

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 14-cr-50**
 :
JUCONTEE THOMAS WOEWIYU :

GOVERNMENT'S AMENDED TRIAL MEMORANDUM

The United States of America by its attorneys, William M. McSwain, United States Attorney, and Linwood C. Wright, Jr. and Nelson S.T. Thayer, Jr., Assistant United States Attorneys for the Eastern District of Pennsylvania, respectfully submits its Amended Trial Memorandum.¹

I. STATEMENT AND NATURE OF CASE

A. Historical Background

In 1822, freed American slaves settled on the western coast of Africa in the area that now encompasses Liberia, which became an independent republic in 1847. Liberia's political landscape was dominated by the descendants of these freed slaves (known as "Americo-Liberians") although Americo-Liberians comprised only approximately five percent of Liberia's population. This was a source of some resentment on the part of at least some of Liberia's indigenous peoples, who made up approximately ninety-five percent of Liberia's population.

In 1980, Liberia's Americo-Liberian president William Tolbert's government was overthrown in a violent coup by a small contingent of soldiers from the Armed Forces of Liberia ("AFL") who were led by a master sergeant named Samuel Doe. Doe was a member of the

¹ This Amended Trial Memorandum supersedes the Government's Trial Memorandum filed on January 12, 2018.

Krahn tribe. Tolbert was killed. Doe became Liberia's *de facto* ruler and maintained that position through 1985. In 1985, Doe was elected president of Liberia. Doe's government was recognized by the United States and the rest of the international community.

Doe's rule of Liberia, both as its *de facto* leader and as its president, was marked by a patronage system, tribal favoritism and brutality. Doe's patronage system benefited his fellow Krahns. His administration likewise bestowed favors upon Mandingos, an Islamic tribe who were characteristically known as traders and businessmen and had strong historical ties to Guinea. Mandingos, who had theretofore been considered foreigners, were officially recognized by Doe's administration as a Liberian ethnic group. While apparently favoring the Krahn and Mandingo tribes, Doe's administration persecuted members of the Gio and Mano tribes, ironically both of whom aided Doe in his initial seizure of power.

The Doe administration's favoritism and persecution fueled resentment amongst many in Liberia. Consequently, in 1985 one of Doe's former brigadier generals, Thomas Quiwonkpa, returned to Liberia from exile and with support from both Gios and Manos, attempted to overthrow the government by force. After the coup failed, members of Doe's army carried out indiscriminate revenge killings against hundreds if not thousands of Gio and Mano AFL soldiers and civilians.

B. Summary Of Formation And Conduct Of The NPFL

The Doe administration's misconduct engendered opposition from the exiled Liberian community. While in exile in the United States, defendant Jucontee Thomas Woewiyu formed the Association for Constitutional Democracy in Liberia ("ACDL"), an organization in opposition to the Doe administration. By his own admission, Woewiyu, with its leader Charles

Taylor and others, was a founder of the National Patriotic Front of Liberia (“NPFL”) a military organization committed to the violent overthrow of the Doe government.

Woewiyu met with Taylor and others in Cote d’Ivoire to assess an NPFL military plan of action and to identify military bases for NPFL training. Libya’s president, Muammar Gaddafi, supplied the NPFL with both arms and financial support. NPFL fighters received military training at bases in Libya.

On December 24, 1989, NPFL forces attacked Liberia through Cote d’Ivoire. By April 1990, the NPFL controlled approximately ninety per cent of Liberia but did not control Liberia’s capital, Monrovia. Woewiyu, who was the NPFL’s spokesperson, became its Minister of Defense in the summer of 1990, and held both of these posts through 1994.

In 1990, numerous of Taylor’s NPFL fighters left the NPFL and joined a splinter faction called the Independent National Patriotic front of Liberia (“INPFL”). The INPFL was led by Prince Yormie Johnson, a former NPFL military training officer. In September 1990, Doe was captured by INPFL forces. His captors tortured, mutilated and executed Doe.

Despite Doe’s demise, the war in Liberia persisted, with several groups, including those remaining loyal to the Doe government, such as AFL soldiers who had not deserted, and another rebel group opposed to the NPFL made up of an uneasy alliance of Christian Krahn and Muslim Mandingo fighters known as the United Liberation Movement of Liberia for Democracy (“ULIMO”), all viciously vying for control of the country.

On October 15, 1992, NPFL forces attacked Monrovia in what became known as Operation Octopus. Over the ensuing days, NPFL forces engaged in a pitched battle against, among others, peacekeeping forces from the Economic Community of West African States

monitoring group (“ECOMOG”). At the height of Operation Octopus, five American nuns, whose convent stood at what at what had become the front line of the battle, were murdered by NPFL fighters as suspected ECOMOG collaborators.

During Woewiyu’s tenure as NPFL Minister of Defense, the NPFL conducted a particularly heinous and brutal military campaign. It was characterized by the torture of perceived adversaries; the execution of civilians; the killing of ECOMOG peacekeepers; the rape and forced sexual slavery of girls and women; the conscription of child soldiers (known as “Small Boys”) who often served as guards at countless checkpoints decorated with human heads, skulls and intestines; the murder of humanitarian aid workers; and cannibalism. Civilian members of the Krahn and Mandingo tribes, whom the NPFL had always perceived were loyal to the Doe government, were particularly subject to many of these atrocities.

Woewiyu served as the chief spokesperson, negotiator and Minister of Defense of the NPFL (and of the government formed by the NPFL to oversee the territory it held, the National Reconstruction Assembly Government, or NPRAG) until 1994, when he left the NPFL and formed the splinter National Patriotic Front of Liberia Central Revolutionary Council (“NPFL-CRC”). Sometime thereafter Woewiyu reunited with Taylor, serving as the labor minister in then-President Taylor’s administration.

C. Woewiyu’s Admissions That He Advocated The Overthrow Of A Government By Force Or Violence

The NPFL was an armed rebel group committed to removing the Doe government forcibly from power, and in numerous verbal and written statements, Woewiyu confirmed this indisputable historical fact. Indeed, in a memorandum dated January 22, 1990 he sent to the U.S. State Department, Woewiyu, under the heading “Objective,” stated that “[t]he military

action that commenced on December 24, 1990 [*sic*: 1989] in Butuo, Nimba County has as its objective the overthrow of the Doe dictatorship and its replacement, in a two-phase process, by a democratically elected government.” In the next part of the memorandum, under the heading “Political Program,” Woewiyu continued that “[u]pon the successfully [*sic*] completion of the military campaign, a provisional administration will be established, led by the National Patriotic Front.”

In a BBC World Service interview on June 25, 1990, Woewiyu, who remained in Africa at the time, stated, “Well, Mr. Taylor met with the church leaders last night, and when they met with him, there was nothing indicating that Doe is ready to leave, so we are going to go ahead to pursue our plan of action and end this thing once and for all.” When the BBC reporter followed up by asking, “You mean you are going out to fight?,” Woewiyu replied, “Yes we are. We are going to take Monrovia and close the subject down.”

A little over a week later, when Woewiyu was asked by BBC reporter Robin White on July 3, 1990 whether the NPFL’s attack on Monrovia was “the final assault,” Woewiyu replied, “Yes, Robin, this is it. When we are done with this campaign, there will be no Doe, no more pains. This is the last effort, and when we are done with it the Liberian people will have something else to talk about, not Samuel Doe.” Woewiyu repeated in subsequent interviews with the BBC on July 12 and 13, 1990 that “Doe had to go” and that “we must get him out.” When asked by the BBC on August 14, 1990, “So now that you have now killed Prince Johnson [a report that turned out to be false], what is your next move?,” Woewiyu responded that “it is just a matter of time before we get rid of Doe himself.” On August 27, 1990, Woewiyu told the BBC that in opposing the combined forces of Doe and the AFL, ECOMOG and the INPFL,

“[W]e are going to fight, as we said, until all of us are dead.”

Years later, in a 2005 “open letter” to Ellen Johnson-Sirleaf, Liberia’s then-president, Woewiyu recounted his involvement at the earliest stages of the NPFL’s formation “to assess the level of military plan of action for the purpose of removing Doe;” his travel “to Burkino Faso to ascertain the truth to Taylor’s claim that he had found the ultimate opportunity to train men for another attempt to remove the Doe Regime by force of arm[s];” that he gave the NPFL’s Burkino Faso sponsors the assurance they needed that “there was a political support for an arm[ed] rebellion by civilians to remove the Samuel Doe’s military junta” so that they could “kick off the process of recruitment and training;” and that once he returned to the U.S., they discussed “the issue of Taylor leading this round of arm[ed] rebellion.”

In a 2006 signed, sworn statement in connection with a Dutch arms trafficking/war crimes investigation, Woewiyu acknowledged that “[i]n December 1989, we had started the war,” and that [w]e needed money for arms,” and in both that statement and an earlier one Woewiyu made to the Dutch in 2004, he confirmed that \$75,000 from a single Dutch source was used to purchase arms for the NPFL. Later in his 2006 sworn statement to the Dutch, Woewiyu affirmed that the NPFL obtained its arms from Libya, among other sources.²

D. Woewiyu’s Admissions About His Role In The NPFL

On numerous occasions, Woewiyu confirmed his prominent position in the NPFL, from being a founder, to being its chief spokesperson and negotiator, to being its Minister of Defense.

² As set forth *infra*, in addition to Woewiyu’s own admissions, the government will also present evidence of his delivery of arms and ammunition to fighters at the front (*e.g.*, Witnesses P, T and CC), as well as his attempt to obtain thousands of assault rifles and surface-to-air missiles from arms brokers who were in fact undercover United States Customs Service agents (*see* Part II.F1, *infra*).

One of Charles Taylor's most trusted inner circle, Woewiyu was invested with the authority to speak and negotiate on behalf of the rebel group, to travel around the world to organize the funding, arming and training of its fighters, and to serve as the voice and face of the NPFL both abroad and within Liberia.

For example, Woewiyu made numerous party admissions through media outlets, including newspapers and BBC radio interviews, from the early to mid-1990's. In these admissions Woewiyu, among other things, confirmed his membership in the NPFL, and further demonstrated his knowledge of NPFL military activities that were designed to topple the Doe government.

Thus, in the July 3, 1990 interview with the BBC's Robin White quoted above, Woewiyu announced that for what the NPFL intended to be the "final assault" on Monrovia, "we have close to 15,000 armed men, and I believe the people who deal with our military strategies have the entire force at hand to do whatever is necessary to put this thing to an end."

Woewiyu was also invested with the negotiating authority to engage in peace talks, as well as to disengage from them, and did so. Thus, on July 20, 1990 Woewiyu left peace talks being held in Freetown, Sierra Leone, and explained to BBC West Africa correspondent Elizabeth Blunt that he would be returning to Liberia; that the NPFL would not lay down its weapons until President Doe left; and that the NPFL would resist any attempt to send a peacekeeping force from any part of the world. The following spring, Woewiyu, who was speaking from the NPFL headquarters in Gbarnga, explained to the BBC why the day before, on March 27, 1994, he had chosen to leave a peace conference in Monrovia in which he represented the NPFL, and was booed by attendees in the conference hall as he departed.

On July 28, 1990, Blunt reported that Taylor had announced that Woewiyu would become Minister of Defense, and in a September 24, 1990 interview with the BBC, Woewiyu confirmed that Taylor had announced the formation of the NPRAG two months before; that Woewiyu was a cabinet member of the NPRAG; and that “we have been running the country since then.” Woewiyu indeed had told the BBC previously in an interview on June 25, 1990 that “we have formed a government to replace the old regime,” and that “[i]n fact, I can tell you what the name is. It is called the National Patriotic Reconstruction Assembly.”

During the BBC’s November 28, 1992 “Focus on Africa” broadcast, in response to the correspondent’s question about the location of NPFL military hardware, Woewiyu, who was at the NPFL headquarters in Gbarnga, stated that there was no NPFL military hardware at a particular port location that had been fired upon by ECOMOG, and further stated that “we [the NPFL] are fighting a guerilla war in bushes and everywhere else, not on the seacoast and they know better than that.”

As the NPFL’s Minister of Defense, Woewiyu wielded significant influence within the NPFL and over its fighters. Thus, Woewiyu stated under oath before a Dutch judge that “[a]s Minister of Defense of the NPFL, I did issue orders to fighters.”³

Even during a brief period when Woewiyu had split from Charles Taylor, he authored a statement published by *West Africa* magazine in August of 1994 titled “Turning the Tables,” in which he stated, “Gentlemen of the press, I am a founding member of the NPFL. I was there when there was no NPFL and we put the NPFL together along with others. Even if I wanted to,

³ Several government witnesses, including Witnesses P and T, *infra*, will testify about Woewiyu issuing orders.

I don't think I could get out of the NPFL . . .” The following month, in the September 7, 1994 BBC's “This Week in Africa” broadcast, Woewiyu responded to questions about whether he claimed that he had replaced Taylor. Woewiyu stated, “Well, I am not making a claim, uh, I have been appointed by the Central Revolutionary Council of the NPFL, the same organization that appointed Mr. Taylor leader of the NPFL. Uh, because Mr. Taylor has uh, uh, no control over our forces . . .”

