



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 3 MAY 2010
9.03 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambrick

1 Monday, 3 May 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.03 a.m.]

08:58:14 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR BANGURA: Good morning, Madam President. Good morning,
8 your Honours and counsel opposite. For the Prosecution this
9 morning, Nicholas Koumjian, myself Mohamed A Bangura, Kathryn
09:03:48 10 Howarth and Maja Dimitrova. Thank you, your Honours.

11 MR CHEKERA: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence, Morris Anyah, Silas Chekera
13 and Logan Hambrick.

14 PRESIDING JUDGE: Mr Mineh, good morning.

09:04:11 15 THE WITNESS: Good morning.

16 PRESIDING JUDGE: This morning you continue with your
17 evidence and I remind you that you are bound by the oath that you
18 took earlier to tell the truth. Do you follow? Do you
19 understand, sir?

09:04:32 20 THE WITNESS: Yes, I understand.

21 PRESIDING JUDGE: Mr Chekera, please continue.

22 MR CHEKERA: Thank you, Madam President.

23 WITNESS: DCT-131 [On former oath]

24 EXAMINATION-IN-CHIEF BY MR CHEKERA: [Continued]

09:04:41 25 Q. Mr Mineh, when we adjourned on Thursday afternoon, I was
26 referring you to the evidence of Zigzag Marzah. And again,
27 your Honours, just to remind you, I was referring to the
28 transcript of 28 March 2008 and I was at page 5862. We were
29 discussing the allegation that NPFL fighters were encouraged to

1 loot and I was at line 15 and Madam President alerted me to line
2 14. Now, Mr Mineh --

3 PRESIDING JUDGE: If you could hold on until we find the
4 transcript.

09:05:46 5 MS IRURA: Could counsel please repeat the transcript
6 reference because I don't seem to have that transcript.

7 MR CHEKERA: 12 March 2008, page.

8 PRESIDING JUDGE: You said 28 March.

9 MR CHEKERA: Sorry if I said 28, that was a slip of the
09:06:01 10 tongue. The 12th, sorry. Page 5862:

11 Q. What Mr Marzah told this Court on 12 March 2008 was that
12 before the election of Charles Taylor as President fighters in
13 the NPFL were encouraged to loot and I will just read line 15 to
14 17:

09:07:11 15 "A. No, we had to go ahead that what - wheresoever we
16 captured, what we got there was for us. So, we were
17 encouraged to do battle. We were not physically paid, no."

18 What Mr Marzah explained to the Court was that NPFL
19 fighters were not paid and they were encouraged to loot in the
09:07:41 20 process of battle. Do you remember that happening within the
21 NPFL when you were fighting in the NPFL before the election of
22 Mr Taylor as President?

23 A. No, I cannot remember that. It was not in our arrangement.
24 There was no law that told us to do so. Only he alone is aware
09:08:11 25 and that's why he explained by himself.

26 Q. You said when you were sent to Bassa you were in charge of
27 the 1st Battalion. Did you encourage the fighters under you in
28 the 1st Battalion to loot?

29 A. I didn't say so.

1 Q. Mr Marzah goes on to allege that the NPFL fighters were
2 also employing terrorist tactics. I am going to refer you to the
3 relevant part of the transcript. Madam President, I refer to
4 line 18 of the same page. I will read to you the question that
09:09:02 5 was put to Mr Marzah and the answer that he gave to the Court and
6 I will ask you to explain:

7 "Q. Sir, when you were with the NPFL, were there any
8 tactics that were used to create fear in your opponents and
9 those around you, those civilians around the area?

09:09:24 10 A. Yes. When I was with NPFL to fight from Tappita to go
11 to Grand Bassa, the tactics that we used, sometimes we set
12 ambushes, but before setting any ambush anywhere, anywhere
13 we are going to capture, the battle that we do there, there
14 is no rescue for any civilian. From there you take the
09:09:51 15 human head and you would place it over your car bumper and
16 when people see it they become afraid and when the enemy
17 hears that news they will say the people who are coming,
18 the men who are coming, they do not forgive any person.
19 So, for that reason they too would vanish."

09:10:20 20 Now, I will ask you firstly whether when you were going
21 into battle, were you specifically targeting civilians in the
22 NPFL?

23 A. No.

24 Q. Were you targeting civilians and chopping off their heads
09:11:01 25 and placing them on the bumper of your car to create fear?

26 A. I said no.

27 Q. Now, I am going to refer you specifically to the reference
28 where Mr Marzah refers to when he was fighting for the NPFL from
29 Tappita to go to Grand Bassa and I am raising that specifically

1 because he says that during that time he was fighting directly
2 under you. What Mr Marzah is saying is that when he was fighting
3 under your 1st Battalion from Tappita to Grand Bassa, these are
4 the tactics that you were using: You were setting ambushes, and
09:11:51 5 in those ambushes you would target civilians; you killed them;
6 you placed their heads on sticks to create - rather, on the
7 bumpers of your cars to create fear. Is that correct?

8 A. I said it never happened. It never happened.

9 Q. On the next page, page 5863, Mr Marzah was asked - the
09:12:26 10 question was at line 1 on that page:

11 "Q. Was there any practice that you used at the
12 checkpoints with the NPFL to create fear?

13 A. Yes, after we left Nimba to go as far as Kamutes Town
14 [phon], as far as Monrovia, any checkpoint we use human
09:13:00 15 intestine, sometimes we put the head on a stick for people
16 to be afraid."

17 You have told this Court that you advanced as far as
18 Monrovia. Now, during the time that you were fighting in the
19 NPFL before Mr Taylor was elected President, from the time that
09:13:22 20 you left Gborplay and advanced as far as Monrovia, did - do you
21 know any NPFL fighters adopting tactics where you would use human
22 intestines at checkpoints?

23 A. No.

24 Q. Do you remember placing heads on sticks for people to be
09:13:50 25 afraid?

26 A. I said no.

27 Q. Did you hear of any such case in the NPFL generally during
28 the time before Mr Taylor was elected President?

29 A. No.

1 Q. Now, when you were fighting for the NPFL, when you were
2 commander of the 1st Battalion to the time that you moved to Cape
3 Mount, if you captured a town, would you establish checkpoints
4 around the town?

09:14:48 5 A. Yes. Whenever we captured a town, we put gate down. We
6 put a gate down in order to - if enemy comes, so we can know. It
7 was not intended to do harm to civilian. We only do it in the
8 big towns that we captured, not in smaller towns.

9 Q. And sorry, can you explain again what was the purpose of
09:15:14 10 the checkpoint?

11 A. The gate was placed there in order when enemies come or
12 enemies come nearer to us, so that we can be aware. It was not
13 intended to kill human and place the skull on the sticks. We
14 placed the gate. We did that so that we would know the enemy.
09:15:41 15 Whenever we captured a town, we stayed there for awhile and we
16 placed a gate just to know the coming of the enemy. This is what
17 I know. What he explained to this Court is not true.

18 PRESIDING JUDGE: Mr Chekera, who is the enemy? If you
19 could clarify with the witness what does he mean?

09:16:02 20 MR CHEKERA: Indeed, Madam President:

21 Q. You have referred to the enemy when you are saying that the
22 checkpoint was so that when the enemy comes, you would know. Who
23 do you refer to as the enemy?

24 A. Those who are from the Samuel Kanyon Doe tribal group or
09:16:21 25 the soldiers from the Samuel Kanyon Doe government.

26 Q. You have just said the enemy - your answer was, "Those who
27 were from" - I heard "Samuel Doe tribal group". It's written as
28 "travel group". Did you say "Samuel Doe tribal group"?

29 A. Yes, those who were fighting us. They were the Krahn

1 tribal people.

2 Q. Let's just be clear on this. The Krahn tribal people, when
3 they were fighting you, were they fighting under any organisation
4 or under any military organisation?

09:17:10 5 A. They were in the army and they were in uniform.

6 Q. And army is this that you are referring to?

7 A. I am talking about the Doe soldiers. I am talking about
8 the Liberian army. The Liberian army. The army.

9 Q. The Prosecution actually alleges that at those checkpoints
09:17:39 10 when you were fighting in the NPFL, you established those
11 checkpoints so that you would specifically target the Mandingos
12 and the Krahns. Is that correct?

13 A. No, it's not so.

14 Q. You have just mentioned fighting Doe soldiers who were
09:18:01 15 Krahns. Other than the Doe soldiers who were Krahns, were you
16 targeting people specifically because they were Mandingos or
17 Krahns?

18 A. No, we didn't. No, we didn't come to fight them.

19 MR CHEKERA: Madam President, just so that my learned
09:18:28 20 friend could follow where I am taking this piece of information
21 or these allegations from, I refer to the transcript of 19
22 November 2009, page 32245.

23 Q. The Prosecution - you indicated to the Court that when you
24 went from Gborplay in 1990 you were deployed in Buchanan. The
09:19:04 25 Prosecution alleges that the time that you were in Buchanan in
26 1990, the NPFL was specifically targeting and killing any
27 Mandingo and Krahns they could find that in that area. The
28 reference again 19 November 2009, page 32246, line 15 to 17. The
29 Prosecution says when you were in Buchanan in 1990, you were

1 targeting Mandingos or Krahns - or fighters under you were
2 targeting Mandingos and Krahns.

3 A. I said if it happened, I cannot remember. I do not know
4 anything about this.

09:19:57 5 Q. Did it happen or did it not happen? Or you just don't
6 remember?

7 A. I said it never happened. I said it never happened for me
8 to see.

9 Q. Did you hear that this was what was happening in your
09:20:13 10 battalion?

11 A. No, I never heard that.

12 Q. Now I would just go to one final issue. That was the issue
13 relating to your injuries --

14 JUDGE DOHERTY: Before you move to a new topic, Mr Chekera,
09:20:40 15 in the course of an earlier answer you cited Zigzag Marzah's
16 evidence at page 5, line 5 of my font, in which he said the
17 fighters were not physically paid. I do not know whether the
18 witness has agreed or disagreed with that piece of evidence.

19 MR CHEKERA: Indeed, let me clarify:

09:21:01 20 Q. Mr Mineh, when you were fighting in the NPFL before
21 Mr Taylor was elected President, were NPFL fighters paid?

22 A. No, they were not being paid.

23 MR CHEKERA: Does that assist you?

24 JUDGE DOHERTY: Thank you.

09:21:29 25 PRESIDING JUDGE: Though I would like to take that further
26 and ask the witness: If you were not paid, how did you live?

27 MR CHEKERA:

28 Q. Did you understand the question?

29 A. Repeat the question, please.

1 PRESIDING JUDGE: If you were not paid in the NPFL as
2 fighters, how did you live without payment?

3 THE WITNESS: We had surplus food. Whenever we captured a
4 town, the citizens would give us foodstuffs and they welcome us
09:22:15 5 and provide foodstuff for us.

6 MR CHEKERA: Thank you:

7 Q. Now, you have told this Court about the time that you were
8 in Cape Mount and the incident you referred to where certain
9 members of the NPFL formed what you called Black Kadaffa and
09:22:42 10 connived. You remember that part of your evidence?

11 A. Yes.

12 Q. And you said as a result, those who connived, including
13 Oliver Varney, were investigated and executed. Yes? Now, I am
14 going to refer you to the evidence of a Prosecution witness who
09:23:22 15 came before this Court and gave evidence on that same incident.

16 Madam President, I am going to refer to the transcript of 5
17 November 2008. It was in open court, but the witness was a
18 protected witness. Line 28 --

19 PRESIDING JUDGE: What is the page number?

09:23:56 20 MR CHEKERA: Sorry. 19806:

21 Q. The evidence I am going to refer to you relates to a
22 witness who told this Court that he was very close to Oliver
23 Varney. He was a bodyguard to Oliver Varney all the way,
24 including the time that Oliver Varney was in Bomi. Now, this
09:24:29 25 witness was giving evidence on the same incident that you are
26 referring to relating to the allegation of connivance, and she
27 was asked a question at line 28. The question was:

28 "Q. Mr Witness, let me go back to another question. I
29 haven't finished yet. Did you ever hear any

1 evidence - well, let me try to use another word. Did you
2 ever hear any proof that Oliver Varney had in any way
3 connived with the enemy before he was executed?

09:25:15

4 A. Up to the time Oliver was arrested and executed there
5 was no evidence at all to prove that Oliver indeed connived
6 with an enemy, or sold out Bomi, up to now."

7 Mr Mineh, what this witness said to this Court,
8 effectively, is that Oliver Varney never connived with the enemy.

09:25:50

9 Now, you have told this Court about how you suffered personal
10 injuries as a result of what you described as connivence by
11 Oliver Varney and the others. Do you agree with what this
12 witness told the Court, that when Oliver Varney was executed
13 there was no evidence at all that he had connived?

09:26:19

14 A. They investigated them and they were found guilty before
15 they were executed. They did not just arrest him. No, he was
16 not alone.

17 Q. Sorry, my question was do you agree with what this witness
18 told the Court? This witness told this Court that there was no
19 evidence that Oliver Varney connived.

09:26:42

20 A. He that testified did not say the truth. They committed an
21 act which they were caught and investigated, and they were found
22 guilty.

23 Q. Just to be clear, what act did they commit? You have said
24 this again, but I just want that part of the record to be clear.

09:27:03

25 You have said this before, sorry. What act did they commit?

26 A. Oliver Varney, he was the head - he was the commander at
27 Bomi Hills, and I went there when I was in Cape Mount. They
28 formed a unit called Black Kadaffa and this unit, before we could
29 know that they have connived, the act they committed was

1 what - whenever the ammunition comes, they will give it to the
2 enemy. Every food that was supplied to us, they will take it and
3 give it to the enemy. This is how we managed to know that they
4 are conniving with enemy. And after we have arrested them, yes,
09:27:55 5 we arrested them and they confessed.

6 MR CHEKERA: Thank you. Madam President, if I could just
7 have a minute to confer with Mr Taylor. Thank you.

8 Madam President, that concludes my evidence-in-chief.
9 Thank you.

09:28:23 10 PRESIDING JUDGE: Mr Bangura, are you taking the
11 cross-examination?

