CIVITAS MAXIMA

TRIAL MONITORING

Thomas Woewyiu

First instance proceedings

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Disclaimer

Civitas Maxima believes that local populations, those who bear the consequences of the most serious international crimes and human rights violations committed in their countries, have the right to accessible and unbiased information about the trials of alleged perpetrators.

This is why we conduct trial monitoring, so that what is said in court is available to all, especially affected populations who cannot travel to the country where the trial is held or otherwise do not have access to the hearings.

Civitas Maxima does not provide official court transcripts.

The names of certain witnesses and civil parties are withheld for privacy and security reasons.

Verbatim notes taken by our trial monitors are available to journalists on request. Please contact **comms@civitas-maxima.org** to request access.

Trial Monitoring: Thomas Woewiyu

On January 30, 2014, **Thomas Jucontee Woewiyu** was placed under investigation in the U.S. for seven counts of crimes of perjury and two counts of fraud related to his immigration papers. On May 12 of the same year he was arrested in Newark Airport, returning from Liberia. In October, a bail was paid and he was granted temporary release before his trial under the condition that he stayed under house arrest.

For large stretches of the first Liberian Civil War (1989 – 1996) most of the country was under control of the NPFL (National Patriotic Front of Liberia), led by Charles Taylor. The faction is responsible for a very large number of international crimes, including sexual slavery, mass murders and conscription of child soldiers. Over 60,000 human rights violations committed by the NPFL were formally recorded by the Liberian Truth and Reconciliation Commission.

According to the indictment, Thomas Woewiyu served as the faction's spokesman and worked to justify its mission and objectives to high ranking foreign officials. Since 1972 Woewiyu had been living in the United States where is has legal permanent residency, occasionally returning to Liberia. On January 23, 2006 he made an application for United States citizenship by submitting an Immigration and Naturalization Service ("INS") Form.

Woewiyu was accused of having lied in order to obtain citizenship, failing to disclose his association with the NPFL as well as the fact that he was connected to crimes committed by the NPFL.

Woewiyu faced trial starting on June 12, 2018. He was convicted of 11 out of 16 counts on July 3, 2018. He faced up to 110 years in prison.

On April 12, 2020, Woewiyu died of COVID-19 after a week of treatment at the Bryn Mawr Hospital in Philadelphia, US. He was still awaiting sentencing.

Civitas Maxima monitored the trial in cooperation with **Akin Gump Strauss Hauer & Feld LLP**.

June 12, 2018 – Day 1: Jury selection

Trial officially began today in the federal prosecution of Jucontee Thomas Woewiyu, the former Minister of Defense for Charles Taylor's National Patriotic Front of Liberia ("NPFL"). The case is being tried in the United States District Court for the Eastern District of Pennsylvania, and will be heard in the James A. Byrne Courthouse in Philadelphia.

Woewiyu is accused in a 16-count criminal indictment of giving false information on his citizenship application, and of perjuring himself in related interviews, by not admitting his involvement with the NPFL. The prosecution alleges that, among other misleading statements, he lied about whether he ever advocated the overthrow of any government by force or violence; and about whether he ever persecuted anyone because of their race, religion, political opinion, or membership in a social group. To prove each of the immigration-related crimes, the prosecution will have to prove the underlying acts that Woewiyu allegedly lied about; for example, witnesses are expected to testify about his alleged group-based ethnic persecution of Krahns and Mandingos, and about his alleged opinion-based persecution of civilians whom the NPFL suspected of collaborating with its opponents.

Jury selection took place today. The prosecution and defense agreed to 12 jurors and four alternates out of the 75 potential jurors brought to court. The members of the jury will have the duty to hear the evidence presented throughout the case, and at the close of the trial they will decide if Woewiyu is guilty "beyond a reasonable doubt" on each of the 16 counts. The government prosecutors have the burden of proof, and are expected to call a number of witnesses – at least 12 of them traveling to Philadelphia from Liberia – to testify about Woewiyu's alleged acts. The trial is expected to last approximately three weeks.

Federal Judge Anita B. Brody will preside over the trial. Judge Brody was nominated to the United States District Court for the Eastern District of Pennsylvania by President George H. W. Bush in 1991. She previously served as a Deputy Assistant State Attorney General in New York and a Judge of the Court of Common Pleas for Montgomery County in Pennsylvania.

There are two federal prosecutors trying the case, and two public defenders representing Woewiyu. Assistant U.S. Attorney Linwood C. Wright, Jr., is lead counsel for the prosecution, a role he also filled last year in the trial of Mohammed Jabbateh (a.k.a "Jungle Jabbah;" Civitas Maxima's monitoring reports from that trial can be found **here**.) As in the Jabbateh case, he is joined by Nelson S. T. Thayer, Jr., an Assistant U.S. Attorney who previously served as a war crimes prosecutor with the International Criminal Tribunal for the former Yugoslavia, in The Hague. Woewiyu is being defended by Mark T. Wilson, Senior Trial Counsel at the Federal Community Defender Office for the Eastern District of Pennsylvania, who has previously represented Guantanamo detainees; and Catherine Henry, a Senior Litigator with the Federal Community Defender Office, and a lecturer at the University of Pennsylvania Law School.

Trial will continue tomorrow with opening statements, followed by the testimony of the government's first witnesses. Watch this space for daily updates throughout the trial.

June 13, 2018 – Day 2: Opening statements: government's first witnesses

Jury Instructions

The Thomas Woewiyu trial commenced in Philadelphia on Tuesday morning with Judge Anita B. Brody reminding the jurors of their sworn duty to base their ultimate decision about Woewiyu's guilt on the evidence presented at the trial. "I play no part in finding the facts," she said, telling the jury not to take into account anything she says or does during the trial, but instead to pay strict attention to the witnesses they hear and the documents they see over the next few weeks. She instructed the 12 jurors and the four alternates not to let sympathy, prejudice, or fear influence them, and told them not to concern themselves with any punishment that might occur if they find Woewiyu guilty. Their focus must be on the whole testimony of every witness, deciding on the truth of what each says.

Judge Brody reminded the jury that Woewiyu cannot be convicted based on any of the jury's assumptions about him; they may only find him guilty if they are convinced of his guilt beyond a reasonable doubt. The judge explained that a "reasonable doubt" is a "fair doubt based on logic, reason or experience," that might arise from the evidence itself or from a lack of evidence. She reminded the jurors that at the close of trial, for them to find Woewiyu guilty of any or all of the 16 charges against him, the verdict must be unanimous on each charge.

Woewiyu has pled not guilty on each of the 16 fraud, false statement, and perjury charges the prosecution will seek to prove.

