
his left eye was swollen and bloodied, and his head and body were
badly bruised.
A. If they had happened, probably. Not necessarily, I am
saying. I know Tiawan and I know the problem in Liberia at the
time. So if something like that had happened, and it was as he
described it, it's probable that - it's possible maybe it could
have reached to me.
Q. You did know him, so it was very likely that you would have
been told about this, yes, Mr Taylor?
A. Not necessarily. Yes, I knew him, but it didn't mean that
I had to be told.
Q. Mr Taylor, no action was taken against anyone for the
treatment of Mr Gongloe, was it?
A. I don't know. I don't know.
Q. You would have been made aware if action had been taken as
a result of this kind of misconduct, wouldn't you, Mr Taylor?
A. Well, not necessarily. First of all, if the conduct
occurred, what happened, I don't - it was never brought to me, to
answer you directly. I don't know.

Q. And, Mr Taylor, also in May 2001, over 100 men and boys in Bong County were taken to Gbatala base because they were suspected of being dissidents. Isn't that right?

A. You said 2001?


A. That is not correct and I think you know it's not correct because you brought a witness here, Jabaty Jaward, who was in training at that time. You would have asked him. It is not correct.

Q. Mr Taylor, it was reported that some of these people were tear gassed. You got that report, didn't you, Mr Taylor?

A. People - Liberia having tear gas, no. People would be brought from Bong County and tear gassed? No.

Q. And that they had acid thrown on them. You were made aware of that too, weren't you, Mr Taylor?

A. No, I was not. I doubt if it even happened.

Q. Now, indeed, Mr Taylor, during your tenure as President, torture was something that was not at all uncommon being carried out by members of your security forces. Isn't that right?

A. I disagree.

PRESIDING JUDGE: Ms Hollis, while you are pausing, the witness said something which had been reported in the exact opposite. This is at page 122 at line 13 where he was speaking about people that would be brought from Bong County and tear gassed and I thought you said no.

THE WITNESS: I said no, your Honour.

PRESIDING JUDGE: This is the last thing that you said which would negate what is written in the LiveNote record. I
MS HOLLIS:

Q. Indeed, Mr Taylor, did you say no. Did you say no, that didn’t happen or, no, you were not aware of it?

A. I said it didn’t happen and I was not aware of it. Two of your questions.

Q. Mr Taylor, in Liberia, during the time that you were President, members of the human rights community were treated very badly by your subordinates. Isn’t that right?

A. How can I answer this? No, not that I know of.

Q. And indeed, Mr Taylor, one of the senators, Thomas Nimely, actually claimed that human rights groups were enemies of the State. Isn’t that right?

A. I don’t know what the senator said. I don’t know, counsel.

Q. Did you know Thomas Nimely?

A. Yes, the late Senator Nimely.

Q. Was he a senator, Mr Taylor?

A. Yes.

Q. From where?

A. Grand Kru County.

Q. Did he have any association with your NPFL?

A. Senator Nimely, yes, he was - yes.

Q. What was his association with your NPFL?

A. Just one of the, I would say, political analysts and adviser. He was not a combatant.

Q. And had he received any military training?

A. None whatsoever, no.
Q. Did he ever function as a commander?
A. No, never. Thomas, never.
Q. And during what period of time did he serve as, what you say, a political analyst and adviser?
A. I would say from the - I would put it to around maybe '91, '92. Thomas was in Gbarnga before we went to Monrovia. I would put it to around '91, '92.
Q. And you were made aware of this statement that he had made about human rights groups being enemies of the state. You were made aware of that, weren't you, Mr Taylor?
A. No, counsel, I was not.
Q. Mr Taylor, did you share the view of Thomas Nimely that human rights groups were enemies of the state?
A. If he said that, no.
Q. And he also said that they were to blame for the delay in international assistance because of the negative picture they portrayed of the country. Do you recall him saying that, Mr Taylor?
A. No, I don't.
Q. Did you share that view as well, Mr Taylor?
A. That view I share, that --
Q. In fact this negative picture they portrayed was an accurate picture of human rights during your presidency. Isn't that right, Mr Taylor?
A. That is not correct. There are so many instances where things were wrongly reported just for money. These people were collecting money from human rights groups and lying and so --
Q. Mr Taylor, did you know Koffi Woods?
A. Koffi, yes, I know Koffi.
Q. And at least at some point during your presidency he was the director of the Catholic Justice and Peace Commission, was he not?

A. Koffi worked with the Catholic Justice and Peace Commission.

Q. Do you remember during what period?

A. No, counsel, I don't remember. But he was there, Frances Johnson-Morris - I think they were there about the same time but I can't be sure.

Q. Mr Taylor, members of the Catholic Justice and Peace Commission actually complained that members of their staff were under government surveillance. You were made aware of that complaint, weren't you, Mr Taylor?