12 MR BANGURA: That's the case, your Honour.

13 PRESIDING JUDGE: So, Mr Witness, the lawyers on the other
14 side will be asking you some questions.

09:28:34 15 CROSS-EXAMINATION BY MR BANGURA:

16 Q. Good morning, Mr Witness.

17 A. Good morning.

18 Q. I will be asking you some questions based on your testimony
19 that you have given to this Court. You recall telling this Court
09:29:04 20 that you were born on 12 February 1952. Do you recall that?

21 A. Yes.

22 Q. That puts your age currently to about 58 years. Do you
23 agree?

24 A. Yes, yes. It may be like that.

09:29:40 25 Q. At the time of the beginning of the NPFL war that was in
26 1989, when you took part in the invasion into Liberia you were
27 about 38 years old. Do you agree with that calculation of your
28 age at that time?

29 A. My year to say the truth, it was never so. I cannot

1 remember because it was my father when he died - that's the time
2 I can remember. I didn't go to school, so I can't remember.
3 Well, my father told me, but I can't tell.

09:30:39 4 Q. Mr Witness, if I am making a wrong calculation it will be
5 corrected. But based on the age that you have given us, the date
6 of birth which you have given us, I am putting it to you that at
7 that time in 1989 when this war started you were about 38 years
8 of age. Do you agree or do you not agree?

09:31:09 9 A. I said I was born February 1952 on the 12th. That's what I
10 told you.

11 Q. Do you remember telling this Court, Mr Witness, that when
12 the NPFL war came into Liberia you had children who joined in the
13 war to fight on behalf of the NPFL? Do you remember telling the
14 Court that?

09:31:34 15 A. No, I didn't have children. I had elderly people.

16 Q. I am not talking of you personally having children. The
17 question is do you recall that you said that children got
18 involved in the war and fought on behalf of the NPFL?

09:32:04 19 A. No. I can remember the elderly people, people who were of
20 age.

21 PRESIDING JUDGE: Mr Bangura, what are you referring to?
22 What part of the transcript are you referring to?

09:32:17 23 MR BANGURA: Your Honours, I am referring to that part of
24 the transcript where the witness talks about the age of children,
25 the age range of children, and I can give the reference. It's
26 the transcript of 29 April 2010, page 40389 through to 40391:

27 Q. Mr Witness, you in fact gave this Court an age range of the
28 children that you said joined the NPFL to fight. Do you recall
29 that?

1 A. Yes, those I can know that they were 35 years. Some were
2 40 years and that's how - yes, these are the ages they gave me.
3 That's the one I can remember.

09:33:27 4 Q. To be exact, Mr Witness, you told this Court that the
5 children that joined the NPFL were between the ages of 30 and 35.
6 By your definition you said children were about that age, between
7 30 and 35. Do you recall that?

8 A. I didn't say children. I said age - they were people of
9 ages. They were big in ages.

09:33:53 10 Q. That was the definition - your definition of children which
11 you gave to this Court when you were asked by the judges. Do you
12 recall?

13 A. When they asked me I told the Court that from 35 to 40
14 years were recruited and joined us. That's what I told this
09:34:17 15 Court.

16 Q. So in fact you are saying now that up to 40 years would be
17 - people up to the age of 40 years would be regarded as children.
18 Is that what you're saying?

19 A. I didn't say little children. I didn't say little
09:34:33 20 children. I said men who joined us. I didn't say little
21 children.

22 Q. Mr Witness, you at the time of the start of the war, at 38
23 years, you were just barely above the age range that you gave
24 this Court as that - as the age range for children. You were
09:34:55 25 just barely above that age. Do you recall? Is that not true?

26 A. Yes, I were men - I were man. Yes, I were man.

27 Q. [Microphone not activated] it is not the case that that age
28 range, 30 to 35, represents the age of children. That is not
29 correct.

1 A. Yeah, they were men. They were men. They were of ages.

2 Q. The reason why you gave that answer that children were
3 within the age of 30 to 35 was because you wanted to cover up on
4 an answer which you had given that children were involved in the
09:35:44 5 war. Isn't that the case?

6 A. No. I said people who joined us were at the age of 30 and
7 above. There was those who have 40 years of age. This is what I
8 have been saying over and again.

9 Q. Mr Witness, there is nowhere in the world where children of
09:36:06 10 normal age are described as being between 30 and 35, is there?

11 A. Those who joined us, I didn't say little children. I said
12 those who joined us were 30 years and above. I am not talking
13 about little children.

14 Q. Mr Witness, you are not answering the question. The
09:36:32 15 question is there is nowhere in the world, and I am putting it to
16 you, where children of normal age as children are described as or
17 referred to persons between the ages of 30 and 35, is there?

18 A. Those who I have been talking about are people of 30 and
19 above. I am not talking about little children.

09:37:07 20 Q. Mr Witness, do you understand the question that was put to
21 you?

22 A. Re-explain.

23 Q. Nowhere in the world do we have a situation where children
24 who have normal ages of children are described or are referred to
09:37:31 25 persons between the ages of 30 and 35. There is nowhere in the
26 world. Isn't that the case?

27 A. What I am saying is, those who joined me to fight, they
28 were at what age? I said they were above 30 and - they were
29 above 30 to 40 years of ages.

1 Q. Mr Witness, do you know this or do you not know this?

2 A. I don't know. Could you please explain.

3 Q. I will try again. Nowhere in the world is a child - or is
4 a 30 year old person described as a child. Do you know of
09:38:27 5 anywhere in the world where a 30 year old person is described as
6 a child?

7 PRESIDING JUDGE: What is your answer, sir?

8 THE WITNESS: Well, when you are talking, I cannot actually
9 understand. I have not understood your question.

09:39:06 10 MR BANGURA:

11 Q. Mr Witness, what do you not understand in that question?

12 A. You said children. When you talk about children, they are
13 people who have little ages. But I am talking about people who
14 were at the age of 30 to 40. These are the people I am talking
09:39:31 15 about. This is what I am talking.

16 Q. I will try one more time. Nowhere in the world is a 30
17 year old person described as a child. Do you agree or do you
18 not?

19 A. They are adult. They are adult.

09:39:54 20 Q. Thank you. So when you told this Court that the children
21 in your - when you told this Court that children were within the
22 ages of 30 to 35 you were simply covering up for having already
23 answered that there were children fighting with the NPFL. Were
24 you not?

09:40:20 25 A. No. Children were not fighting for NPFL. What I told you,
26 I said I adult. No, I didn't see little children to fight. No.
27 Those who joined us were people of ages who joined willingly.

28 Q. Mr Witness, are you familiar with the term SBU?

29 A. No. Please explain.

1 Q. Are you familiar with the letters SBU? They stand for
2 Small Boys Unit.

3 A. I don't know anything about this.

09:41:21

4 Q. Have you ever heard that term, those words, those letters,
5 SBU?

6 A. No, we never had this unit. We never had any unit called
7 SBU under my command. No, I don't know.

09:41:48

8 Q. Now, Mr Witness, you say you did not have an SBU unit under
9 your command. Were there SBU or were there these kinds of units
10 or this unit in other commands apart from your command?

11 A. No, I don't know anything. I have only explained about
12 myself. Maybe the other people may know, so they will explain.
13 But I don't know anything about this.

09:42:11

14 Q. What would you describe or what was the youngest age of the
15 fighters that you had under your command?

16 A. Those I can remember, some people were at the age of 30,
17 40. That's the one I can actually remember.

18 Q. Mr Witness, when you captured towns and villages, you also
19 captured civilians, did you not?

09:42:43

20 A. No, I never captured anybody. I just give them assistance.
21 I gave them foodstuffs.

22 Q. Did you have civilians who were made homeless by the war
23 and who did not have a place to go?

09:43:13

24 A. Yes. Normally those who were displaced came to us and we
25 catered for them. So we catered for them. We catered them for.
26 So we told them not to go anywhere.

27 Q. They included children, didn't they not? Those civilians
28 who came to you included children?

29 A. Yes, they got some children. No, they were not fighters.

1 No, they only came for assistance, so they came to take refuge.

2 No, if there is any other thing, I can't remember. This is what
3 I am talking.

09:43:52 4 Q. Mr Witness, it was the case that commanders had small boys,
5 SBUs, who served as bodyguards to them; wasn't that the case?

6 A. No. For me, I did not have any of them. Where - there
7 were many commanders from my controlled area. I did not have, so
8 I cannot explain beyond my control.

09:44:18 9 Q. If you did not have, was this not the practice with other
10 commanders?

11 A. If they had, they will explain. But I cannot. I have
12 civilians under my command and I provided food, assistance for
13 them.

14 Q. Mr Witness, you knew that this was the practice, don't you?

09:44:51 15 A. I mean, could you explain in detail?

16 Q. You knew that this was the practice of commanders having
17 children under them as bodyguards. You knew that.

18 A. I said if it happened, it was never under my command.

09:45:25 19 Q. Mr Witness, I am not seeking to go into much detail about
20 your medical situation, but just let me ask: Did you tell this
21 Court that you've got a family, you've got children?

22 A. Yes, I have my children.

23 Q. And how old are those children? Sorry, let me ask you
24 first: How many children did you say you have?

09:45:54 25 A. Six.

26 Q. And how old are your children?

27 A. I can't remember the years or the ages. No. I born them
28 by native woman. No, I cannot, I mean, be able to say the exact
29 ages.

1 Q. Are they all grownups now - fully grown up men and women?

2 A. Yes. Some are of age.

3 Q. And when you say "some are of age", are some still
4 underage?

09:46:33 5 A. Yes, they are those who have smaller ages and there are
6 others who have bigger ages.

7 Q. And how old would be the youngest? Let's try and make some
8 sense of the age here. The youngest one among them, when did you
9 have that one? Is it a boy or a girl?

09:47:18 10 A. I can't remember. I will be thinking about this. I never
11 took record on this.

12 Q. The ones that are underage, are they still - do they attend
13 school?

14 A. Yeah, they are attending school, but they have not
09:47:37 15 completed.

16 Q. And what level is the youngest of the lot in school? What
17 class or what grade is that person?

18 A. One is in ten; the other in second.

19 Q. One is in --

09:47:59 20 A. Tenth grade.

21 Q. Tenth grade. And the other is in what grade?

22 A. I said ninth grade.

23 Q. Did I hear you say "second" earlier? Did you say "second"?

24 A. Yes. I said one is in tenth and one is in ninth.

09:48:30 25 Q. Okay. Thank you. I will probably come back to that.

26 Mr Witness, do you know what the letters NPFL stand for?

27 A. NPFL is a unit. It was a fighter unit.

28 Q. Yes. Do you know what those letters stand for, what they
29 mean?

1 A. Yes. National Patriotic Front.

2 Q. Is that all?

3 A. Please explain again.

4 Q. Is that all you remember about what NPFL stands for? I

09:50:08 5 take it that that's all you remember?

6 A. Please repeat.

7 Q. Okay.

8 A. Because I am not educated and so I do not know the meaning.

9 I never went to school to give the meaning.

09:50:24 10 Q. Thank you. You mentioned in your testimony about being a

11 battalion commander at one point and also a company commander.

12 Do you recall?

13 A. I was battalion commander.

14 Q. Your evidence is that you were at one point the

09:50:45 15 1st Battalion commander, correct?

16 A. Yes.

17 Q. And this was in what year?

18 A. It was 1990. The middle part of 1990.

19 Q. You also mentioned that you were a company commander in the

09:51:11 20 6th Battalion. Do you recall that?

21 A. Yes, it was in Cape Mount.

22 Q. And what year was that?

23 A. It was in 1991.

24 Q. Now, when you talk about a battalion and a company, which

09:51:34 25 one is above the other?

26 A. Battalion is the larger one.

27 Q. And what was the composition of your - and so the companies

28 alone, what was the composition of a company - the strength of a

29 company? Men - how many men?

1 A. There were 48. 48 makes up a company.

2 Q. And so if you had 48, how many companies were there in a
3 battalion then?

4 A. Four companies that make up one battalion.

09:52:44 5 Q. So by your account, with 48 men in a company, how many men
6 did you have in a battalion? And four companies in a battalion,
7 how many men would you have in a battalion?

8 A. You calculate it, then you will know it.

9 Q. Well, I can give you a figure here. If you have 48 men in
09:53:18 10 a company, by four, that's companies in a battalion, 192 men.
11 Does that sound right to you as the number of men that you had -
12 the NPFL had in a battalion, 192 men? Mr Witness, are you
13 thinking over the question?

14 PRESIDING JUDGE: Mr Witness, you have to answer.

09:54:12 15 THE WITNESS: I am thinking.

16 PRESIDING JUDGE: You have to give an answer. If the
17 answer is that you don't know, that is what your answer is. But
18 you must say something.

19 THE WITNESS: Yes, the one I can remember. Whether - if it
09:54:26 20 exceeds the number, I cannot remember because I am not educated
21 to count.

22 PRESIDING JUDGE: Then that should be your answer. You
23 don't just sit and say nothing, please.

24 MR BANGURA:

09:54:41 25 Q. So about 192 men sounds right to you as the number of men
26 in a battalion?

27 PRESIDING JUDGE: Mr Bangura, I don't know. These
28 mathematical questions, they are not very helpful because the
29 witness is not able, obviously, to answer.

1 MR BANGURA: Just trying to establish a few points:

2 Q. Mr Witness, apart from battalions, did you have any unit or
3 any level above a battalion? You talked about a company, you
4 talked about a battalion. Did there exist within the NPFL a
09:55:16 5 level above battalion?

6 A. What happened is the unit was divided - the unit were
7 divided --

8 Q. Mr Witness, do you understand the question? You have told
9 this Court that you had companies and you had battalions -
09:55:50 10 companies made up battalions. Did you have any level in the
11 structure above a battalion within the NPFL?

12 A. Yes, there were several units. There were several units.

13 Q. I am talking about a level within the structure that is
14 above a battalion. So what level is that that you had? You have
09:56:27 15 said units. I don't know whether you understand the question as
16 units, but what level did you have?

