



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 3 DECEMBER 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah

1 Thursday, 3 December 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:32:29 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Nicolas Koumjian and our case manager Maja Dimitrova.

09:33:13 10 PRESIDING JUDGE: Mr Griffiths.

11 MR GRIFFITHS: Good morning, Mr President, your Honours,
12 counsel opposite. For the Defence today, myself Courtenay
13 Griffiths. With me, Mr Morris Anyah of counsel and Ms Haydee
14 Dijkstal.

09:33:26 15 PRESIDING JUDGE: Thank you. Mr Taylor, you are going to
16 be asked some more questions. I will remind you you are still
17 bound by your oath.

18 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

19 [On former affirmation]

09:33:37 20 MS HOLLIS: Mr President, yesterday in court materials were
21 provided to the Defence relating to assets of the accused and the
22 Prosecution is prepared to move forward today using those
23 materials. So that would be the area of cross-examination we
24 would be prepared to move forward with at this time, using the
09:33:57 25 materials that were disclosed yesterday.

26 PRESIDING JUDGE: All right. They had not been disclosed
27 up until yesterday when we ruled that they had material in them
28 that goes to the guilt of the accused.

29 Now, Mr Griffiths, you have only been served yesterday. I

1 will hear you on the use of those documents today.

2 MR GRIFFITHS: Mr President, it seems to us that the
3 initial question which your Honours must decide is whether there
4 are exceptional circumstances here which justify the deployment
09:34:43 5 of this material.

6 PRESIDING JUDGE: Well, I didn't really want to hear you on
7 that aspect because the onus is on the Prosecution to establish
8 exceptional circumstances. You can get a chance to reply to
9 that.

09:34:59 10 MR GRIFFITHS: Well, the only practical difficulty,
11 your Honour, is this: Yes, we were provided with the material
12 yesterday. There is, or there was, quite a large amount of that
13 material and in the time available yesterday I haven't had an
14 opportunity of consulting with Mr Taylor as to the contents of
09:35:20 15 it. So there is that practical problem.

16 PRESIDING JUDGE: We are dealing specifically now with
17 those documents that Ms Hollis has just described that go to the
18 financial aspects. What sort of time are you asking for to be
19 ready to deal with that matter?

09:35:41 20 MR GRIFFITHS: Well, it's very difficult to estimate,
21 Mr President, but I believe I would need at least an hour or so
22 to consult with Mr Taylor on it.

23 PRESIDING JUDGE: Thank you, Mr Griffiths. Yes, Ms Hollis,
24 do you want to reply to any of that?

09:36:04 25 MS HOLLIS: We think an hour is a reasonable time for them
26 to use to consult.

27 PRESIDING JUDGE: Yes. I will just confer.

28 [Trial Chamber conferred]

29 PRESIDING JUDGE: We take into account that the documents

1 in question should have been served in compliance with our order
2 and not attempted to be used in court yesterday. But, in any
3 event, we find that an hour is a reasonable time, Mr Griffiths,
4 and we will grant that application.

09:37:18 5 MR GRIFFITHS: I am grateful.

6 PRESIDING JUDGE: I am just wondering, Mr Koumjian had an
7 area of cross-examination that he didn't get a chance to finish
8 yesterday. Could that be completed before we have any
9 adjournment?

09:37:34 10 MS HOLLIS: That could be completed.

11 PRESIDING JUDGE: That is if it's intended to be completed
12 or if he wants to leave it there.

13 MS HOLLIS: We had determined that we would come back to
14 that at a later time, but if your Honours instruct we can
09:37:45 15 complete that at this time.

16 PRESIDING JUDGE: Well, tell me, who is going to handle the
17 cross-examination in relation to the financial aspects?

18 MS HOLLIS: That will be Mr Koumjian.

19 PRESIDING JUDGE: I see. All right. In that case, if
09:38:15 20 Mr Koumjian is carrying on with not only the financial aspects
21 but the matter that he broached yesterday afternoon, I think we
22 will take the adjournment now and give you a chance to confer
23 with Mr Taylor.

24 MR GRIFFITHS: I'm grateful.

09:38:32 25 PRESIDING JUDGE: So we will adjourn until, say, 10.45.

26 [Break taken at 9.38 a.m.]

27 [Upon resuming at 10.33 a.m.]

28 PRESIDING JUDGE: Both counsel are on their feet. Yes,
29 Ms Hollis.

1 MS HOLLIS: I am simply here to note that we have been
2 joined by Kathryn.

3 PRESIDING JUDGE: Thank you.

4 Yes, Mr Griffiths.

10:35:18 5 MR GRIFFITHS: Mr President, I am sorry to announce that
6 whereas we were anxious that the proceedings not be interrupted
7 and thought at first blush that it would be possible for us to
8 continue, with the best will in the world it has become clear to
9 us that the one hour I requested would be totally inadequate.

10:35:46 10 Now, it's important that we put this into some kind of
11 perspective, Mr President, because until Ms Hollis announced at
12 or about 9.36 this morning that the topic for today's
13 cross-examination would revolve around the financial documents
14 handed to us yesterday, that was the first indication we were
10:36:15 15 given that this somewhat meaty bundle of papers would be the
16 topic of cross-examination today.

17 Now, your Honours will recall that when this bundle was
18 first produced yesterday, it was introduced on the basis that
19 this material was impeachment material only and that it went
10:36:43 20 solely to that issue. However, upon further cursory examination
21 it became immediately obvious that the material contained in the
22 bundle also contained evidence probative of the defendant's
23 guilt, and as a consequence, at page 32909 of the transcript from
24 yesterday your Honours - in our submission, quite properly -
10:37:16 25 decided that Mr Koumjian could not cross-examine on the contents
26 of this bundle yesterday.

27 Now, at no stage yesterday or, indeed, upon arrival at
28 Court this morning was it intimated to us that despite that
29 ruling yesterday, this material would be the subject matter of

1 cross-examination today. It raises an important issue, because
2 in the absence of what I will style as a disclosure regime, and
3 no indication having been given yesterday that today's
4 cross-examination would proceed on the basis of these documents,
10:38:09 5 it puts us on the Defence side of the courtroom at a severe and
6 serious disadvantage. Because, importantly, Mr Taylor was not
7 yesterday begin a bundle of these documents, so he had no
8 opportunity to read them. Neither did we, in light of the
9 decision yesterday - reported at page 32909 - in anticipation
10:38:41 10 read this material overnight.

