



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

MONDAY, 28 JUNE 2010  
9.08 A.M.  
TRIAL

TRIAL CHAMBER II

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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:

Mr Gregory Townsend  
Ms Advera Nsiima Kamuzora  
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis  
Ms Kathryn Howarth  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munday  
Ms Logan Hambrick

1 Monday, 28 June 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.08 a.m.]

09:01:35 5 PRESIDING JUDGE: Good morning. We'll take appearances  
6 first, please.

7 MS HOWARTH: Good morning, Madam President. Good morning,  
8 your Honours. Good morning, counsel opposite. For the  
9 Prosecution this morning, Ms Brenda J Hollis, Ms Maja Dimitrova  
09:09:10 10 and myself Kathryn Howarth.

11 MR MUNYARD: Good morning, Madam President, your Honours,  
12 counsel opposite. For the Defence this morning, myself Terry  
13 Munyard, Logan Hambri ck and Hawi Alot.

14 PRESIDING JUDGE: Thank you. Good morning, Mr Witness. I  
09:09:29 15 remind you that you are still bound by the oath you took to tell  
16 the truth as we continue with cross-examination. Ms Howarth,  
17 please.

18 WITNESS: DCT-190 [On former oath]

19 CROSS-EXAMINATION BY MS HOWARTH: [Continued]

09:09:43 20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. Mr Witness, whilst being involved with the Charles Taylor  
23 Defence team, have you received any payments from the Court?

24 A. Payment?

09:09:56 25 Q. Yes.

26 A. What type of payment?

27 Q. Financial payment.

28 A. For what?

29 Q. Mr Witness, I'm going to put the question again. I don't

1 think it's a particularly difficult question. Whilst being  
2 involved with the Charles Taylor team have you received any  
3 payments from the Court; yes or no?

4 A. No.

09:10:16 5 Q. To avoid any confusion at all, whilst being involved in  
6 this case have you received any compensation from the Court for  
7 anything?

8 A. No.

09:10:36 9 Q. Mr Witness, whilst being a witness in this case has either  
10 yourself or your family received 899,000 Leones worth of money  
11 for medical care?

12 A. Say again.

13 Q. Whilst being a witness in this case, has either yourself or  
14 a member of your family received 899,000 worth of Leones in  
09:10:56 15 respect of medical care?

16 A. Well, I don't know but I was sick because I have a  
17 toothache problem and my daughter was sick and they were taking  
18 care of her but I don't know whether that was the exact bill.

19 Q. So you'll agree that you've received money from this Court  
09:11:12 20 in respect of medical care for both yourself and your daughter?

21 A. Not money per se. I said I was treated. I don't know how  
22 much that treatment cost.

23 MS HOWARTH: I would like, please, for the witness to be  
24 shown a document from the WVS and we do have copies to hand out  
09:11:28 25 to Madam President and your Honours and counsel opposite if they  
26 don't have it:

27 Q. Mr Witness, what you can see in front of you is a document  
28 from the WVS, the Witness and Victims Service, and this is from  
29 Mr Alex Ras who is the senior protection officer with the WVS.

1 It's dated 4 June 2010 and the subject is "Expenses incurred on  
2 DCT-190" which represents yourself. So that's expenses incurred  
3 up to the date of 4 June 2010. So you can see at the top the  
4 first item that's enumerated is medical expenses and there it  
5 shows that 899,000 Leones have been spent either on yourself or  
6 your family in respect of medical care. Correct?

09:13:16

7 A. Well, as I have told you, this is a figure they have shown  
8 me but I was only taken to hospital for treatment, that's all, so  
9 I cannot say whether this figure is correct or not correct.

09:13:35

10 Q. Do you think it's not correct?

11 A. To me? Well, I cannot tell because I was taken just to  
12 hospital and treatment was given to me, drugs were given to me,  
13 my daughter was also in the hospital. So I never checked in the  
14 drugs and the medication, so I cannot say whether it's correct or  
15 not correct because I'm not a medical person.

09:13:50

16 PRESIDING JUDGE: Mr Witness, I'm going to ask you again to  
17 speak slowly because you are not chatting with counsel. You are  
18 giving evidence. It's being recorded by somebody who is  
19 struggling to keep up with you. Please slow down. And,  
20 Ms Howarth, really the witness I think has answered to the best  
21 of his ability relating to his medical expenses.

09:14:07

22 MS HOWARTH:

23 Q. Mr Witness, you've also received there 760,000 Leones in  
24 relation to transportation, haven't you?

09:14:28

25 A. Of course because of the place I am doing my work it is way  
26 back in the suburbs of a southern part of Sierra Leone, so from  
27 there to Freetown is a little bit expensive so I believe that  
28 particular transportation.

29 Q. But you told us you only made one trip to Freetown, didn't

1 you?

2 A. Say again.

3 Q. You only made one trip to Freetown, didn't you?

09:14:52

4 A. I told you I said made two trips to Freetown. Two, not  
5 one. Just crosscheck yourself. Two trips.

6 Q. I have cross-checked myself and you made one trip to  
7 Freetown, so what's the additional trip you are now telling us  
8 about?

09:15:04

9 A. It's the trip that I came and I'm here now. That's the  
10 second trip. It's two trips.

11 Q. You've also received nearly 500,000 leones, the figure is  
12 497,000 leones, in relation to miscellaneous expenses. Do you  
13 see that?

14 A. What do you mean by "miscellaneous expenses"?

09:15:20

15 Q. What do you understand "miscellaneous"? Do you know what  
16 that word means, or not?

17 A. I don't know, that's why I'm asking.

18 Q. Very well. You received 256,000 in relation to attendance  
19 allowance. Do you see that?

09:15:31

20 A. 497,000?

21 Q. No, 256,000. That's the figure below the 497,000.

22 A. And what's that attendance allowance?

23 Q. Mr Witness, that's money that you have received from the  
24 Witness and Victims Service. Are you completely unaware of that  
09:15:54 25 or what it is?

26 A. Completely unaware of attendance allowance. Nobody has  
27 ever given me anything that they called attendance allowance.

28 Q. Really?

29 A. Surely.

1 Q. That's not the truth, is it?

2 A. I don't know.

3 Q. So you are saying the Witness and Victims Service made up  
4 this figure?

09:16:08 5 A. I don't know, but what I do know is they give you  
6 medication, transportation. Then when you are at the centre they  
7 give you money for card and other things. So I don't know  
8 whether that's what they're calling attendance allowance.

9 Q. You are disputing you received anything called attendance  
09:16:26 10 allowance. Is that right?

11 PRESIDING JUDGE: I'm going to ask both of you please to  
12 slow down. You are giving the transcriber considerable  
13 difficulty in keeping up with you. I don't know what the problem  
14 is, why you cannot slow down. Please do.

09:16:42 15 MS HOWARTH: I'll put that last question again:

16 Q. You are disputing that you received anything called  
17 attendance allowance. Is that correct?

18 A. I never heard of this in fact. Only here now, attendance  
19 allowance.

09:16:54 20 Q. Finally there's a figure for accommodation of 360,000  
21 leones. Did you receive that or not?

22 A. That's correct. For my hotel, yes.

23 Q. Now, Mr Witness, you've received in total 2,772,000 leones  
24 whilst you've been a witness in this case, haven't you?

09:17:22 25 A. I have never received that amount of money. So the money  
26 they are claiming is one was given for medication, physically I  
27 never received that amount of money, so I don't see why I will  
28 say I received it. If I received it physically, I will tell you  
29 I've received it.