17 A. There are many groups. I can't remember.

18 Q. What groups are you talking about? You said there were
19 many groups. Which are those groups, Mr Witness?

09:57:10 20 A. Battalions. Battalion. I said we were plenty.

21 Q. You did have many battalions, correct? You had 1st
22 Battalion, you mentioned 6th Battalion, you mentioned 3rd
23 Battalion, correct?

24 A. 3rd Battalion was there. Then we had marine. We had
09:57:36 25 several units. There was so many, so I cannot remember right
26 now.

27 Q. So you do not recall whether there was a level within the
28 structure above the battalion?

29 A. I said yes, I cannot remember, there were so many.

1 Q. Mr Witness, when you were a company commander, you said it
2 was in the 6th Battalion, who were you answerable to?

3 A. I report to joint chief of staff, the head of the entire
4 army.

09:58:23 5 Q. And who was that person at the time?

6 A. The joint chief of staff was John Teah.

7 Q. Mr Witness, as a company commander you were within a
8 battalion of other companies, correct? You said you were company
9 commander of the 6th Battalion, so you were within your one

09:58:58 10 company amongst three other companies that made up that

11 battalion, right? Correct?

12 A. Yes, go ahead. Yes.

13 Q. And your battalion was based in Bomi, the 6th Battalion, at
14 the time you were company commander, wasn't it?

09:59:26 15 A. Yes, in Bomi.

16 Q. And you say - who was the battalion commander at this time?

17 A. Cape Mount? Our head was - the all over head was Degbon.

18 Q. Was Degbon the battalion commander of the 6th Battalion?

19 A. He was the head at Cape Mount control area.

09:59:56 20 Q. Mr Witness, you are very much familiar with the structure
21 of battalions and companies. You have told this Court that you

22 served as a battalion commander, before you had served as a

23 company commander, you had operated within a battalion as a

24 combat officer. Now, if you were a company commander in the 6th

10:00:27 25 Battalion, then there would have been a battalion commander,

26 isn't that the case? Wouldn't that have been the case, for the

27 6th Battalion?

28 A. Yes, it has commander.

29 Q. So who was the battalion commander for the 6th Battalion?

1 That's the question.

2 A. 6th Battalion commander was Oliver Varney, but Degbon was
3 the overall chief.

10:01:11

4 Q. So Oliver Varney was answerable to Degbon, is that what you
5 are telling this Court?

6 A. Yes.

7 Q. Was Degbon based also in Bomi?

8 A. Yes. We all were there. They all were there. After the
9 war was raging, then they came. Wangakor.

10:01:39

10 Q. What was Degbon's position actually?

11 A. Degbon was the head - he was the overall chief.

12 Q. Did his position have a name, a title?

13 A. Yes, he was the head.

10:02:15

14 Q. Do you get the question right? You have talked about - we
15 know of a company commander, a battalion commander, but did
16 Degbon's position as your overall chief have a title? If you
17 don't know, say you don't know, but that's the question.

18 A. Yes, I cannot remember, but all I know is that he was the
19 head battalion commander.

10:02:35

20 Q. So from what you have told this Court, Degbon had
21 supervision over everybody within the 6th Battalion, right?

22 A. Yeah, we were under him. Everything was being administered
23 by him.

24 Q. Now, what about Anthony Mekunagbe?

10:03:05

25 A. Mekunagbe, he was there. He was one of the - he was the
26 supply officer for the arms and ammunition. Oliver and Degbon.
27 They were all the big brass.

28 Q. Mr Witness, let's take it one at a time. I asked you about
29 Mekunagbe. What rank was he, if you recall?

1 A. He was one of the big persons under Degbon.

2 Q. And where was he based?

3 A. They all were together in Bomi.

4 Q. This is in 1991. Is that right?

10:03:53 5 A. Yes, '91 is what I'm talking about.

6 Q. Did Mekunagbe hold any other position? Or what was exactly
7 his position? You said they were all under Degbon. What exactly
8 was his position?

9 A. Well, whenever issues comes, he, Degbon, received it.

10:04:21 10 Q. Mr Witness, we are talking here about Mekunagbe, Anthony
11 Mekunagbe. What position did he hold within the battalion in
12 Bomi?

13 A. He was under Degbon as one of the officers.

14 Q. What rank did he carry? You say as one of the officers
10:04:51 15 under Degbon. What rank did he carry?

16 A. When foodstuffs come, the supplies come, he is the one that
17 received them.

18 Q. Mr Witness, you would note clearly the distinction of what
19 a rank is in the army, not so?

10:05:14 20 A. But I cannot - at that time there was no inner rank. We
21 were just revolutionary fighters. There was no any general,
22 there was no any other rank.

23 Q. So in effect what you have told this Court is that you had
24 Degbon who was the overall commander of the forces out there in
10:05:40 25 Bomi which basically was the 6th Battalion, correct?

26 A. Yes, yes.

27 Q. And under Degbon you have told this Court that you had
28 Anthony Mekunagbe. Is that right?

29 A. Yes. He were - they were the heads of our command.

1 Q. Also based in Bomi. Is that right?

2 A. Yes, we all were there.

3 Q. And under Mekunagbe you had the battalion commander who was
4 Oliver Varney. Is that right? Is that what you're saying?

10:06:34 5 A. And Oliver was under Mekunagbe?

6 Q. Tell us, Mr Witness, who - you've said Degbon was the
7 overall commander and he had command over everyone. Who was next
8 to him?

9 A. Yes. The person who was next to him, Oliver Varney,
10:07:02 10 Anthony Mekunagbe, he can receive the supplies.

11 Q. Was Anthony Mekunagbe under Oliver Varney?

12 A. Yes.

13 Q. And was Anthony Mekunagbe a combat officer or was he in any
14 operational role within the battalion?

10:07:30 15 A. He was one of the top brass on the front line.

16 Q. And did this structure remain until you left the battalion
17 or did it change at any point?

18 A. Yes. After I got wounded, before I replace him.

19 Q. So in fact this structure was what it was until you left?

10:08:03 20 A. Yes. After I got wounded, then I took over. But after I
21 got wounded, I cannot remember any other thing again.

22 Q. Anthony Mekunagbe, what tribe was he?

23 A. He was Mano. He was from the Mano tribe.

24 Q. Oliver Varney, what tribe was he?

10:08:28 25 A. He speak Gio or Dan.

26 Q. And Degbon, what tribe was he?

27 A. Dan.

28 Q. So, Mr Witness, you told this Court that you went to
29 Gbarnga at one point. You were recalled to Gbarnga by

1 Charles Taylor, correct?

2 A. Yes, he called me to Gbarnga.

3 Q. And when was this?

4 A. '91.

10:09:26 5 Q. At the time that you were called to Gbarnga, what was your
6 assignment?

7 A. I was at Harbel Hills. I was in 1st Battalion. After the
8 year ended, then I went to Gbarnga.

9 Q. Sorry, I don't seem to have got the battalion quite right.

10:09:54 10 Which battalion were you in?

11 A. I said I was in 1st Battalion.

12 Q. And when exactly were you called to Gbarnga? What year?

13 You have told this Court already that you were in the 1st

14 Battalion in 1990?

10:10:16 15 A. Yes, yes.

16 Q. [Microphone not activated] that you were called to Gbarnga,
17 or was it --

18 A. Yes. At the end of the year, then I went to Gbarnga.

19 Q. And when you say end of the year, was it right at the end?

10:10:33 20 Can you be clear about what month, if you are able to tell the
21 Court?

22 A. I can't remember. No, I can't remember.

23 Q. So do you recall when exactly that you left the 6th
24 Battalion and when you had the incident that occurred that caused
10:11:37 25 you to be hospitalised? Do you recall when that happened?

26 A. No, I can't remember the year. We were in the bush
27 fighting. I cannot remember the time or the date. No, I did not
28 recall.

29 Q. [Microphone not activated] this Court already that you were

1 in the 6th Battalion in 1991, correct?

2 A. Yes.

3 Q. [Microphone not activated] were you in that battalion
4 before this incident occurred?

10:12:09 5 A. No, I did not spend year, but I spent few months.

6 Q. Would you say up to six months?

7 A. Yes, about six months, but the exact date I cannot remember
8 because we were in the bushes.

9 Q. And after the incident you spent about six months in
10 hospital. Did you say that?
10:12:36 10

11 A. Yes, I was in Yekepa.

12 Q. And then you became appointed after that as superintendent.
13 What year was that that you got the job as a superintendent?

14 A. It was in 1993. Ending of 1993 in Nimba.

10:13:01 15 Q. Thank you. Now, you have told this Court that Mekunagbe
16 was part of the 6th Battalion. It would be wrong if somebody
17 told you - if somebody came to this Court and said that he was in
18 fact not in that battalion, correct, in 1991?

19 A. Yes.

10:13:30 20 Q. [Microphone not activated] not in the 6th Battalion. Would
21 that person be telling the Court a lie if they came to this Court
22 and said that -

23 A. What you say?

24 Q. [Microphone not activated] in the 6th Battalion?

10:13:53 25 PRESIDING JUDGE: Mr Bangura, repeat your question. It was
26 not captured.

27 MR BANGURA:

28 Q. If somebody came to this Court and said that Anthony
29 Mekunagbe was in fact not in the 6th Battalion in 1991, would

1 that person be telling a lie?

2 A. '91, I was there. '91, I was there.

3 Q. Mr Witness, it's not you I am talking about. I am talking
4 about Anthony Mekunagbe. If somebody came to this Court and said
10:14:32 5 that Anthony Mekunagbe was in fact in a different place, not in
6 the 6th Battalion in 1991, would that person be telling the Court
7 a lie?

8 A. Yes, then he has lied. Because in 1991 we were in Cape
9 Mount.

10:14:54 10 Q. And you are very sure that at this time you were with
11 Anthony Mekunagbe, correct?

12 A. Yes. I met him in Cape Mount and we were there together.

13 PRESIDING JUDGE: Mr Bangura, does that answer your
14 question, really? The question, I thought, related to a
10:15:21 15 battalion and this - the witness is saying: Yes, we were in Cape
16 Mount. So what? How does that address the question of the
17 battalion?

18 MR BANGURA: Thank you, your Honour:

19 Q. Mr Witness, the question was whether Anthony Mekunagbe was
10:15:46 20 somewhere else and not in the 6th Battalion in 1991. What do you
21 say to that?

22 A. I said he was there in '91. I met him there.

23 PRESIDING JUDGE: Mr Witness, the question relates to the
24 battalion, not a location. Are you saying he was in the 6th
10:16:23 25 Battalion or he wasn't in the 6th Battalion in 1991?

26 THE WITNESS: I said I met him in Cape Mount. He and
27 Degbon, we are all were fighting together.

28 PRESIDING JUDGE: In the 6th Battalion?

29 THE WITNESS: Yes.

1 MR BANGURA: Your Honours, I refer to the testimony of
2 Mr Taylor of 16 July 2009 at page 24695.

3 Q. Mr Witness, I read to you what Mr Taylor said about Anthony
4 Mekunagbe's deployment in 1991. Your Honours, now I will read
10:18:14 5 from line 3. Mr Taylor is giving an answer to questions put to
6 him by his lawyers, and this is what he said. He is talking
7 about Anthony Mekunagbe:

8 "That is correct. Anthony Mekunagbe, after he was arrested
9 for our investigation had, along with some Sierra Leonean
10:18:41 10 soldiers, gotten involved in a looted property deal where they
11 had sold some properties to the Sierra Leonean side and payment
12 was not forthcoming, and Anthony Mekunagbe attacked the Sierra
13 Leonean soldiers on the border for property.

14 That came to my attention and my good friend President
10:19:03 15 Momoh. We exchanged information on this. Momoh got upset,
16 ordered the Sierra Leonean forces to come inside Liberia. In
17 fact the Sierra Leonean armed forces came near Foya. We drove
18 them back and Momoh and I, using our intermediary, Prince
19 Barclay, were able to bring that situation under control and I
10:19:30 20 arrested Anthony Mekunagbe. I punished him. In fact, he was in
21 confinement for a short while, released and sent back to his
22 assignment. This is in January of 1991."

23 And then it continues. So, Mr Witness, do you see that in
24 1991, January, even before that, Anthony Mekunagbe had
10:20:07 25 been - first of all, where is Foya? Which county?

26 A. It is in Lofa County. It is located in Lofa County.

27 Q. And do you see that - from what I have read to you, that
28 Anthony Mekunagbe at this time in 1991 was assigned to Foya? Do
29 you see that?

1 PRESIDING JUDGE: Please pause. Mr Chekera.

2 MR CHEKERA: If my learned friend would be true to the
3 transcript he has read, he would like - he may want to confine
4 which part of 1991 a reference to made is to, and specifically it
10:20:52 5 is January 1991. So it would be unfair to the witness to put the
6 year without limiting it to the particular month.

7 PRESIDING JUDGE: But he did mention January 1991.

8 MR CHEKERA: The question he put to the witness directly,
9 the last question, doesn't limit it to '91, January.

10:21:10 10 MR BANGURA: Your Honour, counsel is right that I did not
11 limit it to '91, but I went backwards because the context
12 suggests that the - Anthony Mekunagbe had been - or I put it to
13 the witness, but that's the context that we have just read.

14 PRESIDING JUDGE: Yes, of course --

10:21:23 15 MR BANGURA: This is 1991. The context goes back to before
16 1991. I have not gone beyond '91.

17 PRESIDING JUDGE: I think you may proceed, Mr Bangura,
18 because you have read the text before the witness, which included
19 January 1991, and the witness shouldn't be confused by the
10:21:44 20 question. So the objection is overruled.

21 MR BANGURA: I'm grateful, your Honour:

22 Q. Mr Witness, do you see that - from Mr Taylor's testimony
23 before this Court, Anthony Mekunagbe was assigned to Foya, which
24 is in Lofa, in 199 - about January 1991? Do you see that?

10:22:09 25 A. Yes, they passed - yes, they removed him and replaced him.
26 I am talking about Bomi and Cape Mount. This is --

27 THE INTERPRETER: Your Honour, the witness is speaking very
28 fast.

29 PRESIDING JUDGE: Please pause, Mr Witness. You are

1 speaking too quickly. The interpreter can't keep up with you.
2 Now, you were explaining that - no, I think you just have
3 to - you have to repeat your answer. Please repeat the entire
4 answer slowly. Perhaps, Mr Bangura, you can prompt the answer.

