



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 2 MARCH 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Ms Kathryn Howarth
Ms Maya Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah
Mr Terry Munyard
Mr Silas Chekera

1 Tuesday, 2 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:03 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel. For the Prosecution this
9 morning, Kathryn Howarth, Maja Dimitrova and myself Nicholas
09:32:19 10 Koumjian.

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. Good morning, counsel opposite. Appearing for the
13 Defence this morning are Terry Munyard and myself Morris Anyah.
14 Thank you.

09:32:30 15 PRESIDING JUDGE: Thank you. Mr Smythe, this morning you
16 continue with your testimony and I'd just like to remind you of
17 your oath to tell the truth.

18 THE WITNESS: Thank you, your Honour.

19 WITNESS: YANKS SMYTHE [On former oath]

09:32:44 20 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

21 Q. Mr Smythe, I just want to ask you a couple of quick
22 follow-up questions about what you testified to yesterday. It
23 might be helpful to have MFI-422A put back on the screen for a
24 moment. This was a trip to Gbarnga that you said you accompanied
09:33:07 25 the President on where you were reviewing some SSS troops or
26 standing in formation with them. Do you recall the photograph?
27 It will be up in a moment. What was the purpose of that visit?

28 A. Mr Taylor was President at the time, he can visit any part
29 of Liberia at any time. So I don't know, actually.

1 Q. So there was no particular problem in Gbarnga. It was just
2 a visit of the President to one of the areas of the country that
3 he was President of?

4 A. Well, I don't know. I am not aware of any problem, but the
09:33:42 5 President can visit any part of his country anytime he wished to.

6 Q. Of course. How many times did he visit Lofa County, to
7 your knowledge?

8 A. How many times who visited Lofa County?

9 Q. Charles Taylor.

09:33:58 10 A. I remember only one time I accompanied him. From that
11 time, I never went to Lofa and I don't know whether he has been
12 there or not.

13 Q. Thank you. Now, what I wanted to ask you about very
14 quickly, sir, is, you talked about the uniform that you were
09:34:14 15 wearing in that photograph and I believe this is on page 36365.
16 Do you recall telling us what kind of uniform that was?

17 A. I recall saying this uniform was being used by the SSU.

18 Q. And why was it that you were wearing an SSU uniform?

19 A. Because the SSU at the time was an auxiliary of the SSS and
09:34:47 20 most of the officers of the SSS can wear the same uniform with
21 the SSU.

22 Q. Thank you. Were you ever in the SSU?

23 A. I am saying SSU is an auxiliary of the SSS.

24 PRESIDING JUDGE: Yes, but that doesn't answer the
09:35:11 25 question. Were you a member of the SSU?

26 THE WITNESS: I was not a member of the SSU.

27 MR KOUMJIAN: I would like the diagram to be brought back
28 of the structure of the SSS, which is MFI-436:

29 Q. Sir, can you explain in this structure where the SSU would

1 be?

2 A. The SSU will fall under operations.

09:36:47

3 Q. Well, under operations we see the deputy director, the
4 assistant director, the chief of protection services. If you
5 were going to draw a box, where would it be for the SSU?

6 A. The SSU forms part of operations.

7 Q. Well, which - is it underneath the chief of protection
8 services?

9 A. The SSU fall under operations, the operations department.

09:37:05

10 Q. Well, sir, I am going to ask you to switch seats so you can
11 point to the diagram, please. Can you take a pen, without
12 marking right now, and just point to where you would put the SSU?

13 A. The SSU fall under operations department, all the way.
14 It's part of the operations unit.

09:37:55

15 Q. Who do the SSU report to?

16 A. The SSU will report to the deputy director, they will
17 report to the director.

18 Q. So between your position, the assistant director, above
19 your position is the SSU which reports not to you, not to the
20 assistant director, but to the deputy. Is that correct?

09:38:14

21 A. I am not saying they would not report to me. If necessary,
22 they would report to me. They can report to me, they can report
23 to the CPS, they can report to the deputy director, they can
24 report to the director.

09:38:26

25 MR KOUMJIAN: Your Honour, the document is not yet admitted
26 into evidence. If it's possible, I would like to have the
27 witness expand on this document.

28 PRESIDING JUDGE: Certainly.

29 MR KOUMJIAN:

1 Q. Sir, can you please mark where you would put the SSU in
2 this document?

3 A. I would put the SSU under the deputy director of
4 operations.

09:38:43 5 Q. Okay, please do so. Did the SSU have a particular
6 function?

7 A. The SSU is a security - I mean, unit.

8 Q. Was their function different than, for example, the
9 functions of those under the chief of protection services?

09:39:16 10 A. Yes, they are different because they are not part of the -
11 they don't form part of the motorcade, they are not even within
12 the motorcade and they are not in the base shift, so their
13 functions are different.

14 Q. What are their functions?

09:39:29 15 A. Their functions is also to provide security for the
16 President.

17 Q. Do they provide close security to the President?

18 A. They don't provide close security to the President, but
19 within the proximity of the President.

09:39:40 20 Q. Is this a unit that would form more of an outer ring of
21 security?

22 A. Yes, I could say that.

23 Q. Are they in that case armed better for combat than the
24 close protection units?

09:39:53 25 A. I don't know what you are talking about. I don't know.
26 They are were armed like other securities that I know of.

27 Q. Sir, you are a security officer. You were there. Were the
28 SSU - if they form an outer ring, were they armed more for combat
29 with larger units than the close protection?

1 A. SSU is armed and they are within the range of the
2 protection of the President and they can provide security for the
3 President when needed at any time.

4 Q. What kind of arms would they carry?

09:40:20 5 A. They would carry AK-47 rifles.

6 Q. Would they have something like a BZT gun?

7 A. I don't know what you are talking about. I don't know it.
8 I don't know whether they have a BZT. I didn't see a BZT with
9 them.

09:40:32 10 Q. By the way, when we talked yesterday about the weapon, the
11 heavy calibre weapon, fixed to the back of or in a vehicle in the
12 motorcade, could that also be described as a BZT gun?

13 A. I don't describe that as a BZT gun. I told you it's a
14 general machine gun. This is what I said in evidence and the
09:40:52 15 records can prove that.

16 Q. But, in fact, it's heavier than a general machine gun.
17 It's not something that a soldier would carry by themselves,
18 correct?

19 A. The general machine that was mounted in the vehicle can't
09:41:13 20 be carried by an individual soldier that I know of.

21 Q. Mr Witness, you also talked in your testimony about a
22 special agent unit. In fact, you were part of that unit,
23 correct?

24 A. That special agent unit was not in existence when - how do
09:41:29 25 you call it - it was dissolved later on during the presidency of
26 Mr Taylor.

27 Q. At what point was it dissolved?

28 A. I can't remember actually what point.

29 Q. When you were promoted to assistant director of operations,

1 did it still exist?

2 A. No, it didn't exist, that I know of. I don't know of its
3 existence after my elevation to assistant director position.

09:41:59

4 Q. Before you were the assistant director for operations, what
5 exactly was your title?

6 A. I told you I was the head of the special agents unit.

7 Q. At that time, where did the special agent unit fall in this
8 diagram?

9 A. The special agent would also fall under operations.

09:42:13

10 Q. Where under operations would it fall?

11 A. It would fall under operations. We work in collaboration
12 with the CPS, the deputy assistance director for operation, the
13 deputy director for operation.

09:42:32

14 Q. Sir, I would like you to draw a box, but in order to
15 indicate that this was dissolved later, if you could draw the box
16 with broken lines like I am doing now and we will put an asterisk
17 to indicate that this unit was dissolved when you were the
18 assistant director of operations. Do you see what I mean? Draw
19 a box with broken lines.

09:42:52

20 A. I am not seeing what you mean.

21 Q. Okay. Let me show it to you again. I don't know if this
22 is clear. Can you see it, sir?

23 A. I can't see it.

09:43:05

24 Q. Perhaps it could be shown to the witness. I am asking you
25 to just draw a box with broken lines to indicate that it was
26 dissolved when you were assistant director of operations but had
27 existed before you were promoted to that position.

28 PRESIDING JUDGE: Before the witness does anything,
29 Mr Anyah?

1 MR ANYAH: I appreciate the flexibility your Honours might
2 afford counsel under the circumstances, but the legend or title
3 of this organogram is that it contains information about the
4 structure when the witness was in the position of assistant
09:43:37 5 director for operations. Now it seems the Prosecution is seeking
6 to have a box added to the organogram that doesn't fall within
7 that time frame, although they wish to demarcate it or distinct
8 it by the use of dashed lines.

9 The question is: Is the record not sufficient as it is,
09:43:56 10 given the oral testimony of witness that this unit was in
11 existence but it ceased to be in existence when he assumed the
12 position of assistant director, rather than complicate the
13 organogram and render it to different possible readings?

14 PRESIDING JUDGE: Mr Anyah, this is basically a Prosecution
09:44:19 15 exhibit and if counsel wishes to make this distinction with a
16 broken box, I think there is no harm in it. So I think you may
17 continue.

18 MR KOUMJIAN: Your Honour, I am in the hands of the Court.
19 And if it's preferable, I would ask the witness to draw a new
09:44:37 20 organogram during the period he was the director of the special
21 operations, if that's preferable.

22 PRESIDING JUDGE: No, there's no point to be served. If
23 the exhibit is overcrowded, well, it's up to the Prosecution. So
24 please go ahead.

09:44:51 25 MR KOUMJIAN:

26 Q. Sir, can you see how I've - let me give the witness my very
27 poorly drawn box with broken lines. Perhaps the Court officers
28 can give it to him, because he has indicated he can't see this.
29 Sir, can you draw a box with broken lines indicating where the

1 special agent unit would be in this organogram?

2 A. I told you - remember, I told you when I became assistant
3 director for operations there was no special agent unit, right?
4 I told you that, right?

09:45:39 5 Q. Yes, sir. That's why we are putting broken lines around
6 the box - on the box.

7 PRESIDING JUDGE: Is it possible perhaps to use a different
8 colour pen? Maybe red, if you have a red pen - a thin red pen.
9 Yes.

09:46:17 10 MR KOUMJIAN:

11 Q. Now, sir, in that unit, were you the head of the unit?

12 A. I said that, yes.

13 Q. How many men fell under your command when you were the head
14 of the unit?

09:46:27 15 A. I can't remember.

16 Q. Or troops?

17 A. I can't remember precisely.

18 Q. You don't know if it was more than 100?

19 A. I can't remember precisely.

09:46:38 20 Q. I'm not asking precisely, sir. Can you estimate for us how
21 many men fell under your command?

22 A. I don't want to speculate. I can't remember the figure.

23 Q. You have no recollection of how many men you commanded?

24 A. I don't have any recollection.

09:46:50 25 Q. Sir, what were your responsibilities as the director of
26 special - of the special agent unit?

27 A. I never said I was director of special agents unit. I
28 never said that.

29 Q. As the head of the special agent unit.

1 A. Special agent unit is - also provides security for the
2 President. You know, you can assigned - if there are any needs,
3 you can be assigned to do any other duties - security duties.

09:47:17

4 Q. Thank you. Sir, you have also indicated to us that the
5 operations was responsible for the protection of the President
6 and the SSU was responsible for the protection of the President.
7 What was distinctive about the duties of the special agent unit?

09:47:36

8 A. I don't know any distinctive functions. I know the special
9 agent unit is a unit that provides security for the Presidents
10 under the supervision of the director of operations. That I know
11 of.

12 Q. Well, as head of the special agent unit, what kind of
13 assignments did you receive to protect President Taylor?

09:47:54

14 A. I would receive assignments like to be on duty for the
15 night. I would receive assignments to accompany the President
16 wherever he goes.

17 Q. When you say you would receive assignments to be on duty at
18 night, on duty where?

19 A. On duty at the President's, I mean, house.

09:48:10

20 Q. How did those duties differ from the base shift duties?

09:48:28

21 A. Every time you have - you have base shift, you have
22 whatever, you know. It's a security unit, so you can be - you
23 know, all security units combine to provide security units that
24 are assigned for the protection of the President can work
25 together. They are assigned to protect - I mean, provide
26 protection for the President. And as a senior officer, I told
27 you there was - I said, I mean, always, every day there is a
28 senior officer on duty. So if I am assigned to be on duty that
29 particular night, I will take up that duty.

1 Q. Were the officers assigned to the special agent unit armed
2 when you were the head of that unit?

3 A. I don't know how many of them were armed. I had a side arm
4 that I know of.

09:48:56 5 Q. Do you know whether your men were armed or not?

6 A. I don't know.

7 Q. Sir, how could you possibly fulfil your responsibilities
8 protecting the President if you don't know if your men were armed
9 or not?

09:49:07 10 A. I don't know how you would put that in. But I know I am
11 armed. And the special agents unit, if they are within the - I
12 told you here - I mean, in my testimony that we have arms that
13 are assigned in the various vehicles at various guard posts. So
14 if you are at a particular guard post, that particular - you can
09:49:23 15 use that particular weapon when there is - when the need be. So
16 you don't have to have a personal weapon that you carry up and
17 down with you.

18 Q. So let me repeat my question.

19 PRESIDING JUDGE: Yes, I will ask you again, especially
09:49:37 20 Mr Witness, to slow down, please, in your testimony, because what
21 you are saying is not being typed because you are too fast.

22 THE WITNESS: I am sorry, your Honour.

23 MR KOUMJIAN:

24 Q. Mr Witness, this is what I asked you a few moments ago on
09:49:53 25 my LiveNote, page 13, line 5: "Do you know whether your men were
26 armed or not?" You said, "I don't know." And my question to you
27 was, "How can you possibly responsibly fulfil the duties of
28 protecting the President if you don't know whether your men were
29 armed or not?"

1 A. I am saying my men are assigned at various posts where we
2 have arms assigned at those posts. So if they are there, if the
3 need be, they would use those arms.

09:50:29 4 Q. So, Mr Witness, isn't it true that when I asked you, "Do
5 you know whether your men were armed or not," the answer - the
6 truthful answer would be, yes, you know your men were armed?

7 A. My men would use the arms that were assigned at the post
8 that they found themselves at the particular time.

9 Q. So you do know that your men were armed?

09:50:44 10 A. They don't have personal arms that they carry with them
11 around.

12 Q. Sir, the Special Operations Division that we talked about
13 yesterday - perhaps I could read, so I am not accused of
14 misquoting you, the transcript page 36365 from yesterday. And I
09:51:13 15 can wait for that to be put on the screen so that everyone can
16 follow. I am going to read from the bottom of the page, line 28.
17 Yesterday I asked you, just to remind you:

18 "Q. What was the SOD?

19 A. SOD was part of the police, not SSS.

09:51:53 20 Q. That's a Special Operations Division of the police?

21 A. Correct.

22 PRESIDING JUDGE: Mr Witness, 'SSU' stands for what?

23 THE WITNESS: Special security unit.

24 MR KOUMJIAN:

09:52:16 25 Q. Was the SOD - was that a name that was commonly known
26 in Liberia, SOD?

27 A. Yes, definitely."

28 Sir, what kind of weapons - excuse me. What kind of
29 uniforms did the SOD wear?

1 A. SOD wear police uniforms.

2 Q. Who did they report to?

3 A. SOD is an operation - I mean, an arm of the police. They
4 report to the police direct to their - I don't know the inner
09:52:51 5 works of the police, but I know that they fall under the
6 operation of the police.

7 Q. That's fair enough. They would report through the police
8 director, correct?

9 A. I am saying they fall under operation. They fall under
09:53:06 10 operations. They would - I don't know. Let me just not
11 speculate. I don't know who they report to.

12 Q. The director of the police during Charles Taylor's
13 presidency was his cousin, first, Joe Tate, correct?

14 A. I know Joe Tate as director of police. He was director of
09:53:24 15 police until his death.

16 Q. And after his death he was replaced by Paul Mulbah. Is
17 that correct?

18 A. That's correct, yes.

19 Q. Now I would like the witness to be shown the transcript of
09:53:35 20 14 September 2009, page - I am going to have to come back to it,
21 because somehow I deleted the page number from my notes.

22 Mr Witness, you talked about Charles Taylor having never been to
23 the front line. Is that correct?

24 A. I never accompanied Charles Taylor to the front line.

09:54:37 25 Q. Do you know of Charles Taylor ever being at the front line?

26 A. I don't know. I never accompanied Charles Taylor to the
27 front line.

28 Q. Were you ever present at any meetings discussing military
29 operations where Charles Taylor was present?

1 A. I can't remember.

2 Q. Did Charles Taylor portray himself as a fighting man?

3 A. I don't know that question. I don't know. What you are
4 talking about?

09:55:00 5 Q. Did he try - did he, in your - from what you observed,
6 project the public image that he was a fighting man among the
7 NPFL soldiers?

8 A. Charles Taylor projected himself as the leader NPFL.
9 That's what I know of.

09:55:13 10 Q. Did he project himself as a civilian leader, or also as a
11 military leader?

12 A. Charles Taylor projected himself as a leader of the NPFL.
13 That's what I know of.

14 Q. Did he wear uniforms?

09:55:23 15 A. I don't know. They can - civilians can wear uniforms. So
16 if he wants to wear uniform, he can wear it.

17 Q. Can they?

18 A. Of course.

09:55:35 19 Q. Isn't it in fact a violation for a civilian to portray
20 himself as a military officer?

21 A. It's not a violation. It's not a violation. In Liberia -
22 you go to Liberia now, you see civilians wearing military
23 uniforms. Camouflage - people wear camouflage and they are not
24 soldiers, so you can wear camouflage anytime you want to wear it.

09:55:47 25 Q. And how do you feel as a former soldier about civilians
26 putting on uniforms and passing themselves off as soldiers?

27 A. Well, what do you mean, how do I feel?

28 Q. How do you feel about it?

29 A. How do I feel about - I don't feel about anything -

1 anything about it. It's something they want to wear, they can
2 wear it. I don't have to tell them not to do that.

3 PRESIDING JUDGE: Could I ask the both of you again,
4 please, to slow down.

09:56:06 5 JUDGE LUSSICK: And also, Mr Koumjian, he still hasn't
6 answered your question. You asked him if Charles Taylor wore a
7 uniform and he said, "I don't know," and then he went into some
8 speculation that civilians can wear uniforms. But we are still
9 no wiser as to whether Charles Taylor wore uniforms.

09:56:28 10 MR KOUMJIAN:

11 Q. Mr Witness, can you help us with the question as the judge
12 stated: Did you, as a bodyguard to Charles Taylor for many years
13 and a security officer with him for many years, see him wearing
14 uniforms?

09:56:45 15 A. Yes, sometimes [overlapping speakers].

16 Q. Was that - sorry, did you finish?

17 A. Yes.

18 Q. Was that something that was rare or something that you saw
19 frequently?

09:56:56 20 A. Well, not frequently.

21 PRESIDING JUDGE: Mr Koumjian, what do you mean by
22 "uniforms"? You haven't specified.

23 MR KOUMJIAN:

24 Q. Sir, when I am talking about uniforms I am talking about
09:57:08 25 military uniforms, both formal and combat type uniforms. Do you
26 understand that?

27 A. I don't know what you talking about, combat attire. I have
28 not seen Charles Taylor in combat uniform.

29 Q. A formal uniform would be more something that a - a uniform

1 someone would wear to a formal event. For example, the
2 photograph that we just looked at of you reviewing the SSS
3 troops, you said they were in their official uniforms, correct?

4 A. I can remember seeing Mr Taylor in uniforms sometimes.

09:57:38 5 Q. Were they official type uniforms or were they more combat
6 uniforms, camouflage, for example?

7 A. I don't know when you say official type uniform. A uniform
8 is a uniform. The colour - what distinguish the uniform from
9 other things is the colour. It can either be fatigue green
09:57:54 10 uniform, it can be camouflage. So I don't know - when you talk
11 about combat or whatever, I don't know what you are talking
12 about.

13 Q. Sir, you were in the military force for many years. You
14 don't know the difference between the type of uniform that's worn
09:58:07 15 on a formal occasion and a type of uniform that's worn in combat
16 operations?

17 A. I know that.

18 Q. Did you see Charles Taylor in a type of uniform that's worn
19 in combat operations?

09:58:17 20 A. No, I don't see him in uniform that is worn in type of
21 combat operations.

22 PRESIDING JUDGE: Mr Koumjian, the witness has testified
23 out of his own mouth that on occasion he did see Mr Taylor
24 wearing uniforms. Now, why doesn't he tell us what kind of
09:58:35 25 uniforms he saw on those occasions? He can tell the Court. He
26 can describe the uniforms that he saw.

27 MR KOUMJIAN: Thank you:

28 Q. Mr Witness, can you describe the types of uniforms you saw
29 Charles Taylor wearing?

1 A. I saw him wear a fatigue, that's the green uniform. I saw
2 him wear a camouflage.

3 PRESIDING JUDGE: Did you say fatigue?

09:59:01

4 THE WITNESS: Fatigue. We call it fatigue; the uniform
5 that's a green uniform that soldiers can wear sometimes.

6 PRESIDING JUDGE: Is it plain green?

7 THE WITNESS: Yes, it's green.

8 MR KOUMJIAN:

9 Q. And you said camouflage?

09:59:10

10 A. Yes, camouflage.

11 Q. Camouflage is a type of uniform worn in combat operations,
12 correct?

13 A. Camouflage can also be worn by soldiers, you know, out of
14 combat.

09:59:20

15 Q. Let me read your answer from page 19, line 4, just a few
16 moments ago. I asked you in line 2, "Did you see Charles Taylor
17 in a type of uniform that's worn in combat operations?" You
18 said, "No, I don't see him in uniform that is worn in type of
19 combat operations." Sir, what you said is not true if you saw
20 Charles Taylor in camouflage uniforms. Isn't that correct?

09:59:43

21 A. What I said is true. You wear camouflage, you don't have
22 to wear camouflage in combat. There is a way soldiers dress when
23 they are in combat readiness. You can wear camouflage while you
24 are in town or while you are in the barracks, wherever. I said
25 in Liberia civilians wear camouflage uniforms. If you go to
26 Liberia now you see people wearing camouflage uniform who are not
27 soldiers. I told you this. And if you are going to prove me
28 wrong, go and take a tour on the streets of Liberia, you will see
29 it.

10:00:04

1 Q. Sir, did you see Charles Taylor carrying arms?

2 A. Yes, I saw Charles Taylor holding arm, yes.

3 Q. What kinds of arms?

4 A. He had - he hold an AK-47 with an M203 on it.

10:00:33 5 Q. And when would he be doing that?

6 A. Well, everybody you are in a combat situation, whether you
7 are a soldier or not, you can hold a weapon to protect yourself.

8 Q. But he was not at a front line, you've told us?

9 A. You don't have to be at the front line to hold a weapon to
10:00:47 10 protect yourself.

11 Q. Was that to protect himself from Liberian soldiers of the
12 NPFL?

13 A. I don't know, but to protect himself. He can protect
14 himself from anything.

10:00:56 15 Q. Was Charles Taylor, in your opinion, a little paranoid
16 about his own security?

17 A. I can't answer that question. I don't know. I don't know.
18 That question is ambiguous. I can't answer that.

19 PRESIDING JUDGE: Mr Anyah?

10:01:11 20 MR ANYAH: How does the witness know if Mr Taylor was
21 paranoid? What is the scope of this phrase "paranoid" in this
22 context?

23 PRESIDING JUDGE: He has just answered that he doesn't know
24 and that suffices.

10:01:23 25 MR KOUMJIAN: Your Honour, could the witness be shown the
26 documents behind the Prosecution binder. One of them has already
27 been marked for identification. First let me give those that are
28 not marked. That would be behind tabs 8, 11, skipping 10 for
29 now, and tab 9 and also MFI-431, which is behind tab 7. So let's

1 start with the one that's already marked MFI-431. Could that be
2 put on the screen:

3 Q. Sir, you previously identified the man in the blue chair as
4 Charles Taylor. What kind of clothing is he wearing?

10:03:46 5 A. We call this camouflage. I know it to be a camouflage.

6 Q. What kind of footwear is he wearing?

7 A. He is wearing a boot.

8 Q. Are those considered combat boots?

9 A. It's a military - how do you call it, it's a boot that
10:04:00 10 somebody can wear when you wear the camouflage uniform.

11 Q. And, sir, what is in his right hand?

12 A. That's an AK. It's the same weapon I am trying to describe
13 that he has a weapon, AK-47 with an M203 mounted on it.

14 Q. When you say an M2 or 3 mounted on it, can you explain what
10:04:26 15 that means?

16 A. An M203 is like a little - something a little bigger than
17 an AK. It's like a small grenade in size.

18 Q. So it's a grenade launcher that you can launch from an
19 AK-47?

10:04:38 20 A. It's not a grenade launcher. I mean it's not a grenade.
21 It's just smaller than that.

22 Q. But it allows you to launch a grenade from an AK-47,
23 correct?

24 A. It can allow you to launch that particular ammunition from
10:04:51 25 the AK-47.

26 Q. Well, what kind of munition do you launch? Wait for me to
27 finish and I'll try to slow down also. What kind of munitions
28 can you launch from that?

29 A. You can launch an M203 ammunition from that.

1 Q. Can you describe what that is, an M2 or M3?

2 A. M203, I told you, is not a grenade. It's a little smaller
3 than a grenade, but it's bigger than the AK rounds.

4 Q. Is an explosive round?

10:05:17 5 A. I don't know when you talk about explosive round, but, you
6 know, every round explode. When you fire it, it explodes, so it
7 explodes.

8 Q. Well, sir, not every round explodes when it hits a target.

9 A normal bullet just passes through the target. A grenade
10:05:32 10 explodes when it hits a target. Was this an explosive round?

11 A. I never fired it before and I never saw it being fired
12 before, before I know whether it explode or not.

13 Q. Thank you. Could the witness be shown the document behind
14 tab 9. Sir, do you recognise the person in the photograph?

10:06:31 15 A. Yes.

16 Q. Who is that?

17 A. Charles Taylor.

18 Q. What type of weapon do you see?

19 A. The same weapon I described in the first photograph, the
10:06:39 20 same type, the same weapon here.

21 Q. Now, sir, can you with a pen without writing but just
22 point, which is what you call the attachment that allows you to
23 launch the M2 or M3?

24 A. This is it.

10:06:52 25 Q. To the right of the photograph?

26 A. This is it.

27 JUDGE LUSSICK: I think the witness is not saying an M2 or
28 3. He's saying an M203.

29 MR KOUMJIAN: I see:

1 Q. Is that correct, Mr Witness?

2 A. I said M203. This is what I said. Thank you, your Honour.

3 Q. Can the witness please be shown the photograph behind tab

4 11. Sir, do you recognise the man in the centre with his hands

10:08:04 5 upraised and something in his right hand?

6 A. Yes.

7 Q. Who is that?

8 A. Charles Taylor.

9 Q. What type of clothing is he wearing?

10:08:14 10 A. He is wearing a camouflage.

11 Q. And, sir, in his right hand, what do you recognise?

12 A. The same weapon I described previously, the same AK-47 with

13 the M203.

14 Q. Sir, do you recognise anyone else in the photograph?

10:08:29 15 A. Yes.

16 Q. Who is the gentlemen on the very left?

17 A. Are you talking about this person?

18 Q. No, on the other side.

19 A. You are talking about this person?

10:08:38 20 Q. Yes, sir.

21 A. This person is Jessie Gbainue.

22 Q. Can you spell the last name?

23 A. I can't spell it. I don't know the spelling. But he was

24 one of the Special Forces.