1 Q. Cast your eye down to the total figure?

2 A. Say again.

3 Q. Cast your eye down to the total figure. Do you see where  
4 it says "total" on that page?

09:17:49 5 A. I have seen it clearly.

6 Q. And the figure there is 2,772,000 Leones?

7 A. That's correct. I'm seeing it.

8 Q. And that figure represents, and I appreciate not  
9 necessarily money that was physically put in your hands in  
09:18:05 10 relation to all of those items, but money that was given to  
11 compensate you or given to you in respect to those items. Do you  
12 dispute that you've received money to the amount of 2,772,000  
13 Leones?

14 A. What I could tell you is very simple. I was doing my  
09:18:24 15 business, so taking me from my business, these are all facilities  
16 and remuneration I'm supposed to enjoy because you expect me --

17 PRESIDING JUDGE: Excuse me, sir, I didn't understand a  
18 word that you are saying. You are eating your words. You are  
19 running with your sentences. Now please start again your answer.

09:18:42 20 THE WITNESS: As I said, I was doing my job. So you will  
21 not expect me to leave my job, pay my way to Freetown, pay my way  
22 back and pay my hotel bills for myself. So, no, if I'm coming to  
23 the Court I mean these are things that I expected them to do. So  
24 if it has accumulated to this, physically I've never received  
09:19:07 25 that amount of money, I don't know.

26 MS HOWARTH:

27 Q. So is your evidence, "No, I never received that amount of  
28 money"?

29 A. I will not deny because physically to say the fact they

1 have spent on my daughter, myself and then my accommodation of  
2 course is correct, but the total figure now is what I'm not too  
3 comfortable with.

09:19:33 4 Q. Mr Witness, when you said at the very start of these  
5 proceedings a moment ago that you had never received any payments  
6 or any compensation from the Court, that was not the truth, was  
7 it?

8 A. But I have told you I've never received any physical money.  
9 What we call receive in Sierra Leone is when you receive  
09:19:50 10 physically. Those are things that they spend on you you don't  
11 even know. They never showed me the hospital bill to me when I  
12 was in Freetown. Nobody ever came to tell me we have spent this  
13 amount of money. No, I'm only seeing this. It's a surprise to  
14 me.

09:20:04 15 Q. Mr Witness, at the end of Friday's proceedings we were  
16 looking for the final time - I should ask for the document to be  
17 marked for identification, please, before I do move to that.

18 PRESIDING JUDGE: I'm not quite sure what MFI we were up to  
19 relating to this - perhaps it will be MFI-1. Right. This is the  
09:20:40 20 record of expenses incurred on DCT-190 dated 4 June 2010. That  
21 is marked MFI-1.

22 Ms Howarth, what document did you want?

23 MS HOWARTH: I was moving to the second witness statement  
24 that we were looking at at the end of the last session and that's  
09:21:17 25 the statement dated 21 October 2009, please:

26 Q. So turning to the last page, which is page 15, we were  
27 looking on the last occasion at the final paragraphs and that's  
28 paragraph 48 and 49. In respect to paragraph 48 I had asked you  
29 who had made you understand better what was happening from



1 Charles Taylor's side and you told the Court that somebody called  
2 Senegalese had made you understand better now what was happening  
3 from Mr Taylor's side. Do you recall giving that evidence?

4 A. Correct.

09:22:26 5 Q. You also explained to the Court that you became a friend of  
6 - with Senegalese and that you used to talk lengthy. Do you  
7 recall saying that?

8 A. That's correct.

9 Q. Given that you became a friend of Senegalese, can you tell  
09:22:47 10 us, please, what is the real name of Senegalese?

11 A. I don't know his real name. That is the name everyone  
12 calls even him in Liberia, they just call him Senegalese.

13 Q. So you're friends and you talk lengthy but you are unable  
14 to help us with the name?

09:23:05 15 A. That's correct. I don't know his real name.

16 Q. Now, can you look please at paragraph 49. You said there  
17 to your Defence lawyers:

18 "Charles Taylor had been the bad guy all of these years.  
19 Now we learn that RUF had not been with Charles Taylor for many  
09:23:29 20 years."

21 Mr Witness, when you said there "now we learn", when you  
22 say "we" who are you referring to, please?

23 A. Say again.

24 Q. I'll repeat myself again. In that sentence you said:

09:23:51 25 "Now we learn that the RUF had not been with Charles Taylor  
26 for many years."

27 When you said "we", who are you referring to?

28 A. Specifically to my own unit that I was with, the Special  
29 Forces. So any time I say "we" I refer strictly to my area of -

1 that I was concentrated on. That is the Special Forces.

2 Q. And, if that's the case, then who informed you or you  
3 Special Forces that the RUF had not been with Charles Taylor for  
4 many years?

09:24:26 5 A. A lot of them I have told you, I said after disarmament and  
6 then we are interacting with most of our colleagues, those who  
7 were on the RUF and the West side Boys, we all come together as  
8 combatants. In fact there's an ex-combatant association. So we  
9 sit together, talk with one another, so you know.

09:24:48 10 Q. What about Senegalese who you mentioned last time? Was it  
11 Senegalese who also informed you that the RUF had not been with  
12 Charles Taylor for many years?

13 A. No, Senegalese only told me about what was happening on  
14 their own side in Liberia. And about the RUF, it was most of the  
09:25:10 15 RUF that told me because they are our colleagues and we sit and  
16 talk together.

17 Q. Now, moving on through that paragraph, at the very last  
18 sentence you say:

19 "What Charles Taylor is accused of we were also doing it on  
09:25:28 20 the other side here with ULIMO, ECOMOG, et cetera."

21 Mr Witness, you appreciate, don't you, that Mr Taylor is  
22 accused of responsibility for crimes involving killing, looting,  
23 recruiting child soldiers, rapes, forced marriages, burning of  
24 property. You appreciate that, don't you?

09:25:52 25 A. I appreciate that.

26 Q. And what you are saying in that sentence --

27 A. No.

28 Q. I haven't finished putting the question yet. What you are  
29 saying in that sentence is that Charles Taylor is responsible for

1 those crimes but you and the forces that you were fighting for  
2 also did the same, isn't it?

3 A. That's not my understanding of what you are trying to say.

4 Q. Well, your words, Mr Witness, is this:

09:26:24 5 "What Charles Taylor is accused of, we were also doing it  
6 on the other side here."

7 So that's exactly what you're saying, isn't it?

8 A. Yes, but if you could underline the word "accused of".

9 Q. Mr Witness, you have been a fighter for about a decade,  
09:26:52 10 haven't you?

11 A. That's correct.

12 Q. And you fought first with ULIMO?

13 A. You are correct.

14 Q. Then with Special Forces?

09:26:58 15 A. You are correct.

16 Q. And then with the LURD?

17 A. That's correct.

18 Q. And it's right, isn't it, that the LURD won the war in  
19 Liberia?

09:27:09 20 A. Say again.

21 Q. The LURD won the war in Liberia, didn't they?

22 A. There was no winner in the war in Liberia because at the  
23 end of the day there was a peacekeeping force on the ground and  
24 then they took control of everything, so there was no winner  
09:27:23 25 specifically.

26 Q. When the war ended members of LURD received jobs in the  
27 transitional government?

28 A. That's correct.

29 Q. But you personally as a fighter received nothing?

1 A. After disarmament they gave us what was due us.

2 Q. And what was that?

3 A. Well, personally if you go through disarmament process and  
4 they process your ID card and the rest of the thing you are  
09:27:49 5 entitled to \$300 and other amenities. But if you say you are not  
6 going for ID card and you just want to do that symbolic  
7 disarmament they give you only 200, so that's what I did.