10:23:01

5 MR BANGURA:

6 Q. Mr Witness, the question was: From what Mr Taylor told
7 this Court, Anthony Mekunagbe was assigned to Foya in Lofa by
8 about January 1991. Do you agree?

10:23:30

9 A. I said yes, he was there. What happened was when I went to
10 6th Battalion, I met him in 6th Battalion fighting on the other
11 side. So the time he left Lofa, I cannot remember.

12 PRESIDING JUDGE: Wait, wait. Mr Interpreter, you said
13 fighting under what?

14 THE INTERPRETER: Fighting under the 6th Battalion.

10:23:55

15 MR BANGURA:

16 Q. Mr Witness, you do agree that before January 1991 Mekunagbe
17 had been with the - had been assigned to Foya in Lofa County; do
18 you agree with that?

10:24:25

19 A. Yes, he was there. After he left, I met him to 6th
20 Battalion in Cape Mount.

21 Q. [Microphone not activated] battalion. First of all, the
22 battalion in Lofa, what battalion was that? Can you tell this
23 Court, if you are able to?

24 A. I cannot remember the name or the number. I cannot tell.

10:24:57

25 Q. Was it the 1st Battalion?

26 A. No.

27 Q. And what time do you say that Anthony Mekunagbe left the
28 battalion in Foya to come and join the 6th Battalion in Bomi?

29 A. '91. The end of '91. One Henry Kaydi a was the one who

1 replaced him. This is what I can remember.

2 PRESIDING JUDGE: Henry who?

3 THE WITNESS: Henry Kaydi a. Henry Kaydi a. Yes, that's
4 from - yes, I met he and Degbon in Cape Mount.

10:25:55

5 MR BANGURA:

6 Q. So in your - your testimony is that Anthony Mekunagbe left
7 the battalion in Lofa in 1991. When did you say he left there?

8 A. Yes, I saw him. Then ULIMO had already captured the area.

10:26:28

9 Q. Mr Witness, let me again put to you - you told this Court
10 that you left the 6th Battalion after you got injured in an
11 ambush, and you said that Anthony Mekunagbe was involved - was he
12 involved in that ambush against you?

13 A. Yes. He was - he took part. He was in the Black Kadaffa.
14 He was one of the big senior person. Yes, he was involved.

10:27:05

15 Q. Now, let me put to you again the testimony of Mr Taylor
16 about - and you say - before I just put that to you - and you say
17 he was one of those who was arrested after this incident,
18 correct?

19 PRESIDING JUDGE: What incident?

10:27:26

20 MR BANGURA: The ambush:

21 Q. The ambush in which you got injured, Anthony Mekunagbe was
22 one of the persons who was arrested for that, correct?

23 A. Yes, Anthony was involved. Degbon was also involved.
24 Menwon was also involved. Oliver Varney and their unit planned
10:27:49 25 this against - in fact, after they have arrested them, they
26 confessed, they went against our oath. Yes, I saw Anthony
27 Mekunagbe. This is my reason to say that he was involved.

28 Q. You say all of this happened in Bomi, correct?

29 A. The fighting happened when ULIMO came, that was in Cape

1 Mount County, the area I got injured.

2 Q. Now, let me put to you what Mr Taylor says about the arrest
3 of Anthony Mekunagbe. Your Honours, I refer to the transcript of
4 2 December 2009, at page 32971, reading from line 8. Now, this
10:29:22 5 is Mr Taylor answering questions put to him by a lawyer in this
6 Court:

7 "Q. Sir, where was Oliver Varney arrested?

8 A. Oliver Varney was sent for. He was arrested - I think
9 Oliver Varney, if I'm not mistaken, he was arrested in
10:29:50 10 Kakata. He was ordered to come to Kakata.

11 Q. How about Anthony Mekunagbe?

12 A. Lofa. He was arrested in Lofa, I believe. Either Lofa
13 or Bong County, Gbarnga. One of the two, I'm not sure."

14 Mr Witness, Mr Taylor said to this Court that he wasn't
10:30:21 15 fully sure but he was almost certain that Anthony Mekunagbe was
16 arrested in Lofa. He was not arrested in Bomi, he was not
17 arrested elsewhere. It's Lofa or, he wasn't sure, it could have
18 been Gbarnga. Do you know why Mr Taylor - why Anthony Mekunagbe
19 would have been in Lofa at all at this time?

10:30:56 20 A. No, I cannot explain anything concerning this.

21 Q. Thank you. Mr Witness, when was the first time you had
22 contact with the Defence team or the Defence lawyers? Do you
23 recall when you had your first contact with the Defence lawyers?

24 A. Yes, we met in Monrovia.

10:31:41 25 Q. When was this?

26 A. I cannot remember the day.

27 Q. Before you came to this Court - to this country to testify,
28 do you recall how many times you had met with the Defence?

29 A. Yes, I remember. And all that he asked me I explained.

1 Q. How many times had you met with the Defence before you came
2 to this country to come and testify?

3 A. We met three or four times. We met three times.

4 Q. And these meetings were all in Monrovia?

10:32:37 5 A. Yes, it happened in Monrovia and when I arrived here, after
6 three days, he asked me and I explained it to him.

7 Q. Now, who did you meet in Monrovia on these three occasions?

8 A. I met the Defence counsel.

9 Q. Which one of the Defence counsel did you meet?

10:33:05 10 A. The one who asked me is the one I met.

11 Q. And is it the case that you met the counsel who was asking
12 you questions on all those three occasions that you say you met
13 lawyers from the Defence team in Monrovia?

14 A. Yes.

10:33:30 15 PRESIDING JUDGE: Does he mean the one who asked him
16 questions in court?

17 MR BANGURA:

18 Q. When you say the one who is asking you questions is the one
19 that you met, referring to the lawyer who is asking you
10:33:43 20 questions, do you mean the lawyer he has been asking you
21 questions before I took over?

22 A. I said yes, he's the one I met.

23 Q. And your testimony is that you met him about three times in
24 Monrovia before you came over to The Hague to testify, right?

10:34:22 25 PRESIDING JUDGE: Mr Witness, what is so difficult about
26 such a question that you should be pensive? Didn't you
27 understand the question?

28 THE WITNESS: I understand.

29 PRESIDING JUDGE: Then please answer.

1 MR BANGURA:

2 Q. Do you want me to repeat the question, Mr Witness?

3 A. Yes, ask the question.

10:34:55

4 Q. You said that you met the lawyer three times in Monrovia
5 before you came over to The Hague to testify, correct?

6 A. Yes. Yes, I said he and I met.

7 Q. And how many times, you said three, correct?

8 A. Um.

9 Q. Now on each of those occasions did you --

10:35:19

10 PRESIDING JUDGE: Mr Interpreter, what is "um"? What is
11 "um"?

12 THE INTERPRETER: He wants to say yes.

13 PRESIDING JUDGE: Well, you say yes. That is the
14 interpretation.

10:35:40

15 MR BANGURA:

16 Q. Do you recall what happened the first time you met with the
17 lawyer in Monrovia?

18 A. Yes, I explained.

10:36:00

19 Q. And when you explained whatever you had to explain, did the
20 lawyer write down what you were explaining?

21 A. Yes, he was writing them down.

22 Q. After that you had a second meeting with the same lawyer,
23 correct?

24 A. Yes, the same thing that I am explaining is what I had
25 explained to him.

10:36:30

26 Q. And on the second time the lawyer took down --

27 PRESIDING JUDGE: Just a minute, Mr Bangura. That doesn't
28 entirely make sense. "The same team that I am explaining is what
29 I had explained to him"?

1 PRESIDING JUDGE: He said "thing". "The same thing".

2 MR BANGURA:

3 Q. And on this second occasion you explained to your lawyer
4 again, he took down what you were explaining to him. Is that the
10:37:06 5 case?

6 A. Yes, he wrote them down on paper.

7 Q. And also on the third time that you met with your lawyer,
8 was it the case that you again - what happened on that occasion,
9 the third time?

10:37:28 10 A. All that occurred, all that happened to me is what I
11 explained to him. Started --

12 Q. [Microphone not activated] you were to finish up saying
13 what you were saying.

14 A. I said what happened to me is what I have explained to him,
10:37:51 15 how it started is what I explained to him.

16 Q. So do you recall when was the first time you told your
17 lawyers that you had trained in Libya with Special Forces
18 training in Libya? Do you recall when you had told him that of
19 all these meetings that you had?

10:38:15 20 A. Yes, I told him we did our training in Libya.

21 Q. Did you tell them this on the first time that you met with
22 them?

23 A. Yes, I told him that we took our training in Libya.

24 Q. That is not the question. We know that you told them that.
10:38:35 25 But did you tell them that you were trained in Libya on the first
26 meeting that you had with them?

27 A. Yes, I told him that we went to Libya to learn.

28 Q. Mr Witness, this question is simple. You have told this
29 Court that you had three meetings with a lawyer in Monrovia and

1 in those meetings he was taking down notes of what you told him.

2 Now, did you tell him on the first of those meetings that you had
3 gone to Libya for training? That's the question.

4 A. No. The first day we met, I never told him anything about

10:39:28 5 Libya. I never told him.

6 Q. Did you tell him that you would give him that information
7 on the second time that you met with him?

8 A. I told him - I said I took training in Libya. I told him
9 and he wrote it down.

10:39:48 10 Q. Did you tell him that on the second - was it on the second
11 occasion that you gave him that information or was it on the
12 third occasion? When did you give him that information?

13 A. Yes, he wrote - he wrote it down.

14 Q. When did you give him that information? Was it on the
10:40:12 15 first - you have said not the first. When did you give him that
16 information? The second, the third, or was it when you came here
17 to The Hague?

18 A. No, I told him in Monrovia.

19 Q. In Monrovia. Now, you told the lawyers that you were a
10:40:37 20 battalion commander, 1st Battalion commander. Do you recall when
21 you told them that, the first time you told them that you were
22 1st Battalion commander?

23 A. No, I can't remember. I didn't write it down.

24 Q. Mr Witness, let's go back to your training in Libya. If
10:41:02 25 you told your lawyers before you came here to testify - you told
26 them in Liberia, why is it that that information only came out in
27 a document which was prepared after the second or third meeting
28 that you had had with the Defence? Can you explain that?

29 A. Well, what happened is, I cannot - I forgot. After he had

1 met me, then I said, "Oh, I remember now." Then I begin to
2 explain. Yes, I explained in detail. And he told me do not hide
3 any information. And indeed I explained. He understood me.

10:42:02 4 Q. So you were told to explain your story about your role in
5 the NPFL and you forgot to tell the lawyer the very first stage
6 of your life with this organisation? You forgot that?

7 A. I said I forgot. Then I remember. When I remembered, then
8 he told him. Yes, because I forgot. That's the reason why.

9 Q. Did anybody suggest to you that you should now remember to
10:42:37 10 add that in your testimony later on?

11 A. No. It is myself. Yes, it is myself who told him.

12 Q. And this was after you had made two statements - three
13 statements. That's when you remembered to tell the lawyers that
14 you were - you had gone to Libya for training; isn't that the
10:43:05 15 case?

16 A. I told him the reason why I was - the reason why I went to
17 Libya. I explained it to him.

18 Q. That is not the point, Mr Witness. The point is that you
19 only told him this information after you had had your first two
10:43:27 20 or three interviews. Why was that?

21 PRESIDING JUDGE: Didn't the witness just explain the
22 reason why; namely, that he had forgotten earlier to give that
23 information.

24 MR BANGURA: Yes, your Honour.

10:43:44 25 PRESIDING JUDGE: So what are you asking again?

26 MR BANGURA:

27 Q. Mr Witness, you told your lawyers that you were battalion
28 commander - 1st Battalion commander. When did you give them that
29 information, do you recall? Was it the first time that you met

1 with them; was it the second time; was it the third time; or was
2 it when you came here to The Hague? Do you recall when you gave
3 them that information?

10:44:24

4 A. I told him in Liberia. Wherever I have fought, I explained
5 all.

6 Q. When did you give them this information? Was it in the
7 first meeting? Was it in the second? We know you had meetings
8 in Liberia --

9 A. The first day I explained everything to him.

10:44:35

10 Q. Well, can you help this Court why that information only
11 came up in your third interview with the - with your lawyer? Why
12 was it not recorded? Or was it not recorded? You think your
13 lawyer did not record that information?

14 A. He wrote it down.

10:45:08

15 Q. We only got it in the third set of notes that - summaries
16 that came, which suggested that you gave that information in the
17 third interview. Do you know why is that?

18 A. I said we met twice, and then I told him that we went for
19 training in Libya.

10:45:37

20 Q. Was somebody suggesting to you what to say in your
21 interviews with the lawyer?

22 A. No. I just remember and explained it to him. When we met,
23 I told him. Nobody told me to explain that.

10:46:18

24 Q. Did you tell them that you were - you joined the NPFL in
25 1991 in Gbarnga? Did you tell them that?

26 A. No.

27 Q. You did not tell the lawyer that you joined the NPFL in
28 Gbarnga?

29 Your Honour, I just want to be careful about what I put to

1 the witness. I don't want to misrepresent.

2 PRESIDING JUDGE: Mr Bangura, if you are quoting some
3 document that the judges don't have, it would be a good idea to
4 put on the record what it is you are quoting to the witness.

10:47:12 5 MR BANGURA: That is why I want to go back.

6 PRESIDING JUDGE: If it's a statement, you must give the
7 date of the statement.

8 MR BANGURA: Your Honour, this is --

9 PRESIDING JUDGE: So that there is no issue.

10:47:22 10 MR BANGURA: This is not a statement. This is summaries
11 that we were provided by the Defence.

12 PRESIDING JUDGE: If it's a summary, I do not - you must
13 show us the paragraph where it says - or it contains the
14 allegation you are putting to the witness. Because I see the
10:47:39 15 exact opposite of what you are saying in the summary that I have.