11 Now having looked at it in a little more detail, it's clear
12 that it contains detailed banking documents, much of which I do
13 not understand, and consequently I am not in a position, as I
14 should be, given the regime put in place by your Honours, to
10:39:05 15 advise Mr Taylor as to this material. I am not a banking expert,
16 and there are almost 50 pages of bank statements among other
17 items contained in the bundle. I will come back to that in a
18 moment. Because the material comprises a United Nations panel of
19 experts report dated 2006 which runs to some 50 pages. In
10:39:38 20 addition, as I have already indicated, there are over 40 pages of
21 bank statements - detailed bank statements.

22 Furthermore, there are details also contained in the bundle
23 of bank accounts used for fundraising purposes by the Association
24 for the Legal Defence of Charles Ghankay Taylor. On the face of
10:40:05 25 it, there appears to be no connection between any of the banks
26 listed as being associated with that organisation and the
27 Liberian Development Bank, which is the main subject matter of
28 the materials contained in this bundle.

29 So what we are looking at here, it would appear on the face

1 of it, more than one parallel strands of financial investigations
2 supposedly implicating this defendant in financial malpractice
3 and corruption. I have already indicated yesterday the clear
4 connection between that suggestion and the suggestion at the core
10:40:52 5 and heart of this Prosecution that this defendant was profiting
6 from minerals - the mineral wealth of Sierra Leone.

7 In addition, also contained in the bundle is the annual
8 report of the UN resident coordinator for the United Nations
9 Development Programme for the year 2000, which is an additional
10:41:19 10 34 pages of material. Now, it's clear from our examination of
11 this bundle that none of this material is fresh evidence in the
12 sense that it has only become available since the close of the
13 Prosecution case. It's quite clear none of this material falls
14 into that category. This was material which must have been
10:41:46 15 available to the Prosecution during the currency of their case.

16 Now, it seems to us that the situation which now arises
17 requires some careful deliberation, because it seems to us
18 imperative that some kind of disclosure regime has to be put in
19 place. Now, your Honours dealt yesterday with the disclosure
10:42:11 20 procedure which should henceforth operate in terms of so-called
21 impeachment material; that it should be provided to us at the
22 beginning of the day in anticipation of the issues which will be
23 covered during cross-examination that day. Page 32883 of
24 yesterday's transcript refers to that order.

10:42:38 25 But also, and more importantly, consistent with
26 your Honours' order contained in the decision provided to us on
27 Tuesday morning, all material probative of guilt should be
28 disclosed forthwith. It has not been. And what, in our
29 submission, is unacceptable and contrary to the decision

1 contained in the written decision we received on Monday is the
2 kind of piecemeal disclosure which is taking place in this
3 particular instance so that a bundle is introduced yesterday,
4 it's just impeachment material. On examination it falls into the
10:43:27 5 second category which should have been disclosed and "forthwith",
6 so that without being given all of the material which should have
7 been disclosed forthwith, we are being told at 9.36 this morning
8 for the first time: Although this falls into the second category
9 and it should have been disclosed forthwith, and although we
10:43:53 10 didn't indicate to you yesterday we were going to use it,
11 nonetheless be prepared now to proceed. In our submission, that
12 is totally unacceptable.

13 And in our submission, it totally undermines the rights of
14 this defendant enshrined in Article 17. In our submission, the
10:44:14 15 Prosecution should be required forthwith to comply with the order
16 contained in that decision. I would like to be given forthwith
17 all of the material which falls into that second category, and
18 thereafter it seems to us in addition that we need to establish a
19 clear procedure for how we deal with the admission of these
10:44:39 20 documents. In our submission, it has been set out clearly in
21 that decision. It will be decided on a case-by-case basis.

22 So consequently, once we have got over the logistical
23 difficulty which we currently have, it will be, in our
24 submission, incumbent upon the Prosecution, consistent with
10:45:04 25 paragraph 27 of your Honours' decision, to show why it is that
26 these documents were not adduced during the currency of the
27 Prosecution case.

28 So what I am suggesting in practical terms is this:
29 Firstly, the Prosecution should be ordered to provide us with any

1 material which falls into the category today, or as soon as
2 possible. Secondly, that so far as any material which falls into
3 that second category is concerned, it will not be disclosed on a
4 piecemeal basis; all such documents should be disclosed together.
10:45:52 5 Thirdly, that in respect of each such document, at the point when
6 the Prosecution seek to deploy it in cross-examination, they
7 should be required to comply with the issues set out by
8 your Honours at paragraph 27 of that decision.

9 It seems to us absent such a regime these proceedings will
10:46:21 10 be subject to the hiccups and hiatuses which have plagued the
11 cross-examination of this man for the last four weeks. For four
12 weeks he has been cross-examined and it's been, bluntly, a
13 stop-start affair. In our submission, that is just not good
14 enough in a case of this gravity where the Prosecution have had
10:46:49 15 in excess of six years to put their case in order. This is just
16 not good enough. In our submission, time is ripe now for proper
17 guidelines to be put in place with which this Prosecution should
18 be required to comply. Those are my submissions.

19 PRESIDING JUDGE: Mr Griffiths, just before you sit down, I
10:47:15 20 am inquiring how many category 2 documents you have been served
21 with apart from those that were produced in court and ordered to
22 be served on you.

23 MR GRIFFITHS: None whatsoever.

24 JUDGE SEBUTINDE: What about those that were ordered to be
10:47:32 25 served on you?

26 MR GRIFFITHS: They have not been served on us.

27 PRESIDING JUDGE: Well, I think you were given copies in
28 court.

29 MR GRIFFITHS: We have given copies of documents in court

1 yesterday, but those, as your Honours will appreciate, were
2 handed out on the basis they were impeachment material alone. So
3 far as the second category, probative of guilt, the decision was
4 that should be disclosed forthwith. That has not been complied
10:48:03 5 with.

6 PRESIDING JUDGE: That is what I was asking you. I am not
7 counting the documents in court because they weren't served
8 forthwith, but how many documents were served forthwith after our
9 order?

10:48:15 10 MR GRIFFITHS: None whatsoever.

11 PRESIDING JUDGE: Yes, Ms Hollis.

12 MS HOLLIS: First of all, in relation to the time required
13 by the Defence, it was the Defence who told you they needed one
14 hour and it was the Defence who initially told you that because
10:48:34 15 of the lack of time they were unable to talk with the accused
16 last night. Now they have changed their assessment of how much
17 time they require. That is not the fault of the Prosecution.

