



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 8 FEBRUARY 2011
9.00 A.M.
PROSECUTION FINAL SUBMISSIONS

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Fidelma Donlon
Ms Advera Nsima Kamuzora
Mr Alhassan Fornah
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Leigh Lawrie
Mr Christopher Santora
Ms Ruth Mary Hackler
Ms Ula Nathai-Lutchman
Mr Nathan Quick
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor: Mr Courtenay Griffiths QC

For the Office of the Principal Defender: Ms Claire Carlton-Hanciles

1 Tuesday, 08 February 2011

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.01 a.m.]

09:04:09 5 MS IRURA: The Special Court is sitting in open session.

6 PRESIDING JUDGE: Good morning. I'll take appearances,
7 please. For the Prosecution?

8 MS HOLLIS: Good morning, Madam President, your Honours,
9 opposing counsel. This morning for the Prosecution,

09:04:30 10 Nicholas Koumjian, Mohamed A Bangura, Leigh Lawrie,
11 Christopher Santora, Ruth Mary Hackler, Ula Nathai-Lutchman,
12 Nathan Quick. Our case manager, Maja Dimitrova is in the Court
13 with us as are the following interns: Gil Shefer,
14 Philipp Richter, James Pace, Nadeah Vali, David Tait, and myself,
09:05:00 15 Brenda J Hollis, appear before you this morning.

16 PRESIDING JUDGE: Thank you. Mr Griffiths?

17 MR GRIFFITHS: Good morning, Madam President, your Honours,
18 counsel opposite. For the Defence today, myself,
19 Courtenay Griffiths.

09:05:11 20 PRESIDING JUDGE: Thank you, Mr Griffiths. The scheduling
21 order provided that the Prosecution should present its closing
22 oral arguments today. I note you're on your feet, Mr Griffiths.

23 MR GRIFFITHS: Your Honour, yes. Your Honours, at 4 p.m.
24 yesterday afternoon, we received your majority decision not to
09:05:34 25 accept service of the Defence final brief, in which we make our
26 written closing arguments, which analyses over three years of
27 evidence. We were 20 days late in filing that brief. We have
28 rehearsed on two earlier occasions, in writing and orally, why
29 the Defence failed to serve a final brief by the deadline fixed

1 by your Honours on the 22nd of October last year, and I have no
2 intention of rehearsing those arguments here. However, noting
3 Justice Sebutinde's reasoned dissent, mindful also of our
4 professional duty to guarantee the accused's inalienable rights
09:06:34 5 under Article 17 of the statute of the Special Court, we do not
6 feel that it could be appropriate for us to take part in the oral
7 presentation when a majority of you have refused to accept our
8 written submissions. And we have Mr Taylor's instructions to
9 that effect. We feel it is our professional duty to withdraw
09:07:03 10 pending a decision on our motion to appeal yesterday's decision
11 which will be filed today.

12 We cannot, in our professional view, bearing particularly
13 in mind Articles 5, 8 and 14 of the Code of Conduct for Counsel
14 of this Special Court for Sierra Leone, adequately represent the
09:07:30 15 accused's rights within the permitted six hours of oral argument
16 allowed us tomorrow and the two hours on Friday, given the vast
17 volume of transcripts and exhibits and the complexity of the
18 issues that we have analysed in our written submission which two
19 of you have refused to accept. And also, volume of material
09:07:59 20 which has been adverted to by the Prosecution on more than one
21 occasion.

22 In our submission, our very presence in court is
23 incompatible with our duty to protect Mr Taylor's interest and it
24 is our intention, both myself and Mr Taylor, to leave court at
09:08:21 25 this point.

26 PRESIDING JUDGE: Mr Griffiths, I do not have the rule in
27 front of me but I do recall there is a rule relating to
28 withdrawal of counsel. Would you please refer me to it?

29 MR GRIFFITHS: Well, speaking of rules, let me first of all

1 take your Honours to rule 5. Article 5. Competence,
2 independence and integrity. "Counsel shall act with competence,
3 honesty" -

09:09:07 4 PRESIDING JUDGE: You're reading now from the Code of
5 Professional Conduct?

6 MR GRIFFITHS: Your Honour, yes. "Skill and
7 professionalism in the presentation and conduct of the case.
8 Independence" - and I underline that word - "in the performance
9 of his functions, and shall not accept, nor seek, instructions
09:09:25 10 from a government or any other source, nor engage in any activity
11 which compromises his independence or which reasonably creates
12 the appearance of such compromise."

13 Article 8: "Counsel has an overriding duty to the
14 Special Court to act with independence and in the interests of
09:09:52 15 justice." And I pause to mention this: That we do not
16 understand how it can be in the interests of justice for us to
17 have laboured for several months to prepare and analyse thousands
18 of pages of evidence only to have it rejected at the 11th hour
19 before oral arguments are due to commence.

09:10:15 20 PRESIDING JUDGE: Mr Griffiths, you're rehearsing what you
21 have already written. I am dealing with the procedural matters
22 relating to a statement that you wish to withdraw and I wish you
23 to refer me to the rule before I invite response from the
24 Prosecution.

09:10:32 25 JUDGE LUSSICK: Before you go on, Mr Griffiths, it was
26 not -- your final trial brief was not rejected at the 11th hour.
27 Your client was ordered to file that final trial brief by the
28 14th of January and from the 14th of January on, you have not
29 been entitled to file a final trial brief. And had the reason

1 been that he couldn't file the final trial brief for
2 circumstances beyond his control, then perhaps some latitude may
3 have been given to him. But this Court was told he instructed
4 you not to file a final trial brief, not only that he instructed
09:11:13 5 you not to accept service of the Prosecution final trial brief
6 which means you're not in a position to answer it and the only
7 reason he gives is he thinks it's in his best interests not to do
8 so.

9 MR GRIFFITHS: In the interest of justice.

09:11:32 10 JUDGE LUSSICK: No, let me finish. If Mr Taylor thinks he
11 can make orders or disobey orders of this Court at his will,
12 simply on the basis that it's in his best interests to do so,
13 then he's running this Court, not us. Now, don't tell us that
14 you were at the 11th hour prevented from filing a final trial
09:11:53 15 brief. From the 14th of January onwards, you have been in
16 violation of a court order.

17 MR GRIFFITHS: Justice Lussick, can I respond, just to this
18 limited extent? Because I really don't want to extend this. I
19 have made a decision, so has my client, and we intend to leave
09:12:16 20 but the point is bear in mind Rule 86, "A party shall file a
21 final trial brief with the Trial Chamber not later than five days
22 prior to the day set for the presentation of that" -

23 JUDGE LUSSICK: Look, that's the rule. You know we made an
24 order, Mr Griffiths, to file by the 14th of January. Don't tell
09:12:38 25 me this you think Rule 86 supersedes our order. It doesn't.

26 MR GRIFFITHS: And you also have a discretion to rethink
27 previous orders made by the Court if it -

28 JUDGE LUSSICK: We have decided we are not going to do
29 that, Mr Griffiths, on more than one occasion. You will not

1 accept the decision of this Court, and nor will your client.
2 You're not running the Court, you know.

3 MR GRIFFITHS: I'm not suggesting that.

4 PRESIDING JUDGE: Mr Griffiths, could I remind you that the
09:13:03 5 14th of January was a date nominated by Mr Munyard, well aware of
6 the provisions of Rule 86 which he did not refer to when making a
7 submission nominating the 14th of January. I am well aware that
8 you're going to say there were interceding motions. You are well
9 aware of the two decisions relating to that.

09:13:25 10 MR GRIFFITHS: Madam President, I informed the Court from
11 the outset I have no intention of rehearsing those earlier
12 arguments. The fact is 20 days late, yes, but 20 days within the
13 context of a trial lasting three years, is, in my submission,
14 totally unreasonable.

09:13:53 15 PRESIDING JUDGE: Please sit down while I hear from the
16 Prosecution, Mr Griffiths.

17 MR GRIFFITHS: Well, I'll give that indulgence to the
18 Court.

19 JUDGE LUSSICK: Thank you very much, Mr Griffiths, very
09:14:02 20 kind of you.

21 PRESIDING JUDGE: Ms Hollis, please proceed.

22 MS HOLLIS: Madam President, your Honours, it's perhaps of
23 assistance to recall that we are in a criminal justice proceeding
24 and the basic tenet of a criminal justice proceeding is that each
09:14:21 25 individual shall be responsible for the consequences of their
26 knowing, wilful choices and actions. And it was the knowing,
27 wilful, conscious choices and actions of the accused through his
28 Defence counsel that led to them to decide that their wishes
29 triumphed over the clear orders of the Court. You were asked to

1 reconsider, you declined to reconsider, and nonetheless, they
2 continued to manage their case as though your Honours were not in
3 control of these proceedings.

09:14:59

4 There is no right of any accused to determine if and when
5 and under what circumstances they will abide by rules of the
6 Court and orders of the Court. Orders of the Court are binding
7 until those orders are either revoked or amended. And neither
8 this accused nor his counsel have any right, founded on any
9 fundamental fairness principle, to disregard the orders of this
10 Court.

09:15:18

11 The independence of counsel is not defined as the right to
12 flout the orders of the Court, the fact that the Trial Chamber is
13 in control of these proceedings. That is not what is meant by
14 independence of counsel. Independence of counsel is something
15 that is exercised within the confines of the structures, the
16 procedures and the orders and overall control of the Trial
17 Chamber, not the independent whims and wishes of the Defence
18 counsel or the accused.

09:15:38

19 Defence counsel today tells you they have laboured for
20 several months to file this brief and yet they've also told you
21 because of their wilful choices they did not file it as your
22 Honours had ordered.

09:15:57

23 This accused, through his counsel, had three opportunities
24 to put forward his submissions to your Honours, who have an
25 independent duty to review the evidence and determine the guilt
26 of the accused even if neither party make submissions to you. He
27 had three opportunities. He consciously, knowingly, wilfully,
28 has waived two of them and it appears today he is waving the
29 third. They had the opportunity to file the final trial brief on

09:16:11

1 the 14th of January, as ordered. They had the opportunity to
2 respond to the Prosecution final trial brief on the 31st of
3 January, as ordered. They waived those opportunities. And today
4 or tomorrow they have the opportunity to present oral argument
09:16:46 5 and it appears from what we have heard that this accused, through
6 his counsel, is consciously waiving that opportunity as well.
7 That is his election, that is his choice and he bears the
8 responsibilities of that election and that choice.

9 Defence counsel said, "I have made a decision and we will
09:17:06 10 leave." Well, Defence counsel and the accused do not have that
11 authority. The accused is not attending a social event. He may
12 not RSVP at the last minute. He is the accused in a criminal
13 proceeding and it is for your Honours to determine if he is
14 allowed to leave the courtroom, not for him to independently
09:17:26 15 choose whether or not he stays or goes.

16 This defence counsel is an assigned counsel, he is assigned
17 by the Principal Defender until the finality of the case and
18 under the Rules of Procedure and Evidence, Rule 45(E), it
19 indicates that assigned counsel shall represent the accused until
09:17:49 20 the finality of the case. And if you look at that rule, it talks
21 about the Defence counsel being permitted - permitted - to
22 withdraw, and in that instance only under the most exceptional
23 circumstances. Not getting your way is not an exceptional
24 circumstance.

09:18:08 25 The code of conduct, Article 18, if we look at (A)(ii),
26 because he is assigned by the Principal Defender, he cannot
27 terminate his services. The Principal Defender may terminate his
28 services. He cannot. The directive on the assignment of
29 counsel, Article 24, does not include termination of an assigned

1 counsel by the accused or on that counsel's own volition. The
2 Principal Defender may withdraw the assignment of that counsel
3 but only under exceptional circumstances.

09:18:56 4 And if we look at the rules of procedure and evidence, Rule
5 60(B), your Honours can order that this counsel continue to
6 represent this accused. That may be directed by the
7 Trial Chamber in the interest of justice.

8 Now, we have seen this attempt at manipulation of these
9 proceedings at the beginning, and now we are seeing it at the
09:19:16 10 end. The reason we are in this situation is through the wilful,
11 conscious choices of this accused to which his Defence team
12 acceded, but we must remember that that Defence team has an
13 obligation as officers of this Court as well. It is their choice
14 that they do not present oral argument; it is not their choice
09:19:34 15 that they withdraw from this case or that the accused leave the
16 courtroom unless your Honours permit the accused and the counsel
17 to do so.

18 Thank you.

19 PRESIDING JUDGE: Thank you, Ms Hollis.

09:19:53 20 Allow me to confer.

21 [Trial Chamber confers]

22 PRESIDING JUDGE: I have not heard any arguments that
23 amount to exceptional circumstances that would enable this Court
24 to exercise a discretion under Rule 46(E) to permit counsel to
09:22:07 25 withdraw. Accordingly, the trial will continue. There have
26 already been too many delays in this Court, many of them
27 emanating from the accused's decisions and the court will proceed
28 in -- as directed. The accused and counsel will remain and hear
29 the evidence and the submissions of the Prosecution as scheduled.

1 MR GRIFFITHS: Good morning, your Honour.

2 JUDGE SEBUTINDE: Can I just say, Mr Griffiths, before you
3 go, that that was a majority decision of the chamber.

4 MR GRIFFITHS: Good morning.

09:22:38 5 PRESIDING JUDGE: Mr Griffiths, please sit down and remain
6 as directed by the Court. If you continue to remain on your
7 feet, and prevent counsel for the Prosecution speaking by doing
8 so, then I will be obliged to consider that you are coming and
9 verging on a contempt. Please sit down.

09:22:57 10 MR GRIFFITHS: Your Honour, I am leaving, so I won't be
11 standing on my feet.

12 [Counsel withdraws]

13 PRESIDING JUDGE: I see no good reason to continue this
14 debate in the absence of counsel. Any actions that need to be
09:23:26 15 considered can be considered after we have heard the oral
16 arguments of the Prosecution.

17 Please proceed, Ms Hollis.

18 MS HOLLIS: Thank you, Madam President, your Honours.

19 May it please the Court, the Prosecution made its opening
09:23:49 20 statement in this case in June of 2007, called its first witness
21 in January of 2008, and closed its case in February of 2009. The
22 Defence opened its case in July of 2009 and closed their case in
23 November of 2010. The case is now before you for your objective,
24 impartial assessment of the evidence and the reasonable
09:24:16 25 conclusions and inferences that may be drawn from that evidence.

26 The Prosecution relies on all credible evidence of record
27 and on our comprehensive final written submissions. Our oral
28 arguments are meant to highlight or emphasise our written
29 submissions and to touch on major issues before you. Neither

1 time nor efficiency allow us to restate the written submissions
2 in our final brief and we will not do so.

3 Since the creation of the Special Court, many professionals
4 have directed and continue to direct their efforts to
09:24:55 5 investigating and preparing the Prosecution case that has been
6 presented to your Honours, under the leadership of several
7 Prosecutors of the Special Court. The three of us who will
8 address you today, myself, Mr Mohamed A Bangura and Mr Koumjian
9 make our submissions to you, based on the work of these many
10 dedicated professionals.

11 But, of course, none of these proceedings would be
12 possible, in this Court or in any of the international courts,
13 were it not for the courage and commitment of the witnesses who
14 have come before you to testify, the maimed, the violated, those
09:25:37 15 who speak for the dead, those who were enslaved, those who came
16 to you from perpetrator groups and have told you of their crimes
17 during the conflict. If not for these individuals, this Court
18 could not function.

19 The Court, the people of Sierra Leone, and the
09:25:55 20 international community owe a great debt of gratitude to those
21 who have been willing to come forward and tell the Court what
22 they know and of their experiences.

23 Could I have the first slide shown, please?

24 Your Honours, this accused is here before you in these
09:26:16 25 proceedings because of a fundamental principle of criminal law,
26 that of individual accountability for one's own wilful, knowing
27 choices, actions and refusals to act, and he is here in
28 accordance with the mandate of the Special Court. It is through
29 the efforts of the Government of Sierra Leone that this Court

1 exists to determine criminal liability for the horrors inflicted
2 on that country.

3 Aware that it is essential for lasting peace in
4 Sierra Leone that there be some measure of accountability for the
09:26:55 5 horrific crimes committed against the people of Sierra Leone, and
6 precluded from taking such action at a national level because of
7 the blanket amnesty and pardon bestowed by Article 9 of the Lome
8 Agreement, the President of Sierra Leone reached out to the
9 United Nations to create this Court.

09:27:18 10 He was able to reach out to the United Nations because the
11 UN Secretary-General had instructed his representative at the
12 Lome peace talks to sign the Lome agreement, with the explicit
13 proviso that the amnesty and pardon provisions in Article 9 do
14 not apply to international crimes, including crimes against
09:27:43 15 humanity, war crimes and other serious violations of
16 international humanitarian law.

17 The victims of the crimes charged in this indictment are no
18 doubt most grateful to the United Nations and to the
19 then-Secretary-General, His Excellency Kofi Annan, who refused to
09:28:07 20 allow impunity to prevail.

21 The mandate of the Court and the Prosecution is very
22 straightforward; to investigate and prosecute those most
23 responsible for the crimes committed in Sierra Leone since 30
24 November 1996. We are here today in fulfilment of that mandate,
09:28:28 25 giving this accused his right to a fair proceeding before
26 impartial judges who are obliged to do justice. Not justice
27 defined as what is best for the accused, rather to do justice
28 that is delivered in criminal proceedings, the justice that is
29 rendered by impartial, independent judges applying the law to the

1 evidence before them.

2 This accused, Charles Taylor, has exerted much effort to
3 divert your attention from the credible evidence in this case. A
4 review of that evidence shows you why the accused has tried so
09:29:08 5 diligently to distract you from it, because that evidence proves
6 beyond any reasonable doubt why this accused is before this
7 Trial Chamber.

8 The reason Mr Taylor is before you? Mr Taylor is before
9 you because, through his wilful, knowing choices, actions and
09:29:30 10 refusals to act, Charles Taylor bears greatest responsibility for
11 the horrific crimes committed against the people of Sierra Leone
12 through the campaign of terror inflicted upon them.

13 The overwhelming weight of the credible evidence in this
14 case leaves no reasonable doubt, this accused is guilty of counts
09:29:54 15 1 through 11 of the indictment.

16 The evidence bears out what double amputee Mustapha
17 Mansaray told you in this Court.

18 "There was a man they used to call Charles Taylor. He said
19 that that war that had come to Liberia, we would taste the
09:30:19 20 bitterness of that one in Sierra Leone. So if indeed the war
21 came to Sierra Leone and I am like this, this is my own portion
22 of the bitterness that I tasted. Both of my hands were
23 amputated. What he said was what came to pass. Those were his
24 children who did that."

09:30:42 25 And the evidence proves everything that Mustapha Mansaray
26 told you.

27 Now, Mr Taylor, on the 20th of July, told your Honours that
28 no human being on this planet heard him say these words, that
29 Sierra Leone would taste the bitterness of war. Under oath he

1 told you that this is a fabrication. However, not only
2 Prosecution witnesses but Defence witnesses, Issa Sesay and
3 Defence witness DCT-068 told you that indeed they heard Mr Taylor
4 say these words. Issa Sesay told you that he heard it and
09:31:28 5 DCT-068 told you he heard it over the radio.

6 Infliction of terror. Savage killings on a massive scale.
7 Amputations, some of those leading to death. Being branded like
8 animals, with RUF and AFRC carved into the living bodies of
9 persons captured and enslaved by Taylor's minions. Beatings.
09:32:00 10 Mass rape and enslavement for the sexual use of their masters,
11 the RUF, the AFRC/RUF alliance and Mr Taylor's Liberian
12 subordinates. Children captured and trained as fighters,
13 involved in fighting and in other duties such as guarding slaves
14 who were being forced to mine for diamonds for Mr Taylor's
09:32:19 15 benefit. Homes burned, often with civilians inside them.
16 People's worldly possessions pillaged. People's lives in ruins.
17 Victims left to beg in the streets or shunned by their
18 neighbours.

19 All of those horrors were the bitterness of war that
09:32:40 20 Charles Taylor inflicted on the people of Sierra Leone through
21 his children, his proxy forces, the RUF and later the AFRC/RUF
22 alliance and through his Liberian subordinates. Charles Taylor,
23 this intelligent, charismatic manipulator had his proxy forces
24 and members of his Liberian forces carry out these crimes against
09:33:06 25 helpless victims in Sierra Leone to achieve the objectives he
26 shared with other members of the joint criminal enterprise in
27 which he participated, to forcibly control the people and
28 territory of Sierra Leone and to pillage its resources, in
29 particular its diamonds. And they would do this through their

1 agreed criminal means, the campaign of terror he waged on the
2 innocent people of Sierra Leone with all its attendant crimes.

3 All this suffering, all these atrocities to feed the greed
4 and lust for power of Charles Taylor.

09:33:46 5 In describing a staged incident at the United Nations in
6 New York, this accused told you, "I did not go in the hall but
7 I was in charge of it from the outside."

8 All the theatrics in the world, all the thumping on the
9 podium, all the resort to name-calling and personal attacks
09:34:05 10 cannot divert attention from the overwhelming weight of the
11 evidence in this case. From outside Sierra Leone,
12 Charles Ghankay Taylor was in charge of, put in place, directed,
13 nurtured and supported the campaign of terror that was carried
14 out by his proxy forces and by his Liberian subordinates, and
09:34:31 15 that, your Honours, is why we are here today.

16 The evidence proves beyond any doubt, based on reason, that
17 this accused, through his wilful knowing choices, actions and
18 refusals to act, is individually responsible and the person most
19 responsible for the crimes charged in counts 1 through 11.
09:34:55 20 Through his continuing participation in the joint criminal
21 enterprise, the accused is individually criminally responsible
22 for these crimes which were intended or were reasonably
23 foreseeable consequences of his participation in this joint
24 criminal enterprise.

09:35:10 25 Charles Taylor was the critical actor in implementing and
26 sustaining the criminal means by which the overall objectives of
27 the joint criminal enterprise were to be achieved.

28 In addition to his liability for his participation in this
29 joint criminal enterprise, the evidence clearly proves that this

1 accused instigated, planned, ordered and aided and abetted the
2 crimes charged in the indictment. He is individually criminally
3 responsible for these crimes, not only because he intended them
4 but because he knew the commission of the crimes would be
09:35:49 5 assisted by his actions.

6 He is individually criminally responsible for the crimes
7 because the accused was aware of the substantial likelihood that
8 his conduct would assist in the commission of these crimes and
9 nevertheless persisted in that conduct.

09:36:07 10 The evidence also proves that Mr Taylor was aware of the
11 substantial likelihood that one or more of the crimes that are
12 charged would be committed in the implementation of his plans, of
13 his orders, and his instigation to his proxy forces and his
14 Liberian subordinates.

09:36:28 15 The evidence also proves to the requisite degree of
16 certainty that the accused is responsible for the charged crimes
17 because of his failure to prevent or punish these crimes which
18 were committed by his subordinates, over whom he had effective
19 control, crimes the commission of which he knew or had reason to
09:36:52 20 know were about to be committed or had been committed.

21 Instead of preventing or punishing these crimes, this
22 accused, in fact, rewarded the most brazen of the perpetrators;
23 Sam Bockarie and Issa Sesay were promoted by the accused -
24 Sam Bockarie promoted after the horrific events of January 1999.
09:37:16 25 His own henchmen, like Joseph Mazhar, was rewarded with material
26 wealth for the horrific atrocities he carried out at the behest
27 of this accused. Benjamin Yeaten, one of the most vicious of
28 Mr Taylor's loyal enforcers, was given power next only to
29 Mr Taylor in Liberia because of his actions to support the

1 accused in the commission of crimes.

2 The evidence makes it clear that throughout the conflict in
3 Sierra Leone, Charles Taylor was the father, the godfather, to
4 his proxy forces in Sierra Leone. He was their chief. He
09:37:57 5 created, trained and sustained the RUF, and embedded in its
6 training and its modus operandi, the use of terror as the basic
7 means by which his proxy forces and his own Liberian forces would
8 achieve his objectives in Sierra Leone. Leaders of the AFRC/RUF
9 referred to Mr Taylor as their boss, their senior brother, their
09:38:26 10 chief. Charles Taylor was the key and constant figure in the
11 leadership constellation of the RUF and later the AFRC and RUF
12 alliance throughout the years. He was also the key and constant
13 figure in the joint criminal enterprise.

14 Foday Sankoh, Mr Taylor's most unequal partner was totally
09:38:53 15 dependent on the beneficence of his brother Charles Taylor.
16 Mr Sankoh was later often in jail and removed from the RUF, and
17 in those situations, in 1996, again in early 1997, and in
18 mid-2000, Mr Sankoh directed Sam Bockarie and Issa Sesay to take
19 all orders from Mr Taylor. And they obeyed that directive.

09:39:21 20 Sam Bockarie was Mr Taylor's favoured son, a man Mr Taylor
21 told you he liked like a son, he loved that boy, a man Mr Taylor
22 said was someone he could talk to about the conflict in
23 Sierra Leone, a man who wanted peace, and a man Mr Taylor told
24 you who was of good moral background. Defence witnesses describe
09:39:47 25 the real Sam Bockarie, however, a ruthless, violent, wicked and
26 evil commander, a bad leader. And it was because of this
27 ruthlessness that Mr Taylor gave Bockarie such favoured status, a
28 man who would carry out all Mr Taylor's instructions with no
29 qualms regardless how horrific the crimes involved.

1 Mr Taylor was Bockarie's father, his chief. At the time of
2 the savage attack on Freetown in January of 1999, Sam Bockarie
3 told the BBC that he would not retreat unless his father,
4 Charles Taylor, told him to do so. This vicious commander was
09:40:30 5 one of Mr Taylor's most ruthless loyalists, doing whatever
6 Mr Taylor instructed in order to pursue the ultimate objectives
7 of their common plan, design or purpose, through the criminal
8 means that have been charged in this indictment.

9 Johnny Paul Koroma deferred to Mr Taylor as the one who
09:40:56 10 could give him the assistance that he needed and Mr Taylor did
11 so. Shipments of materiel sent to the junta, and by materiel,
12 I'm speaking of arms and ammunition, including the big Magburaka
13 shipment which arrived shortly after Mr Taylor had returned from
14 a multi-state visit, including a stop in South Africa. One of
09:41:20 15 the main reasons Johnny Paul Koroma brought the RUF into the
16 junta was because he knew that Taylor was their godfather.
17 Mr Koroma consulted with Mr Taylor during the junta on issues
18 that arose during his chairmanship and he followed Mr Taylor's
19 guidance.

09:41:40 20 For example, Mr Taylor told him to work with his brothers,
21 the RUF, and Mr Koroma did so. Mr Taylor told him, If you have
22 any problems, you just call me about those problems. And when
23 the Iranian embassy incident occurred, that's what
24 Johnny Paul Koroma did. He called Mr Taylor and why did he do
09:42:00 25 that? Because the RUF were involved and Mr Taylor was their
26 godfather, so he had to be called and consulted on that matter.
27 Johnny Paul Koroma followed Mr Taylor's guidance as to how to
28 deal with that matter.

29 Mr Koroma later accepted Mr Taylor's favourite son,

1 Sam Bockarie, to be the overall leader of the alliance, after the
2 junta was pushed from power in mid-February of 1998. And even
3 later, Mr Koroma accepted Mr Taylor's resolution of differences
4 between Mr Koroma and Foday Sankoh, although according to
09:42:41 5 Johnny Paul Koroma, he did so only because he had no choice.

6 After Sam Bockarie fled Sierra Leone to take shelter with
7 his father, his chief, Charles Taylor, in Liberia, in
8 mid-December 1999, and after Foday Sankoh was arrested in May of
9 2000, Issa Sesay became the latest of Taylor's ruthless loyalists
09:43:09 10 and enforcers in the AFRC/RUF constellation. In July of 2000, it
11 was Charles Taylor who called the ECOWAS heads of state to come
12 to Monrovia to choose a new leader of the AFRC/RUF. At that
13 meeting, Issa Sesay was chosen to be the new leader of the
14 alliance, but only after Mr Taylor failed to have his favourite
09:43:36 15 son, Sam Bockarie, restated into the RUF.

16 Now, Mr Taylor told you that he never asked that
17 Sam Bockarie be taken back by the RUF. However, not only
18 Prosecution witnesses but Defence witness Issa Sesay and Defence
19 witness DCT-292 told you that Mr Taylor did just that.

09:44:03 20 Issa Sesay, who considered Taylor the big revolutionary
21 father, was a good choice to become another of Taylor's loyal and
22 ruthless enforcers. Issa Sesay was described by Defence
23 witnesses Musa Faya and DCT-292 as more vicious and ruthless
24 than Sam Bockarie. He was described as a blind, heartless
09:44:28 25 loyalist who killed people like a dog, a man who had beaten
26 everyone in the RUF. Defence witness Isatu Kallon told you that
27 Issa Sesay was the man who raped Johnny Paul Koroma's wife.
28 Mr Sesay had established his credentials early on by
29 demonstrating his willingness to engage in the most horrific

1 atrocities to achieve overall goals and objectives. For example,
2 through his participation in the massacre in Luawa Geihun village
3 and by ordering the massacre of innocent civilians along the
4 Liberian-Sierra Leone border. Indeed, Mr Sesay was a worthy
09:45:12 5 successor to Sam Bockarie to continue the campaign of terror in
6 Sierra Leone under the tutelage of Charles Taylor.

7 The RUF and the AFRC/RUF leadership was fluid, as was the
8 JCE in which the accused and these leaders participated. Other
9 leaders and participants moved in and out of the leadership and
09:45:36 10 in and out of the joint criminal enterprise constellation.

11 However, the evidence shows that this leadership and the JCE
12 constellation continued as these individuals moved in and out.

13 After the junta was forced from power, the great majority
14 of the commanders and fighters remained loyal to the alliance and
09:45:58 15 subordinated themselves to the senior leadership of that alliance
16 until the end of the conflict.

17 Both AFRC and RUF fighters were based in Kailahun District
18 and Kono District and in the north with SAJ Musa and Gullit and
19 other joint forces there. In late 1998, SAJ Musa moved out of
09:46:20 20 the alliance with some of his followers but the majority remained
21 loyal members and the alliance moved back into synchronicity when
22 SAJ Musa was mysteriously killed or died in December 1998 before
23 the attack on Freetown. The evidence before you proves that the
24 forces that moved toward Freetown in late 1998 from the north and
09:46:48 25 from Kono were joint forces of AFRC and RUF and other elements as
26 well.