Prosecution Opening Statement

Assistant United States Attorney Nelson S. T. Thayer, Jr., delivered the opening statement for the prosecution, outlining the government's case and previewing the evidence the government intends to present against Woewiyu. "This case is about lies," he said, lies that Woewiyu told to obtain U.S. citizenship. Thayer told the jury that the evidence will show that while Woewiyu was under oath, he lied on official U.S. government forms, in particular his Citizenship Application Form N-400, and that he repeated those lies, again while under oath, in a subsequent interview with an Immigration Officer.

Thayer began by taking the jury step by step through each of the questions on the Citizenship Application that the government alleges Woewiyu answered by lying. The first such question on Form N-400 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?" Thayer displayed an extract from Woewiyu's Form N-400, showing that Woewiyu answered by checking a box marked "No." The next question Thayer read to the jury asked, "Have you ever advocated (either directly or indirectly) the overthrow of any government by force or violence?" Thayer again showed the jury an extract from Woewiyu's Form N-400, showing that Woewiyu again answered no. The third such question Thayer read asked an applicant for citizenship, "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?" Thayer again showed an extract from Woewiyu's Application, and told the jury that the evidence will show Woewiyu answered no under penalty of perjury. The last part of the

government's case rests on a question about prior convictions; Woewiyu answered that he had never been convicted.

"Why did Thomas Woewiyu lie?" Thayer asked the jury. "What motive did he have to lie?" Thayer said that the evidence will show Woewiyu had "a powerful motive to lie," trying to conceal that he was in fact a founding member of the National Patriotic Front for Liberia ("NPFL"), and that the NPFL started the First Liberian Civil War. Thayer stated that the evidence the prosecution presents to the jury will show Woewiyu in his role as a leader of the NPFL committing acts of persecution and human rights abuses, including the forced recruitment and use of child soldiers, and ordering the torture of bound and beaten prisoners. Woewiyu committed these acts not as a low-level soldier, Thayer said, but as a founder, the chief spokesperson, and the Minister of Defense of the NPFL. According to Thayer, in those roles Woewiyu promoted, endorsed, and promulgated NPFL policy, and in many ways "personified that policy," particularly in his use of child soldiers.

Thayer acknowledged that the war in Liberia was thousands of miles away from Philadelphia and happened over 20 years ago, and that the jurors may ask themselves why they should care about what a man in his seventies wrote on a government form in 2006, and said to a government officer in 2009. He explained that the United States has a "vital interest" in ensuring that its immigration system works "to welcome those truly deserving of the rights historically offered to people all over the world." He said that the citizenship process depends on truthful answers to questions that help Immigration Officials determine a candidate's good moral character, and described how a candidate is interviewed after submitting a Citizenship Application. Thayer said that the immigration process was a "gatekeeping process," and it required lots of form-filling in order for the government to gain "the most accurate, truthful, and complete picture" of the applicant that the government could. Thayer said that for a foreign-born person, U.S. citizenship is a privilege, not a right, and that the forms ensure that only those most deserving can obtain citizenship.

Thayer told the jury that they would hear evidence about Woewiyu's immigration interview, which occurred in January 2009. He said that when the Immigration Officer went over Woewiyu's forms with him in that interview, she pressed him about whether he truly belonged to no organizations. According to Thayer, Woewiyu acknowledged that he belonged to a union of Liberian associations in the United States, but did not disclose his role in the NPFL, according to Thayer. Thayer then showed the jury a photograph of Charles Taylor, with Woewiyu standing just behind him, and said that Charles Taylor was the only person more senior than Woewiyu in the NPFL. Thayer told the jury that they would hear Woewiyu's words for themselves, accompanying evidence like the photograph, as in a 1994 press conference where he referred to himself as a founder of the NPFL, and in an affidavit given in a Dutch case in the 2000s.

Thayer told the jury, "You will hear from journalists, photographers, United States Department of State employees, diplomats, and ordinary Liberians who all knew Thomas Woewiyu was serving at the highest echelons of the NPFL." He listed some of the journalists who will testify, including Elizabeth Blunt and Mark Huband. Thayer said that Mark Huband was captured by the NPFL, and taken in to the jungle to see Charles Taylor, and that while there Huband saw Woewiyu with Taylor, dressed in military fatigues, and sitting with an "AK-47 machine gun between his knees." Thayer said that Woewiyu acted as a Minister of Defense by recruiting fighters, obtaining ammunition and supplies, delivering those to the fighters, visiting the fighters at the battlefront, and briefing the fighters. Thayer said that Woewiyu also acted as chief spokesperson, giving

interviews on the radio and in-person. Thayer told the jury that Elizabeth Blunt performed many interviews with Woewiyu, who was the "acceptable face" of the NPFL, although the methods the NPFL used "were far from acceptable." He explained that the Liberian witnesses who will testify come from different tribes and different parts of Liberia, but that the one thing they have in common is their "fateful contact" with Woewiyu.

Some of the witnesses are expected to testify to Woewiyu's use of child soldiers, including as his personal bodyguards. Thayer told the jury that the child soldiers were used "like any other weapon of war" by the NPFL. Thayer told the jury that they were used like other weapons, and they were "used" meaning "abused and manipulated." Many of the children were photographed with AK-47s that were bigger than they were. Thayer called the child soldiers "the tip of the spear, tools of terror for the bloody civil war." He described how the children were put at checkpoints which became the hallmark of horror set up all along the roads of Liberia. Instead of a wooden gate, he said, the checkpoints were crossed by human intestines and had human skulls perched along the sides. "As you listen to the evidence, you must ask yourselves," Thayer told the jury, "is it any wonder that Thomas Woewiyu didn't write down the four central letters NPFL, and is it any wonder he couldn't utter them during his citizenship interview?"

Thayer then described Woewiyu's alleged involvement in an attempt to procure armaments, in a deal involving surface-to-air missiles, M16s, and ammunition.

Thayer completed the prosecution's opening statement by giving the jurors a brief overview of the context of the First Liberian Civil War, describing how Americo-Liberians settled in Liberia and subjugated its people prior to the 1980 coup led by Samuel Doe, and how the NPFL responded to the Doe government. "You will hear from a number of witnesses who survived" the war, he said, "who will tell how the NPFL went about the business of war."

Thayer ended by telling the jury that based on the evidence they will hear, "the lies Thomas Woewiyu told matter."

Defense Opening Statement

The defense opening statement was presented by Catherine Henry, who began with a simple argument: that Woewiyu "never lied; he had no reason, no motive." She told the jury that the only dispute in this trial is whether Woewiyu made false statements in four questions on his Citizenship Application and in his subsequent 15-minute immigration interview, and told the jury that the defense would show his answers were not lies.