16 MR BANGURA:

17 Q. Mr Witness, you told your lawyer that you joined the NPFL
18 at Loguato in 1991 - in 1990. Do you recall telling them that?

19 Your Honours, I refer to the third version of the summary
10:48:32 20 and the fourth version. I just want to see if there are no
21 earlier references. It's the third and the fourth version.

22 PRESIDING JUDGE: So put the question, as I said to you, to
23 the witness, please.

24 MR BANGURA:

10:48:51 25 Q. You told your lawyers that you joined the NPFL in Loguato -
26 at Loguato in 1990, did you not?

27 PRESIDING JUDGE: Mr Witness, that is a fairly simple
28 question. Please answer.

29 THE WITNESS: Yes, I said it so.

1 MR BANGURA:

2 Q. But your testimony to this Court is completely different;
3 isn't that the case? You have told this Court that you joined
4 the NPFL at Danane. Isn't that the case?

10:49:50 5 A. 1990?

6 Q. [Microphone not activated]. I see counsel up.

7 MR CHEKERA: I do not recall the witness saying he joined
8 the NPFL in Danane.

9 PRESIDING JUDGE: Mr Bangura, you are the first always to
10:50:07 10 ask for citations.

11 Mr Witness, quiet, please.

12 It would be a good idea if you are putting a prior
13 testimony of the witness, that you cite the correct transcripts.

14 Mr Witness, we cannot speak together at the same time, you
10:50:24 15 and I.

16 MR BANGURA:

17 Q. Mr Witness, you said that after you were released from Post
18 Stockade, you fled Liberia and you went across the border, did
19 you not?

10:50:46 20 A. Yes, I went to Danane.

21 Q. And you were in Danane, where you built a house?

22 A. Yes, I built my house.

23 Q. And that was where you were when somebody called Godfather
24 came and told you that he would take you to someplace, correct?

10:51:11 25 A. Yes, it happened.

26 Q. At that point in time you did not know where you were going
27 to, did you?

28 A. No, he did not tell me until when we reached Burkina Faso,
29 whence he told me that we were going to Libya.

1 Q. So by agreeing to go with Godfather, you - I suggest to you
2 that you had agreed to be part of whatever group that he belonged
3 to. I suggest that to you. Do you agree, or do you not?

4 A. Yes, I agreed to follow him. Because we were maltreated in
10:51:57 5 Liberia, so I joined him so that we can fight.

6 Q. And this was what year? Would you recall what year this
7 was when you decided - you agreed to join Godfather?

8 A. I cannot remember the year. I cannot actually remember the
9 year.

10:52:18 10 Q. You would agree with me that this was not 1990, do you?

11 A. Going - it did not happen in 1990. It did not happen in
12 1990.

13 Q. So, Mr Witness, why did you tell your lawyers that you
14 joined the NPFL at Loguato in 1990?

10:52:46 15 A. Um. What?

16 Q. Do you understand the question?

17 A. I understood it.

18 Q. Can we have an answer, please?

19 A. Well, to say the truth, I cannot remember. I forgot. When
10:53:42 20 I remembered, then I explained that I went to Libya to train - to
21 undergo training. This is what I explained to him.

22 Q. So, Mr Witness, what you are saying is that you did not
23 remember when you became a member of the NPFL at the time you
24 were being interviewed by the lawyer who has just asked you
10:54:05 25 questions in this Court? You did not remember what time you
26 joined the NPFL; is that what you are telling the Court?

27 A. What I can remember, we all went to Libya to undergo
28 training and came back to Liberia with war. This is what I can
29 remember, joining the NPFL.

1 Q. So, Mr Witness, it is the case, then, that when you said to
2 the lawyer that you joined the NPFL in Loguato in 1990, you knew
3 that you were not telling him the truth. You knew that, not so?

10:55:09

4 A. I said if I have told him this, then it means that actually
5 I forgot.

6 Q. Mr Witness, to forget about what happened is one thing, but
7 to put a date and location stating that you were - you joined the
8 NPFL on that date and at that location is something else, isn't
9 it?

10:55:33

10 A. Explain again.

11 Q. You have told this Court that you forgot. Well, if you
12 forgot, you could have told counsel that you don't remember when
13 you joined the NPFL. But you went on to tell him that you joined
14 the NPFL in 1990 at Loguato. You knew that what you were telling
15 him was not truth, didn't you?

10:55:57

16 PRESIDING JUDGE: Mr Witness, what is your answer?

17 THE WITNESS: I do not have answer right now. The reason
18 is I was afraid if I have told the Court about Libya, it would be
19 something terrible to me. This is why I was from the beginning
20 afraid to explain. But now that I have gained courage, but I
21 forgot.

10:56:42

22 MR BANGURA:

23 Q. So, Mr Witness, you are saying that you gave the lawyer who
24 interviewed you information, not just this, but information which
25 was not true because you were afraid of being implicated with
26 Libya. Is that what you are telling the Court?

10:57:06

27 PRESIDING JUDGE: Please pause, Mr Witness.

28 Mr Chekera?

29 MR CHEKERA: Before the witness answers, I think the

1 explanation about why the witness did not tell us entirely what
2 was happening, which counsel says is the truth, relates to the
3 training in Libya. Now, counsel's question is importing other
4 things that the witness has not referred to. His question is now
10:57:49 5 talking about "and other things" and we object to the addition or
6 to the sneaking in of other things into the witness's answer.

7 PRESIDING JUDGE: Yes, but I think counsel is quite
8 entitled to assume that if this witness is about - is afraid to
9 be implicated with Libya, he may be afraid about other things as
10:58:22 10 well.

11 MR CHEKERA: If that is put directly in those terms to the
12 witness, then that would be fair.

13 PRESIDING JUDGE: Mr Bangura, perhaps you can rephrase your
14 question to reflect the answer that the witness earlier gave.

10:58:38 15 MR BANGURA: Thank you, your Honour:

16 Q. Mr Witness - perhaps I just move from that for the time
17 being and go on to something else. Mr Witness, you said you were
18 afraid to be associated with Libya, that's why you gave your
19 answer that you did, you gave to your lawyer. Why did you not
10:59:01 20 want to be associated with Libya?

21 A. The reason, I forgot. What happened is what I have already
22 explained.

23 PRESIDING JUDGE: Mr Witness, you have not answered the
24 question. The question is a very direct one. We need an answer
10:59:30 25 to that question. Why did you not want to be associated with
26 Libya? Why were you afraid of being associated with Libya, as
27 you have stated?

28 THE WITNESS: The reason is, for me, my thinking is, if I
29 explain - when I explained, it may be - it would be another case

1 on me. Then I decided to explain all to him, that I had
2 forgotten. Then I told him I forgot some happenings now that I
3 recover and I have explained it to him.

4 MR BANGURA:

11:00:29 5 Q. Mr Witness, what made you change your mind and you later
6 then explained about your role with the NPFL in Libya? What made
7 you change your mind?

8 A. It didn't happen. It's just that I forgot.

9 Q. Why were you suddenly no longer afraid about being
11:00:57 10 associated with Libya?

11 A. It was my duty to explain. Then I regain my conscience to
12 explain. This is what I have explained in my statement.

13 Q. Yes, Mr Witness, but the question of the fear, why were you
14 no longer afraid?

11:01:24 15 A. I said I forgot it. I forgot it. That's what I am
16 talking. This is what I am explaining.

17 Q. So, Mr Witness, when you did not mention to your lawyer
18 that you had been in Libya and you said you were -

19 PRESIDING JUDGE: Mr Bangura, you have to take this
11:01:56 20 story - the question again after the break. The tape has run out
21 and you know we started at 9, so we will take a mid-morning break
22 and reconvene at 11.30.

23 [Break taken at 11.02 a.m.]

24 [Upon resuming at 11.33 a.m.]

11:34:10 25 PRESIDING JUDGE: Mr Bangura, please continue.

26 MR BANGURA:

27 Q. Mr Witness, so it is the case then that when you spoke to
28 the lawyers of the Defence some things you told them were not
29 true and some things you just did not remember. Is that not the

1 case?

2 A. Please repeat your question.

3 Q. Some of the things you told the lawyers for the Defence or
4 the lawyer who spoke to you were simply not true, correct?

11:35:19 5 A. What did I tell him that was not true?

6 Q. Mr Witness, we have already seen what you said was the date
7 and the place that you said you became a member of the NPFL.
8 We've seen that, haven't we?

9 A. It was not NPFL.

11:35:50 10 PRESIDING JUDGE: What?

11 THE WITNESS: Please repeat your question again.

12 MR BANGURA:

13 Q. We have seen already from the material which the lawyers
14 for the Defence gave us, and I've read from that material in
11:36:13 15 court, that you told this Court that you became a member of the
16 NPFL in 1990 at Loguato and that is not true. Haven't we seen
17 that?

18 PRESIDING JUDGE: He said that to court or he said that in
19 his summary?

11:36:40 20 MR BANGURA: He said that in the summary.

21 PRESIDING JUDGE: Mr Bangura, you know, you are dealing
22 with a person and with interpreters that are straining to get
23 meanings across of what you're saying. Please keep your
24 questions short and direct. That is why we are pausing and the
11:36:56 25 witness is losing the train of thought, et cetera, because you
26 don't keep your questions direct and accurate. Please keep your
27 sentences short and direct and be accurate in what you're saying.

28 MR BANGURA: I'll endeavour to do so:

29 Q. You told the lawyers who interviewed you that you joined

1 the NPFL at Loguato in 1990 and that is not correct, true? Not
2 so?

3 A. I said I said it but I forgot it.

4 Q. So how many other things did you tell the lawyer that were
11:37:46 5 not true, that you forgot?

6 A. I told him when I went to Libya I did not tell him from the
7 beginning, but I told him the truth that I forgot when I was
8 explaining about the war situation. I told him.

9 Q. Mr Witness, you told this Court that when you got to Libya
11:38:27 10 - or when you were in Libya there was no contact between the
11 different groups that were there at Tajura. Do you recall that?

12 A. No. What is the distance?

13 Q. You told this Court that the different groups did not
14 interact, did not mix, did not - there was no contact between the
11:39:04 15 different groups, that is, the Gambians, the Liberians and the
16 Sierra Leoneans. Do you recall saying that?

17 A. Yes. We were not always together. We were in separate
18 locations.

19 Q. And did that mean - when you say you were not always
11:39:25 20 together, does that mean that at some points in time you did have
21 some contact with the other groups like Liberians did have
22 contact with the Sierra Leoneans?

23 A. I said we were not together. They were in different area
24 and we were in different area.

11:39:45 25 Q. So how did you know, for instance, the names of the Sierra
26 Leonean - the commander of the Sierra Leonean group, the leader
27 of the Sierra Leonean group?

28 A. They showed him to me in Libya. It was in Libya that I saw
29 him, but we were not together. We were not together. He was the

1 head of the other group.

2 Q. So who showed this leader to you in Libya? Who showed you
3 that this person that we're talking of was the leader in Libya -
4 of the Sierra Leoneans in Libya?

11:40:37 5 A. My friends - some of our friends. They showed him to me
6 and told me that he is the head of the Sierra Leonean group.
7 This is how I begin to know him.

8 Q. And then the person that they showed you as head of the
9 Sierra Leonean group, what name - what's the name of that person?

11:41:02 10 A. Name I can - Foday Sankoh. That is the name they told me
11 about. Foday Sankoh.

12 Q. Now, do you know how - your friends who told you that Foday
13 Sankoh was the leader, do you know how they knew?

14 A. No. How it happened, we were eating together, then
11:41:32 15 somebody pointed at him, but I do not know how this person
16 managed to know him.

17 Q. And when you say you were eating together, where were you
18 eating together with Foday Sankoh?

19 A. Foday Sankoh has his own table far from us. When I
11:41:57 20 entered, then my friends told me, said the group from Sierra
21 Leone, the leader is the one sitting across the table there.

22 Q. So it is the case that you were in fact - you did have your
23 meals in the same place, correct?

24 A. Yes, we were eating. When we were eating, he came, but he
11:42:25 25 was a bit distant from us.

26 Q. Now, what place was this that you were taking your meals?

27 A. Well, we were eating in the mess house. We were eating in
28 the mess house. It's a big house.

29 Q. What about contact between the Liberian group and the

1 Gambians, there was such contact, wasn't there?

2 A. No. We all met in the mess house. We were eating
3 together.

11:43:07

4 Q. And you knew the names of some of these Gambians, didn't
5 you?

6 A. Yes. I saw Yen. Yen. I saw Musa Jalloh. Those are the
7 friends I have.

8 Q. So there was clearly contact between the groups, wasn't
9 there?

11:43:28

10 A. No. We were just friends. We were always greeting and we
11 were all just friends. Mere friends.

12 Q. Apart from Foday Sankoh, which other Sierra Leoneans did
13 you meet?

11:43:53

14 A. There were many, but I do not know them. No, I don't know
15 any from them.

16 PRESIDING JUDGE: Did the witness say he met Foday Sankoh?

17 MR BANGURA: [Indiscernible] Foday Sankoh.

18 PRESIDING JUDGE: Why do you say, "Apart from Foday Sankoh,
19 what other Sierra Leoneans did you meet"?

11:44:09

20 MR BANGURA: I will rephrase, your Honour.

21 PRESIDING JUDGE: He didn't say he met.

22 MR BANGURA:

23 Q. Mr Witness, did you meet other Sierra Leoneans apart - did
24 you meet Sierra Leoneans, any Sierra Leoneans?

11:44:23

25 A. They were there, but I do not know them. I do not know
26 them. I do not know them.

27 Q. Those friends of yours who told you that Foday Sankoh was
28 the leader of the Sierra Leoneans, did they have interactions
29 with Foday Sankoh?

1 A. No. They were not discussing in my presence.

2 Q. Did they have interactions with other Sierra Leoneans?

3 A. No. They never met in my presence. If they discussed
4 anything, no, I did not see.

11:45:08 5 Q. You told this Court, Mr Witness, that Mr Taylor was staying
6 in a different place from Tajura. Do you remember that?

7 A. Yes.

8 Q. And that he would come to see you, the men, and sometimes
9 talk to you. Do you recall that?

11:45:33 10 A. Yes.