27 The forces that fought unsuccessfully to take the Kenema
28 axis and move on to Masiaka as part of this nation-wide offensive
29 were also joint AFRC/RUF forces. These AFRC/RUF forces in this

1 operation were reinforced by Liberian fighters sent by Mr Taylor.
2 The forces that entered Freetown in January of 1999 and committed
3 crimes in Freetown were joint forces, AFRC and RUF. That is what
4 the evidence proves to you, and it is consistent with agreed fact
09:47:37 5 number 31. These forces in Freetown were reinforced by the
6 Liberian subordinates sent by Mr Taylor and engaged in crimes in
7 Freetown.

8 In 2000, when Johnny Paul Koroma moved out of the joint
9 criminal enterprise, the alliance persevered, the majority of the
09:47:57 10 fighters, both AFRC and RUF, subordinated themselves to the
11 senior alliance leadership and remained within the alliance.
12 AFRC commanders such as Akim Turay and others remaining within
13 the alliance.

14 As these leaders moved in and out of the alliance and the
09:48:18 15 joint criminal enterprise, Charles Taylor remained firmly fixed
16 in the centre, providing critically needed support, direction,
17 instruction, safe haven to his proxy forces so that they could
18 continue their campaign of terror in their quest for the ultimate
19 objectives to be achieved in Sierra Leone: Control over the
09:48:42 20 people and territory, and pillage of the resources.

21 The evidence in this case proves that this accused provided
22 virtually everything the perpetrators needed to carry out their
23 prolonged campaign of terror in Sierra Leone. Referring to
24 events within the indictment period, the RUF Black Guard report,
09:49:08 25 which was entered into evidence as exhibit P-67, is reflective of
26 the accused's central role throughout the conflict. He called
27 Sam Bockarie to report to him, a summons that Sam Bockarie
28 obeyed, as Foday Sankoh had obeyed Taylor's summonses, as Johnny
29 Paul Koroma and Issa Sesay obeyed Taylor's summonses. This is

1 reflective of the accused's ongoing instructions, direction,
2 guidance and control over his proxy forces.

3 Mr Taylor gave Sam Bockarie confidence, directing him not
4 to give up the struggle. This is reflective of the accused's
09:49:50 5 ongoing instruction, direction, guidance and control over, and
6 encouragement of, his proxy forces to continue the campaign of
7 terror in Sierra Leone.

8 Mr Taylor gave Sam Bockarie his full assurance and promise
9 for maximum support. This is simply a statement of the reality
09:50:11 10 of Mr Taylor's ongoing commitment to support his proxy forces.

11 And according to the report, after Sam Bockarie had
12 dutifully reported as ordered, Mr Taylor thereafter provided huge
13 quantities of ammunition, continuing what he had been able to
14 recommence on a large scale after he became President in 1997.

09:50:38 15 And after that point he was able to recommence virtually steady
16 shipments of arms and ammunition to his proxy forces, some very
17 large shipments interspersed with multiple smaller shipments.

18 The evidence in this case proves the accused's
19 multi-faceted participation, involvement and concerted action
09:51:04 20 with the RUF and later the AFRC/RUF alliance, and it proves that
21 this participation, involvement and concerted action was critical
22 to the commission of the crimes charged in Counts 1 through 11.
23 His participation contributed significantly to the ability of
24 these perpetrators to commit the charged crimes.

09:51:28 25 Mr Taylor provided the training that taught terror as the
26 way to ensure control over the population and territory of
27 Sierra Leone. Mr Taylor planned, directed and provisioned the
28 initial attack on Sierra Leone which was led by his commanders
29 and fighters, and he directed and provisioned the subsequent

1 attacks. His fighters, his NPFL, brought to Sierra Leone the
2 tactic of terror and horrific crimes against civilians, a tactic
3 that persevered throughout the conflict.

09:52:10 4 Mr Taylor's key role did not change after he withdrew most
5 of his NPFL in mid-1992. Multiple witnesses have told you about
6 his continuing vital role in the events in Sierra Leone.

7 On 15 September 2009, Mr Taylor told you, "Well, if this
8 man says that his people Foday Sankoh or anybody else came to
9 Liberia in late 1992 to early 1993, let's forget about ammunition
09:52:43 10 bringing, just coming into Liberia, then I'm already guilty.
11 Then I may as well just give up this case, I'm guilty."

12 But a number of witnesses told you just that. For example,
13 after the withdrawal of most of his NPFL, Mr Taylor summoned
14 Foday Sankoh to him in Liberia so they could plot the way forward
09:53:08 15 now that the NPFL fighters were withdrawn.

16 RUF members continued to be based in Mr Taylor's territory
17 after the withdrawal of most of his NPFL, and they continued to
18 travel into and out of his territories. In addition, after that
19 withdrawal, near the end of 1992, Mr Taylor and Foday Sankoh in
09:53:32 20 Gbarnga, in Liberia, planned to - devised a plan to take
21 diamond-rich Kono. Mr Taylor provided the materiel for that
22 operation and when it succeeded in taking Kono, Mr Taylor was
23 provided diamonds that were brought to him by Foday Sankoh. And
24 in return for those diamonds, Mr Taylor gave Foday Sankoh
09:53:57 25 additional material. In order to implement this plan, Mr Taylor
26 had the RUF, who continued to be based around the area of Kakata,
27 he brought them all together and he himself addressed them toward
28 the end of 1992, telling them that Foday Sankoh was going to take
29 them to Sierra Leone for a big mission. Foday Sankoh also talked

1 with them at this meeting and after that they travelled through
2 Gbarnga, Mr Taylor's headquarters, on their way into
3 Sierra Leone. And in 1993, at the direction of this accused,
4 Foday Sankoh sent fighters into Lofa County to work with
09:54:43 5 Mr Taylor's forces to keep the supply routes open from Gbarnga to
6 the RUF.

7 Mr Taylor is indeed guilty and this evidence is part of the
8 proof of his guilt.

9 Mr Taylor continued to provide strategic instruction,
09:55:00 10 direction, guidance and encouragement to his proxy forces after
11 the withdrawal of his NPFL, thus enabling them to use the most
12 effective strategy and tactics. He gave the RUF guidance to take
13 hostages in order to get international attention, and to get
14 money. He gave Mr Sankoh guidance to use the cover of the peace
09:55:25 15 talks in Ivory Coast to try to reprovise the RUF and to rid
16 themselves of the RUF's most formidable foe, Executive Outcomes.
17 At the time of the coup in Sierra Leone, he directed the AFRC/RUF
18 to work together as brothers.

19 When the junta was forced from power in mid-February of
09:55:52 20 1998, Mr Taylor, in reality, ensured the continued existence of
21 the AFRC and the RUF as a viable force and he was the prime actor
22 in resurrecting and reorganising that alliance into a force that
23 almost succeeded in retaking control of the country just one year
24 later.

09:56:15 25 Mr Taylor reorganised the AFRC/RUF after they were forced
26 from power with his favourite son Sam Bockarie being put in
27 overall command, and he emphasised to the leaders the importance
28 of this alliance. And why did he do that? Because he needed
29 these two groups allied to pursue his ultimate objectives in

1 Sierra Leone. They were much stronger for him allied than if
2 they were separate entities.

3 Mr Taylor also instructed the AFRC/RUF alliance to take
4 control over the diamond-rich Kono District, then instructed them
09:56:56 5 to hold on to that area, and then after they had been pushed out
6 of Koidu, he instructed them to retake that area. And he gave
7 them the plan to carry out that instruction, beginning with Kono
8 as the starting point of a nation-wide operation which was to use
9 forces from all over the AFRC/RUF territories and move those

09:57:19 10 combined forces all the way to Freetown. The accused sent this
11 plan back to his proxy forces with Sam Bockarie, before the
12 Fitti-Fatta mission in June of 1998. The plan was delayed by the
13 failure of that Fitti-Fatta mission but was finally implemented
14 several months later, in the configuration which Mr Taylor had

09:57:45 15 set out. The plan devised by Mr Taylor was to attack from the
16 north with the alliance forces there, as well as for the alliance
17 forces to attack through the Kono axis and through the Kenema
18 axis. They were all to meet up at Masiaka and then move onward
19 to Waterloo and from there they would have their final push into
09:58:09 20 Freetown. The forces were unable to meet up as it was timed, but
21 not because of the lack of this plan, because of fighting and
22 because of other issues that arose.

23 Toward the end of 1998, the time was again ripe to try and
24 implement this plan, and this time Mr Taylor determined that the
09:58:32 25 plan would be implemented with materiel that he ensured was
26 provided by Burkina Faso, his long-time ally, materiel that may
27 have been moved from Libya to Burkina Faso, Libya of course being
28 another of Charles Taylor's long-time allies. Mr Taylor gave the
29 direction that this nation-wide operation should be more fearful

1 than any other, that no one should be spared, and that Freetown
2 must be reached by all means.

3 During this operation, Mr Taylor continued to give
4 instructions to Sam Bockarie on tactics and strategy to be used.

09:59:14 5 Indeed at one point he summoned Mr Bockarie, in the midst of the
6 fighting, to Monrovia to brief Mr Taylor and to receive
7 instruction from Mr Taylor. After this attack was unsuccessful
8 and they were pushed out of Freetown, Mr Taylor ensured that the
9 Lome peace talks brought results that were very favourable to the
09:59:39 10 alliance, talks that also gave the alliance the time to regroup,
11 rest and reprovision and to strengthen its hold over the very
12 important diamond mining areas.

13 He ensured that the alliance remained strong, resolving
14 differences and reiterating to the leaders of the alliance that
10:00:02 15 they were to work together as one group to take control of
16 Sierra Leone and to remove the Kabbah government.

17 Mr Taylor instructed Issa Sesay to resist the peace and to
18 resist disarmament, telling him to say outwardly that he would
19 comply, but in reality to work against the peace and disarmament
10:00:21 20 and to delay it, the same type of tactics that Mr Taylor had used
21 to his advantage so many times in Liberia.

22 These instructions, which Issa Sesay obeyed, prolonged the
23 conflict and prolonged the campaign of terror in Sierra Leone.
24 For example, obedience to Mr Taylor's instruction prolonged the
10:00:46 25 enslavement of Sierra Leoneans for various uses, including
26 enslaving them to force them to mine for diamonds which were then
27 given to Mr Taylor. It also prolonged the killing of civilians,
28 the continued use of child soldiers, and it prolonged the sexual
29 violence against women that was so rampant by Mr Taylor's proxy

1 forces and his Liberian subordinates in Sierra Leone.

2 In addition to strategic instruction, direction and
3 guidance, Mr Taylor also continued to provide arms and
4 ammunition, perhaps the most critical component to the campaign
10:01:30 5 of terror, the campaign to control the territory and people of
6 Sierra Leone.

7 And, in particular, critical to the ability to control the
8 diamond mining areas and the slaves who were used to mine in
9 those areas to the benefit of Mr Taylor.

10:01:45 10 During the time access to the border was severely
11 restricted, so too was Mr Taylor's ability to provide such
12 materiel restricted. However, upon assuming the presidency, the
13 full flow of materiel to his proxy forces again recommenced.
14 Materiel that Mr Taylor sent to Mr Bockarie for the Fitti-Fatta
10:02:16 15 mission, some of that materiel made its way to the north and was
16 used for joint operations in the north.

17 Some of that materiel was moved with the alliance forces in
18 the north as they fought their way to Freetown and was even used
19 in the attack on Freetown in January of 1999. Defence witness
10:02:35 20 Issa Sesay admitted that the materiel Sam Bockarie brought back
21 from Liberia was critical to the success of the operation toward
22 Freetown.

23 In addition to instruction, guidance, direction and
24 materiel, Mr Taylor also provided key manpower. He gave
10:02:57 25 Foday Sankoh the ability to create the RUF, to people that
26 movement. He gave him access to prisoners from Mr Taylor's
27 prisons and he gave him access to other individuals in
28 Mr Taylor's areas of control. Most of these individuals became
29 senior commanders in Mr Taylor's proxy forces in Sierra Leone.

1 He provided the personnel that enabled the RUF to
2 successfully enter Sierra Leone and extend its hold over the
3 territory and people of Sierra Leone. He provided personnel to
4 conduct training both in Liberia and in areas that had been
10:03:36 5 captured in Sierra Leone, inculcating in these trainees the use
6 of terror as a tool. This training in Liberia and Sierra Leone,
7 unlike some of the other support Mr Taylor gave, such as
8 ammunition, which could be used up and had to be replenished,
9 this training had a lasting impact and made a lasting
10:04:01 10 contribution to the crimes that were committed throughout the
11 conflict in Sierra Leone, including throughout the indictment
12 period.

13 Mr Taylor also provided other personnel to act as escorts,
14 as liaisons, as persons to take his instructions to his proxy
10:04:17 15 forces in Sierra Leone. He sent reinforcements in late 1998 for
16 this nation-wide attack, fighters who first arrived in Buedu, and
17 then some of them were sent on to the north to join the forces
18 there and become part of the very vicious Red Lion battalion that
19 moved all the way from the north and into Freetown. And his
10:04:41 20 reinforcements were part of that Red Lion battalion that moved
21 from the north to Freetown and engaged in fighting and crimes in
22 Freetown. He also provided personnel who reinforced his proxy
23 forces along the Kenema axis, an axis where the joint forces were
24 unable to prevail. However, Mr Taylor had his reinforcements
10:05:06 25 along that axis as well.

26 Mr Taylor also provided vitally important communications
27 capabilities to his proxy forces, communications capabilities
28 that were tied into his own communications network and Mr Bangura
29 will address you more about this communications assistance.

1 The accused provided other support vital to his proxy
2 forces, as well, such as food, medicines, medical support, money,
3 and safe haven in Liberia.

4 In return for his vital contributions to the commission of
10:05:43 5 the crimes in Sierra Leone, Mr Taylor had, at his call, a
6 surrogate force in place in Sierra Leone to control key areas of
7 Sierra Leone and at times, indeed to control the entire country.
8 And from this control of territory, these proxy forces were able
9 to carry out the campaign of terror against the people of
10:06:06 10 Sierra Leone. Taylor's proxy forces also secured control over
11 the diamond areas and gave those diamonds to Mr Taylor. The cost
12 in human suffering, the bitterness of war, the campaign of terror
13 that he inflicted, all of this was of no account to him or to his
14 partners, those who strove so mightily over the years to achieve
10:06:31 15 their shared objectives. After all, as Mr Taylor replied to
16 Foday Sankoh's complaint that the NPFL were destroying the people
17 of Sierra Leone, the perpetrators were not eating bread and
18 butter, they were carrying out Mr Taylor's guerilla war and
19 guerilla war is destruction. He also have available to him
10:06:55 20 because of his vital contributions, the use of this proxy force
21 to fight for him in Liberia as well as in Guinea, and in relation
22 to Sam Bockarie and his followers, also in Ivory Coast.

23 Perhaps most importantly, of course, his benefit from this
24 was all of the diamonds that he received throughout the years,
10:07:23 25 and Mr Koumjian will speak to you more about this benefit that
26 Mr Taylor derived.

27 The evidence establishes that this accused had control over
28 not only his Liberian subordinates but also over his proxy forces
29 in Sierra Leone. He instructed, they complied. He directed,

1 they carried out those directions. As Isaac Mongor, a former
2 NPFL commander who rose to leadership in the RUF and the AFRC/RUF
3 alliance told you, Mr Taylor owned the RUF, as Mr Taylor later
4 owned the AFRC/RUF. And as Joseph Mazhar, one of Mr Taylor's
10:08:15 5 most ruthless enforcers told you, there was no RUF and no NPFL;
6 all instructions came from Charles Taylor.

7 Mr Mazhar also told you that nobody under Charles Taylor
8 would do things his own way. That if you went against
9 Charles Taylor's orders, you would be considered a collaborator
10:08:36 10 and you would be executed and if you refused to do anything that
11 he told you to do, it would be at the risk of your own security.

12 And Mr Mazhar also told you that during Mr Taylor's
13 administration, things like diamonds, if you did things on your
14 own you were risking your own life. And that during Mr Taylor's
10:09:00 15 administration he could not recall any man doing things on his
16 own, may the Lord forbid.

17 Mr Taylor controlled the two main enforcer units he relied
18 on to continue his campaign of terror in Liberia after he became
19 President, his SSS and his ATU, units that also interacted with
10:09:24 20 his proxy forces in Sierra Leone in various capacities, as
21 escorts, as liaisons, as commanders. These two units, the SSS
22 and the ATU reported to the SSS director, and that director, the
23 ruthless and totally loyal Benjamin Yeaten, reported to
24 Mr Taylor.

10:09:45 25 Mr Taylor exercised his control in many ways, including
26 sending back fighters who had come into Liberia from the war
27 fronts in Sierra Leone. For example, Mr Taylor organised SLAs
28 who had come to Liberia after the Intervention and sent them back
29 to Sierra Leone to reinforce his proxy forces there.

1 The evidence proves that the accused controlled his proxy
2 forces and also that he intended the charged crimes. His intent
3 manifest in many ways in the evidence before you. As noted
4 before, his reaction to the report of horrible atrocities being
10:10:31 5 committed early in the conflict in Sierra Leone by his NPFL is
6 very instructive of his intent. There was no expression of
7 horror over these atrocities, rather, "Guerilla war is
8 destruction, they are not eating bread and butter." The evidence
9 of the accused's continued participation with the perpetrator
10:10:54 10 groups even in light of his knowledge that they were engaged in
11 these crimes is also instructive of his intent. As the evidence
12 establishes, the accused had knowledge of these notorious crimes
13 being committed through a variety of means, direct knowledge
14 through radio and telephone communications, or face-to-face
10:11:15 15 contact with leaders and their representatives, reports from his
16 eyes and ears whom he sent to Sierra Leone, and after he was
17 President, information from various United Nations and ECOWAS
18 reports to which he was privy, and he also received knowledge of
19 the atrocities through the media.

10:11:35 20 From all these means, but most importantly from his own
21 vital participation with the perpetrator groups, as Mr Taylor
22 told you on the 14th of July of 2009, there is no one on this
23 planet that would not have heard through international broadcasts
24 or probably discussions about what was going on in Sierra Leone.

10:11:57 25 Now, he also indicated to you that "actions were a little
26 strange to us, because those things did not occur in Liberia."
27 However, other evidence disputes Mr Taylor's version of that and
28 we suggest that that was an untruthful statement that he made to
29 you.

1 Mr Taylor's planning, ordering or approving of operations
2 that inflicted terror on the people of Sierra Leone also proves
3 he intended the charged crimes, for example, his approval of the
4 notorious Operation Stop Elections, his planning of the operation
10:12:38 5 that resulted in the January 1999 orgy of violence, with the
6 instruction to make it more fearful than any other operation.

7 The NPFL training given to these future leaders,
8 incorporating terror as a tool that they should use, all of these
9 things prove Mr Taylor's intent. In addition, Mr Taylor's
10:13:00 10 continued participation in this joint criminal enterprise in the
11 years before the indictment period and his continued
12 participation during the indictment period also proves his
13 intent. If we assume for purposes of argument that at the
14 beginning Mr Taylor did not intend these crimes, by the time of
10:13:19 15 the indictment period, he knew of them and he continued to
16 participate with the perpetrators, thereby establishing his
17 intent that these crimes be committed.

18 The Prosecution evidence in this case is consistent, as to
19 the accused's ongoing and multi-faceted participation,
10:13:45 20 involvement and concerted action with the perpetrator groups. It
21 is consistent as to the substantial contribution this accused
22 made to the commission of the crimes in Sierra Leone through his
23 myriad actions and failures to act. The Prosecution evidence is
24 well corroborated including by Defence evidence, as noted
10:14:04 25 throughout the Prosecution final brief. Numerous witnesses told
26 you of the crucial role Mr Taylor played in a variety of ways to
27 create, sustain, direct, support and control his proxy forces in
28 Sierra Leone and the regime of terror that his NPFL exported from
29 Liberia and which became the modus operandi for his proxy forces

1 in Sierra Leone.

2 For example, some 18 witnesses told you about the
3 instructions, direction and guidance which Mr Taylor gave to his
4 proxy forces, at least 16 of them giving you evidence of such
10:14:44 5 action by Mr Taylor during the indictment period.

6 Now, Mr Taylor told you on the 28th of October that this is
7 a shut and closed case. "If anyone believes that Liberia had
8 arms and ammunition or Charles Taylor had possession of those
9 arms and ammunition in Liberia, between the time he becomes
10:15:09 10 President up to about 2001, then really I'm already guilty in
11 this case."

12 Some 30 witnesses gave you consistent and credible evidence
13 of exactly that. Mr Taylor not only had this materiel, he
14 provided it to the RUF and to the AFRC/RUF alliance during the
10:15:31 15 indictment period. Twelve of those witnesses were themselves
16 involved in Mr Taylor's supply of this material in some way,
17 perhaps being escorts, perhaps setting up the logistics,
18 receiving this materiel from Mr Taylor.

19 The Prosecution evidence is also credible because it has
10:15:54 20 withstood rigorous scrutiny. It was fully tested on
21 cross-examination and this was cross-examination with the benefit
22 of full disclosure of prior statements and Rule 68 information.

23 During the Defence case, lead Defence counsel and the
24 accused asserted several times that testimony was not a memory
10:16:16 25 test, and to some degree that is true. It certainly is true that
26 memory as to the dates of events or the dates of occurrences is
27 often the victim of the passage of time. This is particularly
28 true when the witnesses are in the jungle, not at the rear areas
29 where staff are available to remind them of dates, of events, and

1 where appointment books and formal visits are also available to
2 remind them of the dates of events.

3 Another factor that establishes the reliability of the
4 Prosecution evidence is the high foundational requirements to
10:16:56 5 which that evidence was held, in terms of the ability to use
6 documents with witnesses.

7 And also, the Prosecution evidence shows its reliability
8 and its credence by the fact that very strict rules were applied
9 to eliciting evidence on direct examination so that your Honours,
10:17:16 10 rightfully so, heard what it was these witnesses knew and what
11 their experience were, not what counsel was saying from counsel
12 table.

13 The Defence evidence has not benefited from such scrutiny
14 or high foundational or procedural requirements; and that reality
10:17:38 15 negatively impacts the weight that should be afforded that
16 evidence. The testimony of Mr Taylor is very important to you,
17 should be considered very carefully of course, and we suggest
18 that when you consider it very carefully, you will determine that
19 it should be given very little weight.

10:17:54 20 When you review that evidence, you will see that it is rife
21 with internal contradictions and inconsistencies. We certainly
22 do not have the time to go into all of those, but there are a
23 multitude of them throughout his evidence.

24 For example, just one example is reflective of the other
10:18:19 25 instances of internal inconsistencies. On the 25th of August of
26 2009, in response to a question if he knew Leonid Minin,
27 Mr Taylor told you, yes, he did.

28 And when he was asked, "Did you do any arms deals with
29 Mr Minin," he said, "Yes, we tried to get some arms but he

1 failed, he couldn't get them."

2 On the 27th of January, Mr Taylor was asked, "You did ask
3 Leonid Minin to get you weapons, didn't you?"

10:18:58

4 And Mr Taylor replied, "I did not ask Leonid Minin to get
5 me any weapons and I think Minin has also discredited this
6 report."

7 Which part of that evidence will you believe, if any?

10:19:17

8 Some of Mr Taylor's evidence is inherently incredible. For
9 example, Mr Taylor told you that according to him he was chosen
10 to be the point President for peace. As such, it would be
11 reasonable to conclude that it would be vitally important for him
12 to know all of the pronouncements coming from the leaders of the
13 armed factions and the government in Sierra Leone. Yet

10:19:38

14 amazingly, Mr Taylor would have you believe that he was unaware
15 of Sam Bockarie's many threats forecasting the impending attack
16 on Freetown. He knew nothing about that. He, the point
17 President for peace, that is incredible. He knew about it, of
18 course, because he was intimately involved with Sam Bockarie
19 planning that operation that would result in so many horrific
20 crimes.

10:20:00

21 He also told you that he had no knowledge that Foday Sankoh
22 was using Camp Naama to train RUF members. Now, we have to
23 remember that Camp Naama is basically in Mr Taylor's backyard and
24 he told you that he had his own NPFL training there, and he also
25 told you that he had security units in all of his training bases.
26 And yet he would have you believe that he had no idea that this
27 training was going on. He also would have you believe he had no
28 idea that Mr Sankoh and Isatu Kallon were travelling freely
29 throughout his territories, taking able-bodied men and taking

10:20:21

1 them to Camp Naama to be trained for a force that would go to
2 Sierra Leone. That is incredible and not worthy of belief.

3 In an attempt to rationalise his actions, Mr Taylor told
4 you that he had Sorious Samura and others arrested because he got
10:21:03 5 intelligence that they were going to use cancer - a
6 cancer-causing camera in their meeting with him. And he further
7 told you that the intelligence sources gave an example of such a
8 camera being used in the assassination of Ahmad Shah Massoud.

9 That's a very good story, except that Ahmad Shah Massoud was
10:21:27 10 assassinated over a year after Mr Taylor had Samura and the
11 others arrested. The truth is he had them arrested because they
12 were going to expose his activities with his proxy forces in
13 Sierra Leone.

14 Mr Taylor's evidence is also contradicted not just by
10:21:48 15 Prosecution evidence but by other Defence evidence. We do not
16 have the time today to go into all of that but a close review of
17 the Defence evidence and contrasting other witnesses with
18 Mr Taylor's evidence will make it very clear how often he is
19 contradicted by his other evidence.

10:22:06 20 The Defence documents that were introduced to you in this
21 case also require very close scrutiny. They are of questionable
22 credibility. At least two of them, there is very questionable
23 credibility as to their authenticity and authorship. For
24 example, on the 21st of July, Mr Taylor gave you one version of
10:22:36 25 why he gathered these documents. He said that these documents
26 were for a presidential library. On the 19th of July - excuse
27 me, the 19th of August, he told you that he took most of his
28 personal documents when he left office but that others were
29 subsequently removed while he was incarcerated. In November, he

1 told you that he took documents being aware of this case. On the
2 25th of November, he apparently forgot what he had told you on
3 the 16th and denied that documents were collected with an
4 awareness of this case. But yet on the 28th of January he agreed
10:23:20 5 and recalled testifying that he asked members of his staff to put
6 together papers for history with an awareness of this case.

7 Authenticity of documents. Mr Taylor gave you a great deal
8 of detail regarding his receipt of what became exhibit D-243 and
9 this was a letter, an unsigned letter, dated 11 May 2000.

10:23:47 10 Mr Taylor swore to you that this letter was from Issa Sesay and
11 he said it was total nonsense that this letter was written by his
12 staff. Now, it's interesting that that letter spelled

13 Issa Sesay's name as Essa, E-S-S-A, and his last name as
14 S-E-A-S-A-Y. It's also interesting that the supposed writer of
10:24:13 15 that letter, Issa Sesay told you that he did not write the letter
16 and he told you that he never spelled his name as it appeared in
17 the document and that no one in the RUF would have spelled his
18 name with an I -- that everyone knew his name, Issa, was spelled
19 with an I. The same scenario prevailed in relation to exhibit

10:24:38 20 D-258 which was a handwritten letter, an unsigned letter, that
21 Mr Taylor again told you was from Issa Sesay to Foday Sankoh.
22 Again Issa Sesay told you he knew nothing about that letter.

23 Exhibit D-9, on which the accused placed great reliance
24 becomes much easier to understand when you realise, as Mr Taylor
10:25:03 25 admitted, that this salute report from Sam Bockarie was written
26 in Monrovia. And it was written in Monrovia at a time when
27 Foday Sankoh was coming from Lome to Monrovia. It was no doubt
28 written either by Mr Taylor or his subordinates or under their
29 watchful eye, and that is the reason that there is no mention of

1 all of this support and direction Mr Taylor gave to the RUF.
2 That and also because Foday Sankoh and Sam Bockarie were there
3 with Mr Taylor, and that sort of information could be passed on
4 securely in oral conversations.

10:25:44 5 Now, you were also given a great many United Nations code
6 cables, through -- most of those if not all of those came into
7 evidence through Mr Taylor. Those code cables should also be
8 viewed very cautiously. It appears from the evidence that
9 Mr Taylor co-opted the representative of the Secretary-General
10:26:12 10 very early on and that the RSG in effect became Mr Taylor's agent
11 and his mouthpiece to the United Nations. Because of this
12 relationship, RSG Downes-Thomas gave Mr Taylor these code cables,
13 which were internal cables for the United Nations. On none of
14 these code cables is Mr Taylor or the Government of Liberia
10:26:37 15 listed as a recipient. They are not listed or cc'd in any way on
16 any of these cables, nonetheless Mr Downes-Thomas gave those
17 cables to Mr Taylor. And many of those cables appear to be
18 internal exchanges of views between United Nations officials,
19 views of others which, if Mr Taylor were aware of them, he could
10:27:02 20 use to fashion responses and positions to best advance and
21 protect his interest. He could more effectively engage in what
22 he termed deceit as a tool of diplomacy. The cables also contain
23 the views of the RSG, Mr Downes-Thomas, who was at this time
24 Mr Taylor's de facto agent, views that defend Mr Taylor and try
10:27:30 25 to dispel concerns about his connection to his proxy forces and
26 his conduct inside Liberia. This is biased reporting that should
27 be given little or no weight.

28 The RSG's biased and close association with Charles Taylor
29 seems to have raised sufficient concern that another UN official

1 was sent into Liberia in early March of 1999, apparently to give
2 another assessment of the situation there as it impacted
3 Sierra Leone. And this mission and Mr Downes-Thomas's reaction
4 to it is reflected in exhibit D-192, which is another internal
10:28:15 5 United Nations code cable stamped "Immediate and Only". And it
6 contains a summary of the mission by this other official, and
7 also the RSG's complaint about the fact the trip and the
8 observations were made, and it gives Mr Downes-Thomas's views
9 about certain issues before the United Nations. All of this
10:28:40 10 handed over to Mr Taylor.

11 This close association was also the cause for comment and
12 concern in a United Nations report from a team that was sent out
13 to do a review of post-conflict peace-building support offices in
14 various countries. And the report, which is P-488, noted that
10:29:05 15 only in Liberia were accusations that the UN office was too
16 closely associated with the government a matter of legitimate
17 concern.

18 Other materials, other documents, that were introduced
19 through Mr Taylor also require very close scrutiny and are
10:29:26 20 deserving of little weight. Draft letters were provided to you
21 with no signatures and with "draft" on them. Documents that had
22 been redacted and Mr Taylor had no explanation for the
23 redactions, were also provided to you.