8 Q. Did you receive a job in the transitional government?

9 A. No.

09:28:04 10 PRESIDING JUDGE: Excuse me, Ms Howarth. Did the witness  
11 say they only give you \$200, or \$300?

12 THE WITNESS: \$200.

13 MS HOWARTH: I don't know if it's possible just to put the  
14 arm down on the projector, please:

09:28:32 15 Q. So you personally didn't receive a job in the transitional  
16 government?

17 A. No.

18 Q. And you didn't receive any job or position at all following  
19 your membership and loyalty to LURD, correct?

09:28:44 20 A. No, that's correct.

21 Q. And in fact you told us on the last occasion that you said  
22 to Senegalese that every other promises that these people made to  
23 us on the LURD side, never one of them materialised. Do you  
24 recall saying that on Friday?

09:29:00 25 A. That's very correct.

26 Q. Now, when the war had finished in Liberia there was another  
27 war that was ongoing in the Ivory Coast, correct?

28 A. That's very correct.

29 Q. And, having a decade of experience as a fighter, it's

1 right, isn't it, that you then joined Charles Taylor's former  
2 forces in the Ivory Coast, didn't you?

3 A. I don't even know the Ivorian border, so that's the whole  
4 thing. I have never been that far.

09:29:31 5 Q. Your previous commander was Senegalese, wasn't it?

6 A. Senegalese is just a colleague that I came to know after  
7 disarmament in Liberia. We've never fought to the same side and  
8 I won't tell you whether - because we only met in Monrovia and at  
9 that time they have already disarmed, so I don't see any reason  
10 why I should go in Ivory Coast.

11 Q. He was your commander, wasn't he?

12 A. He was a friend. Not my commander.

13 Q. Wasn't he your NPFL commander?

14 A. Not one day.

09:30:06 15 Q. Could we look please at the transcript from Friday, 25 June  
16 2010 at page 43532 and I'm going to be at line 20, please. Now,  
17 line 20 after "counter-accusations" it says here you said:

18 "And I was made to understand from one - from my NPFL  
19 commander called Senegalese."

09:31:05 20 So, Mr Witness, on Friday you told us that Senegalese was  
21 your NPFL commander, didn't you?

22 A. Maybe there was a problem from the subscribers there. I  
23 have never been part of the NPFL. That is the first and  
24 foremost. So Senegalese has never been my commander. I have

09:31:20 25 told you the factions I fought with and from ULIMO I've told you  
26 all the way to LURD. So I have no connection whatsoever with  
27 NPFL. I only told you I know Senegalese as an NPFL commander,  
28 not my commander as one NPFL commander. So I prefer you make  
29 that correction.

1 Q. You switched allegiances to Mr Taylor, didn't you,  
2 Mr Witness?

3 A. Not one day.

09:31:48

4 MS HOWARTH: Madam President, I don't have any further  
5 questions for the witness. I haven't, however, asked for the  
6 three statements that I've referred to to be marked for  
7 identification yet and I would ask that they be marked for  
8 identification.

09:32:24

9 PRESIDING JUDGE: The first statement of the witness  
10 DCT-190 dated 6 May 2007 is marked MFI 2.

11 The second statement which is entitled "Additional notes in  
12 respect of DCT-190" dated 21 October 2009, that's marked MFI-3.

13 The third handwritten statement dated 6 June 2010, that is  
14 marked MFI-4.

09:33:06

15 Mr Munyard, any re-examination?

16 MR MUNYARD: I do have some questions, thank you.

17 RE-EXAMINATION BY MR MUNYARD:

09:33:22

18 Q. Mr Witness, I'm now just going to ask you a number of  
19 questions about the matters that were raised with you in  
20 cross-examination by my learned friend on the other side of the  
21 courtroom and I would like to go back first to questions that you  
22 were asked on Friday. For the benefit of the parties and the  
23 Court, I'm looking at the transcript of Friday, 25 June, page  
24 43463, and in particular line 22.

09:34:05

25 Mr Witness, you told the Court on Friday - and indeed you  
26 were referred on Friday in this context to the notes of one of  
27 your interviews on this subject. You told us that there were 400  
28 to 500 Special Forces who had been recruited to go to Guinea. Do  
29 you remember saying that?

1 A. That's correct.

2 Q. Did those forces all go to Guinea in one group? In other  
3 words, 400 to 500 as one lot moving on the one occasion?

4 A. No.

09:34:54 5 Q. How many went at a time?

6 A. Well, if that day we have four or three boats going to  
7 Guinea we will make a list of 40 or 50 to go per day because it  
8 was not easy because there were not enough boats going to Guinea  
9 every now and then. So if we have three boats today we send 50.

09:35:16 10 If we have four - the larger the boats that are leaving for  
11 Guinea the more we send strength.

12 Q. Thank you. Where were they recruited from?

13 A. From Sierra Leone.

14 Q. Were they recruited from one particular place in Sierra

09:35:33 15 Leone or more than one place?

16 A. More than one place.

17 Q. And who was it who was doing that recruitment?

18 A. Well, the recruitment was broad based. We are involved and  
19 we have other agents from other factions that we contacted. Like  
09:35:50 20 from the CDF we have Albert Nallo. He was the contact person for  
21 recruitment in Bo. Then we have Jaygay [phon] who was in Makeni.  
22 He was also contacted for recruitment from RUF.

23 Q. Very well. Thank you. Now on to a different subject,  
24 please. You talked about an attack on Zimmi. You told us - I'm

09:36:29 25 Looking now - again it's Friday's transcript, 25 June, page  
26 43501. There's a long answer that starts at line 17 and I just  
27 want to ask you when you talked on Friday of Zimmi being  
28 attacked, which troops - which - sorry, let me put it this way:  
29 Which fighters was it who attacked Zimmi?

1 A. Zimmi was attacked by the RUF.

2 Q. Very well. Thank you. I'm turning now to another subject  
3 and this is dealt with over a couple of pages of Friday's

4 transcript, but I'm looking in particular at page 43516 of the

09:37:29 5 transcript of 25 June 2010. You were referred there to paragraph

6 - in fact, you were referred there to just one line of paragraph

7 6 of the second set of notes of an interview with you on 21

8 October 2009, which is MFI-3, and you were asked about that first

9 sentence. And I would like you, please, to be shown MFI-3 so

09:38:06 10 that we can see this in context. It's page 3 that's the relevant

11 page on which paragraph 6 is printed. It's the last paragraph on

12 that page. I want to take you through what you said about ULIMO

13 in that paragraph, given that you were only ever asked about that

14 first line:

09:39:26 15 "Honestly, ULIMO did not loot and kill civilians. The SLA

16 failed to protect the country properly. They were ill equipped

17 initially but when ULIMO started making ground and we used to

18 grumble about ambushes - we were fighting more like a guerilla

19 army. There were petty ambushes by RUF - we fought like any

09:39:52 20 rag-tag army, making lots of noise, et cetera. RUF used to look

21 for a soft target, which was the SLA. SLA accused ULIMO of

22 ambushing SLA personnel. Whenever SLA suffered casualties there

23 was accusation of killings of civilians. There were units that

24 were loose within both SLA and ULIMO. Of course it happened a

09:40:24 25 lot but often soldiers were booked for those offences and

26 dismissed. We needed civilian support for intelligence and food

27 actually. When we took larger towns, we could not tell who was a

28 fighter and who was a civilian so things used to happen.