18 Let's look at the timeline on this decision and the
19 requirement to disclose. Tuesday morning we received it while we
10:48:55 20 were in court. We discussed what we understood the requirements
21 to be based on the language in paragraph 27 and (i) and (ii)
22 Tuesday evening when we returned from court. Based on our
23 understanding of our requirements, I spent yesterday determining
24 what evidence we would rely on in relation to guilt for
10:49:24 25 disclosure.

26 Now as the proceedings advanced yesterday it became very
27 clear that our understanding of the decision was not what
28 your Honours had intended and so based on that the Prosecution
29 made a determination that to ensure that we complied with your

1 order, we are basically going to disclose everything because
2 virtually all of our material in somebody's mind could be
3 probative of guilt, even though the vast majority of that
4 evidence will only be used for us to impeach. That will be the
10:50:03 5 intended purpose of that evidence. So we will disclose all of
6 that.

7 Yesterday we provided materials that were determined to be
8 probative of guilt, so the Defence was on notice that those
9 materials were determined to be probative of guilt. They could
10:50:25 10 have discussed that with the accused last night. They did not do
11 so. To try to put the blame on this to the Prosecution we
12 suggest is not reasonable nor fair. In terms of forthwith, we
13 have basically had Tuesday, Wednesday to determine what we had to
14 disclose, to prepare copies of it with an index and disclose it.

10:50:50 15 We are not in violation of your order to disclose forthwith.
16 Especially in light of the fact that not only the Prosecution but
17 the Defence was unclear as to what was intended by your Honours.
18 Tuesday they were able to raise that with your Honours. We were
19 not able to respond at that time.

10:51:09 20 So now that we understand how your Honours intend this to
21 be carried out we are preparing the disclosure. We will have
22 additional disclosure today, we will have additional disclosure
23 tomorrow and we hope to have all disclosure by Monday or at the
24 latest Tuesday.

10:51:27 25 Given the amount of material we suggest that that is
26 forthwith and we reject any inference that we are being dilatory
27 or not complying in good faith with this decision which we
28 received Tuesday morning.

29 Now, in terms of the procedure, we do understand the

1 implementation and your interpretation of (ii) and that is why we
2 have determined, despite the fact we will not use it for
3 impeachment, we are going to disclose all of our material.

4 So we are complying with your order, we are acting
10:52:04 5 diligently to comply with your order. We are not acting in bad
6 faith and such a suggestion is unfounded and unacceptable. If the
7 Defence needs more time, give them more time but don't try to
8 make it the fault of the Prosecution.

9 PRESIDING JUDGE: Ms Hollis, you made a reference "given
10:52:29 10 the amount of material," how much material are we looking at?

11 MS HOLLIS: We are looking at material for a great number
12 of packages, so we are looking at, I would guess - we had it
13 broken down by packages so I'm not sure but I would guess
14 certainly over 100 documents. And certainly, in terms of the
10:52:53 15 procedure that is required by your Honours in terms of use of
16 fresh evidence that is probative of guilt, the use we have to
17 show interest of justice and it doesn't violate the fair trial
18 rights of the accused. So for the great majority of that our
19 position will be we are using it for impeachment and we didn't
10:53:17 20 put in our case in chief because we are not using it for guilt,
21 nor for most of it do we believe it goes to guilt. Our
22 independent assessment would not be it goes to guilt.

23 In our disclosure we are going to be setting out very
24 clearly what evidence we think we would ask to have you consider
10:53:35 25 for guilt as well and that's a very small amount of evidence.
26 The overwhelming of this evidence is used for one purpose only
27 and that is impeachment arising out of matters this accused
28 brought into issue with his direct examination. We are talking
29 about a considerable number of documents. And, again, we are

1 going to disclose all of it because in somebody's mind somewhere
2 it could be considered probative of guilt even though our only
3 intended purpose is impeachment. So that is our plan of action.

4 PRESIDING JUDGE: How many packages do you estimate?

10:54:15 5 MS HOLLIS: Well, we had broken packages thematically, so I
6 would guess that we had maybe 50 packages. Some small, some
7 larger. I would also point out that the Prosecution did not
8 proceed in any other way because we were relying, and I think
9 appropriately so, on the jurisprudence of this Trial Chamber in
10:54:44 10 relation to the use of materials in cross-examination.

11 Now your Honours have come up with a different decision, we
12 are not disputing that, but we are simply saying for you to
13 understand that we were relying on what we thought was the
14 jurisprudence of this Trial Chamber when we were preparing for
10:54:59 15 cross-examination. Had we thought otherwise, we would have
16 prepared differently.

17 PRESIDING JUDGE: Well, you know, all of these matters are
18 decided on a case-by-case basis, but that particular
19 jurisprudence you are relying on, my memory is that there were 19
10:55:17 20 documents and 15 of them were admitted by consent. There were
21 only four small documents involved, but this case is quite
22 different. We are talking, what, 50 packages, over 100
23 documents. So I wouldn't have fallen back on that decision and
24 equate it with this case.

10:55:37 25 But, in any event, thank you. We were going to -
26 obviously, what's been happening in the cross-examination can't
27 be allowed to continue happening and we are going to have to come
28 up with a procedure that will allow the trial to progress
29 smoothly. Thank you, Ms Hollis.

1 Mr Griffiths, in the instant case, granted before yesterday
2 you were unaware of the nature and the size of these bank records
3 that are being given to you. So what exactly - you need time,
4 obviously. An hour is not - what are you asking for?

10:56:29 5 MR GRIFFITHS: Realistically, I cannot see us being able to
6 recommence, if that is the only topic available, until Monday.

7 PRESIDING JUDGE: I see. Thank you.

8 We are going to adjourn now and we will consider a way
9 forward that will get over the hump of this problem. I would
10:57:02 10 like the parties to consider this the early morning break and we
11 will come back at 12 o'clock.

12 [Break taken at 10.56 a.m.]

13 [Upon resuming at 12.47 p.m.]

14 MS HOLLIS: Mr President, the Prosecution would simply note
12:49:35 15 that Kathryn Howarth is no longer at the Prosecution table.

16 PRESIDING JUDGE: Thank you, Ms Hollis.

17 The Defence today has objected to not being given
18 sufficient notice that the Prosecution intended to proceed with
19 its cross-examination today using a bundle of financial documents
12:50:05 20 which the Prosecution attempted to use in cross-examination
21 yesterday, but which the Trial Chamber ordered to be first served
22 on the Defence.