Two years later, in a sworn 1996 affidavit submitted in connection with insurance litigation emanating from the Firestone company's activities in Liberia during the war, Woewiyu flatly affirmed that he was “a founder of the National Patriotic Front of Liberia (‘NPFL’) in January 1987, a member of the NPFL from 1987 to the present, a member of the Executive Council of the NPFL from 1990 through 1994, an official spokesperson for the NPFL from 1989 through 1994, the chief negotiator from the NPFL from 1990 through 1994, the Minister of Defense for the National Reconstruction Assembly Government (‘NPRAG’) from 1990 through 1994, the Minister of Labor for the Liberian National Transitional Government from March 1994 through August 1995 (‘LNTG I’) and the Minister of Labor for the LNTG from August 1995 to the present (‘LNTG II’).” In the same Affidavit, Woewiyu declared that “[t]he NPFL was formed in the Ivory Coast in January 1987 at a two day meeting attended by myself, Charles Taylor, Moses Duopu, Harry Yuan and Yeagbe Debgon.”

In the above-referenced 2004 statement to Dutch investigators, Woewiyu stated that “[t]ogether with Charles Taylor, I founded the NPFL.” In the related 2006 sworn, signed statement in the same Dutch arms-trafficking case, Woewiyu referred to a period in 1990 when “we already had 90% power over Gran-Bassa [*sic*: Grand Bassa] and Nima [*sic*: Nimba]

County,” and clarified that “[b]y ‘we’, I mean the NPFL, under the leadership of Charles Taylor and myself.”

As its designated chief public spokesperson, perhaps no member of the NPFL save for Charles Taylor was more prominent in the public sphere than Woewiyu. Indeed, Woewiyu confirmed in his 2004 statement to Dutch investigators that “I was the main negotiator as well as the spokesperson for the NPFL.”

Moreover, Woewiyu claimed in his 2004 statement to Dutch investigators that even in 1999, years after the first civil war was over, “I also still had a fair amount of influence in military affairs such as the NPFL.” In his 2006 signed and sworn statement to the Dutch, Woewiyu stated that he had trained NPFL commanders who had given orders, such as “James Vamo,” known as Mosquito.

E. The Defendant’s Immigration Status

Since approximately January 13, 1972, Woewiyu has had Legal Permanent Resident status in the United States.

On or about January 23, 2006, Woewiyu applied for United States citizenship by submitting a Form N-400, Application for Naturalization, with United States Citizenship and Immigration Services (“USCIS”).

Application for United States citizenship is a multiple-step process. At least two of these steps relate directly to the Form N-400. Firstly, the applicant seeking citizenship submits a Form N-400 and documentation in support of establishing eligibility for naturalization. The Form N-400 provides that the applicant answer a series of questions. At the end of the Form N-400, the applicant signs the document in which he certifies under penalty of perjury that its

contents and submitted documents are all true and correct. Secondly, the applicant has an in-person interview with a USCIS officer. This interview is conducted under oath and the officer reviews with the applicant the applicant's answers to the questions posed in, and information sought by, the Form N-400. At the conclusion of the interview, the applicant certifies under penalty of perjury that the contents of the Form N-400, including any corrections made during the interview, are true and correct to the best of the applicant's knowledge.

Woewiyu signed the Form N-400 on January 23, 2006, thereby certifying "under penalty of perjury under the laws of the United States of America" that his "application, and the evidence submitted with it, [were] true and correct."

On January 30, 2009, Woewiyu was interviewed under oath by a USCIS officer. At the commencement of the interview, the officer placed Woewiyu under oath and thereafter reviewed with him the answers and information he provided in the Form N-400. At the conclusion of the interview Woewiyu signed a certification in which he swore and certified "under penalty of perjury under the laws of the United States of America" that he knew that that the contents of his "application for naturalization . . . including corrections . . . and the evidence submitted by [him]... [were] true and correct to the best of [his] knowledge and belief." Woewiyu's certification encompassed the following entries, among others, that he made or caused to be made on his Form N-400, which entries contained false, misleading and fraudulent information as follows, under "Part 10. Additional Questions":⁴

⁴ The following entries from the Woewiyu's Form N-400 and the commentary accompanying each entry, were excerpted from the indictment in this case. Additionally, much of the background section of this amended trial memorandum is adapted from the indictment.

a. Question 8a asked “Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?” Subpart b states: “If you answered ‘Yes’ list the names of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.” Defendant WOEWIYU had responded to this question by placing an “X” in the box marked “No.” Initially defendant WOEWIYU verbally stated that he was not a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. After repeated prompting, WOEWIYU responded to Question 8a and subpart b by verbally causing the listing of only the Union of Liberia Associations in the United States. He did not disclose his membership in, and association with, other organizations, including but not limited to, the NPFL and the NPFL-CRC.

b. Question 10 asked “Have you **EVER** advocated (either directly or indirectly) the overthrow of any government by force or violence?” Defendant WOEWIYU had responded to this question by placing an “X” in the box marked “No.” Additionally, WOEWIYU confirmed his initial response to this question by verbally stating “no.” WOEWIYU did not disclose that he had advocated the overthrow of the Doe Liberian government by force or violence.

c. Question 11 asked “Have you **EVER** persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion?” Defendant WOEWIYU had responded to this question by placing an “X” in the box marked “No.” WOEWIYU verbally confirmed this response. WOEWIYU did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and members of Krahn and Mandingo tribes.

d. Question 18 asked “Have you **EVER** been convicted of a crime or offense?” The section below question 18 states: “If you answered ‘Yes’ to any of the questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.” Defendant WOEWIYU had responded to question 18 by placing an “X” in the box marked “No.” However, he listed in the table provided that he had pled guilty to a 1982 New York State misdemeanor

receiving stolen property charge. WOEWIYU verbally confirmed this response. WOEWIYU also verbally caused the listing of a dismissed 1970 New York arrest for being suspected of being associated with organized crime. WOEWIYU did not disclose his 1970 New York State conviction for falsification of business records.

As a result of Woewiyu's conduct, on January 30, 2014, a federal grand jury sitting in the Eastern District of Pennsylvania returned an indictment charging him with two counts of fraudulently attempting to obtain citizenship in violation of 18 U.S.C. § 1425; four counts of fraud in immigration documents in violation of 18 U.S.C. § 1546(a); three counts of false statements in relation to naturalization in violation of 18 U.S.C. § 1015(a); and seven counts of perjury in violation of 18 U.S.C. § 1621.

II. GOVERNMENT'S WITNESS LIST

The following are summaries of the anticipated testimony of the government's witnesses.

The government has included a separate alphabetical list of the government's witnesses below at Part II.G.⁵ The government has already produced voluminous early Jencks Act material. The government is fully mindful of its obligations under *Giglio* and *Brady*, and should it become aware of the existence of *Giglio* or *Brady* material, it will produce it to the defendant in sufficient time effectively to make use of it at trial.

A. Expert Historian: Nicholai Lidow, Ph.D.

Dr. Lidow is an expert in the history of Liberia and its conflicts. His testimony will provide the proper historical framework for the government's fact witnesses. This framework

⁵ The government may seek leave, under the appropriate circumstances, to add witnesses in the future. Because its witness list errs on the side of inclusion and providing notice to the defense, in all likelihood the government may not call every witness listed herein.

will largely put each fact witness' testimony in its appropriate context and will aid the trier of fact in understanding the evidence. Dr. Lidow has traveled throughout Liberia and is familiar with many of the locations other government witnesses will describe, including Gardnersville, Barnersville, Dry Rice Market and the village of Bakiedou. Dr. Lidow will also testify about the NPFL's view of ECOMOG as one of its enemies, and about how when the defendant broke from the NPFL in 1994 to form the Constitutional Revolutionary Council ("NPFL-CRC"), the defendant's military control of the latter organization became even more direct and the CRC fought battles against the NPFL in Gbarnga.

B. U.S. State Department Employees

As chief spokesperson, negotiator and Minister of Defense for the NPFL, Woewiyu had numerous contacts at various levels of the U.S. government in Monrovia.

James K. Bishop

Former Ambassador James K. Bishop will testify to his interactions with Woewiyu, who identified himself as the NPFL's Minister of Defense. Bishop will further testify about Taylor's December 1989 offensive to overthrow the Doe regime. He will also testify that in April/May of 1990, he and other State Department officials met in Washington, D.C. with Woewiyu, who was representing the NPFL as its Minister of Defense. Bishop also authored a memorandum to Assistant Secretary of State Herman J. Cohen on June 29, 1990, in which Bishop wrote that "Taylor's spokesperson Tom Woewiyu claimed today that they are within the [Monrovia] city limits. Woewiyu said Taylor will leave the Sierra Leone road open so Doe loyalists could escape. He also said the Front has trained military police equivalents to try to avoid a repeat of the excesses which he admits took place in Buchanan."

William Twaddell

Former Ambassador William Twaddell will testify that he met with Woewiyu at the U.S. Embassy in Monrovia approximately six times, including during the period when Woewiyu broke from the NPFL. During his meetings with Woewiyu, he identified himself as the NPF's Minister of Defense. Twaddell considered Woewiyu to be very knowledgeable and a warlord who was looking out for himself and seeking personal gain in the struggle for control of resources and power that characterized the Liberian civil war. Woewiyu told war stories about being trained in Libya and getting Taylor out of jail. Twaddell also recalls that at times Woewiyu expressed that he was tired of war and wanted to work towards peace. There was an undeniable ethnic dimension to the conflict, with Doe and the AFL, which had become more and more Krahn, targeting the Mano and Gio people, and the Mano and Gio under Taylor targeting the Krahn and Mandingo.

Twaddell will also testify about the NPFL's use of child soldiers, known as the SBU or Small Boys Unit, in extrajudicial killings, and how many child soldiers had AK-47s and were high on drugs. It was the NPFL and Charles Taylor's professed policy that the child soldiers were orphans who flocked to his community for protection and a way they could contribute to the war effort. Twaddell will testify that he never saw a checkpoint that did not have child soldiers, and that the checkpoints were meant to be threatening, with skulls, crossbones and corpses nearby. Twaddell was detained for three to four hours once at an NPFL checkpoint, and was freed only after ECOMOG command contacted the NPFL checkpoint. Traveling to Harbel prior to Operation Octopus, Twaddell encountered twelve year-old boy and girl soldiers at a checkpoint who were armed with AK-47s. The child soldiers appeared edgy, drugged, underfed and nearly uncontrolled. Twaddell will further testify about the brutality accompanying

Operation Octopus, which involved an unusually intense use of artillery. During Operation Octopus, after American nuns were killed in NPFL-held territory, Twaddell contacted the NPFL government, or NPRAG, and requested that remains of the nuns be recovered for repatriation; Twaddell requested of an NPRAG representative that his request be forwarded to “President Taylor, Defense Minister Woewiyu, or NPFL Chief of Staff Musa,” because that was the order of the hierarchy as Twaddell understood it at the time.

Herman J. Cohen

Former Assistant Secretary of State for African Affairs Herman “Hank” Cohen will testify that in February of 1990, after the NPFL invasion, Woewiyu contacted Cohen by telephone and advised that he was Taylor’s representative in the U.S., and that Cohen should call him directly if he needed anything. Despite his regular contact with Taylor, Cohen had additional contact with the Woewiyu as a representative of the NPFL. Woewiyu never expressed displeasure with Taylor's activities during his conversations with Cohen.

Gerald S. Rose

Former Deputy Chief of Mission Gerald Rose will testify about his interactions with Charles Taylor and Woewiyu. Rose met with Woewiyu both in Virginia, prior to Rose’s posting in Monrovia, and in Monrovia. Rose met with Woewiyu owing to his roles as the NPFL’s Minister of Defense and spokesperson. Rose will also testify about the NPFL’s use of child soldiers, who were high on drugs and duped with promises of spoils of war. The child soldiers were everywhere and did not fully understand their actions and allowed the NPFL to brainwash them. Rose had a child soldier put an AK-47 to his head at a roadblock. Rose will further testify that in his role as Minister of Defense, Woewiyu could not deny that the NPFL was recruiting child soldiers and

committing other crimes against humanity. Rose will further testify about the brutality accompanying Operation Octopus.

Thomas J. White

Former Economic Officer Thomas “Tom” White will testify about a radio conversation he had with Woewiyu during Operation Octopus wherein White complained about the NPFL shutting down the Coast Guard radio tower site and harassing Liberian employees of the Voice of America at the VOA’s site. Woewiyu said that this was contrary to policy and that he would talk to Taylor about it. White also apprised Woewiyu of Herman Cohen’s trip and his desire to meet with Taylor in Abidjan, which Woewiyu said he thought was a good idea and that he would pass it on to Taylor.

John R. Savage

Former Economic and Consular Officer Robert Savage will testify that he participated in at least two meetings at the U.S. Embassy between former ambassador William Twaddell and Woewiyu, who was serving as a representative of the NPFL. Woewiyu and his motorcade would drive onto embassy grounds, which only a Minister or above could do. Savage also remembers a meeting with Woewiyu and J. Lavela Supuwood in which Twaddell reiterated the message that the killings must stop because the events would destroy the county. Savage also recalls a meeting with Woewiyu and close Taylor associate J.T. Richardson at his apartment.

Patrick Hatchett

Patrick Hatchett, or another representative of the U.S. State Department’s Office of Authentication, will authenticate various State Department cables, including, as noted below in Part III, a January 22, 1990 cable; a June 29, 1990 cable; a September 16, 1990 cable; and a

November 2, 1992 cable.

