



## U.C. Berkeley War Crimes Studies Center

### Sierra Leone Trial Monitoring Program

## Charles Taylor Monthly Trial Report (June 1, 2010—June 30, 2010)

By Elena Marrs

### 1. Overview

Trial Chamber II at the SCSL continued to hear evidence from Defense witnesses this month in the case against Charles Taylor. Proceedings were cut short at the end of the month (June 28 – July 2), when the Defense team asked the Trial Chamber to take an unscheduled break, because the Defense was unable to produce a witness for this interval (they cited scheduling conflicts and logistical issues). The Trial Chamber resumed its usual schedule on July 5.

The following witnesses testified during this reporting period:

- 1) DCT-292—former executive member of the RUF
- 2) DCT-224, Annie Yeney—former NPFL member
- 3) DCT-190—former member of ULIMO-J
- 4) DCT-213, Aleatha Korto Hoff—Liberian businesswoman
- 5) DCT-285, Regina Mehn Dogolea—widow of Taylor’s former Vice President, Enoch Dogolea
- 6) DCT-131, Isatu Kallon (“Mammie I”)—key RUF member

This report summarizes witness testimony heard during the month of June and identifies important issues that have arisen at trial. As with previous WCSC monitoring reports, it is available at [http://socrates.berkeley.edu/~warcrime/SL\\_Monitoring\\_Reports.htm](http://socrates.berkeley.edu/~warcrime/SL_Monitoring_Reports.htm).

### 2. Defense Themes and Strategies

This month’s group of witnesses included three insider witnesses (DCT-292, DCT-190, DCT-131) and three impeachment witnesses (DCT-224, DCT-213, DCT-285). The most comprehensive insider testimony came from Isatu Kallon (“Mammie I”), arguably one of the logistical founders of the RUF through her efforts in recruiting fighters in Liberia and procuring resources for RUF trainees at Camp Naama. The Defense’s strategy under direct examination was to portray Kallon as a high-ranked RUF member and a close confidante to Foday Sankoh—thus intimately familiar with RUF efforts and goals—who would have necessarily been aware of any support for the RUF coming from Taylor. The Witness consistently denied being aware of any connection between Taylor and the RUF.

The Defense also focused its efforts on impeaching a key Prosecution witness, Joseph “Zig Zag” Marzah, by eliciting evidence from two NPFL-connected witnesses. Regina

Mehn Dogolea—widow of Taylor’s former Vice President, Enoch Dogolea—maintained in her testimony that her husband’s death was the result of prolonged illness, and not of torture administered at Taylor’s orders as Marzah had alleged. Another witness, Annie Yene, also vehemently denied Marzah’s claim that she engaged in cannibalism with Taylor by taking part in an “assassination of character” ritual involving cooking and eating the liver of her brother-in-law. In fact, she told the Court, it was Marzah’s practice to eat human beings, and he made this practice public in a desire to intimidate enemies.

### **3. Prosecution Themes and Strategies**

The Prosecution continued to attack witness credibility through cross-examination, insinuating that each witness’ unstated support for Taylor motivated their testimony, rendering the witnesses biased and unreliable. The Prosecution also questioned witnesses about whether they had followed previous witness testimony, suggested that the witnesses were merely adding related details to their own testimony, and probed whether witnesses had received input of the Defense team in building their testimony. Also during this reporting period, the Prosecution successfully argued for disclosure of witness statements from Defense witness DCT-190. On cross-examination, the Prosecution made ample use of the statements to impeach DCT-190, successfully in many cases.

### **4. Legal and Procedural Issues**

#### *a. Trial Chamber’s Sitting Hours*

In late March 2010, Lead Defense Counsel, Courtenay Griffiths, QC, approached the Registrar about possibly extending the Court’s sitting hours in order to maximize the time available and expedite the trial. After consulting with the Prosecution as well, the Trial Chamber adopted a revised sitting schedule that consisted of beginning the proceedings at 9:00 a.m. instead of 9:30 a.m., from Monday to Friday; on Friday, however, the day was shortened by half an hour, ending at 1:00 p.m. instead of 1:30 p.m. The revised schedule allowed for a total of two additional sitting hours per week.

On June 17, 2010, however, Griffiths made an oral application for the Trial Chamber to revert to its former sitting hours. Griffiths described his earlier request to the Registrar as a mistake that negatively impacted the fair discharge of justice. Griffiths submitted, *inter alia*,

- (1) that the new schedule had been arrived at without prior consultation of the main stakeholders, such as court reporters and interpreters, who could not cope with the additional sitting time;
- (2) that the new sitting schedule was causing witness fatigue, as witnesses had to rise earlier in order to make it to court on time;
- (3) that the Accused was unable to collect his thoughts in the morning; and
- (4) that Defense counsel were unable to take instructions from their client at the beginning of the day.

The Prosecution raised no objection to the new schedule and indicated their willingness to abide by the Trial Chamber’s decision.

In ruling on the Defense's application, the Trial Chamber first noted the substantial changes taken by the Registrar following the Chamber's adoption of the revised sitting hours, which notably included hiring sixteen additional court reporters. Secondly, the Trial Chamber pointed out that since implementing the new sitting schedule it had not received any complaints from WVS (the unit responsible for the welfare of witnesses), or from detention authorities in relation to their ability to transport the accused to and from the Court on time. Lastly, the Trial Chamber took into account the fact that the new schedule did allow the parties some time at the end of the day for consultation with the Accused or with witnesses, and for preparation for cross-examination. Thus, by a majority, with Justice Doherty dissenting, the Trial Chamber found no merit in the concerns raised by the Defense and held that the new sitting hours were consistent with the Trial Chamber's duty to conduct a fair and expeditious trial under Rule 26.<sup>1</sup>

*b. Disclosure of DCT-190's Witness Statements*

At the completion of the direct examination of witness DCT-190 (former ULIMO-J member who testified under partial protection measures), Lead Prosecutor, Brenda Hollis, raised an objection to the summary of the Witness' testimony, which was to serve as a basis for cross-examination. Hollis challenged the adequacy of the summary, qualifying it as not only "grossly inadequate," but also "bordering on bad faith." More specifically, she pointed to the briefness of the summary and to discrepancies between the summary and the actual testimony. In order to remedy the issue, the Prosecution requested that the Trial Chamber order the Defense to disclose the witness' statements. Furthermore, the Prosecution indicated that, due to the unanticipated nature of the issues raised in the testimony, it would need additional time to prepare for cross-examination.<sup>2</sup>

Lead Defense Counsel, Courtenay Griffiths, QC, adamantly denied bad faith but acknowledged that the summary was indeed inadequate. He told the Trial Chamber that a more accurate summary had been prepared but was brought to his attention too late for him to be able to make it available to the Prosecution. However, Griffiths asked the Trial Chamber to deny the Prosecution's request for the witness' statements, characterizing it as "fishing expedition."<sup>3</sup>

In its decision, the Trial Chamber agreed with the Prosecution that the witness summary was grossly inadequate, and that the summary and the testimony were at variance. The Trial Chamber thus concluded that the Prosecution would be unduly prejudiced if they did not receive the Witness' statements<sup>4</sup> and ordered their immediate disclosure. Furthermore, the Court granted Prosecution's request for a postponement in the cross-examination of DCT-190.<sup>5</sup>

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<sup>1</sup> Rule 26*bis* provides: "The Trial Chamber and the Appeals Chamber shall ensure that a trial is fair and expeditious and that proceedings before the Special Court are conducted in accordance with the Agreement, the Statute and the Rules, with full respect for the rights of the accused and due regard for the protection of victims and witnesses." Rules, Rule 26*bis*.