25 Q. Can you say it very slowly for us?

26 A. Jessie.

27 Q. JC as in the initials?

28 A. Gbainue. Maybe it starts with G-B something, but I can't

29 really recall.

1 PRESIDING JUDGE: Would you spell the first name,
2 Mr Witness?

3 THE WITNESS: Jessie is J-E-S-S-I-E.

4 PRESIDING JUDGE: Can you phonetically spell the surname?

10:09:11 5 THE WITNESS: G-B-A-I-N-U-E or something, I don't know.

6 PRESIDING JUDGE: Thank you.

7 MR KOUMJIAN:

8 Q. Then going from left to right, the woman between Charles
9 Taylor and the man you just identified, who is she?

10:09:25 10 A. I don't know. I can't recognise this woman. I don't know
11 who the person is.

12 Q. And the man on the far right of the photograph,
13 Charles Taylor's left, with the cap on, who is he?

14 A. That's the late General Jackson.

10:09:41 15 Q. Do you recognise the person in the yellow T-shirt between
16 General Jackson and Charles Taylor?

17 A. I don't know. I don't recognise the person.

18 MR KOUMJIAN: I believe I asked the Court Officer to bring
19 one more photograph and I think that's behind tab --

10:09:58 20 PRESIDING JUDGE: Do you wish the witness at least to write
21 the names of the people on this photograph?

22 MR KOUMJIAN: Thank you:

23 Q. Sir, it would be helpful, could you please in the
24 space - let me make sure there is space. Above the individuals,
10:10:14 25 can you draw a line and write the names. Could you sign and date
26 this, please, sir. Today's date is 2 March.

27 I will wait and ask to have all of these marked after I
28 finish the next one. Could the witness be shown the document
29 behind tab 8.

1 Sir, who is the person depicted in the photograph?

2 A. There are several persons in the photograph. I don't know
3 which one you are referring to.

10:12:11

4 Q. In the foreground with the weapon held vertically, who is
5 that?

6 A. Charles Taylor.

7 Q. There are several individuals behind Charles Taylor. Do
8 you recognise any of them?

9 A. No, I can't recognise any of them.

10:12:26

10 Q. How about the man on the very right with part of his face
11 cut off?

12 A. I think I said I cannot recognise any of them besides the
13 person that is holding the arm.

14 Q. Now, sir, that weapon is an AK-47, correct?

10:12:41

15 A. That's the same weapon I saw in all the other pictures.
16 This is the same very weapon.

17 Q. Well, is that the same - yes, okay. And this again has the
18 M03 attachment?

10:13:04

19 A. I said it's the same weapon. So if I say the same weapon,
20 so the same weapon had the M203 on it.

21 Q. Sir, can you draw a line from the weapon and write "AK-47
22 with M03"?

23 A. What you call M03? I never told you anything like M03.
24 You're not listening to me.

10:13:21

25 JUDGE LUSSICK: It's M203. You keep saying "M03".

26 MR KOUMJIAN:

27 Q. Thank you. M203. Sir, Charles Taylor, if you move the
28 picture up a little bit, appears to be carrying something. Do
29 you have any idea what that is around his neck? There seems to

1 be a bag on his left side.

2 A. I don't know what it is. I don't see the full view of it.

3 Q. Perhaps it can be moved so everyone in the audience can
4 see. You don't know what that is?

10:14:06 5 A. It seems to be a bag. I don't know.

6 Q. What kind of clothing is Charles Taylor wearing?

7 A. Charles Taylor is wearing a green shirt.

8 Q. Do you recognise that type of shirt at all?

9 A. I mean, it's a green fatigue, I think.

10:14:34 10 MR KOUJIAN: Your Honour, I would like these photographs
11 that have not been marked that were shown to the witness to be
12 marked for identification.

13 PRESIDING JUDGE: You have to go through them again, tab by
14 tab. It's basically tabs 8, 9 and 11. I could give them the
10:15:08 15 same major number with A, B, C.

16 MR KOUJIAN: Yes, please, your Honour.

17 PRESIDING JUDGE: Unfortunately, they have no identifying
18 CR number.

19 MR KOUJIAN: There is no ERN number.

10:15:36 20 PRESIDING JUDGE: ERN number, so I don't know how I am
21 going to describe these.

22 MR KOUJIAN: Perhaps, your Honour, the document behind tab
23 8 has a title, "Charles Taylor in the NPFL militia".

24 PRESIDING JUDGE: Could you please pause. Mr Anyah is on
10:15:48 25 his feet.

26 MR ANYAH: Yes, Madam President, that's precisely why I
27 rose. With respect to the document behind tab 8, there is some
28 additional information separate and apart from the photograph. I
29 just want to ascertain what's being marked for identification.

1 We certainly do not acquiesce to the information suggesting that
2 this is a photograph depicting Mr Taylor in Buchanan on 29 May
3 1990, as suggested in the text accompanying the photograph. If
4 it's merely the photograph the request pertains to, then I would
10:16:22 5 not be on my feet.

6 PRESIDING JUDGE: What do you mean you do not acquiesce?

7 MR ANYAH: Is the Prosecution saying the entire document,
8 photograph and information included on it, should be marked for
9 identification? Or are they saying their request is limited to
10:16:35 10 just the photograph?

11 PRESIDING JUDGE: Mr Koumjian, please.

12 MR KOUMJIAN: Well, your Honour, documents, including
13 documents with hearsay evidence, are admissible. So I don't
14 think there is any rule against a statement next to a photograph
10:16:54 15 indicating where and when it was taken not being admissible.

16 PRESIDING JUDGE: Nobody has even mentioned the word
17 "hearsay". The simple question I have asked the Prosecution is:
18 Do you intend to mark the photograph along with the explanation
19 next to it?

10:17:13 20 MR KOUMJIAN: I am fine with just the photograph. Thank
21 you.

22 PRESIDING JUDGE: Would that settle the dispute between
23 yourselves?

24 MR ANYAH: I have no dispute, but that would settle the
10:17:23 25 matter. Thank you.

26 PRESIDING JUDGE: We will start with the photograph behind
27 tab 8. The common number I am going to give these photographs is
28 MFI-439. So the photograph entitled "guardian.co.uk", that is,
29 with Charles Taylor wearing what the witness has described as a

1 green fatigue, is 439A.

2 Now, the photograph behind tab 9 with Mr Taylor wearing
3 camouflage, sitting down and holding an AK-47 with an M203, is
4 439B.

10:18:22 5 Lastly, the photograph in tab 11 depicting Mr Taylor with
6 his hands raised and with other persons beside him in the
7 photograph will be 439C.

8 MR KOUMJIAN:

9 Q. Mr Witness, did you ever see Charles Taylor plan military
10:19:00 10 operations while looking at a map?

11 A. That's an inconclusive question. Looking at a map and
12 preparing military - I don't know what you are talking about.

13 Q. Did you ever see Charles Taylor standing over a map while
14 he was giving orders or explaining plans for military operations?

10:19:20 15 A. It's possible, but I didn't see any - I didn't see it.

16 PRESIDING JUDGE: Could we request the witness to return to
17 his seat?

18 MR KOUMJIAN: Perhaps - I'm going to come to another
19 photograph in just a moment, so it might be - so he doesn't - I
10:19:30 20 don't want Mr Smythe to get too much exercise today:

21 Q. Sir, did you ever see Charles Taylor examining maps that
22 you recall?

23 A. Well, I don't have - maybe I don't see him, but I can't
24 deny that he look at maps. I mean, I see him, but, you know, he
10:19:53 25 can look at maps.

26 Q. Could the witness be shown the photograph behind tab 10 in
27 the Prosecution documents. Sir, do you recognise the person in
28 the photograph?

29 A. Yes.

1 Q. Who is that?

2 A. Charles Taylor.

3 Q. The weapon that he is holding, can you tell us what you
4 recognise. Describe it.

10:21:00 5 A. The same weapon I described in all the other pictures, the
6 same very weapon.

7 Q. An M203. Sir, what does it appear that Charles Taylor is
8 pointing at?

9 A. He is pointing at something on a paper.

10:21:15 10 Q. Does it appear to be a map?

11 A. It appears to be a map, yes.

12 Q. And just so the record is clear, he is wearing civilian
13 clothing, correct?

14 A. Yes, he is wearing civilian clothing, yes.

10:21:27 15 MR KOUMJIAN: Your Honour, I would like this document to be
16 marked for identification. And because the others were in
17 uniform and this is without, perhaps a separate number.

18 PRESIDING JUDGE: What basically is the purpose of this
19 photograph, if I may inquire from you, Mr Koumjian?

10:21:46 20 MR KOUMJIAN: Your Honour, I believe Mr Taylor talked about
21 not participating in military operations, I believe not carrying
22 weapons. There also was testimony from several Prosecution
23 witnesses about Charles Taylor planning military operations while
24 overlooking a map.

10:22:02 25 PRESIDING JUDGE: So this is a picture of Mr Taylor
26 planning a military operation while --

27 MR KOUMJIAN: Holding an AK-47.

28 PRESIDING JUDGE: Let me finish, please. This is a picture
29 of Mr Taylor planning a military operation while pointing at a

1 map; is that right? Is that the purpose of this photograph?

2 MR KOUMJIAN: I certainly cannot say that. It is a picture
3 of Charles Taylor pointing at a map holding an AK-47.

4 PRESIDING JUDGE: Mr Anyah?

10:22:31 5 MR ANYAH: I will save my - well, I will save my remarks
6 for when it comes time to tender some of these photographs.
7 Because this particular one, this witness has said - when the
8 question was posed to him, the witness through whom the
9 photograph is being introduced, whether he saw Charles Taylor
10:22:49 10 hovering over a map planning military operations, he said that it
11 was possible, but he himself didn't see it. So we take a
12 photograph from the Internet and we put it before the witness and
13 we have it marked for identification.

14 PRESIDING JUDGE: Right. This latest picture behind tab 10
10:23:08 15 showing Mr Taylor wearing civilian clothes, holding a weapon,
16 pointing to what appears to be a map, is marked MFI-440.

17 MR KOUMJIAN:

18 Q. Sir, perhaps to keep you from moving around too much, let
19 me ask you: Benjamin Yeaten, what were the ranks that he held,
10:23:48 20 to your knowledge?

21 A. Benjamin Yeaten?

22 Q. Yes.

23 A. To the best of my knowledge, he was a general.

24 Q. Now, I am not very familiar with military ranks. What kind
10:24:00 25 of general was he?

26 A. Benjamin Yeaten at one point - when I left for Libya, he
27 was lieutenant general. When I left the service, he was
28 lieutenant general.

29 Q. How many stars is that?

1 A. That was three star.

2 Q. What is the highest ranking general in the Liberian armed
3 forces, to your knowledge?

4 A. Well, to my knowledge, it can be three, it can be four.

10:24:29 5 Q. Who, to your knowledge, was a four-star general in either
6 the NPFL or the armed forces or military forces of Liberia during
7 Charles Taylor's presidency?

8 A. During his presidency?

9 Q. I am asking but both; from the NPFL days through his
10:24:44 10 presidency, from December 24, 1989, through August 2003.

11 A. I know Isaac Musa being promoted to general, four star;
12 Dopee Menkarzon was four star also; John Teah was four star; and
13 Benjamin Yeaten, I saw a picture where he had four star on.

14 Q. Where did you see that picture?

10:25:09 15 A. I saw it in Liberia.

16 Q. Thank you. Could the witness be shown the documents in the
17 Prosecution bundles behind tabs 5 and 6. Start with tab 6. This
18 is tab 5. That's fine.

19 PRESIDING JUDGE: Could we be specific; is it 5 or 6?

10:26:00 20 MR KOUJIAN: This is tab 5:

21 Q. Mr Witness, who do you recognise in this photograph?

22 A. I recognise Benjamin Yeaten.

23 Q. And where is he?

24 A. I don't know where he is.

10:26:17 25 Q. Well, in the photograph, can you point to him. Can you
26 drawn a line and write his name. Anyone else in the
27 photograph - let's first talk about the other man in the red
28 beret. Do you recognise him?

29 A. I only recognise Benjamin Yeaten.

1 Q. And the man on the other side not in the red beret but on
2 the other side of him, on Benjamin Yeaten's right-hand side to
3 the left of the photograph.

4 A. I only recognise Benjamin Yeaten.

10:27:02 5 Q. Have you looked at all the other faces in the photograph?

6 A. I did, and I only recognise Benjamin Yeaten.

7 Q. Now, sir, we see two men, including Yeaten, in a red beret.
8 Who wore red berets in Liberia during the time that you were - of
9 Charles Taylor's presidency in the NPFL?

10:27:22 10 A. Red beret? There are certain instances when the police
11 wear red beret. The army can wear red beret.

12 Q. The ATU?

13 A. I don't know. I forget the type of beret the ATU was
14 using, but it's possible they can use a red beret. I forget the
10:27:40 15 type they were using, actually.

16 Q. Benjamin Yeaten was SSS, correct?

17 A. Yes, he was SSS.

18 Q. Did SSS sometimes wear red beret?

19 A. I had a red beret that I wear. It's not a uniform for the
10:27:54 20 SS. But, you know, if you find yourself in a situation where you
21 want to wear uniform, you can wear it.

22 Q. As part of a uniform, was there ever a time or a unit
23 within the SSS that wore red berets?

24 A. I can't really remember that.

10:28:13 25 MR KOUMJIAN: Your Honour, I would like these two
26 photographs, those behind tabs 5 and 6, to be marked for
27 identification.

28 PRESIDING JUDGE: Have you put the other photograph before
29 the witness?

1 MR KOUMJIAN: I'm sorry. May the photograph behind tab 6
2 please be shown to the witness:

3 Q. Sir, do you recognise the person in this photograph?

4 A. Yes.

10:28:43 5 Q. Who is that?

6 A. Benjamin Yeaten.

7 Q. Can you draw a line and write his name in the right-hand
8 margin. I see it's difficult to write on it. Actually, I don't
9 think it's necessary to write the name, unless your Honours do.

10:29:02 10 I think by now we recognise - well, perhaps you can. At the very
11 bottom there is a small space, can you write "Benjamin Yeaten" at
12 the very bottom of the page.

13 Sir, the stars that Benjamin Yeaten is wearing in this
14 photograph, four stars on the beret and the four on the collars,
10:29:31 15 what do they signify?

16 A. They signify?

17 Q. Yes.

18 A. A star, a four-star general.

19 Q. They signify his rank as a four-star general?

10:29:41 20 A. Yes.

21 Q. And, sir, there appears to be - and I don't know the
22 technical term for it - what Mr Yeaten is wearing above his
23 pockets, what are these called?

24 A. I don't know. I have not seen the totality of it, so I
10:30:03 25 don't know.

26 Q. Do you recognise any of those?

27 A. I have not seen it. If I see it in total, then I will be
28 able to tell you, but I can't just tell you by just seeing half
29 of it.

1 Q. Sir, can you on the bottom of the photograph write your
2 name and date it.

3 A. I will write "Witness recognised Benjamin Yeaten".

10:31:08

4 Q. Thank you, sir. Can you also sign and date the other
5 photograph?

6 A. Which other one?

7 Q. The one with the red beret that was just shown to you.

8 Mr Smythe can resume his seat. I would ask that the two
9 photographs that were just shown to the witness be marked for
10 identification?

10:32:13

11 PRESIDING JUDGE: The photograph of Benjamin Yeaten wearing
12 a red beret is marked MFI-441A and the one of Benjamin Yeaten
13 wearing a green beret is MFI-441B.

14 MR KOUMJIAN:

10:32:46

15 Q. Mr Witness, did you ever know of Jackson F Doe who had run
16 for President against Samuel Doe in 1985?

17 A. I don't know Jackson F Doe. Besides hearing the name
18 Jackson F Doe I don't know him. I don't know how he look like, I
19 don't know his face, I don't know anything about Jackson F Doe.

10:33:11

20 Q. Had you ever heard of the name either Jackson F Doe or
21 Jackson Faya Doe or Faya Doe?

22 A. I heard the name Jackson F Doe.

23 Q. Where had you heard that name?

24 A. I heard the name in Liberia.

10:33:27

25 Q. Did you hear that Jackson F Doe came to NPFL territory?

26 A. Not to the best of my knowledge, I don't know.

27 Q. Sir, Dr Manneh, had he, to your knowledge, ever been in
28 Cuba?

29 A. Dr Manneh, yes. Dr Manneh been in Cuba, yes.

1 Q. When did Dr Manneh go to Cuba?

2 A. I don't know when he went to Cuba, but he was in Cuba at
3 one time.

4 Q. Was that before you saw him in Libya, if you know?

10:34:04 5 A. He was in Cuba at one time. I can't remember when he was
6 there.

7 Q. Let's see if I can refresh your recollection. After the
8 coup, isn't it true that Dr Manneh first took refuge in
9 Guinea-Bissau and then when the Government of Guinea-Bissau
10 expelled him, he went to Cuba or was taken to Cuba?

11 JUDGE DOHERTY: Mr Koumjian, which coup is this?

12 MR KOUMJIAN: The 1981 Gambia coup:

13 Q. Is that true, sir, or do you know that or you don't know
14 the answer?

10:34:38 15 A. I don't - can you repeat your answer because you mentioned
16 something like a spell. I don't understand what you mean.

17 Q. Is it true that after the 1981 coup, Dr Manneh first took
18 refuge or went to Guinea-Bissau and then the Government of
19 Guinea-Bissau expelled him or asked him to leave or sent him - in
20 some way he went from Guinea-Bissau to Cuba?

10:35:00 21 A. I have no knowledge whether he was expelled by the
22 Guinea-Bissau government. I don't have any knowledge of that.

23 Q. Fair enough. Do you know whether he went from
24 Guinea-Bissau to Cuba?

10:35:12 25 A. He went to Cuba, I don't know, probably from Guinea-Bissau
26 or from any other location, but he went to Cuba.

27 Q. How long was he in Cuba?

28 A. I don't know how long he was there.

29 Q. Were other members of SOFA in Cuba with Dr Manneh?

1 A. Yes, some other members were there.

2 Q. Can you name some of them?

3 A. I know Domingo Ramos to be there.

4 Q. Anyone else?

10:35:36 5 A. I know Mustapha Jallow to be there.

6 Q. Anyone else?

7 A. I know Musa N'jie to be there, just to name a few. I think
8 I remember these people to be there.

9 Q. And the three you named later joined Dr Manneh in Liberia
10:35:52 10 and the NPFL, correct?

11 A. What do you mean if you say they joined Dr Manneh in
12 Liberia and the NPFL?

13 Q. Well, the three of them came to Liberia, correct?

14 A. Yeah, but that's not your question. Your question was when
10:36:06 15 they joined Dr Manneh in Liberia with the NPFL, so that means
16 Dr Manneh was there and they came to meet them there, so that's
17 not - I don't know of that.

18 Q. Did they come to Liberia?

19 A. Yes, they came to Liberia.

10:36:15 20 Q. Did they come before Dr Manneh came to Liberia?

21 A. Yes, they came. Domingo came before Dr Manneh came to
22 Liberia.

23 Q. When Dr Manneh arrived in Liberia, were they part of the
24 same group?

10:36:27 25 A. When you say were they part of the same group, what do you
26 mean?

27 Q. SOFA.

28 A. Dr Manneh - well, yes, they were part of the Dr Manneh's
29 group SOFA, yes.

1 Q. Were they part of the NPFL?

2 A. We came to help Mr Charles Taylor to provide security for
3 him.

4 Q. All three of them, correct?

10:36:45 5 A. That's correct.

6 Q. Mr Witness, did Foday Sankoh ever give you money?

7 A. Whether Foday Sankoh gave me money?

8 Q. Yes.

9 A. Yes, I think I can remember, yes. Yes, I think, one time,
10:37:04 10 yeah. He came, yes, one time, yes, I remember, yeah.

11 Q. When did he give you money?

12 A. I can't remember exactly, but I think when he came from the
13 conference, from the Lome conference. After he had a meeting at
14 the mansion, before he left, he came outside. In fact, it was
10:37:23 15 not given to me. It was given to one of the officers. He said,
16 "Oh, this is for you and your boys."

17 Q. Let's break that down a little bit so it's clear and we
18 understand it. When you say he came from the conference, from
19 the Lome conference, was that in the Lome peace conference in
10:37:44 20 1999?

21 A. Yes, I think so, yes.

22 Q. And on his way back you told us that at some point he was
23 in Monrovia after the Lome conference, correct?

24 A. That's correct, yes.

10:37:53 25 Q. And you said he went to a meeting at the Executive Mansion.
26 Is that right?

27 A. Yeah, he went to meet Mr Taylor at the mansion.

28 Q. So, as far as you know, did he meet President Taylor before
29 he gave you the money?

1 A. He went to the meeting. When he was on his way out, he
2 gave me something. He said, "This is for you and your boys." In
3 fact, he gave it to one of my officers, "This is for you and your
4 boys."

10:38:16 5 Q. Okay. And did the officer give it to you?

6 A. Yes, he did.

7 Q. Now, sir, how much money did Foday Sankoh give you?

8 A. I can't - I don't know. I don't know. I don't know how
9 much money it was, actually.

10:38:30 10 Q. What currency was it?

11 A. It was US dollars.

12 Q. Was it something very small like \$5 or \$10?

13 A. No, it's not \$10.

14 Q. Can you give us an approximation?

10:38:43 15 A. I can't remember. I don't know. Maybe I think it was
16 \$2,000, yes.

17 Q. Do you know where Foday Sankoh got \$2,000 US to give you?

18 A. How do I know where he got \$2,000 to give me? I don't
19 know. Foday Sankoh is a man. I don't know where he got it from.

10:39:02 20 He gave it to me, it was an offer to me and I took it.

21 Q. Now, this was after Foday Sankoh had been in Lome, correct?

22 A. Yes.

23 Q. I want to go back to something I couldn't find earlier when
24 we were talking about the Special Operations Division. If I
10:39:25 25 could have the transcript for 14 September 2009. We had read
26 this morning where you had testified about that division and
27 said, "Yes, it was something that everyone in Liberia was aware
28 of".

29 A. Did I say everybody in Liberia was aware of it? Please

1 don't misquote me.

2 Q. Well, then we had better go back to what you said. Can we
3 go to the transcript of yesterday, page 36365. Before we do
4 anything else, the transcript from 1 March, page 36365.

10:40:09 5 MR ANYAH: It's actually on 366.

6 MR KOUMJIAN:

7 Q. Beginning at page 36365, the bottom of the page, line 28, I
8 asked you yesterday:

9 "Q. What was the SOD?

10:40:31 10 A. SOD was part of the police, not SSS.

11 Q. That's a Special Operation Division of the police?

12 A. That's correct.

13 PRESIDING JUDGE: Mr Witness, SSU stands for what?

14 THE WITNESS: Special Security Unit.

10:40:52 15 MR KOUMJIAN:

16 Q. Was the SOD - was that a name that was commonly known
17 in Liberia, SOD?

18 A. Yes, definitely, yes."

19 So, sir, I would now like to read to you the transcript

10:41:06 20 from 14 September of last year, page 28728, beginning at line 6.

21 On that date Mr Taylor was asked by his counsel - excuse me,
22 before that, the Defence counsel was reading from the testimony
23 of a witness and my colleague will try to determine which witness
24 that was. I am not going to read it. But then Defence counsel
10:41:58 25 asked Mr Taylor, beginning on line 6:

26 "Q. Are you aware of a unit called SOD, Mr Taylor?

27 A. No, I am not aware.

28 Q. Was there such a unit in Liberia after you became
29 President?

1 A. No.

2 Q. Special Operations Division?

3 A. No, not to my knowledge, no. Because the unit serving
4 at the mansion was the SSS, not the SOD. No."

10:42:30 5 Mr Witness, can you explain why the President of Liberia
6 would not know the name of a unit of the police that you said was
7 definitely commonly known in Liberia?

8 A. Police is headed by a director. The director directs the
9 operation of the police. He can within himself - within his own
10:42:53 10 discretion - I mean, how do you call it - form police into units.
11 He has that - I mean, how you call it now - he can do that. So
12 it doesn't have to be a unit that is by constitution to say this
13 is a unit by law. The police director can, you know, design the
14 police, you know, in a way that it would suit his operations.

10:43:13 15 PRESIDING JUDGE: Mr Witness, you didn't answer the
16 question.

17 Mr Koumjian, please ask the question again.

18 MR KOUMJIAN:

19 Q. Sir, my question was: "Can you explain why the President
10:43:31 20 of Liberia would not know the name of a unit of the police that
21 you said was definitely commonly known in Liberia?"

22 A. I can't explain why he would not know.

23 Q. And, in fact, you were not a member of the police, correct?

24 A. I was not a member of the police, yes.

10:43:47 25 Q. But you were well aware of the SOD, correct?

26 A. Yes, I know the police has SOD.

27 MR KOUMJIAN: And for the record, counsel was reading from
28 the testimony of TF1-567 who had mentioned SOD before the
29 question was put to Mr Taylor in September:

1 Q. Mr Witness, I would now ask you to do another diagram for
2 us. If some paper could be brought to the witness. You talked,
3 sir, about a period of cooperation, I believe you said, where the
4 - between the RUF and the NPFL. I would like you to draw the
10:44:39 5 command structure - the structure of the NPFL as of January 1,
6 1992.

7 A. The structure I draw before, that's the only structure I
8 know of the NPFL, and no other structure besides that. The
9 structure I drew first is the only structure I know of the NPFL,
10:44:59 10 and no other.

11 Q. That structure never changed?

12 A. As far as I am concerned, that structure never changed.

13 Q. So we can take it that the structure you drew as of March
14 1991, the month of the invasion of Sierra Leone, was the same
10:45:17 15 structure that existed during the period of - that you say was
16 cooperation between the RUF and NPFL. Is that correct?

17 A. Are you asking me, or are you making a statement?

18 Q. Sir, my job here is to ask you questions, so let me do it
19 again. This is the question: Are we to understand that the
10:45:44 20 structure you drew previously of the NPFL command as of March
21 1991, the month of the invasion of Sierra Leone, that that
22 structure remained the same and existed identically during the
23 period that you say there was cooperation between the RUF and
24 NPFL?

10:46:03 25 A. As far as my memories can serve me right, yes.

26 Q. Sir, you talked about General Adams and knowing a General
27 Adams yesterday, correct?

28 A. Yes, I did.

29 Q. And I believe I asked you if he was training the ATU, and

1 you said you were not aware of that, correct?

2 A. Yes, I said that.

3 Q. Could the witness be shown the transcript from 31 August,
4 page 28038, starting at line 20. This is from the testimony of

10:47:22 5 Charles Taylor. He was asked by Defence counsel:

6 "Q. Now, Mr Taylor, DP-150 you are wearing the hat of a
7 British tea planter. Now, what occasion is this?

8 A. This is - I'm clearing. This is the beginning of my
9 farm in Gbarnga. I am getting into the agriculture
10:47:47 10 business now at my farm in Gbarnga.

11 Q. Right. Help us with the few personalities, please, if
12 possible. The gentleman in the white shirt to your right?

13 A. This is Colonel Mohamed Adams.

14 Q. Who is he?

10:48:05 15 A. Colonel Adams is a Ghanaian. I have known him for
16 many, many years during my exile in Ghana and he frequents
17 Liberia.

18 Q. So he is just a guest?

19 A. Yes."

10:48:33 20 Now if we could go to the testimony from 5 November 2009,
21 page 31302. I will begin reading from line 23. And, Mr Witness,
22 at this point the Defence counsel is reading from a document that
23 the Defence presented to the Court:

24 "'During the search at Ossaily's various notes are found

10:49:39 25 with references to payments to RUF members such as Bah,
26 Issa, and Eddie and payments to the members of the SSS and
27 ATU, such as Colonel Adams.'