C. Journalists

Elizabeth Blunt

Blunt is a former BBC West Africa correspondent who traveled to Liberia and reported from there in early January 1990, just over a week after the NPFL had invaded Liberia and entered Nimba County. Blunt traveled to Nimba County, from which Mandingos were leaving, and encountered a climate of fear. Unlike the Gio and Mano who predominated in Nimba County, the Mandingos were considered to be a non-native minority group with ties to Guinea, in large part landless and aligned with the Doe government, upon which they had relied for protection. Blunt saw or met Woewiyu on several occasions from June through October of 1990, in his roles as chief NPFL spokesperson, and as NPFL Minister of Defense. She covered peace talks that took place outside of Liberia and at which Woewiyu represented the NPFL; during these talks, Woewiyu stated, among other things, that the NPFL was going to take Monrovia, that the NPFL would not lay down its weapons and that the NPFL wanted to Doe removed.

James Fasuekoi

Fasuekoi was a Liberian photojournalist living and working in Liberia during the first civil war who photographed virtually every significant Liberian military and political leader during the period, from Samuel K. Doe, to Charles Taylor and Woewiyu. Fasuekoi also photographed NPFL child soldiers.

Mark Huband

Huband is a journalist who covered the Liberian civil war and spent time with the NPFL. Huband was captured by the NPFL in April 1990 when the rebels attacked a train Huband was

on. Huband was taken by the NPFL rebels, some in their early teens, to a village named Seklepie, and then to Charles Taylor's headquarters at Gborplay, where he met Taylor. During a second meeting with Taylor, in connection with Huband traveled through 20 checkpoints manned by armed child soldiers and met NPFL commander Elmer Johnson, Taylor told Huband to expect to be contacted by his spokesperson. Woewiyu subsequently called Huband about a press conference in Tapita the defendant was organizing and provided instructions about how to sneak into Liberia from Cote d'Ivoire, and then reach Tapita. *En route* to Tapita, Huband again passed through numerous checkpoints manned by child soldiers, which anyone traveling through Liberia could not have avoided encountering. The child soldiers were the most aggressive and frightening fighters, as they were completely susceptible to following orders without questions; later during the war, Huband interviewed former child soldiers about the atrocities they had committed and which still haunted them.

A couple of months later, Huband met Woewiyu at an NPFL base near a Liberian Agricultural Company ("LAC") plantation near Buchanan. By this time Elmer Johnson had been killed. *En route*, Huband observed that the fighters at the checkpoints were even more jumpy than earlier, and had tense encounters with the boys at checkpoints. Huband was escorted to where Taylor and Woewiyu sat, both dressed in military fatigues and bearing AK-47s. Everyone was armed and appeared to Huband to be on edge, in a somber mood and on a war footing. Taylor stated that Elmer Johnson was a fine soldier but was not his second in command; Taylor then introduced Woewiyu, who was seated to Taylor's immediate right. It was clear to Huband that Taylor had assembled his high command and wanted the world to know that Woewiyu was going to be at this right hand when he had important news to communicate.

Patrick Robert⁶

Patrick Robert is a French photojournalist who was embedded with the NPFL rebel troops. While with these troops, Robert observed persecutions carried out by them and photographed some of the same. He also observed them engage in combat.

Gregory Stemm

Gregory Stemm is a long time Liberian photojournalist who covered Liberia's first civil war. Stemm photographed many of the significant military and political leaders involved in the first Liberian civil war. While in NPFL-held territory, he observed and documented, through his photographs, the NPFL's widespread use of child soldiers as well as the aftermath of atrocities committed by NPFL rebels. Additionally, Stemm had access, which he also documented through his photographs, to the leaders who controlled the NPFL. To this end, Stemm's portfolio includes photographs of Woewiyu, as a prominent member of a high-ranking NPFL delegation at the third Youmoussokro peace talks, during which Woewiyu accompanied Taylor.

Mark Stucke

Mark Stucke was an independent journalist who traveled to Liberia to cover the civil war and filmed the NPFL as he traveled with them and through their territory for two weeks. Many of the thirty to forty checkpoints that he passed through were decorated with skulls on sticks and manned by child soldiers, some with AK-47s. Stucke will testify that NPFL rebels had no concern for human rights, and that the young fighters were on drugs, cross-dressed and wore amulets, engaged in gruesome torture and on occasion practiced cannibalism. When he visited

⁶ Robert indicated some time ago that he will not be available for trial as currently scheduled. Accordingly, the government may seek to conduct a Rule 15 deposition of Robert pursuant to Fed.R.Crim.Proc. 15.

Taylor's headquarters in Gbarnga, he saw many child soldiers there, male and female, and some members of the Small Boys Unit were as young as ten years old. The members of the SBU had real power and people feared them. At checkpoints, boys, some as young as 10 years old, would come out of bush, half-naked, strung out, malevolent and shouting. It would not have been possible for anyone traveling in Liberia not to recognize the pervasiveness of child soldiers or other horrors at the checkpoints. Huband was with NPFL fighters when they were bombed by ECOMOG jets. The NPFL considered ECOMOG their enemy and wanted arms to shoot down the ECOMOG aircraft. Stucke will also testify that he was with NPFL fighters when filmed a burned car with American nuns' decomposed bodies (*see* Part II.D.3.b., *infra*).

D. Persecution Witnesses

1. Introduction

The government's evidence will demonstrate that Woewiyu fraudulently attempted to obtain citizenship, committed fraud in immigration documents, made false statements in relation to naturalization and committed perjury when he answered "No" to Question 11 on his Form N-400, Application for Naturalization, which asked, "Have you **EVER** persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion?"

The government will prove that Woewiyu did persecute another person, both directly and indirectly, because of the race, religion, national origin, membership in a particular social group, or political opinion. The evidence of Woewiyu's persecutory conduct tracks four groups which the NPFL persecuted pursuant to NPFL policy: 1) suspected members of the Krahn tribe; 2) suspected members of the Mandingo tribe; 3) people suspected of being affiliated with or

supporting the Doe government, including the AFL; and 4) people suspected of collaborating or being affiliated with ECOMOG. The government's evidence will establish that Woewiyu participated in, and endorsed and promoted these persecutions, directly and indirectly, by his influential words and deeds as both NPFL spokesperson and Minister of Defense and by virtue the authority that those positions carried. Moreover, the persecution of these four groups was not simply a by-product of the conflict's violent struggle for territory in the interior of Liberia during its first civil war, the ouster of President Doe or control of Monrovia; rather, persecution of these groups was an NPFL objective.

To briefly summarize the NPFL's persecutory conduct, firstly, it is a virtually undisputed historical fact that soon after the NPFL's invasion into Nimba County, the first Liberian civil war was infected with a virulent ethnic dimension and became in many respects a tribal war. For both the NPFL and its adversaries, tribal affiliation often determined whether a person lived or died, whether one places the starting point of the ethnic-based animus at the Americo-Liberians' marginalization of the people from the interior of the country; or at President Doe's favoring the Krahn and brutalization of the Gio and Mano before and after the failed Quiwonkpa coup; or at the NPFL's targeted killings of Krahn and Mandingos; or at ULIMO's atrocities against Gio, Mano and suspected NPFL sympathizers; or elsewhere. Secondly, related to the NPFL's anti-Krahn animus but also distinct from it was the NPFL's persecution of people suspected of being a part of the Doe government, whether as employees, supporters or members of the AFL. Thirdly, the evidence will further establish that the NPFL viewed and treated ECOMOG as an enemy force against which the NPFL was implacably opposed militarily, ultimately resulting in the murder of five American nuns whom the NPFL accused of collaborating with ECOMOG.

Fourthly and finally, the evidence will also establish that the NPFL deliberately and cynically used child soldiers as an integral component of its persecutory process. Indeed, the evidence will establish that the NPFL, with Woewiyu's direct and indirect participation, employed child soldiers as persecutory weapons of war against the targeted groups, whether as a tool of terror at checkpoints where they separated and killed civilians belonging to the four persecuted groups, or on the front lines, as during Operation Octopus.

2. Ethnic-Based Persecutions

Woewiyu responded on behalf of the NPFL to mounting reports and accusations that the NPFL was committing ethnic-based atrocities. For example, in a BBC interview on July 3, 1990, Woewiyu denied that the NPFL was out for revenge as it was poised to enter Monrovia, and when on August 13, 1990 a BBC correspondent asked “[i]s it not true that the Mandingos have been killed? Is it not true that the Krahn have been killed? Is it not true that Gios and the Manos have been suffering reprisals? Can you seriously think of these tribes living in Liberia if this crisis goes on longer than this?,” Woewiyu replied, “Oh, if all of them have been affected, and they are all Liberian tribes, then we will have to find a Liberian solution.”

When asked by a BBC correspondent during an interview on August 23, 1990, “Now, at the press conference, you said that you had certain suspicions about the Guinean forces [forming part of the ECOMOG peacekeeping contingent that the NPFL opposed]. Is this correct?,” Woewiyu replied, “Oh, yes, it is. It is correct that even if we didn't have suspicion, if we didn't know that they are, indeed, involved, they have been sending troops and forces to support and to bolster the Doe army, if that was not the only problem, the other problem is that the same tribes in Guinea [Mandingos] are the same tribes in Liberia. So that when you have a problem

between the Mandingos and the Manos and the Gios, and the Mandingos are in Guinea and they are in Liberia, then that particular country cannot serve as a referee.”⁷

In an interview on June 9, 1993, the BBC questioned Woewiyu about a massacre that had occurred at Harbel, near the Firestone rubber plantation. Woewiyu denied that NPFL committed the massacre, and instead deflected the blame to ECOMOG. When the BBC reporter asked Woewiyu, “are you saying you as the defense minister or defense spokesman of the NPFL that your troops, your rebels, are not capable of committing these atrocities?,” Woewiyu replied, “It is not a question of capability. It is whether or not there is any reasonable thinking in a particular activity like that. Our movement is a people’s movement, civilian movement. We would not kill anybody like that. NPFL forces have to reason to kill people. These people and us, all of us, have lived together. We fought against whatever we believed in so what I am trying to tell you is that this is not an act that an NPFL force will commit because we have no reason to do that. These people come from our hometown, my own hometown.”

Thus, when speaking to the international press, Woewiyu used guarded language when confronted with and deflecting accusations of ethnic-based persecutions. Over local airwaves, however, Woewiyu was less oblique and polished than with the BBC, but far more direct: in confirming and stoking the open and notorious tribal and ethnic dimension to the civil war, several witnesses recalling NPFL leaders, including Taylor and Woewiyu, uttering a common

⁷ Interestingly, in a piece he authored titled “The Woewiyu Testimony To The Liberian TRC [Truth and Reconciliation Commission] That Was Never Given” and published in *African Panorama*, Woewiyu allowed that war crimes were indeed committed during the conflict; notably, however, he attributed them to only one party: the rebel group that “had natural ethnic affinities” with Guinea; *i.e.*, the Muslim Mandingo ULIMO rebel group.

phrase that “the only good Krahn is a dead Krahn.” Indeed, after the war, Woewiyu acknowledged that he had in fact said these words, although in a document published in *African Panorama*, see footnote 7, *supra*, he tried to explain his statement away by claiming that he was simply quoting Taylor.

a. Persecutions of Krahns

Witness A⁸

Witness A was in the U.S. when the civil war started in 1989, and when he returned, he passed through checkpoints with heads on stakes and intestines for ropes manned by child soldiers. Witness A saw a Krahn man shot at an NPFL checkpoint because he was Krahn.

Witnesses B, C and D

Witness B’s father was Krahn and his mother was Grebo. When he tried to return to Monrovia to tend to them, he had to conceal his Krahn heritage. Monrovia was completely divided by tribe and affiliation, and there was no freedom of movement. At NPFL checkpoints, rebels would ask people their tribe and decide life or death based on the person’s name and tribe. Child soldiers would be directed by an older fighter to approach the line of civilians and conduct an initial encounter, for example, saying “I think I smell Krahn,” or “I think I smell Mandingo;” if the civilian were marked for death, the child soldier would carry out the adult’s order to execute the civilian. If a woman were pregnant, the rebels would bet on the gender of the fetus and cut it out. Witness B saw bleeding heads on posts at checkpoints and could smell fresh blood in the air. At one point he accidentally gave his Krahn name and was tied up “duckfa

⁸ Owing to security concerns for many of its witnesses, the government is currently identifying these witnesses by pseudonym. The government is not seeking to offer anonymous testimony at trial; rather, the government seeks to withhold its witness’ names and personally identifying information until shortly before the start of trial.

tabay” style and beaten and tortured.⁹ At a town called Gutrie, Witness B saw NPFL rebels call the villagers out for an audience to watch them kill villagers, including a family of four simply because they were Mandingo. Witness B saw that the NPFL rebels included child soldiers as young as ten years old and barely able to carry weapons. Witness B saw a woman killed and her body displayed for declaring her support for Doe. Witness B also heard Woewiyu on the radio as the NPFL Minister of Defense talking about the NPFL. In November of 1990, just as Witness B was at the last checkpoint before Monrovia, the NPFL arrested him and called him a “conniver.” He was tied, beaten and imprisoned for three weeks. Witness B heard NPFL rebels say many times they would kill a Krahn if they had the chance. One of Witness B’s sisters, Witness D, was raped and had a child by an NPFL supporter.

Another of Witness B’s sisters, Witness C, recalls learning about the NPFL invasion via BBC radio, and by the spring of 1990, when she was still attending school, the ethnic divisions had already started, as even old friends began distancing themselves from Krahns. One morning she woke up and all of their neighbors except a Pakistani family had left. Fearing for their safety, her family left for Grand Cape Mount County with a family friend who had been in the Doe government. After making their way to a farm near Lake Piso, they heard on the radio that the rebels were nearing Monrovia and killing civilians; distressed refugees fleeing Monrovia told them that there were checkpoints where Krahns, Mandingos and suspected AFL soldiers were being separated out and killed.