29 Fighters used to take opium, alcohol, et cetera, before these



1 'suicide missions'. Free Kallah used to keep a close eye on  
2 civilian deaths - he was conscious that the international  
3 community was watching and of the Geneva Convention."

09:41:13 4 Now, go back to the middle of that paragraph, please, where  
5 you are recorded as saying, "There were units that were loose  
6 within both SLA and ULIMO. Of course it happened a lot." What  
7 did you mean by there were units that were loose within both the  
8 Sierra Leone Army and your force, ULIMO?

09:41:38 9 A. Because the army was poorly equipped initially at that time  
10 and then they were not having the type of support they needed to  
11 counter the vigorous advance of the RUF, they resorted to a lot  
12 of ways of - I mean assisting themselves. There was people in  
13 the military that were behaving just like rebels, they  
14 themselves. They will enter towns in the night. At least if we  
09:42:06 15 were cut off like for four or five days with no food they will  
16 say, "Let's go on a food mission, food-finding mission." Then  
17 they will put a company - a platoon together and start razing  
18 villages. They will enter village, open fire, when civilians run  
19 away they loot and those types of things. It was happening on  
09:42:22 20 both the SLA and --

21 Q. Slow down, please. It was happening in both the SLA and  
22 you started to say?

23 A. ULIMO also. We are all doing it and then we particularly  
24 were not paid, ULIMO at that time. We were just given few  
09:42:40 25 stipends to upkeep us.

26 Q. You also said here, "When we took larger towns we could not  
27 tell who was a fighter and who was a civilian. So things used to  
28 happen." What things used to happen?

29 A. Most often you know in Africa, most often we fight blind

1 wars. You take towns, most of the time we attacked those major  
2 towns in the morning around 4, 5, 6. So in those incidences when  
3 the enemies are in the town and they draw their firepower you  
4 engage them in those towns. But by the time the dust is clear in  
09:43:23 5 the morning you realise that a lot of things have already  
6 happened. You have casualties that you would not imagine would  
7 happen. Like for instance in Tongo when we attacked Tongo  
8 together with ECOMOG there was a lot of mortar shelling and by  
9 the time we took Tongo in the morning there was that huge amount  
09:43:40 10 of deaths.

11 Q. Of deaths of whom?

12 A. Civilians.

13 Q. Thank you. You also added, "Fighters used to take opium,  
14 alcohol, et cetera, before these suicide missions." What was the  
09:43:58 15 effect on fighters of their taking opium and alcohol, et cetera?

16 A. That's why I told you, I say at times they go loose,  
17 because when you are in the front line, that's what we used to  
18 call morale booster. Nobody checks you; nobody controls you.  
19 You need to get opium that will keep you high - I mean, to keep  
09:44:18 20 you moving and keep you, I mean, a little bit agile, because  
21 being on the front line you know you are between life and death.  
22 So those are the only things that encourage you to stay on the  
23 front line.

24 Q. Thank you. Another topic now, please. Again the  
09:44:34 25 transcript of Friday, 25 June 2010. Now I'm looking at page  
26 43521. This is Madam President citing a reference to paragraph  
27 44 of that same set of notes MFI-3. Could we turn to paragraph  
28 44, please. It's on page 14.

29 Now, do you see there, it says:

1 "Mosquito Spray - was the name of the operation but also  
2 the name of the LURD commander who crossed from Guinea on the  
3 first LURD operation but it failed."

4 When was the first LURD operation which failed?

09:45:54 5 A. Say again.

6 Q. When was the first LURD operation, the one you say here  
7 that failed?

8 A. What I was trying to say there is that Mosquito Spray later  
9 became a commander in LURD. But before joining LURD, they have  
09:46:13 10 already launched that attack from the Guinean side and that  
11 operation failed. So the only way now, they are depending on the  
12 strength that we are coming from Sierra Leone for another  
13 incursion.

14 Q. Was LURD already formed by the time of the operation  
09:46:33 15 Mosquito Spray?

16 A. No, LURD was not yet formed at that time.

17 PRESIDING JUDGE: Mr Munyard, did the witness really answer  
18 your question when you asked when was the first LURD operation?

19 MR MUNYARD: That's exactly what I'm coming around to now,  
09:46:48 20 Madam President, because I've just asked was LURD formed at the  
21 time of Mosquito Spray. He said no. And I'm now hoping we're  
22 going to get some better time frame for the first LURD operation.

23 PRESIDING JUDGE: Secondly, is the witness now saying that  
24 there was a commander called Mosquito Spray? Because he says,  
09:47:10 25 "Mosquito Spray later became a commander in LURD." Mr Witness,  
26 is that what you are saying?

27 THE WITNESS: I have told you the commander of that  
28 operation was Prince Cio. The operation that went across that  
29 border --

1           PRESIDING JUDGE: Let me stop you right there. I'm looking  
2 at line 10 of page 22 where you are recorded as saying, and I  
3 think accurately recorded as saying, "What I was trying to say  
4 there is that Mosquito Spray later became a commander in LURD."  
09:47:53 5 That is the sentence I'm referring to. You've just said it five  
6 minutes ago. What did you mean?

7           THE WITNESS: Maybe that was just a slip of tongue, but I  
8 have repeatedly told that you Mosquito Spray is the operational  
9 name of the operation that was carried on. The name of the  
09:48:10 10 commander, Prince Cio, who later became the army chief who was  
11 dismissed as the army chief of staff of LURD is what I'm telling  
12 you. Prince Cio was the name of the commander.

13           MR MUNYARD:

14 Q. He was the name of the commander for which operation?

09:48:25 15 A. Mosquito Spray.

16 Q. Was there a commander in LURD who had the name Mosquito  
17 Spray as his nickname or fighting name?

18 A. No. Mosquito Spray was the operational code name for the  
19 operation that went across the border.

09:48:48 20 Q. So was there anybody whoever had the fighting name or  
21 nickname Mosquito Spray?

22 A. No.

23 Q. Right. I would now like to ask you, please, about the  
24 document that you were shown, MFI-1. It's this document - I'm  
09:49:15 25 not going to ask you to look at it. It's the document you were  
26 shown at the beginning of this morning's session with figures on  
27 it that showed the following, "Please be advised that the  
28 expenses made to witness DCT-190," that's yourself, "are as  
29 follows," and then there were the figures you looked at. This is

1 from the Witness and Victims Section of the Court, this document,  
2 and it shows expenses incurred by them on your behalf. Have you  
3 ever received any financial assistance from any fund from the  
4 Defence in this case?

09:50:05 5 A. Not one day.

6 Q. Thank you.

7 JUDGE DOHERTY: Mr Witness, you have said several times in  
8 answers, "Not one day." What exactly does "not one day" mean?

9 It's neither yes nor no.

09:50:18 10 THE WITNESS: That simply means I have never received any  
11 money from Defence.

12 MR MUNYARD:

13 Q. How common in Sierra Leone is the expression "not one day"?

14 A. Say again.

09:50:44 15 Q. How common an expression in Sierra Leone is "not one day"?

16 A. That's very common. When somebody say this, they say "not  
17 one day", it means it has never happened.

18 Q. Now, this person Senegalese who you spoke of, can you  
19 describe him?

09:51:06 20 A. Yes. Senegalese is about 5 feet 8 inches because he's  
21 taller than me a little bit. He is fair in complexion and he's a  
22 Vai. That's why I know because he speaks Vai very well. He  
23 resides in Duala. That's where he lives. And then he told us he  
24 was going to school and he dropped out at high school level.