28 Who is colonel Adams?

29 A. Colonel Adams was a Ghanaian former military officer

1 that also was used to train the ATU. He is Ghanaian. In
2 fact, he lives in Ghana."

3 Sir, does that refresh your recollection that Colonel
4 Adams, a Ghanaian, was training - one of those training the ATU?

10:50:25 5 A. I said I am not aware of that. This is what I said.

6 Q. Sir, do you know when you were in Gbarnga and serving as a
7 bodyguard for Charles Taylor, did you know Jackson Swarray?

8 A. I don't know Jackson - anybody Jackson Swarray.

9 Q. Do you know anybody by the name of Jackson Swarray or Ray
10 Swarray?

11 A. No, I don't know Ray Swarray or Jackson Swarray, no.

12 Q. Do you know of any bodyguards that were transferred from
13 the NPFL, from Charles Taylor's bodyguards, to the RUF?

14 A. I don't know of any bodyguards that were transferred from
10:51:12 15 Charles Taylor's NPFL to the RUF. I don't know.

16 Q. Do you know of any reason why an NPFL bodyguard for
17 Charles Taylor would be transferred to the RUF?

18 A. I don't know any bodyguard of Charles Taylor being
19 transferred to the RUF, so I would not know the reason why it
10:51:27 20 should happen. I don't know about it.

21 Q. That's fair enough. Sir, you talked about the SSS having
22 undercover agents, correct?

23 A. When you say "undercover agents", what do you mean?

24 Q. They had - you said there were agents in the intelligence -
10:51:40 25 for the intelligence section of the SSS and you wouldn't know who
26 they were.

27 A. I said there were intelligence officers, yes [overlapping
28 speakers].

29 Q. There were people in units reporting on intelligence that

1 other members of the unit weren't aware of, correct?

2 A. If you say intelligence that threatened the life of the
3 President, other units would be informed of it to take
4 precaution.

10:52:05 5 Q. They were not informed of who the identity was of the
6 people that were in - working in intelligence; that's what I am
7 asking you.

8 A. Pardon me?

9 Q. Let me try and explain that. People in the various
10:52:17 10 battalions - within the various battalions, there were
11 intelligence officers who were not known by the other soldiers
12 reporting through their command to Charles Taylor, correct?

13 A. Well, intelligence officer there would have a commander.
14 Why would they report directly to Charles Taylor? They have to
10:52:36 15 report to their commander. Intelligence officers don't report
16 directly to the President. They report to - I mean, they make
17 their reports to their commanders.

18 Q. Are you aware of persons put into various units who were
19 covert, in other words, not known - their intelligence reporting
10:52:55 20 activities were not known to the other members of the unit?

21 A. I don't know. I don't know. They are covert agents. I
22 don't know intelligence - I don't know that.

23 Q. Now, Mr Witness --

24 JUDGE DOHERTY: Mr Koumjian, I don't feel that there is an
10:53:15 25 adequate answer to the previous question. You asked, people in
26 various battalions - within the various battalions that were
27 there who are not known to other soldiers reporting to their
28 commander, and the witness talks about reporting. He doesn't
29 actually answer the question, were there people in those

1 battalions.

2 MR KOUMJIAN:

3 Q. Sir, are you aware - were there intelligence agents within
4 the fighting battalions?

10:53:49 5 A. Are you asking me whether I am aware of intelligence units
6 within the fighting battalions?

7 Q. Let me make it clear, because I am not talking about
8 intelligence units who would be known to all the other members of
9 the battalion. I am talking about people being undercover
10:54:06 10 reporting on the activities of the battalion through a separate
11 command to Charles Taylor.

12 MR ANYAH: Madam President, unless I missed something, this
13 was in relation to the Special Security Service.

14 MR KOUMJIAN: It's not limited to that.

10:54:24 15 MR ANYAH: Initially, when the question started about
16 covert or undercover members, it was in relation to the SSS, and
17 the organogram of the SS includes no battalions. And now the
18 witness is being asked about battalions and intelligence within
19 battalions.

10:54:40 20 PRESIDING JUDGE: Yes, I think this is a different
21 question. But, of course, counsel, I think you are asking a
22 different question.

23 MR KOUMJIAN: Let me try to be more specific. I appreciate
24 the intervention, and I want to make it as clear as possible:

10:54:55 25 Q. So let me go back for a moment to the time you were in the
26 SSS during the presidency. Let's first cover that time. You
27 talked about agents working under the intelligence division.
28 Were these agents known to those - to everyone?

29 A. Covert agents are not known to everyone, no.

1 Q. And where did they work, to the best of your knowledge?

2 A. They work, I mean, within the security sector.

3 Q. And did they also work within various battalions or
4 divisions at that time of the armed forces or militia forces?

10:55:32 5 A. We are talking about the NPF - excuse me, we're talking
6 about the SSS, so I don't know what you are talking about,
7 battalions or whatever.

8 PRESIDING JUDGE: Mr Witness, you know what would really be
9 helpful is if you answer the question asked, not you to give a
10:55:46 10 running commentary. Please ask this question again. We need an
11 answer to it.

12 MR KOUMJIAN:

13 Q. Sir, were there undercover agents from the SSS that were
14 placed outside the SSS within the divisions or battalions, other
10:56:02 15 fighting units of any armed force or militia working under
16 President Taylor?

17 A. No, I am not aware of that.

18 Q. And if someone testified to that, then it would be - it
19 would have been successful enough that you didn't know that there
10:56:20 20 were undercover agents working; is that right?

21 A. I don't know --

22 MR ANYAH: Objection.

23 PRESIDING JUDGE: Sorry, what kind of a question is that?
24 Even I don't understand that kind of question.

10:56:32 25 MR KOUMJIAN:

26 Q. Sir, going back to the NPFL days, and specifically to the
27 1991-1992 period, did Charles Taylor, to your knowledge, have
28 undercover agents within the various battalions or divisions who
29 were reporting through to him unknown to the commanders of those

1 battalions or divisions?

2 A. I am not aware of that. I don't know.

3 Q. Was intelligence gathered regarding any threat to
4 Charles Taylor from foes, domestic or foreign, to your knowledge?

10:57:18 5 A. I don't know. I don't know. It could be. I don't know.

6 Q. Were agents placed, to your knowledge, within any other
7 forces outside of Liberia that Charles Taylor felt the
8 information would be useful to his security?

9 A. I don't know of that.

10:57:44 10 Q. Could the witness be shown MFI - unless your Honours have
11 further questions on this topic, I am leaving it.

12 PRESIDING JUDGE: What did you say, Mr Koumjian?

13 MR KOUMJIAN: Unless your Honours have further questions on
14 this topic, I am switching to another.

10:58:00 15 PRESIDING JUDGE: We are not asking questions.

16 MR KOUMJIAN: May we go to MFI-410. May that be shown to
17 the witness, please, or put on the screen:

18 Q. I don't think it will be necessary for you to switch seats,
19 sir.

10:58:23 20 A. Thank you, counsel.

21 Q. Now, witness, we see on this diagram the Strike Force Unit,
22 Commander Sam - you see that on the third row down. It says
23 Commander Sam Tuah, which you have highlighted, Deputy Commander
24 Charles Timber. Do you know Charles Timber?

10:59:38 25 A. I said throughout my testimony I do not know Charles
26 Timber.

27 Q. You have never heard that name?

28 A. I don't know Charles Timber.

29 Q. Can we have on the screen, please, on the computer, the

1 testimony of Mr Taylor on 26 October 2009.

2 PRESIDING JUDGE: Mr Smythe, the counsel asked you whether
3 you have ever heard of the name Charles Timber.

4 THE WITNESS: No, I have never heard. I said in my
11:00:19 5 testimony, your Honour, that I never heard of the name Charles
6 Timber.

7 MR KOUMJIAN:

8 Q. This is 26 October, page 30241. I am going to begin to
9 read from line 18, 30240. I don't know what page I just said.
11:02:26 10 It should be 30240:

11 "Q. Now, Mr Taylor, let's just ask you about one or two
12 names, shall we, bearing in mind this is a training in
13 Pendembu inside Sierra Leone. Sam Tuah, you know him,
14 don't you, Liberian?

11:02:46 15 A. Yes, I do.

16 Q. What role did he have in Liberia?

17 A. Sam Tuah was the commander of the special operations
18 unit that I sent to the border with Sierra Leone in 1991.

19 Q. Charles Timber?

11:03:04 20 A. The name I recognise. I don't - he was part of that
21 unit with Sam Tuah. I do not know what position he had,
22 but the name Timber, because I can remember Timber got
23 killed during an operation against ULIMO inside there, so I
24 remember the name."

11:03:27 25 Then if we could have the - let me just read the next few
26 lines, just for completeness sake, it's on page 30241:

27 "Q. Was it to your knowledge that he was a training
28 commandant at the Pendembu vocational training base?

29 A. No, I doubt it too. He was a part of the special ops

1 people. I don't know, but I don't think so."

2 So, Mr Witness, does that remind you about who Charles
3 Timber was?

4 A. I said I don't know Charles Timber. I have not heard of
11:04:27 5 Charles Timber's name. I didn't say nobody else knew him. I
6 said I don't know him.

7 Q. Thank you. So, in fact, when you reviewed the structure of
8 the NPFL, there are some names that you don't know. Is that
9 right?

11:04:39 10 A. The names - the only name I don't know - I identified the
11 names I don't know over there. But the names I know, I marked
12 them as NPFL personnel.

13 Q. And one person you did recognise but you didn't know his
14 real name was One Man One. Is that right?

11:04:57 15 A. Yes, I said I know somebody by the name of One Man One, a
16 Liberian who was assigned in Liberia in Bomi Hills.

17 Q. NPFL in Bomi Hills?

18 A. That's correct.

19 Q. Can we have the testimony from the 28 October 2009, page
11:05:26 20 30546. I am going to begin reading from line 3, but to give you
21 the context, Mr Witness, at this point Defence counsel is reading
22 from the testimony of a Prosecution witness Karmoh Kanneh and in
23 that testimony of Karmoh Kanneh, he was asked in 2008:

24 "Q. What was the person's name?

11:05:55 25 A. One Man One.

26 Q. And what was that person's position, if you know?

27 A. Well, he was in control of all the rebels who entered
28 the Pujehun front. He was the leader amongst them.

29 Q. How do you know that he was the leader?

1 A. Well, he was later introduced to us as the leader.

2 Q. Where was he from?

3 A. Liberia.

4 Q. What happened to you after you were captured?

11:06:34 5 A. After some days, they told us they were going to take
6 us to a base.

7 Q. How do you know that the person One Man One was a
8 Liberian?

9 A. Well, he was speaking in Liberian tongue and at the
11:06:48 10 same time later after I had joined them I came to know."

11 Mr Griffiths, the Defence counsel, states:

12 "And he goes on to mention that he was familiar with
13 Liberian English and then says at line 22, 'After some days they
14 told us they were going to take us to a base. At page 9317, that
11:07:19 15 base was at Gisiwulo, a training base. Line 11, that is. 'Those
16 who entered through Pujehun, that was where they had their
17 training base.'"

18 PRESIDING JUDGE: What line are you reading?

19 MR KOUMJIAN: Line 25, what's on the screen:

11:07:48 20 Q. And then Mr Griffiths continued reading from line 19 of
21 Mr Kanneh's testimony:

22 "Q. What did you do when you were at Gisiwulo?

23 A. Well, they started training us. They started training
24 us."

11:08:02 25 Now, if I could have the testimony from the same date, page
26 30547, the next page, I believe. Mr Griffiths then asked

27 Mr Taylor:

28 "Q. Now I have read all of that, Mr Taylor, to ask this:

29 First of all, One Man One, is that name familiar to you?

1 A. Well, yes, I have heard it here, but I don't know --

2 Q. Pardon?

3 A. I have heard it in this courtroom, but I will explain
4 my knowledge of that expression as I have known it. That

11:08:44 5 was not an individual's name. That was - it was used, was
6 a description like an aka of a particular weapon.

7 Q. An alias?

8 A. An alias, yes.

9 Q. Very well. But outside this courtroom, does that

11:09:00 10 name - that alias One Man One mean anything to you?

11 A. Yes. It means - for me, that what I am saying, when I
12 hear 'One Man One' it refers - it's a description of a
13 weapon. I have never heard it as associated with a name of
14 someone."

11:09:33 15 Mr Witness, Mr Taylor was wrong when he testified, correct;
16 there was a One Man One who was NPFL?

17 A. He was not wrong. He said he don't know. He was not
18 wrong. I said things that I say I don't know, that doesn't make
19 me to be wrong.

11:09:49 20 Q. And, Mr Witness, did you know that this NPFL officer, One
21 Man One, was within Sierra Leone and training captured
22 individuals at bases in Sierra Leone?

23 A. I don't know of One Man One to be in Sierra Leone at any
24 time.

11:10:20 25 Q. Mr Witness, you talked about Zigzag Marzah and you said -
26 you talked about him on 24 February, page 35904. So that no one
27 accuses me of misquoting you, let's look at that. 24 February,
28 page 35904. While that's coming up, Mr Witness, did Sam Bockarie
29 ever give you money?

1 A. Sam Bockarie?

2 Q. Yes, sir.

3 A. Never gave me money before.

4 Q. Well, perhaps so it's clear who we are talking about, we

11:11:20 5 need to go to the previous page, 35903, the bottom. On line 28
6 you were asked:

7 "Q. Do you know somebody by the name of Zigzag Marzah?

8 A. Zigzag Marzah? I know him to be a bodyguard to
9 Benjamin Yeaten.

11:11:42 10 Q. When did you know him as such?

11 A. I knew him to be a bodyguard to Benjamin Yeaten between
12 1998 going onwards.

13 Q. What rank, if any, do you know Zigzag Marzah to have
14 held within the SSS?

11:12:00 15 A. No, he was not a member of the SSS.

16 Q. He was a bodyguard to Benjamin Yeaten but not a member
17 of the SSS?

18 A. That's correct.

19 Q. Was he in any way an official or member of any division
11:12:21 20 or unit of the Liberian government when he served as
21 bodyguard to Benjamin Yeaten?

22 A. I only knew him to be a bodyguard to Benjamin Yeaten
23 and that's all.

24 Q. Was he the only -- "

11:12:41 25 Justice Doherty pointed out that the question was not
26 answered, and Mr Anyah started to respond, and the Presiding
27 Judge asked, "Was he a private bodyguard?" Mr Anyah said he
28 would clarify. At line 23 you were asked:

29 "Q. Mr Smythe, when he" - referring to Zigzag

1 Marzah - "served as bodyguard to Benjamin Yeaten, was he
2 under some sort of official structure within the Liberian
3 government?

4 A. No, not that I know of.

11:13:12 5 Q. Do you know whether he was employed privately by
6 Benjamin Yeaten?

7 A. Yes, I think he was employed privately by Benjamin
8 Yeaten, yes."

9 Let's go to the next page. I just want to make sure it's
11:13:31 10 complete:

11 "Q. Did Benjamin Yeaten during President Taylor's
12 presidency have other bodyguards besides Zigzag Marzah to
13 your knowledge?

14 A. Yes, he has other bodyguards who are members of the
11:13:45 15 SSS.

16 Q. Were all of his other bodyguards to your knowledge
17 members of the SSS?

18 A. The ones I know are members of the SSS, yes.

19 Q. This fellow Zigzag Marzah, do you know whether or not
11:14:01 20 he served as a witness in this case?

21 A. I read from the newspapers that he was a witness here."

22 Now, Mr Witness, did you read or hear about the testimony
23 of Zigzag Marzah in this trial?

24 A. I said I read it on the newspaper at one time that he was a
11:14:21 25 witness at this trial.

26 Q. You have also told us that you have discussed this case
27 with one individual. Did you discuss Zigzag Marzah with this
28 individual?

29 A. No, I don't discuss Zigzag Marzah with anybody.

1 Q. Did you discuss witnesses for the Prosecution with this
2 individual?

3 A. No, I don't discuss the witnesses.

4 Q. Did anyone - sir, why do you say Zigzag Marzah, different
11:14:52 5 from all of the other bodyguards of Benjamin Yeaten, was
6 privately employed?

7 A. I don't know him to be part of any other unit. Some of the
8 bodyguards to Benjamin were SS members, but Zigzag Marzah, I
9 don't know him to be a member of the SSS. So that's why I would
11:15:08 10 say he is private.

11 Q. Sir, did you hear that in the testimony of Zigzag Marzah it
12 was pointed out - or he testified that he played a special role
13 within the SSS as the Death Squad commander for President Taylor?

14 A. I don't know him to be Death Squad commander for
11:15:30 15 President Taylor. As far as I know, President Taylor had no
16 Death Squad.

17 Q. What you do know is that Zigzag Marzah had a different role
18 than all the other bodyguards of Benjamin Yeaten; is that right?

19 A. I don't know Zigzag Marzah to have different role. I know
11:15:44 20 him to be a bodyguard to Benjamin Yeaten.

21 Q. Sir, why did you say he was privately employed? What made
22 you think that?

23 A. Because he was not a member - I don't know of his
24 affiliation with any other, I mean, unit. Other bodyguards of
11:16:02 25 Benjamin Yeaten were SSS, but I don't know of Zigzag Marzah to be
26 an SSS.

27 Q. Benjamin Yeaten was the commander of the entire SSS,
28 correct?

29 A. Yes, he was the director of SSS.

1 Q. Benjamin Yeaten was an extremely powerful man in Liberia,
2 would you agree?

3 A. Benjamin Yeaten was director of the SSS.

4 Q. That's not my question.

11:16:21 5 A. He was powerful, yes.

6 Q. Sir, why would Benjamin Yeaten, with all the SSS under his
7 control, be required to hire a private bodyguard?

8 A. I don't know. Maybe you can pose that that question to
9 Benjamin, why he would do that, but I don't know. It's an

11:16:40 10 individual --

11 Q. Where is Benjamin?

12 A. I don't know where he is.

13 Q. Could the witness be shown D-51. While that's coming,
14 Mr Witness, did you ever hear that Zigzag Marzah engaged at times
11:17:03 15 in acts of cannibalism?

16 A. I never heard it, except when I heard - I read on the
17 newspaper that he said he ate human being. That's the only time
18 I heard it.

19 Q. Mr Witness, I know you are looking at the screen. Would
11:17:32 20 you prefer to look directly at the photograph?

21 A. I am seeing it here.

22 Q. Do you recognise the two individuals? Both seem to have
23 something draped around their necks in the photograph.

24 A. No, I can't. I don't know these individuals. No, I don't
11:17:50 25 know them.

26 Q. Could the photograph just be handed to the witness for a
27 moment.

28 A. No, I don't know these people.

29 Q. Can the photograph be put back in the overhead. Sir, the

1 man to the left with the sunglasses on, that's Sam Bockarie,
2 isn't it?

3 A. I don't know. I said I don't know. I can't recognise the
4 people in the picture.

11:18:24 5 Q. You know - you have met Sam Bockarie, correct?

6 A. I saw him, yes.

7 Q. How many times?

8 A. Maybe once, twice.

9 Q. Do you know the other man?

11:18:34 10 A. No, I don't know him.

11 Q. That's Zigzag Marzah, isn't it?

12 A. I don't know him. Maybe that's him. I don't know. You
13 are saying it.

14 Q. I am finished with that photograph. Sir, the position of
11:19:07 15 deputy chief of staff of the army, is that a high position?

16 A. Deputy chief of staff of the army?

17 Q. Yes.

18 A. Of course, yes, it's a high position.

19 Q. Is it, in fact, the second highest position in the army; in
11:19:23 20 other words, there is - the chief of staff is the commander and
21 the deputy chief of staff is his deputy?

22 A. Yes. Yes, in the army, yes.

23 Q. And in the years - let's say just before you left Liberia
24 to go to Libya, who did the chief of staff of the army report to?

11:19:42 25 A. The chief of staff of the army reports to the Defence
26 Minister.

27 Q. Who does the Defence Minister report to?

28 A. The Defence Minister reports to the President.

29 Q. Do you know who was the chief of staff for the army

1 division in the years during the LURD insurgency?

2 A. Which army division are you talking about?

3 Q. How many army divisions were there?

4 A. I don't know, because what kind of army are you talking
11:20:15 5 about? Be specific.

6 Q. Sir, you are not familiar with the army division in the
7 Liberian --

8 PRESIDING JUDGE: Mr Koumjian, do not compound the
9 confusion. Ask a question that - the witness has sought
11:20:27 10 clarification. Ask a specific question, please.

11 MR KOUMJIAN:

12 Q. So I am clear on what you understand, could the witness be
13 given a piece of paper?

14 A. To write what on the piece of paper, if I may ask?

11:20:40 15 Q. To write the structure of the armed forces and - all the
16 Armed Forces of Liberia as of June 2000, just before you left.

17 A. I was not in the army, so I am not in the position to
18 structure that. I can't structure that. I was not in the army;
19 I don't know the operations of the army. I can't structure it.

11:20:59 20 Q. In that case, we don't have to do that. You don't know the
21 structure of the armed forces?

22 A. No.

23 Q. Are you aware of the fact that there were various
24 divisions, a few, and one of them was the army division?

11:21:09 25 A. I know there was an Armed Forces of Liberia up to the time
26 I left. That I knew of.

27 Q. Could we have the testimony of 31 August 2009, page 28101.
28 Sir, you said that Varmuyan Sherif had mental problems. Is that
29 right?

1 A. Yes, I said at some point he had a mental problem, yes.

2 Q. And was he completely cured?

3 A. I don't know. I have not seen him since then. I don't
4 know.

11:22:09 5 Q. Do you know if he returned to any position of
6 responsibility after that?

7 A. I don't know. Because after my service with the SSS, I
8 left. I was not in Liberia, so I don't know.

9 Q. Based on your knowledge of Charles Taylor, would he allow a
11:22:22 10 person to be in a high position who had mental instability?

11 A. Somebody with mental instability would not be useful to
12 himself, neither to anybody.

13 Q. Would he put someone in a high position in military forces
14 that was untrustworthy?

11:22:40 15 A. That question seems to be tricky. I don't know what you
16 mean.

17 Q. Okay. Well, then I will skip the question and we will go
18 to the transcript. This is what Mr Taylor was asked on 30 August
19 when he was testifying last year:

11:23:00 20 "Q. Well, let's look a little more closely, because it
21 might assist us in our 'we should observe the evidence and
22 testimony given by Mr Sheriff'. So we have this situation,
23 do we, Varmuyan Sheriff was once a major ULIMO general? Is
24 that right?

11:23:16 25 A. Yes.

26 Q. At the end of the civil war, he is incorporated into
27 the SSS?

28 A. That is correct.

29 Q. Into a position of some authority within the SSS?

1 A. That is correct."

2 And then he was asked:

3 "Q. When the LURD insurgency commences in 1998?

4 A. Yes."

11:23:41 5 Let me stop for a moment there. Mr Witness, the question
6 by counsel contained a fact that's incorrect, didn't it? The
7 LURD insurgency did not commence in 1998?

8 A. Well, you can dispute the counsellor. I can't say he is
9 not correct. I don't know.

11:23:59 10 Q. Let me see if I can remind you. Yesterday we looked at an
11 article about the Mosquito Spray incursion into Lofa in August
12 1999. Do you recall that that was - and it gave the name of the
13 group aside from Mosquito Spray; it was not LURD. And then,
14 Mr Witness, do you recall there was also a brief incursion in
11:24:24 15 April 1989 in Voinjama. Does that refresh your recollection?

16 A. Yes. Yes, I know of LURD - the LURD incursion that I know
17 of - I mean, excuse me, the - I heard about incursion during that
18 time, yes.

19 Q. And LURD did not appear on the scene until July 2000,
11:24:39 20 correct?

21 A. Well, I can't remember whether it was July or whatever, but
22 I know there was incursion into Lofa. I knew that.

23 Q. Let's go on. When Mr Taylor was asked when the LURD
24 insurgency commences in 1998, on this occasion he says yes.

11:24:54 25 "Q. His blood brother is a commander of those LURD forces?

26 A. Well, let me qualify that. Not just a commander. Is
27 the most senior LURD commander, Cobra.

28 Q. Is the most senior LURD commander, yes?

29 A. Cobra, yes.

1 Q. And at that time that it's discovered that Cobra is in
2 that position, what position does Varmuyan Sheriff have
3 within the Liberian government, if any?

4 A. General Sheriff at this time is serving as deputy chief
11:25:30 5 of staff of the army division assigned at the corridor with
6 Bomi County. He is a major general, the most senior - the
7 second most senior general in the army division of the
8 government forces."

9 Mr Witness, that position, the second most senior general
11:25:52 10 in the army division of the government forces, that was a very
11 high position in the defence establishment in Liberia, correct?

12 A. That's correct.

13 Q. Only persons who were trusted for their ability and loyalty
14 would be appointed to that position, correct?

11:26:10 15 A. I don't know whether that would sound correct. I don't
16 know, somebody if - I don't know.

17 Q. Well, someone would be incompetent, wouldn't you agree, if
18 they appointed a general to that position who was not both loyal
19 and capable; would you agree?

11:26:26 20 A. I don't know.

21 Q. Thank you. Sir, you talked about going to Lome. I am
22 going to ask you, did you remember seeing Joe Tuah in Lome?

23 A. I told you I can't remember seeing him - seeing Joe Tuah
24 there. I can't remember. I can't remember.

11:26:55 25 Q. Do you recall seeing a little girl named Mamuna from Sierra
26 Leone who had had her hand amputated?

27 A. At the signing of the final communique, President Kabbah
28 did held - I mean, I did saw a little girl, Mamuna, you know, and
29 I think he dedicated that process, you know, to that little girl

1 and other people that were victims of the war, yes.

2 Q. President Kabbah did that?

3 A. Yes.

4 Q. And was that in the presence of President Taylor?

11:27:24 5 A. At the signing of the communique, when it was in an open
6 hall. It was open. It was not a closed door event.

7 Q. Did you see Ibrahim Bah in Lome?

8 A. I never saw Ibrahim Bah in Lome.

9 Q. When you were in Lome, did you see Sankoh?

11:27:41 10 A. The only time I saw Sankoh was, we were in the corridor and
11 they were going into the conference, coming to have their tea
12 break, and at the signing of the joint communique I saw him.

13 Q. Did you talk to Sankoh at all?

14 A. In Lome, I didn't talk to him.

11:27:55 15 Q. I understand you say you didn't see Joe Tuah there. But if
16 Joe Tuah - let me just ask you this: Is there anything in Joe
17 Tuah's background that you know of that would make him qualify to
18 take part in peace negotiations?

19 A. I said I didn't see Joe Tuah there. I was not involved in
11:28:12 20 any peace negotiations with Joe Tuah.

21 Q. Joe Tuah was a military commander and military expert,
22 correct?

23 A. Joe Tuah was a military commanders of the NPFL, yes.

24 Q. He had been the commander of the artillery division,
11:28:25 25 correct?

26 A. That's correct, yes.

27 Q. He was an expert in munitions, for example, correct?

28 A. I don't know whether he was expert, but he was commander of
29 the artillery unit.

1 MR KOUMJIAN: Your Honour, I have a photograph to be shown.
2 I don't know if we have time for that.

3 PRESIDING JUDGE: We have a couple of minutes.

4 MR KOUMJIAN: Could the witness be shown P-153B:

11:29:26 5 Q. Mr Witness, do you recall being shown this photograph
6 during your direct examination last week?