⁹ This method of binding, employed ubiquitously by all warring factions during the war, involved tying the prisoner’s arms behind the back at the biceps so tightly that the elbows touch, forcing the prisoner’s chest outwards like a duck, causing great pain and making it very difficult to breathe.

In approximately July 1990, while Witness B was away searching for food, an NPFL commander arrived at the farm looking for Krahn and seized Witness C, Witness D and the family friend who had been in the Doe government, tying them up duckfa tabay style. One of the NPFL fighters placed an RPG rifle against the back of Witness C's head before taking her and the other prisoners to a vehicle in which there was another prisoner similarly bound who had been accused of supporting the Doe government. The NPFL fighters interrogated them about being Krahn, but Witness C spoke Grebo; when the vehicle failed to start three times, the fighters told them that it was a sign that God did not want them to die that day and released them. The NPFL fighters then looted the farm, and their commander told them that he would return and that if they did not stay on the farm or he would kill everyone he could find. When the NPFL commander indeed returned after a couple of weeks, his fighters lined everyone up and asked where the Krahn people were. However, none of the other villagers identified Witness C or her family as Krahn, or her family friend as a Doe supporter; one such word from the other villagers would have meant death for them. The NPFL again looted before leaving the area.

Witness E

Witness E is a Krahn whose father was an official in the Doe government and who is related to Doe. Witness E saw intestines strung up and human heads on posts at checkpoints. When Witness E tried to hide in a protected school, she was afraid that friends and classmates would tell on her for being a Krahn. Witness E was arrested in 1994 by the NPFL for being Krahn; she was beaten, thrown in the trunk of a car and jailed, where she was raped repeatedly. While in jail, she was befriended by a young NPFL soldier who helped her escape to Monrovia. As she escaped, there were numerous checkpoints along the way to Monrovia, decorated with

intestines and heads of the dead. Hundreds of people were trying to leave, but the guards would pull the Krahn out and murder them. The NPFL made everyone clap when a Krahn was killed. She saw an AFL soldier murdered, three Krahn murdered and children sold and thrown in the river. In 1999 she was rescued by ECOMOG and on the plane to the U.S. she recognized the defendant, whom she remembered on the radio saying “a dead Krahn in the best Krahn.” The defendant was the Liberian equivalent of the U.S. Vice President. Of her twelve siblings, only six survived. She also lost four cousins at the port of Sierra Leone, where the NPFL murdered them, and her sister and her sister’s husband and children were killed on the main road to Cape Mount, simply because they were associated with the Doe regime.

Witness F

Witness F is Krahn who recalls both Charles Taylor and the defendant saying on their radio broadcasts, “A good Krahn is a dead Krahn,” and the defendant saying “We’re [the NPFL] taking Liberia millimeter by millimeter.”

Witness G

Witness G is a Krahn who returned to Monrovia in 1989. In 1990 he took a friend to lunch in downtown Monrovia, when a crowd began running towards them. When he asked one what was going on and was told that the NPFL were going to invade the city sometime that day or next, his friend rejoiced at the news, pointed her finger at him and exclaimed that Charles Taylor was going to get rid of all the Krahns. Witness G saw the NFPL invade the embassies of other countries like Nigeria whose counties were thought to support Doe, and slaughter the Krahn and Mandingo people inside. Witness G recalls a segment on the BBC radio in which the defendant, the NPFL Minister of Defense, was asked about the embassy killings and his response

was that this is war. Witness G also recalls the defendant on the radio many times, relaying the demands of Charles Taylor and the NPFL, and saying “A good Krahn is a dead Krahn.”

Witness G also remembers the defendant on the radio saying that the NPFL was in control of an area called Gardnersville, and that a few days later, five American Catholic nuns were killed there.

Witness H

Witness H saw Krahns killed on Duport Road in Monrovia, and checkpoints decorated with skulls and manned by male and female child soldiers. She was also at the scene of the Carter Camp massacre within hours. Witness H also saw the defendant accompanied by child soldier bodyguards.

b. Persecution of Mandingos

i. Bakiedou Massacre: Witnesses I, J, V and W

Witness I

Witness I is a Mandingo born in Bakiedou, considered an Islamic village. Since there was no high school in Bakiedou, he went to high school in Voinjama, which is a bigger town to the northwest. Witness I attended the University of Liberia in Monrovia until the war broke out and he returned to Bakiedou, where his father was the town chief. In June of 1990, Mandingos were being killed by NPFL rebels. Witness I’s father thought Bakiedou would be a safe haven, and after meeting in Voinjama about whether to leave Bakiedou to be safe from the rebels, the decision was made not to leave their homes. On July 12, 1990, the NPFL attacked Bakiedou, and the town crier reported that NPFL had entered. Through his window, Witness I saw his father meet with NPFL commander and offer him a cow as a peace offering. The

commander said the cow was his anyway, and the NPFL fighters began shooting at villagers.

Witness I and his father fled to the bush, from where they saw fellow Mandingos killed by the NPFL.

Witness J

Witness J is a Mandingo and was living in Bakiedou when the NPFL entered and after shooting at the villagers, was gathered in the middle of town with other villagers, from whom the NPFL demanded money, and took a cow. After the rebels killed a friend of Witness J for not handing over money and began shooting at the villagers again, Witness J fled to the bush, from where he heard the shooting continue and people crying. When he returned to the village, almost all of the people who had remained were killed, though some were alive but seriously wounded.

Witness V

Witness V is a Mandingo and was living in Bakiedou in 1990 when he heard about a war in Nimba County. During the rainy season, in July, white missionaries in Zorzor warned the people in Bakiedou that rebels were coming to kill people. They also heard that rebels had attacked the town of Salayea and killed Mandingos there. Soon after this warning reached Bakiedou, the rebels surrounded Bakiedou and opened fire. The rebels, the many of whom were child soldiers, rounded up the villagers and forced them into the town hall, which the rebels surrounded. The town chief had decided to welcome the rebels, and when they demanded to know what the town had for the rebels, the town chief gave them money and a cow. The rebels responded that all the cows in the town were theirs, then ordered the women and children out of the town hall. The rebels said that they did not trust the villagers and began shooting. Witness

V was shot in the hip and fingers. Villagers who tried to escape were shot, and he later saw bodies of women and children among the dead outside the town hall, in which over 100 people were killed. Witness V lost his mother, father and older brother in the massacre.

Witness W

Bakiedou was the largest Mandingo town in Lofa County. Witness W is a Mandingo and was living in Bakiedou on July 12, 1990 when NPFL fighters entered the town and rounded the villagers up, forcibly grabbing people from their homes and the street. The rebels ranged in age from 12 years old to thirty. Witness W was running away when he was seized. The rebels forced everyone into the town hall, and the chief gave the rebels money and a single cow, which angered the rebel commander, who said that all the cows belonged to the NPFL. The rebels told the women and children to leave, then said they were going to kill everyone and opened fire. Witness W was shot in the arm and leg, and survived by hiding under the bodies of other victims. Over 100 people were killed inside the town hall, including the town chief and a blind woman. Outside the town hall were the bodies of men, women and children, and he saw a man with his intestines hanging out crying for help and water, and children were wandering around crying for their parents. Witness W's older brother was killed in the massacre.

ii. Gbarquoitown Killings

Witness K

Witness K was living in the village of Gbarquoitown when the NPFL arrived and ordered the villagers to line up. When two Mandingo men were identified by the rebels, they killed the men in front of the villagers and ordered the villagers to clap.

3. Ethnic and Political Persecutions During Operation Octopus And The Murder Of Five Sisters Of The Adorers Of The Blood Of Christ As Suspected ECOMOG Collaborators

As noted above in Part I.B., the NPFL launched Operation Octopus in October of 1992 in an effort once and for all to seize Monrovia from ECOMOG peacekeepers and the remaining AFL forces that controlled the capital city. As the government's evidence will establish, Taylor ordered all available manpower to be gathered for this assault, and Woewiyu helped carry out this order by forcibly recruiting fighters, including child soldiers, for Operation Octopus. As the residents of Monrovia's various neighborhoods fled the ferocity of the NPFL attack and ECOMOG's response, their escape routes too often led them directly into NPFL checkpoints, where suspected Krahn, Mandingo and AFL fighters were separated from the queues, marked for death based on those suspicions, and executed. In the case of five American nuns, it was an NPFL front-line commander's suspicion that they had collaborated with ECOMOG that tragically and brutally sealed their fates. The murder of these American citizens was no random act of wartime violence; rather, it was the altogether foreseeable culmination of years of NPFL hostility towards ECOMOG, promulgated by Woewiyu himself. Indeed, as summarized in Part II.D.3.b., *infra*, Woewiyu had consistently voiced his antipathy towards ECOMOG as a United States-backed proxy force that the NPFL considered as much an enemy as the AFL or ULIMO.

a. Ethnic and Political Persecutions During Operation Octopus

Witness AA

Witness AA is of mixed Mandingo and Kpelle tribal background. At one point during the war, while he was living in Monrovia with his mother, he decided to take her back to Gbarnga and had to pass through approximately twenty NPFL checkpoints, where at each one

armed rebels, including child soldiers between ten and twelve years old, demanded to know whether he was Mandingo, Krahn or AFL. Because he spoke Kpelle, he survived; if had said he was Mandingo, he would have been killed. The checkpoints had skulls on stakes and dead bodies. In late September, 1992, Witness AA decided to return to Monrovia to bring his children back to Gbarnga as well, and on the way again had to pass through checkpoints where everyone was asked if they were Mandingo, Krahn or a Doe soldier, checking the males' ankles for evidence of wearing military boots. Mandingos and others who were merely suspected of being Mandingo or Krahn were killed at these checkpoints, some receiving "VIP treatment," in which child soldiers were ordered to place water drums or other heavy objects on top of a person until the died or were thrown into nearby water to drown.

Witness AA reached Monrovia and searched for his children for two weeks, until October, when he heard artillery being launched. At a location in Monrovia known as the Dry Rice Market, Witness AA encountered an NPFL checkpoint where there was a long line of civilians. Child soldiers in the Small Boys Unit were killing people because they were thought to be Mandingo, Krahn or Doe soldiers, and he saw a man accused of being Mandingo get his ear cut off. One of the NPFL soldiers told Witness AA to step out of the line, at which point an NPFL commander, who introduced herself as General Martina Johnson, shouted at him, "You, who said you can step out of the line," at which time she shot at Witness AA, grazing the side of his head, which still bears a scar from the bullet. After he was shot, a child soldier ordered Witness AA to haul dead bodies away, and when he failed to do so fast enough, the child soldier took the bayonet off of his weapon and stabbed him in the back, which still bears a scar.

Witness AA then hauled away stinking corpses, after which he was held in a makeshift jail for a week until he managed to escape.

Witness DD

Witness DD was about thirteen years old in 1990 when the NPFL reached the area of Division 27 Firestone, where he and his family were living. The NPFL needed manpower and soon began forcibly recruiting child soldiers as young as nine and ten years old. The soldiers were so young that the AK-47s would be taller than they were, and would drag on the ground behind them. The child soldiers took drugs and followed orders. At one point while still living in Firestone, NPFL rebels entered and took women away, some resisting and crying. Some escaped and when they came back, they were distraught. Witness DD's parents hid him on a farm, and after his father was beaten by the NPFL, they fled to Harbel. On the way to Harbel, they survived checkpoints "by the grace of God," where child soldiers and adult fighters demanded to know what tribe they belonged to and what dialect they spoke and would kill if they heard the wrong answer, and where he saw a skull on a stake and dead bodies. At one checkpoint between Harbel Hills and Harbel center, he saw fresh intestines used as a gate. Child soldiers checked mens' shins for evidence of military boot marks, and were ordered to take prisoners behind a house to be killed.

In the period leading up to Operation Octopus, Woewiyu came to the location where Witness DD was residing and advised the people there that they needed to move for their safety, so Witness DD and several other people moved to the Liberian Agricultural Company ("LAC") plantation with the assistance of several fighters Woewiyu ordered to assist the group in traveling to LAC. *En route* to LAC, they encountered NPFL checkpoints again, one of which was at

Owen's Grove, where the NPFL fighters were after Krahns and Mandingos. Witness DD observed people being questioned, beaten with gun butts and begging for mercy. One of Woewiyu's fighters said that the fighters at the checkpoint were going to "zero" (kill) the prisoners, and Witness DD saw an NPFL fighter order a child soldier to take away a prisoner to be killed, then watched as the child soldiers took away the prisoner towards a swamp and heard gunshots. The child soldiers then returned, jubilating, at which time Woewiyu's fighters told Witness DD's group that it was time to move on. After Witness DD and his group had settled for a couple of weeks at LAC, there was an announcement that the Minister of Defense was coming and for the fighters to muster and receive him. Woewiyu subsequently arrived with a number of bodyguards and was in a serious mood. The fighters saluted Woewiyu, who addressed them and told them that he had a "message from the boss" to be "vigilant," and that they would have to be ready to conduct an attack at any time. A couple of days later, Woewiyu returned with some prisoners who were placed in the compound and described as "on reconnaissance" who had been hiding Doe soldiers. The prisoners were bloodied, in their underpants only and bound in the duckfa tabay fashion, and Woewiyu and Koko Dennis questioned them. When one of the prisoners did not answer Woewiyu, who accused the prisoner of "hiding Doe soldiers who are killing our men," one of his fighters said to the soldier, "you don't want to talk to the Chief?," and struck the prisoner with his gun butt. Woewiyu told the prisoner that if he did not talk, he would cut his ear off. Woewiyu then ordered Koko Dennis to cut off their ears, so Dennis used a bayonet from an AK-47 to cut off the ears of two prisoners, who screamed and cried as they sat on the ground while their ears were cut off. Woewiyu then ordered the prisoners taken away.