24 Defence witnesses also, overall, lacked credibility. Now,
10:29:52 25 it is true that human beings remember the truth differently in
26 some minor ways and so there are minor contradictions between
27 witnesses. You certainly have contradictions between these
28 Defence witnesses, but you also have feigned ignorance of matters
29 that even Mr Taylor acknowledged, and you have refusals to

1 acknowledge Mr Taylor's cooperation, for example, with the RUF,
2 even when Mr Taylor himself had admitted it. We suggest that
3 many of these witnesses came here with a bias, with an agenda,
4 and that their evidence needs to be reviewed very, very
10:30:30 5 carefully.

6 One example would be Isatu Kallon who came to you and gave
7 very lengthy evidence before you. We suggest that her evidence
8 is a result of a partnership between she and Mr Taylor based on
9 compatible goals and that that partnership explains her
10:30:55 10 testimony. Her goals were to maintain and strengthen her
11 positions of authority, influence and affluence as a trader and
12 market association leader in Mr Taylor's controlled territory and
13 to support the RUF.

14 Mr Taylor's goals were to use her as one means of support
10:31:14 15 for his NPFL, as one means of support for the trainees at
16 Camp Naama and for the RUF in Sierra Leone and as one means of
17 information collection for himself, one of his many eyes and
18 ears. And we suggest to you this is why when Mr Taylor learned
19 of her position of authority in the market women's association,
10:31:38 20 he ensured that she and her family were never again arrested or
21 detained. This is why he allowed her to move throughout his
22 territories trading and also, we suggest, bringing back
23 information for him and bringing recruits to Camp Naama, the
24 training base he had established for his proxy force, the RUF.
10:32:00 25 We suggest to you that is also why it was she who was singled out
26 by Dr Sebo to go with him into Sierra Leone to arrange for the
27 transfer of the hostages, whose taking Mr Taylor had been so
28 instrumental in.

29 And we also suggest to you that it was this partnership

1 that put her in the midst of bringing the external delegation
2 from Sierra Leone to Mr Taylor's long-time confidant and
3 subordinate, Musa Cisse, in Danane, a long-time NPFL stronghold.

4 Now, if we could turn to the crimes.

10:32:43 5 The evidence in this case demonstrates that to Mr Taylor
6 the commission of the charged crimes was an effective way to
7 achieve his objectives. We see that in many different iterations
8 in the evidence. His response, which I have earlier alluded to,
9 when he was confronted with the crimes of his NPFL in
10:33:06 10 Sierra Leone, "Guerilla war is destruction."

11 The attitude of his NPFL that was exported to his proxy
12 forces in Sierra Leone that civilians have no blood, that is to
13 say, they can be used as you wish, was a very key part of this
14 campaign of terror against the civilians there.

10:33:35 15 This was an expression that had widespread use in Liberia
16 and also in Sierra Leone. The use of terror as a tactic against
17 civilians was also exported by his NPFL to his proxy forces in
18 Sierra Leone.

19 The evidence that these proxy forces, as well as his NPFL,
10:33:59 20 were not paid but instead were to pay themselves at the expense
21 of the civilian population. We have heard evidence about
22 Mr Taylor taking action against his subordinates for various
23 reasons. We suggest to you that a review of the evidence shows
24 that Mr Taylor took action against his subordinates not because
10:34:21 25 they were responsible for crimes against civilians but for three
26 main reasons: Firstly, because he viewed them as a threat to his
27 power, and in that regard we can put such people as
28 General Mekunagbe, Oliver Varney and others. Secondly, because
29 his subordinates failed him in battle or in other taskings that

1 he had given them, and we suggest that an example of that was a
2 the execution of Cassius Jacobs after he allowed Gbarnga to be
3 overtaken in 1994. And finally he punished his subordinates
4 because they dared to punish his NPFL who had committed crimes.

10:35:05 5 That was why he wanted Prince Johnson arrested, because
6 Prince Johnson had punished NPFL fighters who had committed
7 crimes. Crimes were what was intended by Mr Taylor, and he did
8 not want his subordinates punishing those who were carrying out
9 his intention.

10:35:24 10 The evidence not only proves that Mr Taylor viewed the
11 charged crimes as the means by which to achieve his objectives in
12 Sierra Leone, it also proves the commission of the charged
13 crimes.

14 As Defence witness Charles Ngebe told you on the 12th of
10:35:47 15 April of 2010: "Capturing, raping, killing, all the atrocities
16 that occurred in that country that has led the warlords to be in
17 prison and the Sierra Leoneans are aware of that, all the
18 atrocities that you are talking about, the RUF, that is what has
19 caused these men to be in jail. It's right. It's true."

10:36:07 20 Terror was the means by which the ultimate objectives in
21 Sierra Leone were to be achieved, and there can be no reasonable
22 doubt that Mr Taylor intended that acts be committed to spread
23 fear, because this was going to be the way he would achieve his
24 goals, his objectives.

10:36:38 25 The evidence proves beyond a reasonable doubt that the
26 accused, through his proxy forces and his Liberian subordinates,
27 used terror as a tool to subdue and subjugate a larger population
28 in Sierra Leone. Throughout the indictment period, indeed
29 throughout the conflict, the reality for the people of

1 Sierra Leone was as described by witnesses who came before you,
2 including TF1-215 who testified before you on the 14th of
3 October. And he testified to you about a scene of public mass
4 amputations at which one of the rebels carrying out a written
10:37:23 5 order told the horrified victims, who were waiting their turn to
6 be mutilated, "There is no God here today. I am the god here
7 today."

8 Mr Taylor and his proxy forces were the gods. They decided
9 life, they decided death. They decided the conditions of life
10:37:45 10 throughout the conflict. And it was Mr Taylor who exported this
11 campaign of terror from Liberia to Sierra Leone. In Liberia, his
12 NPFL inflicted a campaign of terror on those in the population he
13 did not believe supported him. Mr Taylor's NPFL and the other
14 factions carried out horrendous atrocities against civilians in
10:38:09 15 the Liberian civil war. Mr Taylor created the conditions for
16 terror and the atrocities against civilians. He told you he
17 selected NPFL trainees who wanted to go back and avenge the death
18 of their people. He said he intentionally entered through
19 Nimba County where most of the atrocities against Gios and Manos
10:38:34 20 had taken place. He told you that the great majority of his
21 fighters from Libya were from them Nimba County and they included
22 those who wanted revenge. He said that he accepted a lot of Gio
23 and Mano into the NPFL. They wanted revenge. And he told you
24 that he knew that many members of his group were likely to commit
10:38:56 25 crimes against the Krahn and the Mandingo. He said that he knew
26 the Gios were bitter against the Krahns and joined the NPFL for
27 revenge.

28 Mr Taylor harnessed his fighters' thirst for revenge and
29 then unleashed them on Liberia, intending that they use that

1 thirst for revenge to spread terror so he could control the much
2 larger population in that country. And similarly, he unleashed
3 his NPFL on the civilian population of Sierra Leone.

4 Mr Taylor got just what he intended in Liberia and in
10:39:33 5 Sierra Leone. His NPFL committed crimes of extreme brutality,
6 perpetrated by fighters with such names as "Maximum Death" and
7 "Destruction", the names themselves showing the intent of their
8 acts.

9 The acts of terror were remarked on in exhibit D-118 an
10:39:56 10 article that was written by a journalist who was sympathetic to
11 Mr Taylor, but that article detailed acts of terror against the
12 population in Liberia.

13 His NPFL displayed body parts, heads and intestines at
14 checkpoints to create fear. Mr Taylor was aware of this; he
10:40:15 15 passed through those checkpoints.

16 Indeed, Mr Taylor told you that there were checkpoints in
17 Liberia with skulls, not human heads, that skulls were used as
18 symbols of death, that he saw them, he drove by them. They were
19 used as symbols and he saw nothing wrong with using them. And
10:40:35 20 when he was talking about these symbols he said they were
21 designed to give a lesson: "Look, here is a situation, if you
22 don't do this, then this happens. Okay? This is the result of
23 not following orders, okay? That is why these skulls, not at
24 every gate, but there were certain areas that skulls were there."

10:40:58 25 Clear indication of Mr Taylor's willing and very able use of
26 terror to further his goals.

27 The RUF was created by Mr Taylor in the image of his own
28 NPFL, again an organisation that was infamous for its use of
29 terror. Terror was the common denominator between Liberia and

1 Sierra Leone. Indeed, the accused used terror tactics to
2 populate the RUF, threatening people with death if they did not
3 join the RUF. His NPFL continued its campaign of terror in
4 Sierra Leone. Just as his NPFL displayed body parts at
10:41:41 5 checkpoints to frighten people, so did the RUF and the AFRC/RUF
6 display body parts to frighten people, leaving bodies unburied,
7 putting heads on stakes, all to spread terror throughout the
8 population of Sierra Leone.

9 And indeed the victims suffered grave consequences as a
10:42:06 10 result of these acts of terror and that evidence has been before
11 you throughout this trial. The public nature of the crimes also
12 prove that terror was the intended result. People having to
13 stand in line and await their turn to be mutilated, seeing others
14 maimed before them, hearing the cries of their friends, their
10:42:26 15 family, other victims, rapes in the sight and sound of others,
16 including family members, people burned alive in their homes
17 within the sight and sound of other civilians, victims being
18 forced to carry decapitated heads, including the heads of their
19 children, civilians being forced to watch as a child is buried
10:42:47 20 alive and the mother is forced to laugh. These are the
21 consequences of the campaign of terror that Mr Taylor exported to
22 Sierra Leone. The campaign of terror which the accused directed,
23 sustained, supported and encouraged against the population of
24 Sierra Leone, the campaign of terror which was the means by which
10:43:10 25 Mr Taylor and the other members of the joint criminal enterprise
26 sought to achieve their ultimate objectives in Sierra Leone, the
27 campaign of terror for which this accused rightly stands in
28 judgment before you today.

29 If your Honours have no questions, at this time I will turn

1 the podium over to Mr Bangura who will address you in regard to
2 the relationship between Mr Taylor and some of his key
3 subordinates, radio communications between Mr Taylor and the
4 AFRC/RUF, the recruitment and use of child soldiers and the
10:43:50 5 evidence relating to the enslavement of civilians in
6 Sierra Leone. Thank you, your Honours.

7 JUDGE SEBUTINDE: Ms Hollis, before you sit, I want to take
8 you up on the last little paragraph that you were addressing us
9 on which is the campaign of terror which was the means by which
10:44:14 10 Mr Taylor and the other members of the joint criminal enterprise
11 sought to achieve their ultimate objectives in Sierra Leone.
12 Could you perhaps recall for us what the ultimate objectives in
13 Sierra Leone in fact were?

14 MS HOLLIS: Thank you, Madam Justice. The ultimate
10:44:34 15 objectives in Sierra Leone were basically twofold: The first was
16 to gain control over the territory and the population of
17 Sierra Leone. That was important for a variety of reasons but
18 that was the objective. And why was it important? It was
19 important because once you have control over territory, then you
10:44:54 20 can launch attacks from that territory. Once you have control
21 over the people and territory of a country, you can exercise
22 political, economic and other power within the country. You can
23 use those people as your resources, as Mr Taylor through his
24 proxy forces did, having them as forced labour, forcibly
10:45:18 25 recruiting them into the armed groups. So these were the
26 motives, if you will, although motive is not relevant, but these
27 were the reasons behind the ultimate objective of control over
28 the people and territory of Sierra Leone.

29 Another very important result of gaining control over the

1 people and territory of Sierra Leone was the other ultimate
2 objective of the joint criminal enterprise, and that was the
3 ability to pillage the resources of Sierra Leone, in particular
4 the diamonds, and Mr Koumjian will speak to you on that matter.

10:46:01 5 But if we think about it, it makes absolute sense that diamonds
6 would be the real focus of the pillage because they are so easy
7 to move about, they are so small and so easy to hide upon
8 yourself or hide in any way to move about. And even today with
9 all the controls, they are very easy to put out there into the
10:46:21 10 public market, and they are very, very good source of income. So
11 those were the two objectives, the ultimate objectives, control
12 the people and population of Sierra Leone through force, and to
13 pillage the resources, in particular the diamonds of
14 Sierra Leone.

10:46:49 15 If we may now -- Oh, excuse me. Yes, your Honour.

16 JUDGE SOW: Please, I have just one question for you,
17 Ms Hollis, we have seen many exhibits in this trial, and I think
18 in the opening - no, in the pre-trial brief we received from the
19 Prosecution, it was mentioned that this sentence you recall about
10:47:22 20 the bitterness of war. It seemed that it was a declaration made
21 on the radio, isn't it? And I don't see if there is any exhibit
22 or any recording of that declaration. Do you have any - and the
23 other one is also what you referred to as Sam Bockarie's
24 declaration about killing, killing until his father tells him to
10:47:56 25 stop. Do we have also a recording of that declaration as
26 exhibits? Those are my questions.

27 MS HOLLIS: Thank you, your Honour. As to a recording of
28 the bitterness of war, we did not introduce a recording of the
29 bitterness of war, and we must say that despite our diligent

1 efforts we were unable to find such a recording. However, what
2 we did introduce in evidence were the individuals who heard that
3 declaration over the radio, including two Defence witnesses who
4 told you they heard Charles Taylor declare over the radio that
10:48:33 5 Sierra Leone would taste the bitterness of war. As to the
6 declarations made by Sam Bockarie, beginning in September or so
7 of 1998, the Prosecution introduced various exhibits which
8 contained quotes from Mr Bockarie's statements. These were
9 written exhibits. We did not introduce into evidence any
10:48:58 10 recorded BBC broadcast in which he said those words but we did
11 introduce, as I said, various documentary exhibits that captured
12 the various threats that he made about death and destruction in
13 Sierra Leone and the attack on Freetown. And I will search and
14 later we will provide you with the exhibit numbers for those
10:49:21 15 exhibits, your Honour. It is - I will get back to you,
16 your Honour, on those exact exhibits because we did introduce
17 several of them.

18 PRESIDING JUDGE: There appears to be no other questions,
19 Ms Hollis, so if you wish to give the podium to Mr Bangura.

10:50:00 20 MS HOLLIS: Thank you, Madam President.

21 MR BANGURA: Madam President.

22 PRESIDING JUDGE: Proceed, Mr Bangura.

23 MR BANGURA: Your Honours, I had the honour of speaking at
24 the opening of the Prosecution's case and I'm honoured to now
10:50:36 25 speak at its close. During the opening statement I referred to
26 the Sierra Leonean saying, "Net long so tay, doh mus clean,"
27 meaning no matter how long the night, dawn will come. I referred
28 to this saying because I thought it was apt. For years, the
29 accused's crimes had remained hidden in the dark, but your

1 Honours, dawn has indeed come and the evidence led in this trial
2 proves Taylor's guilt for the indictment crimes beyond a
3 reasonable doubt.

4 Turning now to my part of the closing argument, I will
10:51:19 5 cover, firstly, Taylor's relationship with certain key figures.
6 The other portions of these closing arguments and the
7 Prosecution's final trial brief, all extensively cover the
8 relationships between Taylor and certain AFRC/RUF leaders such as
9 Foday Sankoh, Sam Bockarie, Issa Sesay, Johnny Paul Koroma. My
10:51:50 10 argument will instead focus on certain other key individuals,
11 non-Sierra Leoneans who facilitated the relationship between
12 Taylor and the AFRC/RUF. Secondly, I will focus on evidence of
13 VHF, that is very high frequency radio and satellite phone
14 communications, one of the critical means by which Taylor
10:52:17 15 maintained his control and influence over the AFRC/RUF in
16 Sierra Leone, especially during the indictment period.

17 Also, I will focus on certain key evidence related to the
18 conscription, and enlistment and use of child soldiers and
19 finally I will also focus on certain evidence relating to the
10:52:41 20 crime of enslavement.

21 In relation to the first topic, that is Taylor's
22 subordinates, I want to underline some key general points that
23 came out during the trial.

24 There are certain names which have rung out again and again
10:53:06 25 in this nearly three-year trial: Foday Sankoh, Sam Bockarie,
26 Issa Sesay, Johnny Paul Koroma, Benjamin Yeaten, Daniel Tamba,
27 also known as Jungle, and Ibrahim Bah. The Prosecution has said
28 from the beginning that this accused never set foot in
29 Sierra Leone during the period the indictment crimes were being

1 committed, but the individuals just listed acted not only as
2 Taylor's eyes and ears but also as his implementers. These
3 critical individuals, answerable to and under the direction of
4 Taylor, leave Taylor's figurative fingerprints at the scene of
10:53:56 5 all the crimes. As the chief, the Papay, and ultimately the
6 President, Taylor had many subordinates to do his criminal dirty
7 work for him.

8 Taylor himself has admitted that, in the early years of the
9 conflict, while based in Gbarnga, he sent NPFL forces to fight in
10:54:21 10 Sierra Leone, from what he says, from between August 1991 to
11 April 1992. It is important to focus for a moment on the
12 significance of this admission. Taylor obviously needed his
13 subordinates to form relationships with the RUF in Sierra Leone.
14 Two military entities don't simply operate side by side without
10:54:52 15 such. Taylor himself acknowledged that these relationships
16 formed lasted for years. When Taylor told this Court about how
17 he says Bockarie was first contacted, he said, "We had
18 Dope Menkarzon, reach out to him as they had known each other
19 for years. From the time the NPFL was in Sierra Leone."

10:55:20 20 Taylor's relationship with each of his subordinates was
21 unique, designed to harness and exploit strength, whether it was
22 the ruthlessness of Bockarie and Sesay, as we've heard, or the
23 local knowledge of Jungle, a Kissi, born and raised in the border
24 area between Sierra Leone and Liberia. Taylor's relationships
10:55:52 25 with the AFRC/RUF leaders, and essentially his relationship with
26 the whole AFRC/RUF was also ultimately one of dependence for the
27 latter: The AFRC/RUF needed Taylor to survive and ultimately
28 thrive. At critical times the AFRC/RUF leadership turned to
29 Taylor who was regularly able to pull the AFRC/RUF movement out

1 of the fire.

2 But the common thread running through all these
3 relationships was that each individual was critical to ensuring
4 that Taylor maintained his influence and control over the
10:56:34 5 AFRC/RUF and its allies, in a way that was both effective for
6 Taylor's ultimate objectives, and just as importantly
7 non-transparent to the international community. Also when any of
8 these individuals became a liability to Taylor, their lives
9 immediately became threatened and in some cases forfeit.

10:57:03 10 Superman, Jungle and Bockarie all suffered the consequences of
11 crossing Taylor, while one of his most trusted associates, Bah,
12 had to flee the country. Even his most loyal servant in Liberia,
13 Benjamin Yeaten, who I will discuss in more detail later,
14 ultimately was sold out by this accused. Towards the end of his
10:57:30 15 case, Taylor presented evidence that it was Yeaten, without
16 Taylor's knowledge, who was sending arms to the RUF.

17 When considering the evidence, the fact is that these
18 individuals, all subordinates and proxies of the accused, all
19 connect the accused directly to the indictment crimes.

10:57:54 20 As I mentioned, both the brief and the other Prosecution
21 presentations today deal with Taylor's relationship with certain
22 AFRC/RUF leaders. I will focus my attention on Taylor's
23 relationship to the non-Sierra Leonean key figures that I have
24 mentioned.

10:58:16 25 Looking firstly at Benjamin Yeaten, Yeaten also - Yeaten
26 was known as Unit 50.

27 Your Honours, I just note the time, and I am beginning to
28 go into a section that obviously will outlast the period that is
29 left for sitting.

1 PRESIDING JUDGE: In the circumstances, I think it would be
2 appropriate to adjourn. There is only about a minute left before
3 the normal break time, Mr Bangura, so we will adjourn now for our
4 usual 30-minute break and resume at 11.30. Please adjourn the
10:59:04 5 Court.

6 [Recess taken at 10.59 a.m.]

7 [Upon resuming at 11.31 a.m.]

8 PRESIDING JUDGE: Can I note the appearance of the
9 Principal Defender, Ms Hanciles.

11:32:25 10 MS CARLTON-HANCILES: Yes, your Honour.

11 PRESIDING JUDGE: I take it you're appearing as duty
12 counsel in your capacity as principal defender; is that correct?

13 MS CARLTON-HANCILES: Well, I appear as duty counsel in my
14 capacity as Principal Defender, but I wish to point out the fact
11:32:41 15 that I do not appear with instructions from neither counsel nor
16 the accused.

17 PRESIDING JUDGE: I will note that situation. I also note
18 that the accused does not appear to be in court. I don't see
19 him.

11:32:58 20 MS CARLTON-HANCILES: Yes, the accused presently is not in
21 court. He has dispensed with appearance for today.

22 PRESIDING JUDGE: He has an option to dispense with
23 appearance, are you saying?

24 MS CARLTON-HANCILES: Well, I spoke with him during the
11:33:11 25 break, and he informs me that he wanted to go back for personal
26 reasons.

27 PRESIDING JUDGE: There was an order made this morning that
28 he remain in court. He was not granted permission to be absent.
29 I will take it, therefore, that he has deliberately both flouted

1 that order and absented himself voluntarily. You have not
2 indicated to me that he's unwell or that he has been taken ill
3 and therefore I assume that - must assume that he is following an
4 indication given by counsel this morning that he intends to be
5 absent.

11:33:45

6 MS CARLTON-HANCILES: Well, I had some discussions with
7 him, and he in his discussions with me was telling me that he
8 wasn't feeling too well. I don't know what the reasons were. He
9 said he was very upset and he needed some rest.

11:34:07

10 PRESIDING JUDGE: Ms Hanciles, this Court has had many
11 delays, many of them as I've already noted coming from the
12 Defence side. This Court case will proceed to its close as
13 scheduled, and I will put on record that having been instructed
14 to remain in the precincts of the Court that Mr Taylor has
15 voluntarily absented himself and the case will proceed in
16 accordance with Rule 60. Thank you.

11:34:31

17 MS CARLTON-HANCILES: Thank you.

18 PRESIDING JUDGE: Mr Bangura, please proceed.

19 MR BANGURA: Thank you, your Honour. Madam President,
20 your Honours continuing from where I left off, I will deal with
21 Benjamin Yeaten.

11:34:46

22 Yeaten was also known as Unit 50 and he was Taylor's
23 closest aide. Taylor and Yeaten's association began in Tajura
24 Libya during Special Forces training when Yeaten was just 14 to
25 15 years old.

11:35:10

26 Under Taylor, Yeaten quickly rose through the ranks both in
27 the NPFL and later when Taylor became President in 1997. Taylor
28 appointed Yeaten to the pivotal position of Special Security
29 Service director. Yeaten's position gave him enormous power,

1 authority, influence and prestige. His duties included providing
2 close security protection for Taylor, his family, and other VIPs.
3 Yeaten had frequent access to the office of the presidency,
4 having at least two official meetings a week. All of the chiefs
11:35:59 5 of the armed forces and other militia were immediately answerable
6 to Yeaten, as he was also Chairman of the Joint Chiefs of Staff.
7 Literally, Yeaten was just a heartbeat away from Taylor, residing
8 only a few hundred metres away from Taylor's residence, White
9 Flower. Yeaten's position superseded the then-Vice-President,
11:36:29 10 Moses Blah. Yeaten was answerable to no one in the republic but
11 Taylor. Yeaten once boasted to a witness that only
12 Charles Taylor was more senior than himself in Liberia.

13 Indeed, nobody but Taylor gave orders to Yeaten. At an
14 Executive Mansion parade, Taylor was heard to say,
11:36:57 15 "Benjamin Yeaten, whatever he sees, whatever he says, I,
16 President Taylor, said it. When he sees something, I,
17 President Taylor, sees that. When he hears anything, I,
18 President Taylor, would hear that."

19 For the purposes of Taylor's connection to the AFRC/RUF,
11:37:21 20 Yeaten was a linchpin who coordinated Taylor's links with the
21 rebels in Sierra Leone. Yeaten used his SSS personnel, that is
22 Jungle, Zigzag Marzah, Dopoe Menkarzon, to facilitate the
23 arms/diamond traffic between Buedu and Monrovia. Yeaten also
24 used his radio operator Sunlight to coordinate with and maintain
11:37:49 25 a communications link with the AFRC/RUF. Yeaten also regularly
26 facilitated direct satellite phone communications between Taylor
27 and Bockarie. A call would come from the Executive Mansion or
28 Yeaten's residence, requesting that Bockarie switch on the
29 satellite phone which was commonly called the 2-1. Further,

1 Yeaten coordinated visits by key players within the AFRC/RUF such
2 as Bockarie, Sesay and JPK to see Taylor at either his Executive
3 Mansion or White Flower.

4 Some other aspects of Yeaten's involvement with the
11:38:35 5 AFRC/RUF on behalf of Taylor included, 1, coordinating operations
6 including logistics for the AFRC/RUF's assistance to Taylor in
7 fighting the insurgency in Liberia and later the attacks on
8 Guinea. 2, passing reports to Taylor on the military situation
9 in Sierra Leone, including AFRC/RUF operations based on his
11:39:03 10 communications with Bockarie and later Sesay.

11 Yeaten was well-suited for Taylor's manipulative
12 tendencies. By placing Yeaten in high office despite his lack of
13 formal education, Taylor made sure he retained authority and
14 control.

11:39:22 15 When Taylor needed to eliminate former associates or
16 subordinates, Yeaten and his SSS team were the ones to get the
17 job done. Yeaten coordinated several murders on Taylor's orders:
18 Superman, Bockarie, Jungle, Sam Doki and former government
19 ministers John Yormie and Isaac Vaye. Yeaten eliminated these
11:39:52 20 people on behalf of his boss, Charles Taylor, in a devious effort
21 to cover and protect Taylor's criminal conduct, including his
22 links with rebels in Sierra Leone. Such was Taylor's special
23 relationship with Yeaten that Taylor confirmed to this Court that
24 he would accept Yeaten back in his government even today.

11:40:13 25 I will next turn to the relationship between Taylor and
26 Daniel Tamba who was also known as Jungle. Taylor tried to
27 distance himself from Jungle, his trusted liaison and runner to
28 the RUF but the evidence shows that from the early 1990s Taylor
29 was - Taylor used Jungle as his representative and his eyes on

1 the RUF movement. Taylor also used Jungle to pass on
2 instructions, advice and guidance on a variety of topics
3 including mining operations in Kono District and military and
4 strategic matters. Additionally, Jungle often delivered critical
11:41:07 5 in-person reports to Bockarie from Taylor. In March 1997 when
6 Sankoh was arrested Jungle communicated promotions to Bockarie
7 and Sesay. More importantly, Jungle conveyed the message that
8 they were to take instructions and command from Taylor until
9 Sankoh's release. Following the intervention, Taylor quickly
11:41:33 10 moved to ensure the continued unity of the AFRC/RUF. Taylor
11 needed this unity to be maintained in order for the movement to
12 achieve one of its primary objectives, the recapture of the
13 entire diamond-rich Kono District. This message of unity was so
14 important it was sent in person by his trusted liaison, who was
11:42:00 15 Jungle. This message said that Taylor recognised the importance
16 of the AFRC/RUF relationship, that the two groups should work
17 hand in glove and should try to capture Kono, and the district's
18 diamonds. Jungle also relayed instructions to construct an
19 airstrip behind Buedu in Kailahun District. Finally, Jungle was
11:42:29 20 often responsible for delivering parcels of diamonds from the RUF
21 high command for, in the words of the RUF high command, "Our
22 father across," meaning Taylor.

23 The last of these key figures that I would address your
24 Lordships on is Ibrahim Bah, also known as Balde. Bah was a
11:43:05 25 Senegalese who trained with the Gambian group at Tajura in Libya.
26 He was known within the RUF as the RUF liaison officer but this
27 innocuous title belied the true significance of his role. In
28 reality, Bah acted as a liaison for the RUF in its dealings with
29 Taylor and for Taylor in Taylor's effort to procure arms and

1 ammunition for the movement. The evidence shows that indeed Bah,
2 on behalf of the accused, arranged major shipments of arms and
3 ammunition to the AFRC/RUF in exchange for diamonds through
4 contacts made with third parties by the accused.

11:43:47 5 When the AFRC/RUF diamond production increased, Bah played
6 an important role in moving diamonds out of Sierra Leone and
7 onward to foreign buyers on behalf of Taylor. In relation to
8 arms, Bah was the key player in two critical shipments of arms to
9 the AFRC/RUF. The first shipment occurred during the junta
11:44:15 10 period. Bah travelled to Freetown, held meetings with the junta
11 and coordinated the 90-carat diamond deal paid to Taylor for the
12 Magburaka arms shipment in November 1997. The second shipment
13 occurred when Bah, in December 1998, travelled to Burkina Faso
14 with Bockarie and others securing the shipment of arms used for
11:44:43 15 the multi-axis offensive on Freetown in January 1999. In 1999,
16 Bah's activities with the rebels in Sierra Leone also included,
17 1, bringing Bockarie's third satellite phone and also diggers and
18 mining equipment; secondly, being part of the AFRC/RUF delegation
19 team to Lome, including meeting with Taylor as his special guest
11:45:16 20 and taking \$20,000 to Sankoh from Taylor; and thirdly,
21 accompanying Bockarie when he retreated into Liberia.

22 Throughout all of this time, Bah remained a trusted and
23 loyal subordinate of the accused. However, in 2002, Bah fled
24 Liberia on discovering he was about to suffer the same fate,
11:45:44 25 elimination, later suffered by Taylor's other once-trusted
26 subordinates.

27 I will now look at radio communications.

28 Throughout the evidence in this case, the Prosecution has
29 highlighted the important role of VHF radio and satellite

1 communications between Taylor and the AFRC/RUF. Both parties
2 called radio operators during the currency of their respective
3 cases. On the whole this area of evidence demonstrates a clear
4 and regular line of communication between Taylor and the
11:46:28 5 AFRC/RUF. In total, the Prosecution called seven radio operators
6 during its case. All testified to having operated for the
7 AFRC/RUF at various times, both prior to the indictment period
8 and during the indictment period.

9 One of the operators, TF1-275 testified to operating a
11:46:52 10 radio for the NPFL prior to joining the RUF, and another TF1-516
11 testified to operating a radio for the Government of Liberia
12 during the period that Taylor was President. The Defence called
13 three radio operators, all three testified to having acted as
14 radio operators for the NPFL prior to Taylor becoming President
11:47:19 15 in 1997. Two of the three testified to working as radio
16 operators for the government of Liberia during the period while
17 Taylor was President. Taylor himself also testified in various
18 areas about both radio and satellite communications.