<sup>2</sup> *Taylor*, Trial Transcript, June 1, 2010, pg. 55 (lines 11-13).

<sup>3</sup> *Id.*

<sup>4</sup> Witness' statements were dated October 21, 2009; May 6, 2010; and June 6, 2010, respectively. *Taylor*, Trial Transcript, June 25, 2010, pg. 23 (lines 25-26).

<sup>5</sup> *Taylor*, Trial Transcript, June 1, 2010, pg. 55 (lines 11-13).

*c. Previously Adjudicated Facts from RUF Trial Judgment*

On June 17, 2010, the Trial Chamber issued its “Decision on Defense Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgment Pursuant to Rule 94(B) and Prosecution Motion for Judicial Notice of Adjudicated Facts from the RUF Judgment.”<sup>6</sup> By a majority, the justices found that neither motion was an appropriate case for the exercise of the Trial Chamber’s discretion to take judicial notice pursuant to Rule 94(B), and thus dismissed both motions. Justice Sebutinde appended a separate and partially dissenting opinion.

The Trial Chamber prefaced its decision by noting that Rule 94(B) provides only that the Chamber “may” decide to take judicial notice, in consequence making the power to take judicial notice of adjudicated facts a matter for the exercise of the Trial Chamber’s discretion.<sup>7</sup> This discretion, in turn, involves careful balancing of considerations of judicial economy and consistency of case law, on one side, and the fundamental right of the accused to a fair trial, on the other.<sup>8</sup> In stressing the importance of judicial economy, the Special Court has held:

the overriding consideration is whether taking judicial notice of the said fact will promote judicial economy while ensuring that the trial is fair, public and expeditious. Other relevant factors in such a determination include: the stage of proceedings at the time the Application is brought; the volume of evidence already led by the parties in respect of the proposed adjudicated facts; whether the proposed adjudicated facts go to issues central to the present case; and the nature of the proposed adjudicated facts, including whether they are over-broad, tendentious, conclusory, too detailed, so numerous as to place a disproportionate burden on the opposing party to rebut the facts, or repetitive of evidence already heard in the case.<sup>9</sup>

The Trial Chamber focused on timing considerations, noting that both parties filed their motions at a late stage in the proceedings, namely, after the close of the Prosecution case, and after the Accused and several Defense witnesses had testified.<sup>10</sup> While acknowledging that neither motion could have been filed prior to October 26, 2009, the date of the RUF Appeals Judgment, the Trial Chamber emphasized that five months had elapsed between the issuance of the Appeals Judgment and the filing of the motions.<sup>11</sup>

In the Trial Chamber’s view, the late filing of the Defense motion unfairly disadvantaged the Prosecution in its ability to challenge any adjudicated fact that might be judicially

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<sup>6</sup> *Taylor*, Case No. SCSL-03-01-T-29163-29192, “Decision on Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement Pursuant to Rule 94(B) and Prosecution Motion for Judicial Notice of Adjudicated Facts from the RUF Judgement,” 17 June 2010 [hereinafter “Decision on the Motions for Judicial Notice of Adjudicated Facts”]

<sup>7</sup> Decision on the Motions for Judicial Notice of Adjudicated Facts, ¶ 24.

<sup>8</sup> *Id.* at ¶ 26.

<sup>9</sup> *Taylor* Decision on AFRC Adjudicated Facts, ¶ 29; Sesay Decision on Adjudicated Facts, ¶ 21.

<sup>10</sup> Decision on the Motions for Judicial Notice of Adjudicated Facts, ¶ 29.

<sup>11</sup> *Id.*

noticed since the Prosecution had already presented its entire case and had cross-examined the Accused as well as other Defense witnesses.<sup>12</sup> Similarly, with regard to the Prosecution motion, the Trial Chamber emphasized that the Defense had already cross-examined all of the Prosecution witnesses, and called several witnesses, including the Accused. In both instances, the Trial Chamber noted, the exercise of judicial discretion in taking judicial notice of previously adjudicated facts would adversely affect the promotion of judicial economy, given that, in all likelihood, the Prosecution would apply to call rebuttal evidence and the Defense would need to call additional witnesses or conduct further investigations. Thus, considerations of fairness and economy ultimately caused the justices to reject both motions in full.

In her separate dissenting opinion, Justice Sebutinde endorsed the majority conclusion that the Prosecution motion should be dismissed, albeit on different grounds.<sup>13</sup> However, Justice Sebutinde disagreed with the majority decision on the Defense motion, maintaining that she did not consider it to have been filed at a late stage in the proceedings, and that a potential affirmative ruling on the motion would not unfairly disadvantage the Prosecution in its ability to challenge any adjudicated facts that might be judicially noticed. Justice Sebutinde thus submitted that the Defense motion should not be summarily dismissed but rather determined on its merits in accordance with applicable legal criteria.<sup>14</sup> Lastly, Justice Sebutinde stressed that considerations of judicial economy should in no instance outweigh the rights of the Accused to a fair and expeditious trial as guaranteed under the SCSL Statute.<sup>15</sup>

#### *d. Decision on Motion to Call Three Additional Witnesses*

On June 29, 2010, the Trial Chamber granted the Prosecution's request to re-open its case in order to call three additional witnesses, Naomi Campbell, Carol White, and Mia Farrow.<sup>16</sup> The Trial Chamber found the request to be an appropriate case for the exercise of its discretion, in that the probative value of the proposed fresh evidence was not substantially outweighed by the need to ensure a fair trial.

In its motion to call three additional witnesses, filed on May 20, 2010, the Prosecution submitted that it should be permitted to re-open its case and call the additional witnesses as: (1) no information about the alleged diamond gift was known to the Prosecution until June 2009, thus it could not be faulted for failing to obtain the evidence before the close of its case; (2) the proposed evidence is highly probative and material

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<sup>12</sup> *Id.* at ¶ 30.

<sup>13</sup> Justice Sebutinde emphasized, *inter alia*, (1) that the Prosecution filed its Motion one year after formally closing its case-in-chief, and out of the order of presentation of evidence, while the Defense is still in the early stages of presenting its evidence; (2) that the Prosecution Motion was largely filed in reaction to and conditional upon the outcome of the Defense Motion rather than out of a genuine desire or need by the Prosecution to introduce fresh or additional evidence; (3) that the need to "*provide a more complete and balanced picture*" of the evidence adduced by the parties is not a criterion that is considered by the Trial Chamber in the exercise of its discretion under Rule 94 (B). Decision on the Motions for Judicial Notice of Adjudicated Facts, Separate and Partially Dissenting Opinion of Justice Sebutinde, ¶¶ 4-6.