7 A. Yes.

8 Q. And you recognise the man in white as Ibrahim Bah, correct?

9 A. That's correct.

11:29:39 10 Q. The man in black, do you recognise him?

11 A. No.

12 Q. Does he look familiar to you?

13 A. No.

14 Q. You said you recognised the man in the blue robe, correct?

11:29:50 15 A. Yes.

16 Q. And how do you recognise him?

17 A. I said I recognised him as I think a bodyguard to
18 Ambassador Musa Cisse, I think.

19 Q. Do you recognise the location?

11:30:00 20 A. No, I don't.

21 Q. Does it look like any area that you were at in Lome, the
22 hotel or the conference room?

23 A. I don't recognise this location. I don't know.

24 Q. So the man in blue is a man that you recognised that you
11:30:15 25 saw with Musa Cisse. Is that right?

26 A. Yes, he was bodyguard to Musa Cisse, I think. I don't know
27 his name, actually, but he was bodyguard to Musa Cisse.

28 MR KOUMJIAN: I have some follow up, but I think I have
29 to --

1 PRESIDING JUDGE: Okay. We will have to take it up after
2 the break. We will reconvene at 12 o'clock.

3 [Break taken at 11.30 a.m.]

4 [Upon resuming at 12.00 p.m.]

12:00:42 5 PRESIDING JUDGE: Mr Koumjian, please continue.

6 MR ANYAH: Madam President, just for purposes of the
7 record, may I indicate that Mr Silas Chekera has joined the
8 Defence side of the bar.

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

12:01:05 10 MR KOUMJIAN:

11 Q. Mr Witness, you had indicated that you had seen the man in
12 the blue robe in the photograph we just looked at with Musa
13 Cisse. What duties did you understand Musa Cisse to have during
14 the presidency of Charles Taylor?

12:01:23 15 A. I said in my previous testimony that Musa Cisse was chief
16 of protocol at the Executive Mansion working directly with the
17 President.

18 Q. You also talked about Sam Bockarie coming through Monrovia
19 on occasion. Do you recall that?

12:01:39 20 A. Yes, I do.

21 Q. Were you aware of a time that Sam Bockarie came through
22 Monrovia to travel to another country?

23 A. Yes, I said that. I said that, yes, here and he came
24 through Monrovia, and he and Musa Cisse travelled for Burkina
12:01:53 25 Faso, yes.

26 Q. And that was in late 1998, correct?

27 A. That's correct.

28 Q. So Musa Cisse - were you aware of Musa Cisse being involved
29 in arms deals for President Taylor?

1 A. I'm not aware of Musa Cisse being in arms deals for
2 President Taylor. I'm not aware of it.

3 Q. Were you aware of Musa Cisse arranging bribes so that
4 officials in other countries would allow arms to pass through to
12:02:29 5 Liberia?

6 A. I'm not aware of Musa Cisse arranging bribes.

7 Q. And this is the same Musa Cisse that you say you had seen
8 this man in the blue robe together with, correct?

9 A. I didn't say - I said I used to see him with Musa Cisse,
12:02:44 10 yes.

11 Q. Thank you. Could I ask to have the testimony read from 7
12 July 2008, page 13045. This concerns testimony regarding the
13 same document that we just looked at, Prosecution exhibit P-153B.
14 If we could go down a bit, because in the beginning the witness
12:03:47 15 is talking about another photograph. So if we can go up a bit,
16 yes, beginning on line 21. Ms Hollis, who was the Prosecution
17 counsel, the Prosecutor, asked if the witness could be shown the
18 unmarked version of the photograph that is at tab 25H, the
19 unmarked version ends in 774, and then asked the witness, who was
12:04:26 20 TF1-567 - she asked 567:

21 "Q. Do you recognise anyone in this photograph,
22 Mr Witness?

23 A. Yes, this person is General Ibrahim Bah. He took this
24 snapshot in a hotel in Lome, Hotel [indiscernible]."

12:05:05 25 Excuse me, this is the wrong part.

26 MR ANYAH: The photograph's ERN ends in 772 and it really
27 begins --

28 MR KOU MJIAN: We should be at page 13045.

29 PRESIDING JUDGE: So for the record, Mr Koumjian, what

1 you've described is quite inaccurate. I think you have to start
2 again.

3 MR KOUMJIAN: Thank you:

12:05:39

4 Q. Sir, I'm going to start at line 9. This is the testimony
5 of a Prosecution witness, TF1-567. At line 9 his answer to a
6 question regarding another photograph is: "Yes, he is called
7 Jungle, Daniel Tamba." Then the Prosecutor, Ms Hollis, asked if
8 the witness could be shown the unmarked version of the photograph
9 that is found at tab 25G. The ERN number ends in 772:

12:06:14

10 "Q. Do you recognise anyone in this photograph,
11 Mr Witness?

12 A. Yes, the person in the white is General Ibrahim Bah.
13 The person in the middle is Daniel Tamba. He is in the
14 gown. The other person by the other side is Daf, Dauda
15 Forni e.

12:06:38

16 Q. Do you know where this photograph was taken?

17 A. Yes, this photograph was taken at the time when Jungle
18 went to meet us in Lome, Togo. That was the time this
19 snapshot was taken."

12:06:58

20 Mr Witness, when was it that you saw the man in the gown
21 with Musa Cisse?

22 MR ANYAH: Madam President, a few minutes ago I learned
23 counsel opposite said that the witness to which this particular
24 piece of evidence relates is TF1-567. When your Honours look at
25 the record, the witness who testified before your Honours on I
26 believe they said 7 July, that is TF1-388 and not TF1-567.
27 TF1-388 testified from 8 July through 18 July 2008.

12:07:35

28 MR KOUMJIAN: Your Honour, this is 7 July, so perhaps
29 that's the confusion counsel has. This is 7 July and it's TF1,

1 according to our records, 567. I stand corrected, but counsel
2 could check.

3 PRESIDING JUDGE: Madam Court Manager, what is the
4 position? This is the testimony of which witness that we're
12:08:15 5 looking at?

6 MR ANYAH: I show 567 testifying from 2 July through 8
7 July.

8 PRESIDING JUDGE: I want confirmation from the Court
9 Manager that the transcript in front of us is a transcript of
12:08:34 10 which witness.

11 MS IRURA: Your Honour, TF1-567 testified from 2 July 2008
12 to 8 July 2008.

13 PRESIDING JUDGE: So this witness that we're looking at is
14 who?

12:08:48 15 MS IRURA: TF1-567, your Honour.

16 PRESIDING JUDGE: So then Mr Koumjian is right.

17 MR ANYAH: Yes. I see the reference now. Thank you.

18 MR KOUMJIAN: It's rarely, but it occasionally happens. I
19 usually am at fault, but I appreciate --

12:09:02 20 PRESIDING JUDGE: I'm just wondering, though, if the
21 photograph should not be with the witness as you continue asking
22 him questions, the photograph in question.

23 MR KOUMJIAN: That is P-153B.

24 PRESIDING JUDGE: It was the photograph we were looking at
12:09:59 25 just before the break.

26 MR KOUMJIAN:

27 Q. Mr Witness, when was it that you saw the gentleman in the
28 blue gown with Charles Taylor's chief of protocol, Musa Cisse?

29 A. I can't be specific when, but I can - I used to see him, he

1 was like a bodyguard to Musa. I can't specify when, but I used
2 to see him with Musa.

12:10:58 3 Q. Thank you. I'm finished with the photograph. Sir, we
4 looked earlier at photographs of Benjamin Yeaten with four
5 stars - two photographs. Was Benjamin Yeaten given that rank
6 before or after the kill - he ordered the arrest of Sam Dokie?

7 A. I don't understand your question.

8 Q. Was Benjamin Yeaten promoted to a four-star general before
9 or after Benjamin Yeaten ordered the arrest of Sam Dokie,
12:11:30 10 resulting in the killing of Sam Dokie and his wife?

11 A. I don't know when Benjamin was given the fourth star. I
12 don't know the time.

13 Q. Sir, did you hear about atrocities in Sierra Leone when you
14 were in Liberia?

12:11:49 15 A. I would hear on the news if I listened to BBC. If there's
16 a report about Sierra Leone, yes, I can hear there were
17 atrocities in Sierra Leone, yes.

18 MR KOUMJIAN: Thank you. I'd ask now to play Prosecution
19 exhibit 279 and have displayed the transcript. I believe 279 is
12:12:11 20 the clip and the transcript is 279B. So if we could put the
21 transcript on the screen and, when we're all already, ask that
22 the clip be played so the witness could hear it.

23 [Audiotape played to the Court]

24 Q. Mr Witness, do you recognise that as a Focus on Africa
12:22:43 25 programme?

26 A. That was a Focus on Africa programme, yes.

27 Q. Do you recall hearing this broadcast on 6 January 1999?

28 A. I never listened to this broadcast.

29 Q. Sir, do you recall hearing the news of the invasion of

1 Freetown on 6 January 1999?

2 A. Yes, I recall.

3 Q. Were people in the security services - at that time you
4 were SSS, correct?

12:23:09 5 A. Yes, I was in the SSS.

6 Q. Were people talking about the invasion of Freetown?

7 A. I didn't talk to anybody about it.

8 Q. Did you hear anyone talking about it?

9 A. I didn't hear anybody talking about it.

12:23:20 10 Q. Sir, Focus on Africa was a very popular programme
11 throughout Liberia, correct?

12 A. People listened to Focus on Africa, yes.

13 Q. Did you subsequently hear about atrocities occurring during
14 that invasion?

12:23:45 15 A. I told you I did never monitor this particular
16 announcement, but I heard there was an incursion. So I don't
17 know whether there were atrocities or not. I don't know.

18 Q. Did you hear Sam Bockarie on the radio threatening to burn
19 Freetown?

12:23:58 20 A. I never heard Sam Bockarie on the radio.

21 Q. Did you hear about the city being burnt?

22 A. I never heard about the city being burnt.

23 Q. Did you hear about people being amputated?

24 A. I never heard about people being amputated.

12:24:13 25 Q. Did you hear that people were burnt alive?

26 A. Never heard of anybody being burnt alive.

27 Q. Sir, the first time you spoke to the Defence you told us
28 was in 2007, correct?

29 A. Yes, I think - yeah, I think that's the first time, yes.

1 Q. You said that they contacted you.

2 A. When I said they contacted me, they came to Monrovia and I
3 was invited to their office and I went there. I was invited to
4 where they were. I went there.

12:24:59 5 Q. And we're talking about 2007 now, correct?

6 A. That's correct.

7 Q. And did you speak to them about what you knew or answer the
8 questions they had about what you knew concerning Liberia and any
9 connection with the war in Sierra Leone?

12:25:15 10 A. I never gave them any statement at that time. It was just,
11 how do they call it, conversation. I never gave them any
12 statement.

13 Q. Well, I don't quite understand. What did you talk about
14 then?

12:25:24 15 A. They asked me questions, which I can't really remember,
16 about my knowledge about - of the war, but I didn't give them a
17 written statement. That's what I'm saying. I didn't give them
18 any statement.

19 Q. Okay. You didn't give them a written statement, but you
12:25:37 20 answered questions about the war, your positions, how you came to
21 Liberia, what you know about Charles Taylor's connections with
22 the war in Sierra Leone. Is that correct?

23 A. They asked me some questions, which all I can't remember
24 right now.

12:25:50 25 Q. How many times in 2007?

26 A. No, I can't remember. I think only one time I met 2007. I
27 think only one time.

28 Q. And who was it that you were speaking to in 2007?

29 A. 2007, I could remember - I think it was - what's this

1 Pakistani fellow's name? I don't know. What's his name? I
2 can't remember. I think the first Defence lawyer. The first
3 Defence lawyer. I can't quite remember his - recall his name.

4 Q. You're talking about Karim Khan?

12:26:32 5 A. Exactly, yes. I talked to Karim Khan and I think one Ivy.
6 Ivy, yes.

7 Q. Did he have any assistants or other persons with him?

8 A. I said Karim Khan and one Ivy.

9 Q. Is Ivy a male or a female?

12:26:54 10 A. It's a male.

11 Q. Is Ivy a Liberian, do you know?

12 A. No, Ivy is not a Liberian.

13 Q. Did they take notes when you were talking?

14 A. I don't know. I talked to them. They asked me questions.
12:27:06 15 I don't know whether they took notes or not. I don't know.

16 Q. Now, you did talk about - you said at this time you didn't
17 make a written statement. When did you make a written statement?

18 A. I was interviewed by this current - by Morris Anyah, Silas
19 and - how do you call it - and Logan. I think Logan. I was
12:27:29 20 interviewed by them, I can't remember, I think sometime in - I
21 can't remember the precise time. I can't remember the precise
22 time. I was also interviewed and I gave them some information.

23 Q. And how many days did you speak to them approximately?

24 A. I don't know how many days, actually. I can't remember how
12:27:45 25 many days, but it took maybe quite a few days.

26 Q. Where did you speak to them?

27 A. I spoke to them in Monrovia.

28 Q. At an office or at your home, where?

29 A. No, it's not at my home. At the place they were - they had

1 as their office.

2 Q. Where was that at that time?

3 A. In Monrovia.

4 Q. Where?

12:28:03 5 A. At Mamba Point.

6 Q. Did you tell them the truth?

7 A. To the best of my recollection, I told them what I know. I
8 told them the truth, yes.

9 Q. Did you make anything up?

12:28:17 10 A. Excuse me?

11 Q. Did you make anything up when you spoke to them, or did you
12 just tell them things you knew?

13 A. I told them the truth. I told them what I knew. That's
14 what told them.

12:28:26 15 Q. Now, since that time, have you spoken to the Defence?

16 A. The only time I spoke to Defence was when I came here and I
17 was - how do you call it? I talked to Mr Anyah, yes.

18 Q. Okay, going from the transcript of 26 February. If we
19 could have page 36138 put on the screen. Last Friday I asked you
12:29:37 20 on line 8.

21 "Q. Sir, when was the first time you had contact with any
22 representatives for the Defence of Charles Taylor?"

23 A. The last time I had contact with any representative of
24 the Defence of Charles Taylor was when I arrived here when
12:29:53 25 I was being rehearsed by the Defence counsel."

26 Is that correct, Mr Smythe, the last time you had contact
27 was during your rehearsal by the Defence counsel?

28 A. Yes, that was the last time, yes.

29 Q. Did you go over your statement at that time?

1 A. Yes, I was shown, how do you call it, a rough copy of my
2 statement. Yes, I went over it.

3 Q. Perhaps we can look at your statement and make some
4 comparisons. If the witness could be given a copy of the
12:30:24 5 statement. I believe - it hasn't been distributed yet?

6 Your Honour, I would ask that the first page not be
7 displayed publicly because it has some identifying information.
8 I'm just warning the Court Officer not even to bring that up to
9 the screen.

12:31:04 10 That's just to make sure your private information is not
11 made public, Mr Witness, just so you know. Mr Witness, first I
12 would like you to remind you what you told the Court yesterday, 1
13 March, at page 36392. Perhaps first, Mr Witness, can you just
14 take a look and see if that is your statement that you made.

12:32:21 15 Just see if you recognise it.

16 A. Well, I'm seeing writing and I have not seen any signature,
17 so --

18 Q. Did you sign it?

19 A. I didn't sign it.

12:32:39 20 Q. Do you recognise that as the statement that you made?

21 A. I made a statement. I'm sure maybe this is it, yes.

22 Q. Sir, we have now on the screen your testimony from
23 yesterday, and I would like to begin a little further down the
24 page. Beginning on line 21 I asked you yesterday:

12:33:03 25 "Q. Now, sir, you talked quite a bit about Suwandi Camara.
26 Did Suwandi Camara come to Liberia with Dr Manneh?

27 A. I don't know who Suwandi Camara came to Liberia with.
28 I don't know.

29 Q. You don't know whether he did or did not come with

1 Dr Manneh?

2 A. I don't know whether he came with Dr Manneh.

3 Q. Do you recall Suwandi Camara being sent back to The
4 Gambia by Dr Manneh to recruit more people?

12:33:47 5 A. I can't remember that.

6 Q. Would you remember if it had happened?

7 A. I can't remember it.

8 Q. When Suwandi Camara testified here in The Hague, you
9 were following his testimony. Is that correct?

12:34:15 10 A. I was not following his testimony. Only that - the
11 ones that appear on the newspaper, if I read the newspaper
12 any day. I don't buy newspapers every day. So when I buy
13 a newspaper today and I see the testimony on the newspaper,
14 I will read it.

12:34:35 15 Q. Did you talk to other people about Suwandi Camara when
16 he was testifying?

17 A. I never talked to anybody about Suwandi Camara when he
18 was testifying.

19 Q. Sir, how about after he testified, did you ask people
12:34:51 20 what they knew about him?

21 A. I never asked anybody what they knew about him."

22 Now if we could turn to page 11 of your statement, please,
23 paragraph 68(g).

24 MR ANYAH: Madam President, there are a number of legal and
12:35:13 25 procedural issues regarding which I will seek assistance and
26 guidance from the Chamber vis-a-vis this statement. The witness
27 has indicated to meeting with me during the course of his
28 presence in The Hague and this relates, of course, to an issue
29 that arose yesterday in the sense that - well, I don't know if

1 it's permissible for me to say this in the presence of the
2 witness?

12:35:53 3 PRESIDING JUDGE: I have no idea what you want to tell us
4 and I'm just listening to an objection, presumably, so I can't
5 rule on anything unless I know what this relates to.

6 MR ANYAH: Well, it relates to the fact that notes may be
7 in existence regarding corrections made to this statement by the
8 witness. The witness has said that he went through his statement
9 with me, and there may very well be notes in existence. Now,
12:36:15 10 that raises the question of whether or not your Honours wish for
11 us --

12 PRESIDING JUDGE: Mr Anyah, can I even stop you there.
13 Because my own view is this witness is sitting here, this is a
14 statement that he made, I'm not quite sure if there's a date or
12:36:31 15 whatever, but if he has - if he doesn't agree with the questions
16 being put, he is perfectly capable of explaining himself.

17 MR ANYAH: Very well.

18 PRESIDING JUDGE: Without you suggesting to him what to
19 say, which could very well happen. I think we need to listen to
12:36:49 20 the questions being asked first. The statement is now before the
21 judges and the witness and I think counsel should ask the
22 questions.

23 MR ANYAH: Very well. Thank you, Madam President.

24 MR KOUMJIAN:

12:37:03 25 Q. Witness, I'm reading from your statement on page 11 which
26 is paragraph 68(g):

27 "When asked about Suwandi Camara, witness said he knows
28 him. He is a Gambian. Suwandi's older sister is married to
29 witness's mother's oldest brother. S Camara had been in the

1 Gambian army, but had left the army and was hustling in Libya."

2 So first of all, Mr Witness, you know that Suwandi Camara
3 was in Libya, is that correct?

4 A. I heard he was there. I never met him there.

12:37:51 5 Q. "Witness never saw Camara in Libya for training. Camara
6 was not a Special Forces. He was part of Dr Manneh's group, but
7 not Special Forces."

8 Again I'll ask you, Mr Witness, did Dr Manneh bring Suwandi
9 Camara to Liberia?

12:38:10 10 A. I was - I was - I don't know who brought him, but I was - I
11 don't know, actually. But at the time, the information I heard
12 was he was brought by Dr Manneh. I heard that information, but I
13 don't know.

14 Q. And then you were asked the question - excuse me, it
12:38:29 15 continues in your statement:

16 "When Camara came to Liberia, he was an economic migrant.
17 When witness heard Camara's testimony in The Hague, he began to
18 ask around."

19 So, Mr Witness, you began to ask around after you heard
12:38:47 20 Suwandi Camara had testified about him. Is that right?

21 A. If I said I started asking around it doesn't mean that I've
22 been going around asking people. That's not what I mean here.
23 That's not the interpretation I mean here. That was not my
24 interpretation.

12:39:03 25 Q. Fine. Please explain to us what you meant when you told
26 the Defence in 2009 what I just read, that when witness heard
27 Camara's testimony in The Hague, he began to ask around. What
28 does that mean?

29 A. I started asking around by getting newspapers that had

1 previous statements that I didn't read, so I started searching
2 for those newspapers to see what actually he said.

3 Q. Sir, in your understanding of the English language looking
4 at newspapers is the same as asking around?

12:39:39 5 A. Look, I mean to look for newspapers, research for
6 newspapers, past newspapers. That's looking - searching around,
7 yes, looking around for old newspapers.

8 Q. Sir, when you told me yesterday - when I asked did you talk
9 to other people about Suwandi Camara when he was testifying, you
10 said, "I've never talked to anybody about Suwandi Camara when he
11 was testifying." And then I asked you, "Sir, how about after he
12 testified, did you ask people what they knew about him?" You
13 said, "I never asked anybody what they knew about him." Was that
14 the truth?

12:40:16 15 A. Yes, I said that.

16 Q. And when you said in the statement that I just read, "When
17 witness heard Camara's testimony in The Hague, he began to ask
18 around", is that the truth?

19 A. I said what I told you. I began to ask around for
12:40:40 20 newspapers that contained the previous statement for me to know
21 actually what he said. That doesn't mean that I started asking
22 people questions about him. That's not what I understand by
23 saying this.

24 Q. Did anyone ask you to research Suwandi Camara?

12:40:56 25 A. Nobody asked me to do it. I want to know what he said.
26 That's all. Nobody asked me to do it.

27 Q. Did you discuss Suwandi Camara's testimony with the person
28 you told us the first day you talked to about this case?

29 A. Who I told you I talked to about this case the first time?

1 Q. Sir, we went into private session, so I don't want to say
2 it in public session.

3 A. I didn't discuss it with the person. I didn't discuss it
4 with anybody, I told you.

12:41:19 5 Q. Excuse me?

6 A. I said I didn't discuss it with that person.

7 Q. Thank you. Now let's go down to (h) on page 11:

8 "Camara was in Gbarnga when witness was there. He was a
9 'young boy'. Camara's group (about 15 people, brought by

12:41:58 10 Dr Manneh, while witness was in Buchanan) came after the initial
11 Gambian groups."

12 So, Mr Witness, do you know in fact that Dr Manneh brought
13 Suwandi Camara to Liberia?

14 A. That was my recollection then, but later on after doing my
12:42:15 15 research I knew, how do you call it, he was not in Buchanan. The
16 first time I met him was in, how do you call it, in Gbarnga. I
17 said that in my testimony.

18 Q. So what was your research that you did after giving this
19 statement that resulted in you changing your view about whether
12:42:29 20 Dr Manneh brought Suwandi Camara?

21 A. I started to reflect in my mind, you know, when this
22 actually happened.

23 Q. Let's continue to read (i): "Five sets of Gambians: 1.
24 Ramos and Campaore." Is that correct? They were the first
12:42:55 25 Gambians to come, correct?

26 A. That's correct.

27 Q. "2. Witness's group of five, joining at Gborplay." That's
28 correct, isn't it?

29 A. That's correct.

1 Q. "3. Group that Manneh brought and witness met at Gbarnga.
2 Camara had come with David Campaore, Michael Demba and Joseph" -
3 I believe it should be - "Mendoza."

4 Is that correct?

12:43:14 5 A. Yes.

6 Q. So you met Suwandi Camara in the group that was brought by
7 Dr Manneh at Gbarnga, correct?

8 A. I met Suwandi Camara in Gbarnga, yes.

9 Q. Let's go down to (i)(iii):

12:43:38 10 "Dr Manneh gave Camara money to go to The Gambia and
11 collect some boys to bring to Burkina. When Camara went
12 (Dr Manneh didn't tell witness about this because witness and
13 Dr Manneh had their differences) and collected Michael Demba,
14 Joseph Menloza and David Campaore. Took them to Burkina and
12:44:16 15 later they came to Gbarnga."

16 Is this what you told the Defence in 2009?

17 A. Yes, I told the Defence this, but I changed my statement
18 later on.

19 Q. And why, sir, did you change your statement?

12:44:28 20 A. Because I reflected and I begin to - I realised that it was
21 not correct.

22 Q. What was it that you reflected on? How did you go from
23 knowing that Dr Manneh had sent Suwandi Camara to recruit others
24 in The Gambia and bring them back to not knowing that?

12:44:49 25 A. I heard an information that stated that, but later on I
26 couldn't confirm it, so I decided it shouldn't form part of my
27 statement.

28 Q. What was the information you had that you said you couldn't
29 confirm? What was the information about Suwandi Camara bringing

1 people being sent by Dr Manneh to The Gambia to recruit people?

2 A. I can't recollect who told me, but I heard that
3 information, but I couldn't confirm it, so I didn't - I decided
4 not to, you know, mention it in court.

12:45:14 5 Q. How did you try to confirm it, sir?

6 A. Yeah, but how do you try to confirm something?

7 Q. Well, that's what I'm asking you. You said you --

8 A. You do your research, you reflect in your mind to see
9 whether this thing, you know, is correct or something. Sometimes

12:45:27 10 you talk to people, sometimes, you know, you ask somebody or
11 through conversations you hear it.

12 Q. Did you talk --

13 A. I didn't talk to anybody. I didn't talk to anybody. But I
14 reflected in my mind that I couldn't rely on this because this is
15 hearsay and I have no basis for it, so this is why I changed, I
16 didn't mention it in court.

12:45:38 17 Q. Sir, did you reflect in your mind and realise, "Gee, this
18 might help the credibility of Suwandi Camara. It's better to
19 come to court and say I didn't know that"?

12:45:52 20 A. No, I didn't reflect that.

21 Q. So tell us, what was your thought process that caused you
22 to go from having information that Suwandi Camara had been sent
23 by Manneh to recruit in The Gambia to coming to court and
24 testifying under oath you didn't know about that?

12:46:06 25 A. Because I didn't have evidence - because the fact that I'm
26 testifying under oath, I didn't have evidence to that, this is
27 why I decided not to mention it here.

28 Q. Sir, let's look at your testimony from 26 February, Friday,
29 at page 36182. Beginning on line 5, I asked you on Friday:

1 "Q. After Tajura, where did you go?

2 A. After Tajura, I remained in Libya.

3 Q. You didn't undergo any further training in Libya after
4 Tajura?

12:47:20 5 A. No, I didn't undergo any further training in Libya.

6 Q. Now, in addition to the 2nd March Camp and the Tajura
7 Camp, you're aware that there were other camps where
8 training was going on in Libya, correct?

9 A. I'm not aware of any other camp that training was going
12:47:40 10 on. I'm not aware of that.

11 Q. Wasn't there a camp in a city, Benghazi, does that
12 ring a bell?

13 A. Benghazi is, I think, the second capital in Libya, but
14 as far as I'm concerned, there was never training in
12:48:00 15 Benghazi. There was no training in Benghazi.

16 Q. There was advanced training in Benghazi, wasn't there?

17 A. Excuse me?

18 Q. There was advanced military training going on there,
19 correct?

12:48:16 20 A. I don't know about it. I never went there.

21 Q. So you don't know whether there was or not? The answer
22 is you don't know?

23 A. Yes, I don't know."

24 Now let's look at what you told the Defence in 2009 at
12:48:33 25 paragraph 86(d), which is on page 14. There you said:

26 "Witness knew that there was specialised training being
27 done in Benghazi. It was very difficult training and witness did
28 not participate."

29 Mr Witness, why did you lie in court and say you didn't

1 know about any training in Benghazi?