19 The communications evidence in this trial demonstrates much
11:47:47 20 that I will shortly explore but above all these, the
21 communications evidence shows that during Sierra Leone's worst
22 moments, in places like Kono and Freetown, at the times when the
23 AFRC was inflicting - AFRC/RUF was inflicting its greatest
24 suffering, the one man with the greatest access in the world to
11:48:10 25 communicate to the AFRC/RUF, its leader Sam Bockarie, at that
26 time through both his extensive radio and satellite phone links
27 was this accused, Charles Taylor.

28 Evidence was elicited by both parties about general radio
29 communication protocols. In short the evidence clearly

1 establishes the following. Firstly, that radio operators
2 received a special degree of training in order to operate
3 effectively on the radio. Secondly, that the radio networks
4 employed coding systems, both in terms of frequencies, which
11:48:55 5 operated like channels, and content that was coded and decoded by
6 operators and passed to respective commanders. Third, that a
7 third radio station could monitor communications between two
8 stations and that if the respective radio operator had access to
9 the respective frequency and content codes, he or she could
11:49:23 10 monitor all communications. Fourth, that the radio stations used
11 in both Sierra Leone and Liberia had the ability to utilise VHF,
12 that's very high frequency, communications and could be employed
13 long-range between Sierra Leone and Liberia. Next, that radios
14 could operate either as fixed or mobile stations. Next, that
11:49:54 15 both operators and stations employed a variety of call signs.
16 Also, that the radio networks employed a communications hierarchy
17 in which there was a headquarter station and various substations
18 that fell within the ambit of the headquarter station. And
19 finally, that certain messages were kept in a logbook - in
11:50:22 20 logbooks while certain communications such as when commanders
21 were talking directly to each other would not be recorded in
22 logbooks. As regards the state of communications between Taylor
23 and the RUF prior to the indictment period, the parties' evidence
24 differ significantly.

11:50:42 25 The Prosecution's evidence is -- in totality establishes
26 certain facts that are beyond dispute, and these include that
27 during the NPFL's initial entry into Sierra Leone, NPFL forces
28 were in radio communication with Taylor and his NPFL subordinates
29 in Liberia; 2, that the NPFL set up the initial RUF radio network

1 infrastructure, and from this point the NPFL and the RUF radio
2 procedures and modalities largely mirrored each other in most
3 respects; next that the two radio networks were linked and
4 respective operators from each side with access to certain
11:51:34 5 frequencies and content codes were able to monitor radio
6 communications; also, that in the early years, while Taylor was
7 the leader of the NPFL, certain call signs were used such as
8 Toyota for Sankoh and Ebony for Taylor; and finally that after a
9 large contingent of the NPFL forces withdrew from Sierra Leone in
11:52:02 10 1992, the RUF re-established and thereafter maintained a radio
11 communication link with the accused and his NPFL radio network.

12 On the issue of communications between Taylor and the
13 AFRC/RUF during the indictment period, the Prosecution evidence
14 is largely consistent, especially in terms of timelines, time
11:52:29 15 periods, lines, means, content and frequency of such
16 communication. In addition to radio communications evidence,
17 evidence was also elicited relating to satellite telephone
18 communication. The evidence on the whole demonstrates that
19 Taylor, both while leader of the NPFL and as President of Liberia
11:52:53 20 maintained regular and frequent contact with the RUF and the AFRC
21 through radio and satellite phone. The evidence also establishes
22 the primary line of communication -- that the primary line of
23 communication was between Buedu and Base 1, located within
24 Yeaten's compound in the vicinity of White Flower. It also
11:53:15 25 establishes that Bockarie maintained regular communications with
26 Base 1 on a variety of topics including ammunition deliveries,
27 other convoys, the warnings concerning ECOMOG jet sorties, the
28 movements of individuals like Jungle and situation reports
29 concerning Sierra Leone. Also the evidence establishes

1 Bockarie - establishes that Bockarie and later Sesay maintained
2 regular communications with Yeaten and sometimes Taylor himself
3 via what was known as the 2-1 which as already stated is
4 referring to the satellite phone. That was the radio parlance
11:54:07 5 basically for a satellite phone.

6 The Prosecution also elicited evidence in relation to
7 intra-AFRC/RUF communications. The Defence did not elicit any
8 such evidence through their radio operators.

9 Intra-AFRC/RUF communications notably covers communications
11:54:29 10 between the AFRC/RUF leadership at the headquarter bases and the
11 front lines. On this issue, the Prosecution was able to present
12 overwhelming evidence of communications from radio operators from
13 various vantage points including the various headquarter
14 stations, the front lines, and locations where crimes alleged in
11:54:53 15 the indictment occurred. In sum, the evidence consistently

16 demonstrates that the AFRC/RUF leadership was in constant
17 communication with various front lines, that the AFRC/RUF
18 leadership was issuing regular commands and operational orders to
19 these front lines, and that operational activities and crimes
11:55:18 20 resulting from those activities were regularly reported to the
21 AFRC/RUF leadership and in some instances the AFRC/RUF leadership
22 issued orders to the commanders on the front lines to commit
23 crimes or sent messages that incited the commission of crimes.

24 I will now turn to the credibility of certain radio
11:55:42 25 operator witnesses or those called -- specifically those called
26 by the Defence.

27 DCT-228, Joseph Dehmie's testimony should be disregarded
28 almost in its entirety. Dehmie was called to testify about his
29 work as a radio operator at Bomi hill from September 1990 to

1 September 1992 and later Gbarnga up to 1997. His testimony is
2 not credible on many levels. One, in particular, is that the
3 witness testified categorically that there was no radio
4 communication between Taylor's radio stations and RUF stations in
11:56:29 5 Sierra Leone during the period August 1991 to May 1992. And yet,
6 this is perhaps the only area that the Prosecution and the
7 Defence agree on, as Taylor himself testified to these radio
8 communications. When confronted in cross-examination with
9 Taylor's testimony on this point, Dehmi'e's response was that he
11:56:54 10 was not convinced the transcript was Taylor's testimony.

11 Furthermore, portions of Dehmi'e's testimony in other areas
12 show unreliability in the following ways. The witness said that
13 VHF radio can only go ten kilometres and not even from Gborplay
14 to Monrovia, and VHF radios, that's supposed to be very high
11:57:27 15 frequency radios. The witness stated he did not know who Sankoh
16 was and was not aware of any call sign Toyota. The witness did
17 not know of any group called Black Gaddafi. The witness said
18 that while in Bomi Hill, he had no knowledge of the NPFL and RUF
19 fighting together. The witness's explanation of logbook
11:57:54 20 recordings in terms of their connection to commander's directives
21 is completely at odds with the weight of the evidence in relation
22 to logbooks. The witness did not know what the term "situation
23 report" meant. And finally, the witness's explanation of
24 alphabet code was simply the military alphabet and not actually
11:58:21 25 coding, and his further explanation of coding was simply
26 incoherent and at odds with all other evidence before this
27 Chamber. Given that this witness did not have any relevant
28 observations concerning radio communications from 1997 onwards,
29 and that his testimony on the 1991-1992 time frame is so at odds

1 with the weight of the evidence in this trial, his testimony
2 should be discounted.

3 Next I turn to DCT-179, Yanks Smythe. This operator,
4 again, did not operate a radio during the indictment period but
11:59:07 5 only up until 1993 or 1994. Again, this radio operator made
6 assertions that are simply inconsistent with the larger body of
7 the evidence before the Trial Chamber and notably at odds with
8 Taylor's own testimony and other Defence evidence. For instance,
9 the witness asserts that during the entire time he was with

11:59:32 10 Mr Taylor as an operator, neither he himself nor anyone else
11 associated with communication for Taylor ever had communication
12 with anyone in Sierra Leone. Further, the witness does not
13 recall any call sign Toyota which Taylor and other Prosecution
14 witnesses clearly recall. Smythe also asserts that the

11:59:57 15 communication devices at the Executive Mansion and at White
16 Flower did not have the ability to operate long range. Taylor
17 himself testified that the SSS director, that is Benjamin Yeaten,
18 had radio at his house that had frequency across the country.

19 Smythe also demonstrated a lack of knowledge of how basic radio
12:00:24 20 communication worked, leaving the impression that if he did
21 operate a radio at all, it was very infrequently. Examples that
22 demonstrate this witness's lack of knowledge about radio
23 operations include: 1, his explanation of frequencies not being
24 able to recall if there was frequency coding; 2, not knowing what
12:00:48 25 a grid reference is; and 3, not being able to recall how to code
26 messages.

27 I'll finally deal with DCT-008. The evidence of DCT-008
28 elicited towards the end of the Defence case can be viewed as a
29 desperate measure to explain away the undeniable regular

1 communication that existed between the AFRC/RUF in Buedu and
2 Benjamin Yeaten's radio station located behind White Flower known
3 as Base 1. This witness's testimony conceded that indeed radio
4 communications between these stations did exist and that also,
12:01:32 5 these communications occurred in relation to the shipment of
6 ammunition from White Flower to Buedu on the instructions of
7 Benjamin Yeaten. There are points of agreement between the
8 Prosecution and Defence concerning DCT-008's evidence. First, he
9 operated a radio for Taylor. Unlike Smythe and Dehmie, DCT-008
12:02:00 10 did demonstrate some degree of knowledge of radio operations and
11 corroborated the Prosecution witnesses in several technical
12 areas, including, 1, that SSB radios, that is single-side band
13 radios can operate as long-range radios as they can operate at a
14 high frequency and that, 2, codes were assigned to frequencies
12:02:24 15 and also used for content messages.

16 DCT-008 also corroborated the Prosecution in substantive
17 evidential areas including the following: That Base 1 functioned
18 as the radio station behind or within the vicinity of
19 White Flower in 1998 to 2001 and was operating under the direct
12:02:51 20 control of Benjamin Yeaten; 2, that Benjamin Yeaten was
21 overseeing the provision of ammunitions to Sam Bockarie and the
22 RUF in the middle to latter portion of 1998 prior to the late
23 1998 offensive on Freetown; 3, that Sunlight was in radio
24 communication on a periodic basis with Sellay, an RUF radio
12:03:22 25 operator in Buedu in 1998 and 1999; and finally that Sunlight was
26 also extensively familiar with the call signs of several other
27 RUF operators. This extensive familiarity with RUF radio
28 operators supports the Prosecution's evidence as to how close the
29 relationship was between the RUF radio operators and Sunlight's

1 radio station, Base 1, in Monrovia. While DCT-008 differs in
2 terms of the extent and purposes of the contact, he corroborates
3 the general lines and substance of communications between
4 AFRC/RUF radios in Buedu and Base 1 in Monrovia with one major
12:04:07 5 caveat. DCT-008 characterises the whole episode as some type of
6 secret renegade operation of which Taylor had no knowledge or
7 awareness. This is entirely implausible and the evidence in the
8 aggregate clearly establishes that Taylor knew, was aware, and
9 was actively involved in authorising and directing

12:04:33 10 Benjamin Yeaten's activities vis-a-vis Sam Bockarie and the
11 AFRC/RUF. Several areas of the evidence support the assertion
12 that Taylor must have been and was aware of Yeaten's relationship
13 with Bockarie. These are outlined in various sections of the
14 brief and to this presentation.

12:04:55 15 In terms of radio communications, DCT-008's story about
16 Taylor's lack of knowledge is simply implausible for other
17 additional reasons.

18 1, it is implausible that a series of radio communications
19 stretching over weeks or months, involving many operators from
12:05:19 20 the AFRC/RUF and which were capable of being monitored by other
21 stations that had both frequency and content codes could have
22 taken place in secret without the knowledge of radio operators at
23 the Executive Mansion. This would mean that all these radio
24 operators would have been in - would have been in on the secret
12:05:42 25 operation as well unbeknownst to Taylor.

26 2, the witness himself acknowledged that even other
27 AFRC/RUF radio stations in Sierra Leone heard these
28 communications between Buedu and Base 1, yet DCT-008 still
29 maintains Taylor was ignorant of the communications.

1 3, during the time period the witness is recounting, which
2 is late 1998, the international community and ECOMOG had started
3 to significantly publicly criticise Taylor for his relationship
4 to the AFRC/RUF. It is simply not plausible that Taylor
12:06:27 5 continued to remain ignorant of the radio communications and
6 relationship Bockarie had with Yeaten with knowledge of so many
7 others including the radio operators in the Executive Mansion and
8 more importantly some of Taylor's most trusted advisers including
9 Musa Cisse, as he continued to publicly deny any connection to
12:06:48 10 the AFRC/RUF.

11 Your Honours, I would now turn to the sections dealing with
12 two counts in the indictment, count 9, which deals with the crime
13 of recruitment of child soldiers. Count 9 charges Mr Taylor with
14 the offence of child soldiers, conscripting, enlisting and/or
12:07:18 15 using children under age of 15 to participate in hostilities from
16 30th of November 1996 to 18th of January 2002. And in all
17 districts of Sierra Leone.

18 The law and evidence led by the Prosecution on this count
19 are to be found in section 9(G) of the Prosecution's final trial
12:07:44 20 brief. I propose to touch on only a few of those submissions.

21 Recruitment of child soldiers by the rebels dates back to
22 the early days of the RUF in Liberia. This practice of
23 conscripting and using child soldiers in combat had much deeper
24 roots in Taylor's NPFL. The evidence shows that the NPFL had a
12:08:06 25 small boys unit, SBU. Exhibit D-118 which is a newspaper report
26 that's been already referred to by my colleague, Ms Hollis, is a
27 newspaper report that states that around 1990, Taylor had 12,000
28 men, women, boys and girls in uniform. Moreover, Taylor had
29 heavily armed 14 to 16 year old boys guarding him and his

1 Executive Mansion was guarded by 10 to 12 year olds. When the
2 RUF was created, it was not surprising, therefore, that it also
3 mimicked the use of child soldiers and the term SBU. During the
4 Sierra Leone war thousands of boys and girls under the age of 15
12:09:00 5 were used to participate in hostilities. Conscription started
6 just as soon as the RUF and the NPFL forces invaded Sierra Leone.
7 Many who later became RUF commanders were themselves conscripted
8 by the invading forces in the early days in Kailahun and Pujehun
9 districts. The rationale was simple and clear: Young boys were
12:09:28 10 braver and more obedient than adults. Further, those who were
11 also children became more effective killers.

12 The expert witness, Dr Stephen Ellis, stated in his expert
13 report that such practice was likely taken directly from the
14 NPFL. Doctor Ellis's report states at page 15 and I paraphrase
12:09:57 15 that, the RUF's small boy unit was quite likely created in
16 imitation of the NPFL's unit of same name and that the
17 administration of drugs to young fighters was highly likely a
18 particular abuse learned from the NPFL. Soon after the 1991
19 invasion, the RUF established various training bases at Kisiwolo
12:10:25 20 in Pujehun District, at Dia and Pendembu in Kailahun District.
21 Later also Matru Jong in the Bonthe District and Camp Lion in
22 Kenema District were opened. During the indictment period
23 between 1998 and 2000, a permanent base was opened at Yengema in
24 Kono District. Temporary training facilities were also generally
12:10:53 25 established at locations where rebels were based such as at
26 Kangari Hills between 1995 and 1997, and at Superman Ground in
27 Kono District between 1998 and 2000 and also at the Agricultural
28 Road compound in Makeni in 1999.

29 The evidence shows that children were trained at these

1 bases and underwent the same extensive training as adults. They
2 were taught how to lay an ambush, how to attack, how to make an
3 area fearful. Their training was often harsh and brutal. These
4 children were deprived of food and medication and trained using
12:11:42 5 very dangerous combat techniques, some involving live bullets.
6 Such techniques often resulted in the death of trainees, the sad
7 reality, as stated by a former RUF training commander, was that
8 the deaths never meant anything. Dr Ellis, again, testified to
9 this Court explaining the rationale behind such brutal training,
12:12:13 10 and I quote from his report:

11 "Children abducted at very young age, 7, 8, 9 years old,
12 then went through an initiation which brutalised them and created
13 the state of mind of somebody who is prepared to cut off the
14 hands of people who they have never met and against whom they
12:12:38 15 have apparently no personal grudge, and who aren't even
16 necessarily government supporters."

17 The conscription of children often commenced with their
18 abduction. Several former child soldiers met this fate.
19 Prosecution witnesses TF1-143, TF1-158 and also Komba Sumana and
12:13:05 20 Edna Bangura, all former child soldiers testified to their
21 abductions by rebels, all at the time under the age of 15.
22 Thereafter, they were forcibly trained and used as front line
23 fighters in full-scale operations including carrying out attacks
24 during which they would often be assigned to the most outrageous
12:13:27 25 tasks such as amputating hands, raping and looting. Other tasks
26 included being used as food finders, bodyguards or domestic
27 servants or even carrying ammunition and other supplies to and
28 from combat operations. Abductions usually occurred during rebel
29 attacks on villages. The evidence shows abductions around

1 Kangari Hills between 1995 and 1997, also in 1998 during
2 Operation Pay Yourself, many children were abducted in Makeni en
3 route to Koidu and then between March 1998 and December 1999
4 about 500 children were abducted in Buedu. Abductions took place
12:14:12 5 in many other areas across Sierra Leone. In the aftermath of
6 January 1999 invasion of Freetown, some 2,000 children were
7 reported missing by the UN. The rebels exercised control over
8 children by brutally carving the letters RUF and AFRC or
9 sometimes on the bodies, the forehead, the arms and the chest.
12:14:46 10 These showed ownership and prevented them from running away.
11 Under the influence of drugs such as cocaine, amphetamines,
12 heroin and local alcohol, these children acted fearlessly
13 carrying out the orders of their commanders, they committed the
14 most horrible crimes known during the conflict. Prosecution
12:15:10 15 witness Komba Sumana, aged 14 when captured in 1998 was given two
16 months' training after which he was given a gun by Mosquito. He
17 participated in numerous attacks during the indictment period
18 including an attack on the town of Mongor Bendugu near the
19 Guinean border. Two attacks on Kabala in Koinadugu District, an
12:15:39 20 attack on Binkolo in Bombali District, an attack on Makeni and an
21 attack on Gberi Junction near Lunsar. TF1-143 who was 12 when
22 captured in Konkoba, Koinadugu District in September 1998 had
23 very little training before being assigned to combat support
24 duties by his commander. He was forced to hack to death two
12:16:05 25 children, a man and a woman with a machete on the way to Rosos.
26 Later, the witness and some other boys were given extra training
27 at Rosos to prepare them for the January 1999 invasion of
28 Freetown. He was part of the advance team. Under a different
29 commander named Adama Cut Hand, he was actively involved in

1 several amputations in Freetown on the orders of this commander.

2 The evidence shows that the child combatants were involved
3 extensively in several operations of the AFRC/RUF across
4 Sierra Leone during the conflict. During the January 1999

12:16:50 5 Freetown invasion, for instance, a significant number of rebel
6 combatants were children; most adult fighters had SBUs attached
7 to them. Human Rights Watch reported that RUF child combatants
8 armed with pistols, rifles and machetes were witnessed actively
9 participating in killing and amputations. Taylor's witnesses

12:17:16 10 corroborated the Prosecution evidence led on the rebel's practice
11 in Sierra Leone of recruiting child soldiers and using them in
12 hostility, a practice borrowed from their big brother, Mr Taylor.
13 As DCT-146 told this Court throughout the conflict, the RUF used
14 children under the age of 15. The whole world knows about that.

12:17:42 15 It happened. It happened. They used them for fighting. The
16 children carried guns and they fought. It happened.

17 Finally, your Honours, I look at count 10 of the
18 indictment, which deals with enslavement.

19 Count 10 charges Charles Taylor with the offence of
12:18:06 20 abduction and forced labour in four districts in Sierra Leone,
21 Kenema, Kono, Kailahun and Freetown and the Western Area. The
22 offence is charged within the time frame provided in the Statute,
23 that is, 30th November 1996 to January of 2002, but it is limited
24 in scope for each of these districts, for Kenema, it is charged
12:18:34 25 from 1 July 1997 to 28 February 1998. For Kono District, 1998 -
26 February 1998 to 11 - to 18th of January 2002. For Kailahun
27 District, it started November 1996 to January 2002. And for
28 Freetown and Western Area, it's from 21 December 1998 to 28
29 February 1999.

1 The law and the evidence on this count like with the
2 previous count is already in the Prosecution's final trial brief,
3 and this can be found in section 9(H) of the brief. This aspect
4 of my presentation therefore is intended to provide an overview
12:19:26 5 of the evidence and it will complement the Prosecution's written
6 submissions.

7 The evidence shows that the practice of enslavement was
8 part of a pattern of conduct by the AFRC/RUF penetrated
9 throughout rebel-held areas in Sierra Leone before, during and
12:19:48 10 after the indictment. Like other forms of criminal conduct,
11 associated with the war in Sierra Leone, enslavement of civilians
12 was a prevalent tactic among NPFL forces that was derived from
13 Liberia. It was introduced and gained notoriety almost
14 immediately after the invasion. Shortly after the invasion, the
12:20:10 15 NPFL began to use captured civilians to carry looted goods back
16 to Liberia. Streams of civilians carting goods back to Liberia
17 for NPFL commanders led Liberians to refer to Sierra Leone as
18 "Kuwait", meaning a rich country. RUF fighters wasted no time in
19 copying the practice. Soon they were conducting hit-and-run
12:20:35 20 raids and returning to their base camps with captured civilians
21 bringing looted goods. The evidence shows that both NPFL and RUF
22 fighters generally captured civilians to perform forced labour or
23 to conscript them into the fighting forces. Throughout the
24 conflict, civilians were needed by fighters to support their
12:20:59 25 needs in many areas, for conscription purposes, for carrying
26 military supplies and looted goods, to perform domestic chores
27 for commanders, for food finding, for making farms for RUF
28 commanders, for mining diamonds and they also were used to serve
29 as sex slaves and this they were engaged in the use of civil

1 works such as the construction of the airstrip at Buedu.

2 In later years of the war, in particular during the
3 Freetown invasion, fighters invented a new use for civilians and
4 this was that they started using civilians as human shields. The

12:21:46

5 AFRC/RUF therefore constantly hunted down and terrorised
6 civilians during attacks on towns and villages. Civilians were
7 captured and brought back to bases and camps to live with
8 fighters. Civilians were so important to the fighting men that
9 the AFRC kept a record of those held under their control. For

12:22:08

10 instance in Kono District around the period 1998 to 2000 records
11 were kept of commanders who took out civilians from the camps for
12 food finding and other activities. Similarly, names of new
13 civilians captured in operations were entered in the roster.

14 In addition to these methods of control -- in addition to
15 these methods of control, the AFRC/RUF organised -- the
16 AFRC/RUF's organisational structure had the office of the G5.

12:22:31

17 Now, this office was responsible for coordinating between
18 civilians and combatants. The holder of the office appointed a
19 chairman from among civilians whose responsibility was to

12:22:54

20 coordinate and supervise the efforts of his fellow townspeople
21 whether for farming work, for civil works or for food finding.

22 One such person was Aruna Gbonda. He testified for the

23 Prosecution in this case. Gbonda told the Court:

24 "When the war came we were enslaved. Whatever they would

12:23:20

25 tell us to do, that was what we would do. That was why we were
26 doing the farming. We were in slavery. He was controlling us.
27 If you did not do it, you would be beaten and that would be your
28 pay."

29 Conditions of enslavement were quite pitiful. Captives

1 were subjected to forced labour under threat of physical violence
2 or death, often at gunpoint. Those who refused to work or tried
3 to escape were routinely killed or brutally beaten. Life was
4 often extremely difficult. Victims were generally deprived of
12:24:01 5 adequate food and sometimes stripped and made to work naked.

6 In Kenema and Kono districts, which are diamond-producing
7 areas, the practice of enslavement was primarily to provide
8 forced labour for mining and for food finding to sustain
9 fighters. The patterns of enslavement were similar in both
12:24:25 10 districts. As mining depended on civilian manpower, the AFRC/RUF
11 commanders pointed - appointed and made use of civilian chairman
12 whose duties were to mobilise local civilians for labour and for
13 mining. Men who refused to cooperate were beaten or killed.

14 Where the civilians were kept in camps, they were simply moved to
12:24:57 15 mining pits to work under the guards and returned daily. Refusal
16 to work was met with beatings and killings, as this amounted to a
17 failure to follow instructions, which was an offence within the
18 AFRC/RUF, "FFI", they called it.

19 In Tongo, a rich mining town about 27 miles from Kenema,
12:25:21 20 the civilian chairman also had to help evaluate the diamonds, in
21 addition to providing labour. He was sometimes forced to provide
22 men up to 5- or 600 a day. Mining was mainly conducted at a pit
23 called Cyborg. Working under heavily armed security which
24 included boy soldiers, civilians were made to surrender any
12:25:53 25 diamonds they found to the authorities. If they refused or tried
26 to hide it they were beaten or killed. Sam Bockarie and
27 Eddie Kanneh had mining supervisors appointed there to whom all
28 diamond were handed. During the junta period, Bockarie and
29 Kanneh went to collect diamonds from Tongo weekly. The sandy

1 walls of Cyborg Pit collapsed many times, burying alive civilians
2 who were forced to mine there. Similar conditions applied to
3 civilians in mining pits throughout Kono District, in particular
4 Koidu, Wonedu and Tombodu.

12:26:39 5 Defence evidence largely corroborates Prosecution's
6 evidence on the commission of the offence of enslavement. Many
7 defence witnesses testified to AFRC/RUF's involvement in mining
8 and in the use of civilians for that purpose. They also
9 testified to the use of civilians for forced labour, to make
12:26:59 10 farms in Kailahun District and to work on the construction of an
11 airstrip which exercised - which exercise was embarked upon, upon
12 the instruction of Charles Taylor.

13 Defence witnesses also testified to the AFRC/RUF
14 involvement - being involved in looting and using captured
12:27:28 15 civilians to convey looted property.

16 Your Honours, that ends my part of the closing arguments.
17 And unless there are questions, I would hand over to my
18 colleague, Mr Koumjian, who will address the Bench next.

19 JUDGE SOW: Please, Mr Bangura, for my understanding of the
12:28:01 20 case, you started your presentation with key people, and from the
21 documents we have in this trial, we see that like the one you
22 mentioned before you finished, like Eddie Kanneh, John Tanu
23 [phon] and even witnesses in different cases, there are key
24 people who from the documents we received in this trial who
12:28:38 25 played a key role in what you say is the link between the accused
26 and the RUF. I don't know how to understand that these people
27 didn't appear in this trial or - I understand selection,
28 I understand also your strategies and your capacity to bring
29 other witnesses. I understand that. But what I want to know is

1 if these people played this key role in this trial, I want to
2 understand how they were left outside this trial, because
3 I understand that John Tanu and other witnesses testified in
4 this - before this same tribunal, this same court. I want to
12:29:40 5 just for my understanding how these people didn't appear. Thank
6 you so much.

7 MR BANGURA: Thank you for the question, Justice Sow, as
8 you yourself have rightfully pointed there is a question of
9 prosecutorial discretion and that in many ways determines, helps
12:30:07 10 the Prosecutor or is a tool that the Prosecutor uses to determine
11 which witnesses they wish to call in support of their case.
12 Your Honour, I dealt with three key figures in my address to you,
13 and of these three, one of them, according to the evidence before
14 this Court -- First of all, I name the three again,

12:30:33 15 Benjamin Yeaten, Daniel Tamba, who is Jungle, and Ibrahim Bah,
16 Balde Bah, Benjamin Yeaten -- I will deal with the one we have
17 evidence of and that's about his current situation and that's
18 Jungle. The evidence before this Court is that Jungle was killed
19 and so there is no point about, you know, having Jungle before
12:31:02 20 the Court.

21 Your Honours, again, I go to the point about prosecutorial
22 discretion, and there could be many reasons why in the exercise
23 of the Prosecutor's discretion they may not deem it necessary to
24 bring certain witnesses before the Court but it may also be due
12:31:24 25 to lack of capacity on the part of the Prosecution. I will only
26 leave the point at that, but to the best the Prosecution can, we
27 have marshaled and brought before this Court the witnesses who we
28 have been able to provide to the Court to establish the link
29 between the accused and the AFRC/RUF.

1 Your Honour, Justice Sow also mentioned John Tanu. It is
2 true that he testified before the - before, in the RUF case.
3 Again, on the question of prosecutorial discretion, it is not in
4 the Prosecutor's determination at this time to have John Tanu
12:32:16 5 testify in this trial but sufficient - suffice it to say that the
6 Prosecution has determined the witnesses that it considers
7 relevant and helpful and who are available to testify in this
8 Court and have brought them forward.

9 PRESIDING JUDGE: Thank you, Mr Bangura for your
12:32:44 10 submissions. We will now hear from Mr Koumjian.

11 MR BANGURA: Thank you.

12 MR KOUMJIAN: Thank you, your Honours. I plan to address
13 you in the time that remains, I would hope, if there is enough
14 time, to address you on three subjects. First, the events
12:33:35 15 surrounding the battle in and around Freetown and the atrocities
16 that occurred during those events that began the formal invasion
17 date, the 6th of January 1999. Second, I want to talk to you
18 about the evidence of diamonds and how Charles Taylor profited
19 from the war and the atrocities in this case and the Prosecution
12:34:03 20 evidence of his receipt of diamonds. And finally, if time
21 permits, I would like to make some comments on the Defence case
22 and on the witnesses we heard from the Defence. I will explain
23 why we feel that the case, the Prosecution case, was corroborated
24 during the Defence presentation of evidence over those 16 months
12:34:32 25 that the Defence presented evidence, and that the Defence case
26 added to the evidence showing Charles Taylor's guilt of the
27 charges in the current indictment.

28 I would also add, your Honours, that I think that the
29 amount of notes I have I'm probably not going to get through

1 everything anyway but what I really want to address are your
2 concerns, so, please, if you have any questions or have any
3 observations you'd like me to address, I would welcome an
4 interruption during the course of my presentation at any time.

12:35:07 5 JUDGE LUSSICK: Mr Koumjian, I'll take up that invitation
6 now to interrupt you. You're saying you may not get through all
7 of this. You're scheduled to finish at 4.30. Do you mean to say
8 you'll be going flat out until 4.30 and still won't finish?

9 MR KOUMJIAN: Well, let's see. I think that's a
12:35:25 10 possibility. Assuming we are taking an hour lunch break as
11 usual.