23 The Trial Chamber has given the Defence one hour this
24 morning to consult with the accused about the documents, but the
12:50:27 25 Defence now finds that it needs more time; at least until Monday
26 morning. Defence counsel states that the documents include,
27 amongst other things, 50 pages of bank statements, a 50-page UN
28 panel of experts' report, and a 34-page report from the UN
29 resident coordinator for the UNDP.

1 The Trial Chamber finds that the Prosecution has given the
2 Defence insufficient time to enable the Defence to study the
3 documents and take instructions from their client. Accordingly,
4 we grant the Defence application in that we will not permit the
12:51:24 5 Prosecution to proceed with its cross-examination using those
6 documents today.

7 However, there is something else that must be said in this
8 regard. Since 11 November 2009, when the Prosecution first
9 indicated to the Court that it intended to use and/or tender a
12:51:51 10 sizable amount of documents containing "fresh evidence" during
11 cross-examination of the accused, that is, new documents that
12 were not part of the original Prosecution case, the smooth
13 running of these proceedings has been hampered by a series of
14 adjournments which, in our view, could have been avoided or at
12:52:16 15 least minimised had the documents in question been disclosed to
16 the Defence in good time. It is regrettable that even after the
17 Trial Chamber issued its order of Monday, 30 November - which was
18 not available to the parties, by the way, until the following
19 morning - directing the Prosecution to disclose the said
12:52:42 20 documents, to date no such documents have been voluntarily
21 disclosed to the Defence. Instead, what we have seen is a
22 piecemeal disclosure of individual documents shortly before their
23 use in Court which demonstrably does not afford Defence counsel
24 adequate time to study the documents and obtain instructions from
12:53:10 25 their client.

26 In the interests of justice and a fair and expeditious
27 trial this cannot be allowed to continue, and the Trial Chamber
28 needs to further set out a disclosure regime that hopefully will
29 avoid a proliferation of adjournments in future. We welcome the

1 undertaking by the Prosecution to serve all documents containing
2 fresh evidence upon the Defence regardless of whether or not they
3 fall in categories 1 or 2 of our decision. As indicated by the
4 Prosecution today, the documents concerned are quite voluminous,
12:53:56 5 that is, about 50 packages totalling over 100 documents.

6 Counsel for the Prosecution has explained that the
7 Prosecution had a different understanding of the Trial Chamber's
8 decision but will now disclose everything to ensure that the
9 order is complied with. Accordingly, we make the following
12:54:26 10 orders:

11 1. Given the Prosecution's undertaking as mentioned above,
12 we order that all such documents be disclosed to the Defence by
13 close of business Tuesday, 8 December;

14 2. The Prosecution shall give the Defence 24 hours notice
12:54:48 15 of the documents they intend to use in cross-examination.

16 Mr Griffiths, I don't know whether those orders are going
17 to impact on your ability now to resume with the
18 cross-examination on those bank documents on Monday morning?

19 MR GRIFFITHS: I anticipate, Mr President, that we should
12:55:24 20 be able to proceed, so far as the bank documents are concerned,
21 on Monday, but of course if it's proposed that the Prosecution
22 will rely upon other documents during the course of Monday, I
23 would like early notice of that.

24 PRESIDING JUDGE: All right. Ms Hollis, I should ask the
12:55:47 25 same question of you about Monday morning in view of your
26 undertaking on disclosure, which I understand will be quite a
27 heavy task, given the amount of documents involved. But would
28 you still be able to go ahead on Monday morning with the
29 cross-examination on the bank documents?

1 MS HOLLIS: Yes, we will, Mr President, and I do want to
2 emphasise for the record that my numbers to you were estimates on
3 my part, because I don't know the total amount of documents. I
4 was estimating the number and packages. But in terms of our
12:56:26 5 disclosure, we have begun that process today. We will be
6 disclosing material today. We will be prepared on Monday to
7 proceed with the bank documents and also other material disclosed
8 today and tomorrow. So, yes, we will be able on Monday to
9 proceed, and we will certainly be able to meet the disclosure
12:56:52 10 obligation that you have given us. We would point out that this
11 disclosure is based on what we know that we need at this time to
12 use in cross-examination, bearing in mind that as the accused
13 testifies, other matters may come up. But this is what we
14 understand right now we will be using, and that's what we will
12:57:13 15 disclose as directed by your Honours.

16 PRESIDING JUDGE: Thank you. If I have not already made it
17 clear, the numbers of documents I have mentioned, we understand
18 them to be estimates only given by the Prosecution.

19 Now I understand that Mr Koumjian had a matter to proceed
12:57:35 20 with today. Is that still the case?

21 MS HOLLIS: There was one matter relating to Black Kadaffa
22 that we had determined as a team we would pursue at a later time.
23 If your Honours wish us to pursue it now, we can do that.

24 PRESIDING JUDGE: Yes. All right. Please proceed now.

12:57:57 25 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

26 Q. Mr Taylor, tell us: How was Oliver Varney executed?

27 A. Based on the - he was executed, from the best of my
28 knowledge, based on the order by the tribunal by firing squad.

29 Q. How was Mr Degbon executed?

1 A. By the same way: Based on the order from the tribunal.

2 Q. Who were the persons - by firing squad? My question is the
3 method?

4 A. That's what I said, firing squad.

12:58:33 5 Q. Who comprised the firing squad, do you know?

6 A. No.

7 Q. What unit did the firing squad come from?

8 A. I do not know.

9 Q. What name did this unit have, do you know?

12:58:43 10 A. No.

11 Q. Mr Taylor, Anthony Mekunagbe, how many days after he was
12 arrested did he die in custody?

13 A. I can't recall right now, but I'm sure he died before the
14 process was completed. I don't know the number of days that he
15 stayed in prison.

12:59:07

16 Q. Where was he when he died?

17 A. In Gbarnga, I said.

18 Q. He was in Lofa when he died, wasn't he?

19 A. He was not. He died in the police cell in Gbarnga where he
20 was being held.

12:59:23

21 Q. Was he held there for weeks, can you say that?

22 A. No, I cannot. I don't know.

23 Q. Well, did you investigate the circumstances of his death in
24 your detention facility in Gbarnga?

12:59:36

25 A. No, I did not personally investigate. I said to this Court
26 on yesterday that I learned that Anthony Mekunagbe died from
27 pneumonia. That's what was told to me. I did not personally
28 investigate.