2 A. I never lied. At the time I was giving this statement,
3 people told me there was training - they were training there, but
4 I didn't know about it, so I decided to change that statement. I
12:49:19 5 was not lying, because I was not aware - I didn't have, I mean,
6 further evidence to it, so I didn't want to mention it in court
7 before I would lie under oath.

8 Q. Sir, who told you there was training in Benghazi?

9 A. I was in Libya when I heard people trained - they were
12:49:36 10 training in Benghazi.

11 Q. So when I asked you if there was training in Benghazi, why
12 didn't you say that you had heard there was?

13 A. Because I never confirmed that it was true, so I can't tell
14 you - I don't want to speculate. I couldn't tell you, yes, there
12:49:51 15 was when I couldn't confirm it.

16 Q. The question was - that I asked you was:

17 "Q. You're aware that there were camps where training was
18 going on - that there were other camps where training was
19 going on in Libya, correct?

12:50:05 20 A. I'm not aware of any other camp that training was going
21 on. I'm not aware of that."

22 But, in fact, you were aware because people had told you
23 about the training in Benghazi. Correct?

24 A. But was that true or not? So I took it to be not true, so
12:50:20 25 I didn't mention it in my testimony.

26 Q. Why did you take it to be not true, sir?

27 A. Because I don't have any evidence of it. I didn't see
28 anybody that came from there to tell me, "Oh, I trained" - how do
29 you call it - "in Benghazi" or whatever. So I didn't have any

1 evidence of somebody training in Benghazi, so I can't say, yes,
2 training occurred there.

3 Q. Who told you about the training in Benghazi?

4 A. Well, I can't remember who told me.

12:50:43 5 Q. Sir, I know you're upset. Wait for the question to finish.

6 A. I'm not - why would you suggest I'm upset? I'm not upset.
7 I'm answering to your question.

8 PRESIDING JUDGE: Mr Witness, please keep calm and do not
9 speak over each other.

12:50:56 10 Mr Koumjian, please ask your question again.

11 MR KOUMJIAN:

12 Q. Sir, why did you conclude that the information that people
13 had given you about training in Benghazi was not true?

14 A. Because I had no further evidence of it.

12:51:09 15 Q. Who told you about the training in Benghazi?

16 A. I can't remember who really told me.

17 Q. Sir, let's look at paragraph 83 of the statement.

18 Paragraph 83 reads:

19 "When witness was asked about Black Kadaffa, he said he was
12:51:50 20 familiar with the name. Witness said the person was assigned in
21 Lofa, who was a Liberian. He was not Special Forces. Witness
22 does not know of a unit or group called Black Kadaffa."

23 Is that the truth?

24 A. Yes, I said that. I said that.

12:52:17 25 Q. Now, Mr Witness, you've testified here in court on a few
26 occasions that you went to Lofa one time, correct?

27 A. Yes, I've said that.

28 Q. And you've testified here that it was in October 1991,
29 correct?

1 A. To the best of my recollection, yes.

2 Q. Let's look at paragraph 261 on page 25 of the statement:

3 It reads "Reference TT 2214, 25 January '09. Meeting in Voinjama
4 in March '91?", and for some reason there's a question mark after
12:53:19 5 that date. Mr Witness, do you know what happened in March 1991?

6 A. You have to ask me what you want me to answer.

7 Q. Do you know what happened in Sierra Leone in March 1991?

8 A. I heard about an incursion into Sierra Leone in 1991, yes.

9 Q. So it reads:

12:53:36 10 "Meeting in Voinjama in March '91? That was the first time
11 CT went to Voinjama. A lot of people went: BY, Michael Paygar,
12 et cetera. I recall that trip because during the trip one of our
13 commanders - Jonathan Gbateo - died in a car accident on the way.
14 Was a regular SSS in the government before he joined the NPFL.

12:54:05 15 Was helping us with training. We were in Voinjama for a few
16 days."

17 Mr Witness, just to be fair to you, I'm going to read the
18 rest of that paragraph:

19 "Did you see Mike Lamin in Voinjama during that time? I
12:54:28 20 don't know Mike Lamin.

21 Did you see Foday Sankoh? He did not see him there. I was
22 serving as personal security to the President.

23 Was Sam Larto in Voinjama? No, he was not there. He was
24 in Kakata at that time.

12:54:47 25 Joseph Brown? I don't know Joseph Brown.

26 Dr Manneh? Dr Manneh has never been to Lofa.

27 Charles Timber? I don't know him.

28 Anthony M? He was there. He was the commander in Foya.

29 Can't say which part of Foya he was based. As a commander on the

1 front one would move from place to place.

2 Do you know if CT ever attended any meeting at Anthony M's
3 house? There was a meeting at that place (can't remember)" --

12:55:29

4 MR ANYAH: He said at "this" place. The statement reads
5 "at this place".

6 MR KOUMJIAN: I thought I had read that, but I take
7 counsel's word for it:

12:55:45

8 "There was a meeting at this place (can't remember) where
9 CT was staying. The meeting was with the front line commanders.
10 Anthony M was there, Sam Tuah, Sia Thomas and another light
11 skinned fellow who used to work with Sam Tuah."

12 PRESIDING JUDGE: Walk.

13 MR KOUMJIAN:

12:56:09

14 Q. "... who used to walk with Sam Tuah. Was executed by Sam
15 Tuah after they had problems. He must be the one who was using
16 the code name Black Kadaffa.

17 Were you present at the meeting? Yes.

12:56:49

18 Did the meeting by any chance discuss the invasion of SL?
19 No. The only thing that was discussed was how to protect our
20 front line and how to control the soldiers. There were reports
21 our boys were misbehaving and that was one of the purposes of the
22 meeting.

12:57:06

23 It is alleged that all the persons I referred to above were
24 at the meeting and that the meeting was to discuss the invasion
25 of Sierra Leone. That CT was standing over a map and
26 strategising the attack. Comment? (Witness laughs). That's
27 funny. Nothing like that ever happened. The invasion even
28 happened before the trip to Voinjama. If CT was involved, it
29 would have been after the invasion. The only time CT asked FS

1 for help was when ULIMO invaded us."

2 Mr Witness, did the Defence on this day - and we see just
3 above the paragraph "26 June '09" - ask you about a meeting in
4 Voinjama in March 1991?

12:57:55 5 A. The Defence asked me, yes. The Defence asked me, yes, but
6 I realised from my statement that I misquoted the date. The date
7 I mentioned here was not the date that I accompanied Mr Taylor to
8 Lofa.

9 Q. What was it that happened between when you met the Defence
12:58:10 10 in June of last year, when you were asked about March 1991 and
11 told them about this meeting, and when you testified here in
12 court that you went to Lofa in October? What happened to change
13 your mind about which date it was that you went to Lofa?

14 A. You will say something today and later on you sit down and
12:58:32 15 reflect, you know, you realise that it was not the correct date
16 that you mentioned, you know, because these are a long time ago.
17 So I reflected in my mind and I knew the first time I went to
18 Lofa with Mr Taylor was in 1991, October.

19 Q. Sir, did you talk to anyone about the date of that first
12:58:51 20 meeting?

21 A. I didn't talk to anybody about it. I reflected myself.
22 And for your information, I was keeping records, it was just
23 that, you know, I lost my diaries, but I was keeping records of
24 events that happened during the NPFL - how do you call it -
12:59:04 25 fighting.

26 Q. Sir, did you hear Charles Taylor's testimony about when he
27 went to Voinjama?

28 A. I don't know. I don't know. I never listened to
29 Charles Taylor's testimony. We have sometimes the short clips

1 that will come in the newspaper. I can't remember what all was
2 said there.

3 Q. Were you ever shown a video clip of his testimony?

4 A. A video clip?

12:59:26 5 Q. Yes.

6 A. By whom?

7 Q. By anyone.

8 A. No.

9 Q. Did you ever discuss his testimony with the person that we
12:59:32 10 talked about in private session the first day?

11 A. No, I don't discuss Mr Taylor's testimony. Because the
12 little I know is the ones that appear on the newspaper that I
13 read, so how do I discuss, you know, I mean, his testimony with -
14 you know, Mr Taylor was the leader, so he would know things that

12:59:49 15 I would not know. So why would I discuss his testimony with
16 other people?

17 Q. Mr Witness, you were the bodyguard for Charles Taylor in
18 1990 and 1991, correct?

19 A. That's correct.

13:00:01 20 Q. And you were his - you told us - you testified you were his
21 radio operator, correct?

22 A. That's correct.

23 Q. You travelled with him, correct?

24 A. On occasions, yes, I travelled with him, yes.

13:00:14 25 Q. Well, where Charles Taylor went did he go without a radio
26 or did you travel with him?

27 A. I don't understand that question.

28 Q. When Charles Taylor travelled, as his bodyguard and his
29 radio operator in 1990 and 1991 did you travel with him?

1 A. Yes, I would travel with Mr Taylor most of the time, yes.

2 Q. When was the first time Charles Taylor reached Gbarnga?

3 A. I told you the first time we went into Gbarnga was in July
4 1991. That was when we were there officially. That's what I
13:00:46 5 said in my testimony.

6 Q. My question was when did you first reach Gbarnga with
7 Charles Taylor?

8 A. Well, Gbarnga - we visited Gbarnga many times before we
9 settled in Gbarnga, so I don't know. You've got to split your
13:00:58 10 question. Going to Gbarnga and settling in Gbarnga - I said
11 officially we were in Gbarnga in July 1991.

12 Q. Sir, there's nothing to split in my question. The question
13 was when did you first reach Gbarnga with Charles Taylor?

14 A. I can't remember when we first went there, but the time we
13:01:14 15 settled in Gbarnga was in 1991, July.

16 Q. That's not my question, sir. You don't remember when you
17 first reached Gbarnga?

18 A. I don't remember when I first reached Gbarnga. What I
19 remember is 1991 that - when we settled in Gbarnga.

13:01:28 20 Q. And you remember that you were in Gbarnga when the invasion
21 of Sierra Leone happened in March 1991. You remember that, don't
22 you?

23 A. No, I don't remember. If I said that, maybe that's a
24 misrepresentation.

13:01:37 25 Q. You've testified a couple of times to that.

26 A. When did I testify to that? I said, how do you call, I was
27 in Gbarnga in 1991, July.

28 Q. You testified in direct and cross-examination about being
29 in Gbarnga in March of 1991. Do you need me to find those for

1 you?

2 A. I didn't - I can't remember that - saying - I know I was in
3 Gbarnga of July 19 - I mean, excuse me, of - yes, July 1991, yes.

13:02:07 4 Q. Sir, you drew a diagram of the NPFL structure as of March
5 1991 and you said the Executive Mansion Guard was in Gbarnga. Do
6 you recall that?

7 A. I didn't draw that map to say it was - I was in Gbarnga at
8 the time. I didn't draw this map. This is why I knew - I wanted
9 to ask this question, because I knew you were setting a trap for
13:02:25 10 me. This is why I wanted to ask that question. It's my fault
11 that I didn't ask.

12 Q. No, you did ask, sir.

13 A. No, excuse me, counsel, excuse me, I don't want to be
14 misquoted here. I wanted to ask this, but, you know, how do you
13:02:37 15 call it, I just decided to, you know, leave it. But the
16 structure of the NPFL I gave you was from the time, how do you
17 call it, the NPFL started fighting, okay. And as units move
18 about their locations change, okay. This time I was precisely
19 trying to draw was the period that we were in Gbarnga. That's
13:02:53 20 what I was trying to say.

21 MR KOUMJIAN: Could MFI-430 be put on the screen, please:

22 Q. Do you see what's written in the top left, Mr Witness?

23 A. Yes.

24 Q. It's in your handwriting, correct?

13:03:56 25 A. Yes.

26 Q. It states "NPFL command structure, March 1991", correct?

27 A. That's correct.

28 Q. And then we see just below that "Executive Mansion Guard,
29 Michael Paygar, Deputy Peter Sonkaley (Gbarnga)". That's what

1 you wrote.

2 A. Yes, I wrote this. And the reason why I wrote "Gbarnga",
3 because Peter Sonkaley - at the time Michael Paygar started to be
4 the commander, Peter Sonkaley was not his deputy. Peter Sonkaley
13:04:34 5 became his deputy in Gbarnga. But this was - this map that I
6 drew here was not, I mean, specified to 19 - I mean, to March,
7 okay. I'm trying to sketch what happened here between, how do
8 you call it, July 1991 onwards. The reason why I mentioned
9 Gbarnga was the time we were in Gbarnga that Peter Sonkaley
13:04:51 10 served as his deputy.

11 Q. Sir, when did the NPFL - let me ask you this again. When
12 did the NPFL reach Gbarnga the first time in the fighting?

13 A. I can't remember exactly when the NPFL reached Gbarnga, but
14 the NPFL took Gbarnga way in 1990. NPFL took Gbarnga late 1990.

13:05:11 15 Q. And Charles Taylor, who you were travelling with, was in
16 Gbarnga as of late 1990, correct?

17 A. We went to Gbarnga. We didn't settle there. We went to
18 Gbarnga, as he would visit other cities. We went to Gbarnga, you
19 know, I mean, more than one or two times. But the time we
13:05:26 20 settled in Gbarnga was in July 1991.

21 Q. Sir, let's go to your statement, paragraph 46, which is on
22 page 8. Reading paragraph 46 from your statement, it reads:

23 "From Tappita they moved to LAC (Liberian Agricultural
24 Company, in Grand Bassa County) then to Buchanan (headquarters in
13:06:33 25 Grand Bassa) then to Harbel (Firestone in Magbissi) then to Bong
26 Mines (Bong County) for approximately two weeks. They finally
27 reached Gbarnga in late 1990 or early 1991. Witness was moving
28 with CT during this time."

29 So that's correct, isn't it? Charles Taylor reached

1 Gbarnga as early as late 1990, correct?

2 A. When you say "Charles Taylor reached Gbarnga", it means,
3 you know, Gbarnga was under NPFL control at the time. This is
4 what I understood it to be, and Gbarnga was under - NPFL
13:07:17 5 controlled Gbarnga in 1990 - from 1990 onwards.

6 Q. Sir, let's look at your testimony, moving to another topic,
7 from Friday, 26 February, page 36250. I asked you:

8 "Q. You came there with brother Gambians, correct?

9 A. Yes.

13:08:07 10 Q. You weren't, you said, made a Liberian until 1998,
11 correct?

12 A. Yes.

13 Q. So you were not a Liberian when you were fighting with
14 the NPFL, correct?

13:08:19 15 A. It doesn't mean that, but I was not fighting. I was
16 not fighting at the front.

17 Q. Okay. You were never at the front?

18 A. I was not at the front.

19 Q. Because you were a bodyguard of Charles Taylor,
13:08:40 20 correct?

21 A. Whatever you take it to be."

22 Let's look at your statement, paragraph 95, which is on
23 page 15:

24 "In 1991 witness became ECOMOG liaison and stayed in that
13:09:37 25 position for almost two years. Ceased to be liaison officer when
26 the Operation Octopus started in late 1992. That was an NPFL
27 operation to take over Monrovia. Attacks began from different
28 points. We attacked from Mount Barclay."

29 Mr Witness, did you take part in an NPFL attack from Mount

1 Barclay during Operation Octopus?

13:10:17 2 A. I didn't take part. When I said took - how do you call it,
3 attacked from the side, that was I was on that side, but I was
4 not at the front line and this is not what I mentioned here. I
5 was not at the front line. I didn't mention I was at the front
6 line.

7 Q. Did you tell the Defence that you attacked from Mount
8 Barclay during Operation Octopus?

13:10:29 9 A. When I said I attacked, I mean - what I mean by when I
10 attacked, that was I was on that side when the attack took place.
11 Maybe some writing, you know - maybe something happened, you
12 know, in the writing. But I mean to say I was on the side of
13 Mount Barclay, but I was not part of those that attacked. I was
14 not fighting at the front.

13:10:46 15 Q. Did you say you attacked from Mount Barclay?

16 A. I'm saying I don't know whether the person that wrote this
17 misquoted me, but I didn't say I attacked. I didn't say I
18 attacked.

19 Q. What did you say?

13:10:57 20 A. I said I was at the front line towards the - I was at the
21 area towards Mount Barclay, but I was not attacking. I didn't
22 attack.

23 Q. Mr Witness, do you agree that I've read correctly from the
24 statement as it's typed?

13:11:11 25 A. Well, as it types, you know, but what does that - it
26 doesn't signify - I didn't signature this to say yes, I went
27 through this and it was correct. It was just, how do you call
28 it, roughly going through it. How do you call it, it was typed,
29 there were typographical errors, okay. I didn't sign. My

1 signature was not affixed to this to make it official. The only
2 time it becomes official is when my signature is affixed to it.

3 Q. It's a simple question: Did I read correctly?

4 A. Well, you are reading what you saw on the paper.

13:11:40 5 Q. Okay, thank you. Can we have the witness's testimony from
6 Friday, 26 February, page 36183. Beginning on line 24 I asked
7 you:

8 "Q. Okay, thank you. Now, Charles Taylor, did you see him
9 in Libya?

13:12:36 10 A. Yes, I saw Charles Taylor in Libya, yes.

11 Q. How many times did you see Charles Taylor in Libya?

12 A. If I'm not mistaken, once or twice.

13 Q. Where did you see him on this one or two occasions, if
14 you recall?

13:12:56 15 A. Every time I saw him at the Mataba."

16 Sir, that was a lie, wasn't it?

17 A. It wasn't a lie. To the best of my recollection, it wasn't
18 a lie. It was the truth I was speaking.

19 Q. Could we look at the statement, I believe it's paragraph 15
13:13:41 20 on page 3. Paragraph 15 reads, Mr Witness: "Before Tajura in
21 1987" --

22 PRESIDING JUDGE: Does the witness have his own statement
23 in front of him?

24 MR KOU MJIAN:

13:14:33 25 Q. Can you read from the screen, sir?

26 A. Yes, I can read from the screen. I can read from the
27 screen. Please continue.

28 MR KOU MJIAN:

29 Q. "Before Tajura in 1997, revolutionary leaders like

1 Ali Kabbah would be in and out for conferences held by the
2 Mataba. The NPFL was not a part of these meetings. The first
3 time witness saw CT was in 1997 in Tajura (not at Mataba
4 meetings). "

13:15:13 5 So, Mr Witness, when you spoke to the Defence last year you
6 told them exactly the opposite of what you've testified to here
7 in court. You didn't see Charles Taylor at the Mataba. You saw
8 him at the training camp. Isn't that true?

9 A. That's not true. I saw Charles Taylor at Mataba.

13:15:29 10 Q. Did you lie when you told --

11 A. I never lied. I never lied.

12 Q. Sir, let me finish my question. Did you lie when you told
13 the Defence in 2009 that you saw him at Tajura?

14 A. I never lied. Maybe that was a typographical error. I
13:15:44 15 didn't say I saw him in Tajura. Maybe the person didn't
16 understand or maybe there was - how do you call it - the writing
17 was going so fast, but I didn't see Mr Taylor in Tajura. And
18 when I mean before the other revolutionary leaders I would see at
19 the Mataba was before you read there. Ali Kabbah was there
13:16:01 20 before him, okay, and before that, the NPFL, as I said, was not
21 part of these meetings.

22 Q. And the NPFL was not there during the bombing in 1986,
23 correct?

24 A. No, I don't know of the NPFL during that time, because at
13:16:15 25 that time I had not even gone to Tajura.

26 Q. And if someone testified under oath that they - an NPFL was
27 in Libya during the bombing, they were lying, correct?

28 A. Well, I don't know. Maybe they know what I don't know, but
29 I don't know of NPFL in Libya during 1986.

1 Q. So let's look again at what was typed here in 2009 in
2 paragraph 15, the last sentence: "The first time witness saw CT
3 was in 1987 in Tajura (not at Mataba meetings)." Did you tell
4 the Defence that last year?

13:16:52 5 A. This was a misrepresentation of what I said, that is what I
6 mean to say. This was a misrepresentation of what I said.

7 Q. The person that wrote it is misrepresenting what you said?

8 A. This is not what I said, that's what I'm saying.

9 Q. So you're saying that the person that wrote this has told
10 something that isn't true. Is that what you're saying?

11 A. Well, I don't know, you can be writing something and write
12 - you know, you can mean to write something and write something
13 else.

14 Q. Well, is what they wrote --

13:17:12 15 A. This was a misrepresentation of what I said. I never saw
16 Mr Taylor in Tajura. This is why I didn't testify to that here
17 because I was testifying under oath. I never saw him at Tajura.
18 This is why the place I saw him I mentioned it, and that was at
19 the Mataba.

13:17:28 20 Q. So the people that wrote this sentence misrepresented.
21 They said you said something that wasn't true. You never said
22 that?

23 A. Well, I don't know. I don't know. You can take it to be
24 any way.

13:17:59 25 Q. Mr Witness, do you think that Charles Taylor met Foday
26 Sankoh in Tajura when he was there?

27 A. I don't know. I never saw Charles Taylor meeting Foday
28 Sankoh in Tajura.

29 Q. Let's look at what you said at paragraph 17 of this

1 statement:

2 "Foday Sankoh was in Tajura as part of the RUF. He was
3 under Ali Kabbah at the time. Ali had brought him there. W
4 believes that CT first met FS at Tajura."

13:18:47 5 In 2009, last year, did you tell the Defence team that you
6 believed that Foday Sankoh first met Charles Taylor at Tajura?

7 A. When I said "I believe", I think, but I don't know, I'm not
8 sure whether it happened or it doesn't happen. I was not there.

9 I was not present. I never saw them meet. So when I say "I
13:19:07 10 believe", I am being tentatively and said that, yes, they met
11 there. No, Ali - that's not what I said. I don't know. I never
12 see them meet in Tajura.

13 Q. But that was what you thought; that was what you believed.
14 Is that correct?

13:19:20 15 A. At the time I was writing this statement, yes.

16 Q. Let's look at your testimony from Friday, 26 February, page
17 36230. I'll just read from the top of the page. You answered a
18 question at the top of the page:

19 "A. I don't know what they were speaking on. I heard him
13:20:27 20 speaking on the radio, so I don't know what he was speaking
21 on. I was not there. I don't want to speculate.

22 Q. Where did Charles Taylor claim to be when he spoke
23 on the radio Christmas Eve?

24 A. According to the announcement, he was in Liberia.

13:20:46 25 That's what he said.

26 Q. Before we leave Burkina Faso completely, you know that
27 Foday Sankoh had been in Burkina Faso, correct?

28 A. I never knew Foday Sankoh was in Burkina Faso."

29 Now if we can look at paragraph 29 of your statement. It's

1 a one-sentence paragraph: "W never saw FS in Burkina, but he
2 learnt that he was there." Mr Witness, did you tell the Defence
3 last year that you had learnt that Foday Sankoh was in Burkina
4 Faso?

13:22:10 5 A. I never saw Foday Sankoh in Burkina Faso and this is not
6 what I - I don't think this is what I mean to say here.

7 Q. Let me repeat my question. In 2009, did you tell the
8 Defence that you had learnt that Foday Sankoh was in Burkina
9 Faso?

13:22:23 10 A. That's why I'm saying that is what is in the statement, but
11 I can't - how do you call it - I never saw him there.

12 Q. Did you say it in 2009?

13 A. I said I never saw Foday Sankoh in Burkina.

14 PRESIDING JUDGE: Mr Witness, you're going to have to
13:22:40 15 answer questions directly. The question that counsel asked you,
16 which I think you haven't answered, was: Is this what you told
17 your Defence counsel in 2009, that you learnt that Foday Sankoh
18 was in Burkina Faso? Did you tell your Defence counsel that in
19 2009?

13:22:59 20 THE WITNESS: Yes. Yes, your Honour, yes.

21 MR KOUMJIAN:

22 Q. Mr Witness, I'd now like to remind you about some of the
23 testimony you've given here regarding radios in Liberia and
24 particularly long-range radios and I'd ask to first have put on
13:23:24 25 the screen the testimony from yesterday, 1 March, page 36287.

26 Beginning on line 3, I asked you:

27 "Q. Wouldn't it make sense if Charles Taylor's knows Foday
28 Sankoh's code name is Toyota, and you his radio operator do
29 not, that Charles Taylor spoke himself to Toyota?"

1 A. I said while I served as Charles Taylor's radio
2 operator he never spoke on the radio as far as I know.

3 Q. Can you explain how Charles Taylor knows Foday Sankoh's
4 code name?

13:24:31 5 A. I don't know.

6 Q. Now, Mr Smythe, I want to move to a little different
7 area. You were talking at one point during your direct
8 examination about radios and long-range radios in various
9 locations. Correct me if I misstate your testimony. Is it

13:24:56 10 your testimony that there was no long-range radio at the
11 Executive Mansion? Is that correct?

12 A. Yes, I said that one during the time of the presidency
13 of Mr Taylor.

14 Q. Well, that was the only time you had access to the
13:25:31 15 Executive Mansion was during the presidency, or is that not
16 correct?

17 A. No, it was not only during the presidency. When he was
18 Council of State I had access to the mansion too.

19 Q. During the Council of State period was there a radio in
13:25:49 20 the Executive Mansion?

21 A. I don't know.

22 Q. In White Flower or surrounding White Flower, in the
23 surrounding area, was there a long-range radio?

24 A. I know of a short-range radio base around White Flower.
13:26:18 25 I know that.

26 Q. But no long-range radio?

27 A. I don't know about it.

28 Q. In any of the buildings, for example the SSS building
29 there, in any of the buildings surrounding White Flower

1 you don't know of a long-range radio?

2 A. I don't know about it.

3 Q. What about at Benjamin Yeaten's house? You said there
4 was no long-range radio. Is that correct?

13:26:54 5 A. I never saw any long-range radio in Benjamin Yeaten's
6 house.

7 Q. When I say his house, just so we are not playing with
8 words, I mean anything around his house, a porch, a
9 structure that's in the yard next to his house. Did you
10 see a radio in the area of Benjamin Yeaten's house?

11 A. I didn't ever see any radio in or around Benjamin
12 Yeaten's house.

13 Q. And you had been to Benjamin Yeaten's house many times,
14 correct?

13:27:32 15 A. Yes, yes."

16 Sir, let's look at your statement starting at paragraph 117
17 to see how it corresponds with your sworn testimony. Paragraph
18 117 reads:

19 "Joe Montgomery, BY, and Urias Taylor all lived around
13:28:27 20 White Flower. But BY was the only one to have radio equipment in
21 his house. Witness cannot remember the name of BY's Liberian
22 radio operator."

23 Mr Witness, did you tell the Defence in 2009 that Benjamin
24 Yeaten had a radio and a radio operator in his house?

13:28:50 25 A. Well, I didn't mean to say his house. He had a radio - a
26 short-range radio in his car and if he's not there he had an
27 operator that sits by that radio.

28 Q. Sir, did you tell the Defence what's written here, the
29 second sentence, "But BY" - or Benjamin Yeaten, did you say

1 Benjamin Yeaten - "was the only one to have radio equipment in
2 his house"? Did you say that in 2009?

3 A. I said that in 2009 but I found out that it was not
4 correct. The radio he had was in his car.

13:29:25 5 Q. Sir, you left the SSS in 2000, correct?

6 A. Yes.

7 Q. What happened between the time you gave this statement in
8 2009 and when you testified under oath where you found out that
9 this information was wrong about Benjamin Yeaten having a radio
10 in his house?

11 A. When you say what happened, what do you mean what happened?

12 Q. How can you go from knowing that there's a radio in
13 Benjamin Yeaten's house in 2009 to telling us under oath that
14 there was no radio, that you never saw one?

13:30:01 15 A. Yes, because I didn't want to lie under oath. This is why
16 I said what I said here, you know, in my testimony because I was
17 under oath.