12 Your Honours, I'm starting with the events of Freetown and
13 the invasion of the 6th of January 1999.

14 The evidence shows in this case, in the evidence that's
12:35:49 15 presented in this trial of Charles Taylor, it shows that those
16 attacks that occurred in Freetown and the Western Peninsula in
17 January 1999 were a coordinated actions, they were committed by
18 the combined forces of the RUF and the AFRC, and the evidence
19 shows that Charles Taylor played a key role in those events. In
12:36:19 20 fact, that but for Charles Taylor, all that suffering that we
21 heard about in this trial, the almost incomprehensible atrocities
22 that occurred in Freetown, from people having their limbs hacked
23 off to being multiply raped to being burned alive in their homes
24 would not have occurred but for the contribution to those crimes
12:36:43 25 made by Charles Taylor.

26 Charles Taylor planned that offensive. He facilitated the
27 attacks, and he profited by the gains of his allies, the RUF and
28 the AFRC alliance in what they did in December 1998 and the early
29 part of 1999.

1 Several witnesses talked about Taylor's role in planning
2 that offensive, and I'll just briefly go through some of that
3 evidence. On the 28th of January 2008, page 2412, a witness in
4 closed session, said, "He met us eating. He came in excited, and
12:37:30 5 he said, this is Sam Bockarie, he had just been on line with
6 Mr Taylor, with the Pa, I mean that was the common name, you
7 know, and he said he gave the instruction directly to his
8 commander. 'This is Operation No Living Thing. We should by all
9 means capture Freetown.'"

12:37:53 10 Witness Karmoh Kanneh testified on the 9th of May, at page
11 9424, he was talking and several witnesses talked about
12 Sam Bockarie coming back from his trip to see Mr Taylor and the
13 trip that Mr Taylor arranged to Burkina Faso. Taylor admits
14 arranging Sam Bockarie's trip and travel documents to
12:38:20 15 Burkina Faso, and sending his chief of protocol Musa Cisse, who
16 Charles Taylor also told us arranged his own illegal arms
17 shipments into Liberia. Several witnesses talk about
18 Sam Bockarie coming back with huge amounts of ammunition from
19 that trip and Karmoh Kanneh said on the 9th of May that at the
12:38:45 20 meeting at Buedu, page 9424:

21 "Bockarie explained to us that he has brought ammunition,
22 he has brought enough logistics so that we will be able to run
23 any kind of mission. So he said we should now plan how to take
24 the move and that the first target should be Kono to Makeni and
12:39:08 25 up to Freetown. And that the next target should be Segbwema and
26 Daru, that is heading towards Kenema and to go to the southern
27 province. Those were the things we discussed and the issue of
28 SAJ Musa's disloyalty, what he has been doing all along."

29 And he went on to say, "Sam Bockarie told us that this plan

1 was designed in Monrovia with Mr Taylor."

2 Isaac Mongor testified on the 11th of March about talking -
3 going to Buedu, being called by Sam Bockarie after Bockarie
4 returned from that trip for the meeting of the commanders, and he
12:39:49 5 said that Bockarie showed him ammunition and he said, at page
6 5795:

7 "After he had shown the ammunition to me he told me the
8 plan that he had come up with, with respect to those ammunitions.
9 He told me that he and Mr Taylor sat together and planned to come
12:40:10 10 and run an operation. He said he sat with the Pa, Mr Taylor, who
11 took out a map and showed the locations where the RUF and the
12 SLAs, where we occupied, and he showed that to him. He came with
13 a plan for us to launch an operation whereby we'll capture Kono,
14 Makeni, and advance to Freetown."

12:40:37 15 Augustine Mallah also was called to Buedu and talked about
16 the meetings there when Bockarie came back from Liberia. And he
17 said on 13 November, page 20219, that Bockarie, "Told us he had
18 come from Liberia to Charles Taylor, he said he had received arms
19 and ammunition and he brought some reinforcement that had been
12:40:59 20 given to him for a particular mission that he wanted to
21 undertake."

22 And he explained that this reinforcements that along with
23 them came Abu Keita which of course corroborates Abu Keita's
24 testimony about the Scorpion unit that was sent by Taylor.
12:41:18 25 Charles Taylor personally met with Abu Keita and sent him to
26 Sierra Leone.

27 Your Honours, this offensive that happened in December 1998
28 occurred while Sam Bockarie was making a series of threats
29 before, during and during the offensive, that were broadcast on

1 the international radio, and I'm not sure but perhaps some of
2 this addresses Justice Sow's question earlier. In Exhibit P-431
3 we have a press report of a radio broadcast. It's dated 7
4 September 1998. Sam Bockarie threatened to wage a campaign of
12:42:06 5 genocide if Sankoh was not immediately released. And the
6 broadcast or the article quotes Bockarie:

7 "I will order my troops to kill every living thing
8 including chickens if our leader is not released."

9 P-430(B) is another press report of 19 November 1998.

12:42:30 10 Sam Bockarie then, it said that he had told the press the RUF
11 will destroy every living thing, if anything happens to their
12 leader, and it quoted Sam Bockarie as saying, "I am a ruthless
13 commander. I am ready to damage but I am waiting till something
14 happens to Sankoh. When I take Freetown, I shall clear every
12:42:53 15 living thing and building. To my God I'll fight. I'll kill and
16 kill. And the more they tell me to stop, the more I'll kill."

17 Then P-430(D) which is dated 27 December 1998, Sam Bockarie
18 was claiming that his fighters, which is true, had captured
19 Makeni and he said that they had killed 60 ECOMOG soldiers and
12:43:23 20 dragged their bodies through the street as an example to
21 everyone. Bockarie then threatened if Kabbah failed to resign
22 they would start bombarding Freetown and not stop until victory
23 was won.

24 On page - excuse me, paragraph 59 of our brief is the
12:43:45 25 passage that the Prosecutor, Ms Hollis, was referring to earlier
26 this morning where witness TF1-406 on the 9th of January 2008 at
27 page 866 said that - he heard Sam Bockarie say that he would not
28 retreat unless his father told him to do so.

29 The RUF contributions to the events in Freetown in January

1 1999 took four forms. First, the RUF contributed to it by
2 altering the military balance in the country, in Sierra Leone,
3 which is a small country. Second, the RUF contributed to the
4 events inside the city, with manpower, by providing
12:44:35 5 communications and by providing warnings of the Alpha Jet attacks
6 by ECOMOG to the fighters inside the city. Third, the battle of
7 Freetown did not take place just inside the city. It would be
8 very artificial to look at that military situation that way. At
9 the same time that ECOMOG was fighting the group commanded by SLA
12:45:03 10 soldiers, former SLA soldiers, Gullit and others, the RUF was
11 attacking, at the door step. The RUF was on the western
12 peninsula trying to get into the city, attacking the forces at
13 Jui, the Nigerian forces at Jui. And fourth the RUF contributed
14 to the events because the evidence in this case shows without
12:45:36 15 doubt that the atrocities that were occurring in the city were
16 occurring under the orders of Sam Bockarie, the leader of the
17 RUF, the man that Charles Taylor said he admits to having met
18 three times in the preceding months of September, October and
19 November, and the man that Charles Taylor said he felt like
12:45:57 20 Bockarie was his son. Sam Bockarie also finished one of his
21 letters to Charles Taylor saying, "Your obedient son."

22 One way we can look at how the military balance was altered
23 is by looking at the evidence of Issa Sesay and two maps that he
24 drew. So if we could possibly have P-574, two maps marked first,
12:46:25 25 and then P-577. But first P-574 is a map marked by Issa Sesay
26 that shows the military situation of where the RUF and the AFRC
27 forces were and where their enemies were, ECOMOG and Kamajors as
28 of 15 December 1998 before the offensive was launched. Perhaps
29 that could be brought up a bit so your Honours could see and the

1 audience can see. And we can see that Sesay marked in what looks
2 to me like a green colour the areas that were controlled by
3 ECOMOG. So before Sam Bockarie launched these attacks with the
4 ammunition that he brought back from Liberia, Issa Sesay admits
12:47:14 5 that none of these attacks would have been possible, the attacks
6 on Kono and Makeni, without the ammunition brought back from
7 Liberia. These attacks would change - what changed between 15
8 December 1998 and the 5th of January is that the RUF, not the
9 SLA, not Gullit's group, not SAJ Musa's group, the RUF had taken
12:47:39 10 Kono. They had taken Jaiama Nimi koro, they had taken Giema,
11 Masingbe, Magburaka, Makeni and they had even attacked and held
12 parts of the city for a time, Port Loko, although they were
13 unable to hold and to capture Port Loko. P-577 then shows the
14 situation on the western peninsula the day before the attack.

12:48:12 15 This is from the Defence witness Issa Sesay.

16 And what we can see from this, what's instructive about it,
17 is that he's marked the area where Gullit's group was, because by
18 this time SAJ Musa was dead, in blue. So they are on the western
19 peninsula. But we see that behind them, there are ECOMOG forces,
12:48:51 20 not just inside the city but at Hastings, I believe that Jui, at
21 Port Loko, and ECOMOG still held, critically, Lungi, the
22 international airport at Lungi. In any attack on Freetown, it
23 was predictable that reinforcements would be sent, Issa Sesay
24 talked about how, when he planned the attack on Koidu they
12:49:25 25 planned for ECOMOG to be sending reinforcements from Makeni and
26 he had Morris Kallon set an ambush. In this situation, the
27 reinforcements that could come into Freetown would be expected to
28 come from Lungi airport, or if they came from Conakry from Guinea
29 the forces that were available they would come down the road

1 through Port Loko. Even from Lungi to get to Freetown you have
2 to go on the road through Port Loko, so Port Loko and Lungi were
3 key. Issa Sesay admits that before the attack on Freetown, the
4 6th of January, Sam Bockarie had ordered an attack on Port Loko,
12:50:07 5 with the idea, with the objective, of taking Port Loko and moving
6 on and taking the international airport at Lungi. The evidence
7 is not disputed and Issa Sesay confirms Prosecution evidence that
8 after SAJ Musa conveniently died, the one person who wouldn't
9 cooperate with the RUF, conveniently died in an explosion where
12:50:30 10 he ended up with a hole in the back of his head, that when Gullit
11 took over, communication began immediately, and Gullit asked the
12 RUF for reinforcements. It is not in dispute, Issa Sesay
13 confirms Sam Bockarie planned to send reinforcements.
14 Isaac Mongor got the order from Sam Bockarie to begin to move to
12:50:56 15 Freetown, to reinforce the group in Freetown, and Sam Bockarie
16 ordered the attacks on Port Loko. When the attack on Port Loko
17 was not successful he ordered an attack on Lungi. And
18 Justice Sebutinde asked Issa Sesay why he, the RUF, attacked
19 Waterloo. And his answer was absolutely clear. His answer was
12:51:29 20 that the RUF - trying to find my notes exactly where that is -
21 but his answer was that the RUF attacked Waterloo in order to get
22 to Freetown, that Freetown was the capital, that - in other words
23 Issa Sesay said at the same time that the RUF - the AFRC was
24 inside the city, the RUF was fighting to go inside the city. So
12:52:07 25 they were fulfilling what Sam Bockarie had promised about sending
26 reinforcements. They were trying to, sending reinforcements to
27 the AFRC, to the group inside the city, which included many RUF
28 fighters.
29 And actually Issa Sesay said, first about Bockarie,

1 promising to send reinforcements on the 9th of July at page
2 44163.

3 Inside - and then - okay, excuse me. Inside the city, many
4 of the - while the troops were commanded by SLA officers, by
12:53:02 5 Gullit, Bazzy, Five-Five, the troops included many RUF and
6 Liberian fighters, particularly we received - we have - your
7 Honours have heard a lot of evidence about the Red Lion Battalion
8 which witnesses AB Sesay, Alice Pyne, TF1-375, King Perry Kamara,
9 all said included RUF, SLA and Liberian soldiers and some STF.

12:53:38 10 Their evidence was also confirmed by two crime victims, TF1-028
11 and TF1-143. They both also talked about these NPFL or Liberian
12 fighters and RUF fighters being part of the group that made up
13 the Red Lion battalion which committed many atrocities inside
14 Freetown. Alice Pyne said she - that with those fighters was a
12:54:07 15 man named Senegalese and this Senegalese told her that he and
16 about 30 men with him had been sent by Charles Taylor.

17 King Perry Kamara explained that as the group was in the
18 Northern Jungle and coming towards Freetown that they were joined
19 by many RUF fighters that had become separated during the
12:54:36 20 intervention but that found out that their - the group was there
21 and came and joined them.

22 Inside the city we know that one of the first acts of the
23 invading forces was to open up the Pademba Road Prison and RUF
24 fighters were removed from the prison and joined the attackers,
12:54:58 25 including Gibril Massaquoi, one of the infamous RUF commanders.

26 Another group that was inside the city, eventually joined
27 the group inside the city, was the group led by Rambo Red Goat.
28 Rambo Red Goat, the evidence is, was a SLA officer, but he had
29 been one of those who had been on Superman's side in the fight

1 against SAJ Musa in the north, Komba Sumana and others have
2 testified to that. The evidence from the Prosecution witnesses
3 including TF1-375 and AB Sesay is that Issa Sesay sent Rambo Red
4 Goat with a group of RUF fighters into the city.

12:55:48 5 AB Sesay even was there to receive the group. He was the
6 one that met them and brought them into the city. TF1-375
7 explained that Issa Sesay chose Rambo Red Goat because he was SLA
8 and he would be known to the other commanders inside the city.

9 What was very interesting during the testimony of Issa Sesay is
12:56:15 10 that very, very early in his testimony, he was asked about a
11 Red Goat Battalion and he said the Red Goat Battalion is the same
12 as Rambo - is Idri ss Kamara. This is all in our brief also. And
13 then when I asked him, when he was being cross-examined, if he
14 sent Rambo Red Goat, of course he denied it because that would

12:56:48 15 show his complicity in the attack on Freetown, and he said he
16 didn't know the name of Rambo Red Goat, but he had earlier in his
17 own testimony said that Idri ss Kamara was the person associated
18 with the Red Goat group. He said that in July during his direct
19 examination. On redirect examination, he tried to explain it by

12:57:16 20 saying, oh, the reason he said Idri ss Kamara was Red Goat was
21 because Defence counsel in proofing, I believe he said in Rwanda
22 but he said Defence counsel had told him the names of the
23 witnesses and that's how he put it. The Defence counsel had told
24 him that Red Goat was Idri ss Kamara, but this contradicted what

12:57:39 25 he had said earlier during cross-examination. Then he said that
26 Rambo Red Goat used to visit the other AFRC accused in the
27 detention unit and he had come to learn the name Idri ss Kamara
28 from the other AFRC accused.

29 So Issa Sesay's contradictions show that, in fact, he did

1 know very well that Rambo Red Goat was Idriss Kamara, he's lying
2 about that because it shows his complicity and the complicity of
3 the RUF and eventually the complicity of Charles Taylor in the
4 events in Freetown on the 6th of January. And to just add
12:58:23 5 something into the answer of the question of Justice Sow, when
6 the Prosecution selects witnesses, all of the witnesses we
7 called, we believe told the truth. We certainly don't believe
8 that about many of the Defence witnesses, and not every
9 individual will tell the truth. We don't select people to come
12:58:45 10 into court that we know are lying.

11 And I'll come back to Issa Sesay and the clear proof that
12 he was lying, the person who denied all his crimes later.

13 The evidence also shows, from AB Sesay that Rambo Red Goat
14 brought with him ammunition, so that would have been - Issa Sesay
12:59:11 15 said the RUF had no ammunition until Sam Bockarie came back from
16 Liberia, so that would show that Rambo Red Goat brought into the
17 city of Freetown towards the end of the invasion when the
18 atrocities started really happening, people were getting their
19 limbs hacked off and burning their house, they were doing it with
12:59:30 20 the ammunition sent from Liberia, that we say clearly came
21 through the arrangements made by Charles Taylor and his chief of
22 protocol Musa Cisse.

23 Many of the witnesses who testified, your Honours have
24 heard many of these crime base witnesses, and they talked about
12:59:46 25 hearing people speaking in Liberian languages during the
26 invasion. Mohammed Sampson Bah who testified on 23 October;
27 Abubakar Mansaray on 29 October 2008, these are all crime
28 victims; Osman Jalloh, 1 October 2008; Alpha Jalloh, 23 October
29 2008; witness TF1-358, who was a doctor from Freetown, he talked

1 about hearing it, a man named Mr John talked about that and said
2 in fact he knew some of these - well, he said he also recognised
3 some of the people at the hospital as people who were ex-RUF
4 child soldiers he had tried to rehabilitate years before.

13:00:41 5 One thing to keep in mind because one obvious explanation
6 for Liberian English would be that the STF commanders were
7 Liberians. That evidence is not disputed by the Prosecution, but
8 your Honours will recall that the evidence is that
9 General Bropleh with the STF, he was on the Superman side when
13:01:05 10 Superman and SAJ Musa had the falling out and General Bropleh
11 with Superman was one of the groups that attacked Makeni. So the
12 STF, the main STF force was not inside Freetown, it was in
13 Makeni. That came from, for example, Komba Sumana, who was
14 himself with the STF and from TF1-375. Bropleh was in Makeni,
13:01:34 15 not inside Freetown.

16 Another witness who talked about the RUF being present in
17 Freetown, if we can just play a very brief clip from P-286(A),
18 just to remind us of who this man was, the last witness who
19 testified for the Prosecution. This of course was
13:02:19 20 Alusine Conteh, who had his left hand hacked off and when his
21 little boy began to cry, the rebels wanted the little boy and
22 instead Mr Conteh sacrificed his right hand.

23 [Videotape played]

24 MR KOUMJIAN: That's a picture of Mr Conteh and his son
13:03:04 25 Karim. He testified on 30 January 2009. One of the very
26 interesting things in his testimony is he talked about events
27 that took place over several weeks during the Freetown invasion
28 and he said the first group that came on his street, he
29 identified as RUF, and he said he even talked about speaking to

1 one boy named Kelly and that boy said - he said he was a young
2 man and he said he had been captured eight years earlier. So who
3 would be captured eight years earlier would be about 1991, that
4 was clearly an RUF. There were RUF among the forces that were
13:03:44 5 commanded by Gullit and other SLA officers inside the city.

6 P-280 is a confidential exhibit that a witness in January
7 presented to the Court, which is the names of four child
8 soldiers - this is the gentleman from Makeni - who this witness
9 had worked with, who told the witness that they were inside
13:04:09 10 Freetown.

11 Komba Sumana, child soldier, testified that he was in
12 Makeni after that was captured and that several trucks were in
13 front of Issa Sesay's house and they gathered groups of young
14 fighters into the trucks and they went on and at one point, and
13:04:28 15 I could be - I believe it was at Lunsar they divided and he went
16 with the group of Superman that was attacking, I believe, Lunsar,
17 perhaps it was Port Loko I'm not sure -- but that the other group
18 went on towards Freetown. Among them was his group - was his
19 friend a boy named Rubber Rubber, and Rubber Rubber later told
13:04:48 20 him that he in fact, he said, had taken a bypass to enter the
21 city which would be absolutely consistent with the other evidence
22 of how Rambo Red Goat led RUF fighters into the city.

23 Exhibit P-364, page 7804 of that exhibit, is an RUF
24 document which has a list of names of RUF personnel, it's about -
13:05:18 25 I had a list of people being liberated or freed by ECOMOG, but it
26 has a list of RUF personnel and several of the individuals named
27 there, it indicates next to their names that they were captured
28 in Freetown in 1999. The gentleman who I mentioned earlier who
29 said he talked to RUF rebels was Samuel Radder John and he

1 testified on 23 October 2008. TF1-567 talked about the RUF
2 attempts to enter the city and he said that eventually when
3 Gullit had to retreat, he was present when there was a
4 conversation between Gullit and Sesay. At page 12921, he said,
13:06:13 5 "I would - talking about Gullit, I was in Freetown asking for
6 manpower.'" This is Gullit speaking. "'And you refused to send
7 the manpower hastily. That was why I refused,'" and then he
8 continued, "Gullit was trying to blame Issa Sesay. Issa Sesay,
9 'the reason I withdrew was that you failed to send manpower
13:06:35 10 immediately, that was why I retreated.' So Issa Sesay too
11 responded to Gullit saying that it was not his fault. He had
12 sent the manpower but it was due to the enemy forces at the
13 bridge. So later they said they should forget about the argument
14 and try to organise in order to attack the area so that they can
13:06:55 15 get back into Freetown."

16 If we go to - I did promise earlier to find the quote when
17 Justice Sebutinde asked Issa Sesay why the RUF had attacked
18 Waterloo during the Freetown invasion, it was on the 4th of
19 August of this year, at page 45433, Issa Sesay answered, "RUF was
13:07:25 20 fighting to go to Freetown also, because Freetown was the seat of
21 power, the seat of government."

22 Exhibit P-149 is a document, a report, that was sent to
23 Issa Sesay by the Black Guard adjutant, Raymond Kartewu and it's
24 dated 21 January 1999. The evidence shows it was seized from the
13:07:50 25 Kono offices of the RUF in 2001 and the witness TF1-567
26 recognised the signature on the report and the report itself. He
27 said he had seen that document, P-149, and he confirmed its
28 contents. And the report says that in the early morning hours of
29 7 January 1999, the RUF attacked Guinean forces at Waterloo who

1 were rescued the next day by a thick enemy convoy from Port Loko.
2 On the 9th of January, it says that the RUF deploying at Hastings
3 discovered enemies at Jui and Kossoh Town and the report says,
4 "We every day attacked these guys." So while the fight was going
13:08:36 5 down and ECOMOG was trying to control the situation inside the
6 city of the fighters that had invaded, the RUF was right there,
7 right outside the city trying to get in and ECOMOG's forces were
8 divided in dealing with these twin threats.

9 And then the document indicates that on 15 January a joint
13:08:58 10 operation was planned with the men in Freetown to attack Jui and
11 Kossoh Town.

12 The evidence also shows that during this invasion, the
13 troops inside the city led by Gullit and the former SLA-AFRC were
14 carrying out orders of Sam Bockarie. For example, one of those
13:09:29 15 was the order to execute Martin Moinama known as the Cat. He was
16 an RUF, if you recall the testimony, he was a RUF radio operator
17 who had been with Foday Sankoh when Sankoh was in Cote d'Ivoire
18 and he had testified against Foday Sankoh in a trial in Freetown
19 and the RUF wanted to send a message and I think I'm afraid that
13:09:57 20 sometimes that message still resonates today, that you testify
21 against us, you go against us, this is what can happen to you.
22 The AFRC officers made sure to execute Martin Moinama.

23 Sam Bockarie also told Gullit on the radio that he had no
24 prison for ECOMOG, and in fact, the evidence shows that ECOMOG
13:10:25 25 officers, prisoners of war, soldiers and officers, were executed
26 at the cotton tree in Freetown. The radio operator evidence
27 shows that Charles Taylor gave an order to Bockarie to take the
28 high-level prisoners, particularly ex-President Momoh out of the
29 city and that order was done, he was taken back to Makeni.

1 Bockarie, one radio operator said, ordered Gullit not to
2 challenge the ECOMOG troops because they were too heavy for them
3 and Bockarie in fact carried that out. There also were many
4 witnesses, radio operators in particular, all over Sierra Leone,
13:11:10 5 who testified to hearing orders from Sam Bockarie for atrocities
6 to be committed in Freetown. And the reason was that the RUF and
7 Charles Taylor's calculations were the greater the terror, the
8 more likely it was that the international community would tire of
9 this war. Already Charles Taylor knew Nigeria was tired of the
13:11:39 10 war and their commitment, 1998, we know from the evidence was the
11 year when oil prices fell, I believe, in - halved in price.
12 There was economic strain on Nigeria, they were tired of spilling
13 their money and blood in Sierra Leone, and the presidential
14 candidates were vying to replace Abacha were promising to
13:12:07 15 withdraw from Sierra Leone. The calculation was the more terror,
16 the more havoc we cause, the more everyone will tire of the war,
17 the Government of Sierra Leone, the international community, and
18 we can get what we want, and the sad truth is largely they
19 succeeded because this attack on Freetown led to the Lome Accord,
13:12:30 20 which I'll talk about in a moment.

21 The orders from Sam Bockarie, radio operator Alice Pyne
22 testified that she heard that when the fighting was going on in
23 Bockarie [sic], Sam Bockarie was speaking to Gullit, and he said,
24 "If the men, that is the ECOMOG, force Gullit and others out of
13:12:52 25 Freetown, they should burn the fucking place and they should not
26 spare anything." TF1-516, another radio operator, heard Bockarie
27 tell Gullit, "If the pressure is mounting on you, burn down the
28 fucking place and try retreating by the peninsula."

29 TF1-585 testified that when the tide of battle turned

1 against the invaders, "Bockarie told Gullit as long as the troop
2 was too heavy they should not challenge them, they should pull
3 out of town. But before they should pull out of town they should
4 kill many people and burn down many houses and before they leave
13:13:30 5 the town, he said, if any bush shake, fire should blaze. They
6 should leave the town."

7 Mohammed Kabbah heard Bockarie order Gullit, "Make the area
8 fearful."

9 And DAF, another radio operator in Buedu said, "I can
13:13:48 10 remember on one occasion when I left the monitoring station,
11 I monitored a live conversation between Mosquito and Gullit, when
12 Mosquito was giving direct instructions to Gullit for Gullit to
13 tell the men, I mean the RUF and AFRC combatants, to cause a lot
14 of mayhem in the city, that is like to destroy some important
13:14:09 15 government buildings, and to tell the people to take their hands
16 off the war and to cause real damage whereby the international
17 community would show more concern about the RUF."

18 And how many witnesses did your Honours hear who had their
19 hands hacked off and were told take your hand off the war. The
13:14:38 20 orders of Sam Bockarie were implemented in Freetown.

21 Foday Lansana heard Sam Bockarie say over the radio, "Gullit, if
22 it causes you to kill all the civilians, burn all the houses
23 where you are, just so that you will not leave Freetown, you
24 should go ahead and make sure that you maintain where you are,
13:14:59 25 burn any house, you should kill and make yourselves fearful,
26 amputate arms, the civilians, let them go to the enemy. They
27 will know that we are on something serious."

28 King Perry said Bockarie told Gullit, "Make Freetown more
29 fearful than before."

1 And that's what he did.

2 There is no question that these forces in Freetown were
3 acting in concert. The invading forces, Gullit and the SLAs,
4 realised that they had no chance of governing Sierra Leone or
13:15:37 5 fighting ECOMOG by themselves. They absolutely needed the RUF to
6 have any hope of withstanding the battle and preserving
7 themselves. All of these SLA officers, Gullit and others, were
8 very well aware of what had happened after the intervention when
9 several SLA officers, Victor King and others, were executed.

13:16:01 10 They realised it was life or death for them and they threw in
11 their lot with the RUF. And the absolutely clear evidence of
12 that is the radio broadcast that's been played in this Court many
13 times, but if we could have - we have three small portions to
14 play today of P-279(A). Before this is played, while this is
13:16:28 15 coming up, I would just remind your Honours that before we had
16 this, this was first played in this Court in December 2008. In
17 April 2008, AB Sesay testified that on the morning of January
18 6th, immediately after taking State House, a guy named FAT Sesay
19 called the international radio. Before we had this broadcast he
13:16:55 20 had already explained that he had called the international radio
21 to take credit for the attack on State House. Now we'll listen
22 to part of the broadcast.

23 [Audio tape played]

24 MR KOUMJIAN: Your Honour, the question before your
13:17:32 25 Honours, one of the issues in this are who were the forces that
26 invaded Freetown and FAT Sesay answers that in the next part of
27 the clip, if we could play the second part of this broadcast.

28 [Audio tape played]

29 MR KOUMJIAN: So the invaders themselves, when they

1 captured the most important symbolic building of government in
2 Sierra Leone, the State House of Freetown, announced to the world
3 that they were the combined forces of the AFRC/RUF and later in
4 that radio interview Robin White asks about who will govern the
13:18:47 5 country now that they've again thrown out ECOMOG. And if we
6 could play that last bit of this broadcast.

7 [Audio tape played]

8 MR KOUMJIAN: So again the invaders make clear that the new
9 rulers, it's a combined effort, a combined force that's taken
13:19:27 10 over Sierra Leone and that is the RUF and the AFRC together. The
11 entire transcript of that interview is in evidence, that's
12 document P-279(A), I believe, is the transcript.

13 Another interesting part of that broadcast, which I won't
14 play but you may recall that at one point Robin White asks
13:19:56 15 FAT Sesay, "What about Lungi, where there are lots and lots of
16 ECOMOG troops?"

17 And what FAT Sesay said on the 6th of January, he said,
18 "The motion is on the way to capture Lungi."

19 He hasn't gotten the report yet from the commander.

13:20:11 20 Well, it wasn't Gullit's group, it wasn't Bazzy, it wasn't
21 the SLAs in the city that were attacking Lungi. Who was he
22 talking about? What he was talking about was there had been an
23 agreement as we know from Issa Sesay, from his testimony, an
24 order from Sam Bockarie, in order to make the invasion
13:20:34 25 successful, he had tried to take Lungi, the attack that Superman
26 led on Port Loko was an attempt to take Lungi. It wasn't, thank
27 God, successful. But the RUF occupied parts of the city for four
28 days, parts of Port Loko, but were unable to capture it. Then
29 they moved down and attacked Waterloo.

1 If we could have P-2 - 111, please and the screen? There
2 has been a lot of evidence in this case about a man named
3 Gibril Massaquoi. And Issa Sesay talked a lot about him. And
4 there was evidence that he was responsible for - he was, for
13:21:20 5 example, for capturing a large number of school girls and I
6 believe it was Port Loko around the time of the Sierra Rutile
7 invasion that he killed many many Vanguard's early in the war.
8 And we see in this document, P-111, it's a news report about the
9 events of 6 January and if we go down the page a bit, thank you -
13:21:55 10 it says that "earlier, Gibril Massaquoi, a senior rebel leader,
11 telephoned the BBC to give the rebels' view of the conflict. He
12 said rebel armed forces and the Revolutionary United Front of
13 Sierra Leone were in complete control of the city and taking over
14 the reins of government."

13:22:18 15 Again we see both the AFRC and the RUF inside the city,
16 both agree the RUF is part of the operation. There is no
17 question they were.