29 Q. Sir, did you speak to Anthony Mekunagbe when he was in

1 Gbarnga in detention?

2 A. No, I did not.

3 Q. He was very close to you, correct?

4 A. Yes, he was.

13:00:01 5 Q. Did you ask about this plot to kill you and the rest of the
6 leadership?

7 A. No, I did not ask him. That would have shown some favour.
8 There were more than Anthony. The fact that he was with my
9 sister would have shown some degree of bias, so I didn't speak to
13:00:15 10 him.

11 Q. Sir, why didn't you speak to the others, Oliver Varney, he
12 was a Special Forces, correct?

13 A. Yes.

14 Q. Did you ask him about this plot against you and the
13:00:23 15 leadership?

16 A. No, I did not ask him. And, Mr Koumjian, I have told these
17 judges, these people were arrested. They were - I'm not an
18 interrogator. I'm not an investigator. And to remain clear of
19 the process in my position as leader of the NPFL, it was going to
13:00:38 20 be totally out of line to begin to conduct investigation. These
21 investigations were conducted by the people that were authorised
22 to do so at the time and these people were sent to a tribunal
23 where they were represented by counsel. It is not the duty of me
24 as leader to conduct personal investigation. I did not on any
13:00:59 25 level.

26 Q. Mr Taylor, it's your duty to protect the leadership of the
27 NPFL, correct?

28 A. All Liberians, including the leadership, yes.

29 Q. And you told us your own security was something that was

1 very much a concern of you, correct?

2 A. All leaders, yes.

3 Q. No, your security I'm asking about.

4 A. But generally I'm saying all leaders have security
13:01:20 5 concerns, yes.

6 Q. Well, not all leaders have the same security concerns you
7 do, do they?

8 A. Yes. I would say yes.

9 Q. Mr Taylor, you never once went to talk to any of the

13:01:40 10 individuals who you ordered executed because of this supposed
11 plot to learn the dimensions of the plot.

12 A. I did not speak to any of the individuals, Mr Koumjian.

13 Q. Mr Taylor, you said the plan was to ambush you. Where was
14 the plan - where did they plan to ambush you?

13:02:02 15 A. Well, if I remember the testimony that I gave on the
16 records on yesterday, you were asking me specifically about what
17 --

18 Q. Sir, I'm asking you where did they plan to ambush you?

19 A. Well, you have said that I said that they planned to ambush

13:02:15 20 me and I'm trying to tell you that the records reflect something
21 that is a little different from that. Ambush, you asked me a
22 question about what methods and I said probably through an ambush
23 they had planned to launch a simultaneous attack on the
24 leadership of the NPFL. Now you have reduced it to where I said

13:02:35 25 they planned to ambush me. We were discussing the methods and
26 what I said was a probable means. So maybe if we go to the
27 records it will reflect what I'm saying. You are misstating what
28 the record said.

29 Q. Let's go to page 32984 from yesterday. I'll read from the

1 top of the page. Is everyone ready? May I proceed?

2 PRESIDING JUDGE: We don't have it, but you go ahead.

3 Do you want to follow that transcript through as well?

4 MR GRIFFITHS: I'm trying to bring it up [microphone not
13:03:06 5 activated].

6 PRESIDING JUDGE: But perhaps just pause for a moment,
7 Mr Koumjian.

8 MR KOUMJIAN: Your Honour, I hesitate, but I'd like to
9 interrupt to just add something that Ms Hollis, for her - I think
13:03:43 10 because of being humble, did not want to say about - and that is
11 correct - about our efforts or her efforts in particular to
12 comply with your Honours' order. Since Tuesday night when she
13 came back from court, she and other members of the team have been
14 working to at least 10 o'clock at night in order to comply with
13:03:58 15 the disclosure and I just felt it important to state that. We
16 didn't just start today. We've been working - since coming back
17 from court on Tuesday, she and other members of the team have
18 been working very late at night, eating pizzas in the office.

19 PRESIDING JUDGE: All right. Well, you continue with the
13:04:14 20 cross-examination, Mr Koumjian.

21 MR KOUMJIAN: May I proceed now then? Thank you:

22 Q. Sir, I'm reading from page 32984:

23 "What these people were arrested for, they were arrested
24 for holding arms and ammunition in the forest and putting men
13:04:33 25 together, including Sierra Leoneans, to attack the leadership of
26 the NPFL and take over the leadership. Now, military plans vary.
27 I must tell these judges what that they planned to - of course -
28 how does a military plan - ambush and kill. This is what we were
29 told, that we were going to be ambushed and killed, okay."

1 So, Mr Taylor, what was the plan that you were told about
2 how you were going to be ambushed and killed?

13:05:06 3 A. That's why if you go to your question you asked me about
4 the plan and I was explaining to you that the plan was that a
5 military plan - what do military do? They plan to ambush and
6 they plan to kill. That's all - they told us that they were
7 going to place an ambush. Where? I did - I was not told exactly
8 where because that's the - because an ambush is an element of
9 surprise. I don't know where. They didn't tell me where.

13:05:23 10 Q. But, according to you, Oliver Varney confessed. That's how
11 he was executed, based on that evidence. What was the plan --

12 A. What did he confess to?

13 Q. Well, I don't know, Mr Taylor. You're the one that said
14 that he confessed.

13:05:38 15 A. Yes, he confessed to a plan of planning to kill the
16 leadership of the NPFL and take over. That's the plan. Now,
17 that was their plan. How to carry it out was the second part of
18 your question, okay, on yesterday when I said maybe they ambush
19 and kill. So now if you're asking me now to tell you how they
13:06:01 20 planned it or where they planned to execute it, that was not said
21 during his particular confession. His confession was not on the
22 military plan on the details that we would be at this point and
23 ambush. The plan that Oliver agreed to was that they had planned
24 to kill the leadership. That's the plan I'm talking about.

13:06:28 25 Q. Mr Taylor, how did you assure yourself that all of those
26 who planned to ambush and kill the NPFL that were involved in
27 this plot were arrested?

28 A. Mr Koumjian, there is something wrong with leadership. If
29 every leader is going to be the houseboy, the kitchen cook, then

1 he's never going to be a leader. We had an organisation running
2 over there. I was the leader of the NPFL. In order to ensure
3 that all we had to do was to instruct the different - my Defence
4 Minister to use everything to his disposal to make sure that it
13:06:58 5 was investigated. And what they brought to me, like what they
6 bring to most other leaders, is what we go through and we send it
7 to appropriate authorities to deal with it. That's what I did.