<sup>14</sup> *Id.* at ¶ 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Taylor*, Case No. SCSL-03-01-T-993, "Decision on Public with Confidential Annexes A and B Prosecution Motion to Call Three Additional Witnesses," 29 June 2009 [hereinafter "Additional Witnesses Decision"].

to the indictment, contradicting the Accused's testimony that he never possessed rough-diamonds; (3) there are no fairness considerations which substantially outweigh the significant contribution of this evidence to the Prosecution case, with the Defense having been on notice of the alleged gift since December 2009 when Farrow's declaration was disclosed; and (4) granting the motion would not unduly prolong the trial, as the Prosecution could complete the examination-in-chief of all three witnesses within one court day.<sup>17</sup>

In the alternative, the Prosecution requested to present the proposed evidence in rebuttal as: (1) it directly rebuts Defense evidence which unexpectedly arose during the presentation of the Defense case-in-chief and which could not have been reasonably anticipated by the Prosecution; and (ii) it has significant probative value.<sup>18</sup>

In its response, the Defense opposed both of the Prosecution's scenarios. The Defense submitted that the Prosecution had no legal basis upon which to re-open its case, as the Prosecution failed to exercise reasonable diligence in investigating all likely relevant evidence before the close of its case, instead relying on "luck in receiving tips" for additional evidence.<sup>19</sup> Furthermore, the Defense characterized the anticipated evidence as inconsistent, highly prejudicial, and tangential to the real issues in the case, concluding that it is of little probative value and outweighed by prejudice to the Accused.<sup>20</sup> Moreover, the Defense pointed out to the late stage of the proceedings, the delay likely to be caused by an affirmative ruling, and the need for finality as additional factors that weighed against granting the Prosecution's motion.<sup>21</sup>

The Defense also opposed the alternative of having the Prosecution present the evidence in rebuttal. To this end, the Defense invoked several procedural arguments, namely (1) that rebuttal evidence may be admitted only to address a new issue and the issues in question are not new or unforeseeable; (2) that rebuttal evidence cannot be used to challenge the credibility of a witness; and (3) that the proposed evidence is completely lacking in probative value.<sup>22</sup>

The Trial Chamber prefaced its decision with a discussion of the procedural canons governing the order of presentation of evidence in a trial laid out in Rule 85(A), which provides:

- (A) Each party is entitled to call witnesses and present evidence. Unless otherwise directed by the Trial Chamber in the interests of justice, evidence at the trial shall be presented in the following sequence:
  - (i) Evidence for the Prosecution;
  - (ii) Evidence for the Defense;
  - (iii) Prosecution evidence in rebuttal, with leave of the Trial Chamber;
  - (iv) Evidence ordered by the Trial Chamber.

The Trial Chamber emphasized that Rule 85(A) affords the Trial Chamber discretion to

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<sup>17</sup> Additional Witnesses Decision, ¶ 1.

<sup>18</sup> *Id.*

<sup>19</sup> Additional Witnesses Decision, ¶ 3.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Additional Witnesses Decision, ¶ 4.

vary from the chronology above if it is in the interests of justice to do so. In this regard, it relied on precedent established by the ICTY Appeals Chamber, which invoked a similar ICTY Rule<sup>23</sup> when establishing the two criteria that govern a Trial Chamber's decision to exercise its discretion in admitting fresh evidence. These criteria are:

- (1) the party requesting leave to re-open its case must meet the threshold test of establishing that the evidence could not, with reasonable diligence, have been obtained and presented during its case in chief;
- (2) the Trial Chamber must be of the view that the probative value of the evidence is not substantially outweighed by the need to ensure a fair trial.<sup>24</sup>

The ICTY Appeals Chamber also defined "fresh evidence" as:

not merely as evidence that was not in fact in the possession of the Prosecution at the time of the conclusion of its case, but as evidence which by the exercise of reasonable diligence could not have been obtained by the Prosecution at that time.<sup>25</sup>

Lastly, the Trial Chamber noted that the burden of proving that the new evidence could not have been obtained with the exercise of reasonable diligence before the close of its case rests solely on the Prosecution.<sup>26</sup>

The Trial Chamber was persuaded that the Prosecution had not only shown that it could not, with reasonable diligence, have obtained and presented the fresh evidence during its case-in-chief, but that it had also acted with reasonable diligence to obtain such evidence by attempting to contact Campbell numerous times.<sup>27</sup> The Trial Chamber thus characterized as "unreasonable" the Defense's proposition that the Prosecution should have been aware of the investigative significance of Taylor's visit to South Africa as it should have looked closely at the circumstances of all external travels made by Taylor during the indictment period.<sup>28</sup>

Having looked at the preliminary information furnished by Farrow and White, the Trial Chamber was also satisfied that the proposed fresh evidence was highly probative and material to the indictment.<sup>29</sup> On the question of fairness to the Accused, the Trial Chamber noted that the Defense could not claim that it had been taken by surprise by the proposed fresh evidence, since Farrow's declaration was disclosed to the Defense on December 4, 2009, and White's evidence became known to the Defense even before it did to the Prosecution.<sup>30</sup> Furthermore, the Trial Chamber pointed out that the Defense would have the opportunity to test the evidence of the proposed witnesses by cross-examination and could even apply for time to make further investigations and call further

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<sup>23</sup> Rule 89(D) provides: "A Chamber may exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial." ICTY Rules, Rule 89(D).

<sup>24</sup> *Prosecution v. Delalić et al.*, IT-96-21-A, Judgment, 20 February 2001 ("*Čelebići* Appeal Judgement"), ¶ 283.

<sup>25</sup> *Prosecutor v. Delalić et al.*, IT-96-21-T, Decision on the Prosecution's Alternative Request to Reopen the Prosecution's Case, 19 August 1998, ¶ 26; affirmed in the *Čelebići* Appeal Judgement, ¶ 286.

<sup>26</sup> Additional Witnesses Decision, ¶ 14.

<sup>27</sup> *Id.* at ¶ 17.

<sup>28</sup> *Id.* at ¶ 16.

<sup>29</sup> *Id.* at ¶ 18.

<sup>30</sup> *Id.* at ¶ 19.

evidence, if necessary.<sup>31</sup>

Accordingly, the Trial Chamber granted the Prosecution's request to re-open its case by calling the three additional witnesses.