18 Your Honours, I would also like to point out that in the
19 evidence, there is testimony from three witnesses that during
13:22:36 20 that invasion, Sam Bockarie made a trip to Liberia and that comes
21 from TF1-371 who said Bockarie went in January 1999, and then it
22 comes from Abu Keita and TF1-516. What's very interesting is
23 that Abu Keita says Bockarie brought back jeans. TF1-516 says
24 Bockarie brought back bales of jeans but when they unloaded it
13:23:08 25 underneath the jeans was ammunition.

26 Finally, your Honours, the evidence that makes it
27 absolutely -- that also is unrefuted agreed to by both sides or
28 witnesses at least for both sides, that makes it absolutely clear
29 that there was cooperation and collaboration between the RUF and

1 the AFRC in this attack is the evidence that after Gullit was
2 pushed out of the city, Gullit and Sesay reorganised and they
3 attacked again Tombo. TF1-567, in an attempt to get back to the
4 city they went the other way around the peninsula, the other way
13:24:05 5 on the road and attacked Tombo. TF1-567, on the 2nd of July,
6 said at page 12924:

7 "When we were in Waterloo Issa Sesay planned another attack
8 to attack Tombo."

9 And then he was asked on page 12925 who took part in this
13:24:23 10 attack: "Gullit's group and Issa Sesay's group."

11 AB Sesay actually was one of those that took part in the
12 attack and he testified in detail about how that operation was
13 planned by Sesay, that it was done with the ammunition that Sesay
14 brought back from Makeni, which we know that was ammunition that
13:24:40 15 was either directly from Liberia or ammunition captured from the
16 ammunition that Bockarie brought back from Liberia, we know that
17 from Issa Sesay's testimony, because he said the RUF had no
18 ammunition before Bockarie came back from Liberia. And AB Sesay
19 said in that operation, Gullit participated, Superman, RUF Rambo,
13:25:08 20 Rambo Red Goat, Five-Five, and 0-five. When Issa Sesay was asked
21 about that in cross-examination, he first denied it and he said
22 no, didn't have any knowledge of this attack. However, then, he
23 was reminded of his prior testimony, and then he agreed that, in
24 fact, in February 1999, the RUF and the AFRC were working
13:25:40 25 together to attack Freetown.

26 The exact question was: "So Mr Sesay, in February 1999
27 when the RUF knew about what had happened in Freetown, the city
28 had been burnt, people had been killed and amputated, the RUF
29 continued to work with Gullit and made a second attempt to get

1 back to Freetown, in a coordinated attack with the AFRC forces,
2 correct?"

3 And Issa Sesay answered: "Well, yes, that did happen, but
4 it was a failed attack."

13:26:20 5 Failed attack or successful attack, what's clear is it was
6 a coordinated attack between the RUF and the AFRC. What had
7 happened between February and January 6th? Nothing. If
8 anything, there has been some evidence the Defence has tried to
9 say the AFRC was upset with the RUF for not reinforcing them but
13:26:42 10 not upset enough not to join together again in trying to wreak
11 more havoc upon the people of Freetown.

12 Well, what was Sam -- what was Charles Taylor's - it's a
13 shame he's not here - Charles Taylor's reaction to the events of
14 Freetown? Remember, he said he had been - he claims he has been
13:27:06 15 meeting Sam Bockarie for peace in September, October and November
16 of 1999 and that Bockarie returned in December from Burkina Faso,
17 we know with truckloads full of ammunition that launched this
18 offensive. Well, Sam. We know that Charles Taylor told us, told
19 your Honours that he loved Sam Bockarie and that later that year,
13:27:30 20 the end of 1999, he allowed him, when Bockarie fell out with
21 Sankoh, to come to Liberia, and at a time when Taylor says
22 Liberians were reduced to begging, he gave Sam Bockarie a
23 thousand dollars a month salary, a car and a compound with four
24 houses. That's what Charles Taylor admits to doing for the man
13:27:57 25 that made - that ordered all of these burnings and amputations
26 and killings to take place.

27 In fact, there is evidence, more radio operator,
28 Mohammed Kabbah, I believe, who was with Bockarie the day of the
29 invasion, the morning, when Bockarie received the news that

1 Gullit's forces had entered the city, and he said that
2 Sam Bockarie went off with his satellite phone and he made a
3 telephone call to Charles Taylor. He said Bockarie called Taylor
4 and he was smiling, he couldn't hear what Bockarie was saying -
13:28:42 5 what Taylor was saying, but he just saw Sam Bockarie was smiling
6 and saying, yes, sir, yes, sir. Clearly reporting the good news
7 to Charles Taylor that the plans to invade Freetown had been
8 successful.

9 He was successful even though the RUF didn't take Freetown.

13:29:01 10 It was successful in reducing the will of the international
11 community, and particularly those countries that were
12 contributing their own blood and money to ECOMOG, to try to come
13 to some kind of peace, and it led to the Lome Accord. That
14 offensive left the RUF, most importantly for Charles Taylor, in
13:29:23 15 control of the diamond areas of Freetown, in control of
16 Tongo Fields, which Akim Turay had taken under Sam Bockarie's
17 orders in that December 1999 offensive, and in control of Koidu
18 and all of Kono District captured by Issa Sesay in that
19 offensive. And that control over the diamond fields was cemented
13:29:49 20 by the Lome Accord which left the RUF in control of those areas
21 and which leads me now, unless there are questions, to the next
22 topic which is how Charles Taylor profited from the diamonds of
23 Sierra Leone at the cost of the blood of the people of Freetown
24 and other places.

13:30:07 25 PRESIDING JUDGE: Mr Koumjian, I note the time but I will
26 ask my learned colleagues if there are questions and if there
27 are, we will deal with them. There are no questions at the
28 moment. So it is now time for the usual lunchtime adjournment.
29 We will therefore adjourn for one hour and resume the Court at

1 2. 30. Please adjourn court.

2 [Proceedings adjourned for lunch at 1.30 p.m.]

3 [Upon resuming at 2.30 p.m.]

4 PRESIDING JUDGE: Mr Koumjian, please proceed.

14:30:39 5 MR KOUMJIAN: Good afternoon, your Honours. Thank you.

6 Your Honours, Sierra Leone has long been known for both the
7 quantity and quality of its diamonds, and the evidence in this
8 case has shown that diamonds played an increasingly important
9 part in the conflict in Sierra Leone over the course of the war.

14:31:05 10 Evidence has shown that as early as 1992, Charles Taylor received
11 diamonds from the RUF and Foday Sankoh, but there - the evidence
12 is also clear that Taylor began to taste the real sweetness of
13 the diamonds after the junta took power in the May 1997 coup.

14 And at that time, when the RUF was brought into the junta
14:31:29 15 government, those combined forces were mining in Tongo and in
16 Kono, and diamonds were going to Taylor. After the 1998,
17 December 1998 offensive culminating in the attack on Freetown,
18 the RUF as I had mentioned this morning, took Kono, took

19 Tongo Fields and now controlled the diamond fields and
14:31:55 20 increasingly Charles Taylor was benefiting from the diamonds of
21 Sierra Leone, particularly the most productive time for the
22 RUF/AFRC forces was during the time of Issa Sesay, when the RUF
23 was the most organised and had machinery sent from Liberia that
24 it was able to increase the diamond production.

14:32:16 25 One of the witnesses who testified before your Honours was
26 Ibrahim Fofanah. He testified he was an amputee from Kono, and
27 he - also his family was burned to death in a house. He also
28 appeared on a video that we played the very first day of this
29 trial from a documentary, "Blood Diamonds" and I'd like to play

1 an excerpt from that video where Ibrahim Fofanah talks about the
2 effect those diamonds had.

3 This is an excerpt from P-14.

4 [Videotape played]

14:33:44 5 MR KOUMJIAN: The evidence shows that Ibrahim Fofanah was
6 correct. He wouldn't have had his hands amputated if not for the
7 diamonds. Diamonds played a critical part in the war in
8 Sierra Leone and Charles Taylor himself told journalists from
9 Le Monde, one who testified in this trial, in November 2000, an
14:34:09 10 exhibit in this case, P-33, he said, "Yes, I think the war in
11 Sierra Leone is a war for diamonds." But then Taylor told the
12 journalist, "This war is taking place because the British want
13 those diamonds."

14 He said that Liberia had its own diamonds, but the evidence
14:34:32 15 is that Liberian diamonds, while they exist, have never existed
16 in the quantity or the quality of Sierra Leone diamonds. They
17 don't have the same quality, and the first witness who testified
18 in this case, Ian Smillie talked about that, that Liberian
19 diamonds were never more than about 10 per cent of the export
14:34:58 20 value of Sierra Leone diamonds.

21 Charles Taylor himself corroborated that because he
22 testified on the 26th of November, page 32625, that, "annually,
23 Liberia during my presidency did not take in more than I would
24 say ten million a year, if any, I mean, if that amount, for
14:35:17 25 diamonds."

26 So even according to Taylor, Liberian diamonds were never
27 close to the production of Sierra Leone, which we have evidence
28 in, for example, the year 2005, \$142 million worth of diamonds
29 were exported officially from Sierra Leone in that year. The

1 evidence shows that Taylor was at the apex of the diamond
2 business for Sierra Leone and Taylor recognised the importance of
3 diamonds. Issa Sesay, when he testified, he talked about
4 Sam Bockarie going to Liberia where he sought refuge with his
14:36:01 5 Papay, Charles Taylor, that when Bockarie left with hundreds of
6 fighters who were integrated into Taylor's forces, that Taylor
7 then closed the border and according to Issa Sesay that was very
8 effective, contrary to Charles Taylor's sometimes line that the
9 border could not be closed.

14:36:21 10 According to Issa Sesay, it was closed and in fact, one RUF
11 I believe it was Pa Rogers, one of the RUF that tried to go speak
12 to Bockarie's bodyguards was beaten by Liberian securities and
13 sent back. But, Sesay said there was a single exception to that
14 border closure and that is that Charles Taylor allowed Ibrahim
14:36:43 15 Bah to pass through the border, and what was brought out in
16 Sesay's examination is he came with trucks, open trucks, full of
17 mining equipment.

18 So while at this time in 1999, this may be very late 1999
19 early 2000, Charles - early 2000, Charles Taylor closed the
14:37:09 20 border to Issa Sesay's group to protect Sam Bockarie at that
21 time, he still allowed Ibrahim Bah to bring in the mining
22 equipment because that increased his own profits from the
23 diamonds of Sierra Leone. That's further corroborated by an
24 exhibit, the Defence admitted, D-3, which is a list of radio
14:37:31 25 logbook, and in the message on page 8779, dated the 12th of
26 January 2000, it's a message from Bah to Smile, who we know from
27 the evidence is Foday Sankoh.

28 So Bah told Foday Sankoh, "Info Monrovia to pick us up at
29 the border today or latest tomorrow to speed up our movement."

1 Showing again that Bah was working with Taylor.

2 Diamonds were -- the relationship between Charles Taylor
3 and the diamonds of Sierra Leone were a secret. Both the RUF and
4 Charles Taylor tried to maintain that secret. I'd ask that the
14:38:21 5 Court officer please bring up exhibit P-579, and after that,
6 P-481. While 579 is coming up, let me just remind the Court
7 about P-481. That's an article about - my colleague Ms Hollis
8 mentioned this morning - the arrest of Sorious Samura and the
9 mistreatment of Sorious Samura and other journalists who were in
14:38:50 10 Liberia to make a documentary and the documentary was exploring
11 the link between Charles Taylor and the diamond business of the
12 RUF.

13 So, first, I see P-579 is on the screen. 579 was a report
14 to Issa Sesay, and in the report, the person writing to him talks
14:39:17 15 about international journalists "suspected of investigating the
16 diamond business of the RUF and its link to President Taylor,"
17 and it talks about the need to do something about that, to stop
18 it.

19 So just as Issa Sesay tried to prevent journalists and the
14:39:39 20 RUF in Kono from investigating the link, it doesn't say - it says
21 the link to Charles Taylor, stopped from investigating the link
22 to Charles Taylor, President Taylor, so Taylor tried to prevent
23 journalists in Liberia from investigating that link, and that's
24 why he arrested Sorious Samura and the other journalists, and
14:40:04 25 that's why he even goes to the extent of telling this ridiculous
26 story, which again was mentioned by my colleague, that the reason
27 he arrested him he claimed was because he had information that
28 the camera contained a beam that would cause cancer. And then
29 when he was asked by Ms Hollis, well, who gave you that

1 information, he didn't want to say.

2 And the Court ordered him to give that information, he
3 claimed it was a CIA and French intelligence, which once again
4 shows Charles Taylor's schizophrenic attitude towards the United
14:40:41 5 States and particularly its intelligence agencies because he
6 testified, Charles Taylor, from his evidence, that the CIA helped
7 him escape from prison and Charles Taylor from his evidence, he
8 talked about the CIA providing radios to the NPFL in the early
9 days, one of Charles Taylor's witnesses, Yanks Smythe, testified
14:41:02 10 that there were three radio stations, he talked about, one in
11 Gbarnga, one in Danane, where Musa Cisse lived and the third, he
12 said was called Ginger 3 who was a white woman an American accent
13 that he said was in Abidjan and he said he thought at the
14 embassy.

14:41:25 15 So Charles Taylor also testified he was a great friend of
16 the United States, he believed in close friendship between
17 Liberia and America, he was, he told us, a dyed-in-the-wool
18 capitalist. His opponents, the people that eventually overthrew
19 him, the groups that morphed into LURD, the LURD group, were
14:41:47 20 Muslims. Taylor was supported by conservative United States
21 Christians like Pat Robertson who he let in on a gold deal in
22 Liberia, he hired former American officials including the
23 assistant Secretary of State for African affairs as his
24 lobbyists, like Herman Cohen and people like Lester Hyman. He
14:42:07 25 paid them hundreds of thousands of dollars, so Taylor goes back
26 and forth in this schizophrenic defence as far as whether he's a
27 great friend of the United States or the United States is out to
28 get him.

29 What he doesn't explain is why the United States would be

1 out to get a guy of his background, a dyed-in-the-wool
2 capitalist, a friend of the United States, unless in fact it's
3 true he was killing people in four different countries, Liberia,
4 Sierra Leone, Guinea and Cote d'Ivoire and destabilising the
14:42:42 5 entire region.

6 In this case, 25 different witnesses have talked about
7 Charles Taylor receiving diamonds from the RUF and I'm not going
8 to go through all of that evidence. Despite the fact that it's a
9 secret and despite the fact that some of those who played key
14:43:03 10 roles are dead, like Daniel Tamba, killed by Taylor,
11 Foday Sankoh, who died in custody, and Sam Bockarie, killed by
12 Charles Taylor, 25 witnesses have talked about the link between
13 Charles Taylor and diamonds going to Charles Taylor. Just a
14 couple I want to mention in passing but I think are interesting.

14:43:27 15 Karmoh Kanneh, known by the name Eagle in the RUF, he talked
16 about diamonds going through Daniel Tamba, Jungle, during the
17 junta period, that diamonds were mined in Tongo Fields and
18 Sam Bockarie would give them to Daniel Tamba to take to
19 Charles Taylor. On the 8th of May, page 931, he talks about one
14:43:52 20 package containing 43 pieces of diamonds. And he said he heard
21 Sam Bockarie call Charles Taylor on a satellite phone and tell
22 him that he was giving the diamonds to Jungle to take with him.

23 His evidence is corroborated not just by other insiders but
24 I had also corroborated by one of the victims from Tongo Fields,
14:44:20 25 and that was Mr Abdul Conteh. I don't know if your Honours
26 remember him but he was an older gentleman who was forced by the
27 RUF to participate in a committee that had to get civilians to
28 mine and he was one of the two witnesses that I recall that broke
29 down crying when your Honours thanked them for coming to testify.

1 He and Mr Jalloh, who was all dressed in white. Mr Conteh was
2 not, Mr Conteh is not an amputee, Mr Jalloh was. And Mr Conteh
3 said that he remembered back in Tongo feels he had befriended an
4 RUF commander named Eagle, he didn't know his real name but then
14:44:59 5 he was asked to describe him and he physically described
6 Karmoh Kanneh and what he's told the Court on 29 September, page
7 17545 to 6 he said, about Eagle:

8 "So he told me that they were not only supported by Sankoh
9 but also Charles Taylor, and that all the diamonds that they were
14:45:23 10 getting in that place were sent to Liberia to him. It was there
11 they were getting their ammunition."

12 So crime victim Abdul Conteh told you that and that's
13 corroborated by many witnesses about ammunition coming even
14 during the junta time, especially Daniel Tamba, Jungle, bringing
14:45:45 15 ammunition to Sam Bockarie in Kenema.

16 There was two witnesses in particular, TF1-375, who I think
17 met the truck where it was broken down and there was another
18 witness, now I'm sorry I've forgotten which one, who talked about
19 meeting the truck or vice versa, I forget. The truck was sent
14:46:01 20 with the ammunition and they had transfer the ammunition because
21 the truck broke down bringing to Kenema, to Bockarie.

22 Many other witnesses talked about diamonds going to
23 Charles Taylor. And in addition to the witnesses, the RUF
24 documents that have been seized corroborate this evidence.

14:46:28 25 Several witnesses talked about, and the court has heard a
26 lot of testimony in this case, about diamonds taken from
27 Johnny Paul Koroma. There is evidence that 1832 diamonds were
28 taken from Johnny Paul Koroma when he got to Buedu by Issa Sesay
29 and given to Sam Bockarie and that these were taken to Taylor.

1 TF1-371 on 28 January testified to that and TF1-567 on 2 July
2 2008 testified to that. The documents corroborated. What the
3 documents show in fact is that Sam Bockarie took those diamonds
4 and went to Monrovia. He tried to give them to Taylor but he was
14:47:13 5 told that it was - he shouldn't directly see Taylor because it
6 was a security risk for Taylor to be seen with him at that time.
7 I'd ask if we could look quickly at exhibit D-8, page 3.

8 Actually, your Honours, just to save time I think I'll just
9 read from my excerpts from the document so it doesn't take so
14:47:34 10 long for them to come up because I'm going to read from several
11 documents. D-8, if your Honours recall, is a briefing, minutes
12 of a forum where Foday Sankoh returned to Sierra Leone and they
13 had a forum where he was briefed about what had happened in his
14 absence. The first subject was the 1832 diamonds taken from
14:47:54 15 Johnny Paul Koroma and the 115 diamonds taken from Gullit by
16 Sesay and Lamin.

17 On page 3 of that document, the speaker says, "Mosquito
18 informed me that he wanted us to contact the other brothers in
19 Monrovia, although he had already made some contacts with them,
14:48:16 20 but he needs some of the gemstones to give to the leader in
21 Monrovia to facilitate these contacts."

22 If we go to page 5 of that document, there is a part that's
23 transcribed that appears very clearly and you'll understand why
24 soon, that it says, "the adjutant general", that this must have
14:48:42 25 been Rashid Sandy who was then the adjutant general of the RUF
26 and in the middle about five lines down after he begins speaking,
27 he says, "General Ibrahim arrived the same day. There and then
28 we all agreed to move to Monrovia to meet the Big Brother."

29 When he's saying the same day he means the day the diamonds

1 were taken from Johnny Paul Koroma, and do you recall TF1-597 who
2 was one of the SLAs with Johnny Paul Koroma who was himself
3 beaten by Sesay's bodyguards and had his own diamonds taken, said
4 that General Ibrahim, an SSS from Liberia, were there that day,
14:49:24 5 the day that the diamonds were taken by Bockarie from Johnny Paul
6 Koroma, the document goes on and says, "In this way we met at
7 Koindu where we checked the 1832 pieces of diamonds in nine
8 plastics which was intact. In lieu of this, Bra" - meaning
9 Bockarie - "told Benjamin" - meaning Yeaten - "that they had
14:49:47 10 something that they want to present to Big Brother in Monrovia so
11 that he will help us."

12 Then if you go to page 5, the - or maybe it's page 6,
13 excuse me, the top of page 6, he then says, "Bra asked me, he
14 said, 'Rash, provide one operator and one bodyguard including
14:50:09 15 Jungle. I will be leaving tonight for Monrovia to meet Pa Musa.'
16 During that journey we narrowly escaped ECOMOG patrols and
17 arrived at Pa Musa's residence. We informed him about what we
18 have at hand and our intentions. He agreed with us and said he
19 will brief the Big Brother about our present stance but when
14:50:30 20 Pa Musa met with Big Brother" - who clearly is Taylor - "and
21 explained about our mission he said, 'no, Mosquito should not
22 come for security reasons.'"

23 Then skipping down the page, he then says, quoting
24 Bockarie, "He said we should write a letter and hand over the
14:50:51 25 18" - sorry, quoting Musa Cisse, Taylor's chief of protocol - "he
26 said we should write a letter and hand over the 1832 pieces in
27 nine plastics to the Papay. Bra approved the letter. General
28 Ibrahim, Mamuna and Jungle went to Liberia. When Pa Rogers and
29 others went to Gbarnga later those - these diamonds were shown to

1 him. Big Brother told them he is going to reserve them until
2 you, Pa Sankoh, return."

3 Then if we could look at P-67. At page 6 - 9675, just to
4 save time, I'll begin reading unless your Honours wish me to
14:51:42 5 stop. At that point in this document, it states: "A large
6 quantity of diamonds taken from JPK and his bodyguards were given
7 to General Ibrahim and Sister Mamuna for them to travel with the
8 parcels directly to President Taylor."

9 Again corroborating D-8 exactly.

14:52:05 10 Then P-63, please, at page 15489, eight lines from the
11 bottom, it says this: "The CDS" - we know that that's
12 Sam Bockarie, chief of defence staff - "congratulated
13 Colonel Jungle and General" - it says Abraham, but we know it's
14 Ibrahim - "for delivering the parcels that were given to them for
14:52:30 15 our father across." Charles Taylor was the father of the RUF.
16 "The CDS said and the father was keeping the parcel until they
17 got more so to be able to purchase a reasonable quantity of
18 whatever they want."

19 Your Honours, going back in time a bit to the Magburaka
14:52:56 20 shipment, during the junta, in October 1997, we received a lot of
21 evidence in this case, that in October 1997, a plane landed at
22 the Magburaka airfield with a lot of ammunition, two very large
23 AA guns, and there is evidence from Prosecution and Defence
24 witness Issa Sesay, another plane was supposed to come but
14:53:25 25 because ECOMOG had bombed the airfield, the second plane did not
26 arrive.

27 Both TF1-371 and TF1-597 talked about Johnny Paul Koroma
28 putting together these diamonds for the shipment and also
29 Karmoh Kanneh, Eagle, talked about that, that the diamonds that

1 were - diamonds were sent to Charles Taylor in order to arrange
2 that shipment in October 1997. Now, that date of October 1997 is
3 also important to understand another small bit of evidence that
4 was admitted in this case to corroborate Charles Taylor's role in
14:54:12 5 taking diamonds from Sierra Leone. And this is the evidence
6 that, on the 25th of September, 1997, at a dinner a - after a
7 dinner, Charles Taylor arranged for rough diamonds to be given to
8 Naomi Campbell in South Africa. What those who are not familiar
9 with the case may not understand is the significance of the
14:54:39 10 timing of that evidence, and the fact that these were rough
11 diamonds. As I've mentioned earlier, it's true, of course, that
12 Liberia produces diamonds, but Charles Taylor testified before
13 your Honours under oath that he had nothing to do with the
14 diamond business. In fact, Taylor was so desperate to distance
14:55:04 15 himself from diamonds he claimed he didn't even know which parts
16 of Sierra Leone had diamonds. He had never heard that Kono was
17 the diamond area of Sierra Leone, never heard of which parts of
18 Sierra Leone the diamonds existed in. And when asked if he ever
19 had anything to do with the diamond business in Liberia or ever
14:55:24 20 sold diamonds he said, no. Had he ever possessed diamonds, he
21 said only in his personal jewellery, which we know would be
22 polished and cut diamonds, and neither Sierra Leone nor Liberia
23 cut or polished diamonds. They produced rough, uncut diamonds.
24 So the testimony of three witnesses who were called when
14:55:46 25 the Prosecution was allowed to reopen did two things. First, it
26 proved again that Charles Taylor is lying. It corroborates the
27 25 Prosecution witnesses, and in fact, Charles Taylor did possess
28 rough diamonds. He even was travelling with rough diamonds on
29 the 25th of September 1997. And it's very important to

1 understand the significance to look at that journey that he took
2 and the timing of that journey. All of this is pretty much laid
3 out in the Defence exhibit D-141, the presidential papers. This
4 is a book Charles Taylor had published about his first - I
14:56:32 5 believe it says up to the 1997 from his election up to the end of
6 1998. They were his presidential papers, all about what he was
7 doing during that period of time and it's very, very useful.
8 What we see from those presidential papers, page 203 to 207,
9 Taylor talks about this trip, and while he went first to
14:56:55 10 South Africa, he later went to Libya and he went to Burkina Faso.
11 His last stop on the trip, he said, was Burkina Faso, where he
12 discussed the Sierra Leone issue with Blaise Compaoré, well, the
13 evidence from the witnesses is the arms shipment from Magburaka
14 was flown from Burkina Faso and there is some evidence these were
14:57:23 15 Libyan arms that were taken to Burkina Faso and then flown to
16 Sierra Leone.

17 So on the 25th of September, just weeks before,
18 Charles Taylor is in South Africa. According to the presidential
19 papers he's back in Liberia on the 3rd of October. Just weeks
14:57:36 20 later, the Magburaka shipment arrives. The evidence from these
21 three witnesses shows that on this trip, Charles Taylor is
22 carrying rough diamonds. It's not our position that he gave all
23 his diamonds, that he was planning to meet Naomi Campbell or give
24 diamonds to anyone that was a perchance coincidence but what's
14:58:00 25 clear is he was carrying diamonds and we say a whole lot of them
26 in order to arrange this shipment. The evidence of all three of
27 these witnesses corroborates that.

28 And let me talk about - first of all, I'd like to speak
29 about - briefly about Carole White. She was an agent for

1 Naomi Campbell who was there that night. She said that during
2 the dinner, and there is no doubt she was there, she produced her
3 passport with the stamps, Naomi Campbell says she was there, she
4 was her agent. She was there at the dinner and said that during
14:58:39 5 the dinner, Naomi turned to her and said that Charles Taylor is
6 giving me a gift of diamonds - and I'm not quoting I'm going from
7 memory, so your Honours have it - and that Charles Taylor then
8 was smiling nodding his head and saying, yes, yes and that then
9 they went back to where they were staying in Pretoria, I believe
14:58:57 10 at the presidential guesthouse and Naomi Campbell was anxiously
11 waiting for those diamonds to arrive.

12 In the cross-examination of Carole White, the Defence made
13 three main points, and I'd like to address all of them. First,
14 Carole White was absolutely open about the fact that she is
14:59:17 15 involved in litigation against Naomi Campbell. There is a
16 contract dispute between the two of them, and there is money at
17 stake in that contract dispute. When Carole White was asked on
18 cross-examination, is she testifying here because of that
19 lawsuit, she said, how could it possibly be relevant to the
14:59:40 20 lawsuit? And logically, that is absolutely clear. A court in
21 New York or wherever that lawsuit is being heard is no more
22 likely to litigate whether Naomi Campbell got rough blood
23 diamonds in 1997 than this Court would have been to allow
24 questions of these witnesses about who about is correct in the
15:00:06 25 contract dispute. Who was telling the truth about whether there
26 was a promise to pay or whatever the contract dispute is about.
27 Your Honours were not interested, we are not interested in
28 knowing about the contract dispute, it's not relevant to this
29 trial, and absolutely clearly, no court in another country is

1 going to litigate what happened in 1997 and admit that in a civil
2 lawsuit involving a contract. It's not going to be relevant.

3 Secondly, there was a point made because Carole White
4 testified that after waiting a long time for these men to come,
15:00:42 5 and no one showing up, they finally went to bed and she said it
6 was about 1 a.m., Naomi Campbell also said she had gone to bed
7 and Carole White said that when the men eventually arrived
8 Naomi Campbell was in her night dress. Carole White testified
9 that she was awakened by pebbles hitting the window. She was

15:01:07 10 asked by Defence counsel how did they pick your window? She said
11 she didn't know how out of whatever number of guests or rooms
12 there were in that guesthouse the pebbles were thrown at her
13 window but - and that was her honest answer. But your Honours

14 think about this from the position of people outside given the
15:01:27 15 totality of the evidence. The evidence is, and this is from
16 Naomi Campbell, they are leaving - they have the 7 a.m. call, I
17 believe she called it, for the Blue Train the next morning and
18 all the other guests had gone to sleep. Most people sleep with
19 the lights out. Carole White said she was getting - she was not

15:01:48 20 yet gone to sleep and she was getting ready for bed. Most people
21 get undressed unless they are very shy on their honeymoon with
22 the lights on.

23 So from the standpoint of somebody sitting outside that -
24 standing outside that guesthouse which has locked doors which
15:02:06 25 window would you try to alert the person? A dark window where
26 people are sleeping? Or the window with the lights on? It's
27 clear and logical, although Carole White didn't think of it
28 because she's thinking from her own perspective inside her room.
29 For someone outside, one light would have been on, the last

1 person who was up, and that's the window you would try and throw
2 the pebbles at; it's logical.

3 Secondly, it was put to Ms Campbell and it was said on
4 instructions, sorry, to Ms White, Ms White said it appeared to
15:02:42 5 her that Naomi Campbell was receiving some kind of communication,
6 phone call or text message about when the men were coming. And
7 it was put to her that Charles Taylor didn't have a phone. He
8 couldn't send or communicate with her because he didn't have a
9 phone on this trip. Does that make any sense? The President of

15:03:01 10 Liberia, according to the presidential papers, leaves Monrovia on
11 20 September and he's back on 3 October, and he's going to be
12 travelling all that time without a telephone? We heard evidence
13 even from Taylor that he had satellite phones from very early in
14 the war, in the jungle, or in the Gbarnga, he had satellite

15:03:23 15 phones. Moreover, if you look at the presidential papers in
16 those pages, where he talks about the trip, he talks about being
17 met at the airport and I don't have it with me at the moment but
18 he talks about several people including his ambassador designate
19 and ministers meeting him at the airport. And if you look at the

15:03:54 20 back of the presidential papers, there is a list of ambassadors
21 for Liberia and the third name down is the embassy of
22 South Africa, so there is an ambassador, Mr Witherstone or
23 something, there is an ambassador for South Africa who meets
24 Taylor at the airport and he doesn't have a phone? He's staying
15:04:16 25 at a hotel in another city in Johannesburg, there is no telephone
26 at the hotel for him to call?