8 Q. Mr Taylor, approximately when were the executions carried
9 out? What month and year?

13:07:13 10 A. Well, you know, we've been dipping into month and year.
11 This whole thing started and I made an error on yesterday and you
12 jumped on it. We've been dipping in here. This whole problem
13 started late 1991. Yesterday I made an error and I said late
14 1991, early 1992. So sometimes when these questions are popping
13:07:33 15 up - this whole situation was concluded by 1991 when this whole
16 matter - so I would put that execution to about either late 1991
17 or maybe very early in 1992, because I was in Gbarnga at the
18 time. I don't recall the exact time, but it had to be by the
19 last quarter of 1991 or early 1992.

13:08:02 20 Q. So, Mr Taylor, you acknowledge that yesterday you testified
21 to it being a year later. You testified to different years,
22 correct?

23 A. But of - I'm not going to lie these judges. When I make
24 mistake - I review - listen --

13:08:17 25 Q. Sir, if you can just answer the question yes or no.

26 A. Yes. But I've corrected myself.

27 Q. Thank you. Yes, you've corrected yourself, Mr Taylor,
28 after yesterday. Just before the break, I gave the reference
29 where you earlier had given an earlier date. You had that

1 reference overnight, correct?

2 A. I review the records, yes, and I have a responsibility to
3 tell these judges when I made an error, so if I'm wrong they will
4 tell me that.

13:08:42 5 Q. Mr Taylor, you said that this plot, according to the
6 confessions, originated in Libya. Tell us, what was the
7 circumstances that this originated in Libya? Tell us about these
8 circumstances.

9 A. When you say what were the circumstances, Mr Koumjian, what
13:08:59 10 do you mean?

11 Q. What do you know about this plot in Libya?

12 A. What do I know? Okay. A group, including Cooper Miller,
13 Augustine Wright, Yegbeh Degbon, Oliver Varney, Mekunagbe, one of
14 the other individuals, to an a great extent we accused even at
13:09:32 15 that time Samuel Varney and to a great extent at that time we
16 accused Prince Johnson.

17 Q. Sam Larto?

18 A. In Libya, I'm not sure Sam Larto was one of them. Yes, Sam
19 Larto was one of them. We conducted an investigation in Libya.

13:09:48 20 Q. Timothy Mulibah?

21 A. Yes.

22 Q. What is the tribal --

23 A. Excuse me, I'm still answering your question.

24 Q. Okay. Please complete your answer.

13:09:56 25 A. You asked me about what I know.

26 Q. Yes, please. Sorry.

27 A. These individuals, your Honours, were arrested while they
28 were on the base in Libya on my orders for investigation. During
29 the investigation they said that, yes, they had a plan that they

1 were hatching up, that upon their arrival in Liberia I would be
2 killed because I would have really launched the revolution and
3 they were in the majority and that they would take over from
4 there having used me for the process. What I sought to do at
13:10:39 5 that time, the leaders of that particular gang, Cooper Miller and
6 Augustine Wright, I had removed from Libya and brought to Burkina
7 Faso and asked them to hold them in there.

8 The rest of the people confessed and apologised and said
9 that they were very sorry and they would not carry out any such
13:11:05 10 plan. That's why Prince Johnson and others were not touched.
11 That's the plan that originated in Libya. We investigated them,
12 we arrested them on the base, some of them were kept in MP
13 headquarters, my men, until the full investigation was done.

14 Cooper Miller was then the overall commander of my unit in Libya.
13:11:31 15 He was removed and replaced by General Isaac Musa. That's what
16 happened in Libya.

17 Q. Mr Taylor, they were jailed in Burkina Faso, correct?

18 A. I have just told this Court, I brought them to Burkina Faso
19 and asked them to hold them.

13:11:45 20 Q. Well, hold them, that's what I want to clarify. By hold
21 them they were put in jail in Burkina Faso, correct?

22 A. That could be correct. I don't know what facilities they
23 held them in. I don't know.

24 Q. Under what charge?

13:11:58 25 A. These were my military people that I asked them - I removed
26 them from the scene. We had to keep them because if we had let
27 them go they would have exposed the secrecy of the plan. They
28 were not charged. I asked them to hold them on security grounds.

29 Q. Why, Mr Taylor, would you be worried about the secrecy of a

1 plan against you? Why wouldn't you want to expose that?

13:12:36 2 A. No, I'm sorry. No, you got the plan wrong. I'm talking
3 about the plan for the attack on Liberia. By letting them go,
4 the plan would have leaked. Not the plan to assassinate me. No,
5 you got that wrong.

6 Q. Sir, was there any legal authority, to your knowledge, to
7 hold them in Burkina Faso?

8 A. Well, legal authority, yes. They were in possession of
9 some very serious secrets that at that particular time I felt
13:12:52 10 that it was necessary to ask them to do that.

11 Q. Okay. Now we're talking about the laws, of course, of
12 Burkina Faso and I'm not asking you as a legal expert, but you
13 just said plans, and I presume, to invade Liberia. Did you
14 consider that a secret to Burkina Faso?

13:13:07 15 A. No, no, no. It was not a secret of Burkina Faso, but men
16 that having - having been arrested and taken off the base, their
17 anger, that plan would have gotten to the Liberian government,
18 because they were living in La Cote d'Ivoire. So I was more
19 concerned about the plan leaking to the Liberian government more
13:13:27 20 than Burkina Faso. Burkina Faso was aware.

21 Q. There was absolutely no reason legally to hold them in
22 Burkina Faso. No laws of Burkina Faso had been violated,
23 correct?

24 A. I didn't get into that, Mr Koumjian. I have just told
13:13:44 25 these judges that I asked them to hold them, and they did. As to
26 the legal ramifications, I think that will be something maybe
27 history will look at, but I am admitting that I asked for this to
28 be done in order to save the plan that it would not be leaked to
29 the Liberian government or any other source, and so that's as far

1 as I can go with that.

2 Q. Now, you said at one point - you called the group something
3 like "they". This group of individuals that you named, they all
4 belonged to a certain ethnic - or ethnic groups, correct?

13:14:21 5 A. Yes.

6 Q. They were all from Ni mba County, correct?

7 A. That is correct.

8 Q. So from this point on you were wary of those from Ni mba
9 County, correct?

13:14:33 10 A. No, I would n't say that.

11 Q. Thank you. Now, Mr Taylor, let's look at the situation in
12 Li bya. There were fighters there being trained, is that correct?