*e. Decision on Motion for the Issuance of a Subpoena to Naomi Campbell*

On June 30, 2010, the Trial Chamber ruled affirmatively on the Prosecution's motion seeking to compel Campbell's appearance before the Trial Chamber to give testimony regarding an alleged diamond gift from the Accused in South Africa in September 1997.<sup>32</sup> Procedurally, the Trial Chamber agreed with the Prosecution in that there is at least a good chance that Campbell's anticipated evidence will be of material assistance to the Prosecution's case, and that therefore the "legitimate forensic purpose" requirement under Rule 54<sup>33</sup> of the Rules has been satisfied.<sup>34</sup>

Substantively, the Trial Chamber was persuaded that Campbell's anticipated testimony is highly probative and material to the indictment as it is direct evidence of the Accused's possession of rough diamonds—a matter going to the heart of the joint criminal enterprise allegation and something which Taylor denies—given by a witness unrelated to the Sierra Leonean or Liberian conflicts.<sup>35</sup> If Campbell's account meets Prosecution's expectations, it will offer support for the Prosecution thesis that the Accused received diamonds from the AFRC/RUF Junta during the indictment period, which he subsequently used to purchase arms from Burkina Faso that were delivered to the Sierra Leone Junta at the Magburaka airfield in October 1997.

The Trial Chamber therefore directed the Prosecution to submit a draft subpoena with sufficient information in order to ensure the issuance of an official subpoena by the Trial Chamber, who also requested the assistance of responsible authorities of Campbell's state of residence in enforcing the order.<sup>36</sup>

*f. Taylor's Absence from Court*

Taylor was absent from Court on Wednesday, June 9, 2010, for undisclosed reasons. He waived his right to be present, and proceedings continued as scheduled.

## **5. Witness Testimony**

*a. DCT-292*

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<sup>31</sup> *Id.*

<sup>32</sup> *Taylor*, Case No. SCSL-03-01-T-996, "Decision on Prosecution Motion for the Issuance of a Subpoena to Naomi Campbell," 30 June 2009 [hereinafter "Campbell Decision"]. For a detailed description of the motion and the Defense response, see Easterday and Marrs, Charles Taylor Monthly Trial Report (May 1, 2010 – May 31, 2010), UC Berkeley War Crimes Studies Center, pg. 6.

<sup>33</sup> Rule 54 provides: "At the request of either party or of its own motion, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial." Rules, Rule 54.

<sup>34</sup> Campbell Decision, pg. 2.

<sup>35</sup> *Id.* at pg. 6.

<sup>36</sup> *Id.* at pgs. 6-7.



The thirteenth Defense witness, DCT-292, is a former executive member of the RUF. He is of Sierra Leonean origin, but resided in Liberia during the 1980s, having been granted a working permit. He testified in English, under partial protective measures.

*i. Recruitment into the RUF*

The Witness testified that he was in Liberia when Taylor launched his insurgency, and was subsequently arrested by NPFL rebels due to the support provided by the government of Sierra Leone to the Economic Community of West African States Monitoring Group (ECOMOG) peacekeeping forces in their fight against the NPFL. He further told the Court that an individual called Pa Morlai, whom he later came to know as RUF leader Foday Sankoh, freed him and other Sierra Leoneans who had been arrested on the same grounds from rebel custody and took them to a training base located at Camp Naama. Being one of the few literates in the camp, the Witness was chosen to teach RUF's ideological tenets to trainees, the chief of which, he insisted, was the non-violent treatment of civilians. Nevertheless, DCT-292 said, RUF's invasion of Sierra Leone in 1991 caused many civilian deaths. This, the Witness testified, brought the troops' leader, Foday Sankoh, to the point of tears: "He prayed, and what I saw, he started crying for a number of people that were killed at the initial point."<sup>37</sup>

*ii. Ammunition purchase from ECOMOG*

The Witness told the Court that towards the end of 1996, while he and Foday Sankoh were at Abidjan, Ivory Coast, to discuss a potential peace accord, the RUF leader sent him on a mission to Liberia to purchase \$30,000 worth of arms and ammunition for the RUF from an ECOMOG officer. The purchase was to be facilitated by an NPFL member, Saye Boayue, who traveled with the Witness to offer protection at checkpoints. According to the Witness, even though he delivered the money to the ECOMOG contact, the deal never came to fruition as the officer failed to deliver the arms and ammunition. The Witness claimed that after the mission's failure, he decided to remain in Liberia when Sam Bockarie informed him that Foday Sankoh told RUF troops that he had actually embezzled the money. However, he vehemently denied having taken the money and told the Court that, fearing for his life, he remained in exile until the end of 1999 when Foday Sankoh personally asked him to rejoin the RUF.

*Cross-examination*

*i. RUF use of diamonds*

The first point pursued by the Prosecution was the fate of the diamonds extracted by the RUF in the late 1990s. The Witness testified that, following the incarceration of Foday Sankoh in Nigeria, Issa Hassan Sesay<sup>38</sup> became the interim leader of the RUF and claimed all of the diamonds, promising that he would give them to Foday Sankoh upon his release. Thus, even though Sierra Leoneans were initially told that one of RUF's central aims was to bring better distribution of the country's abundant resources, the Witness told the Court that this in effect never happened: "I did not see any benefit,

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<sup>37</sup> *Taylor*, Trial Transcript, June 1, 2010, pg. 55 (lines 11-13).

<sup>38</sup> Sesay is now serving a sentence of 52 years imprisonment in a Rwandan jail after being convicted for war crimes, crimes against humanity, and other violations of international humanitarian law in Sierra Leone from 1996 to 2002.

there was no benefit for the people of Sierra Leone.”<sup>39</sup>

*ii. NPFL involvement with the RUF*

The Witness testified that the NPFL troops who defected and entered Sierra Leone to help the RUF did so on their own initiative and not at Taylor’s direction. The Witness listed NPFL commanders Anthony Menkunagbe, Dupoe Menkazohn, Francis Menwon, and Nixon Gaye as several examples of NPFL rebels who left Liberia to help the RUF in Sierra Leone. The Witness told the Court that when he was informed of the atrocities committed by NPFL fighters—who allegedly harassed, killed and even ate civilians—he repeatedly asked Foday Sankoh to contact Taylor and ask him to order the NPFL elements out of Sierra Leone. Nevertheless, the Witness carefully avoided naming Taylor as the troops’ de facto leader, telling the Judges, “When they came, the title they brought – Charles Taylor was responsible for NPFL. [But] the people that were causing the problem, they said it was never the – I mean, they were not under the supervision. So I came to conclude that it was not Charles Taylor that sent these people.”<sup>40</sup> He claimed that he suggested that Taylor be contacted because he believed that Taylor’s leadership position would allow him to exert influence over the Liberian soldiers. This prompted the Prosecution to point out that at the time the interim president of Liberia was Amos Sawyer, who, following the Witness’s argument, would have had more authority over Liberian citizens maltreating foreign civilians than Taylor but that nevertheless, neither the Witness nor Sankoh considered approaching Sawyer with their request.

*iii. Contradiction of Taylor’s testimony*

The Prosecution attempted to demonstrate Taylor’s involvement with the RUF by interrogating the Witness regarding Sam Bockarie’s relationship with the Accused. The Witness testified that in December 1999 Sam Bockarie defected from the RUF and left for Liberia with a number of rebels loyal to him. They were allegedly granted Liberian citizenship and were drafted into Taylor’s security forces. Shortly afterwards, the Witness claimed to have joined Issa Sesay, then interim leader of the RUF, as a delegate to a meeting with Taylor to discuss peace possibilities in south-western Africa. It was at this meeting, the Witness testified, that Taylor asked Sam Bockarie and Issa Sesay to remedy the schism between them so that the former could return to Sierra Leone. This account of the meeting directly contradicted Taylor’s testimony in which he stated that he never suggested that Issa Sesay should take Sam Bockarie back to Sierra Leone.