A. That's possible, yes, but so what if they are under surveillance? I mean surveillance occurs in every society. I heard the complaint.

Q. And why would they have been under surveillance, Mr Taylor?

A. I don't know. I don't know. I don't work with the security. I am just saying that there is nothing unusual about surveillance. If someone complains, "I am under surveillance," that's a part of the work of the state.

Q. They were under surveillance because they took positions contrary to your positions. Isn't that right, Mr Taylor?

A. No, counsel, no, no.

Q. Now, indeed, Mr Taylor, Koffi Woods was forced to flee Liberia. Isn't that right?

A. No. You know, counsel, I know we are not going to get into this, but all of the people that you are talking about here, these are all oppositions in government and they complained.
Koffi Woods, Frances Johnson-Morris became Minister of Justice --

PRESIDING JUDGE: Mr Taylor, I am going to stop you there.
The question was simply: "Mr Woods was forced to flee Liberia. Isn't that right?" That's the answer we want to hear. Did he or did he not flee Liberia?

THE WITNESS: It's a very difficult question. Whether he was forced to flee --

PRESIDING JUDGE: No, I don't think so. I don't think so. You can say yes or you can say no or you don't know.

THE WITNESS: How do I answer this?

MS HOLLIS:

Q. Mr Taylor, let me make it a little fairer for you. First of all, did he flee of country?

A. Not to my knowledge. He left. I know he left. But did he flee? I don't know.

Q. Now, in reality, Mr Taylor, he was forced to flee. Isn't that right?

A. This is not my knowledge of Koffi leaving Liberia. No, I don't know that. I know he left.

Q. And, Mr Taylor, he fled the country after the Justice and Peace Commission issued a statement condemning extrajudicial executions by government forces. Isn't that right?

A. I am not aware of that, counsel, no. I'm not aware of that.

Q. Mr Taylor, we have a person who was a director of the Catholic Justice and Peace Commission fleeing the country after the Justice and Peace Commission issues a statement condemning extrajudicial executions by government forces. Now, you would have been made aware of that, wouldn't you, Mr Taylor?
A. I was not made aware of that. I was not made aware that Koffi Woods fled Liberia. I was not.

Q. You were certainly made aware of the Justice and Peace Commission statement condemning extrajudicial executions by government force. Isn't that right, Mr Taylor?

A. I can't recall that statement. They always freely issued - I can't recall the statement.

Q. And this particular statement arose from the violence that occurred on 18 and 19 September. Do you recall, Mr Taylor?

A. What do you recall now?

Q. The Camp Johnson incident.

A. So what's your question?

Q. This statement about extrajudicial executions by government forces arose after the violence on September 18 and 19, the Camp Johnson incidents. Mr Taylor, you recall that, don't you?

A. Well, I don't recall the statement. I will recall the dates that you talk about, about the Camp Johnson Road incident, but I don't recall the statement.

Q. The Camp Johnson incident was a very important incident, yes?

A. Yes.

Q. And as President you kept abreast of the incident itself, yes?

A. Yes.

Q. But you also kept abreast of reactions to the incident, didn't you, Mr Taylor?

A. Not necessarily. There was a war. I was not following who was issuing statements. No.

Q. That was very important to you to know how the public were
reacting to this Camp Johnson incident. Isn't that right, Mr Taylor?

A. As to how the public was reacting, yeah, it was important for me to know.

Q. And that included the reaction of the Justice and Peace Commission, yes, Mr Taylor?

A. They don't speak for the public. No, I disagree.

Q. They are part of the public, are they not, Mr Taylor?

A. I agree.

Q. Now, Mr Taylor, was not only Koffi Woods who fled the country but other human rights activists also had to flee if they spoke out against you. Isn't that right?

A. I disagree.

Q. And, indeed, human rights activists went into hiding during your presidency if they spoke out against you. Isn't that right, Mr Taylor?

A. I disagree. Maybe some did, but I disagree with your proposition.

Q. And let me be clear, Mr Taylor, by "you" I mean you personally, as well as the Government of Liberia.

A. I would say that's nonsense.

MS HOLLIS: Madam President, I am --

PRESIDING JUDGE: Ms Hollis, I am alerted that the tape is almost done, almost ran out, so I think this would be an appropriate time to adjourn. Just to remind the parties that tomorrow, according to the schedule given to us by the ICC, will be a day designated for other hearings at the ICC by the ICC Chambers and so we cannot use this Court tomorrow. We will do what we normally do on Friday, tomorrow, that is, other work.
And so the trial will adjourn to Thursday at 9.30 and on Thursday and Friday we will have full hearing days. So the Court is adjourned accordingly to Thursday at 9.30 in the morning.

[Whereupon the hearing adjourned at 7.28 p.m. to be reconvened on Thursday, 4 February 2010 at 9.30 a.m.]
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