13 A. That is correct.

14 Q. Some of these men had previously been soldiers. Some had
13:14:48 15 some fighting experience, like Prince Johnson, correct?

16 A. That's two questions now.

17 Q. Some of them had previously been soldiers, correct?

18 A. Yes.

19 Q. Some of them had fighting experience, correct?

13:14:58 20 A. I don't really - no, they had not - by "fighting" if you
21 mean like direct combat experience, I'm not aware that any of
22 them had combat experience.

23 Q. Some had been involved with Thomas Qui wonkpa, for example,
24 in the 1985 attempt to overthrow Samuel K Doe?

13:15:18 25 A. No, no. The men that we carry, I don't know of any that
26 were involved with Thomas Qui wonkpa. By "involvement", that were
27 trained in Sierra Leone. No, none of those went with me.

28 Q. I'm not talking about trained in Sierra Leone. When Thomas
29 Qui wonkpa - first of all, Thomas Qui wonkpa was admired, and in

1 fact, you could even say, would you agree, loved by many of the
2 soldiers under him?

3 A. Oh, yes, I agree.

4 Q. And that is because soldiers admire and respect those

13:15:50 5 leaders who share the hardships and risks of combat with them,
6 correct?

7 A. I would agree.

8 Q. You are not that kind of leader, correct?

9 A. Incorrect.

13:16:04 10 Q. You don't share the hardships of your soldiers, do you?

11 A. No, but you were talking about soldiers. In the first
12 place, I'm not a soldier; never taken military training. You
13 spoke about soldiers caring for their men; I agree. Now you've
14 put me - I have not, have never been - have never taken military
13:16:23 15 training, so I'm not a soldier.

16 Q. Mr Taylor, please answer my question. I'll repeat it. You
17 do not share the hardships of your soldiers, do you?

18 A. Oh, I do. Oh, I do.

19 Q. You stay behind the lines in your Executive Mansions while
13:16:36 20 you send the young men and women to fight, correct?

21 A. Totally incorrect.

22 Q. Have you been to the front line?

23 A. Totally, totally incorrect.

24 Q. Have you been to the front line, sir?

13:16:47 25 A. You don't have to go to the front line. You say I was
26 hiding.

27 Q. Sir, I asked you a question. Have you been --

28 A. No, but I'm not going to --

29 Q. -- to the front line?

1 A. -- answer your question like that because you made an
2 assertion. Look at your full question. What is your full
3 question [overlapping speakers].

13:17:03 4 Q. The question, sir, I'll read it again: "Have you been to
5 the front line?"

6 A. I have not been to any front line. I'm not a soldier, no.

7 Q. Have you ever been under fire?

8 A. I have not been on the front line but I was under fire
9 because I was on the ground, yes.

13:17:15 10 Q. Was that the time that you were found in the bathroom of
11 the Executive Mansion?

12 A. No, no. I'm talking about during the civil war. Because
13 it was guerilla war, the leader of the NPFL was always under
14 danger because a guerilla unit could infiltrate any area and
15 reach to you. So I was always, always under threat.

13:17:32 16 Q. That's why you stayed behind several layers of security at
17 all times, correct?

18 A. As the leader, my protection was - my protection was very
19 important. I must admit, I was very well protected and would
20 have been stupid if I didn't.

21 Q. Including bringing in foreigners because they weren't
22 likely to do a coup to replace you, correct?

23 A. No. No, you've got that wrong, Mr Koumjian.

24 Q. Isn't that why you brought in the Gambians?

13:18:04 25 A. I brought in the Gambians to help with my security, but not
26 to prevent a coup. The few - the handful of Gambians that came
27 with me - would be foolhardy for anybody to believe that a
28 handful of Gambians could have prevented a coup against me. That
29 would be foolhardy, wouldn't it? That's not what they came.

1 Q. Sir, had you - well, why did they come?

2 A. They came to help to provide some security. But not to
3 prevent a coup, as your question said.

4 Q. Sir, now I understand why you wanted them to come. What
13:18:36 5 did you give them in return for them coming? What was the give
6 back to the Gambians to come and serve as your security?

7 A. Nothing, nothing.

8 Q. Thank you.

9 A. We took care of them, gave them housing, food, some
13:18:51 10 subsistence, but nothing more than that.

11 Q. The people that came included their leader, Dr Manneh,
12 correct?

13 A. That is correct.

14 Q. And you never promised Dr Manneh any assistance?

13:19:04 15 A. Never, ever. All of us were looking for assistance from
16 another source. Never.

17 Q. Instead he sent his men, put them at risk in a foreign
18 country for no reason, just to help you out of friendship, is
19 that right?

13:19:18 20 A. That is true. And he was there personally. You forgot
21 that. He was there.

22 Q. No, I didn't forget that. Dr Manneh himself was with you
23 in Liberia, correct?

24 A. Came to Liberia, that is correct.

13:19:28 25 Q. Serving in what capacity?

26 A. Dr Manneh served in a capacity of something like an
27 academic that went around and did what we would call management
28 counselling in towns, cities, talking to the people to explain
29 what I was doing and why.

1 Q. And what did Foday Sankoh do while he was in Liberia with
2 you?

3 A. Foday Sankoh was never in Liberia at the time. Now what
4 time are you talking about of what he did? What time are you
13:19:58 5 talking about?

6 Q. Sir, why was Oliver Varney's body displayed on the road?

7 A. I don't know that as a fact. I have no idea of that.

8 Q. Coming back to Foday Sankoh, Mr Taylor --

9 A. Yes.

13:20:25 10 Q. -- you had no information about any tie between Foday
11 Sankoh and Black Kadaffa, correct?

12 A. If I had no information?

13 Q. Well, let me just ask it in a positive manner so there's no
14 doubt about your answer.

13:20:41 15 A. Okay.

16 Q. Did you have any information about Foday Sankoh being
17 involved in Black Kadaffa?

18 A. Based on the way that things were looked at, my - our
19 assessment at the time was that --

13:20:59 20 Q. Sir, let me just clarify something. My question is
21 information; not your presumptions, conclusions. The
22 information. Did you get any information in your intelligence
23 reports you've told us about about Foday Sankoh being involved in
24 Black Kadaffa?