*b. DCT-292*

The fourteenth Defense witness, Annie Yeney, was born in 1952 and belongs to the Gio ethnic group. A former NPFL member, she is a merchant by profession. The Witness testified in English.

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<sup>39</sup> *Taylor*, Trial Transcript, June 1, 2010, pg. 114 (lines 12-13).

<sup>40</sup> *Taylor*, Trial Transcript, June 2, 2010, pg. 61 (lines 1-6).

*i. NPFL membership*

The Witness told the Court that upon NPFL's invasion of Liberia in 1989, she joined the rebels willingly, on account of President Doe's harsh treatment of people from Nimba County in the aftermath of Quiwonkpa's failed 1985 coup d'état. Yeney further claimed that her hometown in Nimba County welcomed the NPFL troops, and even offered them food. Due to her nursing background, she was recruited as a paramedic to care for wounded troops. Later on, the Witness allegedly enjoyed a privileged position within the NPFL, having personal contact with Taylor and being named president of the market association in Gbarnga, which managed markets in all NPFL-controlled areas.

*ii. Testimony of Joseph "Zig Zag" Marzah*

The Witness testified that she personally knew Joseph "Zig Zag" Marzah, who originated from a village neighboring her hometown. Her account of Marzah appeared to corroborate that of Defense witness Timan Edward Zaymay, both of them having depicted Marzah as mentally ill and addicted to drugs. Marzah, a key Prosecution witness, told the Court that Yeney cooked the liver of her brother-in-law, Sam Dokie, in an "assassination of character" ceremony and served it to Taylor. The Witness vehemently denied these allegations and was visibly affected by the portion of her testimony recalling Dokie's assassination as her sister, Dokie's wife, was also killed alongside her husband. Yeney testified that when the bodies were returned to the family, they were asked not to open the caskets because the bodies had allegedly been burned. The Witness further indicated that although Benjamin Yeaten and Marzah were investigated in the murders, they were never convicted.

*Cross-examination*

Under cross-examination, Prosecution counsel portrayed Yeney as a highly loyal supporter of Taylor, who was appointed president of the marketing association as a reward for her loyalty. By attempting to demonstrate such bias, the Prosecution sought to impeach the Witness' testimony.

*i. Sam Dokie's death*

Prosecutors allege that Dokie's assassination was the consequence of his attempt to defect from Taylor's leadership and form a rival NPFL faction. However, when asked whether these allegations were true, the Witness told the Court that she was not aware of any such plans.

The Witness also refuted claims that it was her loyalty to Taylor that motivated her decision to testify. Instead, she told the Court that she agreed to come in order to personally contradict Marzah's account of her taking part in a cannibalistic ritual involving her deceased brother-in-law, Sam Dokie.

*c. DCT-190*

The fifteenth Defense witness, DCT-190, is of Sierra Leonean descent but was born in Monrovia, Liberia. He belongs to the Mende and Mandingo ethnic groups. After NPFL's initial attack on Liberia, his family's ethnic background forced them to flee to Sierra Leone. There, the Witness was recruited into the Liberians United Democratic Forces

(LUDF), which later evolved into the United Liberation Movement for Democracy in Liberia (ULIMO-J). The Witness testified in English, under partial protective measures.

*i. First attempt to overthrow Taylor's government*

The Witness testified that in 1998 ULIMO-J, which the Witness was then a part of, entered Liberia with the goal of overthrowing Taylor's government. The Witness told the Court that the operation received the support of ECOMOG, which provided ULIMO-J with arms, ammunition, and vehicles. ULIMO-J's first objective was to take the Barclay Training Center in Monrovia, the Witness claimed, and thus secure enough arms and ammunition to overthrow the Taylor government. However, the operation failed and ULIMO-J's commander, Roosevelt Johnson, sought refuge with the United States Embassy in Monrovia.

*ii. Second attempt to overthrow Taylor's government: Operation Eagle*

The Witness testified that in 2000, along with several other ULIMO-J leaders, he was part of a meeting during which a second plan to overthrow Taylor—Operation Eagle—was devised. The Witness claimed that the following individuals were present at the meeting: Dr. Vamba Kanneh (Liberian), Councilor Janneh (Liberian), and Councilor Supuwood (a Liberian ex-NPFL member and a member of Taylor's current Defense team). Another meeting allegedly followed, during which the Witness allegedly became aware of the involvement of an American-based group, New Horizon, which financed the operation. New Horizon, the Witness told the Court, was composed of Liberians living in the United States, including current Liberian president, Ellen Johnson-Sirleaf. The Witness testified that while he did not personally meet Sirleaf, he was told that she was influential member of the group. According to the Witness, Operation Eagle was aborted in its planning stages because Taylor became aware of the plot.

*iii. Third attempt to overthrow Taylor's government: Operation LURD*

The Witness told the Court that after the failure of Operation Eagle, the troops recruited for its purpose were told to leave for Guinea since a disarmament accord had been reached in Sierra Leone and they would have had to surrender their arms. The movement to Guinea was gradual in order to avoid detection by the government, the Witness said. Efforts were allegedly made to increase troop numbers, with recruitment done mainly among former CDF and RUF combatants, and some West Side Boys who showed interest in the operation. According to the Witness, approximately 2,000 soldiers were eventually stationed at Nzerekore, Guinea. The operation became known as Liberians United for Reconciliation and Democracy (LURD), and was led by Sekou Damate Konneh. The Witness told the Court that the Guinean government was not only aware of LURD presence within the country's borders, but also supported its goals. Furthermore, the Witness indicated that members of the government of Sierra Leone were also complicit in the operation, including high-ranking officials such as Sierra Leone Vice President Albert Joe Demby. According to the Witness, LURD could not attack Liberia from Guinea without a pretext, thus it orchestrated a sham attack on Guinea from Liberia (operation "Mosquito Spray") intended to justify LURD's efforts internationally. Around 1999-2000, the Witness testified, LURD's attack on Liberia commenced, with the Guinean army providing artillery cover.

#### *iv. Implication of former SCSL Prosecutor David Crane*

In a controversial development, the Witness told the Court that former Special Court for Sierra Leone Chief Prosecutor, David Crane, established contact with LURD leader Sekou Damate Konneh, asking him to ensure that Taylor would not be killed but instead surrendered to international forces, and to provide information on the whereabouts of Sam Bockarie and Johnny Paul Koroma. The Witness did not provide an exact timeframe for the alleged contact, indicating only that it happened the same year that Taylor left Liberia, when LURD troops had been into the operation for three to four months. According to public records, the Special Court for Sierra Leone unsealed its indictment in June 2003 and Taylor resigned as President of Liberia in August 2003. Crane allegedly provided the Witness and a few others with \$1,000 (to be divided amongst all of them) and a cell phone to keep him informed on the search for Johnny Paul Koroma and Sam Bockarie. The Witness told the Court that it was an ex Anti-Terrorist Unit fighter, “the Senegalese,” who eventually informed them of the deaths of both Koroma and Bockarie. Koroma was allegedly killed while attempting to cross from Sierra Leone into Lofa County, Liberia, following a fight with a group of soldiers that ensued when he failed to properly identify himself. The Witness testified that Bockarie died in a similar scenario, having been killed at the border between Liberia and Ivory Coast for failing to take orders from his superior officers.