Henry explained that the defense agrees that Woewiyu was in the NPFL, sometimes as a spokesperson and sometimes as the Minister of Defense. She characterized the NPFL's goal as to oust Samuel Doe, an evil dictator, and told the jury that the defense does not dispute that some members of the NPFL committed violent acts in a brutal war. "We also agree there were child soldiers in the NPFL," she said. Henry then asked the jury to consider why, if both sides agree, the government is bringing witnesses to Philadelphia to relive what happened to them and "to force you to listen to horror stories" when "there is nothing the court can do to fix what happened," "much as we might want it to." Henry suggested that the government's strategy is to emotionally manipulate the jury, to distract them from the truth of the questions asked on Form N-400.

"There's enough blame to go around," Henry said, arguing that it was "a mess over there" and that Samuel Doe was a "bad man" whom Liberians around the world wanted to get rid of; that was why, she explained, Woewiyu in 1987 became part of a group to get rid of Doe. According to Henry, the United States had an interest in the subsequent conflict, because of the rubber plantations in Liberia, and played both sides, at times giving help to the NPFL. She told the jury that because "this was war, reasonable minds can differ and debate can go on," but that the jury's duty is not to pass judgement about what happened in the First Liberian Civil War, and only to pass judgement in the immigration fraud case.

Henry argued that the citizenship process is complicated and subjective, and told the jury that Form N-400 is now 20 pages long to clarify the "confusing" questions that existed when Woewiyu filled it out in 2006, when it was ten pages long. She told the jury that Woewiyu filled the form out with his attorney, who will appear as a defense witness, and that the attorney also accompanied Woewiyu to his immigration interview. Henry explained that Woewiyu then filled out a follow-up form, an N-14, that included more information about groups to which he belonged, including the AFL-CIO union, various church groups, and the NPFL. According to Henry, Woewiyu's alleged perjury and immigration fraud cannot be taken in a vacuum as occurring on his Citizenship Application and in his interview, but must be considered in light of the subsequent information he gave. She called his Application, the Form N-400, "a living and breathing document."

Henry described Woewiyu as an "open book" who came to the United States in 1969 on a student visa and who has since lived here legally, and argued to the jury that "our government knew who he was." According to Henry, Woewiyu met with Federal Bureau of Investigation ("FBI") agents as well as with immigration officials twice in his capacity as a spokesperson for the NPFL, long before his immigration interview. She described FBI agents reaching out to Woewiyu as part of an attempt to deport the Liberian national George Boley from the United States, saying that they put Woewiyu on a list to be called as a witness in that case.

Henry agreed with the prosecution that U.S. citizenship is "precious," but argued that the government cannot say that Form N-400 would be the basis of a citizenship decision, because the government already knew about Woewiyu's past. She pulled out a copy of Woewiyu's "A-File," a large thick file that the immigration officers had when he applied for citizenship, containing information like updates he made to his Legal Permanent Resident information. According to Henry, the government knew everything about Woewiyu, so they cannot now claim that he lied.

Henry argued that it is not criminal to misunderstand or differently interpret Form N-400, and reminded the jury that they can only find Woewiyu guilty if they believe he deliberately lied. According to Henry, during the immigration interview Woewiyu tried to answer the question about groups he belonged to, but when he reached into his briefcase for his resume to show the Immigration Officer his affiliations, she said the interview was only 15 minutes long and that they could reschedule. Henry told the jury that Woewiyu only had time to name an umbrella organization that included the NPFL and other Liberian associations.

Henry described Woewiyu's replies to subsequent questions as based on his subjective interpretation, and not deliberate lies. She told the jury that Woewiyu did not consider Doe's dictatorship a government, so he could not have answered "yes" to advocating its overthrow. She said that while political scientists may say that Doe had a form of government, that was not the case in Woewiyu's mind. Similarly, she said that while the First Liberian Civil

War was brutal, Woewiyu was not the one "laying hands on people," he was a "press secretary" and "believed he was just fighting a war" to bring democracy, so he did not answer that he ever persecuted anyone. Furthermore, she said, because Woewiyu firmly believed that his aim was to help rid his country of a vicious dictator, he did not single anyone out based on race or ethnicity, and saw the acts carried out as "trying to defeat the enemy." Lastly, Henry told the jury that Woewiyu never tried to hide the petty conflict with American police for which he was convicted; she said that although he answered "no" to the question on Form N-400, he described his conviction later in the same form.

Henry told the jury that the government did not dispute that the later-filed form, the N-14, was correct. Henry told the jury that the government had received all of Woewiyu's information during the immigration application process, and so following the government's adjudication and denial of Woewiyu's application, the matter should be over. She said that instead, the government attorneys travelled to the United Kingdom, the Netherlands, and Liberia in order to create witness lists and build their case.

Henry then alleged that the United States cannot prosecute war crimes, saying the prosecutors are using immigration law to prosecute the war in Liberia here. She told the jury that Liberia has already had a Truth and Reconciliation Commission, and that Ellen Johnson Sirleaf, "a former President and a Noble Peace Prize Winner," herself decided that they should not be prosecuted.

Henry ended her statement by focusing on Woewiyu's having answered these questions "to the best of his knowledge and ability;" it was with that understanding, she said, that he signed Form N-400.

Witness 1: William "Danny" Tinga

The prosecution's first witness testified on Tuesday afternoon. William "Danny" Tinga told the court that he was not expected to be the first witness, but that a colleague's injury occasioned the change in witness order. The witness described his career as a Dutch police investigator, and explained that through the range of cases he investigated, the common denominator was a complex international component.

Tinga was the coordinator and lead investigator in the Dutch police investigation of Gus Kouwenhoven, a Dutch national, for arms trafficking during the period of United Nations sanctions. Tinga described going to Liberia in 2004 with his fellow investigator Huig "Lewis" Bouter, and their interpreter Arien Zuijdwijk, to interview witnesses and build a case file on Kouwenhoven. The process they followed conformed to their typical procedure, which is based on the strictures necessary to admit police statements into Dutch courts. Interviews were conducted at the Mamba Point Hotel in Monrovia, with questions asked by the investigators in Dutch and translated into English by the sworn interpreter; English answers were then translated into Dutch and compiled into a Dutch statement which was read back to the witness in English. Any corrections would then be made. The witness identified a photo of the hotel room that was used as an office, and himself and his colleague Lewis in the photo.

Tinga testified that he did not remember conducting an interview with Woewiyu, although he did remember his name as an interviewee. Tinga told the court that if he signed anything showing he conducted such an interview, then he must have conducted it. When the prosecution showed

Tinga a police report with his signature, describing an interview with Woewiyu, he said that because he signed it, he knows it must be an accurate and correct document of the interview, a word-for-word story of the witness. Tinga also identified a photograph of Kouwenhoven, the Dutch suspect, with Taylor.