09:51:38 25 Q. Do you know which country he was born in?

26 A. Senegalese?

27 Q. Yes.

28 A. He was born in Liberian.

29 Q. And do you know if he spoke French?

1 A. Not one day. He doesn't even speak French.

2 Q. And do you know whether he is still alive?

3 A. Yes, he's still alive.

4 MR MUNYARD: Thank you, Madam President. Those are my  
09:52:04 5 questions. Do your Honours have any questions of the witness?

6 JUDGE DOHERTY: Mr Witness, when you gave evidence-in-chief  
7 on the 10th of this month in the morning you were asked a  
8 question and in answer you spoke about fighting at the Pujehun  
9 axis and you said, we were fortunate to have prisoners of war.  
09:52:31 10 We wanted to know the strengths, the commanders, the weapons,  
11 et cetera, of the RUF. They were captured in combat. Those  
12 prisoners of war that gave you the information, how did they come  
13 to give you that information?

14 THE WITNESS: When you capture prisoners of war, normally  
09:52:56 15 we have the intelligence branch of every fighting force. Those  
16 are the people that are responsible to interrogate them. And it  
17 was through the intelligence branch that they interrogated them  
18 and they confessed, because they were captured with weapons  
19 because we overrun the town and they were in there. They were  
09:53:15 20 captured. They voluntarily surrendered. And they told us that  
21 they are part of the RUF and that they never knew we were coming  
22 that too close because they heard about us far away, and that was  
23 how they gave us all the information that we needed from them,  
24 their strength, how they moved, the weapons they used. So that's  
09:53:39 25 it.

26 JUDGE DOHERTY: Did they give the information voluntarily  
27 or were they forced to give it?

28 THE WITNESS: No, voluntarily.

29 JUDGE DOHERTY: And what happened to them after they gave

1 that information?

2 THE WITNESS: Well, we were strictly warned that any  
3 prisoner of war must be turned over to the government, and as  
4 long as a statement obtained from them, they were turned over to  
09:54:03 5 the SLAs and they moved them to Freetown.

6 JUDGE DOHERTY: I'm not talking about the theory. I'm  
7 talking about what actually happened to them. Do you mean they  
8 were actually handed over to the Sierra Leone Army and taken to  
9 Freetown?

09:54:16 10 THE WITNESS: Those that were fortunate will be handed  
11 over. Those who are not fortunate will die.

12 JUDGE DOHERTY: Mr Witness, answer the question. What  
13 happened to these particular prisoners of war?

14 THE WITNESS: Those that were captured that - the very day  
09:54:35 15 that we captured that town? I'm telling you, I say, if you are  
16 fortunate that you are --

17 JUDGE DOHERTY: What happened to those particular  
18 prisoners?

19 THE WITNESS: Few died and few were taken to Freetown.

09:54:53 20 JUDGE DOHERTY: Thank you. Those were my questions.

21 MR MUNYARD: Madam President, Justice Doherty referred to  
22 June 10. In fact, the evidence-in-chief was given on the 7th and  
23 8th. And I was trying to find the reference and I couldn't.

24 JUDGE DOHERTY: I'm just looking at my notes and that's the  
09:55:12 25 date I had, Mr Munyard, but maybe I might be incorrect about  
26 that. In that case I have to correct myself. That was  
27 cross-examination, not in chief. I apologise.

28 PRESIDING JUDGE: Ms Howarth, there are a number of  
29 exhibits that we marked.

1 MS HOWARTH: Yes. As regards MFI-2 through to 4, I've made  
2 a note of the individual paragraphs that have been referred to  
3 and I would ask that those be moved into evidence. However, if  
4 your Honours are of the view that it's better that the entire  
09:56:04 5 statements are admitted into evidence, then there would be no  
6 strong objection to that on the part of the Prosecution. And I  
7 would also ask that MFI-1 be admitted into evidence as well.

8 PRESIDING JUDGE: Mr Munyard, any objections?

9 MR MUNYARD: I don't object to the principal proposition of  
09:56:31 10 my learned friend that MFI-2, 3 and 4, the relevant paragraphs  
11 that have been referred to in evidence, both in cross-examination  
12 and in re-examination, go in, but I think it would be quite wrong  
13 for other paragraphs that haven't been referred to to go in. And  
14 I have no difficulty at all in relation to MFI-1.

09:57:46 15 PRESIDING JUDGE: The judges are of the view that an entire  
16 statement should go into evidence instead of tidbits of sentences  
17 going in for the reason that it then puts the witness's  
18 statements into context, and so we will admit the entire  
19 statement. So the MFIs are admitted as follows:

09:58:16 20 MFI-1, which is a record of expenses incurred by the  
21 Witness and Victims Section in respect of DCT-190, the record is  
22 dated 4 June 2010, that will be now exhibit P-554.

23 MFI-2, which is a statement of witness DCT-190, dated 6 May  
24 2007, is now exhibit P-555.

09:58:46 25 MFI-3, entitled "Additional notes of DCT-190", dated 21  
26 October 2009, that is admitted as exhibit P-556.

27 MFI-4, which is a handwritten statement of DCT-190, dated 6  
28 June 2010, is now exhibit P-557.

29 [Exhibits P-544 to P-557 admitted]



1 MR MUNYARD: Madam President, those last three exhibits, in  
2 our submission, will have to be confidential because they contain  
3 not only the name of the witness, but also another witness's  
4 name.

09:59:27 5 PRESIDING JUDGE: Very well. I will amend the exhibits as  
6 follows: Exhibits P-555, P-556 and P-557 will be marked  
7 "confidential".

8 Mr Witness, we thank you for your testimony in court and  
9 wish you a safe journey home.

09:59:54 10 THE WITNESS: Thank you.

11 PRESIDING JUDGE: The witness may be escorted out, please.

12 Mr Munyard, please advise the Court as to how we will  
13 proceed.

14 MR MUNYARD: Certainly, Madam President. Despite our best  
10:00:22 15 efforts since Sunday morning of last week, not Sunday just gone,  
16 we have not been able to bring forward any of the witnesses who  
17 we had planned on bringing to The Hague for all sorts of  
18 different logistical and planning reasons arising out of the  
19 unforeseen absence of Mr Griffiths last week. It was anticipated  
10:00:50 20 that we would be moving straight to witness DCT-172 today.

21 Madam President, I am able to tell the Court that  
22 Mr Griffiths is arriving in The Hague around midday, and I wonder  
23 if it would be considered appropriate for the Court to resume  
24 sitting at 2.30 this afternoon, the normal afternoon sitting  
10:01:15 25 time, so that we can hear from him directly as to what his  
26 expectation is as to how long he will need in relation to  
27 proofing of the outstanding witness, who we were anticipating  
28 would have been on the witness stand within the next few minutes.  
29 It seems to me it's probably best to hear from the horse's mouth,

1 as it were, because he's the person in the best position to know  
2 how long he is going to need. I'm not saying anything else about  
3 his situation, as we're in open Court, but I hope that what I've  
4 said is clear enough.

10:02:45 5 PRESIDING JUDGE: Mr Munyard, if I understand you  
6 correctly, the sitting at 2.30 will be some sort of status  
7 conference.

8 MR MUNYARD: Yes, in effect.

9 PRESIDING JUDGE: Very well. I do not think that we have  
10:02:57 10 much of a choice. But hoping that Mr Griffiths will have arrived  
11 in The Hague, we will adjourn to 2.30 to map the way forward.

12 MR MUNYARD: I'm very grateful. Thank you.

13 [Break taken at 10.03 a.m.]