#### *Cross-examination*

Cross-examination of DCT-190 resumed on June 25, 2010. Earlier in the month, the cross-examination was paused after the Court ordered the Defense to disclose the Witness’ statements to the Prosecution. The statements were taken on October 21, 2009, May 6, 2010, and June 6, 2010, respectively. The Witness strongly supported the version of events given under direct examination and attributed the discrepancies between his testimony and the statements to mistakes or misunderstandings between him and the Defense team. Prosecution counsel, however, pointed out that when directly asked whether he had checked the statements, the Witness had indicated that he did so and that “they were right.”<sup>41</sup> In response, the Witness denied having told the Court that he checked the statements, qualifying his earlier statement in that he was never actually given the final version for confirmation: “I told you after making this statement with my lawyers, they explained back to me. I never told you I checked through. They never gave it to me personally to read.”<sup>42</sup> He also resisted suggestions that he manipulated facts because he did not want to incriminate Taylor. The exchanges between the Prosecution and the Witness became contentious at times, forcing the Justices to intervene in order to clarify the issues and move the examination along.

#### *i. RUF attack on Guinea*

Prosecution Counsel pointed out that in his statement from June 6, 2010, taken by Lead Defense Counsel Griffiths, the Witness had indicated that LURD forces fought attacks by RUF rebels in the Guinean town of Gekeidou. The Witness denied having told

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<sup>41</sup> *Taylor*, Trial Transcript, June 25, 2010, pg. 31 (line 4).

<sup>42</sup> *Taylor*, Trial Transcript, June 24, 2010, pg. 31 (lines 18-21).

Griffiths this, insisting instead that a misunderstanding was to blame for the alleged statement. He added that by that time RUF had disarmed, thus it could not have attacked Guinea. Prosecutors have maintained that while Taylor served as president of Liberia, he sent RUF fighters to attack Guinea.

*ii. NPFL support for the RUF*

Prosecution counsel further pointed out that in his written statements to the Defense lawyers, the Witness had indicated that in 1992 NPFL fighters backed RUF rebels in attacking the southern town of Pujehun in Sierra Leone. However, under cross-examination on June 10, 2010, the Witness told the Court that he had never stated that NPFL elements assisted the RUF. Prosecution counsel submitted that the Witness was effectively contradicting everything he had told the Court so far. In response, the Witness said he was not very “convenient” with the written statement, and maintained that he had never told Griffiths that. He added that he was not influenced in his testimony by any loyalty to Taylor as that was the first time he ever saw him.

*iii. Implication of former SCSL Prosecutor David Crane*

Based on one of the witness’ statements dated October 21, 2010, the Prosecution maintained that it was the Defense team who had in fact suggested during the interview that former SCSL Prosecutor David Crane contacted Mohamed Tarrawalley “Sparrow” (one of the individuals alleged to have been dispatched to find out the whereabouts of Sam Bockarie and Johnny Paul Koroma):

Q. And you were asked, weren't you, “Who was it that he called?” And your response was, “I cannot tell you who now”?

A. That's correct.

Q. And it was then suggested to you, was it not, that perhaps it was Al White, and therefore you responded, “No, it was not Al White”?

A. You are correct.

Q. And it was then suggested to you, was it not, that it was David Crane and your response was, “Yes, it was David Crane”?

A. Yes, I said that.<sup>43</sup>

The Witness insisted that it was not the Defense team who suggested David Crane’s name and attributed his initial hesitation to fear for his safety if word got out that he was collaborating with the Court. However, the Witness did admit that he never had any direct contact with Crane, and told the Court that Damate Konneh told him that Taylor should be captured and put on trial in Liberia, not killed, while Crane gave Sparrow the specific instruction to capture Taylor.

*d. DCT-213*

The sixteenth witness for the Defense, Aleatha Korto Hoff, is a Liberian businesswoman belonging to the Pele tribe. A graduate of the University of Liberia, with a degree in Management, she owns a catering business. The Witness testified in English.

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<sup>43</sup> Taylor, Trial Transcript, June 25, 2010, pg. 25 (lines 13-22).

*i. Taylor's cell phone number*

The Witness' cell phone number is the same number that a protected Prosecution witness testified belonged to Taylor when he was President of Liberia. The Prosecution witness—who also testified regarding Taylor's alleged support of the RUF—claimed to have been in contact with Taylor by means of the alleged phone number. During direct examination, Defense counsel attempted to attack the veracity of this assertion. Huff told the Court that she had maintained the same phone number with Liberian cell phone provider Lonestar since 2001—the company's year of inception—when her brother gave her a cell phone and a corresponding SIM card. Her subscription was allegedly uneventful until the Prosecution witness testified that her number belonged to Taylor. It was in the aftermath of that witness' testimony that she began receiving calls from people asking to speak to Taylor, the Witness said. "It was on a Saturday when I was catering, when the first two or I think three calls came, saying that there was a trial going on, somebody said that that number was Charles Taylor's number," she told the Court.<sup>44</sup> The Witness added that approximately eight months after that date, at 1:30 a.m., she received a foreign call from someone asking to speak with Taylor. The Witness testified that she told the caller not to wake her up because everybody knew that Taylor was in The Hague.

*Cross-examination*

On cross-examination, Prosecution counsel focused on a series of factual inconsistencies in the Witness's testimony. On direct examination, the Witness testified that the cell phone she received from her brother was not her first cell phone—prior to receiving the Lonestar cell phone she had used another one, allegedly registered with a provider called ICOM. However, the Prosecution provided the Court with an article published on the website allAfrica.com according to which Lonestar was the only cell phone provider in Liberia from 2000 until 2004. Hoff had also told the Court that her phone was stolen on November 15, 2009, but that she managed to replace the SIM card the very same day, thus retaining her number. However, Prosecution counsel confronted the Witness with a calendar, which showed that November 15 was a Sunday, day of the week when the Lonestar office would have been closed, according to the Witness's earlier testimony. The Prosecution also attempted to portray the Witness as someone whose family ties could plausibly suggest bias in Taylor's favor—her brother, Jenkins Dunbar, served as a Minister in Taylor's government; her niece, Bell Dunbar, was Director of the Liberian Petroleum Refinery Cooperation; and her sister, Fanny Dunbar, was Taylor's dietician.

*e. DCT-285*

The seventeenth witness for the Defense, Regina Mehn Dogolea, is a native of Nimba County, Liberia. The Witness' husband, Enoch Dogolea, was Charles Taylor's deputy for most of the war. Following Taylor's election as President, he served as the country's Vice-President from 1997 until his death in Ivory Coast in 2000.