On cross-examination, Tinga confirmed that Woewiyu's interview was given voluntarily, as all such interviews were. He said that his own interview by United States prosecutors about Woewiyu took place in Amsterdam; on re-direct, he explained that it was more convenient for him to be interviewed in Amsterdam than the United States.

Witness 2: Arien Zuijdwijk

The prosecution's second witness was Arien Zuijdwijk, the sworn interpreter and translator mentioned by the previous witness. She has worked with the Dutch National Police since 1985.

Zuijdwijk described the translation process always followed in police interviews, telling the court that the investigators' questions were asked in Dutch, which she would translate into English for the witness, and then she would repeat the process in reverse. A witness's Dutch answers were recorded in a written statement typed by one of the investigators; at the close of the interview, she would read it back to the witness in English, and any corrections would be made as necessary. All parties were then asked to sign the Dutch statement.

Zuijdwijk identified the official police report recounting the statement of Woewiyu, as she signed it at the time it was given as a true representation of his words; the report was then read aloud in English by the prosecution, while Zuijdwijk followed the Dutch version of the statement and noted any discrepancies. In the statement, Woewiyu called himself "the co-founder of the NPFL, together with Charles Taylor." He described meeting Gus Kouwenhoven in Sierra Leone in June 1990 at a peace conference, at which Kouwenhoven asked if Woewiyu had received the $150,000 Kouwenhoven had sent him via Linco. In the statement, Woewiyu said he used part of that money to purchase arms, and described Kouwenhoven as a friend of Doe who also helped Doe's enemies. He said that later, although the Labor Minister in the late 1990s, he still had a "fair amount of influence in military affairs," including with the NPFL.

The statement described Woewiyu's connections to Kouwenhoven in the late 1990s, explaining that Kouwenhoven set up a logging company called OTC, and that he brought in truck drivers and cleaners from outside of Liberia. Because this was illegal, Woewiyu had to make exceptions to the law. Although Kouwenhoven was unhappy, Charles Taylor told him to do what Woewiyu said. The statement also described Taylor giving large tracts of land to Kouwenhoven's logging concerns, including land owned at the time by Woewiyu. The statement concludes with an assertion that Woewiyu did not want to sign it because it was in a language he did not understand, but that he would sign the English version.

Next, the prosecution showed Zuijdwijk a statement resulting from an interview done with Woewiyu by a Dutch investigative magistrate judge, and the English version of the statement attributed to Woewiyu was read aloud by the prosecution and checked by Zuijdwijk against the official Dutch record. In the interview, Woewiyu again described meeting Kouwenhoven in Sierra Leone, and said that Kouwenhoven sent the NPFL $150,000 because "he wanted to help" as he had business interests – wood-cutting and mining – in Nimba County "where the war was going

on." Half the money was taken, but half was used for arms. The interview also described an agreement between Woewiyu and Kouwenhoven that 15% of any logging profits were to go to the NPFL Ministry of Defense, and that Charles Taylor was aware of the agreement. According to the statement, Taylor gave over half the woodlands in Liberia to Kouwenhoven, including a piece of land owned by Woewiyu.

"How do I know this?" Woewiyu purportedly asked in the statement. "Because I was Minister of Labor at the time." The statement went on to describe the same labor dispute as the 2004 statement made to Tinga, and adds that the laborers brought in from abroad and working in Bassa County were armed, carrying AK-47s. It called the OTC detail "actually a militia" that had "better arms than the army." According to the statement, Woewiyu knew this "because I was the former Minister of Defense." The statement continued, "Most of OTC's employees were former fighters of mine." OTC was called an extension of the fighting forces, who went to Buchanan or Grand Gedeh to fight. The statement asserted that Woewiyu never physically engaged in fighting, but issued orders given to fighters. It was affirmed and signed by Woewiyu.

On cross-examination, the witness read out an additional paragraph from the statement indicating Woewiyu said that the security personnel of his company in Buchanan were not armed.

Witness 3: James Fasuekoi

The third prosecution witness, the Liberian photojournalist James Fasuekoi, began his testimony toward the end of the day on Tuesday. He identified himself as a member of the Loma ethnic group, and described the geographic dispersal of some other groups in Liberia, including the predominance of Gio and Mano people over Mandingo people in Nimba County.

Fasuekoi was in Liberia when Samuel Doe came to power, and when the prosecution showed him a photo of Doe, Fasuekoi recognized it as one he himself had taken. He described Doe seizing power in 1980, assisted by 16 people from the army, and explained that Doe's coup was in reaction to the brutal style by which Americo-Liberians had ruled Liberia for years, when the indigenous Liberians were marginalized.

Doe announced "that the time of the people had come;" President William Tolbert, who was Americo-Liberian, was assassinated. Fasuekoi testified that 13 of his cabinet government officials were arrested and taken to the beach in Monrovia and executed. Many citizens were in the area, and the witness himself went to the beach the same afternoon the executions happened. He recalled the executed were tied around their waists to electric polls, some with their heads opened because they were shot in the head.

Fasuekoi also recalled that when Samuel Doe first took over, many people jubilated and marched through the streets of Monrovia and paid homage to the new leaders; however, the jubilation did not last, because the new government had the same vices as the past government: corruption, abuses of power, and secret killings. The witness described the Doe government as "reborn" into the same abuses of power as before, including hurting perceived enemies. He explained that there was a general perception that Doe favored Krahns because Doe was a Krahn. He said that Mandingos also declared support for Doe when the war broke out, because he made a declaration that they were citizens.

Fasuekoi remembered the day in 1985 when General Quiwonkpa, who was Gio, led an attempted coup against Doe. The witness woke up to the radio playing the National Anthem, which could be either good or bad. The anthem was followed by a short speech saying Quiwonkpa had come to liberate the Liberian people from the hands of a tyrant. According to Fasuekoi, Quiwonkpa then moved his men around the city and seized members of Doe's government, eventually taking to the barracks. The witness described Doe moving his "strong men" toward the barracks, taking control of the situation and arresting plotters in a house to house search. He recalled that Quiwonkpa was located in a makeshift building and killed after a brief firefight.

The witness told the court that Doe remained in power after the subsequent 1985 election, but that in his own view, the election was a fraud. As a journalist, Fasuekoi covered various events at which the international community was present with Doe; the diplomatic corps were always invited and were there. The United States had a strong presence, as did Great Britain and African countries; he thought Israel may also have had diplomats present.