18 MR KOU MJIAN: Your Honour, I believe we're out of time.

19 PRESIDING JUDGE: Yes, indeed. We'll take the luncheon
13:30:13 20 break and reconvene at 2.30.

21 [Lunch break taken at 1.30 p.m.]

22 [Upon resuming at 2.30 p.m.]

23 PRESIDING JUDGE: Good afternoon. Mr Koumjian, you were
24 continuing with cross-exam.

14:31:45 25 MR KOU MJIAN: Yes, thank you, Madam President:

26 Q. Mr Witness, when we broke off we had just contrasted your
27 testimony regarding radios at Benjamin Yeaten's house with your
28 statement. I now want to go --

29 A. Can you please excuse me, your Honour, please.

1 PRESIDING JUDGE: Yes.

2 THE WITNESS: As far as I'm concerned, this statement
3 remained inconclusive because the statement when it was given, it
4 was intended that it would be read to me after it was printed,
14:32:15 5 corrections made by me, before a final copy will be produced and
6 that was not done. I made my corrections on the statement but
7 those were not reflected on this copy that I'm seeing here, so as
8 far as I'm concerned it is inconclusive.

9 PRESIDING JUDGE: That's okay. Your comments have been
14:32:33 10 noted on the record but that doesn't prevent learned counsel from
11 asking questions arising from the statement. You can always make
12 your responses appropriately.

13 THE WITNESS: Thank you, your Honour.

14 MR KOUMJIAN:

14:32:47 15 Q. Let's look at your testimony again from yesterday, page
16 36287, regarding now radios at the Executive Mansion. Going to
17 line 14, I asked you in the middle of the line:

18 "... Is it your testimony that there was no long-range
19 radio at the Executive Mansion? Is that correct?

14:33:45 20 A. Yes, I said that one during the time of the presidency
21 of Mr Taylor.

22 Q. Well, that was the only time you had access to the
23 Executive Mansion was during the presidency, or is that not
24 correct?

14:34:01 25 A. No, it was not only during the presidency. When he was
26 Council of State I had access to the mansion too.

27 Q. During the Council of State period was there a radio in
28 the Executive Mansion?

29 A. I don't know of it."

1 Now let's look at your statement in paragraph 125, which is
2 on page 18 of the statement. I'm going to go to paragraph (b) in
3 order to save a little time. You see that this is a paragraph
4 where you describe the Executive Mansion. And then you say in
14:35:15 5 paragraph (b):

6 "The fourth floor had SSS offices, Minister of State
7 (Ernest Eastman, later Jonathan Taylor), President's office. On
8 the right by the President's office is the special assistant's
9 office. Then a secretary. After BY is the deputy director for
14:35:38 10 ops (Joe Montgomery). The radio room is right after Montgomery's
11 office. This radio room contained both long-range radios and the
12 walkie-talkie base. Operators assigned to this room were
13 generally women."

14 Mr Witness, did you tell the Defence what I just read when
14:36:02 15 you spoke to them in 2009?

16 A. The long-range was a misrepresentation. I talked about the
17 walkie-talkie and the operators were women, basically, assigned
18 with the SSS.

19 Q. I'm sorry, I just need to check your answer. I didn't
14:36:22 20 quite get it. Are you saying you did not tell the Defence that
21 there was a long-range radio?

22 A. I can't remember mentioning long-range radio. I remember
23 mentioning radios but I said walkie-talkie base, as I testified
24 here, and the operators were basically women of SSS - SSS
14:36:52 25 officers.

26 Q. Well, sir, this paragraph I read specifically mentions
27 walkie-talkie base. Let me read this sentence again:

28 "This radio room contained both long-range radios and the
29 walkie-talkie base."

1 Did you tell the Defence the room contained both the
2 walkie-talkie base and long-range radios."

3 A. I told you I gave a statement and I mentioned radios but I
4 can't remember mentioning long-range radios. I could remember
14:37:26 5 mentioning walkie-talkie base.

6 Q. Was there a radio - a long-range radio in the Executive
7 Mansion?

8 A. What time frame are you talking about?

9 Q. Any time that you ever saw it. Did you ever see a
14:37:51 10 long-range radio in the Executive Mansion?

11 A. I never saw a long-range radio at the Executive Mansion.

12 Q. So is it your testimony that those that wrote this
13 statement invented those words; you never said them?

14 A. I said before to your Honours here that this statement is
14:38:06 15 inconclusive because it was not read to me, I mean corrections
16 made. I made some alterations on the copy I have.

17 PRESIDING JUDGE: Mr Witness, the question asked to you was
18 not about the entire statement. He simply asked you that the
19 excerpt that he's just read, did the makers of the statement
14:38:30 20 invent those words?

21 THE WITNESS: I could only - I could remember telling them
22 about walkie-talkie base.

23 MR KOUMJIAN:

24 Q. Sir, let's see what you testified to about radios at White
14:38:45 25 Flower. If we could go back to yesterday's testimony, the same
26 page, page 36287. And I'm going to read from the bottom of the
27 page. Line 27:

28 "Q. In White Flower or surrounding White Flower, in the
29 surrounding area, was there a long-range radio?

1 A. I know of a short-range radio base around White Flower.
2 I know that.

3 Q. But no long-range radio?

4 A. I don't know about it."

14:39:43 5 Was that the truth?

6 A. Yes, that was the truth.

7 Q. Let's see what you said in your statement. Let's go to
8 paragraph 116. That is on page 17 of the statement:

9 "Radio communication as President: CT had a radio base
14:40:35 10 behind White Flower near the generator room. On the ground floor
11 was a warehouse. Upstairs was the radio room."

12 Then there are several call signs. Going to paragraph 117:

13 "Joe Montgomery, BY and Urias Taylor all lived around White
14 Flower. But BY was the only one to have radio equipment in his
14:41:10 15 house. Witness cannot remember the name of BY's Liberian radio
16 operator."

17 I want to stick to paragraph 116. Sir, did you tell the
18 Defence last year that Charles Taylor had a radio base behind
19 White Flower near the generator room.

14:41:31 20 A. When I say Charles Taylor, I didn't mean his as an
21 individual. I mean the security - Charles Taylor's security had
22 a radio at White Flower that I mentioned. It was a walkie-talkie
23 base around White Flower. I said that.

24 Q. Was there a long-range radio at White Flower?

14:41:50 25 A. I don't know about any long-range radio at White Flower.

26 Q. Let's go to paragraph 123. It reads:

27 "When asked about CT's relationship with BY, W said that BY
28 would report directly to CT. BY had lots of power as the
29 director of SSS and as CT's confidant. BY and W always had

1 access to CT. This a administration would take care of logistics
2 paying salary; b operations would take care of motorcade, advance
3 team, assigning SSS to various ministers as the President deemed
4 necessary, et cetera. There was a base radio for the
14:42:58 5 walkie-talkies. Only used in Monrovia for internal
6 communication. Very simple handset. Had the central unit at
7 White Flower, right next to the fence on the left side."

8 Is everything I read so far correct, Mr Witness?

9 A. Yes, I said that.

14:43:17 10 Q. Now, subparagraph b (ii):

11 "Long range could call to Buchanan. Not sure if it would
12 reach to Nigeria, but thinks it was possible. The signal unit
13 was part of the SSS, which would have fallen under operations.
14 There was a long-range radio at White Flower in the same building
14:43:41 15 to the side."

16 Mr Witness, why did you lie and testify that there was no
17 long-range radio at White Flower?

18 A. I never lied. I said there was no long-range radio at
19 White Flower and the statement you read first never stated
14:43:57 20 long-range radio, so this was not what I said.

21 Q. Sir, let me read again. I'm reading from paragraph 123.
22 You'll see it says (a), (b), (c), (d). I'm reading from (b) and
23 then (b) is divided into small (i), (ii), (iii), (iv). I'm at
24 (ii). Let's look at the last sentence in paragraph 123(b)(ii):

14:44:26 25 "Long range could call to Buchanan. Not sure if it would
26 reach to Nigeria, but thinks it was possible. The signal unit
27 was part of the SSS, which would have fallen under operations.
28 There was a long-range radio at White Flower in the same building
29 to the side."

1 Did you tell the Defence in 2009 there was a long-range
2 radio at White Flower?

3 A. No, I didn't tell the Defence. This was a complete
4 misrepresentation of what I said.

14:44:53 5 Q. So the Defence who wrote this statement completely
6 misrepresented what you said?

7 A. That's correct.

8 Q. Sir, do you remember me asking you about the item that was
9 in the silver briefcase in the photograph with Charles Taylor
10 sitting in a blue chair?

14:45:15

11 A. Yes, I do remember.

12 Q. Let's look at what you said Friday, 26 February, page
13 36205. The bottom of the page, please. I said to you, line 28:

14 "Q. Okay, can you take your seat. You can return to your
14:46:04 15 seat. Sir, this Flyaway, you could reach the United
16 States, correct?

17 A. I never spoke to the United States on the Flyaway.

18 Q. That wasn't my question.

19 A. I don't know.

14:46:24 20 Q. You don't know?

21 A. No.

22 Q. Isn't it a fact that soldiers, NPFL soldiers used to
23 use the Flyaway to call people they knew in the United
24 States?

14:46:42 25 A. Flyaway was not a common radio in the NPFL. As far as
26 I'm concerned we had only two Flyaways, so if you say NPFL
27 soldiers using Flyaway to communicate with relatives in the
28 United States, I don't know what you are talking - what you
29 are talking about.

1 Q. You could connect from the Flyaway through something
2 called Portoshare to telephones anywhere in the world; is
3 that correct?

4 A. I don't know what you are talking about. It's
14:47:17 5 possible, yes.

6 Q. You don't know that?

7 A. No, I never did it before."

8 But let's look at what you said in your statement. Page 7,
9 paragraph 42(a). It reads:

14:49:06 10 "At the time CT had a radio communication set they called a
11 'Flyaway'. The radio was shaped like a silver briefcase. When
12 the briefcase was opened, and the antenna was put out, the radio
13 signal could reach anywhere worldwide. Through what was called a
14 'Portoshare' share link (like a navigation station where they
14:49:35 15 dialled through) they could connect to any telephone number.
16 Through this link, some of the fighters used to talk to their
17 families and friends in the US."

18 Mr Witness, did you tell the Defence in 2009 that you knew
19 about a Portoshare link that the Flyaway station could connect -
14:49:59 20 Flyaway radio could connect to?

21 A. I heard about it. I said in my testimony here I never used
22 it before and it was - as long as I was with the Flyaway, nobody
23 has used the Flyaway to talk to Portoshare.

24 Q. I'm sorry. You said no one had used the Flyaway to talk
14:50:17 25 what?

26 A. As far as I know, nobody has used the Flyaway to talk to
27 Portoshare and I never talked to Portoshare before; that's what
28 I'm saying.

29 Q. Sir, it says here in your statement:

1 "Through this link some of the fighters used to talk to
2 their families and friends in the US."

3 Did you tell the Defence this?

14:50:38

4 A. Yes, because I heard some of the fighters say, yes, they
5 could do that. But I don't know - I don't have any facts about
6 it. This is what I mentioned in my statement - testimony that I
7 never used it. You know, I can't say for sure.

8 Q. Well, this is what you said again when you testified on
9 Friday:

14:50:57

10 "So if you say NPFL soldiers using Flyaway to communicate
11 with relatives in the United States, I don't know what you are
12 talking about."

13 In fact, you knew exactly what I was talking about because
14 you had seen that and you had even described it to the Defence in
15 2009?

14:51:13

16 A. How do you know that I was describing it to the Defence?

17 Q. It's written in this statement. Did they invent it?

14:51:27

18 A. I said soldiers - I said - I told the Defence at the time,
19 I heard soldiers were using it, you know - I mean, how do you
20 call it - during the war, we had other long-range radios. They
21 were using it to call - how do you call it - a station called
22 Portoshare to link them with their families, I mean, in the
23 United States and elsewhere. But I said I never used it. I
24 stated in my statement I never used Portoshare. I never talked
25 to Portoshare before. I said that and I maintain that.

14:51:45

26 Q. Sir, do you now say you do know what Portoshare was?

27 A. I heard. I don't know what actually Portoshare was.
28 Portoshare, according to information that I got from those that
29 were using it - used it before or may have heard about it, say it

1 was a navigation station - I don't know where - that when you
2 call, that link, that navigation station, I don't know, through
3 scanning or whatever, they could link you with - you know, you
4 give them a telephone number, they could link you with - I mean,
14:52:12 5 how do you call it - telephone to the United States. I heard
6 about that, yes.

7 Q. So, sir, when I told you - asked you Friday about
8 Portoshare and the ability to link anywhere in the world,
9 including to the United States, you knew exactly what I was
14:52:24 10 talking about, didn't you?

11 A. I didn't know what you were talking about because I have
12 not done it and this, I mean, information I'm trying to say here
13 was not confirmed. I have not done it. If I had done it myself
14 and confirmed that it works, then I would have stated in my
14:52:38 15 testimony that, yes, it is true. But I said here, some people
16 were doing it, but I have never done.

17 Q. The only things you testified to in front of these judges
18 are things you were able to confirm. Is that what you are
19 saying?

14:52:52 20 A. I was under oath, as I said to your Honours here, this
21 statement was inconclusive because the statement - I made changes
22 to this statement but those were not reflected here. So what I
23 can remember of saying that I have not changed would remain and
24 whatever I can remember changing we will change it. I will
14:53:11 25 change it.

26 Q. Sir, let's read something that Charles Taylor said in this
27 trial on 23 September 2009. Page 29476.

28 MR ANYAH: Madam President, this is private session
29 evidence.

1 MR KOUMJIAN: Your Honour, the testimony that I'm reading -
2 this is Mr Taylor talking and he does not mention the name of any
3 witness.

14:54:21

4 PRESIDING JUDGE: Well, is it or is it not private session
5 evidence?

6 MR KOUMJIAN: It was taken in private session.

7 PRESIDING JUDGE: Then it is private session evidence,
8 which you cannot read.

14:54:33

9 MR KOUMJIAN: I'm happy to read it in private session then
10 if that's necessary, but it would not identify a witness, what
11 I'm reading.

12 MR ANYAH: I haven't read the pages before. I haven't read
13 the pages after. If the application is for private session, then
14 we're in your Honours' hands.

14:54:53

15 PRESIDING JUDGE: I don't think there is an application,
16 but I think in order to protect the integrity of the proceedings
17 we will briefly go into a private session to put to the witness
18 the record of a previous private session.

19 [At this point in the proceedings, a portion of
20 the transcript, pages 36533 to 36534, was
21 extracted and sealed under separate cover, as
22 the proceeding was heard in private session.]

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1 [Open session]

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

3 MR KOUMJIAN: If we could have the transcript from 14
4 September 2009, page 28690:

14:59:50 5 Q. Now, Mr Witness, at one point counsel was reading from the
6 testimony - the Defence counsel was reading to Mr Taylor from the
7 testimony of a witness and he began at line 7:

8 "The point where we had reached was page 12843 of the
9 transcript of 2 July 2008. The witness spoke to this
15:00:18 10 effect:

11 'Q. And, if you know, what kind of communication did he
12 have?

13 A. Well, at that time when he wanted to communicate to
14 Sierra Leone he used to go to the Mansion Ground. The
15:00:34 15 operator was there and he was called Butterfly. That was
16 where he communicated.

17 Q. Who was Butterfly?

18 A. Butterfly was an operator for Charles Taylor.'
19 Now, let's pause. Now, Mr Taylor, do you accept that you
15:00:54 20 had a radio operator called Butterfly?

21 A. Yes, I do.

22 Q. What was that individual's real name.

23 A. Yanks Smythe.

24 Q. A name mentioned before. He was later to become the
15:01:15 25 Liberian ambassador to Libya, wasn't he?

26 A. That's correct.

27 Q. And he was a Special Forces as well, wasn't he?

28 A. That is correct.

29 Q. Originally of Gambian descent?

1 A. That is correct."

2 Mr Witness, Mr Taylor did have a radio operator called
3 Butterfly, correct?

15:01:43

4 A. I was Butterfly and I told you from the time I was with the
5 radio Oretha was also referred to as Butterfly.

6 Q. In fact, Mr Witness, you were not the Butterfly, the
7 principal radio operator for Charles Taylor, were you?

8 A. I was Butterfly, the principal radio operator for Charles
9 Taylor.

15:02:00

10 Q. Sir, let's look at your statement, paragraph 42. Paragraph
11 42 begins:

12 "In Gborplay, Victor Gnessie (a Special Forces) was
13 commander of the signal unit and all radio communications.

15:02:41

14 Witness can't remember the other NPFL radio operators at the
15 time. Butterfly Oretha Gweh was CT's radio operator."

16 Oretha Gweh was Butterfly, she was the radio operator for
17 Charles Taylor and you've come here and misrepresented yourself
18 completely, haven't you, Mr Witness?

15:03:02

19 A. I never misrepresented. Maybe you are trying to
20 misrepresent me. I told you from the beginning I trained Oretha
21 Gweh. I said that in my testimony. I was Butterfly. Both
22 Oretha and myself, just to distinguish ourselves sometimes when
23 they hear - because they hear male and female voice, sometimes I
24 would answer Butterfly B. But I was Butterfly and I remained

15:03:23

25 Butterfly. Even during the time I was assistant director people
26 still referred to me as Butterfly not on my radio code, but
27 Butterfly was my code that I used even on my short-range - I mean
28 my walkie-talkies before I became director - I mean assistant
29 director for operations, so I don't know what you are talking

1 about.

2 Q. Sir, you occasionally would use the radio and use the name
3 Butterfly B because you were not the principal operator?

4 A. That's not correct.

15:03:47 5 Q. You were not Butterfly, were you?

6 A. I was Butterfly. Your assertion that I was not Butterfly
7 is not correct. Totally wrong.

8 Q. Let's look at subparagraph (b) on that paragraph 42:

9 "Anyone attached to the Flyaway radio used by CT would
15:04:03 10 respond to the code named Butterfly. Oretha Gweh" - it says here
11 - "(male operator trained by W; used to work with the Catholic
12 hospital) was told by CT that she would use the name Butterfly.
13 When W was on the radio he would use Butterfly B. (W also used
14 to operate the Butterfly radio)."

15:04:30 15 Oretha Gweh was Butterfly. You were just an occasional
16 radio operator, occasionally on the radio. Correct, Mr Witness?

17 A. That's false. That's totally false.

18 Q. Did you tell the Defence in 2009 Oretha Gweh was Butterfly?

19 A. I said it. I said it and I said it here in my testimony
15:04:49 20 that Oretha Gweh will respond to Butterfly, yes.

21 Q. Did you tell the Defence that Oretha Gweh was told by CT,
22 Charles Taylor, that she would use the name Butterfly?

23 A. Oretha Gweh used the name Butterfly, yes.

24 Q. Mr Witness, both you and Mr Taylor --

15:05:12 25 PRESIDING JUDGE: Excuse me. Is this Oretha person a man
26 or a woman? According to this statement it seems as though - I'm
27 looking at 42(b). It says, "Oretha Gweh (male operator trained
28 by witness)".

29 MR KOUMJIAN: And it continues and says, "Used to work with

1 the Catholic Church. Was told by CT that she would use the name
2 Butterfly." So there is an obvious contradiction:

3 Q. Oretha Gweh is a woman, correct, Mr Witness?

4 A. That is why I said this statement is inconsistent

15:05:51 5 because --

6 PRESIDING JUDGE: Please answer the question. Was Oretha
7 Gweh a woman?

8 THE WITNESS: Yes, she was a woman, yes.

9 MR KOUMJIAN:

15:05:54 10 Q. And, Mr Witness, both you and Charles Taylor have
11 exaggerated your role as a radio operator to come into Court and
12 tell - being the loyal supporter that you are of Charles Taylor,
13 testify the way that you did, parroting the testimony of Charles
14 Taylor, correct?

15:06:10 15 A. That's false. That's not correct.

16 Q. You've been deceiving the judges from the moment you began
17 your examination, or at least cross-examination. Isn't that
18 correct?

19 A. That's false. I never misled the judges.

15:06:24 20 Q. Do you remember what we started the cross-examination on?

21 A. You can remind me. I don't know. I can't recollect.

22 Q. I asked you whether you were here to tell the truth whether
23 it helped or hurt Charles Taylor and you said you were and I
24 asked you about child soldiers in the NPFL. Do you remember
15:06:41 25 that?

26 A. Yes, you asked me about child soldiers, yes.

27 Q. And you said, exactly like Charles Taylor, there was no one
28 under 18 in the NPFL. Isn't that what you said?

29 A. I said as far as I know there was no one in the NPFL under

1 18. I said that.

2 Q. Exactly as Charles Taylor said. There was no one he knew
3 under 18 in the NPFL. You both testified to the same thing. You
4 know that, don't you?

15:07:03 5 A. I know what I testified to, so I don't know what Mr Taylor
6 testified to.

7 Q. Let's look at what you said in your statement, paragraph
8 85(f). In your statement you gave to the Defence last year it
9 reads:

15:07:37 10 "Witness has never heard of the Ghankay Tigers. He knows
11 that SBUs are under age but part of the NPFL ranks. They stayed
12 around the Executive Mansion because CT did not want them to
13 stray into harm's way. There was an SBU gate with the
14 instruction that no one could pass that gate without his
15 permission. SBUs would bear arms to protect gates or checkpoints
16 but not to go and fight at the front line. They joined the NPFL
17 because they were orphans or frustrated.

18 Zubon Johnson was head of the SBUs - his father had been
19 killed."

15:08:27 20 Mr Witness, you told the Defence last year, didn't you,
21 that there was an SBU unit, that these were under age and they
22 were part of the NPFL?

23 A. This was a totally misrepresentation of what I said. I
24 never said that. This was not what I said.

15:08:44 25 Q. The Defence invented this, is that what you are saying?

26 A. I don't know what you mean by invented, but this is not
27 what I said. I said SBU, as I stated in my testimony here, yes,
28 is what I know of SBU.

29 Q. Do you know what the words "SBUs are underaged", do you

1 understand what that means?

2 A. I'm saying this is a complete misrepresentation of what I
3 said in my statement. This is not what I said.

4 Q. Sir, did I read what's written in front of you correctly?

15:09:09 5 A. You could read what is written in front of you, but not
6 what I said.

7 Q. Sir, it just saves time if you answer the question. Did I
8 read correctly what's written in the statement?

9 A. You read what is appearing on the screen, yes.

15:09:21 10 Q. Sir, was Zubon Johnson - do you know him?

11 A. I know Zubon Johnson. I said in my testimony his brother
12 used to live with me.

13 Q. Another in your SBUs, he was one of your SBUs; is that
14 right?

15:09:37 15 A. I didn't say Zubon. I said Zubon's brother used to live
16 with me. This is what I said.

17 Q. Zubon's brother. You said you had an SBU unit. Was he
18 part of your SBU unit?

19 A. Zubon's brother was above 18 when he was with me, so he is
15:09:50 20 not SBU.

21 Q. How old was Zubon Johnson when you met him?

22 A. I don't know how old he was.

23 Q. Mr Witness, from the moment I asked you this question on
24 cross-examination until right now, you've continued to deceive
15:10:08 25 and withhold any information that you believed would incriminate
26 Charles Taylor. Isn't that correct?

27 A. Any information that I know of the truth, and I will
28 incriminate all - I mean, how do you call it - convict
29 Mr Charles, I will say it. But what I'm saying is what I know of

1 the truth.

2 Q. And everything --

3 A. So I don't - just give me a chance. I don't care what I
4 said, whether incriminate or not Mr Taylor, I'm saying the truth
15:10:30 5 and I'm saying nothing but the truth, because I took oath to say
6 nothing but the truth, and the truth I'm saying.

7 Q. And what I read to you from the statement, all of that is a
8 lie.

9 A. I told you that doesn't represent me. This is what I said
15:10:46 10 in my - how do you call it - in my testimony and this is what I'm
11 telling you right now.

12 MR KOUMJIAN: Your Honour, the Prosecution has no further
13 questions of the witness.

14 PRESIDING JUDGE: Thank you. Mr Anyah, will you want to
15:11:02 15 re-examine the witness?

16 MR ANYAH: Yes, I do, Madam President. May I proceed?

17 PRESIDING JUDGE: Please proceed.

18 RE-EXAMINATION BY MR ANYAH:

19 Q. Good afternoon, Mr Smythe.

15:11:25 20 A. Good afternoon, counsel.

21 Q. We're going to go over certain areas covered by learned
22 counsel opposite with you in cross-examination. We will consider
23 the statement that you have been reviewing with counsel opposite.
24 We will also consider evidence you gave to the Court on Friday
15:11:43 25 last, 26 February, as well as yesterday, 1 March. Let's begin.

26 Let's consider in the first instance some of the issues
27 just raised vis-a-vis the statement you gave to the Defence.
28 Let's consider Ms Oretha Gweh, the subject under discussion just
29 a few minutes ago. You told the Court when I asked you questions

1 Last week that Oretha Gweh answered the code name Butterfly. Do
2 you recall that?

3 A. Yes, I do.

15:12:31

4 Q. You told the Court you also answered the code name
5 Butterfly. Do you recall that?

6 A. Yes, I do.

7 Q. You also told the Court before your statement was produced
8 that occasionally you would use the code name Butterfly B.

9 A. That's correct.

15:12:41

10 Q. Counsel opposite --

11 MR KOUMJIAN: Could I have a reference to that, please,
12 from the testimony? If counsel is quoting testimony, may I have
13 a reference of when the witness said that?

15:12:53

14 MR ANYAH: Well, I will be instructed by the Bench, not by
15 counsel. And the tone of voice need not be so aggressive.
16 Requests could be made and we don't have to lose our tempers.

17 PRESIDING JUDGE: Mr Anyah, if you are quoting from the
18 witness's evidence, perhaps it's good that you actually refer to
19 the testimony.

15:13:11

20 MR ANYAH: The witness has already answered those
21 preliminary questions. I think the record, with respect, Madam
22 President - and I will comply with your records. The record is
23 replete with the witness's testimony that he answered Butterfly B
24 occasionally and Oretha Gweh Butterfly, but I can find the
25 references.

15:13:29

26 PRESIDING JUDGE: I don't know if the word "occasionally"
27 was in the transcript, which is --

28 MR ANYAH: It wasn't.

29 PRESIDING JUDGE: Yes. Because this is the danger of not

1 quoting from the transcript, that you inject phrases into the
2 evidence that were not in the original evidence. Please avoid
3 doing that. If you are going to not quote verbatim, don't inject
4 words into the transcript.

15:13:50 5 MR ANYAH: I appreciate that. I will comply. I will abide
6 to it:

7 Q. Mr Smythe, let's look at your statement. Madam Court
8 Officer, could you assist me, please, with the witness's
9 statement. The first reference in the witness's evidence to him
15:14:38 10 being referred to as Butterfly appears in the transcript of 22
11 February 2010, at page 35646. At line 2, a question was asked of
12 the witness:

13 "Q. What was the call sign or code name for Mr Taylor's
14 radio?

15:15:05 15 A. Butterfly.

16 Q. And when you operated that radio, what was you - your
17 operator code name?

18 A. My code was as well Butterfly.

19 Q. Were you the only one who operated Mr Taylor's radio?

15:15:21 20 A. At one point I trained another girl called Oretha Gweh
21 who used to assist me with the radio.

22 Q. Can you spell that name for us.

23 A. Oretha, O-R-E-T-H-A; Gwei, G-U-E-I.

24 Q. Was she Liberian?

15:15:40 25 A. Yes."