13:21:12 25 A. Well, if I may continue. From the - you assess the
26 information. I'm saying from my assessment, which means that
27 information came. From our assessment, I personally linked - I
28 personally linked Foday Sankoh in a way, because the assessment
29 was that the number of Sierra Leoneans that were involved with

1 Black Kadaffa, okay - okay - could not have been done without the
2 knowledge and/or consent of Foday Sankoh, especially when Oliver
3 Varney has said that in fact they had helped - he, Foday Sankoh,
4 and this was Foday Sankoh - they called upon him to help them
13:22:02 5 back. So our assessment at the time, we linked Foday Sankoh with
6 Black Kadaffa.

7 Q. Did you have him arrested?

8 A. No, no, no. He was away in his place. I said we linked
9 him. We did not accuse him, like a lot of other people that we
13:22:19 10 released. But from our assessment we figured that he was
11 involved.

12 Q. Mr Taylor, today you've moved this Black Kadaffa back to
13 late '90, early 1991. So you had every opportunity during what
14 you say are the months you worked with Foday Sankoh to arrest,
13:22:39 15 detain, kill him, or question him, correct?

16 A. Yes, if you look at it that way from the time he did come,
17 but that time had passed.

18 Q. Did you do anything?

19 A. We did not do anything to the Foday Sankoh, the Black
13:22:56 20 Kadaffa people escaped, most of the Sierra Leoneans ran back to
21 Sierra Leone and months after that investigation while it was
22 going on a new situation came up with even if - I can tell you
23 even if Foday Sankoh was linked, the situation of the attack of
24 ULIMO for me was more of an opportunity than to mess around
13:23:17 25 talking about something that had happened months before, Black
26 Kadaffa. Some of these opportunities come up and for me he was
27 more useful being an ally, I mean security, than talking about
28 Black Kadaffa several months before.

29 Q. You're very flexible in opportunistically using individuals

1 when they're to your advantage, correct?

2 A. No, Mr Koumjian, and I see no reason why such could even
3 remotely cross anybody's mind, no.

4 Q. Sir, since you had this information and you had reached
13:23:51 5 this conclusion that some members of the RUF, and correct me if
6 I'm wrong, or some Sierra Leoneans had been involved in a plot to
7 kill you, surely you had every reason to want to gather
8 intelligence about this RUF group, correct?

9 A. Well, listen, let me make - maybe I could even expand it.
13:24:14 10 Not some. Many Sierra Leoneans were involved. Many of them
11 fled. We tried to arrest any if they were available but most of
12 them fled back to Sierra Leone.

13 Q. And you believed Foday Sankoh was involved; you reached
14 that conclusion because they were Sierra Leoneans, correct?

13:24:32 15 A. No, no, I've just said to you for two reasons: The number
16 of Sierra Leoneans, one, and a statement made by Oliver Varney
17 that they had helped Foday Sankoh and they had asked him for help
18 and he had given help. These are the two things I just mentioned
19 a few pages before this before this Court.

13:24:52 20 Q. So knowing this, Mr Taylor, you had every reason to want to
21 place an agent close to Foday Sankoh, correct?

22 A. No, incorrect.

23 Q. In fact Jackson Swarray for example, your former bodyguard,
24 would have been a perfect person to place as a member of Foday
13:25:07 25 Sankoh's bodyguard group, correct?

26 A. No, incorrect.

27 Q. Wouldn't that help you?

28 A. Incorrect. Now let's talk about some time. It's not a
29 matter of him helping me. Let's talk about time. When does

1 Jackson Swarray get involved? Jackson Swarray, if at all,
2 doesn't get involved until after Foday Sankoh comes officially to
3 Liberia. Now your question presupposes the time of the
4 investigation and putting an agent on Foday Sankoh which totally
13:25:34 5 is a misnomer.

6 Q. Well, Mr Taylor, even if for when you say Foday Sankoh
7 comes to Gbarnga, August '91 through May '92, just to remind you
8 of the dates you've given, wouldn't you still have every reason,
9 because of what you have claimed this morning about the
13:25:58 10 information of Black Kadaffa to possible links to Foday Sankoh,
11 to place an agent with him so you would know exactly what he was
12 doing?

13 A. No, I wouldn't place an agent. While Foday Sankoh was in
14 Liberia during that period we provided some means of security for
13:26:16 15 him because he's in a strange place, even though he came with a
16 few men. Those people are trained soldiers, if they observe
17 anything they will report it. But, no, I did not place a spy
18 inside Foday Sankoh's camp. No.

19 Q. Mr Taylor, Jackson Swarray continues to work for you now,
13:26:35 20 doesn't he?

21 A. No.

22 Q. Jackson Swarray, Mr Taylor --

23 A. N-0.

24 Q. -- contacts Prosecution witnesses. Do you have any
13:26:46 25 information about that, sir?

26 A. What information about what, Mr Koumjian?

27 Q. I'm just asking you. Do you have any information about
28 Jackson Swarray contacting people that testified during the
29 Prosecution case?

1 A. No, no. Not one bit. No.

2 Q. Mr Taylor, to your knowledge is Mr Supuwood in contact with
3 Jackson Swarray?

4 A. Not to my knowledge, but if he is he has a right to be and
13:27:09 5 I would be damned if he didn't do it he wouldn't be my lawyer.
6 He would have a right to be in touch with a prospective witness.
7 Then he wouldn't be on this team.

8 MR KOUMJIAN: Your Honour, I believe I've covered this
9 topic unless your Honours have questions, but this would conclude
13:27:39 10 this topic for the Prosecution.

11 PRESIDING JUDGE: All right. Thank you, Mr Koumjian. It
12 would be an appropriate time to break for lunch now but are you
13 going to have topics after lunch?

14 MS HOLLIS: The other topics that we had also involve
13:28:03 15 disclosure, Mr President.

16 PRESIDING JUDGE: Mr Griffiths, it's looking as though in
17 view of those disclosure orders there won't be anything the
18 Prosecution can do this afternoon. Do you have any objection to
19 an adjournment?

13:28:23 20 MR GRIFFITHS: Well, in the circumstances, Mr President,
21 there seems very little that we can do and so consequently it
22 seems that we will now have to adjourn until Monday.

23 PRESIDING JUDGE: This Court then will adjourn until Monday
24 morning. Mr Taylor, I haven't forgotten that there's an order
13:28:51 25 preventing you from discussing your evidence.

26 [Whereupon the hearing adjourned at 1.28 p.m.
27 to be reconvened on Monday, 7 December 2009 at
28 9.30 a.m.]

29

I N D E X

WITNESSES FOR THE DEFENCE:

DANKPANNAH DR CHARLES GHANKAY TAYLOR	32987
CROSS-EXAMINATION BY MR KOUJIAN	33002