Fasuekoi testified to the events of December 24, 1989, when the NPFL came across the Ivory Coast border and attacked the village of Buoto. He circled a village called Bluonto on a map for the court, and described how the war continued and spread over Nimba County and began to move toward Monrovia. He said that eventually he planned to escape the city, but by then the city was on fire.

The witness described rebels from the NPFL who came to his neighborhood. They wore tattered clothes, worn-out shoes, and were half-dressed in military uniforms. "Some wore wigs like ladies wear to beautify themselves, but dirty and ragged." He recalled that they were "armed to the teeth," carrying "all sorts of weapons," and told the court that while he was not a military expert, the most popular weapons were a Berretta and an AK-47.

Fasuekoi testified about living near the National Oil Refinery, and encountering the NPFL in his own neighborhood. At that time, one of his neighbors, a friend, was a Krahn. Some Krahns were going to the barracks for uniforms and guns to protect themselves, but Fasuekoi never saw his friend with a gun. Rebels came to the neighborhood, and on hearing gunfire, everyone ran into their houses, and on coming out, Fasuekoi saw his Krahn neighbor dead. The NPFL had tied him "duck fa tabae," elbow to elbow in the back, "and the NPFL told us at gunpoint to bury him." The witness, when shown a photograph, said that it showed what he meant by "duck fa tabae." The photograph was also shown to the jury, and the witness said that though it was never done to him, he has heard from others that it was very painful.

Fasuekoi testified that his friend had gunshot wounds all over his body, and the rebels were saying nasty things about his background, like calling him a "Krahn dog" when telling Fasuekoi and other neighbors to bury him. Fasuekoi explained to the court that "I was troubled with the condition his body was in, and asked if we could loosen his hands." An NPFL rebel told him, "Next time, you go in the grave with him." The witness and other neighbors had dug a hole by then; he remembered there were many ants, so they could not stay in place while digging, and had to brush their knees.

The witness came out of the witness box and demonstrated for the jury how his friend was tied, and lay on the courtroom floor to show how his friend was thrown in the grave, face-down. He said that told his fellow neighbors, "Let's turn him around, face up," because it is normal to have the dead facing towards the heavens. The NPFL rebel warned Fasuekoi again, and he did not say

anything else until they pushed dirt over his friend. This happened in late July, toward August, of 1990.

At this time, the witness said, he was talking to the uncle he was living with about needing to move. He described his uncle procrastinating and saying that Taylor was already in the city so everything would be over in a matter of days.

Fasuekoi testified that around August 2 or 3, the NPFL set a siege around his neighborhood, because there were still some army men around the National Oil Refinery. He said that the army men told him and his neighbors to go in their houses, because they knew the NPFL was coming. The battle was very close to his house, and he could hear guns and grenades. He thought he would die. The witness hid under a bed with his foster-brother, and they fought over a Bible.

After an hour, when it was safe to come out, his uncle agreed that they needed to leave; there were 13-16 household family members to get out. They left and headed in the direction of the University of Liberia campus outside of Monrovia. Fasuekoi recalled that they left the family dog behind. There was not enough food to feed dogs, and dogs were already feeding on bloody human bodies in the streets.

The government's third witness will continue testifying on Wednesday morning.

June 14, 2018 – Day 3: The government's case continues

When trial resumed on Wednesday morning, one of the jurors was not present. That juror was recused and replaced with an alternate.

Witness 3: James Fasuekoi, Continued

The government's third witness, the Liberian photojournalist James Fasuekoi, continued testifying on Wednesday morning.

Fasuekoi testified that prior to the 1985 attempted coup by General Quiwonkpa, there was the earlier "Nimba Raid" in 1983. He stated that the raid was carried out by disgruntled citizens in Nimba – including Gios and Manos – who "rampaged," targeting those who had animosity against them. These citizens "ran up" supporters of President Samuel Doe, including those in authority. Eventually some people were killed; according to Fasuekoi, it was "something like a mutiny." The witness said that in 1985, following General Quiwonkpa's failed insurrection, some of Doe's army came into Nimba County and "ran up" Gios and Manos in retaliation.

Fasuekoi stated that Charles Taylor was the leader of the NPFL, and he recognized a photograph he had taken of Taylor.

Fasuekoi told the jury that the area where he lived and where his friend was killed – a death he testified about yesterday – was controlled by the Doe government forces until rebel forces came in. The witness's family fled, he continued, after the massacre in Lofa County, and after they saw some of their neighbors killed, and the bodies in the street and dogs eating them; the family decided that they should move to the Roberts International Airport near Harbel, where the United States had a presence.

Fasuekoi testified that his family encountered many "checkpoints" during their journey. The witness explained that a "checkpoint" is a roadblock set up by those fighting the war, as a way to search for enemies. According to Fasuekoi, checkpoints were manned by both adults and child soldiers; the children's ages varied somewhere between seven and 15. Fasuekoi asserted that he saw child soldiers with his own eyes many times.

The first checkpoint Fasuekoi and his family came to when they fled was in Johnsonville. Fasuekoi saw a child soldier armed with a bayonet with the rebels. The witness confirmed that this was an NPFL checkpoint, and said that he ran into countless NPFL checkpoints along the way. He stated that child soldiers were armed just as adult soldiers were.

The witness recognized two photographs, each one of a different young boy holding a rifle, as photographs he had taken. He identified both children as part of the NPFL faction. He confirmed that the photographs were an accurate depiction of how the children looked at the time.

Fasuekoi testified that his family arrived at the Johnsonville checkpoint in the early morning, and said that it must have been around 7:00, because they had talked to the "people running back and forth," and had heard that the best time to enter the rebel territory was early morning. This was allegedly the time it was possible to move quickly and without much harassment.

The witness told the court that the child soldier he encountered at the Johnsonville checkpoint had a knife and a single-barrel firearm. The child halted the family and began checking their luggage; Fasuekoi had an old suitcase of clothes. Fasuekoi said that when the child got to Fasuekoi's uncle's luggage, an adult rebel said he saw something like a shell casing from a gun, and demanded the uncle tell him "the truth." The little boy was still going over what was in the suitcases, laying things left to right. Fasuekoi thinks maybe the shell was laid there by the rebel; he remembers the adult rebel saying, "Tell the truth or I kill all of you."

Fasuekoi testified that his uncle was trembling, and that his uncle told the adult rebel that he only had a pistol before the war for his own protection. According to Fasuekoi, the man replied, "I'm gonna kill all of you." The witness was aware, as he lived with his uncle, that his uncle had a firearm back in the '70s.

"We began begging," Fasuekoi testified, and described his neighbors, who were also fleeing, asking the adult rebel to let them go. Instead, Fasuekoi continued, "he told us to form a line beside a stream" where Fasuekoi had heard "they executed people."