26 So that's the basis for my questions to the witness.

27 Now --

28 MR KOUJIAN: Excuse me. I believe what counsel had
29 earlier said is that the witness said he was referred to as

1 Butterfly B. The transcript that was read, he does not refer to
2 himself as Butterfly B. He refers to himself as Butterfly.

3 MR ANYAH: I will --

15:15:58

4 PRESIDING JUDGE: But the witness has referred to himself
5 as Butterfly B on more than one occasion. We all know that.
6 What is the issue?

7 MR KOUMJIAN: Well, I would like to see the reference --

8 PRESIDING JUDGE: Are you saying that the witness has not
9 referred to himself somewhere sometime as Butterfly B?

15:16:16

10 MR KOUMJIAN: [Microphone not activated].

11 MR ANYAH: That's easy for me to comply with, but I think
12 this just delays the process. If you look at --

13 PRESIDING JUDGE: Please proceed. Proceed with your
14 evidence.

15:16:27

15 MR ANYAH: Thank you, Madam President. Thank you:

16 Q. Mr Smythe, you've heard the exchanges and the colloquy so
17 far. The issue has to do with who was Butterfly and who was
18 Butterfly B. Who, during the time period when you worked with
19 Mr Taylor's radio, was known as Butterfly?

15:16:46

20 A. I was known as Butterfly and Oretha would also answer
21 Butterfly. And sometimes I would answer Butterfly B, but I
22 maintained the code Butterfly throughout or through the time I
23 became assistant director for operations.

24 Q. You maintained the code Butterfly up until the time you
15:17:06 25 became assistant director for operations. Can we go to paragraph
26 116 of your statement, please. Can you see the display in the
27 overhead projector on the screen, Mr Witness?

28 A. Yes, I can see it.

29 Q. Paragraph 116 of your statement, subsection (c) reads:

1 "Butterfly - W's own code when CT became Pres. W even
2 bought his own Thuraya satellite phone."

3 Let's pause there. When it reads "W's own code when CT
4 became President", can you explain what that refers to?

15:18:02 5 A. Yes. What I mean I was still using Butterfly when
6 Mr Taylor became President.

7 Q. Thank you, Mr Smythe. Can we look at MFI-431, please.
8 Mr Smythe, can you see that photograph?

9 A. Yes, I can see it.

15:18:59 10 Q. This photograph was shown to you on 26th, Friday last,
11 February 2010 by counsel opposite.

12 A. Yes, I can remember that, yes.

13 Q. Let us consider a few things about this photograph. In the
14 first instance, do you recognise the person in the yellow hat

15:19:20 15 seated to the right of Mr Taylor who is pictured in the
16 photograph?

17 A. Yes, I do.

18 Q. Can you tell us who that person is.

19 A. That person is Oretha Gweh.

15:19:31 20 Q. Is this the same Oretha Gweh that you've been referring to
21 during the course of your testimony?

22 A. That's correct.

23 Q. The silver briefcase - or what looks like a briefcase
24 before her, can you explain to the Court, if you know, what that

15:19:47 25 is?

26 A. That was the Flyaway radio that I always talk about.

27 Q. Now, you testified about the type of gun that Mr Taylor
28 apparently is holding in this photograph. Do you remember

29 telling us about that?

1 A. That's correct.

2 Q. And what kind of gun is it again?

3 A. I say it was an AK-47 mounted on an M203.

15:20:19

4 Q. An AK-47 assault rifle that had mounted upon it a device or
5 something called an M203?

6 A. That's correct.

7 Q. And you remember seeing several photographs of Mr Taylor in
8 what you call often camouflage uniform?

9 A. That's correct.

15:20:32

10 Q. And in those photographs he also had a gun?

11 A. That's correct.

12 Q. And you said it was one and the same type of gun he had?

13 A. That's correct.

15:20:46

14 Q. The Flyaway you referred to, this metal briefcase, was that
15 the same Flyaway you testified to previously that you said the
16 NPFL obtained from the Americans?

17 A. That's correct.

18 Q. You remember on Friday last counsel attempted to show you
19 what it was suggested was a shiny object near the Flyaway silver
20 briefcase? You remember that?

15:21:11

21 A. Yeah, he was trying to show me something, yes.

22 Q. Can we look at the document that has been marked - or the
23 photograph that has been marked as MFI-439A. And, Madam Court
24 Manager, please retain MFI-431. We will compare some issues in
25 the photographs.

15:21:38

26 For your Honours' benefit, this is the photograph that
27 appears behind tab 8 in the bundle of documents given to us by
28 the Prosecution for their cross-examination.

29 Mr Smythe, you looked at this photograph this morning and

1 there's an arrow drawn from the weapon being held by Mr Taylor.
2 When you look at this weapon, underneath, right beneath what is
3 the cartridge of an assault rifle, what is that thing projecting
4 outward?

15:22:32 5 A. Which one are you talking about?

6 Q. When you look at the weapon being held by Mr Taylor, do you
7 see right below the cartridge where the ammunition is kept a
8 pointed device?

9 A. Is that what you are referring to?

15:22:48 10 Q. Yes, what has just been pointed to by the Court Officer.

11 A. This is just something that, you know, you can use as a
12 boot, you know. It's just like, you know, an extension of the
13 gun that you can - how do you call it - draw and, you know, maybe
14 because the gun is short, so extend it. You know, you can lay it
15 and you can open it.

16 Q. Is that the butt or the stand of an AK-47 rifle?

17 A. Well, I wouldn't call it a stand, but it is something like,
18 you know - it's an extension. Like, you know, if it is short,
19 maybe you want to fire something, it's short, you can bring it,
15:23:22 20 you know, to make it longer. You know, like if you pull it, it
21 will serve like, you know, something that can, you know, get on
22 your chest, or something, on your shoulder.

23 Q. Can you see also the photograph that's behind tab 9, which
24 is MFI-439B. Mr Smythe, can you see that photograph - it's
15:24:16 25 silhouetted so --

26 A. I can see it, yes.

27 Q. Take a look at the weapon being held by Mr Taylor,
28 especially in the area near his right wrist. Do you see anything
29 that looks similar to what we just looked at in the previous

1 photograph vis-a-vis the gun and this extension or butt you
2 referred to?

3 A. Yes, definitely. The same thing.

4 Q. Now can we go back to MFI-431, please. I wonder if we
15:25:01 5 could have the assistance of Madam Court Officer to point to the
6 shiny object that the officer was asked to point to last Friday
7 on this photograph for the witness's benefit. Madam Court
8 Officer, can you assist us? Could you point to that shiny object
9 that was the subject of questions from the Prosecution.

15:25:24 10 Mr Smythe, do you see what is being pointed at?

11 A. Yes.

12 Q. Do you recognise what is being pointed at as anything?

13 A. Yes, that's the same thing that I just explained. It's the
14 same thing. It's part of the gun.

15:25:36 15 Q. What is the same thing you just explained?

16 A. That's the extension of the gun like the butt where you can
17 hold out to put on your shoulder when maybe you want to fire or
18 something. It's part of the gun. It's just one of the
19 accessories of the gun.

15:25:51 20 Q. Does it look like a telephone to you?

21 A. It's not a telephone.

22 Q. Does it look like the handset of a satellite telephone?

23 A. That's not a handset of a telephone.

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

15:26:26 25 May I have a moment, Madam President, please? Madam
26 President, I've just taken instructions from our client. I need
27 to see MFI-431 again please. I apologise.

28 Mr Smythe, I want you to take a good look at the other
29 persons pictured in this photograph. Perhaps you could look at

1 the original and not look at the screen. I wonder if there's an
2 extra copy of this that the witness could actually hold in his
3 hand and look at.

4 PRESIDING JUDGE: Apparently not, but you can take the
15:27:56 5 picture off temporarily and hand it to the witness. So what is
6 the question, Mr Anyah?

7 MR ANYAH:

8 Q. Mr Smythe, the person seated to the left of Mr Taylor, do
9 you know who that is?

15:28:29 10 A. The one in the slippers like yellow slippers?

11 Q. Yes.

12 A. It looks like Benjamin Yeaten.

13 PRESIDING JUDGE: Looks like?

14 MR ANYAH:

15:28:38 15 Q. Are you sure or are you speculating?

16 A. This is Yeaten. Yes, it's Benjamin Yeaten.

17 Q. There is somebody whose head is not visible but we see a
18 striped T-shirt with the word "Camp" written on it. At least it
19 appears to me to be "Camp". Mr Smythe, do you know who that is
15:29:03 20 from the T-shirt and the little information you have?

21 A. No, actually I don't - I don't know because I'm not seeing
22 the face, so just by seeing the down part I can't - I don't know.

23 Q. Okay. Thank you. That's all I have vis-a-vis --

24 A. I can't remember. I think - I think the late General
15:29:31 25 Jackson had a shirt like this. I don't know.

26 Q. If you are just speculating, please clarify and --

27 A. No, I'm saying I can't see the face but I can remember the
28 late Jackson had, you know - I don't know.

29 Q. My question is do you know who is pictured there?

1 A. No, I'm trying to see because myself I had shirts that
2 looks like this, but let me not speculate.

3 Q. With respect to this photograph MFI-431 you see what kind
4 of outfit Mr Taylor is wearing?

15:30:06 5 A. Yes.

6 Q. You told us it was camouflage?

7 A. That is correct.

8 Q. With respect to MFI-439A that we just saw - I would need
9 MFI-439A, 439B and 439C, please. So we're looking now at

15:30:46 10 MFI-431. If we look at MFI-439A we see Mr Taylor in some kind of
11 outfit, Mr Smythe?

12 A. Yes.

13 Q. Green in colour?

14 A. Yes, green in colour.

15:31:08 15 Q. He is holding the AK-47 with an M203 mounted on it?

16 A. That's correct.

17 Q. Can we look at 439B, please. A photograph again of
18 Mr Taylor?

19 A. That's correct.

15:31:33 20 Q. In some kind of camouflage?

21 A. That's correct.

22 Q. With a hat?

23 A. That's correct.

24 Q. And a weapon?

15:31:39 25 A. That's correct.

26 Q. May we look at MFI-439C, please. A photograph of
27 Mr Taylor?

28 A. That's correct.

29 Q. In some kind of camouflage?

1 A. That's correct.

2 Q. Holding a weapon in his hands?

3 A. That's correct.

4 Q. Mr Smythe, let's consider a few matters in this regard.

15:32:32 5 From when you went to serve as security for Mr Taylor, March or
6 April 1990, through the time when you accompanied him to Monrovia
7 in 1995 for the Council of State, did you ever see him fire a gun
8 of any kind?

9 A. No, I never saw him fire any gun.

15:32:55 10 Q. During that period of time from March or April 1990 through
11 the time period when you accompanied him to Monrovia in 1995, did
12 you ever hear of Charles Taylor firing a weapon?

13 A. No, I never heard of Charles Taylor firing a weapon.

14 Q. During the period of his presidency - indeed let us start
15:33:23 15 from the period of the Council of State, 1995, through the time
16 when Charles Taylor left office, August 2003, did you ever see
17 Charles Taylor firing a weapon?

18 A. No, I never saw Charles Taylor firing a weapon.

19 Q. During that same period of time did you ever hear of
15:33:44 20 Charles Taylor firing a weapon?

21 A. No, I never heard of Charles Taylor firing any weapon.

22 PRESIDING JUDGE: Just pause.

23 MR KOUMJIAN: Your Honour, my objection was going to be
24 that this goes beyond the scope of the cross-examination. It's
15:33:56 25 never been the Prosecution's case that Charles Taylor
26 participated in any fighting. That was not the purpose of
27 showing him portraying himself as a soldier with a uniform and
28 gun.

29 PRESIDING JUDGE: I don't think that a purpose was stated,

1 but in my opinion I think you could well stretch the purpose to
2 being a fighter. I think these are pertinent questions in
3 re-examination.

4 MR KOU MJIAN: Just to be clear, that's never been the
15:34:21 5 Prosecution case that Charles Taylor was a fighter.

6 PRESIDING JUDGE: But the questions are admissible.

7 MR ANYAH:

8 Q. Mr Smythe, from 1990, March, April, through when you and
9 Charles Taylor went to Monrovia for him to participate in the
15:34:39 10 Council of State, did you ever see Charles Taylor engage in
11 combat operations?

12 A. No, I never saw Charles Taylor engage in any combat
13 operations.

14 Q. During that period of time did you ever hear of Charles
15:34:52 15 Taylor engaging in combat operations?

16 A. No, I never heard of him engaging in any combat operations.

17 Q. During the period of the Council of State from 1995 through
18 Taylor's election in 1997 and the subsequent period of his
19 presidency from 1997 through 2003 did you ever hear of Charles
15:35:12 20 Taylor participating in combat operations in Liberia?

21 A. No, I never heard of him participating in any combat
22 operations in Liberia.

23 Q. How about participation in any such operations anywhere
24 else outside Liberia?

15:35:25 25 A. No, I never heard of him participating in any such
26 operations anywhere besides Liberia.

27 Q. Did you see Charles Taylor from 1995 through the end of his
28 presidency in 2003 at any time participating in combat
29 operations?

1 A. No, I never saw Charles Taylor during those times to
2 participate in any combat operation.

3 Q. How about the period from 1991 through 1995? Did you see
4 him personally yourself at any time participating in combat
15:35:56 5 operations?

6 A. I never saw him personally participating in any combat
7 operations during that period.

8 MR ANYAH: May the witness be shown MFI-440, please. It's
9 a photograph. And I would also need at this time that we return
15:36:10 10 back to MFI-439C, please. Perhaps we could also have Prosecution
11 exhibit 116, thank you. Can we start with MFI-440, please. This
12 is behind tab 10 of the Prosecution set of documents:

13 Q. Mr Smythe, can you see the photograph?

14 A. Yes, I can see it.

15:37:01 15 Q. Mr Smythe, do you recall seeing this photograph this
16 morning?

17 A. Yes, I do.

18 Q. Charles Taylor holding the same type of AK-47 rifle?

19 A. That is correct.

15:37:23 20 Q. And we've been through the implement or extension that
21 appears underneath the cartridge?

22 A. That's correct.

23 Q. Do you know when this photograph was taken?

24 A. When this photograph was taken I think he was being
15:37:39 25 interviewed by a journalist and he was trying to point to where
26 the NPFL front line was to the journalist. I think I remember
27 this photograph, yes. It was this shirt that he's wearing, if I
28 remember this particular shirt correctly, he used to have this
29 shirt in public.

1 PRESIDING JUDGE: Could we have a time frame for this
2 statement that you've just made? When was this?

3 THE WITNESS: I'm saying this must have been an interview I
4 think with Mark Huband, a British - I think it's a British
15:38:12 5 journalist that was, you know, captured by NPFL and brought to,
6 how do you call it, our headquarters. Later on escorted back - I
7 mean to Ivory Coast and he left. Then he later came back to
8 interview Mr Taylor. I think this is one of the interviews by
9 Mark Huband.

15:38:29 10 PRESIDING JUDGE: Mr Witness, I did ask you when this photo
11 was taken, if you know.

12 THE WITNESS: This was in 1990.

13 MR ANYAH:

14 Q. And you said it was in Gborplay?

15:38:40 15 A. Yes, I could recall. I think it's in Gborplay, yes.

16 Q. Was, to your knowledge, Mr Taylor planning combat
17 operations when this photograph was taken?

18 A. Just about my explanation, this was in a house, he was
19 trying to show a journalist where the NPFL has reached.

15:39:05 20 Thank you.

21 PRESIDING JUDGE: The name of the journalist is who? Mark
22 who?

23 THE WITNESS: Mark Huband. I think it's H-U-B-E-R-T.

24 MR ANYAH: Huband. It's on the record. May we see
15:39:56 25 MIF-439C, please:

26 Q. Mr Smythe, this morning when you were shown this
27 photograph, you identified, to the best of your knowledge, the
28 man furthest to the left as we look at the photograph in the
29 jeans - denim shirt and trousers. Do you recall that?

1 A. That's correct.

2 Q. You told us a name, Jessie somebody. What was his name
3 again?

4 A. Jessie Gbeayanue.

15:40:16 5 Q. You said he was a Special Forces?

6 A. Yes.

7 Q. May we see the roster of Special Forces, which is
8 Prosecution exhibit 116, please. In particular, may we go to
9 125. Mr Smythe, can you see that document?

15:41:09 10 A. Yes, that's correct.

11 Q. When you look at number 125, what appears in that number or
12 next to that number?

13 A. 125, Jessie Gbeayanue.

14 Q. And is that one and the same person you were referring to
15:41:24 15 in MFI-439C?

16 A. That is correct.

17 Q. We go back to your statement, Mr Smythe. We've considered
18 the issue of Oretha Gweh and this whole notion of Butterfly. Let
19 us consider another issue. May we see paragraph 17 of that
15:42:18 20 statement which was shown to Mr Smythe today. Paragraph 17,
21 Mr Smythe, you were shown this paragraph by learned counsel
22 opposite, in particular the focus was on the middle of the
23 paragraph, sentence beginning with "W". "W believes that CT
24 first met MS at Tajura." W here, Mr Smythe, do you appreciate
15:42:57 25 that represents you, witness?

26 A. Yeah.

27 Q. And when we see CT, to the best of your knowledge, what
28 does that or to whom does it represent?

29 A. To the best of my recollection, it refers to Charles

1 Taylor.

2 Q. And when we see FS, to the best of your knowledge, what
3 does that or to whom does it represent?

4 A. To the best of my recollection, it refers to Foday Sankoh.

15:43:19 5 Q. Now, may we go to paragraph 22 of the witness's statement.
6 So we're coming from paragraph 17 where it is written there,
7 "Witness believes that CT first met MS at Tajura." Paragraph 22
8 reads:

9 "In Tajura, witness saw that CT would speak to Ali Kabbah.
15:43:52 10 He saw that CT would occasionally speak to Dr Manneh. Witness
11 never saw CT talk to FS."

12 Mr Smythe, where it says "witness never saw CT talk to FS",
13 what does it refer to?

14 A. I mean - in fact, in Tajura, I mean to say Mataba. And I
15:44:13 15 said, you know - what I'm trying to say here was, I've never seen
16 CT talking to Foday Sankoh. I didn't see it.

17 Q. CT being whom?

18 A. Charles Taylor.

19 Q. Thank you, Mr Witness.

15:44:26 20 PRESIDING JUDGE: Is the witness saying that the words "in
21 Tajura" in paragraph 22 are wrong?

22 THE WITNESS: Should have been Mataba.

23 MR ANYAH:

24 Q. Well, let's consider both places. Did you ever see Charles
15:44:43 25 Taylor at Tajura?

26 A. No, I say I didn't see Charles Taylor at Tajura.

27 Q. Did you ever see Foday Sankoh at Tajura?

28 A. Yes, I saw Foday Sankoh at Tajura.

29 Q. Are you aware of Charles Taylor talking to Foday Sankoh at

1 Tajura?

2 A. No, I'm not aware of Charles Taylor talking to Foday Sankoh
3 at Tajura.

4 Q. Are you aware of Charles Taylor talking to Foday Sankoh at
15:45:04 5 the Mataba?

6 A. No, I never saw Foday Sankoh at the Mataba and I'm not
7 aware of Charles Taylor talking to him at the Mataba.

8 Q. Thank you, Mr Smythe. May we go to paragraph 29 of this
9 statement, please. We're now speaking with Burkina Faso as the
15:45:29 10 terms of reference or place of reference. Paragraph 29, you were
11 shown this a few minutes ago, Mr Smythe.

12 A. That is correct.

13 Q. It reads, "W never saw FS in Burkina, but he learned that
14 he was there." You remember learned counsel putting this
15:45:46 15 paragraph to you?

16 A. That's correct, yes.

17 Q. May we go to paragraph 36, please, of the statement.
18 Paragraph 36 reads:

19 "W was asked to clarify something about his time in Burkina
15:46:13 20 Faso. W is not aware of any meeting between CT and Dr Manneh and
21 FS in Burkina Faso."

22 Mr Smythe, where we see FS in BF, SF refers to - sorry, FS
23 refers to whom or what?

24 A. FS refers to Foday Sankoh.

15:46:39 25 Q. "Witness is not aware of any meeting between CT and
26 Dr Manneh and Foday Sankoh in BF." BF refers to where?

27 A. Burkina Faso.

28 Q. Thank you. Continuing on:

29 "W is not aware of any time when the three travelled

1 together. W is not sure of any time when Dr Manneh and FS
2 promised to assist CT in his rebellion in exchange for help in
3 their own rebellions."

4 When you say FS there, who are we referring to?

15:47:10 5 A. I'm referring to Foday Sankoh.

6 Q. "W never heard of any agreement between the three of them
7 to assist each other." Do you stand by that, Mr Smythe?

8 A. Yes, I do.

9 MR KOUMJIAN: Excuse me, that's - I withdraw that.

15:47:28 10 MR ANYAH:

11 Q. Now, may we go to the next page. Let's consider paragraph
12 46, which was read to Mr Smythe today, please. The issue here,
13 as was put to you, involved movement to Gbarnga. The last
14 sentence in particular, paragraph 46, reads:

15:47:53 15 "They finally reached Gbarnga in late 1990 or early 1991.
16 W was moving with CT during this time. W did not see any Sierra
17 Leonean throughout these movements."

18 Now, let us jump two lines down to paragraph 49 and see
19 what it says. Paragraph 49 reads: "Gbarnga was already NPFL
15:48:22 20 territory by the time W arrived with CT." Let's pause. Was that
21 the case, Mr Smythe, that Gbarnga was already NPFL territory by
22 the time you arrived with Mr Taylor?

23 A. That's correct, yes.

24 Q. Do you know when Gbarnga initially became NPFL territory?

15:48:47 25 A. Gbarnga became NPFL territory in 1990.

26 Q. Were there NPFL soldiers in Gbarnga at the time you and
27 Mr Taylor arrived?

28 A. Yes, NPFL troops were in Gbarnga at the time we arrived.

29 Q. And in what year and in what month did you arrive in

1 Gbarnga with Mr Taylor?

2 A. I arrived in Gbarnga with Mr Taylor to stay there in
3 July 1991.

4 MR KOUMJIAN: Excuse me. That does not answer the
15:49:15 5 question. The witness did not answer the question.

6 PRESIDING JUDGE: Mr Anyah, did you ask when the witness
7 and Mr Taylor first arrived or which arrival are you referring
8 to?

9 MR ANYAH: Well, let me repeat the question because I had
15:49:36 10 to switch back to the LiveNote. Here is the question at my page
11 152, using a 12-point font, line 20, the question was: "And in
12 what year and in what month did you arrive in Gbarnga with
13 Mr Taylor?" The answer was: "I arrived in Gbarnga with
14 Mr Taylor to stay there in July 1991." The witness gives the
15:50:01 15 month and he gives the year.

16 PRESIDING JUDGE: Yes. But which arrival? Was this the
17 only time?

18 MR ANYAH: I have follow-up questions. I have not finished
19 this line of question:

15:50:12 20 Q. Mr Smythe, before you and Mr Taylor went to Gbarnga in
21 July 1991, did you ever accompany Mr Taylor to Gbarnga before
22 then?

23 A. Yes, I accompanied Mr Taylor to Gbarnga before that, yes.

24 Q. Was Gbarnga your base as in you and Mr Taylor's base
15:50:30 25 location when you would go there before July 1991?

26 A. I wouldn't consider it our base until the time we went
27 there in 1991.

28 Q. What time in 1991 are you referring to when it became your
29 base?

1 A. In July 1991.

2 Q. When Mr Taylor came and based in Gbarnga with you in
3 July 1991, would he on occasion travel from Gbarnga to other
4 NPFL-held territories within the Republic of Liberia?

15:50:58 5 A. Yes. He travelled to almost all the NPFL-controlled areas
6 within the Republic of Liberia.

7 Q. Were such travels frequent and repetitive? Did they happen
8 frequently?

9 A. He would travel to almost every - I mean, every territory
15:51:14 10 that are controlled - NPFL controlled, he would visit them
11 regularly.

12 Q. When you made your way through Gborplay, Tappita, all the
13 way to Harbel, passing through Buchanan, in any of those areas
14 when you were there, did you and Mr Taylor travel to Gbarnga

15:51:31 15 before July 1991?

16 A. Yes, we travelled to Gbarnga before July 1991, yes.

17 Q. Thank you. And if we look at paragraph 50 of the
18 statement, the first sentence reads: "When asked about Benjamin
19 Yeaten, W says BY was already at Gbarnga." Now, what do you mean
15:52:02 20 by "BY was already at Gbarnga"?

21 A. That is, Benjamin will always go to Gbarnga and be back.
22 When we're going to stay in Gbarnga, Benjamin went ahead first
23 and we met him there.

24 Q. Okay, thank you. May we move now to page 11 of the
15:52:26 25 witness's statement, paragraph 68(g). Mr Smythe, learned counsel
26 opposite went through paragraphs 68(g), part of (h) and indeed
27 part of (i) as well, all in regards to Suwandi Camara. Now I
28 will try not to repeat what has already been read, but in the
29 middle of subparagraph (g) it reads, "Camara was not a Special

1 Forces." It also reads preceding that - the preceding sentence
2 was, "W never saw Camara in Libya for training."

3 Now may we go to paragraph 86(a) and (c), please. 86(a)
4 and the focus is (a) and (c). 86 begins, it reads:

15:53:48 5 "Regarding Suwandi Camara's testimony that mentions Yanks.

6 (a) After W's training in Libya, W is not aware of any
7 further training that took place in Libya. Suwandi was not
8 trained in Libya as Special Forces."

9 Mr Smythe, was Suwandi Camara as you sit there now and to
15:54:13 10 the best of your knowledge trained in Libya as a Special Forces?

11 A. No, I don't know of Suwandi being trained in Libya as
12 Special Forces.

13 Q. We see:

14 "(c) Suwandi Camara was never a member of SOFA. Only when
15:54:26 15 he came to Liberia did he come into contact with Dr Manneh."

16 Mr Smythe, was Suwandi Camara to the best of your knowledge
17 a member of SOFA?

18 A. To the best of my knowledge Suwandi was not a member of
19 SOFA.

15:54:43 20 Q. Did he come to Liberia to the best your knowledge with
21 Dr Manneh?

22 A. Well, I was said that - you know, I was posed that question
23 and I couldn't remember but the first time I saw him was in 1995,
24 I said that.

15:54:56 25 Q. The question was to the best of your recollection and
26 knowledge do you know whether Suwandi Camara came to Liberia with
27 Dr Manneh?

28 MR KOU MJIAN: Asked and answered.

29 THE WITNESS: Not to the best of my recollection.

1 MR ANYAH: The witness has answered but in any event I
2 don't believe he answered the previous question. That's why I
3 had to ask it again.

4 MR KOUMJIAN: Excuse me, but the witness said, "I said I
15:55:20 5 was posed that question. I couldn't remember."

6 MR ANYAH: He was referring to questions in
7 cross-examination that he couldn't remember when learned counsel
8 put that issue to him in cross-examination.

9 PRESIDING JUDGE: In any event, the witness has answered.
15:55:35 10 Let's move on.

11 MR ANYAH: May we move to paragraph 95 of the witness's
12 statement, please:

13 Q. Paragraph 95. Mr Smythe, you were read this paragraph and
14 you were asked questions about it, in particular the part of it
15:56:16 15 that reads, "W attacked from Mount Barclay." Mr Smythe, was
16 Mount Barclay an NPFL front line location during Operation
17 Octopus in 1992?