27 We also know that he had, and he testified in his direct
28 examination, his honorary consul, the convicted fraudster,
29 Niko Shafer from South Africa, was present in South Africa. He

1 couldn't get a phone from any of these people, none of these
2 people? The President of Liberia is travelling and he can't
3 communicate with anyone, he doesn't - he can't communicate with
4 Liberia? It doesn't make any sense. It's not credible at all.

15:04:49 5 Now, then we come to the testimony of Ms Campbell, and
6 Ms Campbell very importantly for the Prosecution acknowledges
7 that she received on the 25th or early in the morning on the 26th
8 of September rough diamonds, it was the first time in her life
9 she ever saw rough diamonds and it just so happened to be the
15:05:19 10 very night that she meets Charles Taylor. What a coincidence.

11 And it just so happens that Charles Taylor is on a trip to
12 Burkina Faso where weeks later ammunition is sent and armament to
13 the rebels in Sierra Leone. That's the best case for the
14 Defence. This is a pure, pure coincidence. But if you actually

15:05:42 15 examine all the evidence including hers, it's quite apparent that
16 it wasn't a coincidence. Even Naomi Campbell says that she
17 assumed that the diamonds were from Charles Taylor but, in fact,
18 frankly, she lied. She knew the diamonds were from
19 Charles Taylor. In defence of Naomi Campbell, at that time,

15:06:08 20 people would not know, not many people knew about blood diamond,
21 I don't think the phrase had even been coined, not many people
22 would have understood the link between Charles Taylor and
23 conflict diamonds from Sierra Leone. We have never said that she
24 did anything wrong in accepting that gift that night, but she
15:06:27 25 unfortunately fell very short of her obligations by not telling
26 the truth about it to your Honours.

27 What she said, what's interesting, is she admitted that she
28 was a very reluctant witness and she said that when prosecutors
29 from the UN as she phrased it, UN prosecutors called her, she

1 didn't want to speak to them. She said because she feared for
2 her family. Well, why would she fear for her family? She said
3 because she read about Charles Taylor and all the terrible things
4 he did on the internet. Well, why would she fear Charles Taylor
15:07:06 5 if she didn't know who gave her the diamonds? It's apparent if
6 she fears Charles Taylor it's because she knew she had evidence
7 that would implicate him with these diamonds.

8 Sometimes people give a reaction that's more revealing when
9 they are not prepared for a question, when their public relations
15:07:36 10 people, for example, have not gone over possible answers to give
11 to questions, et cetera. And we had a tape which the Defence
12 played and the Prosecution played a portion of it, of
13 Naomi Campbell being asked about these diamonds, when she didn't
14 expect it. Apparently she was in New York for a fashion show and
15:08:01 15 ABC asked her about it. So if we could please play P-558(A),
16 please?

17 [Videotape played]

18 MR KOUMJIAN: Your Honour, note that when she was asked did
19 you receive a diamond, she said I did not receive a diamond. So
15:09:27 20 her - she wasn't prepared, she wasn't under oath but her initial
21 reaction was to simply deny it, because she explained in court
22 she feared for her family because of Charles Taylor. We had many
23 witnesses come before your Honours and testify, and your Honours
24 saw their demeanour. I submit to you that Naomi Campbell,
15:09:51 25 despite being someone who has been in the public eye her entire
26 adult life was the most obviously nervous witness that testified
27 in this trial. She continually interrupt the questions before
28 they were asked and she was obviously nervous because she didn't
29 want to tell the whole truth about getting the diamonds from

1 Charles Taylor.

2 The thing I thought was the most revealing in her testimony
3 was that she was asked why - she kept saying she assumed the
4 diamonds were from Taylor and she claimed it was because others
15:10:30 5 told her that, Mia Farrow or Carole White. She testified then
6 about that a couple of times and Justice Lussick at one time
7 asked a question, Well, why did you assume that? And then he
8 asked her why did you think about other people at the dinner
9 table? And she never said - she said she didn't think about
15:10:51 10 anybody else at the dinner table. She never thought about
11 anybody else but what her story is, that two men knock at her
12 door in the morning, in the middle of the night, and say, a gift
13 for you and hand her a pouch with dirty stones in it. A little
14 pouch. Well, if someone comes up to you and hands you something
15:11:12 15 and says a gift to you, you assume that the person that gave you
16 the - handed it to you is the one that gave you the gift. That
17 would be the logical assumption. But Naomi Campbell never
18 considered, never considered, that the gift came from the man
19 that handed it to her. Why? Because she knew that that was a
15:11:31 20 messenger because Carole White told the truth, because
21 Charles Taylor had told her, I'm sending men with diamonds. It
22 was all arranged. That's why she didn't consider for a second
23 that the gift was given to her by the men that handed her the
24 pouch.

15:11:45 25 I'd like to look for a second at D-301. It's a Defence
26 exhibit. One of the things while that's coming up, one of the
27 things interesting also about this trip is that Charles Taylor
28 testified that while he was in South Africa, not when he got to
29 Libya but while he was in South Africa on this trip he received a

1 half a million dollars from the Libyan government. He said he
2 was going there for a medical checkup and he said it was cash, he
3 received a half a million dollars cash from the Libyan government
4 on this trip where we think the evidence is clear he's carrying a
15:12:39 5 large quantity of rough diamonds.

6 If we go on this to page 154, this was a document admitted
7 by the Defence, it was a book written by Herman Cohen, who I
8 believe is a former United States assistant secretary of state
9 for African affairs and who - it was after his government
15:13:06 10 service - was hired as a lobbyist by Charles Taylor and received
11 \$100,000 or so for his lobbying activities and looking, when that
12 comes up -- I'll read this, your Honour. On that page, at the
13 end of the first full paragraph where he's - Mr Cohen is
14 discussing a trip he made to Africa in September 1990, he says
15:13:29 15 this, he says:

16 "At an overnight stop in Ouagadougou, Burkina Faso, we
17 actually saw Libyan cargo aircraft on the airport runway. The
18 embassy confirmed that the arms for the NPFL had arrived in those
19 planes."

15:13:45 20 So even back in 1990, this route of arms arranged by
21 Charles Taylor from Libya through Burkina Faso, it had existed
22 even back in 1990 and that was exactly what he was doing on this
23 trip in 1997 when he went to South Africa en route to
24 Burkina Faso and - Libya and Burkina Faso.

15:14:27 25 I want to move on and talk about Issa Sesay's testimony
26 about diamonds.

27 Now, Issa Sesay was a witness and I'll come to this in a
28 little bit later, who clearly came here to lie for Charles Taylor
29 and to lie to protect himself. And he came up with various

1 stories like for the first time he suddenly came up with this
2 story that ammunition for the December 1998 offensive was
3 purchased in Lofa County, that Bockarie didn't come back with
4 ammunition from Burkina Faso, despite all the witnesses that said
15:15:17 5 so previously. So this was very helpful to Charles Taylor
6 because it's absolutely obvious that if a plane lands at Roberts
7 International Airport in Liberia and large amounts of ammunition
8 are trucked across the country, it couldn't be done without the
9 knowledge of the President of Liberia. It also became even more
15:15:39 10 obvious when Charles Taylor in his testimony when he was talking
11 about how he slipped a bit in his testimony and talked about how
12 he was able to bribe foreign officials to get weapons, said that
13 the person who did that for him was Musa Cisse and Musa Cisse is
14 the man he sent with Charles Taylor to Burkina Faso on that trip
15:15:59 15 in November 1998, clearly to arrange the arms shipment.

16 PRESIDING JUDGE: How could he accompany himself?

17 MR KOUMJIAN: Thank you, your Honour. Charles Taylor sent
18 Musa Cisse to accompany Sam Bockarie. Thank you.

19 So Issa Sesay came here and said, Oh, he didn't come back
15:16:31 20 with ammunition, he bought it in Lofa county from the NPFL
21 officers there. Again this would contradict Taylor because
22 Taylor claims he had no ammunition or weapons. In any event,
23 it's a much better story for Taylor than that they came through
24 Roberts International Airport. The problem for the Defence is
15:16:51 25 that when Issa Sesay testified in his own trial, four times he
26 said, four separate occasions, he said the ammunition
27 Sam Bockarie brought back in December 1998 came from
28 Burkina Faso.

29 So it was very clear from just from that that Issa Sesay

1 came here prepared to lie to protect Charles Taylor.

2 When it comes to the diamonds, Issa Sesay of course denied
3 taking diamonds to Charles Taylor, despite evidence from
4 Prosecution witnesses, including some private session testimony
15:17:26 5 of a witness who is in the room about Issa Sesay giving diamonds
6 to Charles Taylor. But Issa Sesay could not account for, if he
7 didn't give the diamonds to Charles Taylor, where did they go?

8 The evidence in this case, and it's in the report of the diamond
9 expert, and in his testimony, is that in, for example, the year
15:17:53 10 2005, shortly after the conflict, \$142 million of diamonds were
11 officially exported and that's probably the highest figure
12 because that always there is going to be some smuggling and
13 people who don't officially reports it but 142 million. Now he
14 does say, Mr Smillie says that I believe 24 million of that could

15:18:17 15 be - came from industrial mining. So one could possibly say,
16 well, the RUF even though Taylor sent them equipment it wasn't
17 the equivalent of industrial mining, so you could take it down to
18 118 million. Then if you want you could cut that in half saying,
19 well, it's wartime and they're ^ smuggling so let's cut it in
15:18:36 20 half and you still come out to about 59, \$60 million worth of
21 diamonds. What happened to them? Where did they go? Issa Sesay
22 in his testimony gave you details about two sales that totalled
23 under \$200,000. That's all he could account for.

24 The Defence admitted into evidence the RUF propaganda
15:19:01 25 document "Footpaths to Democracy" that contains their anthem, and
26 the main refrain in their anthem is: Where are our diamonds,
27 Mr President? Where is our gold? Sierra Leone wants to know.
28 The RUF was supposedly founded on the principle of accounting for
29 the diamond wealth of Sierra Leone but Issa Sesay, who was the

1 leader when Foday Sankoh was arrested from May all the way to the
2 end of disarmament, for well over a year, at the time when the
3 RUF according to all the evidence was producing the most diamonds
4 it ever did, he couldn't tell you where those diamonds were going
15:19:42 5 to. He couldn't tell you because they were going to
6 Charles Taylor and he was trying to protect him. In return
7 Charles Taylor was giving them arms and ammunition and profiting
8 from the diamonds and from the blood of the people of
9 Sierra Leone.

15:19:57 10 One of the other Defence witnesses, DCT-292 was asked what
11 happened to the diamonds? What benefit did you see to the
12 diamonds that were collected during Issa Sesay's time? And
13 DCT-292, a Defence witness, said, "No benefit at all. We saw no
14 benefit from the diamonds during Issa Sesay's time."

15:20:21 15 The reason was because the diamonds were going to Taylor.
16 I'd like to show briefly a clip from P-15.

17 [Videotape played]

18 MR KOUMJIAN: In an earlier part of the clip that's in
19 evidence that I didn't - we didn't play, it's explained that this
15:22:26 20 man Osman was captured at age 17 in Magburaka, taken to Kono to
21 mine the diamond fields.

22 One of the Defence witnesses, Charles Ngebeh corroborates
23 exactly what you just heard on this tape. The Defence witness
24 was asked on direct examination by the Defence on 23 March, page
15:22:52 25 3783, excuse me, bottom of 3782, "Did you ever see anybody being
26 forced to mine in the Tongo area?"

27 He said, "Yes, they used to force civilians to mine. That
28 is how they used to get them."

29 And he was asked: "And how would they make sure that the

1 civilians did what they wanted?"

2 He said, "they monitored them."

3 He was asked, "What if a civilian said I don't want to come
4 and mine for you? What would the soldiers then do?"

15:23:23 5 And Mr Ngebeh, the Defence witness said, "If you're unlucky
6 they were kill you. If you were lucky, they would beat you up.
7 That's the advice. They would take you by force. That was the
8 options that they gave."

9 The reason they are called blood diamonds is because of the
15:23:45 10 things that happened to people like this boy Osman and people
11 like Ibrahim Fofanah that we saw just as I began this afternoon
12 who had both his hands cut off, what he said is exactly true:
13 It's because of the diamonds that the war was sponsored, the
14 diamonds were going to Charles Taylor and Charles Taylor was
15:24:09 15 sponsoring, fuelling the conflict, and fueling the atrocities
16 that were committed.

17 Earlier this morning, Ms Hollis talked about Charles Taylor
18 promising that Sierra Leone would taste the bitterness of war.
19 He said that and there was a question from Justice Sow about
15:24:35 20 that. Charles Taylor said that back in 1990, in about October
21 1990, when ECOMOG had entered Liberia, denying him Monrovia,
22 denying him the presidency. Witnesses in this case who actually
23 heard that include Isaac Mongor, Foday Lansana, the Reverend
24 Tamba Teh who I'm sure your Honours recall he was the man who
15:25:03 25 talked about witnessing about 100 people being killed by small
26 boys and then having their heads cut off. And he talked about
27 how Sam Bockarie tried to recruit him as a reverend to be a
28 member of the RUF, to be their chaplain, and Mr Teh, actually
29 very, very cleverly in that situation, what do you do, he said,

1 "I'll accept if you make me a field marshal," a remark that
2 Sam Bockarie found so funny he fell down on the ground laughing.

3 And he said even my chief, Charles Taylor, is not a field
4 marshal, Tamba Teh heard "the bitterness of war" quote. Karmoh
15:25:51 5 Kanneh, Eagle, heard "the bitterness of war" quote. TF1-358, who
6 was the doctor, he was protected, but he was the doctor from
7 treat, he heard the Freetown quote. Osman Jalloh, an amputee,
8 another amputee, besides Mustapha Mansaray, they both heard the
9 Freetown quote and as Ms Hollis said they are corroborated by
15:26:11 10 both Defence witnesses DCT-068 and Issa Sesay who said they
11 themselves heard Charles Taylor promise that Sierra Leone would
12 taste the bitterness of war.

13 The Defence case, which I now want to comment on, provided,
14 and this is not meant to criticise in any way the Defence
15:26:34 15 strategies or preparation, they certainly had resources and was
16 given generous time by your Honours to prepare and was well
17 prepared, but pretty much every witness that was called added to
18 the evidence of guilt, the guilt of Charles Taylor.

19 Many of the witnesses contradicted Charles Taylor in their
15:26:59 20 testimony. Charles Taylor himself was in many ways one of the
21 best witnesses for the Prosecution because of the many admissions
22 and the many times he was caught in clear lies in his testimony.
23 And one area where he clearly contradicted himself on one of the
24 very key issues in this case is on his interactions with
15:27:30 25 Sam Bockarie and particularly the first time that he met
26 Sam Bockarie. If you recall the Prosecution evidence is, as
27 I mentioned a little while ago, that while Bockarie had tried to
28 go with JPK's diamonds to see Taylor, he wasn't able to actually
29 see him for security reasons, and then he was brought by

1 Varmuyan Sherif. Taylor sent Varmuyan Sherif, who testified
2 here, to get him. And we know that Varmuyan Sherif went on the
3 day of the Kailahun massacre, Varmuyan Sherif described what
4 happened at that roundabout, Sam Bockarie killing the first
15:28:09 5 prisoners and then ordering the rest of the 62, I forget the
6 exact number, of prisoners killed. It's corroborated by Defence
7 witnesses.

8 It's corroborated by Musa Fayia who talked about the terror
9 as all of them felt as groups of five prisoners were brought out
15:28:28 10 and were executed, about how one man had to kill his own father,
11 he was ordered by Bockarie to kill his own father. There has
12 been some various dates about when exactly in 1998 that was but
13 it was clearly a short time after the intervention and I believe
14 there is testimony that it was after Daru Barracks fell, which
15:28:50 15 was early March 1998, and Musa Fayia puts the date at 28 March,
16 that this occurred. Varmuyan Sherif brought Sam Bockarie on that
17 day to see Charles Taylor.

18 Now, on the first day of his testimony, after years of
19 preparing for this trial, Charles Taylor himself admitted that
15:29:14 20 he - before he left office in 2003 he ordered the collection of
21 documents having this trial in mind - having this case in mind.
22 And the Prosecution called its last witness at 30th of January
23 2008, Taylor began testifying 14 July. Almost six months,
24 five-plus months of preparation, and on the first day of his
15:29:39 25 testimony, Charles Taylor is asked when he first met
26 Sam Bockarie. He testified then he remembered it was right after
27 the Head of State meeting which he would put then at the last
28 quarter of 97 to early 1998, that he had ordered another
29 Mosquito, Christopher Varmoh, Liberian Mosquito, to bring

1 Bockarie. He was very clear on that. And yet, as the Defence -
2 as his direct examination went on, some months or a month or so
3 later, the story changed and the only explanation is
4 Charles Taylor said, well, I corrected it. But he clearly
15:30:19 5 changed his story. And then it became well, I met Sam Bockarie
6 for the first time in September 1998 and I met him in October and
7 I met him in November when I sent -- arranged for his travel to
8 Burkina Faso with Musa Cisse.

9 Well, why the change after so much preparation? How can
15:30:39 10 Charles Taylor possibly get that wrong? Well, I think the change
11 was because he had decided, in between, that he had to come up
12 with a new story to fit exhibit D-7 - so if that could be put on
13 the screen, please - which became one of the centrepieces of his
14 defence and this was a letter from his ambassador, Tragen Wantee,
15:31:04 15 in Guinea, Conakry, to Taylor where he talked about being
16 approached by Eddie Kanneh who had some information about
17 dissidents in Guinea against Taylor, and who said he wanted to
18 visit with six other members of his organisation. The Defence,
19 Charles Taylor, backed up by his protege, Issa Sesay - perhaps a
15:31:34 20 better word really is puppet, Issa Sesay - tried to say that this
21 letter shows that the RUF decided that Sam Bockarie decided he
22 wanted to get in touch with Taylor so he would send Eddie Kanneh
23 to Conakry to get in touch with Taylor at the Liberian embassy in
24 Conakry.

15:31:58 25 Well, I don't think we need to look at a map but you know,
26 your Honours, from the map of Sierra Leone that Kailahun is very,
27 very far from Conakry. It's actually much closer to Monrovia.
28 Furthermore, we know from even the Defence case, the RUF had
29 offices in Ivory Coast and the RUF had regular radio

1 communications with Musa Cisse's house, Taylor's chief of
2 protocol. Nothing would stop the RUF. The RUF had previously
3 had radio contact with Taylor, even Taylor admits that. Nothing
4 would stop Charles Taylor from sending - Sam Bockarie from
15:32:40 5 sending a radio message. Furthermore, the evidence is even from
6 Sesay that at that time Taylor fully allowed the border open and
7 they could pass and they could go to Monrovia. So what sense
8 would it make to send Eddie Kanneh all the way to Conakry,
9 Guinea, the capital of an enemy country to the RUF, where just a
15:33:03 10 couple of years earlier Isatu Kallon and others had been arrested
11 while travelling through Guinea, why would you send Eddie Kanneh
12 all the way there when Issa Sesay says in April he goes to
13 Monrovia, that's where he says he loses the diamonds and this
14 letter is dated August.

15:33:23 15 So what sense would it make to send Eddie Kanneh to Conakry
16 when you can send him to Monrovia? Issa Sesay himself went to
17 Monrovia, and then he said when he didn't come back Bockarie sent
18 somebody else to go investigate his loss of the diamonds. The
19 RUF could travel to Monrovia when they wanted, they could have
15:33:40 20 called Musa Cisse on the radio, it doesn't make any sense, it's
21 just the Defence trying to twist Charles Taylor and Issa Sesay
22 trying to twist this document. And if we go down the document a
23 bit, you'll see that what the letter says, from the ambassador
24 says, is that Eddie Kanneh, it says the Major Who holds a Guinean
15:34:02 25 GSM mobile number and he gives that, said that he had contact
26 with a Guinean government official, excuse me. Let's go down
27 further, it says, on the second line in the last paragraph,
28 reiterated his plan of travelling to Liberia along with six other
29 members of his organisation and would cross into Sierra Leone to

1 join their men after his meeting with the Liberian leader. Then
2 it says, "He named one Sidikie Janneh and Brigadier Bockarie,
3 Mosquito, both Sierra Leone nationals, including one Sheriff,
4 assistant director of the SSS, as contact persons in the
15:34:47 5 country."

6 Well, what this letter corroborates is the testimony of
7 Varmuyan Sheriff. Why would any - it's clear Varmuyan sheriff
8 assistant director of the SSS doesn't need permission to travel
9 into Liberia; he's already there. He's Taylor's assistant
15:35:07 10 director of the SSS.

11 And he's listed as a contact person along with Sam Bockarie
12 because we know that Sam Bockarie went to Monrovia with
13 Varmuyan Sheriff way back soon after the intervention in early
14 1998.

15:35:33 15 So trying to distort this letter, Charles Taylor changes
16 his testimony on this very key issue of when he met Sam Bockarie.

17 But then a key part of Taylor's defence is that these three
18 meetings he admits to or three times that Sam Bockarie travelled
19 to Monrovia, I believe on a couple of occasions he said he met
15:36:07 20 him twice at least in September he met him twice, on these
21 meetings he said they were for peace, and Taylor testified that
22 everyone knew about it, the United Nations was informed, the
23 Government of Sierra Leone, ECOMOG, Nigeria, everyone knew about
24 these trips of Sam Bockarie. However, the Defence has not
15:36:30 25 produced one single document documenting these trips of
26 Sam Bockarie to Monrovia. It's because they were clandestine.
27 Sam Bockarie, we know, was on the UN travel ban list that was
28 instituted in October 1997. There is no evidence of any UN
29 document saying that the United Nations was aware of Bockarie's

1 travel. There is no evidence of Sierra Leone being aware. There
2 is no evidence of anything in Charles Taylor's papers, an
3 aide-memoire, a photograph, a correspondence, nothing, about
4 these meetings, it's because they were clandestine. We don't
15:37:16 5 even have - the presidential papers is 300 pages, could we have
6 please on the screen D-320(A)? And this talks about all of
7 Taylor's various activities throughout 1998 but nowhere in that
8 document is there any mention of any of these three meetings.
9 D-320(A) is a photograph, please.

15:37:48 10 If you look at the presidential papers, on - there is - on
11 page 305 to 306 in paragraphs 21 to 23, there appears a final
12 communique of a meeting of ECOWAS heads of state in Abuja, from
13 30 to 31 October 1998. Remember, Taylor according to his
14 testimony has already met twice with Bockarie and while this
15:38:15 15 communique in paragraphs 21 to 23 talks about Sierra Leone, there
16 is no mention of Charles Taylor meeting with the rebels,
17 Sam Bockarie or with the RUF, or with the AFRC. Even more
18 conspicuous, looking at the presidential papers, D-141, page 292,
19 there we have the policy statement of the Government of the
15:38:47 20 Republic of Liberia on allegations against Liberia for
21 involvement in the Sierra Leone crisis, and it's dated the 29th
22 of December 1998. In the midst of the December offensive, as the
23 AFRC/RUF forces are on the doorstep of Freetown, Charles Taylor's
24 government issues this policy statement, and in paragraph 10 it
15:39:17 25 says, listing the actions he's taken for peace, "Maintained an
26 open line of contact and direct dialogue with President Kabbah
27 aimed at building confidence between Liberia and Sierra Leone."
28 In paragraph 11, he says, "Dispatched at least four high level
29 presidential delegations to Freetown to hold talks with

1 President Kabbah and Sierra Leone officials."

2 Well, why, in this document, is there no mention of I also
3 met with the rebel leaders, with the RUF, with Sam Bockarie?

4 It's not in there. And it's not in a single document that the

15:39:55

5 Defence produced although we were told that Charles Taylor had

6 tens of thousands of documents in his archives. They didn't -

7 the Defence has not produced a single document regarding these

8 meetings with Sam Bockarie. And when Charles Taylor was asked

9 about what was discussed, he could only give the very vaguest

15:40:17

10 answers, you know, peace, implementing Abidjan, he couldn't give

11 any specifics with all these meetings with the rebel leader who

12 clearly was engaging then in offensive actions and atrocities and

13 preparing a bigger offensive, this of course would have been

14 after the June 1998 Fitti-Fatta mission. Not a single document.

15:40:44

15 Charles Taylor could not give us any details about what his

16 discussions with Sam Bockarie were all about. It's because in

17 truth he was meeting with Bockarie, he met with Bockarie more

18 than he admitted and he was planning war. That's why we don't

19 have any notes of these meetings.

15:41:02

20 Is the photograph ready? Please. Just to show what kind

21 of meetings are documented in the presidential papers, the

22 Defence presented as an exhibit in this case a photograph of

23 Charles Taylor having lunch with the President of FIFA,

24 Sepp Blatter. This was apparently to support the Defence

15:41:31

25 contention that Charles Taylor's plate was full and it appears

26 that there's something on his plate in this photograph, but your

27 Honours, the evidence of the Defence is contradictory because

28 while Charles Taylor had time to have lunch with Sepp Blatter and

29 he also had time to meet with Bockarie over and over again, he

1 clearly had time to plan war and to profit - and to profit from
2 the war in Sierra Leone. And that's what the evidence shows he
3 did.

4 Why isn't there a picture of Sam Bockarie in these
15:42:03 5 presidential papers and his meeting with him? There is a picture
6 of Taylor meeting President Kabbah but there is no picture of
7 Taylor with Bockarie.

8 Even the meeting with Naomi Campbell is mentioned in the
9 presidential papers and meeting Mia Farrow and Imran Khan, whose
15:42:25 10 name is misspelled, Charles Taylor talks about that in his
11 document when he talks about returning from the trip to
12 Burkina Faso, South Africa and other countries and says that when
13 he talked to these Hollywood stars they expressed great interest
14 in his country and a desire to visit him.

15 Charles Taylor's testimony was full of contradictions, both
16 internally and with the other Defence witnesses, and some of them
17 have already been mentioned but I'll just - by my colleagues -
18 but I'll just mention some others. He was asked three times in
19 this Court in direct examination if he knew Sanjivan Ruprah and
15:43:09 20 he said, no, I don't know him. Sanjivan Ruprah, it turns out, he
21 had appointed as his ambassador at large. Sanjivan Ruprah is an
22 admitted arms dealer tied to the Victor Bout network in the
23 United Arab Emirates at the time. He admitted that to the panel
24 of experts that interviewed him, and that's a document in
15:43:33 25 evidence. And Charles Taylor we showed in evidence authorised
26 transfers of well over a million dollars to the bank accounts of
27 Sanjivan Ruprah and yet three times he told your Honours, "I
28 don't know him." He lied.

29 And then he made - many of Charles Taylor's most blatant

1 lies were when he was trying to discredit the Prosecution
2 witnesses because these witnesses were telling the truth and they
3 were implicating him and revealing the secrets of his link to the
4 RUF so when TF1-579 talked about a link between Taylor and the
15:44:10 5 UNITA rebels in Angola he was asked by his counsel about that,
6 "Did you know Jonas Savimbi, the leader of UNITA?" And he said,
7 "No, I didn't know him." Forgetting that months earlier he had
8 testified on direct that Savimbi was a very good friend,
9 according to Taylor, that they knew each other from, I believe,
15:44:33 10 Cote d'Ivoire and he was a very good friend.

11 When the testimony of King Perry Kamara, key witness
12 especially about Freetown, was put to Taylor, where King Perry
13 Kamara said Taylor had given a satellite phone to Issa Sesay,
14 Taylor said, no, he didn't give a satellite phone to Issa Sesay,
15:44:50 15 forgetting that he had earlier testified he did. When AB Sesay
16 was testifying, critical evidence about going to Monrovia in 1999
17 and a meeting that he had with Charles Taylor in his presence
18 where Charles Taylor was telling Bazzy, I believe, and other AFRC
19 officers who were there about how he had assisted them in the
15:45:17 20 operations in 1998 in Freetown, how he had organised SLA officers
21 to come back into Sierra Leone, which of course we know from the
22 evidence that was what Foday Kallon was doing for him - for the
23 RUF taking AFRC officers from Liberia back to Sierra Leone before
24 he was killed. Charles Taylor, it was put to him one of the
15:45:45 25 things AB Sesay said is he remembered that Taylor also said, "Oh,
26 Sam Bockarie is helping us now in Lofa."

27 And AB Sesay said, yeah, at that time, it was on the radio
28 at that time about Mosquito Spray. And Taylor said, oh, this
29 meeting, no, the meeting with JPK, that AB Sesay's talking about,

1 August 1999, Mosquito Spray was not then. It was in 1998. Well,
2 he forgot that he himself had testified that Mosquito Spray was
3 August of 1999. He said it again on 26 November, page 32577, and
4 it's also -- we have a document in evidence of a BBC News report
15:46:25 5 where it shows that in fact it was the first week of August of
6 1999 that a man called the radio when rebels were in Lofa County
7 saying he was Mosquito Spray. And why would he say
8 Mosquito Spray? It's because he was fighting against Mosquito,
9 Sam Bockarie, just like AB Sesay said and other witnesses, the
15:46:48 10 RUF was doing Taylor's fighting, helping him in Lofa.

11 He testified that - testimony was put to Charles Taylor of
12 TF1-567 identifying the SOD uniforms of people that accompanied
13 Zigzag Marzah to Buedu and Taylor then said, no, he never even
14 heard of an SOD unit, a special operations division of the
15:47:20 15 Liberian police. Of course, the President of the country knew
16 about that unit. Yanks Smythe a Defence witness, John Vincent
17 another Defence witness, they both knew what the SOD was and it's
18 even mentioned in a document that the Defence put into evidence,
19 it's a human rights report, D-45, on page 6, talks about the
15:47:42 20 special operations division.

21 When the testimony, another critical piece of evidence, was
22 put in - put to Taylor, that is the testimony of TF1-516, he was
23 a radio operator who said that he recalled when Ebony told
24 Toyota, that is, if I'm getting it right, Taylor told Sankoh, to
15:48:05 25 make use of the peace accord, that is Abidjan Peace Accord which
26 he was supposed to attend in Yamoussoukro, to move outside to get
27 more dancing materials, well, when that was put to Taylor, he
28 said, "But look at where he puts me."

29 Because TF1-516 said the call came from Gbarnga, he said,

1 "I am not in Gbarnga, I moved to Monrovia in 1995, I'm on the
2 Council of State. He says, you know, the only way we can catch
3 these little lies, what am I doing in Gbarnga in 1996? Someone
4 is calling me on a radio in 1996?" He says, "It's a blatant,
15:48:45 5 blatant lie."