Also while staying at LAC, Witness DD went to play football one day and saw two NPFL fighters argue about the gender of a woman's baby, and later saw the woman's body with the fetus removed. Witness DD left LAC because he did not like what he was seeing.

Witness HH

Witness HH was living near Gardnersville when Operation Octopus started. There was heavy fighting and rockets being fired and Gardnersville became the front line. The NPFL rebels were fighting ECOMOG. He saw NPFL generals in the area, including Martina Johnson, Zobon Johnson and General Mosquito, Vambo. At an NPFL checkpoint called Patience Shop, Witness HH saw rapes and killings. Child soldiers were used to commit the killings. The child soldiers did not have independent minds; there were no "whys" with them. Witness HH could smell rotting flesh. Earlier in the war, when fleeing the Paynesville neighborhood of Monrovia, Witness HH passed through a checkpoint where there was a very long line. NPFL rebels had ordered everyone to stand single file, and were interrogating them about their tribe looking for Krahns, asking whether they worked for the government as police or immigration officers, and checking for signs that they had been wearing military boots as an AFL soldier. Armed small soldiers, some as young as ten or eleven years old, were at the checkpoint and dead bodies were everywhere. Witness HH saw a Krahn woman shot at this checkpoint; she had a baby on her back, who cried and cried until the baby suffocated from his mother falling on her back after being shot.

b. Murder Of Five Sisters Of The Adorers Of The Blood Of Christ As Suspected ECOMOG Collaborators During Operation Octopus

Witnesses M, N, O, U, Gregory Stemm, Mark Stucke, James Fasuekoi, Brian Brown, Fr. Michael Moran

During Operation Octopus, five Catholic nuns of the missionary order the Adorers of the Blood of Christ who had been serving the local Liberian population for many years from their convent in the Gardnersville neighborhood of Monrovia, were murdered by NPFL fighters. The government's evidence will demonstrate that the five nuns were murdered in part because they were Americans who were suspected of collaborating with ECOMOG, which the NPFL considered an enemy force. As mentioned in Part I.B., *supra*, the Economic Community of West African States ("ECOWAS") sent a heavily-armed peacekeeping force, the Economic Community of West African States Monitoring Group ("ECOMOG") to Liberia. In ECOMOG, Woewiyu saw an adversary that presented multiple threats to the NPFL: a well-armed peacekeeping force from West African states like Guinea which would put Mandingo soldiers behind ECOMOG guns, all backed, in Woewiyu's mind, by the United States.

Thus, when in an August 23, 1990 interview, the BBC correspondent told Woewiyu that "[t]here are reports coming in that ECOMOG may have sailed from Freetown," and then asked him, "[i]f indeed, they arrive outside Monrovia, what do you expect will happen?," Woewiyu replied, "If they arrive in Monrovia or any part of Liberian soil, definitely we will hear about it because they will be sorry then." The next day, August 24, 1990 Woewiyu made his feelings towards ECOMOG even clearer, stating that "Well we will see when they get there, they will find out if we will not be able to shoot at them. Anybody that entered the land called Liberia

without the consensus of the people of Liberia – that you should be there with arm – will be considered an enemy and we will shoot at them.”

Woewiyu also consistently voiced the NPFL’s belief that the United States was the driving force behind ECOMOG, for example, saying during an interview with the BBC on August 27, 1990 that “[w]hat we have is not a peacekeeping force. It was a group that was already committed to getting into Liberia, getting into this war, and I believe that they have the support of the United States. As you can see, all the logistical information concerning what was happening inside Liberia was given to them by the United States and they are still being helped by the United States to carry out this particular offensive against our country.” In another report later that day, Woewiyu was recorded telling the BBC that ECOMOG attacked a port area, resulting in civilian casualties; that ECOMOG had “joined forces with the Doe and the Prince Johnson group;” and that “their activity is apparently being coordinated by the United States, so we will have to organize ourselves appropriately and deal with the situation. But we are not going to go anywhere. We are going to fight, as we said, until all of us are dead.” Later in the same recording, Woewiyu stated that the NPFL views ECOMOG “as a surrogate group put together by the United States. Since they could not use Prince Johnson to defeat us, they went out and bought themselves some other stoop agents to carry out the job for them.” In another interview with the BBC two days later on August 29, 1990, Woewiyu denied the accusation that the NPFL was threatening to kill ECOMOG hostages, and that the ECOMOG forces were “a part of the whole scheme put together by the United States.”

Later, on September 19, 1990, Woewiyu denied to the BBC that the NPFL had lost any territory to ECOMOG forces, stating, “[o]ur army, our fighting forces are not concentrated in

any spot where anyone can throw a bomb and do anything. Every living Liberian in Liberia is an army in itself, so parachuting into Liberia is like committing suicide. Any time they want to do that, they can do that. We are prepared, and we will deal with them.” On September 27, 1990, Woewiyu told the BBC that “[w]hat we are saying is as of today, any ship, any vehicle, plane, or whatever that approaches the Republic of Liberia without having our approval for coming in there would be fired upon.” When the BBC correspondent followed up by asking, “[s]o if any more troops or boats are bound for Liberia, you will shoot at them?,” Woewiyu responded, “No question about that. That is exactly what we will do.”

Woewiyu’s antipathy towards ECOMOG did not subside as the war progressed. Even though by June 3, 1992, Woewiyu was denying reports that the NPFL was holding Senegalese ECOMOG soldiers hostage, several witnesses will testify about how the NPFL would soon be preparing the final attack on ECOMOG during what became known as Operation Octopus to take the capital of Monrovia once and for all.¹⁰

Thus, the government’s evidence will establish that treating ECOMOG as a mortal enemy was consistently and publicly promoted by Woewiyu, and that by the time of Operation Octopus in October of 1992, that policy had filtered down to the front line NPFL forces, with tragic and fatal consequences for the five American nuns. Multiple government witnesses will testify that Woewiyu participated in the preparations for Operation Octopus, for example, by forcibly recruiting child soldiers; that he was on the ground during the operation, delivering

¹⁰ Indeed, six months after Operation Octopus commenced, the NPFL was still battling ECOMOG, when on May 4, 1993, Woewiyu told that BBC that “we have converted our forces into a full guerilla force. We pick when we are going to fight, and where we are going to fight, and how we are going to hit ECOMOG, and that is succeeding very well.”

ammunition to the fighters; and that he was indeed in face-to-face communication with the very NPFL commander who witnesses have stated ordered their murders.

Thus, on October 20, 1992, Sister Barbara Ann Muttra and Mary Joel Kolmer had left the convent with the convent's security guard and were killed on October 20, 1992 in their car, along with two ECOMOG peacekeepers who had joined them. On October 23, 1992, Sisters Kathleen McGuire, Agnes Mueller and Shirley Kolmer were killed when NPFL fighters attacked the convent. According to two aspirants (pre-candidates for sisterhood) who survived, Witness M and Witness N, the Sisters were resting after lunch when several NPFL rebels began firing at the convent gate. Once inside the compound, the fighters, led by a commander named Christopher Vambo, widely known as General or Commanding Officer Mosquito, yelled at them to come outside. Sister Kathleen came out first, followed by a Lebanese shopkeeper who had taken refuge in the convent with his family after his nearby shop had been struck by a shell, and then Witness M. One of the fighters, Black Devil, shot Sister Kathleen in the arm with an automatic weapon, and she fell down. The Lebanese man, whose last name was Nasser, was also shot and fell. The other occupants of the convent had come out and Mosquito demanded their money and the cars, and ordered his fighters to separate the white people, stating that the white people were Americans, that the Americans were supporting ECOMOG and accusing the white people of conspiring with ECOMOG. Mosquito then gave the order to Black Devil to kill the remaining Sisters, so Black Devil walked over to Sister Kathleen and shot her in the back of her neck with his long gun, then shot Sister Agnes and Sister Shirley. In addition to Witnesses M, N and U, these events were also witnessed by Witness O, Mr. Nasser's niece, who had taken refuge in the convent earlier.

Mosquito ordered his fighters to take the remaining occupants of the convent, including Witnesses M, N and U, to another location, so they began walking. On the way, they passed the car which Sister Barbara and Sister Joel had driven earlier in the week. The car was burned out and the Sisters' bodies and those of the ECOMOG soldiers were still there. In addition to Witness M and Witness N, Mark Stucke and James Fasuekoi also saw the burned-out car and human remains in the street where the Sisters were attacked.

The aspirants passed through a series of checkpoints as they walked. NPFL rebels, including child soldiers, were killing and raping. The aspirants saw separations of suspected Krahn, Mandingo and Doe government officials and employees; these civilians were crying and begging for their lives. Women were also crying that they had been raped. At one of the checkpoints, one of the aspirants recognized a cassette player that had belonged to the Sisters being played by child soldiers. This checkpoint featured a skull on a stake next to the mud building being used as a guard hut by the rebels manning the checkpoint. Child soldiers milled around this checkpoint, and Witness U recalls seeing a child soldier she estimated to be at most eight years old holding an automatic rifle in one hand and a toy in the other. The stench of rotting corpses was in the air.

At one of the locations where they stopped, two of the aspirants encountered an NPFL commander named Martina Johnson and told Johnson that her boys had killed the nuns. Witness U recalled this location being at a place called 15 Gate, on the way to Kakata. Johnson told the fighters with her that this would be a problem for "Pappy" (a nickname by which Charles Taylor was widely known). Gregory Stemm recalls that Johnson and Mosquito, who Stemm knew also as Christopher Vambo, were in the Gardnersville during Operation Octopus,

working together as commanders. Stemn took a photograph of Mosquito with Charles Taylor in Bomi Hills, and recalls Taylor introducing Johnson to ECOMOG as General Martina Johnson.

Approximately a month after the murders, when conditions were secure enough, a team was dispatched to recover the nuns' remains. Gerald Rose, Brian Brown and Fr. Michael Moran were involved in this effort. In the meantime, in an interview Woewiyu conducted on November 3, 1992 with the BBC shortly after the nuns' murders, Woewiyu reported that the combat was still ongoing, as he was in Harbel when ECOMOG jets bombed that location. By November 28, 1992, Woewiyu had returned to the NPFL headquarters in Gbarnga, and was interviewed by the BBC and complained that ECOMOG had shelled the port town of Harper.

Witness P

Witness P was an NPFL fighter who met Mosquito, whose name he recalls as Christopher Vamore or Vambo, before Operation Octopus. Witness P's unit took control of an area of Gardnersville, and his fighters, including one nicknamed Town Devil, were ordered to take over an area they referred to as Super Market. Martina Johnson was responsible for directing artillery to the area. At one point, Town Devil called for reinforcements, so Witness P sent three fighters, including a child soldier name Sam, to Town Devil's location. Later that day, Sam reported to Witness P that there was a problem and that Americans had been killed. Witness P and Sam drove to the location, which is across from a super market. Mosquito talked about the need to cover up the murders and blamed the killings on AFL, and a few days later Mosquito called a meeting and ordered him to sign a false report blaming the AFL for killing the nuns. Witness P did not believe Mosquito, and both Town Devil and Town Devil's bodyguard told Witness P that Town Devil had killed the nuns.

Every unit had child soldiers, including his own. Taylor had his own SBU fighters. Child soldiers, sometimes as young as twelve to fifteen years old, commanded adult men and groups on the battlefield. Child soldiers were involved in Operation Octopus. Zobon Johnson was the SBU chief at one time. Child soldiers manned the NPFL checkpoints and searched people for weapons and checked their tribal affiliation. Taylor supplied the drugs that kept the child soldiers high. If older fighters let the child soldiers go on their own, they got in trouble and would get killed easily.

The revolution was a tribal war in which one tribe hunted another. The NPFL was primarily Gio and were after the Krahn and the AFL. Witness T recalls the NPFL slogan “the only good Krahn is a dead Krahn.” ECOMOG was also considered the enemy, and was associated with the United States.

Witness P had first heard of Woewiyu during training, and him on the radio as Taylor’s representative and Information Minister answering questions and responding to allegations made against the NPFL. Witness P recalls that Woewiyu traveled in a big car and had four to five bodyguards, who included male and female child soldiers. Woewiyu carried a pistol. Witness P stated that Woewiyu was a man who had the money and power to get things done, and that he would issue orders and had the respect of the NPFL soldiers. Taylor did not trust many people, but he trusted Woewiyu to be his eyes and ears on the ground. Witness P further stated that if Woewiyu had demanded soldiers to stop raping and looting, they would have obeyed his orders. Woewiyu was second to Charles Taylor, and soldiers would comply with his commands. The fighters, including Witness P, would be notified ahead of time that Woewiyu was coming to visit the battlefield. Witness P would set up ambushes at both ends of his positions, so he wanted to

make sure that his fighters did not open fire on the NPFL Minister of Defense. Woewiyu brought in supplies of clothing, shoes, weapons and ammunition. When he arrived, the fighters saluted him and addressed him as “Chief.” Woewiyu asked for the local commander, then asked how they were doing, where the front line was, and would tell them to “keep it up” and “that’s good,” and encouraged the fighters to do more.