11 Q. How often did he come to Tajura to see you and talk to you?

12 A. He often come, but he can sometimes delay after some time
13 before he can come, but he was not there with us.

14 Q. And just so we do not - let me just go back. You talked
11:45:59 15 about knowing some of the Gambians. Do you recall just saying
16 that?

17 A. I said the person I saw was Yen and Musa Jalloh, they are
18 the ones from Gambia. They are the two persons that I can
19 remember knowing them.

11:46:19 20 Q. So, in fact, there was a lot of interactions between the
21 Liberians and the Gambians, wasn't there?

22 PRESIDING JUDGE: Please pause.

23 THE WITNESS: What? They were not together.

24 MR CHEKERA: I'm sorry to interrupt learned counsel. It
11:46:36 25 appears the two Gambians names keep changing and I was wondering
26 whether counsel opposite would like to clarify that just to keep
27 the record tidy, because the reference to the two
28 Gambians referred to persons named earlier, but the names appear
29 now to be changing.

1 PRESIDING JUDGE: That's because we haven't had a spelling
2 in each case. There's no spelling on the record for those two
3 names. Mr Bangura?

11:47:07 4 MR BANGURA: Your Honour, I'm just trying to see where the
5 first - the names appear for the first time. I have Musa Jalloh
6 already for the second time that he mentions the name.

7 PRESIDING JUDGE: You could ask the witness again for maybe
8 a pronunciation or whatever and have the spelling given.

9 MR BANGURA:

11:47:32 10 Q. Mr Witness, you have told this Court that - you've given
11 the name of Gambians that you said you knew at Tajura. Can you
12 give us those names again that you already --

13 A. I said Yen and Musa Jalloh.

14 MR BANGURA: Your Honour, we're clear with Musa Jalloh, but
11:47:59 15 the other one, the pronunciation itself is not quite clear to me.

16 THE WITNESS: Yen.

17 PRESIDING JUDGE: What do you want me to do about that?

18 MR BANGURA:

19 Q. Mr Witness, this person - the one called - what did you say
11:48:13 20 again?

21 A. I said Yen. Yen.

22 MR BANGURA: Your Honour, we had the witness --

23 PRESIDING JUDGE: Mr Interpreter, are you able to spell
24 that first name?

11:48:28 25 THE INTERPRETER: Yes, your Honour. Y-E-N.

26 MR BANGURA: Your Honour, if I recall the witness's
27 testimony correctly in direct examination he had given us a name
28 of similar sounding and I believe there was - counsel provided a
29 spelling and I think it was an issue that we - I'm not sure

1 whether we challenged it, but there was a case where this name
2 sounding - of similar sounding came up.

3 PRESIDING JUDGE: Mr Bangura, we have had a spelling from
4 the interpreter. Since you don't have an alternative spelling,
11:49:23 5 we'll have to go with that.

6 MR BANGURA:

7 Q. Mr Witness, so if somebody came to this Court and said that
8 in fact Mr Taylor did not come to Tajura, that person would not
9 be telling the Court the truth, would they?

11:49:51 10 A. Please repeat your question.

11 Q. You have told this Court that Mr Taylor used to come to
12 Tajura to talk to you, the men. So if somebody came to this
13 Court and told this Court that Mr Taylor was not - never seen at
14 Tajura, that person would not be telling the Court the truth,
11:50:17 15 would they?

16 A. Yes, the person must be lying because Taylor came and we
17 saw him. I saw him.

18 Q. And, indeed, over the period that you were there at Tajura,
19 he must have come several times, not so?

11:50:41 20 A. He came many times. I think three or four times.

21 MR BANGURA: Your Honours, I refer to the testimony of
22 Yanks Smythe on 22 February 2010. It's page 35596:

23 Q. The last line on that page there is a question asked of
24 this witness and the question is:

11:51:50 25 "Q. Was Charles Taylor seen by you at Camp Tajura in 1987?

26 A. No, I didn't see him there.

27 Q. Beside the Mathaba, where else in Libya did you see
28 Charles Taylor?

29 A. I only saw him at the Mathaba."

1 Then further down on that same page, that is, 35597, line
2 18, there is a question again:

3 "Q. We'll come back to that. Did Charles Taylor visit
4 Camp Tajura in 1988?

11:52:59 5 A. I didn't see him there."

6 So, Mr Witness, this is the testimony of a witness who
7 testified before this Court about events that occurred in Libya
8 at Camp Tajura.

9 PRESIDING JUDGE: Mr Bangura, does the time frame sit well
11:53:28 10 with you? This witness, if I'm not mistaken, says he was in
11 Libya at a different time than 1988. Didn't he?

12 MR BANGURA: Yes, your Honours, '87 and then '88.

13 PRESIDING JUDGE: This witness?

14 MR BANGURA: Oh, I thought you were talking about --

11:53:46 15 PRESIDING JUDGE: Was this witness, Mr Mineh, in Libya
16 during the time that this witness is speaking of?

17 MR BANGURA: Your Honour, we haven't had this witness give
18 us a time frame, to the best of my recollection.

19 PRESIDING JUDGE: Well, what I know is that he became a
11:54:03 20 member of the NPFL somewhere between 1990 and 1991. This witness
21 that you're now citing is talking of events long before that,
22 isn't it?

23 MR BANGURA: Your Honour --

24 PRESIDING JUDGE: Well, first perhaps you should put to
11:54:23 25 Mr Mineh when he was in Libya.

26 MR BANGURA: I can do that, but --

27 PRESIDING JUDGE: And if it tallies with the time frames,
28 then put the inconsistency to him.

29 MR BANGURA: I can. There's a whole number of issues

1 relating to time frames, really, because we can only make some
2 deduction based on the events that happened at certain times, but
3 we know from what he's testified in this Court that he went to
4 Camp Tajura after he came to Danane and I'm struggling to - I
11:54:57 5 don't want to misstate what date he said.

6 PRESIDING JUDGE: Try and clarify that time frame. I'm not
7 preventing you from putting these questions to him, but we need
8 to see where the time frame comes in.

9 MR BANGURA: Your Honours will recall that when he was
11:55:10 10 giving his testimony in direct, at quite a number of points I did
11 inquire from my learned friend to help us with time frames, and
12 this witness told the Court on quite a few occasions that he did
13 not remember. That is the - what we know is that he was there
14 and came with a group that attacked in Liberia, and we may then
11:55:37 15 use those points as references to time.

16 PRESIDING JUDGE: Mr Bangura, the witness has also attested
17 to when he became a member of the NPFL. Now, this could be
18 before he went for training or after he went for training, I
19 don't know. But this is your time to cross-examine and to
11:55:54 20 ascertain these matters.

21 MR BANGURA: I will, your Honour:

22 Q. Mr Witness, let us go back to when you left Liberia to go
23 to - to come to Danane. You said you were released from Post
24 Stockade and after that you then moved from Liberia. Do you
11:56:15 25 recall what year this was?

26 A. The time I crossed was '85 invasion, when Quiwonkpa
27 invasion he brought had failed.

28 Q. That was in '85. And you moved to Danane and stayed in
29 Danane. For how long were you in Danane?

1 A. I stayed long in Danane. I cannot remember the year or the
2 days. I said I cannot remember the year or the day - the number
3 of years or days.

4 Q. Would it have been more than a year?

11:56:55 5 A. Yes.

6 Q. Was it two years?

7 A. I think about two years, because I stayed long there. But
8 I cannot remember the number of days or the date.

9 Q. I'm not actually asking for a specific date. Perhaps just
11:57:18 10 an idea in terms of number of years would be helpful. You said
11 it could have been two years. It would not have been three
12 years, would it? Would it have been up to three years?

13 A. I think about two years.

14 Q. Thank you. And after that you talked about Godfather, who
11:57:42 15 came to you in Danane and invited you to go somewhere. Do you
16 recall that?

17 A. Yes, I said it so.

18 Q. And you ended up in Libya at Tajura, correct?

19 A. Yes.

11:57:59 20 Q. And how long did you stay at Tajura, if you recall?

21 A. To tell the truth, I cannot remember the day, the number of
22 years, but we stayed longer there.

23 Q. Was it - did you stay at Tajura much longer than you had
24 stayed at Danane? Do you remember how long you had stayed at

11:58:26 25 Danane? Was it much longer in Tajura?

26 A. Tajura, I stayed long there.

27 Q. And from Tajura your testimony is that you moved, along
28 with others, through Burkina Faso and ended up in Ivory Coast.
29 Do you recall that?

1 A. When we left Burkina Faso, we went to Guinea. From Guinea,
2 then we went to Ivory Coast.

3 Q. And that was when you attacked - invaded Liberia - the NPFL
4 invaded Liberia, correct?

11:59:19 5 A. We fought, I think - 1989 was the year I can remember.

6 Q. Thank you. And just to be clear, when you left Tajura to
7 come and start the invasion, you did not spend a very long time
8 in Burkina Faso, did you?

9 A. Yes, we didn't stay long. We just passed on.

11:59:51 10 Q. In fact, your testimony is that you spent just two days
11 there on your way out from Tajura?

12 A. Yes.

13 Q. So, Mr Witness, is this testimony that I've just read to
14 you of a witness who was asked about Tajura in 1988 and - '87 and
12:00:15 15 1988, these are roughly the time periods that you would have been
16 in Tajura yourself, correct?

17 A. We all were there, yes. But for me I am not educated to
18 remember, but everything that was done there, I can remember. I
19 was there among them.

12:00:39 20 Q. And this is the period that you have told this Court that
21 Charles Taylor used to come to Tajura Camp to visit you, the men.
22 Do you recall having said that?

23 A. Yes, I said so. He came and visited us and returned.

24 JUDGE LUSSICK: Mr Bangura, the witness you cited, that was
12:01:02 25 Yanks Smythe, is that correct?

26 MR BANGURA: That's correct.

27 JUDGE LUSSICK: Well, was this witness, the present
28 witness, at Tajura at the same time as Yanks Smythe? That's a
29 question you might ask him.

1 MR BANGURA:

2 Q. Mr Witness, do you know the - do you know somebody called
3 Yanks?

4 A. Yes, I know him.

12:01:30 5 Q. Is it the same person as Yanks Smythe?

6 A. Yes, Yen Smythe. I know him.

7 Q. And he was at Tajura at the time that you were there,
8 wasn't he?

9 A. Yes, he was there and then I was there.

12:01:50 10 PRESIDING JUDGE: Is this the same - this sounds like the
11 same name of the two Gambians. Perhaps you could explore that
12 area.

13 THE WITNESS: Yes, that is his name.

14 MR BANGURA:

12:02:05 15 Q. Mr Witness, the person who you mentioned earlier, the names
16 that you gave us not so long ago that you said are names of
17 Gambians who were with you in Tajura, one of them is Musa Jalloh.
18 Do you remember you just told us that?

19 A. Yes.

12:02:27 20 Q. The other one you said is Yen. Do you remember just
21 having --

22 A. Yes.

23 Q. That person who you called Yen is one and the same as Yanks
24 Smythe, isn't he?

12:02:47 25 A. Yanks Smythe is the one I'm talking about.

26 Q. Thank you. So Yank Smythe says - when he testified to this
27 Court, he told this Court that Charles Taylor - he never saw
28 Charles Taylor at Tajura in 1987 and in 1988. This is not true,
29 is it?

1 PRESIDING JUDGE: Please pause, Mr Witness.

2 MR CHEKERA: That calls for speculation on the part of the
3 current witness. He is not Yanks Smythe, and the question as put
4 is whether Yanks Smythe saw Charles Taylor, and I do not know how
12:03:34 5 the witness would know.

6 PRESIDING JUDGE: Mr Bangura, when you look at the
7 testimony of Yanks Smythe, he never said that Charles Taylor was
8 not at Tajura. He said he didn't see Charles Taylor at Tajura.

9 MR BANGURA: I note that, your Honour.

12:04:18 10 PRESIDING JUDGE: So perhaps you can reformulate your
11 question.

12 MR BANGURA:

13 Q. Mr Witness, this person came to the Court and said that he
14 did not see Charles Taylor at Tajura in 1987 and in 1988. That
12:04:34 15 cannot be true, because Mr Taylor came to Tajura many times and
16 spoke to you, the Liberians. Isn't that the case?

17 A. Yes, he came. If Yanks did not see him, I do not know.
18 But for us, he came to us.

19 MR BANGURA: Your Honour, I just wish to refer to the
12:05:23 20 statement of Yanks Smythe, which is an exhibit in this Court,
21 D-144B. I just wish to caution that the front page - the first
22 page of this document is marked "confidential".

23 MS IRURA: Your Honour, D-144 is a photograph.

24 MR BANGURA: 114. I'm sorry. 114B. While is that is
12:06:41 25 being searched for, may I just keep going:

26 Q. Mr Witness, did you know somebody called Ali Kabbah at --

27 A. No.

28 Q. I did not get that answer. Your Honours, I didn't get that
29 answer.

1 A. I do not know him.

2 Q. Do you know whether there was anybody else in Libya who -
3 any other leader of the Sierra Leoneans in Libya apart from Foday
4 Sankoh who you were shown?

12:07:26 5 A. No.

6 Q. Thank you. Your Honours, I refer to paragraph 115 of the
7 document.

8 JUDGE LUSSICK: Did you mean paragraph 5? You said 115.

9 MR BANGURA: I'm sorry. Paragraph 15 of page 3. This is a
12:08:17 10 26-page document. It's page 3, paragraph 15:

11 Q. Mr Witness, Yanks Smythe, before he testified in court, had
12 given a statement to the Defence lawyers, and during his
13 testimony in court that statement was tendered in evidence. I am
14 reading from that statement a paragraph relating to the subject
12:09:00 15 we're discussing now:

16 "Before Tajura in 1987, revolutionary leaders like
17 Ali Kabbah would be in out for conferences held by the Mathaba.
18 The NPFL was not a part of these meetings. The first time
19 witness" - that is Yanks Smythe - "saw CT was in 1987 in Tajura
12:09:42 20 (not at Mathaba meetings)."