6 Well, except the next witness the Defence called, was
7 Yanks Smythe, who was a member of the SSS and one of the things
8 that slipped out in his testimony is that in the incident at the
9 30th of October, I believe it was, 1996, 30th of October 1996,
15:49:09 10 you'll recall there was an attempted -- what Taylor said was an
11 attempted assassination at the Executive Mansion in Monrovia.
12 There was a time that ECOMOG rescued him from the bathroom in the
13 mansion, and Yanks Smythe testified that after the assassination,
14 Charles Taylor, who all of our evidence is clear is not a person
15:49:31 15 who puts himself on the front line anywhere, he sends little boys
16 and children to fight for him, Charles Taylor moved back to
17 Gbarnga. So exactly corresponding to what TF1-516 said because
18 the Abidjan Accord was at the end of November. So after the 30th
19 of October, Yanks Smythe has Charles Taylor moving back to
15:49:53 20 Gbarnga where he would have exactly been when TF1-516 said the
21 radio message came from Gbarnga to tell Foday Sankoh to take
22 advantage of the peace accord to get more ammunition. Which is
23 exactly what Charles Taylor advised Issa Sesay to do with Lome.

24 One Prosecution witness, Denis Koker talked about seeing
15:50:19 25 Taylor's Navy Rangers in yellow shirts - if we could have up
26 P-493(E), please? Let me just skip for a moment while that's
27 coming up, another key piece of evidence of course was
28 Isaac Mongor talking about how Foday Sankoh was -- briefed
29 Charles Taylor on the radio about Operation Stop Election. And

1 Taylor said it wasn't a bad idea. This is where the RUF became
2 first got famous for its amputations, when they were amputating
3 the thumbs or hands of people who had voted because they had ink
4 on their hands. And Charles Taylor, trying to discredit that
15:51:07 5 testimony, said he never spoke on the radio, he never would get
6 on a field radio and speak, but the Defence called a witness,
7 Edward Zaymay, who himself was an NPFL commander and said he
8 himself spoke to Charles Taylor on the radio, and he also heard
9 Charles Taylor talking to ECOMOG officers on the radio.

15:51:32 10 Now, Denis Koker testified that he saw Taylor's men, Navy
11 Rangers in yellow shirts bring ammunition - excuse me, I got that
12 one. Yeah, that's right, excuse me. In July 1998, and Taylor
13 said, that's ridiculous, he never heard of Navy Ranger T-shirts
14 and, "Nobody goes to war with a yellow T-shirt."

15:52:00 15 And yet here we have a document, it's a photograph of what
16 Taylor himself recognised as Benjamin Yeaten surrounded by people
17 with yellow Navy Ranger T-shirts. Benjamin Yeaten, Taylor's
18 director of security, the man he put in charge of all the
19 militias. Taylor also said that he never had a bank account with
15:52:28 20 \$100,000, that he told the Liberian people he would resign if
21 anyone anywhere in the world found a bank account that he had
22 with \$100,000. And undoubtedly Taylor was probably relying on
23 the fact that it's actually quite easy in the international world
24 to hide money in other people's names, and in a document the
15:52:51 25 Defence recently had admitted, one of the cables, points out that
26 the Liberian government is either unable or unwilling to enforce
27 the financial sanctions against Taylor but in that - despite
28 Taylor's claim that no one would ever find a document, a bank
29 account, with \$100,000 in his name. If we could have P-405,

1 please, the first page, evidence was presented in this Court of
2 documents from a bank account at the Liberian Bank of Development
3 and Investment, LBDI, and in that limited information that was
4 available it showed that between December 1999 and April 2001,
15:53:35 5 \$14,492,268 was deposited into that account. It also showed that
6 there were transfers into that account from the ROC, which Taylor
7 admitted was the Embassy of Taiwan, \$3 million, and a transfer
8 from the Oriental Timber Company, managed by Guus Kouwenhoven, of
9 I believe, \$2 million, was transferred into that, account, and if
15:54:04 10 we see now the document is on the screen, it says, clearly, this
11 is a Charles -- Taylor, Charles G, chequing account personal and
12 we had the signature page, signature card, for that account,
13 which Taylor acknowledged was his signature.

14 Another thing that Charles Taylor talked about is that he
15:54:33 15 tried to say he was not in any way a military man despite the
16 fact that he was called Major, during the Doe coup, and he was in
17 the barracks while people were being killed on the street. In
18 fact, Taylor said he was against that because he thought it was
19 going to embarrass him if people were continued to be killed on
15:54:54 20 the street. I thought it was very revealing that his concern was
21 not with those being killed but that it might affect his
22 reputation. He said he'd never been trained and he said on 31
23 August page 2009, if we could please prepare P-387, P-395(A), (B)
24 and (C), and P-396. He said on 31 August:

15:55:20 25 "There have been photos of me in military uniform and
26 I think it's important to note here that the wearing of that
27 uniform doesn't mean I have been a soldier. I have never been on
28 a soldier but on 26 July all Presidents of Liberia on inspection
29 of the honour guard wear military uniform. That's why I was in

1 uniform."

2 I'm not - does anyone have the photograph? I don't have it
3 on my screen.

4 JUDGE SEBUTINDE: What exhibit are we waiting for?

15:56:40 5 MR KOUMJIAN: P-387 is the first one. Your Honour -- okay.
6 You will recall this is a photograph of Charles Taylor holding an
7 automatic weapon in his right-hand and next to him is
8 Benjamin Yeaten on his left and the real Butterfly, Oretha Gweh,
9 on his right. And then perhaps just to shorten things if we can
10 go to P-396, P-395, your Honours are three other photographs of
11 Charles Taylor, I'm not going to show those in a -- camouflage
12 uniforms holding a weapon in each of those photographs. None of
13 those are - clearly none of those are inspecting a honour guard.

14 Or none of them appear to be during any ceremony. And then
15:57:41 15 P-396 is a picture of Taylor pointing at a map holding his AK-47,
16 much like -- several witnesses talked about Charles Taylor
17 planning military operations including the December attack.
18 Isaac Mongor said Sam Bockarie told him Taylor stood over a map
19 in discussing how the attack would take place. Also TF1-371 said
15:58:04 20 before the attack, invasion of Sierra Leone, Taylor stood over a
21 map and discussed how the invasion of Sierra Leone would take
22 place.

23 If we could have D-118, please, page 2? One of the most
24 obviously non-credible statements of Charles Taylor was when he
15:58:24 25 testified the 9th of September 2009, page 28481 that people that
26 were under the age of 18 were not trained as military personnel
27 in the NPFL.

28 Then there was a lot of - he was asked several - a lot of
29 questions about that and he stuck with it. And he was asked

1 about the term "small boys unit" SBU and he admitted that term
2 existed around Gbarnga which just so happens to be the same term
3 the RUF rebels, his surrogate army, used and Charles Taylor said,
4 "SBU, well, they are like boy scouts." That was his explanation
15:59:07 5 for the small boys unit. But the Defence put into evidence
6 several articles by a man named Baffour Ankomah which praised
7 Taylor very much, rather very, very favourable articles to
8 Charles Taylor, a journalist who obviously likes him. And we see
9 here this article it says that Baffour Ankomah spent a month
15:59:34 10 behind the lines with Charles Taylor and his forces in Liberia,
11 going to the bottom of the first column, he said, "Small boy
12 soldiers some as young as nine and ten years old would put a
13 knife to the throat of some elderly Krahn man and tell him,
14 'Papay, don't worry, it won't hurt you.' In another minute his
16:00:00 15 head would be gone. Some teenage soldiers, both boys and girls,
16 told me in separate interviews that they just wanted to seek
17 revenge for the atrocities committed against their parents, whose
18 dismembered bodies were left to rot in the open by Doe soldiers.
19 One boy who is now 14 told me in a disarmament camp, 'I returned
16:00:20 20 to our village from school in Monrovia' "... and it goes on. "He
21 says, 'I joined President Taylor's army and sought revenge.'"

22 So many of the other bits of evidence in this trial
23 including the chapter written by Herman Cohen and other reports
24 of NGOs document that clearly child soldiers were rampant in the
16:00:47 25 NPFL.

26 Then one of the more relevant lies of Charles Taylor was
27 when he claimed to this Court that he had no idea that the RUF
28 trained at Camp Naama but we've had testimony, including from
29 Defence witnesses that the RUF was in Naama, 025 said at least he

1 arrived in August and it already was full, from August 1990 up
2 until March 1991, the RUF army was created at Camp Naama. That's
3 where they were trained. Their trainers included, even according
4 to Defence witnesses, many NPFL officers like One Man One,
16:01:40 5 several others, Isaac Mongor, former NPFL. John Vincent, one of
6 the Defence witnesses said of the original 328 RUF members, RUF
7 vanguards, trained at Naama, 252 of those were Liberians, that's
8 comes out to 77 per cent of the RUF army was a Liberian army.
9 The others, we've heard from both Prosecution and Defence
16:02:09 10 witnesses, many of them were Sierra Leoneans who had been
11 captured by the NPFL. DCT-292 was one of them. He said he was
12 captured by an NPFL operation and he was told they - that it came
13 from the high command. One of the men told him it came from the
14 high command, this order to arrest them, they were threatened
16:02:33 15 with death until Foday Sankoh took him out and brought him and
16 others to Gbarnga, passing through, and he marked on a map, at
17 least five NPFL checkpoints.
18 Issa Sesay says he was tricked in the Ivory Coast by Sankoh
19 and he's brought first to the NPFL base at Cuttington and then no
16:02:58 20 Naama, and Naama we know from other witnesses and one of the best
21 is the last Defence witness, Sam Kolléh, it was an NPFL base,
22 NPFL was present at the same time, Sam Kolléh said he was
23 captured by the NPFL in Gbarnga, which is Taylor's headquarters,
24 he was - he was in Camp Naama for a month, the NPFL part, and
16:03:18 25 then he was transferred to the RUF so what the evidence shows is
26 what exactly what Zigzag Marzah testified to is correct, what he
27 said is: "NPFL and RUF are not different. When you're in
28 Sierra Leone you're RUF, when you're in Liberia you're NPFL."
29 John Vincent, Defence witness, went from NPFL to RUF, and later

1 he went back to the NPFL or then it was the AFL and the SSS.

2 He was accepted and welcomed back into the SSS despite the
3 fact that he'd been an RUF rebel according to the laws of
4 Liberia, a mercenary, according to the Mano River Union, Taylor
16:03:56 5 had an obligation to arrest him, instead he was welcomed back
6 into the SSS.

7 Another bit of the - where Issa Sesay let the cat out of
8 the bag was when he discussed the list of vanguards and
9 identified Momoh Dgiba as one of the vanguards but said

16:04:21 10 Momoh Dgiba left the camp just before the invasion. Well, who is
11 Momoh Dgiba? If you look at the book the presidential papers in
12 about half the pictures of Charles Taylor, you'll see Momoh Dgiba
13 at his side or standing right behind him. He was his

14 aide-de-camp. He replaced his son Chucky as head of the ATU, and
16:04:44 15 yet Charles Taylor wants to tell you that even when he testified
16 in 2009 he had no idea that the RUF had trained in the middle of
17 his territory for at least 7 months with 300-plus men, it's just
18 obviously not credible.

19 Defence witnesses also contradict Taylor about the NPFL
16:05:08 20 role in the invasion. John Vincent says the NPFL captured
21 Koindu, he said that on 25 March - page 38017 - of 2010.

22 Issa Sesay agreed the NPFL led the invasion and he named NPFL
23 commanders like Sam Tuah, Pa James and Charles Timber as taking
24 part in that event, that invasion, that was the 16th of August,
16:05:33 25 page 46420 to 21 and also the 17th of August, page 46437.

26 Charles Taylor tried to say that Foday Sankoh in the early
27 years of the war would only come to Liberia for a few days, he
28 admitted Sankoh had a house there but said he would only come for
29 a few days. But the Defence witness Musa Fayia testified that

1 Sankoh was there for six months, up until Top 40, Sankoh was
2 based at Charles Taylor's headquarters, Gbarnga.

3 Then my colleague Mr Bangura has already talked about the
4 U-turn the Defence case took. Many of the Defence witnesses were
16:06:17 5 called for most of the year, 2010, saying that the RUF never got
6 ammunition from Liberia, Daniel Tamba didn't carry ammunition,
7 all the ammunition was captured, but then you had 008 saying,
8 exactly what Prosecution witnesses said, that Daniel Tamba,
9 Jungle, Zigzag Marzah, and Sampson, carried ammunition, NPFL
16:06:47 10 ammunition, to the RUF at a time that Charles Taylor claims he
11 had no ammunition to give.

12 That's also corroborated by John Vincent who testified that
13 when he was asked about Daniel Tamba, Jungle, he said he used to
14 come back and forth from Monrovia with ammunition.

16:07:05 15 My time is getting short so I'm going to try to shorten
16 things up. I'm going to try to hit two topics quickly. One is
17 about the failure of the Abidjan Peace Accord. The evidence from
18 Defence witnesses, particularly DCT-292 and Musa Fayia, is that
19 Foday Sankoh had no intention of implementing the Abidjan Accord.
16:07:38 20 And this corroborates Prosecution evidence that he was told by
21 Taylor to use the accord to prepare for war, to get ammunition.

22 But you recall a very interesting event, historical event
23 occurred, that after Foday Sankoh was arrested in Nigeria and I
24 believe it's an agreed fact, the 7th of March, early March 1997,
16:08:10 25 Musa Fayia testified that the external delegation held a press
26 conference, he was there, on 15 March 1997. And they announced a
27 change in leadership. They didn't say who the leader was going
28 to be, they said that was going to be up to the combatants but
29 they said Foday Sankoh was no longer going to be the leader and

1 this news was welcomed by many many quarters, many many people.
2 They were immediately contacted, he said it went over the BBC, it
3 went over the VOA, it was on Focus on Africa that very day,
4 Musa Faya testified. They received positive responses from the
16:08:46 5 United Nations, special representative, I believe, called him,
6 Mr Dinka from the Government of Sierra Leone, from the Government
7 of the Ivory Coast, he said Amara Essy contacted him. The
8 Government of Nigeria provided a plane and the Government of the
9 Ivory Coast - of Guinea excuse me, arranged the travel so that
16:09:09 10 they could go and meet with the combatants in Kailahun. All of
11 these people, all of these internationals, and he said also NGOs
12 and internationals came forward to support this change of
13 leadership in the interests of peace. But despite the fact that
14 the external delegation was based in Danane, that's where it was
16:09:32 15 born and it's clear why Danane was chosen; it's a small town in
16 Ivory Coast but it had been a base for the NPFL, it's where
17 Musa Cisse lived and where Charles Taylor says he used to recruit
18 for the NPFL, where they had a radio station according to
19 Yanks Smythe, in Danane. So the RUF put its external delegation
16:09:59 20 basically in Danane so it would receive the support and be under
21 the supervision of its real sponsor, Charles Taylor, but when
22 this change of leadership was announced, naively obviously by
23 these external delegates, the one person that didn't call was
24 Charles Taylor, Musa Cisse, no one from Liberia, none of Taylor's
16:10:26 25 people, called with any support. During his examination, some
26 testimony was read to him from Augustine Mallah, Augustine Mallah
27 testified on 12 November that two days after Sankoh was arrested
28 in Nigeria, he called the radio operator for Musa Cisse and that
29 Mallah was present in the house of Musa Cisse when they put

1 Sam Bockarie in contact with Foday Sankoh through Musa Cisse's
2 radio, and Mallah heard Foday Sankoh tell Bockarie that he should
3 take all orders from Charles Taylor.

4 We read that testimony to Musa Fayia on 21 April and then
16:11:19 5 he was asked:

6 "Sir, now do you understand after hearing this that the
7 reason Liberia didn't try to contact those of you trying to
8 change the leadership of the RUF was because once Foday Sankoh
9 was arrested Charles Taylor was in command of the RUF and he had
16:11:34 10 no - he had no interest in anyone else taking over?"

11 And if you recall his face, I think a bit of shock went
12 over this man, who you recall from the evidence was tortured for
13 two years by Sam Bockarie and Issa Sesay in Buedu, and he said -
14 answered, "yeah, if that statement is true, then that is the
16:11:58 15 reason why we were not contacted by Liberia at all, definitely."

16 That is what happened. The reason that Charles Taylor
17 didn't try to contact or support in any way the external
18 delegates in the change of leadership was the situation was
19 exactly as he wanted it, Foday Sankoh had told Bockarie: Take
16:12:21 20 all orders from Taylor. Mallah by the way is corroborated by
21 TF1-338 who testified to the same evidence that the -- Bockarie
22 was giving the order to - told to take orders from Taylor. That
23 was 1 September 2008, page 15116.

24 And then basically, I'm out of time. I would like to give
16:12:42 25 a few moments to my colleague, Ms Hollis, but let me just mention
26 one further document and that is a devastating document in this
27 case and that is P-28, it's the document Abu Keita gave us of an
28 operational order in Lofa County. It clearly was written by the
29 adjutant for Benjamin Yeaten, and on that document appear the

1 signatures of Benjamin Yeaten and just above it, Issa Sesay,
2 there's RUF and AFL commanders listed. The document shows
3 exactly what we say was happening throughout the war, the RUF was
4 a surrogate army for Charles Taylor.

16:13:23 5 The signature of Benjamin Yeaten, if you look at
6 Yanks Smythe's ID card, D-104(B), it's exactly the same
7 signature. And Issa Sesay, of course, when shown the document
8 denied it and he said, "That's not the way I sign." That's what
9 he said, "That's not the way I sign." But then we put all of his
16:13:43 10 signatures on a page of documents and the signature from P-28 he
11 identified as one that was his signature.

12 So what that document shows and what the evidence in this
13 case shows, is that from the creation of the RUF at Naama, all
14 the way to the end of the war, when the RUF fought for Taylor
16:14:04 15 invading Guinea and fought for Taylor in Ivory Coast, it was his
16 surrogate army. He controlled it, he directed it, he supplied it
17 he facilitated their crimes and he's responsible for the crimes.
18 Thank you.

19 MS HOLLIS: Madam President, your Honours, we would like to
16:14:50 20 close our oral submissions by very briefly touching on one other
21 aspect of the testimony of the accused Charles Taylor.
22 Throughout the course of Mr Taylor's testimony, he sought to
23 avoid responsibility for his choices, actions and his refusals to
24 act. And one of the ways he did that was to classify those who
16:15:14 25 raised concerns about his involvement with his proxy forces in
26 Sierra Leone as either part of a global conspiracy or puppets of
27 that conspiracy. He alleged that these supposed conspirators
28 included of course the American and British governments, the
29 World Bank, the International Monetary Fund, the European Union,

1 the Security Council insofar as the United Kingdom and the United
2 States dominate that body, South Africa because South African
3 connections are protecting the De Beers interests and the fall
4 guy is Charles Taylor. He told you that the CIA could have been
16:16:04 5 part of that conspiracy. He told you that Nigeria was part of it
6 because it led the onslaught of allegations against Liberia in
7 connection with the situation in Sierra Leone. He told you that
8 former President Abacha was part of the conspiracy on different
9 levels. He told you that the panel of experts who authored
16:16:32 10 Exhibit P-18 may have been part of that conspiracy. That NGOs
11 such as Human Rights Watch and Amnesty International were
12 indirectly involved in the conspiracy. Indeed he puts the
13 authors of one of his own exhibits, the Belgian report, which
14 talked about how diamond deals were carried out in Liberia, and
16:16:59 15 in Europe, he puts the authors of that report also among the
16 conspirators who are responsible for his being before
17 your Honours in this case.

18 He told your Honours that Sorious Samura and his crew were
19 de facto part of the conspiracy. That United Nations Secretary
16:17:22 20 General Kofi Annan was not directly part of the conspiracy. He
21 included as puppets, or tools of the conspiracy, former
22 President Kabbah, various ECOMOG generals and ECOWAS leaders,
23 international and Liberian journalists and he even included what
24 he called the well-respected justice and peace commission in
16:17:46 25 Liberia as a mere puppet of this global conspiracy.

26 To prove this conspiracy and that the conspirators, in
27 particular the United States, have control over this Court, the
28 accused put before you leaked United States state department
29 cables which they introduced into evidence and were accepted into

1 evidence, the so-called Wikileaks cables. However, an
2 examination of those cables shows just the opposite, that this
3 Court operates independently in accordance with its mandate. And
4 that it is not a puppet, though other people according to
16:18:31 5 Mr Taylor, indeed, were puppets.

6 In terms of any concern expressed by western countries
7 about Mr Taylor's effect on the stability of the subregion, such
8 concerns are merely an echo of the concerns raised by his fellow
9 African Presidents, and you have evidence of that before you.

16:18:56 10 Exhibit P-441, a statement of Nigeria in January of 1999, raises
11 concerns, and grave concern about the nefarious role played by
12 Liberia in relation to the events in Sierra Leone.

13 President Jerry Rawlings told a Liberian delegation that it was
14 disappointing that Liberia was now supporting rebels against the
16:19:25 15 peacekeepers that had helped you end its own civil war. And
16 President Rawlings said that Liberia's support for the RUF is a
17 stab in the back of countries contributing troops to ECOMOG.

18 Former President Obasanjo told a United Nations team that
19 Mr Taylor was the problem in the subregion and that is found at
16:19:49 20 P-44, paragraph 33, which was a 16 October 2000 document of the
21 United Nations.

22 President Gbagbo of Cote d'Ivoire told Moses Blah after
23 Moses Blah had assumed the presidency, he told him that
24 Charles Taylor saw Gbagbo's house on fire and added gas to the
16:20:14 25 fire and the fire started blazing everywhere in his country.

26 And if we could have a slide, please?

27 Now, on 5 November 2009, Mr Taylor told you that he was the
28 victim here, the victim of an intelligence setup. But, your
29 Honours, you have seen the victims here. They have come before

1 you in this courtroom and they have told you about what happened
2 in Sierra Leone as a result of Mr Taylor's choices, his actions
3 and his failures to act. They have come here as the victims of a
4 new breed of killer that Mr Taylor and his proxy forces created,
16:21:05 5 killers who knew no restraint and who were on the brink of
6 denying themselves and others the very notion of humanity. Those
7 are the victims in this case, not Mr Taylor.

8 If we could have the next slide, please?

9 The victims who came before you are victims, such as
16:21:27 10 Patrick Sheriff who told you, "Then my brother came to me and
11 said, 'Hey Pa Sheriff, I have come to die for you.' They cut off
12 all his ten fingers. When they finished they took those ten
13 fingers and they said Peleto was going to make a chain out of
14 them. Oh, Father God. When they put the fingers in the cup,
16:21:47 15 then they shot him. They shot him and he died on the spot and
16 they went. God will pay the promoters of these rebels in
17 Sierra Leone. God will bring judgment upon the promoters in this
18 country. All those who promoted the rebels in Sierra Leone,
19 those who have caused our suffering today."

16:22:06 20 God's justice is mysterious. Today, Charles Taylor appears
21 before you to face human justice. Through criminal proceedings
22 that have been most fair to him, decided by impartial and
23 independent judges on the basis of the evidence before you. Not
24 by the whim of a man with a gun or a machete or a man with an
16:22:32 25 insatiable greed for wealth and power. Today, Mr Taylor faces
26 human justice, based on your assessment of the evidence adduced
27 in this trial. The evidence that proves this accused is rightly
28 before you as the man most responsible for the crimes with which
29 he is charged. And the evidence proves beyond a reasonable doubt

1 that Mr Taylor is guilty of those crimes.

2 And, your Honours, the Prosecution ask you to so find.

3 That concludes our oral submissions and unless there are
4 questions, your Honours, we have nothing more.

16:23:12 5 PRESIDING JUDGE: Thank you, Ms Hollis. Allow me to
6 consult.

7 JUDGE SOW: I have a few questions for Mr Koumjian. At the
8 end of your presentation, page 163, you referred to Abu Keita,
9 and I have a problem with this kind of denominations between key
10 witnesses, inside witnesses, and all this. Why do you consider
11 Abu Keita or Varmuyan Sherif as insider witnesses, if you know
12 they were former generals of, let's call it as it is, enemies of
13 Taylor? So because you have in your final trial brief, you have
14 mentioned all these numbers, about 30 witnesses testifying about
16:23:53 15 arms being transported, 25 witnesses about diamonds and all these
16 things but I haven't seen anything about this classification
17 about insider witnesses and all this. If I - I put all my
18 questions and then you will answer.

19 The other thing is about diamonds being sent to the
16:24:50 20 accused. We have heard even from your presentation different
21 accounts about diamonds being given to the accused to buy
22 weapons, for safekeeping or just as a gift. So I need to know
23 really what this diamond was given for to the accused because it
24 doesn't make it very clear how all these diamonds were
16:25:24 25 transported from Sierra Leone to Liberia just for safekeeping.
26 Page 151, I have one question about this AB Sesay. You referred
27 to AB Sesay, and we heard this clip here today about this AB
28 Sesay and we have also a witness who came here, he testified
29 openly, his name was, let me make sure that I am not mistaken, he

1 testified openly and his name is Alimamy Bobson Sesay. Is it the
2 same person or are they different persons?

3 And you talk about the promotion of Sam Bockarie and
4 Johnny Paul Koroma. You said that the message came from the
16:26:25 5 accused and was conveyed to the promoted, meaning Sam Bockarie,
6 by Jungle. Is it your evidence in the - in this trial? Thank
7 you so much.

8 MR KOUMJIAN: Thank you very much, Justice, for the
9 questions. First regarding inside - well, let me deal with the
16:26:55 10 easiest one first. I've been referring to Alimamy Bobson Sesay
11 as AB Sesay probably because it's easier for me to pronounce it
12 that way but we are talking about the same person. He did not
13 appear in any clip that I played so I'm just a little confused
14 about that.

16:27:12 15 JUDGE SOW: But the clip refers to AB Sesay, a
16 Colonel AB Sesay.

17 MR KOUMJIAN: Different people, your Honour.

18 JUDGE SOW: Different people, okay.

19 JUDGE SEBUTINDE: Mr Koumjian, you might have misspoken you
16:27:36 20 might have meant FAT Sesay.

21 MR KOUMJIAN: If I did, yes. The person on the clip --
22 thank you very much, Justice Sebutinde. The radio clip, I think
23 perhaps this is the confusion because they have the same last
24 name or maybe I confused it but AB Sesay, Alimamy Bobson Sesay
16:27:53 25 testified in April of 2008 that FAT Sesay had called the
26 international radio from State House. The clip I played was
27 FAT Sesay, the man - and I believe one witness recognised the
28 voice - was FAT Sesay but it was - the point I was trying to make
29 was that Alimamy Bobson Sesay had pointed that out even before we

1 had the tape.

2 JUDGE SOW: Yes, but in the same clip when this FAT Sesay
3 was asked who was in charge he talked about this AB Sesay but if
4 you say it's the same person, it's okay.

16:28:34 5 MR KOU MJIAN: I believe in the entire broadcast, which
6 I didn't play, he said his commander at the scene is Brigadier
7 TAB Yaryah, PLO 2, when whom we know from evidence and documents
8 is Gullit, is Alex Tamba Brima. Regarding the question about
9 insider witnesses: Why do we consider somebody like Abu Keita or
16:28:58 10 Varmuyan Sherif insider witnesses. First of all, I don't know
11 when we adopted or who adopted that language. You will think -
12 I think all witnesses can be important but if your question is do
13 these witnesses have inside information all they were enemies of
14 Taylor, the answer is clearly yes, they were not enemies of
16:29:14 15 Taylor when they were in his forces. Varmuyan Sherif,
16 Charles Taylor said he made his assistant director of operations.
17 Abu Keita and Varmuyan Sherif both talked about personally,
18 direct Face to Face dealings with Charles Taylor where he was, in
19 the case of Abu Keita, when he was asked to go join the rebels in
16:29:38 20 Sierra Leone, there was a brief meeting, I believe, and
21 Varmuyan Sherif when he was asked to take ammunition that ULIMO
22 might have buried, that he'd been recovering for Taylor, to take
23 that to the RUF. There is no question that at that time
24 Varmuyan Sherif was part of Taylor's forces.

16:29:58 25 PRESIDING JUDGE: Let me interrupt, Mr Koumjian. Can you
26 do this in one minute or less because the tape is about to run
27 out.

28 MR KOU MJIAN: Real quickly, just as Charles Taylor has as
29 one of his counsel, a former leader of the LURD rebels,

1 Mr Supuwood, Charles Taylor is capable of turning an enemy into a
2 friend and vice versa very quickly. Just like Sam Bockarie was
3 his son and then he killed him. You can turn very quickly with
4 Charles Taylor. The one thing I was talking about today
16:30:30 5 regarding the promotion was the orders was a radio message at the
6 time of the Abidjan, where TF1-516, and I believe I cited another
7 witness, said that Sam Bockarie should take orders from --
8 Foday Sankoh said Sam Bockarie should takes orders from Taylor,
9 that's different from the promotion of Bockarie which is in our
16:30:49 10 brief. It's dealt with in our brief, but I don't have the
11 citation here with me right now.

12 There was one other question, I don't know if I have time
13 to deal with it but it was about the diamonds, what happened to
14 them, your Honours, our position is Charles Taylor was the
16:31:24 15 father, he was the ultimate owner, ultimate authority of the RUF.
16 When the RUF brought him diamonds, Charles Taylor decided what to
17 do - he would do with them. Sometimes he said he was keeping
18 them for Sankoh, sometimes he was getting them ammunition because
19 they didn't have the outside contacts, he did. And undoubtedly
16:31:43 20 he was profiting. Sometimes, he was giving it to his friends
21 obviously. Undoubtedly he was profiting from the diamonds
22 himself. He decided what he would do with them.

23 PRESIDING JUDGE: Thank you, Mr Koumjian, first of all
24 I want to ensure that that has answered all the points raised by
16:32:00 25 Justice Sow. As I understand there is a possibility other judges
26 may have questions but rather than waste time changing tapes
27 et cetera, for what may be a comparatively short number of
28 questions, we will encroach briefly on the time allocated to the
29 Defence tomorrow to deal with those. And I will therefore defer

1 any further questions and I will adjourn the Court till tomorrow
2 morning when those matters may be raised again. We will adjourn
3 till tomorrow at 9 o'clock.

4 [Whereupon the hearing adjourned at 4.33 p.m., to be
16:33:21 5 reconvened on Tuesday, the 9th day of February 2011,
6 at 9 a.m.]

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