Witness Q

Witness Q was an NPFL child soldier radio operator. Witness Q recalls that during Octopus, General Mosquito, “Town Dable,” and other fighters went to a house with white people and questioned them about supplying information. General Mosquito, who Witness Q knew as “Christopher Vamoe,” ordered “Town Dable” to kill them. Witness Q stated that they inserted sticks in the victims, which is corroborated by forensic evidence.

Witness CC

Witness CC joined the NPFL at age fifteen so he could have food. He was taken to a training base with many other recruits, some of whom were younger than he was, and received approximately three weeks of training. They were starved and beaten during training, and three recruits died. They received training in cover and concealment, field-stripping an AK-47 and target practice. Their training commander told them that Charles Taylor had come to get rid of Doe and that there would be a battle for Monrovia. They received lectures and were taught to sing songs about Charles Taylor. He participated in a battle for Camp Schieffelin, and after the ceasefire and arrival of ECOMOG, he returned to Gbarnga and joined the Small Boys Unit, which was under Zobon Johnson’s command. Some of the boys in the SBU were between ten and twelve years old. Witness CC was assigned to provide security for Charles Taylor, which

mostly involved securing the perimeter of Taylor's residence, the Executive Mansion at Gbarnga. Witness CC encountered Woewiyu at a checkpoint Witness CC manned near the Executive Mansion when Woewiyu arrived to meet with Taylor at the Executive Mansion. When Woewiyu arrived, Witness CC saluted him, then took custody of Woewiyu's .45 caliber pistol before Woewiyu and his bodyguards were permitted to proceed through the checkpoint. Woewiyu's vehicles were also searched before they were permitted to pass through. Woewiyu traveled in three trucks with armed bodyguards, who included child soldiers.

Witness CC was ordered by Zobon Johnson to take part in Operation Octopus as part of a task force comprised of fighters from the SBU, Wild Geese and Seaside Marines, and was transported in a truck towards Monrovia with approximately 50 fighters. Martina Johnson had a 40-barrel missile launcher mounted on a truck. His unit had a Stinger missile, but they did not know how to operate it, and his squad was led by an RPG man. Many child soldiers took part in Operation Octopus, many of whom were younger than he was, aged twelve to fifteen. They stopped at Fendell, where the NPFL had a checkpoint, and began their assault on ECOMOG's position at Mount Barclay, and eventually reached the Barnersville neighborhood, north of Gardnersville, which became the front line, pushing ECOMOG out of Mount Barclay and westward. At one point Witness CC was based in a concrete housing estate in Barnersville, which provided better cover from the ECOMOG aircraft. While in the Barnersville area, Witness CC was assigned to serve under Christopher Vambo, also known as General Mosquito, and saw him personally almost every day during Operation Octopus. On one occasion, Witness CC and Mosquito travelled to the Fendell checkpoint to pick up ammunition which Woewiyu had delivered. Witness CC was present when Woewiyu spoke to Mosquito and told him, "Hold

that front line good. Take care of your boys.” Witness CC was in the area of the Dry Rice Market when he heard that the nuns had been killed. ECOMOG was considered the enemy, and a civilian who was thought to have collaborated with ECOMOG would have been killed, and Witness CC understood this to be NPFL policy directed by Charles Taylor, through Woewiyu and passed down through Mosquito to the front line troops like Witness CC.

ECOMOG eventually counterattacked and pushed the NPFL forces all the way back to 15 Gate and Mount Barclay, ultimately retreating past Kakata. He then returned to his duties at Gbarnga.

4. Carter Camp Massacre

Witnesses A, H, R, James Fasuekoi

In June 1993 several hundred displaced persons were massacred near the Firestone Plantation in the Harbel area. Witness A, Witness H and James Fasuekoi arrived at the site after the massacre and were horrified by what they found, including people chopped into pieces and desecrated. The killings were initially attributed to AFL, but many witnesses have stated that the perpetrators were the NPFL.

Witness R

Witness R was an NPFL soldier and stated that an NPFL commander told him that there were civilians in Carter Camp who were collaborating with AFL soldiers in Camp Schieffelin, and that they should be executed because of this. After the massacre, Witness R heard the same commander say that the children were not spared because they were following Taylor’s orders and that several hundred people were killed at Carter Camp. Witness R also knew that the

massacre was later falsely blamed on the AFL. Witness R was also familiar with the practice of placing severed heads at checkpoints and using human intestines as gates.

5. The NPFL And Woewiyu's Use Of Child Soldiers

As the foregoing illustrates, witness after witness encountered the horror that was the NPFL checkpoint. It was no accident that at those checkpoints, child soldiers played a key role. Rather, it was a result of a deliberate NPFL policy that Woewiyu promoted by his own use of child soldiers, though one that he once again in his public-facing role as NPFL spokesperson and Minister of Defense, tried to minimize and deflect.

Indeed, on October 23, 1992, at the height of Operation Octopus and on the very day that Sisters Kathleen McGuire, Agnes Mueller and Shirley Kolmer were shot to death at their convent by a group of NPFL rebels, the BBC World Service for Africa, "African Perspective" program interviewed Woewiyu, who said the following:

It's a very small group. We put them all together to make sure they don't do anything that we don't want them to do and uh, to keep them disciplined. But the small boys unit contains maybe from thirteen to fourteen on. They not, they not babies, they not ten years old. When we got here, uh, by the time we reached places from Nimba to Bassa, we saw young kids. The former military regime had killed their parent right in front of them and they placed themselves, they had no other place to go, to fight, to do whatever they had to do to defend themselves. The AK-47 weighs, you know, maybe ten, fifteen pounds, and if this young fellow feels like, if he doesn't fight, he will be dead anyway. Uh, he comes forward to do what he has to do.

Woewiyu thus expressly acknowledged that the NPFL had formed a Small Boys Unit consisting of child soldiers, and further, endorsed its use. Although Woewiyu minimized the size and impact of the Small Boys Unit, as well as the ages of its members, the NPFL's use of child soldiers was widespread, open and notorious. In the interview, Woewiyu contended that the Small Boys Unit consisted of boys aged "maybe from thirteen to fourteen on," and who were

“not babies . . . not ten years old.” Woewiyu’s contention is belied by, among other things, the government’s photographic evidence, which depicts several Small Boys Unit members who appear to be, at the most, ten years old. According to numerous witnesses, *supra*, the NPFL’s use of members of the Small Boys Unit was pervasive, and some were indeed as young as ten. They regularly manned innumerable NPFL checkpoints at which severed human heads and skulls were often displayed, and human intestines were used as rope. Many of the Liberian conflict’s most heinous events occurred at these checkpoints. The NPFL regularly provided drugs to children in the Small Boys Unit, which in conjunction with the lack of judgment and fear that is a characteristic of youth, resulted in the foreseeable commission of atrocities by this army of armed children. These children were pliable and followed the leads and orders of their adult NPFL commanders, which resulted in the persecution of targeted groups which the NPFL perpetrated. Woewiyu was intimately familiar with the children in the Small Boys Unit, as they served as his bodyguards and accompanied him through checkpoints, most of which were manned by other child soldiers.

Liberia’s first civil war, which lasted from approximately 1990 through 1995, was distinctive almost from its inception for its brutality, its use of child soldiers, its lack of freedom of movement and the employment of these checkpoints, amid the relentless ethnic, tribal and politically-motivated violence. Numerous witnesses will testify about the ubiquitous horror that anyone who set foot in Liberia and traveled on its roads during this period experienced. Moving constantly to and from the NPFL headquarters in Gbarnga, Woewiyu undoubtedly encountered these checkpoints over and over again. As an NPFL member of the highest prominence and authority, Woewiyu’s use of child soldiers could only have sent the clear message throughout the

entire rebel group that their use was sanctioned, and which in turn could only have served to perpetuate the persecutory atrocities committed by them.

As the NPFL's chief spokesperson and Minister of Defense, there was perhaps no one in a more influential position within Charles Taylor's rebel force than Woewiyu, other than Charles Taylor himself, and no one who was in a better position not only to communicate and promulgate NPFL policy, but to influence it as well. While Taylor left no doubt that he was the undisputed leader of the NPFL, Woewiyu was by, *inter alia*, his own admission one of only a few original founding members of the NPFL, *see* Part I.D., *supra*, and (again, including by his own admission) was entrusted by Taylor to speak on behalf of the NPFL regarding its military objectives and progress; enter or walk away from peace talks and keep fighting; and fundraise and procure arms on behalf of the organization. *See* Parts I.C. and I.D., *supra*. Moreover, fighters on the ground at the battlefield understood that as Taylor's Minister of Defense, Woewiyu was not only fully aligned and "of one mind with Taylor" (as Woewiyu confirmed he was to the BBC on May 4, 1993) and with Taylor's goals and means to achieve them, but that Woewiyu's words, deeds and orders were backed up by the authority of Taylor himself.

Psychologist: Elisabeth Kaiser, Ph.D.

Dr. Kaiser is an expert in the characteristics of child soldiers. She will testify that, among other things, child soldiers lack the judgment of adult combatants and as a result are obedient, malleable, easily indoctrinated, fearless, have limited ability to assess risks, and have feelings of invulnerability.

Witness L

Witness L worked for a nongovernmental organization rehabilitating child soldiers. During the war, many of the NPFL child soldiers wore red. En route from Mount Barclay to Gbarnga, child soldiers manned the as many as thirty checkpoints, virtually all of which featured human skulls, cross bones and dead bodies. The child soldiers were as young as nine years-old and carried AK-47s or short-barreled Berretta machine guns. There were one or two young adults and the rest of the fighters were children, who questioned people about their tribal affiliation, demanded food and money and carried out the adults' order to execute those marked for death. He saw people tied up and awaiting execution, as well as a pile of corpses.

The first time Witness L saw the defendant was at an ECOMOG checkpoint, where the defendant was surrounded by four cars of armed child soldiers. Witness L saw the defendant again at a Liberian National Police station in Kakata, arriving in a vehicle with two pick-up trucks full of mostly child soldiers armed with AK-47s who were the defendant's bodyguards. Witness L also saw the defendant at Harbel on Duchana Highway in the Firestone area with John T. Richardson; at that time, the defendant was wearing a T-shirt, jeans and was armed with a pistol with a wooden grip on his hip. Witness L also saw the defendant on a ship going from Monrovia to Nigeria.

Witness Y

Witness Y was twelve years old when the NPFL entered his village of Zualay in Nimba County. He had quit school to farm when he eight years old because his foster sister did not want to pay his school fees if he wanted to farm. He had been farming for two years and was still living with his foster sister in Zualay when the NPFL rushed into town. He had been

playing four-on-four soccer, and another two teams were sitting nearby waiting to play. The nine to ten armed fighters told them not to move and forced Witness Y and four of the other boys to carry loads to a nearby village. The leader of the NPFL fighters identified himself as Zobon Johnson, and told the boys that when his boss came, they would be taken care of for carrying the loads. About a week later, Johnson returned to Zualay with more NPFL fighters, but this time they went house to house looking for boys and any older males still in the village and not already out on the farms. Parents were crying, but Johnson told them that nothing was going to happen to the boys, and that they were only going to Gbarnga to help carry loads and to see the boss. Fifteen boys, including Witness Y, were driven to Gbarnga, which took two days because their vehicle broke down, so pickups came and took them to the Gbarnga base, which had many rooms, may have once been a school and was enclosed by a fence. After two days, the boss to whom Zobon Johnson had referred arrived, and identified himself as Tom Woewiyu, the overall boss spearheading the guys in the field. Woewiyu told Witness Y's group that they were going to Monrovia to fight against Doe's group. Woewiyu continued that he was going to conduct an assessment near Monrovia, then return in two days to get them. Zobon Johnson then introduced them to other fighters who showed Witness Y and the other boys how to shoot and field strip an AK-47. Woewiyu did return and announced that he was going to divide the group into two. Witness Y received a red T-shirt and head band, and was ordered to go with Zobon Johnson's group. Woewiyu took the other group. Both groups included child soldiers. The fighters in front of Witness Y were men who were armed with guns, but Witness Y carried only a knife and a load of magazines for the mens' guns. Other armed fighters were behind Witness Y. They walked to a town and rested for the night, and the next morning they heard launching and a

house not far from them was struck. Witness Y and two friends fled and decided to wait until the shooting stopped. They heard crying and someone saying “let’s move,” then waited a while until they escaped through the bush. Witness Y eventually made his way to Zorzor in Lofa County, and then Guinea.

Witness FF

Witness FF was twelve years old and living near Konola, where he and his sister, Witness GG, sold plantains. One day Charles Taylor’s army came and captured him and a number of other people, and took them by truck to the Konola base, which was up a hill in a school building. They were trained for four days in how to fire and field strip a gun and take cover. Witness FF and the rest of the children were separated and told that they would be members of the Small Boys Unit. Zobon Johnson was their commander. On the fourth day of their training, it was announced that a number of “big men” were going to arrive, so they gathered. The “big men” did arrive and addressed them. Tom Woewiyu, who Witness FF knew as the Chief of Staff, told them that “nothing bad is going to happen to you. You are going to defend your country.” When Woewiyu told them that they were headed to the front lines, Witness FF and some of the other children started crying, to which Woewiyu replied, referring to the child soldier bodyguards behind him, “You are not better than the soldiers behind me. You have to defend your country.” The next day they headed from the base in the direction of Kakata, but fell into an ambush, and the truck Witness FF was in was struck by a rocket. Witness FF was wounded in his right hand and arm and in both eyes, and was taken to a hospital, where he stayed for a long time, during which all of the fingers on his right hand were amputated. His sister found him in the hospital. Witness FF still has pain and constant watering in both his eyes and

difficulty seeing.