The witness described how through a single look, he and his foster brother understood that they needed to "make a move" to survive. Fasuekoi testified that they could communicate by a look or a movement, which they learned in the Poro society, so they did not have to say anything aloud. He told the jury that a Poro society is an African society, something like a university for men to become full citizens. The witness stepped out of the witness box to demonstrate the look, and showed how he took a step, and his foster brother moved closer to the adult rebel, who noticed something was going to happen. They were determined to seize his weapon, because he was alone at the checkpoint with the child soldier.

Fasuekoi said that the rebel pointed at him and his foster brother and ordered them to halt. Fasuekoi alleged that the rebel said "You guys stand here," and put them at the front of the line by the stream and told them, "I'll kill you first."

The witness told the jury that his neighbors began begging the rebels to spare their lives, and the adult rebel told the neighbors to take the family's oil and rice, saying, "Take it away. I'm going to kill them." According to Fasuekoi, his neighbors were unhappy but some took the oil and rice, because there was no food. He said that with the neighbors' begging, "something clicked," because the rebel said, "OK, I forgive you, it's still early." It was probably 7:30 by then. The neighbors gave them back some rice, and the family continued from there.

Fasuekoi testified that all along the road they saw the dead, and that some were "good looking, like they were former government officials." He told the jury that he would never forget a man he saw by the roadside, with flies all over them.

The family continued to the Fendell Campus of the University of Liberia outside Monrovia. Fasuekoi testified that when they arrived on the outskirts, they ran into thousands of people waiting in lines to be interviewed by rebels. He alleged that the rebels had a makeshift administration that was "acting like Immigration," checking everyone's tribe and taking some people away. He explained that everyone had to speak in their mother's tongue to say what tribe they were from, and that the checkpoint guards had a way to tell if people were lying. For example, if you said you were Loma, they had someone there to talk to you and to see if you

were genuinely Loma. Fasuekoi said that the person who talked to him and his family was "a mulatto lady." He described this checkpoint as "the most fearful checkpoint we'd come to."

Fasuekoi said it took two to three hours before the point where they were interviewed. He said it was "chaotic," and that the checkpoint was controlled by the NPFL, including heavily armed child soldiers and adults of all ages carrying weapons and marching and staring at the civilians critically. He explained that if somebody was passing by, you tried not to look at their faces; that was the wrong thing to do because "you might look guilty or like a member of the wrong tribe." Fasuekoi alleged that when civilians were asked which tribe they belonged to, they were either set free or "taken out somewhere else."

Fasuekoi told the jury that Liberia has 16 distinct regional groups, none of which can hide from the others, although he knows Krahn women who survived because they passed as Bassa during the war. He said that the different groups or tribes understand each other's languages,; for example, the Gios and Manos live with Mandingos, so they speak each other's dialects. He said that people were able to detect if anyone at the checkpoint lied, because they had interviewers who understood each tribe's language.

Fasuekoi alleged that people who were accused of being Krahn or Mandingo were pulled out and taken away from the line, although the crowd was too big to see where they were taken. He confirmed that they were not executed right before his eyes.

In line, people told each other how to say hello in other dialects. People who were just passing through, not in the line, described questions those waiting might be asked: "Who are you? Where are you from?" Fasuekoi's family used a song to teach the children with them words in other dialects.

Fasuekoi described how interviewers would determine if someone was in the army by checking for boot marks on their legs. He said that for those in the army, it was a regulation to wear boots with socks, so soldiers all had marks that guards were checking for.

Fasuekoi testified that his family "made it through the checkpoint." He explained that there were so many rebel troops that it was not a mounted checkpoint, but instead groups of heavily armed men were lined up. At other times he saw checkpoints with a semblance of normalcy, with rope across the road and men and women guards.

Fasuekoi testified that his family entered the campus, his school, and stayed there a few weeks. Close to August 24, he said, they heard an announcement that tension was growing because ECOMOG was arriving. He explained that ECOMOG were West African peacekeepers comprised of ECOWAS nations, who sent troops in to stop the war. He said there was news they would be landing in a couple of days, and he noticed the NPFL troops becoming agitated. The NPFL also sent more reinforcements.

"We were coerced to demonstrate against ECOMOG," Fasuekoi said. He alleged that NPFL soldiers came to the dormitories to round up civilians staying there, and if the civilians did not come out, they would be shot. He described how thousands of people marched, denouncing ECOMOG, chanting, "We don't want ECOMOG, we don't want ECOMOG." The next thing he saw was an army of news crews, television reporters, and photographers. Fasuekoi testified that old

pickup trucks began arriving, with skeletons and skulls tied to them. He explained that most of the civilians were themselves just "skeleton bodies," because there was no food. He said that the reporters were foreign news crews, who filmed the march.

Fasuekoi described living in an old science building with thousands of other people. He said that according to aid workers, there were 250 thousand people on the campus. He called the conditions "horrible," saying he slept on a bare floor only after his family could secure a place inside. Before that, he said, they slept on doorsteps; when rain would wake his family up, they would sit against walls. After a couple of days outside, his family talked to other families leaving for Buchanan or Nimba, and negotiated for their inside place; Fasuekoi specifically remembers placing their mats and blankets there, as "those things were hard to get." The witness recognized a photograph of himself at the science building, and one at the spot where he slept, on Concrete Slab #9.

The witness laughed when asked if there were schools for the displaced kids at the campus, and asked if the government lawyer was making a joke. He testified that there were thousands of children at the campus but no schools and no healthcare. Fasuekoi described his old neighborhood of Gardnersville in contrast: before the family fled, there were schools, and a hospital run by the government where children were delivered. There was law enforcement, he said, and basic services; when he was in the science building, there was nothing.

The family was getting scared, Fasuekoi said, and he observed lots of killing by the rebels in control. He described bodies thrown on the outskirts of the campus, many of them half buried. He told the jury about one time he had eaten something and had a runny stomach; he ran outside and sat down on something, and when he turned to his left he saw the grave of a person who was half buried. He said she must have been a lady because he remembers her colorful clothing. He gestured at his ankles to demonstrate for the jury how the body was tied up.

Fasuekoi testified that his family heard about an NPFL commander called Isaac Musa in control of an area, and that the family tried to get there. The witness identified a photograph of Musa; Fasuekoi himself took the picture during the second year of the war.

Fasuekoi remembered that on the university campus, teachers who were also refugees from ECOMOG countries were held hostage. He described Guinea, Ghana, and Sierra Leone as countries who contributed soldiers to ECOMOG, and alleged that teachers of those and other ECOMOG nations were kept out of sight in a building on campus. He himself did not see them, but he saw the building whenever he had to pass through the checkpoint to go find food.