*i. Enoch Dogolea's death*

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<sup>44</sup> *Taylor*, Trial Transcript, June 9, 2010, pg. 23 (lines 3-6).

In its query, Defense counsel attempted to counteract prior testimony from Prosecution witness Joseph “Zig Zag” Marzah, who told the Court that Taylor ordered Dogolea beaten to the point of death on suspicion that he was trying to negotiate with the United States government. According to Marzah, Dogolea died following an episode of severe beating between mattresses, which left no exterior marks. The Witness expressed surprise at this theory, adding that she was the one bathing her husband and never saw any marks on his body.

Regarding the specific circumstances of her husband’s death, the Witness explained to the Court that when her husband became ill, he called his relatives who took him to a bush close to his house and administered a traditional treatment. As a woman, she was not allowed to be present during the ceremony. After the episode, her husband allegedly began vomiting and was eventually taken to a hospital in Ivory Coast after Taylor provided him with a helicopter for transportation. There, the Witness told the Court, her husband’s doctor informed her that his liver had been severely damaged; shortly afterwards he died. Justice Sebutinde sought clarification on whether the Witness required an autopsy report. The Witness answered no.

#### *Cross-examination*

Prosecutors mainly questioned the Witness about a press release she issued questioning witness accounts at both the Liberian Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone regarding the circumstances surrounding her husband’s death. The press release mirrored the Witness’ statements in Court, namely that, as far as she knew, her husband’s sickness had ultimately caused his death. Noting the Witness’ low educational level, Prosecution counsel questioned her on whether she had received any assistance in writing the press release (*i.e.*, assistance from Defense lawyers). The Witness told the Court that she wrote the press release with the assistance of her 21-year-old stepdaughter, who was in twelfth grade at the time.

#### *f. DCT-131, Isatu Kallon*

The eighteenth Defense witness, Isatu Kallon (“Mammie I”), was born in Makeni, Sierra Leone, but moved to Liberia following her marriage in 1968. She belongs to the Temne ethnic group and is a merchant by profession. The Witness’ husband, now deceased, belonged to the high ranks of the RUF, advising RUF “town commanders” regarding civilian complaints. She testified in Krio.

#### *i. Quiwonkpa’s coup d’état*

The Witness began her testimony by detailing the effects that Quiwonkpa’s failed coup d’état had on the dynamic of tribal relations in Liberia. According to the Witness, after the coup, non-Krahn individuals were severely discriminated against.<sup>45</sup> Furthermore, after having found out that some of Quiwonkpa’s forces were of Sierra Leonean origin, then-president Samuel Doe allegedly also began persecuting Sierra Leoneans living in Liberia, arresting the ones who failed to present valid documentation. “[T]hey would say

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<sup>45</sup> “At that time . . . whatever you wanted to do, if you were unable to speak Krahn, it was going to be difficult for you.” *Taylor*, Trial Transcript, June 16, 2010, pg. 23 (lines 1-3).



they were taking them to prison, but up to date we never saw them,” Kallon said.<sup>46</sup> The Witness told the Court that she herself helped shelter two members of her tribe who were in hiding. The Witness testified that the two men had told her that they were members of the Sierra Leonean police who had been hired by Quiwonkpa for \$300 to help stage the coup. Both men later joined the RUF.

*ii. Introduction to Foday Sankoh*

The Witness testified that after the NPFL invasion of Liberia in December 1989, the harassment of Sierra Leoneans continued, as NPFL forces began targeting individuals whose countries of origin had provided military or logistical support to ECOMOG: Sierra Leoneans, Nigerians, and Guineans. Kallon herself was also arrested as a result of this policy; however, she told the Court that she was released shortly due to her prominent position in the regional market. It was during that time, the Witness said, that she was introduced to Foday Sankoh (then known as Pa Morlai). According to the Witness, Foday Sankoh pleaded with NPFL forces to free the Sierra Leoneans, and was successful in doing so. The Witness further claimed to have been a close confidante to the RUF leader, who introduced her to the NPFL officials in charge of arrests so that she could plead with them for the release of Sierra Leoneans when he was not in the area.

*iii. RUF recruitment and training at Camp Naama*

Kallon told the Court that she helped Foday Sankoh in his drive to enlist and train RUF rebel forces in Liberia. She testified that the RUF leader would give her money to provide soap and food for the rebels training at Camp Naama, adding that in most instances the money was insufficient, and she had to supplement it from her own resources in order to provide sufficient supplies.

The Witness insisted that during this time she was not aware of any support for the RUF coming from Taylor. She supported this statement by telling the Court that RUF trainees at Camp Naama were physically segregated from NPFL trainees by a gate that mostly stayed closed. “I asked why they were not opening the gate and Pa Morlai said he did not want his boys to mingle with the NPFL . . . He said the ideology—his ideology that he gave his boys, he did not want them to mingle with the NPFL,” she testified.<sup>47</sup> Her testimony thus helped distance Taylor from the RUF.

*iv. Role in the RUF*

The Witness told the Court that RUF leader Foday Sankoh would dispatch her to various problem areas to assess the situation and report back to him, claiming that the two were “working hand in hand.”<sup>48</sup> On one occasion, Kallon said, Sankoh asked her to investigate rumors that tension had arisen between NPFL soldiers and a Sierra Leonean village at the border with Liberia. According to Kallon, the tension was caused by the Sierra Leoneans’ failure to settle debts for looted items that the NPFL soldiers were selling in Sierra Leone. The Witness told the Court that Sankoh wanted to

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<sup>46</sup> Taylor, Trial Transcript, June 16, 2010, pg. 20 (lines 12-13).

<sup>47</sup> Taylor, Trial Transcript, June 16, 2010, pg. 102 (lines 20-27).

<sup>48</sup> Taylor, Trial Transcript, June 16, 2010, pg. 125 (lines 12-13).

evaluate the tensions so that he would know what to do with the rebels in training at Camp Naama.

Following her report, Sankoh allegedly decided to move the RUF trainees from Camp Naama, and asked the Witness to procure gas for transporting them to Sierra Leone. The Witness testified that she managed to purchase gas from ECOMOG troops who were then engaging in commercial activities with Liberians. The Witness indicated that, after giving him the gas, she next heard of Sankoh's whereabouts in a radio segment reporting on the fighting taking place in Sierra Leone.

*v. Arms and ammunition purchase for the RUF*

Kallon testified that she was involved in purchasing arms and ammunition from Guinean military officers for the RUF. She told the Court that her contact in Guinea was a Guinean army captain stationed in Gekeidou. The captain, the Witness said, quoted her \$16,000 for the supply of arms and ammunition specified in a list prepared by RUF leaders.<sup>49</sup> RUF allegedly lacked the cash to make the purchase, instead giving her diamonds, which she sold to obtain the necessary cash amount. The Witness told the Court that Guinean police intercepted the convoy on its way from Conakry to Sierra Leone—with a truckload of ammunition boxes and \$19,000—and arrested everyone in the group. She further testified that while detained she managed to send a message to the Sierra Leonean ambassador to Guinea, who intervened and succeeded in transferring them to Pademba Road Prison in Sierra Leone. Shortly afterwards, the group was again transferred to the lodge of former Sierra Leone President, Joseph Saidu Momoh. From there, Kallon was allegedly “paraded” before television and radio audiences and made confess to the arms smuggling episode because the citizens of Sierra Leone had lost faith in the country's military. The Witness was then relocated to a regular prison, CID, near Pademba Road, where she spent approximately seven months.