21 Mr Witness, this statement by Yanks Smythe is true, isn't
22 it, that Charles Taylor was in Tajura around 1987 or he came to
23 Tajura in 1987? That's consistent with what you have told this
24 Court, not so?

12:10:30 25 A. Explain again before I can give an answer.

26 Q. Now, in this statement Mr Smythe said that the first time
27 he saw CT, meaning Charles Taylor, was in 1987 in Tajura. Those
28 are the operative words there. This is consistent with what you
29 have told this Court that Charles Taylor used to come to Tajura

1 to meet with the men. Isn't that the case?

2 A. He came there. That's how I have been explaining. And he
3 came to always tell us and advise us.

4 Q. Mr Witness, to your knowledge, did Foday Sankoh meet with
12:11:48 5 Charles Taylor while in Tajura? While you were there in Tajura,
6 did they meet?

7 A. No, I did not see.

8 Q. Do you know whether the leaders of the different groups
9 met? The different groups meaning the Gambians, the Liberians
12:12:13 10 and the Sierra Leoneans. Do you know whether the leaders met?

11 A. No, I didn't see it. I didn't see it.

12 Q. You've told this Court that Charles Taylor was at a place
13 which is different from Tajura. What is the name of that place?

14 A. Well, when - he have a lodging place.

12:12:38 15 Q. And this lodging place that you're talking about, what is
16 the name of that area or place where the lodging place is?

17 A. I cannot remember the area name. Whether it was in Mathaba
18 - what I know is, whenever he comes, he had an area that he can
19 lodge, but the name is what I cannot remember.

12:13:08 20 Q. When you - your group left Tajura, were the Sierra Leoneans
21 still there?

22 A. My group, yes, we left the Sierra Leoneans behind and he
23 came.

24 Q. And what about the Gambians, were they still there when
12:13:41 25 your group left?

26 A. Yes, I left them behind. We left them behind.

27 Q. And do you know whether the Gambians left Tajura after you
28 had left?

29 A. No, it happened in my absence.

1 Q. What about the Sierra Leoneans, do you know whether they
2 left?

3 A. No, no. No, the time they left, I do not know.

12:14:32 4 Q. Mr Witness, you've told this Court, and we've already gone
5 over that, that on your way out of Tajura you passed through
6 Burkina Faso, didn't you?

7 A. I said yes.

8 Q. And your testimony is that you stayed - you spent only two
9 days in Burkina Faso on your way out from Libya, correct?

12:14:51 10 A. I said yes.

11 Q. After those two days, you then proceeded on to Ivory Coast,
12 right?

13 A. We went to Guinea.

14 Q. Now, let's be clear. When you left Burkina Faso, where did
12:15:13 15 you go to straight away?

16 A. When we - we stopped to Guinea, the area called Nzerekore.

17 Q. And when you said you, who were you with at this time?

18 A. I said repeat.

19 Q. When you said you went to Guinea, who were you with at this
12:15:54 20 time? Who were you together with?

21 A. We that went, we were many. We were 20.

22 Q. And what was your mission to Guinea?

23 A. We decided to come to Liberia so to redeem our people from
24 Doe's regime.

12:16:19 25 Q. Mr Witness, is that the group that you said was headed by
26 somebody called Mansour? George Mansour.

27 A. Yes, George Mansour was our leader.

28 Q. And that group had been tasked with the job of finding a
29 way into Liberia through Guinea. Is that consistent with what

1 you told this Court?

2 A. Yes. We were finding a way out to - then there was no way.

3 Q. Mr Witness, it would not be true, would it, if somebody
4 came to this Court and said that you stayed in Burkina Faso for a
12:17:14 5 much longer period?

6 A. My group did not stay long there. But if any group had
7 stayed long there, I cannot explain for them.

8 Q. Now, let's be clear about the groups. You've said your
9 group. So how many groups were there of Liberians that left
12:17:44 10 Libya to come to Burkina Faso?

11 A. We were 20 persons.

12 Q. Before you, had there been any other group that left Libya
13 to come to Burkina Faso?

14 A. Yes. These people came behind after we have left.

12:18:14 15 Q. Mr Witness, the question is whether some other group had
16 come before you, not after. Before.

17 A. Yes. There was a first group that came.

18 Q. And where was this group?

19 A. We came, we didn't see them. They have gone, long time.

12:18:44 20 Q. Where had they gone?

21 A. Some people went directly to Ivory Coast.

22 Q. Do you know where in Ivory Coast that group went to?

23 A. No, I can't remember. My route was different.

24 Q. After that came your group, and you have told this Court
12:19:10 25 your group stayed only for two days and then you moved to Guinea.
26 Was there any other group that came after your group?

27 A. I said, yes, there were other groups that came after us,
28 but those who were behind in Burkina Faso, I cannot tell.

29 Q. And do you know who were in those groups - how many people

1 were in those groups? In the last groups, I'm sorry.

2 A. No, I don't know the number.

3 Q. Did your group at any point meet with the other groups?

4 A. Yes, we met.

12:20:05 5 Q. Where did you meet?

6 A. We met in Zongwe.

7 Q. This was after you had failed to make it through Guinea,
8 correct?

9 A. Yes. We passed through Guinea and entered Ivory Coast. We
12:20:30 10 met in Zongwe at the bank of a river.

11 Q. Just to be clear again, this was on your return from
12 Guinea, correct?

13 A. When we left Guinea, we entered Ivory Coast in the town
14 called Danane. When we were meeting, we met in Zongwe, where we
12:20:59 15 met.

16 Q. Mr Witness, before you went to Guinea from Burkina Faso,
17 did you have any interaction - your group, did you meet with any
18 of the other groups?

19 A. [No interpretation].

12:21:41 20 PRESIDING JUDGE: [Microphone not activated].

21 THE WITNESS: We met in Zongwe. We met in Zongwe. I
22 didn't see any group en route.

23 MR BANGURA:

24 Q. What about any contact with other groups in Burkina Faso?

12:22:02 25 A. No. Our group just passed through.

26 Q. In the two days that you were in Burkina Faso, you did not
27 see any other Liberians with whom you were apart from your group,
28 with whom you were in Tajura, is that what you're saying?

29 A. No, I didn't see any because I - my eye didn't see, so I

1 don't know.

2 Q. Now, you went to Guinea on a mission. Who gave you that
3 mission?

12:22:45

4 A. Finding the way out to come to Liberia. After we stayed
5 long, then immigration arrested us and put us in prison. Then
6 Doe heard about our presence in Guinea and he sent his agent to
7 come to arrest us to bring us to Monrovia. So the Guinean --

12:23:08

8 PRESIDING JUDGE: Mr Witness, you are not answering the
9 question. The question was: Who sent you? Who gave you the
10 mission to go to Guinea? Who gave you the mission to go to
11 Guinea? Who sent you to Guinea? That is the question. Have you
12 understood what I've asked?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: Please answer.

12:23:51

15 THE WITNESS: The instructions was given at the border.
16 They told us that you - the group should passed through Guinea
17 and get to Ganta. It was our head who gave us the instruction.
18 Moses Blah is the one who gave us the instruction. This is how
19 we passed through Guinea and begin to come to Liberia.

12:24:15

20 MR BANGURA:

21 Q. Mr Witness, you said the instructions were given at the
22 border. Which border are you talking about? Which border were
23 these instructions given from?

12:24:34

24 A. When we were leaving Libya, they told us that this group
25 should pass through Guinea to enter Liberia. So my group, the
26 route we used is Guinea. When we entered Guinea, where we stayed
27 longer, then they arrested us and put us in prison.

28 Q. [Microphone not activated] you've just told us that
29 instructions were given at the border and now you say it's before

1 you left - it was before you left Tajura that you got the
2 instructions. So which is which? Where did you get these
3 instructions? Where were you or where were these instructions
4 issued from?

12:25:18 5 A. That - we were in Libya. Then they instructed us to pass
6 through Guinea to enter Liberia. When we came there was no way.
7 Then we went to Ivory Coast. After we have been released from
8 prison we were in Danane, then we all met in Zongwe. The
9 instruction they gave, it was our leaders who decided to divide
12:25:48 10 us into various groups.

11 Q. And when you say your leaders, you've already mentioned one
12 of them. You said Moses Blah. Was any other leader of yours
13 involved in this division into groups?

14 A. Yeah, there were some top officers. When we were in Ivory
12:26:09 15 Coast, General Varney, Enoch Dogolea, Isaac Musa, these were
16 responsible for dividing us into smaller groups.

17 Q. Mr Witness, we were talking about you getting these
18 instructions from Libya which you have already told us, and I'm
19 asking you apart from Moses Blah, which other leaders gave you
12:26:37 20 these instructions or were involved in giving the instructions in
21 Libya, not Burkina Faso?

22 A. No, Isaac Musa gave us instruction in Ivory Coast. From
23 Libya, Moses is the one who gave us the instruction in Libya.

24 Q. Mr Witness, it would not be true if somebody came to this
12:27:09 25 Court and said that the group that left Tajura stayed much longer
26 in Burkina Faso than two days, as you have indicated. It would
27 not be true if somebody said that?

28 MR CHEKERA: It would assist not only the witness, but
29 ourselves, if we were - if counsel were to specify which group

1 he's referring to, because we've got a lot of groups.

2 PRESIDING JUDGE: Yes, Mr Bangura, do specify.

3 MR BANGURA:

12:27:51

4 Q. Mr Witness, I am referring to all of the groups. It would
5 be incorrect if somebody told this Court that the groups, all of
6 you, that left in - left Libya spent more than two days - much
7 longer than two days in Burkina Faso. It would be incorrect?

8 A. What I know is what I am explaining.

9 PRESIDING JUDGE: Please pause, Mr Witness.

12:28:21

10 MR CHEKERA: I do not know whether that reformulation
11 assists. In our submission, it actually compounds the issue.
12 Because the witness only mentioned his particular group, which is
13 the one that went to Burkina Faso, and we don't have evidence
14 that other groups went to Burkina Faso.

12:28:38

15 PRESIDING JUDGE: Certainly, Mr Bangura, you are not being
16 accurate in the questions you are asking.

17 MR BANGURA:

12:28:56

18 Q. Mr Witness, it would be - it would not be true if somebody
19 said that your group stayed much longer in Burkina Faso than the
20 two days that you've said you stayed there?

21 A. What are - my group - it is my group. Whatever they did is
22 what I can give account. Whatever happened beyond me, I do not
23 know.

12:29:19

24 PRESIDING JUDGE: Mr Witness, the lawyer is asking you
25 about your group. He's not asking you about other groups.

26 But, Mr Bangura, you are not helping in the way you're
27 asking these questions. This particular last question that
28 you're asking is very vague to me.

29 MR BANGURA: I can still rephrase, your Honour:

1 Q. Mr Witness, if somebody came to this Court and said that
2 your group stayed longer in Ivory Coast than two days, that
3 person would not be telling the truth, would they?

4 A. In Ivory Coast or Burkina Faso?

12:29:59 5 Q. Sorry, I meant to say Burkina Faso.

6 MR CHEKERA: The question by the witness addresses my
7 query.

8 MR BANGURA: I'm sorry, your Honour. I meant to say
9 Burkina Faso.

12:30:09 10 PRESIDING JUDGE: I'm about to ask you to move on if you
11 cannot place your questions properly. Mr Bangura, you're asking
12 questions, you're turning pages, your mind is going ahead of your
13 questions.

14 MR BANGURA: I'm sorry, your Honour.

12:30:21 15 PRESIDING JUDGE: Please focus.

16 MR BANGURA: I'm just trying to get the correct reference.

17 Q. Mr Witness, that would not be true, would it?

18 MR CHEKERA: What would not be true? The question has not
19 been reformulated, your Honour.

12:30:41 20 PRESIDING JUDGE: Mr Bangura, I think you should move on.
21 You obviously don't know what you want to ask in relation to this
22 matter.

23 MR BANGURA: Your Honours, let me refer to the testimony of
24 Charles Taylor of 16 July 2009. I will handle it in a different
12:30:54 25 way. Page 45602:

26 Q. Mr Witness, this is the testimony of Mr Taylor on 16 July
27 2009, and here he is being asked questions about the movement of
28 men from Libya through Burkina Faso. I will just read for you
29 what he says. I'm reading from the top of the page, line 1:

1 "Q. So let's go to Burkina Faso then. How long did your
2 men remain in Burkina Faso?

3 A. From the second quarter of '89 up until I would say
4 the - about the beginning of the fourth quarter of '89.

12:32:12 5 That is - I would put it to around October. We had gotten
6 very desperate. Things had not changed. There appeared to
7 be no way - we were within inches of losing time."

8 I'll just stop there.

9 PRESIDING JUDGE: Sorry, just before you proceed, I think I
12:32:38 10 do not have the correct reference of the page, if you could just
11 double check for us, please.

12 MR BANGURA: It's time of 16 July 2009, page 24602.

13 PRESIDING JUDGE: That's not what you said. You said page
14 45602.

12:33:05 15 MR BANGURA: I'm sorry if I misspoke, your Honour. It's
16 24602.

17 PRESIDING JUDGE: And the line?

18 MR BANGURA: I was reading from the top of the page.

19 PRESIDING JUDGE: Perhaps you can read again - refer to
12:33:37 20 this testimony again.

21 MR BANGURA:

22 Q. Mr Witness, I will read again to you what Mr Taylor told
23 this Court about how long the men from Libya stayed in Burkina
24 Faso:

12:33:50 25 "Q. So let's go to Burkina Faso then. How long did your
26 men remain in Burkina Faso?

27 A. From the second quarter of '89 up until I would say the
28 - about the beginning of the fourth quarter of '89. That
29 is - I would put it around October. We had gotten very

1 desperate. Things had not changed."

2 I'll just stop there. Mr Witness, do you see that from
3 what Mr Taylor told this Court, the men from Ivory Coast - I'm
4 sorry, from Libya, stayed in Burkina Faso for over three months
12:34:45 5 or about three months? Do you see that? Mr Witness, did you
6 understand the question?

7 A. Yes.

8 MR BANGURA: Your Honour, I can't any response. The
9 witness definitely said something.

12:35:26 10 PRESIDING JUDGE: Do you not have your transcript in front
11 of you of the current proceedings? Do you not see the answer
12 there?