Fasuekoi testified about a checkpoint his family encountered at Careysburg, on their way to Musa's territory. He said the checkpoint was dangerous because there were two in almost exactly the same place.

Another checkpoint the witness recalled was one he passed before the Careysburg checkpoint; it was where a company of soldiers had been stationed, near a factory. Fasuekoi explained that his foster brother used to be a security guard at a warehouse there; someone at the checkpoint saw his security guard uniform in his luggage, and began to interview him, so the family started getting scared. Fasuekoi said that another rebel started checking Fasuekoi's photo album, and

saw a picture of him with George Weah – now the president of Liberia – and everyone stopped and asked how Fasuekoi met him. The checkpoint guards wanted to know if Fasuekoi would give them the picture. In the background he could see the guy investigating his brother, so he said "Of course." The witness testified that he believed his brother was spared because of the photograph.

According to Fasuekoi, the family later came to the checkpoint at Careysburg with the powerful double gate. He testified that the rebel commander present said the family had violated Charles Taylor's order by traveling on August 24, when ECOMOG was landing. The witness said that the commander demanded to know what the other checkpoints were doing. Fasuekoi testified he was traveling with 18 members of his distant family at this time, and all of them were detained at the checkpoint. He said they had left his uncle, who wanted to go to his wife's house, not a strange place where he knew no one.

The witness alleged that the Careysburg checkpoint had several armed NPFL soldiers sitting and investigating people; these investigators were all adults. There were not many child soldiers there, but the witness said he sometimes saw 15-year-olds.

"There were two beautiful ladies in our team," Fasuekoi told the jury, "and the rebel commander was aiming at having relations with one," who was light-skinned. Fasuekoi testified that the commander "saw this distant cousin of ours and grounded us right there."

Fasuekoi described how two women in the camp, rebel ladies who were there working as cooks, befriended himself and his foster brother. The women gave them food, and Fasuekoi wondered if his sisters in his village could be armed like them. According to the witness, the women told the brothers to "watch out at night" because "things happened;" they warned the brothers to use all their muscle and might not to step outside if told to do so, because "if you do, you disappear forever."

Fasuekoi said that the brothers shared this warning with their group, which had many strong men in it. The men slept in an open area, but the rebels took Fasuekoi's sisters on the other side of the building to spend the night. Fasuekoi explained that by "sisters" he might mean "distant cousins." When soldiers came for the men, he said, the soldiers kicked them with boots and slapped them, and if they tried to drag the men out, the men used their last strength to lock onto something. Fasuekoi and his family locked arms and did not let the soldiers drag them outside to man the checkpoint, although the NPFL soldiers allegedly kept kicking them and saying "Man up," and "This is war." Fasuekoi described crying like a baby and his family saying, "We are not soldiers." This noise disturbed other rebels, so after a while the soldiers would leave; this happened twice a night.

Fasuekoi testified that he stayed with his family there for close to two weeks, and that each day they were not allowed to go anywhere, and could only sit quietly by the checkpoint while some of the NPFL soldiers went on ambushes or on patrol. He remembered one soldier looking at him and touching his muscles, asking, "When you were in Monrovia, were you a soldier?" Fasuekoi told the jury that he showed the man his photojournalist I.D. and answered that he wanted nothing to do with the military, that he was a student at the University of Liberia, and that if the soldier wanted to kill him, he should go ahead. After that, the man left him alone.

Fasuekoi testified that the rebel commander of the Careysburg checkpoint was probably a Gio or a Mano from Nimba, and that he wanted one person from every group that passed through. "One had to disappear." Fasuekoi said that they "either took one of the girls, or one of us." He told the courtroom that one of his sisters volunteered to be the sacrificial victim, and turned herself over to the rebels so that her family could go. One night she and the other sister came to the men and told them that the rebel commander wanted that other sister, but she was married and had a jealous husband. The women had convinced the commander to therefore let the married sister go. The sister who would stay had a little two-year-old boy and the family discussed whether he should go or stay. Fasuekoi described the boy's mother saying she would be lonely if the family took him when they left, so he stayed with her at the checkpoint.

Fasuekoi said that when the family was through the second of the two Careysburg checkpoints, a stone's throw from the first, he saw a photographer he knew, and tried to avoid him. The photographer allegedly asked Fasuekoi's foster brother why Fasuekoi was avoiding him, and Fasuekoi told the court that he was afraid because most of the men they knew from that side "could sell us out."

Fasuekoi testified that there was still chaos going on because of the ECOMOG landing, so when the family heard they would not be allowed into the Firestone International Airport, they went to the Voice of America transmitter site. He said they only stayed there a couple of days, asking people for guidance to avoid rebel checkpoints.

Next, Fasuekoi said, he and his brother went to a village along the train tracks and stayed there a month. Their plan was to get back to Monrovia because they thought the areas controlled by ECOMOG would be safest, but according to Fasuekoi, "it wasn't easy." He described how the NPFL moved into the village and arrested the brothers as people not from the area around the village.

Fasuekoi said that he arrived back in Monrovia around Christmas season 1990, sometime in December. He said he resumed his work as a photographer, although he did not start right away, because family members were missing. After six months of the new independent paper *The Inquirer* begging him to take a job with them, he went to work for them as a photo editor and a frontline correspondent, and they began sending him out.

The witness identified a photograph he took of Thomas Woewiyu in 1991, at the opening of the highway from Monrovia to Taylor's "Greater Liberia." The witness described Woewiyu as the NPFL spokesperson and Defense Minister. Fasuekoi explained that by 1991 the war was in its second year, although there was an interim government in place. He said that the NPFL was fighting ECOMOG, and described the capital as cut off from the rest of the country that the rebels occupied. Anyone sneaking into rebel territory was interrogated and suspected of being a spy. "You could be killed for no reason," Fasuekoi said.

According to the witness, it was for these reasons that when the NPFL decided to open the road, they had a grand event. He said Woewiyu led the half hour ceremony. The witness's photograph of Isaac Musa was also taken at this time.

Fasuekoi testified that when the road was open, many people came to Monrovia from Greater Liberia. He said people were eager to enter the city, and he personally observed many coming in

who were fleeing from the NPFL. There were thousands of people, and the witness recognized a photograph of the crowd he took that day.

The witness said the road was temporary; all of a sudden, the road was shut down, and the only people let in or out occasionally were groups like a football team. From what the witness saw that day, after people entered Monrovia, many did not go back. Personally, he knows people who used that day to enter Monrovia.