14 [Upon resuming at 2.30 p.m.]

14:24:41 15 PRESIDING JUDGE: Good afternoon. I think we will take  
16 appearances, again, please.

17 MS HOLLIS: Good afternoon, Madam President, your Honours,  
18 opposing counsel. This afternoon for the Prosecution, Brenda J  
19 Hollis and our case manager, Maja Dimitrova.

14:34:00 20 MR GRIFFITHS: Good afternoon, Madam President,  
21 your Honours. For the Defence this afternoon, myself, Courtenay  
22 Griffiths, and with me Mr Terry Munyard of counsel.

23 PRESIDING JUDGE: Yes, I also note that the accused is not  
24 present, probably because this is just a status conference. And,  
14:34:23 25 of course, I do see that the head of the sub-office, Mr Townsend,  
26 is present.

27 Mr Griffiths, welcome back to the Court. It's good to see  
28 that you are back.

29 MR GRIFFITHS: And it's good to be back, Madam President.

1 I wonder if we could go into a brief private session so I could  
2 update the Court as to the situation.

3 PRESIDING JUDGE: Very well. Madam Court Manager, please  
4 arrange a private brief session for some confidential matters  
14:34:54 5 that the Court is going to address.

6 [At this point in the proceedings, a portion of  
7 the transcript, pages 43536 to 43565, was  
8 extracted and sealed under separate cover, as  
9 the proceeding was heard in private session.]

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1 [Open session]

2 MS HOLLIS: Thank you, Madam President. Madam President,  
3 the Prosecution has some concerns. First of all, of course an  
4 illness cannot be foreseen and we are glad that Mr Griffiths is  
14:40:58 5 back and able to proceed although perhaps with an altered  
6 schedule. However, we are quite surprised that today for the  
7 first time we hear that the testimony of {redacted} may last  
8 six weeks.

9 We received an updated estimate of the time on direct  
14:41:18 10 examination for this witness and we were told 44 hours. That's  
11 under eight days of direct examination. And now all of a sudden  
12 we're talking about six weeks. And if we take into account the  
13 other remarks made by Lead Defence counsel, then perhaps this six  
14 weeks will turn into more like what we had with the accused, and  
14:41:43 15 we are quite concerned about that.

16 We believe that what is really unconscionable is that the  
17 Defence did not ensure they had back-up witnesses here. If we  
18 compare the cost of running this Court for one day with the cost  
19 of having a back-up witness in The Hague, should they be needed,  
14:42:07 20 we would suggest that, as your Honours have reminded the Defence  
21 during their case, it is indeed important and incumbent upon the  
22 party calling witnesses to have a back-up witness.

23 Our understanding is that the reserve witness that was  
24 identified by a filing I believe on 14 June, that is DCT-290, did  
14:42:36 25 not have a valid visa and could not be contacted in order to  
26 update that visa. And it is our understanding that the Defence  
27 was aware of the situation very soon after their 14 June filing.  
28 So our question is: Why did not the Defence, when they had ample  
29 time, identify one or two other witnesses, determine how much

1 proofing time it would take and bring those witnesses to The  
2 Hague so that in the event of an instance such as has occurred we  
3 would be able to move forward instead of having a delay for what  
4 we suggest is no good reason.

14:43:21 5 So we have concerns about that. We have concerns that  
6 there is no witness here and now it appears that for the rest of  
7 the week we will not be sitting to hear any evidence. We have  
8 concerns that now today for the first time we have been told that  
9 the next anticipated witness is anticipated to testify for six  
14:43:43 10 weeks and we do not know if that is direct examination only or  
11 what is anticipated for both direct and cross-examination. And  
12 we will point out that this next witness certainly has a great  
13 amount of evidence that has been given in other proceedings, but  
14 the Prosecution is in possession of a summary for this witness  
14:44:08 15 which consists of, I believe, four paragraphs. So this is a six  
16 week witness with what I believe is a four-paragraph summary.

17 That could result in additional delay depending on how much  
18 new material this witness is led through in direct examination.

19 In relation to this witness, DCT-172, we also are concerned  
14:44:35 20 why other members of the Defence team could not proof this  
21 witness in the absence due to illness of Mr Griffiths so that  
22 most of that work would have been done by the time Mr Griffiths  
23 returned. It is also our understanding that Mr Griffiths had the  
24 ability to travel to {redacted} and indeed did travel to  
14:44:57 25 {redacted} to proof this witness, so we don't understand why more  
26 could not have been done there. This kind of delay we suggest is  
27 unacceptable in any jurisdiction and we are concerned about it.

28 Now, obviously noting our concerns does not put us in any  
29 different situation for this week, but we do believe that it

1 would be an opportune time for your Honours, given that this is  
2 another delay which we believe is as a result of the Defence's  
3 lack of adequate planning and this delay may very well push out  
4 the ending of the Defence case - we ask your Honours once again  
14:45:44 5 to exercise your discretion and to enter an order stating the  
6 date upon which the Defence evidence must have been completed.  
7 We believe this is the only way to give us certainty so that  
8 other planning can be done, and we believe that giving an end  
9 date might also be an incentive to ensure more efficient planning  
14:46:12 10 in terms of bringing witness to The Hague.

11 The Defence has told your Honours in the past that their  
12 case would be completed by the middle of August and we would ask  
13 your Honours to set an end date for the Defence case of the  
14 middle of August. If your Honours wish to give them more time,  
14:46:32 15 then your Honours could set an end date giving them an additional  
16 week which would be Friday 20 August. We think that now perhaps  
17 in the present circumstance it would be appropriate for  
18 your Honours to enter such an order.

19 So again we certainly are appreciative of Mr Griffiths's  
14:46:53 20 illness. We are very saddened that he had that illness, we are  
21 very happy to see him back, but we believe that does not detract  
22 from the lack of planning which puts us in the position which we  
23 are in now. Thank you, Madam President.

24 PRESIDING JUDGE: Mr Griffiths, do you wish to respond to  
14:47:17 25 some of the new requests and observations that the Prosecution  
26 has made?

27 MR GRIFFITHS: Could I ask first of all, Madam President,  
28 that my learned friend Mr Munyard address the specific issues  
29 raised by Ms Hollis regarding the back-up witness we tried to

1 call and then I will deal with any other issue which arises.

2 PRESIDING JUDGE: I am just wondering, some of the issues  
3 we are now discussing that regard or relate to the adjournment of  
4 proceedings are pretty important and in our view should really be  
14:48:09 5 for the public record. Do you have any objection if we returned  
6 to public session?

7 MR GRIFFITHS: None whatsoever.

8 PRESIDING JUDGE: Very well. Before Mr Munyard addresses  
9 the Court, I think we will go back into public session.

14:48:29 10 MS KAMUZORA: Your Honours, we are in open session.

11 PRESIDING JUDGE: I am just again asking the Defence, we  
12 think that the comments by the Prosecution that have just been  
13 made by Ms Hollis also should be in public. Do you have any  
14 objection to that?

14:49:10 15 MR GRIFFITHS: None.

16 PRESIDING JUDGE: Then, Madam Court Manager, I am going to  
17 direct that the submissions of Ms Hollis and only the submissions  
18 for Ms Hollis should be in public session.

19 MS KAMUZORA: We will ensure that, your Honour.

14:49:33 20 PRESIDING JUDGE: Thank you.