Upon her release, she allegedly helped broker a peace agreement between the Armed Forces Revolutionary Council (AFRC)—then under the leadership of Johnny Paul Koroma—and RUF leaders Dennis Mingo (“Superman”) and Edwin Collins. The Witness further noted that the RUF members who took part in the agreement went on to form a coalition government with the AFRC, and played an active role in Johnny Paul Koroma's government.

*vi. Peace discussions in Monrovia*

Kallon told the Court that after the Lomé Peace Agreement in 1999, both Foday Sankoh and Johnny Paul Koroma came to Monrovia to meet with Taylor. The Witness herself was also allegedly part of this meeting.<sup>50</sup> According to the Witness, Taylor told the ones present that he had been charged with the responsibility to make peace between Foday Sankoh and Johnny Paul Koroma (however, she could not recall who it was that had

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<sup>49</sup> According to the Witness, the list included “20 boxes of AK, the other one, they said 15 G-3, then the other one was a sort of RPG bomb, that's between 5-10 boxes.” *Taylor*, Trial Transcript, June 23, 2010, pg. 10 (lines 12-14).

<sup>50</sup> In addition to Foday Sankoh and Johnny Paul Koroma, the Witness named the following as having taken part in the meeting with Taylor: Daniel Kallon (the Witness's husband), Pa Rogers, Shek Nabieuf, SS Williams. *Taylor*, Trial Transcript, June 22, 2010, pg. 9 (lines 7-8).

charged Taylor with that responsibility). The two rebel leaders were purportedly open to Taylor's efforts, with Foday Sankoh declaring that he regarded Johnny Paul as his son, and Johnny Paul referring to the RUF leader as his father.

### *Cross-Examination*

Lead Prosecutor Brenda Hollis focused her inquiry on establishing that the Witness was a key figure not only in the RUF but also in the NPFL, and as such, she provided assistance to both groups. This could be indicative of Kallon's bias towards Taylor. Additionally, the Prosecution sought to impeach the Witness by suggesting that she had consistently understated what she was aware of in terms of RUF activity, conveniently admitting to certain facts and professing oblivion to others.

#### *i. Support for the NPFL*

To circumstantially establish the Witness' support for the NPFL, the Prosecution emphasized her freedom of movement within NPFL-controlled areas, and her ability to pursue her business without any inconvenience during the Liberian war. To this end, the Prosecution also questioned the Witness regarding the supplies she allegedly sent to Camp Naama for RUF trainees. Prosecution counsel pointed out that the Witness never faced any obstacles when transporting supplies to Camp Naama, despite the numerous NPFL checkpoints along the way (including one at the entrance to Camp Naama). In response, the Witness told the Court that she did not have to show any documents at checkpoints because she used commercial vehicles. The Prosecution also questioned the Witness about the presence of skulls at checkpoints (a civilian terror tactic alleged by previous witnesses). Kallon denied having seen any skulls; however, she did acknowledge having seen children carrying weapons at the checkpoints.

Another instance that the Prosecution saw as indicative of the Witness' connection to the NPFL was her decision to join the NPFL in seeking refuge in Gbarnga—where the NPFL was headquartered at the time—upon ECOMOG's invasion of Harbel. Furthermore, when ECOMOG attacked Gbarnga and the NPFL was again forced to flee, Kallon chose to join them.

The Witness was also questioned regarding her reasons for allowing NPFL soldiers to eat gratuitously in the restaurant she ran in Harbel. While acknowledging that she had indeed allowed them to eat for free, the Witness denied having pro-actively helped the NPFL and told the Court that she did not have the authority to deny the soldiers service.

#### *ii. Meeting with Taylor*

Following up on the Witness' admission under direct examination that she was one of the five people selected by Foday Sankoh to attend a meeting with Taylor in Monrovia after the signing of the Lomé Peace Agreement, the Prosecution suggested that this was because of her close association to both Sankoh and Taylor. The Witness rejected this proposition, indicating that she took part in the delegation because she was an important member of the junta government in Sierra Leone.

#### *iii. RUF control of Sierra Leone*

Under direct examination, Kallon told the Court that after the RUF invasion of Sierra Leone, Sankoh directed her to establish markets in RUF-controlled areas. The

Prosecution questioned the Witness about the specifics of the market system she helped set in place. Kallon testified that after the RUF invaded Sierra Leone, people no longer had control over their gardens, and all the produce would become the property of the RUF. Furthermore, she agreed with the Prosecution that a portion of the money collected in the markets was handed over to the RUF. The Prosecution further suggested that Kallon had helped set up a similar system benefiting the NPFL in Liberia, as a superintendent of the market in Harbel. The Witness vehemently rejected this suggestion.

*iv. Loyalty to the RUF and NPFL*

When confronted with the proposition that her loyalty laid with both Sankoh and Taylor, the Witness denied having had any loyalty to the latter. "I was not loyal to Charles Taylor. I was loyal to Foday Sankoh and the RUF fighters," she testified.<sup>51</sup> The Prosecution countered this contention by highlighting the Witness' own admission under examination that during a period of confusion for the RUF she was only a member of the NPFL: "I had a feeling that RUF had died because we are not hearing about it. I was just in the NPFL now."<sup>52</sup>

*Re-Examination*

On re-examination, the Defense sought to clarify why the Witness was able to travel freely throughout NPFL-controlled areas and dispel suggestions that it was her loyalty to Taylor that facilitated her frequent travels. The Witness indicated that she did not rely on any special status, and told the Court that she simply travelled alongside other market women, talking and cajoling their way through checkpoints. Other times, the Witness allegedly used old commercial vehicles that would take whoever could afford to pay for the trip. With regards to her ability to enter the Ivory Coast without any documentation, the Witness indicated that she did not use the main routes but took a by-pass and went directly to the refugee area, where documentation was not required.<sup>53</sup>

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<sup>51</sup> *Taylor*, Trial Transcript, June 24, 2010, pg. 92 (lines 28-29).

<sup>52</sup> *Taylor*, Trial Transcript, June 24, 2010, pg. 97 (lines 28-29).

<sup>53</sup> *Taylor*, Trial Transcript, June 24, 2010, pg. 109 (lines 3-6).



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This publication was originally produced pursuant to a project supported by the War Crimes Studies Center (WCSC), which was founded at the University of California, Berkeley in 2000. In 2014, the WCSC re-located to Stanford University and adopted a new name: the WSD Handa Center for Human Rights and International Justice. The Handa Center succeeds and carries on all the work of the WCSC, including all trial monitoring programs, as well as partnerships such as the Asian International Justice Initiative (AIJI).

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