Witness GG

Witness GG grew up in Gbarnga and moved to Kakata, then Konola during the war. In Kakata, which at the time was controlled by the NPFL, she sold goods in the market and came to recognize NPFL commanders such as Martina Johnson and Isaac Musa. One day in October 1992, she and her brother, Witness FF, were sitting at the Konola market selling plaintains when she a group of people running and boys being chased by soldiers, including armed child soldiers. She grabbed her brother's hand, but the NPFL fighters seized him and put him and other boys on a truck and taken away to the Konola base. The NPFL fighters said they were taking the boys because the war was advancing and they needed manpower. Witness GG was eighteen, her brother was twelve and they were both crying. After Witness FF was taken away, Witness GG and relatives of the other boys walked to the Konola base to appeal to the Defense Minister, Tom Woewiyu. Woewiyu was the NPFL spokesperson and Minister of Defense, and she had listened to him previously on the BBC radio and seen him once before in Kakata when someone pointed him out to her. The Konola base was located in a Seventh Day Adventist mission school, and Woewiyu occupied what had been the girls' dormitory. When Witness GG and the others arrived and explained to Woewiyu's bodyguards why they were there, telling them, "we want our children, we are begging you people," the bodyguards pushed them away and said, "People are dying. Your children are not better than them." Woewiyu had been speaking on a radio with his back to Witness GG's group, and when the group called out to him by name, he turned around and saw them. Woewiyu ignored their pleas, they cried and cried, then left. Witness GG then decided to stay in Konola with a woman who cooked there, hoping that she would

receive some news about her brother. For a week, every time she heard a vehicle arrive, she rushed to the base in case her brother was in it. One day a truck arrived from the front and a boy said that the group of boys recently taken away had fallen into an ambush, and that some had been killed and others had been injured and taken to the Phebe Hospital near Gbarnga. Witness GG went to Phebe Hospital and walked from room to room calling her brother's name until she found him. His hand had been injured and his face was bandaged, and she stayed with him in the hospital for two to three weeks while he recovered from his fingers being amputated.

Witness X

Witness X was fourteen years old in 1990 and was selling bread with his friend Obie when the NPFL rebels attacked and entered Kakata. The NPFL occupied Kakata and the local villagers coexisted with them. One day in 1992, he and Obie were at Coles Farm to gather palm nuts to make oil, when the some NPFL soldiers led by a fighter named Alphonso appeared and ordered him to drop his machete and come down from the palm tree he was in. Obie was already on the ground, and the two were taken by the NPFL fighters to Bong Mines, along with about ten other boys, and joined other boys already being held in Bong Mines. In Bong Mines, the boys were told that they would be killed if they tried to escape, and the cooked for the rebels for about a week, when they were told that they would be taken to join other NPFL rebels to fight. Three adult commanders then arrived in cars and called the fighters to formation, with the group of boys, including Witness X, off to the side. The commanders told the gathered fighters that all manpower would be going on an attack. The third commander to address the fighters identified himself as Tom Woewiyu, who Witness X had heard on the radio previously, and understood was an NPFL "big man." Witness X observed the fighters salute Woewiyu.

Woewiyu told the fighters that the NPFL was going to attack ECOMOG, that ECOMOG was very tough and that they should be vigilant. Witness X and the other boys then received another week of training from Alphonso, at the end of which Woewiyu returned with a pickup truck full of AK-47s, which Alphonso distributed to the boys. Woewiyu and his bodyguards were present when the AK-47s were handed out, after which the fighters formed a circle and began singing battle songs. The fighters then set off and spent two days on the road before they attacked ECOMOG by splitting into two groups to encircle ECOMOG fighters. One of his friend was killed as ECOMOG pushed them back, and after an hour, Witness X, Obie and two others retreated and escaped back to Coles Farm.

Witness BB

Witness BB was living in Todee, Montserrado County, and was selling palm nuts and cassava from her mother's stall. Witness BB had two older brothers; Momo, who was three older than Witness BB, and Prince, who was older than Momo. The NPFL had a barracks in Todee. One day in 1992 when Witness BB was twelve years old, fighters came to her mother's stall and asked her mother what her sons were doing; when her mother replied that they were farming, the fighters left. The next day the fighters returned when her brothers were near the stall and seized them. When her mother and father begged the fighters to release Momo and Prince, the fighters replied that they should beg Tom Woewiyu and that they were searching for men to increase manpower to fight. When her father began cursing the fighters, they said, "Don't talk to us, go talk to Tom Woewiyu." The fighters then tied up Momo and Prince and took them away. Witness BB and her parents then went to the Todee barracks to see Woewiyu. The barracks was a big building, formerly a school, and Woewiyu had a room in which he slept.

When they arrived, her mother fell to the ground and cried and told the soldiers there that she had come to see Tom Woewiyu, who they were told was in his room. When Woewiyu appeared, he met them outside the barracks with two bodyguards and was wearing a white T-shirt and short pants. Momo and Prince were also outside nearby with several other prisoners. Her parents pleaded with Woewiyu, and her father told him, "I beg you. These are the children I am depending on, so please release them." Woewiyu replied, "No, we're not going to release them because there is an order from Charles Taylor." Her mother also said "I beg you," and when Woewiyu again refused and turned away, she offered herself to be killed. Woewiyu returned to the barracks, got dressed and came back outside in camouflage pants, a white T-shirt and sleeveless jacket. As Woewiyu left, he ordered his fighters to keep the prisoners there until he returned; Woewiyu passed by Witness BB and her family as he left with his bodyguards on foot in the direction of another village. Witness BB never saw her brothers or Woewiyu again.

Witness Z

Witness Z was living in Kelebi, Bong County, where there was no fighting, but NPFL generals and commanders regularly visited, as the NPFL had a presence there, including child soldiers. Her older brother Paul also lived in Kelebi and fished nearby. On market day at the time of Operation Octopus, when Paul was about 18 years old, NPFL fighters took his fish and put Paul and two other boys in a makeshift jail. When Witness Z found out, she made inquiries and was told that Paul and the two boys would be kept in the jail until the "big man" came. Two vehicles eventually arrived, and two men with bodyguards came out. One was Vivian Cook, who had a girlfriend and diamond mine in Kelebi, and the other said he was the Defense Minister, Tom Woewiyu. Woewiyu was wearing a khaki jacket with multiple pockets, a white

T-shirt and jeans; Witness Z could see the grip of a pistol Woewiyu was carrying. Woewiyu said he wanted to see the prisoners, so the NPFL fighters brought Paul and the two boys to him. Witness Z and the families of the two boys joined together to appeal to Woewiyu personally to release the prisoners. Woewiyu told them that the prisoners were suspects, and when Witness Z and the other family members replied that the prisoners were fishermen, Woewiyu told his bodyguards not to let them get closer to him. Woewiyu then said that he did not want to see the prisoners any more, so some of the NPFL fighters based in Kelebi took them away on foot towards the village of Molonkpalan. Witness Z never saw her brother Paul again.

E. Former NPFL Officers

Witness S

In 1980, Witness S was a soldier in the AFL when Doe took over. Witness S stayed in his position until the Quiwonkpa attempted coup in 1985, after which he fled to Cote d'Ivoire, where Charles Taylor later approached him to oppose Doe. In March 1987, Taylor asked him to serve as an officer in the NPFL. Witness S met Woewiyu in 1988 in Cote d'Ivoire. Woewiyu was an intermediary between Ellen Johnson Sirleaf and Taylor. Burkina Faso agreed to help train the NPFL in fighting and combat tactics, but had no money to support the rebels, so Burkina Faso president Thomas Sankara procured the agreement of Libya for training and supplies. Witness S will also testify that Muammar Gaddafi sponsored the training of NPFL soldiers at the Mataba training facility in Tripoli. Witness S met Woewiyu in Libya on one occasion. Sirleaf had sent \$10,000 to Libya with Woewiyu for the NPFL forces, but he said that the money had been stolen. When the NPFL attacked on Christmas Eve 1989, the plan was to attack military installations; however, the NPFL troops attacked Mandingo and Krahn civilians

to settle longstanding tribal conflicts. Witness S did not approve of a tribal war and made this known to Taylor, then left the NPFL. Witness S was with Woewiyu on one occasion when Woewiyu started bragging to some strangers about his arms smuggling and role under Taylor.

Witness T

Witness T was an AFL officer in the summer of 1990 when he received information that the NPFL was going to capture and kill all AFL officers. Witness T stripped off his uniform and began to flee towards the Firestone plantation. As he fled, Witness T passed through NPFL checkpoints guarded by young boys (Small Boys Unit or SBU) and girls (Yellow Jackets), and decorated with human intestines and heads on spikes. The NPFL located Witness T's wife and when he saw her with NPFL soldiers, he surrendered. Witness T was taken to Kakata, where he saw former AFL turned NPFL commander Isaac Musa, and was then taken to Gbarnga to meet Charles Taylor. In Gbarnga Agnes Taylor recognized Witness T, and when Charles Taylor found out about Witness T's U.S. military training, as the price for Witness T's life, Taylor assigned him to train new NPFL soldiers. Witness T then helped train NPFL soldiers in marksmanship, ethics and basic war guidelines, including Geneva Conventions, but this was not pushed through the NPFL. There was a training base at Konola, in Margibi County.

Witness T met Woewiyu in August of 1990. Witness T had heard Woewiyu on the radio in support of NPFL. Woewiyu had an office in Kakata. Woewiyu was a professional civilian who discussed strategy and was opposed to looting. Between 1991 and 1992, Witness T met with Woewiyu on multiple occasions. Woewiyu was always in and out of Gbarnga, where he had an office at the Central Agricultural Research Institute ("CARI"). Witness T saw weapons consignments arrive at NPFL headquarters after Woewiyu had traveled abroad to negotiate arms

deals. Woewiyu chose as his bodyguards members of the Small Boys Unit, who also protected Taylor and other high-level NPFL officials. During the period in which Woewiyu was Minister of Defense, armed child soldiers as young as twelve and thirteen years old manned the NPFL checkpoints and committed summary executions after deciding that a person was Krahn or Mandingo, sometimes based on dialect. The checkpoints were horrible and designed to instill fear in people, decorated with fly-covered intestines and skulls. The child soldiers were on drugs, and because they were children, they had nothing to regret and were quick to take and carry out orders. A notorious checkpoint was at “15 Gate.”

Woewiyu was well-respected and had command and control over the NPFL, whose fighters and officers saluted him and addressed him as “Chief.” Woewiyu attended meetings where Taylor decided that Woewiyu would tell the field commanders when and where to attack. Witness T observed Taylor issue an order to Woewiyu, who then passed it on to Chief of Staff Isaac Musa. Witness T recalled an occasion wherein Taylor instructed Woewiyu to transmit an order down the military chain of command to clear Kakata of AFL forces, which Woewiyu carried out. Woewiyu would also travel from Gbarnga to the front lines as Taylor’s eyes and ears to insure that the orders were carried out. Thus, Taylor gave direct orders to Woewiyu, but there also were times when Woewiyu gave military instructions independently of Taylor. For example, Witness T recalled an occasion wherein Woewiyu issued an order to dismantle various checkpoints between Bong and Lofa counties.

Woewiyu knew that people were being questioned and killed because of their ethnicity but did nothing to stop it. An NPFL slogan Woewiyu repeated was “the best Krahn man is a dead one.” There were revenge killings by Gios of Krahn and Mandingos in Nimba County.

Witness T had discussed the Geneva Conventions with Woewiyu at the NPFL's headquarters in Gbarnga.

With respect to Operation Octopus, Witness T does not know if Woewiyu was part of the planning. Martina Johnson was involved in Operation Octopus and was in charge of artillery. In 1994, Woewiyu was at a meeting during Operation Turn the Broom when Gbarnga fell to ULIMO. Witness T also traveled with Woewiyu on behalf of the NPFL to Togo, Cote d'Ivoire and Ghana for peace accords, where Woewiyu was spokesperson and negotiator. Witness T wrote down the NPFL chain of command in descending order and listed Woewiyu as third in line behind Charles Taylor and the vice president; however, Woewiyu was second only to Taylor when it came to military matters.

F. Law Enforcement Officers

1. The Undercover Arms Export Investigation

Gary Lang, William Parks, Peter Ostrovsky, Melissa Rich, Michael Verre

As previously described in Part I.C. above, one of Woewiyu's responsibilities on behalf of the NPFL was to acquire arms for the NPFL fighters. In approximately 1993, Woewiyu was introduced by an associate, Eugene Cox (now deceased), to individuals Woewiyu had been told were arms brokers who could supply the NPFL with large quantities of military machine guns such as M-16s and AK-47s, ammunition for those rifles, and surface-to-air missiles. In reality, the brokers were undercover agents with the U.S. Customs Service ("Customs") who were operating an undercover business out of an undercover storefront in the Miami area.