21 Now, Mr Munyard, please, we will hear from you.

22 MR MUNYARD: Madam President and your Honours, we have been  
23 dealing with witnesses coming from various parts of West Africa,  
24 four countries that I can think of immediately, and I am not  
14:49:59 25 including the witness here in The Hague at the moment. We have  
26 been regularly in discussions with the Witness and Victims  
27 Section of the Court about the economic balance between the needs  
28 of the Defence to have witnesses here in The Hague and the  
29 pressure coming from all sorts of parts of the Registry as to the

1 need to spend as little money as possible on keeping people here  
2 in The Hague. That is the overwhelming pressure that we have  
3 been under right from the beginning of calling witnesses earlier  
4 this year and it has been a very difficult balancing exercise and  
14:50:46 5 we have taken a great deal of our time to try to achieve a proper  
6 balance between public expenditure on this Court and having  
7 witnesses available for the Court. And you will appreciate that  
8 almost all of the time so far we have been able to strike the  
9 right balance and bring witnesses before the Court.

14:51:08 10 There is also to be considered the psychological aspect of  
11 witnesses sitting in the safe house in The Hague. It is, in  
12 effect, for those witnesses a prison because they are delivered  
13 to that safe house which I have seen. It's a perfectly pleasant  
14 place to be for overnight or a few nights, but they are not  
14:51:35 15 allowed out of the safe house except in a court vehicle with  
16 tinted windows, they are brought either to the proofing house or  
17 the Court and taken back in that vehicle. They are not allowed  
18 out of the proofing house. They see nothing of the surroundings  
19 between the safe house and the Court or the proofing house. And  
14:52:00 20 they are therefore put in a very difficult position for the days  
21 or in many cases the weeks that they are here in The Hague. And  
22 we have had this emphasised to us constantly by the Witness and  
23 Victims Section that we should keep witnesses in The Hague in the  
24 safe house for the absolute minimum time necessary for them to  
14:52:29 25 have their proofing, give their evidence and then leave. So it's  
26 a matter of both cost and psychological pressure on the  
27 witnesses.

28 You, your Honours, have recently had before you in the last  
29 few weeks a number of witnesses who are, and I hope I don't do



1 them any disrespect by describing them this way, they're country  
2 folk. They've come to a western country for the first and  
3 probably only times in their lives. They have been in those  
4 premises and they have been here in some cases - one or two who  
14:53:02 5 were delayed because of the volcanic ash problem. They have been  
6 in those premises for some weeks and we understand from our  
7 discussions with the Witness and Victims Section who have taken a  
8 lot of time to discuss the psychological impact on the witnesses  
9 of all of this - we understand the need to have them there as  
14:53:27 10 briefly as possible.

11 A couple of weeks ago when I had discussions with the  
12 senior staff of the WVS - as I do regularly on a weekly basis -  
13 we looked at the wall chart calendar, we calculated the number of  
14 days that witnesses were likely to be here on the stand giving  
14:53:49 15 evidence, and together with, to use modern parlance, our partners  
16 in this exercise, the WVS, we came to the conclusion that the  
17 last two witnesses that you have heard from would bring us right  
18 up to the point of today, when we anticipated DCT-172 would be  
19 giving evidence.

14:54:14 20 However, just to try to be on the safe side, we believed,  
21 at the time we put in the notice, that we could get a short  
22 additional witness here who was short enough so that her evidence  
23 could be dealt with, that she would be in and out, even if we had  
24 gone further than today with the other two witnesses' evidence;  
14:54:38 25 in other words, we thought we could insert her before 172 starts,  
26 even if that meant starting him a little later this week.

27 We were assured by our staff on the ground in West Africa  
28 that getting this lady's passport - which had already had a  
29 Schengen visa in it, but was cancelled - that getting a copy of

1 that passport here to The Hague for the appropriate authorities  
2 to renew her Schengen visa would take only a matter of a couple  
3 days. Rather than face the criticism that we often have from the  
4 Prosecution that we are suddenly springing a new name on them, we  
14:55:21 5 put that witness's name in as a reserve witness so that everybody  
6 knew there was a possibility of her coming here. And in fact,  
7 it's only - I addressed the Court last week, I think on  
8 Wednesday, and said we have now discovered that - I gave a  
9 shorthand version of it. The longhand version is we have now  
14:55:43 10 discovered that even if we could get her passport documents  
11 scanned to us, there wouldn't be time to bring her here to start  
12 today. That was when we knew we weren't going to be able to get  
13 the very short reserve witness here.

14 But it ill behoves the Prosecution, we say, to accuse us of  
14:56:03 15 inefficiency and wrongdoing in not having somebody sitting there  
16 in the safe house for weeks on end waiting to give their evidence  
17 after the current anticipated witness. The three realistic  
18 witnesses who we could - who we would want to bring to deal with  
19 matters after the current witness, one of them is concluding a  
14:56:31 20 university course and cannot come, and we are not going to say  
21 you must break - you must put an end to your studies and your  
22 future by coming here early to give evidence. Indeed, he  
23 wouldn't come if that were the case.

24 Another one who is has to be brought from a third country  
14:56:51 25 to Ghana to be flown here, we could not - by the time we knew on  
26 Tuesday evening what the position - what the current position is,  
27 that's how I will put it - by the time we knew that, and looking  
28 at the flight schedules, we could not have got that witness to  
29 The Hague before, I think, Wednesday morning of this week.

1 My colleague Mr Anyah, who has carriage of that witness,  
2 has said all along he will need up to a week to proof that  
3 witness. And so that would then have that witness in The Hague  
4 being proofed into next week. In the meantime the one, who we  
14:57:36 5 anticipated to start today would be ready and could start on  
6 Monday of next week, and so it seemed that that wasn't an  
7 appropriate way around in any event.

8 Can I add to what I have already said this: We have had a  
9 {redacted}

14:58:07 10 a week before he was due to  
11 give evidence, and the Registrar's complaint in an email to all  
12 of us was that that witness should have been brought to the  
13 {redacted} just a day before he was due to come into court and  
14 give evidence.

14:58:22 15 So we are not just getting it in the neck from the Registry  
16 of this Court; we are also being accused by the {redacted}  
17 that we are not being efficient and we are not keeping our side  
18 of the bargain in not pushing that witness straight into the  
19 court the day after he arrived at {redacted}.

14:58:43 20 So despite all of our best efforts to keep this trial  
21 running smoothly, an act of God - which is what Mr Griffiths'  
22 illness is to many people - an act of God has prevented us from  
23 having a witness here for the next three and a half days, and  
24 that, it seems, is not an unconscionable delay in the  
14:59:13 25 circumstances. We had everything running smoothly. We had no  
26 reason to anticipate that we would need a witness sitting stewing  
27 in the safe house in case something happened.

28 If all the electrics in this building failed and we lost a  
29 couple days, if somebody else was ill, if a witness themselves

1 was ill, are we meant to have somebody sitting for weeks at a  
2 time in the safe house in case somebody who is on the stand  
3 becomes ill?

14:59:52 4 I ask those questions obviously rhetorically, but I reject  
5 completely any suggestion that we have caused an unconscionable  
6 delay. We have cooperated at all times with the WVS, and  
7 together with them we have planned the witnesses in this way in  
8 what we anticipated would constitute a very efficient and smooth  
9 running of the trial.

15:00:16 10 Ms Hollis mentioned any other jurisdiction. In the  
11 jurisdiction in which I practiced for 27 years before I spent the  
12 last three years of my working life before this Court, this sort  
13 of delay would be regarded as perfectly normal in the sense that  
14 illness is something that's unanticipated, and a handful of days  
15:00:40 15 being lost in the context of a trial that has run for two and a  
16 half years is hardly something that should cause the kind of  
17 opprobrium that is now being heaped upon us.