13 MR BANGURA: I just did not hear it through the headphones:

14 Q. Mr Witness, certainly two days are completely different in
12:35:46 15 time frame from three months or more, correct?

16 A. Yes, it is true. But what happened, the way it happened,
17 the way Taylor explained, I can't remember. I cannot actually
18 remember. We did not stay longer there. But what I can remember
19 is what I have explained, though he is the leader.

12:36:32 20 Q. Mr Witness, you told this Court that you then moved from
21 Burkina Faso to Guinea and your commander was George Mansour. Do
22 you - would it be wrong if somebody came to this Court and told
23 this Court that the commander of the troops that went to Guinea
24 was not George Mansour, but somebody else? Would that be wrong?

12:37:15 25 A. The person I can remember is Mansour. So if someone has
26 come here to say different thing, well, I can't say anything
27 about his statement.

28 Q. Mr Witness, there were just 20 of you in that group,
29 correct?

1 A. Yes.

2 Q. And so you would not definitely forget who the leader of
3 the group was, would you?

4 A. The one I can remember who led us is George Mansour.

12:37:54 5 Q. So if I put it to you - do you know somebody called Samuel
6 Varney?

7 A. I know Samuel Varney.

8 Q. What rank did he carry?

9 A. In the army? When Doe was President, he was colonel in the
12:38:26 10 AFL.

11 Q. Do you know where he served - which unit he served in the
12 AFL?

13 A. Please repeat your question.

14 Q. Do you know which unit in the AFL Samuel Varney served?

12:38:49 15 A. Yes, he was a head of the artillery unit. He was the
16 commander.

17 Q. And which - where was he based, if you recall?

18 A. He was in Naama, Camp Naama, when war has not started.

19 Q. Thank you. Your Honours, may I refer to the testimony of
12:39:16 20 Mr Taylor of 16 July 2009 at page 24605.

21 PRESIDING JUDGE: While that is being found, I think the
22 witness said at page 83, line 21, when Doe was President, he was
23 colonel in the AFL.

24 MR BANGURA:

12:40:03 25 Q. I'm reading from line 5. Mr Witness, this is the testimony
26 of Mr Taylor in this Court about the group that went to Guinea.
27 And you said you were part of that group, so let's hear what
28 Mr Taylor said. He is in the middle of an answer that he's
29 giving to the Court, so I will read right from the middle point

1 of this answer:

2 "We also made some contacts at Camp Naama. That is on the
3 records also, N-A-A-M-A, in Bong County. We had in our midst a
4 former colonel of the Armed Forces of Liberia, Colonel Samuel
12:40:49 5 Varney. Varney was a trained veteran of about 25/30 years of the
6 armed forces. Now, Camp Naama served as the artillery base in
7 the Republic of Liberia. Naama is about the largest base in
8 Liberia. It hosted the artillery command and the then
9 engineering command of the Armed Forces of Liberia. Now, Colonel
12:41:24 10 Varney once commanded that base and had sympathy and respect
11 amongst the officers on that base.

12 Now, what we did was we sent him with that Guinean
13 delegation on that operation - I am using the word 'delegation',
14 sorry, with that Guinean group, and their job was to try to get
12:41:57 15 on the base, find some of the loyalists to Colonel Varney and use
16 them to start and take over Camp Naama."

17 Mr Witness, did you hear that this was the testimony of
18 Mr Taylor?

19 A. Yes, because he was the leader. Whatever he did to put
12:42:33 20 things together, but many things happened. I was not nearer to
21 make decisions, so I do not know. I was away from them.

22 Q. Mr Witness, Mr Taylor does not mention George Mansour as
23 the head of the Guinean group or Guinean delegation, does he? In
24 this testimony that I've read, does he mention George Mansour?

12:43:10 25 Did you understand the question, Mr Witness?

26 A. Yes.

27 PRESIDING JUDGE: Mr Bangura, I don't quite understand
28 where you're going with this question. If you're trying to show
29 an inconsistency, I don't see how you're doing that, or a

1 contradiction, I don't see how you're doing that.

12:43:49 2 MR BANGURA: Your Honour, I'm simply putting to this
3 witness what Mr Taylor says about the group and leader of the
4 group and we have seen, clearly from what I've read, but I'm
5 putting to the witness that this name - we have the witness
6 saying that the - I can go to the witness's reference about the
7 leader of the group that went to Guinea. He's given us the name
8 already, but I can go to his prior testimony about who the leader
9 was. I think he has already repeated the name of that leader
10 today in his testimony.

11 PRESIDING JUDGE: Yes, yes, but the part that you've read,
12 does Mr Taylor say so and so was the leader which is contrary to
13 what the witness is saying?

14 MR BANGURA: Your Honour, I will go back to the --

12:44:20 15 PRESIDING JUDGE: Did I just miss it?

16 MR BANGURA: I read two paragraphs. I will go back to the
17 second paragraph. The first paragraph gives a lot of context and
18 the second paragraph is:

19 "Now, what we did was we sent him with that Guinean
12:44:40 20 delegation on that operation" - and he goes on to say - "I using
21 the word 'delegation', sorry, with that Guinean group, and their
22 job was to try to get in on the base, find some of the loyalists
23 to Colonel Varney and use them to start to take over Camp Naama."
24 We sent him.

12:45:05 25 MR CHEKERA: And, of course, to borrow Madam President's
26 observation, sending him along and being leader, in our
27 submission, is not the same thing. He talks of him as part of a
28 delegation. He uses the word delegation. And where that
29 translates to leadership is what we are all waiting for.

1 MR BANGURA: I will make the link, if I have not. Your
2 Honour, I will try to make the link:

3 Q. Mr Witness, Colonel Samuel Varney was not part of your
4 group that went to Guinea, was he?

12:45:48 5 A. Group that went, we were many. If he was - he was among, I
6 cannot remember. In the group, who I can remember is George
7 Mansour. Varney was also another top senior officer and he knew
8 many things. So I was never closer to him, so I cannot tell you
9 the difference.

12:46:20 10 Q. Mr Witness, you were part of a group of 20 that left Libya,
11 came through Burkina Faso and continued on to Guinea, according
12 to your testimony, correct?

13 A. I said it, George Mansour was our leader.

14 Q. It would not be very difficult to remember somebody as
12:46:51 15 prominent as Colonel Varney who before you've already told us who
16 he was. It would not be difficult to remember him, whether he
17 was part of your group, would it?

18 A. If he were among I would have said so. He was a senior
19 officer. The instructions he gave, he gave different, different
12:47:17 20 instructions. So what Taylor said here, whether different person
21 was the leader, I do not know, but George Mansour is the leader
22 that I know.

23 Q. The fact is, Mr Witness, Colonel Samuel Varney was not part
24 of that group of 20, correct? Isn't that so?

12:47:46 25 A. I can't remember. I can't remember. After they released
26 us from prison, we just begin to go to the border.

27 Q. Mr Witness, you told this Court that you met at a place
28 called Zongwe in Ivory Coast, all of the groups, correct?

29 A. Yes, I didn't say Zongwe. I said after they recruited us

1 we went to the border.

2 Q. Now, you told this Court that when you came from Guinea
3 where you had not succeeded in going - in entering Liberia,
4 through which you had not succeeded, you told this Court that you
12:48:54 5 came back and met with the other groups at Zongwe. Isn't that
6 your testimony?

7 A. Zore is in Guinea. Zore is in Guinea. It a boundary. We
8 did not meet there.

9 PRESIDING JUDGE: Stop. Who said anything about a place
12:49:17 10 called Zore? The place that the lawyer referred to was Zongwe.
11 Is that what you're referring to?

12 Mr Bangura, please ask your question again, not in a
13 convoluted manner.

14 MR BANGURA:

12:49:38 15 Q. Mr Witness, you told this Court that when you came from
16 Guinea you met with the other groups at Zongwe in Ivory Coast,
17 did you not?

18 A. We met in Zongwe. Zore I was talking about, it is - it was
19 in Guinea. After we were released from prison, there's a town
12:50:03 20 between Ivory Coast and Guinea called Zore, but Zongwe is in
21 Ivory Coast.

22 Q. And this place where you said you met, Zongwe, was where -
23 from where you launched the attack on Liberia, correct?

24 A. Yes. We were divided into groups.

12:50:36 25 Q. And you told this Court that at this place, Zongwe,
26 Mr Taylor was not present there, correct?

27 A. No, I didn't see him.

28 Q. Do you know where Mr Taylor was at this time?

29 A. No, where - the leaders are the one I can remember seeing.

1 Q. And who were the leaders that you remember seeing there?

2 A. At that time I saw Varney. I saw Enoch. I saw Isaac Musa
3 and Moses Blah. They were the leaders who were dividing us into
4 smaller groups.

12:51:27 5 Q. And which were the different groups into which you were
6 divided?

7 A. We were many, but the number I can remember they gave me,
8 only 20 persons. Then we passed through Loguato.

9 Q. Mr Witness, so if somebody told this Court that you were in
12:51:53 10 a different place than Zongwe, that person would not be telling
11 the truth, would they?

12 A. No. The one I can remember is the area I have called.

13 Q. And just let's talk about the groups again you said you
14 were divided into. You said your group went to Loguato and what
12:52:22 15 about the other groups that were --

16 A. They sent others to Gbutuo, some went to Monrovia, some
17 went to Bomi Hills.

18 Q. And did you all leave together at the same time?

19 A. Yes, we left the same day, but the distance - the journey
12:52:49 20 was too long, so we took our time to walk.

21 Q. Mr Witness, let me show you the testimony of Mr Taylor
22 about where the forces were based before the attack on Liberia.
23 Your Honours, I refer to the transcript of 16 July 2009 at page
24 24608. I'm reading from line 11 on that page. A question is
12:53:54 25 asked of Mr Taylor:

26 "Q. When you say 'entire unit', how many men are we
27 talking about?

28 A. I am talking about approximately - the unit now I would
29 say about one hundred and I would say fifty, because the

1 rest of the men some of them are serving as security to me
2 hiding out in La Cote d'Ivoire.

3 Q. So you are in La Cote d'Ivoire at that time?

12:54:47 4 A. Oh, definitely. I don't go in with the men. I am not
5 a soldier, so I don't go in.

6 Q. Where in La Cote d'Ivoire?

7 A. I was in Bin-Houye.

8 Q. So who was actually directing operations at the front
9 line?

12:55:05 10 A. We initially had chosen a gentleman, late now, by the
11 name of Isaac Musa."

12 And he continues on. Mr Witness, Mr Taylor told this Court
13 that he was in Bin-Houye with the men, he says the entire men,
14 the entire unit. Bin-Houye is here different from Zongwe, isn't
15 it?

12:55:40

16 PRESIDING JUDGE: Yes, Mr Chekera, you're on your feet.

17 MR CHEKERA: I'm not sure Mr Taylor says he's with the
18 entire unit in the place whose name I can't quite pronounce. He
19 talks of his presence in Ivory Coast, and he talks of the
20 movement of the entire unit separately.

12:56:00

21 PRESIDING JUDGE: He speaks of 150 men. The rest of the
22 men were serving as security to me hiding out in La Cote
23 d'Ivoire. This is the entire unit. I don't know what unit is
24 being spoken of here.

12:56:37

25 MR BANGURA: Your Honours, I can go a little further in
26 another reference and just make it a little clearer. Testimony
27 of same date, page 24603.

28 Q. Mr Witness, I am putting to you also the testimony of
29 Mr Taylor on the same date, again dealing with Bin-Houye. Okay?

1 Your Honours, I read from line 16:

2 "Q. And what were you doing during that period?

3 A. I would say sweating blocks of ice. I was under so
4 much pressure. I couldn't afford to lose the men and they
12:57:32 5 were on my back door. I was under tremendous pressure,
6 moving around, visiting them surreptitiously, going in and
7 trying to stay in contact, you know, to get something
8 going, between Burkina Faso, La Cote d'Ivoire. I did not
9 go into Guinea. I would come into La Cote d'Ivoire. And
12:57:55 10 these men were not concentrated, I am using the general
11 name La Cote d'Ivoire - not in Abidjan area. They were
12 concentrated on the Ivorian-Liberian border in a major town
13 called Bin-Houye. I think that's B-E-I-N and I think it's
14 H-U-E-I. If we have got a map..."

12:58:31 15 He goes on to point out that Bin-Houye can be found on the
16 map.

17 So, Mr Witness, we see that Mr Taylor is in and out with
18 the troops in Bin-Houye in Ivory Coast?

19 MR CHEKERA: Actually, that's not what it says. What it
12:58:56 20 says actually confirms our position. Mr Taylor says he is in
21 that town and the troops are around that area. They are not
22 concentrated in one place and he's moving up and down, visiting
23 those different places. And that is the point we are making,
24 that Mr Taylor does not say the entire unit is in one place,
12:59:13 25 which is the town that counsel is referring to, and this
26 reference actually confirms our position.

27 MR BANGURA: Your Honours, the point here is about the
28 location - name of the location, and I think the witness has
29 given us the name of the --

1 MR CHEKERA: I'm sorry to interrupt. The witness has his
2 hand up.

3 PRESIDING JUDGE: We'll just have to adjourn in any event.
4 It's almost time to leave, Mr Bangura.

12:59:48 5 Mr Witness, we are not going to sit for the rest of today
6 because the Court is being used by another trial. We are going
7 to adjourn to tomorrow afternoon at 2 o'clock, so you will be
8 free to leave when the judges leave. Court is adjourned
9 accordingly.

13:00:02 10 Mr Witness, as usual, you are not to discuss your evidence
11 when you leave the courtroom, okay? You are not to discuss your
12 evidence when you leave the courtroom.

13 THE WITNESS: Okay, thank you, mama.

14 [Whereupon the hearing adjourned at 1.00 p.m.
15 to be reconvened on Tuesday, 4 May 2010 at
16 2.00 p.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-131	40410
EXAMINATION-IN-CHIEF BY MR CHEKERA	40410
CROSS-EXAMINATION BY MR BANGURA	40419