18 A. Mount Barclay - yes, Mount Barclay was NPFL, yes.

19 Q. I'm not saying whether it was occupied by the NPFL. I'm
15:56:43 20 asking you a specific question. This says you attacked from
21 Mount Barclay. Was Mount Barclay a front line position of the
22 NPFL during Operation Octopus?

23 A. When you say front line, what do you mean? NPFL position
24 was at Mount Barclay during that - during 1992.

15:57:03 25 Q. In October 1992 during Operation Octopus did you ever fight
26 at the front line?

27 A. No, I never fought at the front line.

28 Q. When it reads here witness was at Mount Barclay, first were
29 you ever at Mount Barclay during Operation Octopus?

1 A. I was not at Mount Barclay. I was towards that area but
2 not at Mount Barclay itself.

3 Q. How close to Mount Barclay were you?

15:57:31

4 A. Well, I don't know, it's a distance because the front line
5 was almost at - it was at Mount Barclay, so I was not close to
6 the front line.

7 Q. In miles or kilometres from where you were to Mount Barclay
8 was how far?

9 A. It shouldn't be more than a kilometre.

15:57:46

10 Q. And you just said Mount Barclay was the front line?

11 A. Yes, I said Mount Barclay was the front line.

12 MR KOUJIAN: Excuse me, your Honours, at page 157 on my
13 LiveNote, line 2, the question was from counsel was: "When it
14 reads here witness was at Mount Barclay, first were you ever at
15 Mount Barclay during Operation Octopus?"

15:58:04

16 I'm not sure where counsel was reading from, because I
17 believe he's reading from paragraph 95 and I don't see that. I
18 see where it says witness attacked from Mount Barclay.

19 PRESIDING JUDGE: He was just asking questions of the
20 witness. He wasn't quoting anything. He was asking questions in
21 re-examination regarding the role or the position of this witness
22 vis-a-vis what's written in the paragraph. He wasn't reading
23 from a transcript, a prior transcript. He wasn't even reading
24 from the statement. Am I wrong, Mr Anyah?

15:58:26

25 MR ANYAH: You are absolutely correct, Madam President.
26 May I proceed?

27 PRESIDING JUDGE: Please do.

28 MR ANYAH:

29 Q. Mr Smythe, in that same paragraph 95 there is an indication

1 there that says, "W was a brigadier general during this time".

2 Do you see where I'm reading from?

3 A. Yes.

4 Q. Were you a brigadier general during the period of Operation

15:59:18 5 Octopus in 1992?

6 A. Operation Octopus 1992?

7 Q. Yes.

8 A. Yes, I think I was, yes. Yeah, I can't remember when I

9 really became brigadier general, but I think I was.

15:59:33 10 Q. In your experience as a military man, is it typical for

11 brigadier generals to be positioned at the front line?

12 A. No, military operations - generals will remain behind, you

13 know, I mean, to command their troops to advance. They will not

14 be at the front line. That's not normal in army operations.

15:59:55 15 Q. How many star general is a brigadier general, if you know?

16 A. One star.

17 Q. Thank you, Mr Witness. May we move to paragraph 124 of the

18 witness's statement. Mr Smythe, you were asked questions about

19 radios, their locations, and whether they were long-range or

16:00:29 20 short-range. Let's consider paragraph 124 of your statement. It

21 reads, "W was assistant director of ops until July 2002." Is

22 that correct, Mr Smythe?

23 A. No, that was not correct. I think the person that did the

24 typing mean to say 2000, because I never said I was assistant

16:00:54 25 director in July 2002.

26 Q. And we saw a press release regarding your appointment as

27 charge d'affaires to Libya from Liberia?

28 A. That's correct.

29 Q. And that was July 13, 2000?

1 A. That's correct.

2 Q. Let's just ignore the 2002 and, given your qualification,
3 view it as July 2000. It continues, "During this time, W was not
4 aware of any radio communications to SL" - what do you understand

16:01:26 5 SL to refer to there, Mr Smythe?

6 A. SL refers to Sierra Leone.

7 Q. Continuing:

8 "... Burkina or other countries in West Africa. W was not
9 aware of any radio con. CT does not talk on the radio. Even

16:01:46 10 when W was a signaller, CT would give him a message and ask W to
11 convey the message over the radio. CT had a satellite
12 telephone."

13 Let's pause there. Were you at any time aware of any
14 communication from the NPFL on the radio to any other parts of

16:02:10 15 West Africa?

16 MR KOUJIAN: Excuse me, I believe this is beyond the
17 cross-examination.

18 MR ANYAH: Well, there was a question asked about
19 long-range radios and short-range radios and where they could
20 reach. They even read - I see Madam President --

16:02:21 21 PRESIDING JUDGE: I think I remember Nigeria being
22 mentioned.

23 MR ANYAH: Exactly.

24 PRESIDING JUDGE: Was this in cross-examination?

16:02:29 25 MR ANYAH: Yes, Madam President.

26 PRESIDING JUDGE: Then the questions are permissible.

27 MR ANYAH: Thank you:

28 Q. Mr Smythe, I'll repeat my question. During the entire
29 period of time when you worked at or around Mr Taylor, when you

1 worked with or around Mr Taylor, are you aware of any NPFL radio
2 communications from Liberia to any other parts of West Africa?

3 A. No, during those times I was never aware of any radio
4 communication between the NPFL to any parts of West Africa.

16:03:01 5 Q. During the time period when you served closely with
6 Mr Taylor, up through your appointment as charge d'affaires to
7 Libya, do you recall ever seeing Mr Taylor talk on the radio?

8 A. No, I can't recall seeing Mr Taylor talk on the radio.

9 Q. Do you recall ever hearing that Mr Taylor spoke or talked
16:03:25 10 on the radio?

11 A. I never heard of Mr Taylor talking on the radio.

12 Q. Thank you. May we go to paragraph 261 of the statement,
13 please. Mr Smythe, this pertains to an alleged meeting in
14 Voinjama. And you remember learned counsel opposite reading you
16:04:14 15 the beginning lines. It says "Ref: TT" and there's a page number
16 2214 and you see 25/01/09 and you see, "Meeting in Voinjama in
17 March 1991" question mark. Do you see that, Mr Smythe?

18 A. That's correct, I saw it. I see it.

19 Q. If we go to page 17 - we'll come right back to page 25. If
16:04:47 20 we go to page 17 and let's look at paragraph 116. We were there
21 previously today. Mr Smythe, do you see the introductory phrase
22 in that paragraph, "Radio communication as President" and there's
23 a colon after that? Do you see that sentence?

24 A. 116?

16:05:14 25 Q. Yes.

26 A. Yes.

27 Q. There's an introductory phrase. It says, "Radio
28 communication as President." Do you see the colon after that?

29 A. That's correct.

1 Q. Does that signify to you the topic of discussion then?

2 MR KOUMJIAN: Objection. Leading.

3 MR ANYAH:

16:05:35

4 Q. What does that signify to you when you see the introductory
5 phrase "Radio communication as President" and the colon?

6 A. I was trying to say I think that was the time - I mean
7 radio communications during his presidency. Radio communication
8 as President.

16:05:52

9 Q. Yes, I'm talking about the introductory phrase. Let's look
10 at paragraph 121 on the same page. There is an introductory
11 phrase in the way this statement appears. In this paragraph it
12 reads, "In Monrovia during CT's presidency" and there is a colon.
13 Do you see that introductory phrase?

14 A. Yes.

16:06:12

15 Q. What do you understand that to be?

16 A. I mean during the time of the presidency of Mr Taylor.

17 Q. Is that the subject of discussion being considered in that
18 paragraph?

19 A. Yes, I think - yes.

16:06:28

20 Q. So when we go to paragraph 261 where you see the first
21 sentence, "Ref: TT", page number, the date 25 January 09,
22 "Meeting in Voinjama in March 1991?" do you understand that first
23 sentence to be part of your answer to a question, or do you
24 understand it to be the question you were being asked?

16:07:01

25 A. This was a question I was being asked because I see a
26 question mark there.

27 Q. When we turn to the next page at the back of that,
28 subsection (k) of that paragraph 261 reads:

29 "It is alleged that all the persons I referred to above

1 were at the meeting and that the meeting was to discuss the
2 invasion of Sierra Leone, that CT was standing over a map and
3 strategising the attack."

16:07:43 4 Do you see the word "comments" there, Mr Smythe, with a
5 question mark?

6 A. Yes.

7 Q. And do you see in parenthesis "W laughs"?

8 A. Yes.

9 Q. What do you understand that to be?

16:07:54 10 A. That means that was a statement made by the interviewer to
11 the witness.

12 Q. And what was the witness's response?

13 A. It was laughable. I laughed.

14 Q. And do you see where it reads:

16:08:07 15 "That's funny. Nothing like that ever happened. The
16 invasion even happened before the trip to Voinjama."

17 What did you mean when you said, "The invasion even
18 happened before the trip to Voinjama"?

19 A. No, I don't think that's what I mean to say. Because as
16:08:24 20 far as my recollection - my memories can serve me right, that was
21 not the case.

22 Q. What was not the case? Did you go to Voinjama before the
23 invasion or after the invasion?

24 A. I went to Voinjama after the invasion. I went to Voinjama
16:08:38 25 in October 1991.

26 Q. Can we look at paragraph 70, please, of this same
27 statement. Same interview. Same notes from the same series of
28 interviews. This is paragraph 70. Mr Smythe, listen carefully.
29 It is written there in paragraph 70:

1 "W was not aware of anyone being trained for a mission in
2 SL during the time he was in Gbarnga and used to frequent Camp
3 Naama."

4 Here is what they record you as saying, Mr Smythe:

16:09:30 5 "When asked about the meeting in Voinjama right before FS
6 launched the revolution in SL, W said he did not know about such
7 a thing."

8 The "FS" in that statement, the part that says "when asked
9 about a meeting in Voinjama right before FS launched the
16:09:50 10 revolution", who is that referring to?

11 A. Foday Sankoh.

12 Q. And where it says "launched the revolution in SL", the "SL"
13 refers to what?

14 A. Sierra Leone.

16:10:00 15 Q. And where it says "W said he did not know about such a
16 thing", who is it referring to?

17 A. "W" means the witness.

18 Q. Is that yourself?

19 A. Yes, that's correct.

16:10:11 20 Q. Thank you. Yesterday you were asked questions by learned
21 counsel opposite regarding NPFL checkpoints. Mr Smythe, do you
22 recall answering questions yesterday about NPFL checkpoints?

23 A. Yes, I think I recall, yes.

24 Q. Do you recall counsel opposite asking you towards the end
16:10:52 25 of the day about a response to you that statements concerning
26 skulls at checkpoints were funny. You used the word "funny" in
27 your response. Do you recall saying that?

28 A. Yes, I do.

29 Q. What did you mean when you said funny? Is it something to

1 I laugh about that you meant?

2 A. Yes, definitely, because, you know, I would not imagine
3 somebody using human skulls as a gate or as a checkpoint, you
4 know. So that's why, you know, it sounds funny to me.

16:11:24 5 Q. When you say "it sounds funny", is that the same thing as
6 strange?

7 A. Yes, definitely.

8 Q. Is that the same thing as unusual?

9 MR KOUMJIAN: Counsel is leading the witness and suggesting
16:11:37 10 even the words.

11 PRESIDING JUDGE: Mr Anyah, the witness has amply explained
12 what he meant.

13 MR ANYAH: Okay. Very well. I'll leave that:

14 Q. Now, a few more topics from the cross-examination. You
16:12:01 15 were asked questions about your nationality and Liberian
16 citizenship. This was on Friday last, the 26th. In particular,
17 you were shown MFI-303B and you were asked whether you took an
18 oath to become a Liberian citizen. Mr Smythe, as you sit there
19 now, can you tell us if you know whether Liberia authorises dual
16:12:27 20 citizenship?

21 A. Liberia, yes, allowed dual citizenship, yes.

22 Q. Can a Gambian also be --

23 MR KOUMJIAN: Well, I withdraw. I'll sit down.

24 PRESIDING JUDGE: Please continue.

16:12:44 25 MR ANYAH:

26 Q. Can someone who is a Gambian by birth simultaneously retain
27 a Gambian citizenship and also acquire citizenship in Liberia?

28 A. Yes, that's possible.

29 MR KOUMJIAN: I would object now. Counsel is asking the

1 witness for a legal opinion, which I think is directly
2 contradicted by the law that we've read.

3 MR ANYAH: Well, Madam President --

4 MR KOUMJIAN: And the witness is not in a position to give
16:13:05 5 a legal opinion about whether Liberia allows dual citizenship.

6 MR ANYAH: Madam President, the Prosecution can't have it
7 both ways. You can't put a Statute to the witness and ask him
8 questions about the Statute. He is not a lawyer. And then you
9 say the Defence cannot ask him questions about matters that are
16:13:23 10 in most environments matters of common knowledge, whether a
11 country allows dual citizenship. He doesn't have to be
12 specialised in any way to be able to answer that.

13 PRESIDING JUDGE: [Microphone not activated]. I've not
14 permitted Mr Koumjian to argue further because I don't think that
16:13:47 15 you are arguing on a point of law. Are you? No. It's further
16 submissions, right?

17 Now, in my view, if I recall, the matter that was raised in
18 cross-examination was when the constitution was put before the
19 witness and I think a provision was read that required allegiance
16:14:10 20 to Liberia - total allegiance to Liberia, the implication being
21 that he could not remain a Gambian as he had testified and at the
22 same time hold allegiance to Liberia. Now, the question now
23 asked in cross-examination - re-examination goes directly to that
24 issue and, in my view, is quite permissible and I think the
16:14:38 25 witness has answered to the best of his knowledge. So I overrule
26 the objection.

27 MR ANYAH: Thank you, Madam President:

28 Q. Mr Smythe, when you became a Liberian citizen, did you - is
29 there an objection?

1 MR KOUMJIAN: Yes, your Honour. The witness testified -
2 excuse me, I withdraw the objection. I forgot something. The
3 witness testified he was not a Gambian. I was thinking - he did
4 not testify he was not a Liberian. I withdraw the objection.

16:15:13

5 MR ANYAH:

6 Q. Mr Smythe, when you acquired your Liberian citizenship, did
7 you renounce your Gambian citizenship?

8 A. When I was taking an oath, you know, the law requires that
9 I should do that.

16:15:28

10 PRESIDING JUDGE: Did you renounce your Gambian
11 citizenship?

12 THE WITNESS: When I was taking the oath, yes, I did.

13 MR ANYAH:

14 Q. Did you say at that time you are no longer a Gambian
15 citizen?

16:15:39

16 A. I didn't say I was no longer a Gambian citizen, but at that
17 point I have to renounce the Gambian citizenship to be a
18 Liberian.

19 Q. As you sit there now, do you consider yourself a Gambian
20 national?

16:15:51

21 A. I don't know because I have no documentation that makes me
22 a Gambian national. I know I was born there, but I have no
23 documentation that would prove I'm a Gambian. I'm a Liberian.

24 PRESIDING JUDGE: Mr Witness, explain this to me, which in
16:16:06 25 my opinion sounds contradictory. You answered, "I didn't" - when
26 the question was put to you, "Did you say at that time you are no
27 longer a Gambian citizen," and you answer, "I didn't say I was no
28 longer a Gambian citizen, but at that point I have to renounce
29 the Gambian citizenship to be a Liberian."

1 THE WITNESS: No. Maybe that was --

2 PRESIDING JUDGE: So what do you mean? Did you or did you
3 not renounce?

4 THE WITNESS: I renounced Gambian citizenship. I did.

16:16:36

5 MR ANYAH:

6 Q. Thank you, Mr Witness. You were asked questions on Friday
7 last about somebody called Baba Jobe. Do you remember that?

8 A. That's correct.

9 Q. Who is Baba Jobe, if you know?

16:16:50

10 A. Baba Jobe is a Gambian.

11 Q. When did you first encounter that name?

12 A. Baba Jobe, that's when I went to Libya.

13 Q. Did you meet that person in Libya?

14 A. Yes, I met him.

16:17:00

15 Q. Was that person at the time you met him a member of SOFA?

16 A. No. He was a member of MOJA at the time I met him.

17 Q. Was that person at the time you met him a member of the Al
18 Fateh University?

19 A. Yes. He was a student at the Al Fateh University.

16:17:15

20 Q. To the best of your knowledge, was that person ever trained
21 militarily in Libya when you were there?

22 A. When I was there, I never saw him undergo any training.

23 Q. To the best of your knowledge, was that person in any way,
24 shape or form associated with the NPFL when you were in Liberia?

16:17:30

25 A. No, I never know him to be associated with the NPFL while I
26 was in Liberia.

27 Q. To the best your knowledge, was that person, during the
28 period of time from 1990 from when you joined or associated with
29 the NPFL up until the Council of State years, in the company of

1 Charles Taylor?

2 A. No, he was never - I never saw him in the company of
3 Charles Taylor during those period.

4 Q. You said this Baba Jobe is currently in prison?

16:17:56 5 A. Yes. I learned from the news that, you know, he was
6 sentenced. He is in prison.

7 Q. In which country is he in prison?

8 A. In The Gambia.

9 Q. And do you know for what?

16:18:07 10 A. I learned, you know, he was managing a company, YDE. I
11 think it stands for Youth Development Enterprise. He
12 misappropriated some funds, so he was audited, sent to Court,
13 found guilty and sentenced.

14 Q. Do you know whether Baba Jobe has any connection with His
16:18:27 15 Excellency Yahya Jammeh current President of The Gambia?

16 A. What time are you referring to?

17 Q. At any time do you know whether those two had any kind of
18 relationship?

19 A. Yes. At the time, yes, when he would serve as YDE - head
16:18:40 20 of the YDE, yes, he had - he worked with President Jammeh.

21 Q. Thank you. You were asked questions also on the 26th
22 regarding why you decided to help Charles Taylor. Do you
23 remember that?

24 A. That's correct.

16:19:06 25 Q. Was it your personal decision to go to Liberia to help
26 Charles Taylor, Mr Smythe?

27 A. It wasn't my personal decision.

28 Q. To the best of your knowledge, the other Gambians who went
29 there with you, including the first two who went before you went,

1 Lamin Campaore and Domingo Ramos, was it their individual choice
2 to go and help Charles Taylor in Liberia?

3 A. You know, it wasn't their individual choice.

4 Q. How was that decision arrived at, if you know?

16:19:34 5 A. That decision was arrived at, you know, in a meeting that
6 we had within our group and decided that, you know, we should go
7 and help Mr Taylor.

8 Q. And who was the leader during that meeting or meetings with
9 your group?

16:19:46 10 A. Dr Manneh was the leader.

11 Q. And for what - what was the reason you were going to help
12 Charles Taylor?

13 A. We were going to help him to provide security for him.

14 Q. Have you had heard the name Julie Falcul ty,

16:20:16 15 F-A-L-C-U-L-T-Y?

16 A. Are you pronouncing it properly?

17 Q. Mr Smythe, have you ever heard of someone called Teah
18 Falcul ty?

19 A. Teah Falcul ty, yes.

16:21:02 20 Q. Who is Teah Falcul ty?

21 A. Teah Falcul ty was a member of the NPFL. He later on became
22 NPFL representative at the I think Transitional Legislative
23 Assembly, yes.

24 Q. For the record, Teah is T-E-A-H; Falcul ty is

16:21:22 25 F-A-L-C-U-L-T-Y. Do you know who his wife was, Teah Falcul ty?

26 A. Yes, I knew his wife.

27 Q. And what is her name?

28 A. Her name was Julie Falcul ty.

29 Q. Was she in any way employed by Mr Taylor during the period

1 of time you were with him?

2 A. Whether she was employed?

3 Q. Yes.

4 A. Julie at one point, yes, served - yes, he was employed. I
16:21:47 5 don't know which capacity, but, yes, he was employed, yes.

6 Q. When you say "he" you mean "she"?

7 A. I mean she.

8 Q. Do you know who operated Mr Taylor's satellite telephones?

9 A. Yes. At the time, that's what I'm trying to recollect, you
16:22:00 10 know, yes, she was - I think she was assigned, you know, to that
11 position - to operate satellite telephones, yes.

12 Q. When was that?

13 A. I think that was before Mr Taylor became President, I
14 think. Even - yeah, I think - yeah.

16:22:15 15 PRESIDING JUDGE: Mr --

16 MR KOUJIAN: The line of questioning seems to be beyond
17 the cross-examination.

18 PRESIDING JUDGE: I've been indulging you, Mr Anyah,
19 wondering where there is leading. Is this anything that arose in
16:22:29 20 cross-examination?

21 MR ANYAH: Yes.

22 PRESIDING JUDGE: How?

23 MR ANYAH: There was a question asked on 1 March about a
24 lady called Memunatu Dean by Mr Koumjian, I learned counsel
16:22:39 25 opposite, and the witness was asked about Mr Taylor's satellite
26 phones and whether the earlier versions of such phones were as
27 big as an umbrella, something to that effect.

28 PRESIDING JUDGE: What does that have to do with this
29 individual - these two individuals that you are now asking the

1 witness about?

2 MR ANYAH: Well, I could - I don't wish to lead the
3 witness, but I do have a basis for asking and it wouldn't take
4 one or two more questions.

16:23:15 5 PRESIDING JUDGE: Then please get to the basis that is
6 related to the cross-examination. Not something beyond.

7 MR ANYAH: I appreciate that:

8 Q. Mr Smythe, in relation to Mr Taylor's satellite telephones,
9 at any point in time to your knowledge were radio operators the
16:23:33 10 ones who operated that satellite telephone?

11 A. No, I'm not aware of radio operators operating that
12 satellite telephone, no.

13 Q. Who, if anyone, was responsible for operating Mr Taylor's
14 satellite telephone?

16:23:46 15 A. I said - I said Julie Falculty was one time operating
16 Mr Taylor's satellite phone.

17 Q. Was she the only one you recall who operated Mr Taylor's
18 satellite phone?

19 A. Yes, that's the one I can - she is the only one I can
16:23:59 20 recall, yes.

21 Q. Thank you. You were asked about the 31 October incident in
22 1996 during which General Jackson died. Do you remember being
23 asked questions about that?

24 A. That's correct.

16:24:25 25 Q. In particular you were asked about whether Mr Taylor moved
26 back to Gbarnga after that incident?

27 A. That's correct.

28 Q. You told us last week at pages 35667 through 35668 of the
29 transcript, and also at page 35659, that from July 1991 to 1995

1 you were in Gbarnga with President Taylor. Do you recall telling
2 us that?

3 A. Yes, I do.

16:25:20

4 Q. On 23 February at page 35815 through 35816 you said it was
5 in September 1995 that you moved --

6 PRESIDING JUDGE: Mr Koumjian?

7 MR KOUMJIAN: Your Honour, counsel is now going back to the
8 direct examination and going over the direct examination with the
9 witness. That's not the purpose of re-direct.

16:25:35

10 MR ANYAH: I have to lay the groundwork. Issues were
11 raised in cross-examination about whether Mr Taylor moved back to
12 Gbarnga. I have to establish when he first --

13 PRESIDING JUDGE: No, you don't have to, Mr Anyah, because
14 that may now go into leading the witness again into the answer
15 that you want him to give you. If there's an issue that arose in
16 cross-examination, go directly to it. There is no need to lay
17 any further foundation, in my view and ruling.

16:25:53

18 MR ANYAH: Very well:

19 Q. Mr Smythe, after the death of General Jackson, are you
20 aware of Mr Taylor moving back to stay permanently in Gbarnga?

16:26:11

21 A. No, I was not aware of Mr Taylor moving back to stay
22 permanently in Gbarnga.

23 Q. At any point in time during the Council of State years to
24 your knowledge did Mr Taylor relocate the NPFL headquarters to
25 Gbarnga - sorry, the NPFL headquarters to Gbarnga?

16:26:29

26 A. You mean to relocate the NPFL headquarters to Gbarnga?

27 Q. Yes.

28 A. No, I'm not aware of that.

29 Q. Did you physically move with Mr Taylor to take up residence

1 in Gbarnga after the death of General Jackson?

2 A. No, I didn't move to Gbarnga physically with Mr Taylor to
3 stay there.

16:26:53

4 Q. Where was Mr Taylor's residence after the death of General
5 Jackson?

6 A. His residence was in Monrovia.

7 Q. When his residence was in Monrovia during that period of
8 time after the death of General Jackson were there occasions when
9 you accompanied him to Gbarnga?

16:27:07

10 MR KOUMJIAN: Objection. Counsel is leading the witness
11 and suggesting answers. The witness clearly said that they moved
12 to Gbarnga after the death of General Jackson. Charles Taylor
13 went to Gbarnga after the death of General Jackson. Now counsel
14 is trying to suggest an explanation for that testimony in
15 cross-examination.

16:27:22

16 MR ANYAH: I can explore the issue further. This is
17 unnecessary interruption. I mean, look, the question I posed,
18 this is the question I posed. The question I posed to the
19 witness was, "When his residence was in Monrovia after that
20 period of time after the death of General Jackson were there
21 occasions when you accompanied him to Gbarnga?" There might be
22 occasions, there might not be occasions. How am I suggesting the
23 answer the witness should give?

16:27:35

24 PRESIDING JUDGE: The objection is overruled. The question
25 is admissible.

16:27:51

26 MR ANYAH:

27 Q. Mr Smythe, can you answer that question? After the death
28 of General Jackson were there occasions when you accompanied
29 Mr Taylor on visits to Gbarnga?

1 A. Yes, there were occasions I accompanied him on visits to
2 Gbarnga.

3 JUDGE DOHERTY: Mr Anyah, before you move off the subject I
4 may have misheard but I thought you asked about moving the NPRAG
16:28:17 5 headquarters to Gbarnga.

6 MR ANYAH: I withdrew that and replaced it with the NPFL
7 and it is at my page 175 and I'm using a 12-point font.

8 JUDGE DOHERTY: It is recorded as NPFL.

9 MR ANYAH: Yes, thank you. Madam President, I hear the
16:28:35 10 telephone call regarding the time. I don't know if we have a
11 minute or two I can continue.

12 PRESIDING JUDGE: Do you have any more questions to go?

13 MR ANYAH: I will not finish today. That's apparent.

14 PRESIDING JUDGE: Okay. Then there is no point in pressing
16:28:49 15 on. We shall adjourn to tomorrow at 9 o'clock. Remember
16 tomorrow is a half-day sitting and we start earlier than normal,
17 at 9 o'clock.

18 MR ANYAH: Thank you, Madam President.

19 PRESIDING JUDGE: So, Mr Smythe, your testimony will
16:29:03 20 continue tomorrow. And before the parties depart, there will be
21 the issue of admission of exhibits that were tendered through
22 this witness. Now, Mr Koumjian, you referred to the witness's
23 statement but you didn't ask for it to be marked. Both of you in
24 fact have referred to the statement.

16:29:27 25 MR ANYAH: I intend to ask for it to be marked tomorrow.

26 PRESIDING JUDGE: So then it becomes a Defence statement.
27 It doesn't really matter to me, but we'll mark that tomorrow and,
28 to save time tomorrow, if you could determine which exhibits you
29 wish to object to and prepare your submissions with regard to

1 those.

2 MR ANYAH: Yes, Madam President, very well.

3 PRESIDING JUDGE: That will help. We adjourn until
4 tomorrow at 9.

16:29:56

5 [Whereupon the hearing adjourned at 4.30 p.m.
6 to be reconvened on Wednesday, 3 March 2010 at
7 9.00 a.m.]

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WITNESSES FOR THE DEFENCE:

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