18 May I say one final thing. I don't remember which witness  
19 it was, but I do remember during the Prosecution case - during  
15:01:00 20 the first year of the prosecution case, on a Wednesday a witness  
21 finished their testimony, the Prosecution announced that they  
22 didn't anticipate that happening so quickly - I think it might  
23 have been that the next witness refused to testify, something on  
24 those lines - the Prosecution announced they didn't have anybody  
15:01:20 25 here until the Monday, and that was accepted without a murmur  
26 from the Bench, and certainly from us. No criticism made.

27 We are talking about two days more than that in this  
28 instance because of ill health. We have done everything in our  
29 power to keep this case running smoothly, and we do not accept

1 that we have been inappropriate or inefficient in any way.

2 PRESIDING JUDGE: Mr --

3 MR GRIFFITHS: Madam President, could I just add this --

4 PRESIDING JUDGE: Before you proceed, there are certain  
15:01:58 5 mention of locations that I think should be redacted from the  
6 record - I have advised our legal officer - locations where  
7 DCT-172 is being kept --

8 MR GRIFFITHS: Very well.

9 PRESIDING JUDGE: -- that I believe should be redacted  
15:02:17 10 speedily without me going into the record to say which line,  
11 which page. It's very obvious, but I am waiting for an  
12 instrument to sign even as you speak. Time is of the essence.

13 MR GRIFFITHS: Three short points, Madam President.  
14 Firstly this: The testimony to be given by the coming witness,  
15:02:42 15 in our submission, is clear. It is evidence which is already in  
16 the public domain. It is easily accessible. The time estimate  
17 we have given for that testimony includes our estimate as to how  
18 long cross-examination is likely to last.

19 The second point I make is in relation to my learned  
15:03:08 20 friend's suggestion that this Court should set a deadline for the  
21 conclusion of the Defence case. In relation to that we say this,  
22 that it needs to be recognised that truths in a court of law is  
23 often only to be found through a slow and often painful process.  
24 Error often occurs when haste and expediency is allowed to take  
15:03:43 25 precedence over justice, and experience demonstrates that such  
26 haste is often a short-term gain at a long-term cost. We are  
27 only asking for a few days.

28 We are, indeed, close to the end of the Defence case. We  
29 anticipate just a handful, if that, more Defence witnesses. We

1 submit there is no need to impose a deadline. We too are  
2 conscious of the need for expedition but nonetheless recognise  
3 that our primary duty, after our duty not to mislead this Court,  
4 is to protect the interests of Mr Taylor. And it is that  
15:04:29 5 interest which I am seeking to protect in asking for this  
6 adjournment.

7 [Trial Chamber conferred]

8 PRESIDING JUDGE: We would wish to deliberate a little on  
9 the issues that have been raised before us before returning to  
15:06:31 10 the parties with a view from the Bench, let me put it that way.  
11 It won't take more than 15 minutes, I believe. So court is  
12 momentarily adjourned.

13 [Break taken at 3.07 p.m.]

14 [Upon resuming at 3.42 p.m.]

15:43:09 15 MR GRIFFITHS: Madam President, may I mention a change of I  
16 appearance. We have been joined by Logan Hambrick.

17 PRESIDING JUDGE: Very well. That is noted.

18 The following is the Chamber's ruling on the Defence's oral  
19 application for adjournment:

15:43:19 20 Now, the main application before us today is for an  
21 adjournment of the Defence case to Monday, 5 July, on the grounds  
22 that lead counsel, who has conduct of the next witness, and who  
23 was not able to proof the next witness due to his own illness,  
24 would require this time to proof the witness.

15:44:01 25 Now, this is a witness who, we understand, is a key Defence  
26 witness. Let me just say that but for the reasons of  
27 Mr Griffiths' illness, a matter beyond everybody's control, this  
28 case would have been on track this afternoon and the same witness  
29 would be ready to proceed with his testimony today; in other

1 words, there is nothing else that the Defence would have had to  
2 do to proceed.

3 The concerns raised by the Prosecution today are all  
4 consequences arising out of this unforeseen development. The  
15:44:43 5 issue therefore before the chamber is whether, as a Trial  
6 Chamber, we can castigate the Defence for failing to proceed with  
7 their witness today by reason of Mr Griffiths's illness. The  
8 answer is, of course, no.

9 To the concern that the Defence should have had a back-up  
15:45:06 10 witness we have this to say: We appreciate the great  
11 difficulties that the Defence have to contend with in ferrying  
12 witnesses from other parts of the world, especially Africa,  
13 including in particular the difficulties associated with  
14 acquiring a Dutch visa, which, as we all know, must be issued  
15:45:28 15 from the Netherlands rather than from the consulate of the  
16 various countries where the witnesses are situated.

17 This is further compounded by the need to do a delicate  
18 balancing act between cutting down on the costs of keeping  
19 witnesses waiting unnecessarily in The Hague, on the other hand,  
15:45:50 20 and having these witnesses travel here in time to give their  
21 evidence, on the other hand.

22 Frankly, this is not an easy feat, and credit must be given  
23 to both the Defence and the Prosecution for having done a  
24 commendable job thus far in keeping witnesses coming to court  
15:46:11 25 with minimum delay, considering that this trial is being held  
26 away from the area where the conflict happened and away from  
27 where the witnesses reside.

28 The Trial Chamber accepts the explanation given by the  
29 Defence that it would make no sense in having a back-up witness

1 sitting in The Hague for six weeks waiting for DCT-172 to  
2 testify. We also appreciate the difficulties encountered in  
3 having the reserved witness's expired visa renewed in time, as we  
4 have been told by Mr Munyard.

15:46:56 5 Now, as relates to the matters that have been raised by the  
6 Prosecution; namely, their own counter-application to have the  
7 Trial Chamber set an end date, we are of the view that this - or  
8 these concerns are unrelated to the application for continuance.  
9 As I have stated before, they are quite unrelated and we note  
15:47:29 10 that the Trial Chamber has, on a number of occasions before,  
11 through written motions from the Prosecution, been requested to  
12 set an end date and the Trial Chamber has, for reasons given  
13 before, declined to do so.

14 This afternoon we will not go into this aspect of the  
15:47:48 15 application, as we consider it has nothing to do with the issue  
16 of an application for adjournment.

17 The application in the premises, the application for  
18 adjournment to Monday, 5 July, is granted, and the Court is  
19 adjourned to that day at 9 o'clock in the morning for continuance  
15:48:11 20 of the Defence case.

21 MR GRIFFITHS: Madam President, can I - I am helpfully  
22 reminded by Mr Munyard, in light of what was mentioned earlier by  
23 my learned friend Ms Hollis, we still stick by our estimate for  
24 how long this witness is likely to be in chief.

15:48:43 25 PRESIDING JUDGE: Which is?

26 MR GRIFFITHS: 44 hours, eight days.

27 PRESIDING JUDGE: In chief. That is helpful. Thank you.  
28 Court is adjourned.

29



1 [Whereupon the hearing adjourned at 3.50 p.m.  
2 to be reconvened on Monday, 5 July 2010 at  
3 9.00 a.m. ]  
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## I N D E X

### WITNESSES FOR THE DEFENCE:

DCT-190	43537
CROSS-EXAMINATION BY MS HOWARTH	43537
RE-EXAMINATION BY MR MUNYARD	43549

### EXHIBITS:

Exhibits P-544 to P-557 admitted	43559
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