In 1992, Cox, who was the original target of the investigation, told the undercover agents that he had a friend “Tom,” who was the Minister of Defense with Charles Taylor in Liberia, and who needed arms and ammunition for their rebel group.¹¹ In 1993, Woewiyu participated in three recorded meetings, in which Cox, Woewiyu and the undercover agents discussed the logistics of shipping large quantities of weapons and ammunition from the U.S. to Liberia. Some of the main issues they discussed included the need for the defendant to pay for the arms and the cost of their transportation up front, and how to evade U.S. arms export laws and avoid interdiction. In order to conceal the true nature of the lethal aid, they discussed disguising the shipment as medical supplies. During a meeting in Washington, D.C. on June 18, 1993, Woewiyu produced a Promissory Note in the amount of \$2,350,000 on behalf of the NPRAG (the NPFL government) to the undercover company for the “medical supplies,” as well as an eight-page inventory of the fictitious medical supplies. During an audio and video-recorded meeting on November 29, 1993 inside the undercover business’ garage, an undercover agent can be seen removing an M-16 machine gun from the trunk of a vehicle and handing it to Woewiyu to inspect. During this meeting, in order to address his purported lack of immediate cash to fund the transportation of the arms, Woewiyu also produced a proposed Agreement in connection with Promissory Note, in which he proposed that the undercover company pay Cox \$200,000 up front in advance of the shipment for the transportation costs; in this way, once the arms successfully reached Liberia, the NPRAG would release the funds to pay for them under the terms of the

¹¹ It is the government’s position that this conversation and others recorded during the undercover Customs investigation constitute co-conspirator statements made during the course and in furtherance of a conspiracy under Federal Rule of Evidence 801(d)(2)(E). This is so even where, as here, the conspiracy is not charged. *United States v. Ellis*, 156 F.3d 493, 497 (3d Cir.1998).

Promissory Note. Woewiyu also produced a draft Certificate of Authenticity in which he certified that the President Taylor and the Ministers of Justice and Finance all affixed their seals to the Promissory Note in his presence on June 1, 1993. However, the deal was never consummated. Among other charges, Cox pleaded guilty to conspiracy to violate the Arms Export Control Act “in connection with his participation in a conspiracy with Tom Woewiyu and others to export arms unlawfully from the United States to rebel forces in Liberia from approximately January 1992 to approximately September 1993.”

Lang and Parks were the primary undercover Customs agents who portrayed principals with the undercover company. Ostrovsky was an undercover Customs agent who handed an M-16 machine gun to Woewiyu during the audio and video-recorded meeting on November 29, 1993. Rich was an undercover Customs agent who posed as the receptionist and secretary of the undercover company. Verre was the supervising Customs agent of the undercover operation.

Woewiyu’s activities during the course of the undercover Customs operation are consistent with his own accounts of what he did as the NPFL’s Minister of Defense to obtain arms for the NPFL fighters.

2. The Dutch Investigation Of Gus Kouwenhoven

Huig “Lewis” Bouter, William “Danny” Tinga, Arien Zuijdwijk

As noted above in Parts I.C. and I.D., Woewiyu described for Dutch authorities his founding role in the NPFL and critical work on its behalf. Lewis Bouter and Danny Tinga are Dutch investigators who received intelligence regarding an association between arms trafficker Gus Kouwenhoven and Woewiyu. Kouwenhoven was a Dutch national with business interests in Liberia and was under investigation for, among other things, trafficking arms there. In 2004

Bouter and Tinga conducted a series of interviews for two weeks at the Mamba Point hotel in Monrovia, along with interpreter Arien Zuijdwijk. They had two laptops and a printer. Bouter or Tinga would ask the question in Dutch, Zuijdwijk would interpret the question in the language of the witness and then interpret the witness' answer back to the investigators in Dutch. Zuijdwijk would review and edit the responses typed in Dutch following each response, and upon completion, the official Dutch statement would be read back to the witness in the witness' language, and if anyone decided it needed to be corrected, the statement would be changed, and once all parties agreed that the statement was accurate, it was printed and the witness and investigators signed it. Woewiyu did not want to sign his statement because it was in Dutch. Bouter and Tinga's investigation also obtained the signed, sworn statement that Woewiyu provided to Dutch authorities in 2006 and which was received as evidence in those proceedings and became part of the Kouwenhoven case's official record. That statement has been produced by the Dutch authorities to the government pursuant to an MLAT request.

3. The Defendant's Communications With FBI Special Agent Tylor J. Hanna

Tylor J. Hanna

FBI Special Agent Tylor Hanna will testify about his interactions with the defendant, which include his statements during an July 27, 2012 interview conducted by Hanna in connection with an unrelated matter. During this interview the defendant provided historical perspective for his close relationship with Charles Taylor, and further revealed that in the late 1980's he arranged for a number of men to receive military training in Libya with the intention of having these men return to Liberia to help train other men to fight against the Doe government. In securing this arrangement and additional help from Libya, the defendant met with Muammar Gaddafi on several occasions. The defendant told Hanna that he testified for Taylor when Taylor was jailed in Massachusetts in

the 1980's for fraud and collected \$10,000 bail for Taylor. He further stated that Taylor called him to tell him to come to Cote d'Ivoire and that Ellen Johnson-Sirleaf and others raised money to send the defendant to Cote d'Ivoire, where they agreed to organize a resistance to the Doe government. The defendant further stated that he traveled to Burkina Faso and convinced Blaise Compaore and Thomas Sankara to help train the resistance fighters, and that through this relationship, he also secured an agreement with Gaddafi to receive training and supplies. The defendant said that he met with Gaddafi several times in Libya, and that in 1988 he received permission to begin training in Tripoli, and that 190 men were sent to the Mataba facility there to be trained as trainers, who would return to Liberia and train the resistance soldiers. Hanna will also introduce into evidence the defendant's resume, which the defendant gave to him, and in which, among other things, the defendant states that he served as the NPFL's spokesperson and Minister of Defense, although he claims that he was more of a defense spokesperson than an actual commander of troops.

Joseph R. Denahan

FBI Special Agent Joseph Denahan was present during Special Agent Tylor Hanna's interview of the defendant.

4. The Defendant's Immigration-Related Fraud, False Statements And Perjury

Marsilina "Marsha" Eikerenkoetter

U.S. Customs and Immigration Services Officer Marsha Eikerenkoetter will testify that she is the USCIS officer who conducted the defendant's January 30, 2009 naturalization interview, as described above at Part I.E. During the interview, the defendant, while under oath, orally confirmed and later subscribed under penalty of perjury to the truthfulness of the contents of his Form N-400. Eikerenkoetter will further testify that, among other things, when she asked the defendant if he

ever advocated, either directly or indirectly, the overthrow of any government by force or violence, he responded by “chuck[ling] a little, then answered, ‘No.’”

Peggy Lin

USCIS Senior Immigration Services Officer Lin will testify that she authored the USCIS’ requests for additional evidence and drafted the denial notice denying the defendant’s naturalization application. Lin will further testify about the grounds of eligibility for naturalization and that the alien bears the burden of proof. The alien must establish, among other things, that he/she is a person of good moral character. USCIS found that the defendant lacked good moral character based on his involvement and leadership role in the NPFL, which “has been implicated as a main perpetrator of gross human rights violations during Liberia’s infamously violent civil war,” as well as his having provided false testimony during his naturalization interview regarding his membership with the NPFL.

Sharee A. McCall

USCIS District #5 Records Manager Sharee McCall will describe the process of certifying the defendant’s Alien File.

5. Robert Craig

Department of Homeland Security, Homeland Security Investigations Special Agent Robert Craig will introduce a certified copy of the defendant’s 1970 New York State criminal conviction for falsification of business records.

6. Jennifer Lohmeier

FBI Special Agent Jennifer Lohmeier located some of the BBC broadcast recordings and drafted some of the BBC recording transcripts.

G. Alphabetical Witness List

1. Bishop, James K.
2. Blunt, Elizabeth
3. Bouter, Huig “Lewis”
4. Brown, Brian
5. Cohen, Herman J.
6. Craig, Robert
7. Denahan, Joseph R.
8. Eikerenkoetter, Marsilina “Marsha”
9. Fasuekoi, James K.
10. Hanna, Tylor J.
11. Hatchett, Patrick
12. Huband, Mark
13. Kaiser, Elizabeth
14. Lang, Gary
15. Lidow, Nicholai
16. Lin, Peggy
17. Lohmeier, Jennifer
18. McCall, Sharee
19. Moran, Fr. Michael
20. Ostrovsky, Peter
21. Parks, William
22. Rich, Melissa L.
23. Robert, Patrick
24. Rose, Gerald S.
25. Savage, John R.
26. Stemn, Gregory
27. Stucke, Mark
28. Tinga, William “Danny”
29. Twaddell, William
30. Verre, Michael
31. White, Tom
32. Zuijdwijk, Arien
33. Witness A
34. Witness B

35. Witness C
36. Witness D
37. Witness E
38. Witness F
39. Witness G
40. Witness H
41. Witness I
42. Witness J
43. Witness K
44. Witness L
45. Witness M
46. Witness N
47. Witness O
48. Witness P
49. Witness Q
50. Witness R
51. Witness S
52. Witness T
53. Witness U
54. Witness V
55. Witness W
56. Witness X
57. Witness Y
58. Witness Z
59. Witness AA
60. Witness BB
61. Witness CC
62. Witness DD
63. Witness EE
64. Witness FF
65. Witness GG
66. Witness HH

III. GOVERNMENT'S EXHIBITS¹²

1. N-400 Application for Naturalization and Supporting Documents, 01/30/09;
2. Memorandum for File from Marsilina Eikerenkoetter, 02/03/09;
3. Request for Evidence, 02/03/09;
4. Request for Evidence Response, 02/20/09;
5. Request for Evidence, 07/15/09;
6. Request for Evidence Response, 08/13/09;
7. USCIS Decision on N-400 Application, 08/12/10;
8. Woewiyu Cable to John Dobrin, 01/22/90;
9. J.K. Bishop Cable to Herman Cohen, 06/29/90;
10. Liberia Task Force Memo, 09/16/90;
11. Cable Re: Murdered Nuns, 11/02/92;
12. Video of recovery of nuns' remains, 11/92;
13. Video, Firestone and the Warlord;
14. Video, Who Killed the Nuns?;
15. Case File of Arms Export Investigation, U.S. Customs Service;
16. Transcripts of meetings in Customs arms export investigation: 01/29/92, 04/29/93; and 11/29/94;
17. BBC Broadcast Recording Transcripts: June 1, 1990; June 21, 1990; June 25, 1990; July 3, 1990; July 12, 1990; July 13, 1990; August 13, 1990; August 14, 1990; August 23, 1990; August 24, 1990; August 27, 1990; August 29, 1990; September 10, 1990; September 10, 1990; September 19, 1990; September 24, 1990; September 27, 1990; March 28, 1991; April 8, 1992; June 3, 1992; October 23, 1992; November 3, 1992; November 28, 1992; May 4, 1993; June 9, 1993; September 7, 1994;
18. Affidavit of Jucontee Thomas Woewiyu, dated 07/19/96, submitted in *Cigna v. Bridgestone/Firestone Inc., et al.*;
19. Statement of Thomas Woewiyu taken on 11/30/04 at the Mamba Point Hotel, Monrovia, Liberia, English translation from Dutch;
20. Witness interview of Jucontee Thomas Woewiyu taken in the presence of investigating magistrate Y.J. Wijnnobel-Van Erp on 03/02/06 in the Hague in the prosecution of Augustinus Petrus Maria Kouwenhoven, English translation from Dutch;
21. Witness interview of Jucontee Thomas Woewiyu taken in the presence of investigating magistrate Y.J. Wijnnobel-Van Erp on 03/02/06 in the Hague in the prosecution of Augustinus Petrus Maria Kouwenhoven, original Dutch with signatures;
22. 302 of Interview of Woewiyu, 07/27/12;
23. Woewiyu E-mail to Agent Hanna, 07/30/12;

¹² Since for various reasons, the government has not settled on an order of proof, the numbers assigned to the government's exhibits in this memorandum will not match the exhibit numbers assigned to the government's exhibits at time of trial. The government will also furnish a supplemental exhibit list in the near future.

24. Woewiyu Resume;
25. 2005 Woewiyu Open Letter to Madam Ellen Johnson-Sirleaf;
26. "Woewiyu Testimony to the Liberian TRC That Was Never Given," African Panorama;
27. 302 of Interview of Woewiyu, 08/07/12;
28. Woewiyu E-mail to Agent Hanna, 08/23/12;
29. Turning the Tables article, 08/1992;
30. Alien File of Jucontee Thomas Woewiyu;
31. Map of Africa;
32. Map of Liberia Counties;
33. Maps of Montserrado/Margibi and Bong/Nimba Counties;
34. Photographs taken by Patrick Robert;
35. Photographs taken by James K. Fasuekoi;
36. Photographs taken by Gregory Stemn;

IV. STIPULATIONS BETWEEN THE PARTIES

To date there are no stipulations between the parties. This may change as the trial date becomes closer.

V. ESTIMATED LENGTH OF GOVERNMENT'S CASE

The government estimates that its case will take approximately six weeks to present.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

/s/ Linwood C. Wright, Jr. _____
LINWOOD C. WRIGHT, JR.
NELSON S.T. THAYER, JR.
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Government's Amended Trial Memorandum was filed electronically on the Electronic Case Filing system, is available for viewing and downloading from the ECF system, and/or was served electronically on the following:

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DATED: May 4, 2018