The witness recalled that in October of 1992, Monrovia was attacked by the NPFL in a heavy offensive called "Operation Octopus." The witness remembered heavy artillery shelling close to buildings civilians resided in; he was still in Monrovia himself at the time, and said the city was in chaos. Fasuekoi said it was difficult to establish a clear motive for the operation, but because the objective was to seize Monrovia, the NPFL would fight ECOMOG or anyone living in Monrovia who supported the government.

Fasuekoi testified that he lived close to the airport in Sinkor and that there was a lot of fire directed at the airport. He said the rebels came close to seizing it. He described being unable to sleep, standing all night in the basement with kids. Sometimes Senegalese ECOMOG soldiers would come to take the people in the basement away from the heavy fire; he described being taken to the military base and being kept there until he was allowed to go home. He said the shelling happened between midnight and somewhere around four, five, or six in the morning. This fight, he said, lasted from November onward through December; he was still a journalist on the front lines during this time.

The witness was shown a photograph and identified it as one he took of leaders of the warring factions in Liberia. He could not pinpoint when it was taken, but testified that it must have been before Taylor joined the national unity government in Monrovia in 1995. The witness identified a number of people in the photograph, and their factions: Roosevelt Johnson, the founder of ULIMO, and after its split a member of ULIMO-J, which was predominantly Krahn; Francois Massaquoi, leader of the Lofa Defense Force in Monrovia; the leader of the remnants of the national army; Dr. George Boley, of the Liberia Peace Council rebel group; and Woewiyu. The witness was asked to point to Woewiyu, and he stood up in the witness box and identified the defendant in the courtroom. He described Woewiyu's position when the photograph was taken as the leader of the NPFL-CRC, with "CRC" meaning "Central Revolutionary Committee," a warring faction that fought against the NPFL as well.

The witness identified a photograph of NPFL rebel forces he took. The photograph shows men and children in a variety of clothes, not formal military uniforms. Fasuekoi said they were getting ready to go to the front lines and fight; he knew this because he was there in the war zone with them.

Fasuekoi also identified a photograph he shot at an airport in Monrovia when ECOMOG held a big press conference. The photograph shows young children, who were presented as prisoners of war who were captured at the front lines. The witness testified that ECOMOG did not use child soldiers, and he never saw any child soldiers with the national army.

On cross examination by the defense, the witness acknowledged that his photograph of the leaders of warring factions does not show Charles Taylor, and that none of the men in the

photograph represented the NPFL at the time it was taken. He described taking the photo while covering a forum in Monrovia for the warring factions, and explained that the Armed Forces of Liberia first fought the NPFL, and then eventually joined a coalition of five rebel factions; the NPFL was the coalition's rival. The witness acknowledged that, thus, at one time Woewiyu was part of a coalition rivalling the NPFL. The witness also acknowledged that his photographs of the two individual child soldiers, each holding a rifle, were not taken at a checkpoint.

Asked about the first checkpoint he went through, in Johnsonville, the witness said he had every reason to believe he would be killed if he did not stand in line with his family. "It was no joke," he said. "Had you been there, you would see." Fasuekoi credited divine intervention for his family's escape, and the family's hours of praying before leaving Monrovia. "For what he was charging my uncle for," Fasuekoi said, "that one bullet shell was enough to kill everyone at that time." He said that "some of us" wondered if the rebels were trained about whom to target.

Asked about the checkpoint where he gave away his photograph of George Weah, Fasuekoi explained that Weah is one of the best African football players in recent times. He said that the rebels taking the photograph was them paying homage to Weah, and described how sometimes the rebels laid down their weapons during international matches, and everyone watched them before the rebels ran back to the bush.

The witness stated that he did not remember if the road from Monrovia to Greater Liberia was opened during a truce between the NPFL and ECOMOG. He acknowledged his photograph of General Musa also shows the Nigerian commander of the ECOMOG forces, and that the picture was taken at the celebration of the road's opening.

During a brief re-direct, Fasuekoi testified that there were lots of reasons someone could be killed at a checkpoint, including ethnicity. He also said that if there was a truce between the NPFL and ECOMOG for the opening of the road, the truce did not last.

Stipulations

Before the government presented more witnesses, Assistant United States Attorney Nelson S. T. Thayer, Jr., addressed the jury and explained that the prosecution and defense counsel had agreed to certain facts the jury should consider as evidence. He then read a list of these stipulated facts to the jury, as follows.

Before and during the First Liberian Civil War, five white female humanitarian aid workers lived in a house in a compound in Gardnersville. In October of 1992, two of them were killed in a car along with ECOMOG soldiers.

Approximately two days later, the NPFL entered their compound and ordered everyone out of the house. One of the three women remaining was shot and wounded almost immediately upon exiting, and was followed outside by the other two. The NPFL commander known as "Mosquito" ordered these three white women separated from everyone else in the compound. They were taken near a wall and accused of being American and of working with ECOMOG. "Mosquito" ordered these three women shot dead with an automatic weapon.

Witness 4: James K. Bishop

The next prosecution witness to be called was James K. Bishop, former United States Ambassador to Liberia. He described himself as a "career U.S. Foreign Service Officer," who spent 34 active years in the Foreign Service, and who then spent 15 years working on international disaster response for The Interaction, a coalition that worked with the International Committee for the Red Cross (ICRC), the United Nations, and other non-governmental organizations. He is now at the State Department on a part-time basis. The witness described his education, and how after 10 years specializing in African affairs as a Foreign Service Officer, he earned a related Master's degree at Johns Hopkins University.

Bishop testified that after many years of service, he was appointed to several high-level positions. In 1979 he was appointed Ambassador to Niger, and in 1981 worked at the African Bureau of the State Department. In 1987, he was appointed Ambassador to Liberia. Subsequently, he served in Somalia until the U.S. embassy was evacuated in 1990. He told the jury that a typical ambassador serves for two to three years in a given position, and described the duties of an ambassador as representing the interests of the United States abroad, serving as Chief of Mission at an embassy, and working on programs of assistance from the military to the Peace Corps.

Bishop outlined for the jury the procedure of being appointed an ambassador. He said that a prospective ambassador is nominated by the president and confirmed by the Senate, which involves a hearing by a Senate subcommittee. The host government is notified and asked if they acquiesce to the appointment, and there is a formal way by which they indicate their answer. Bishop said the notification of the host government occurs via the appropriate U.S. embassy, which informs the host country's Foreign Minister of the nomination.

Bishop testified that when an ambassador arrives, a colleague and someone from the host nation greet the nominee; this happened to him in Liberia. He described being met at the airport by someone from the Liberian government, and told the jury that he then met with the Foreign Minister so the Minister could arrange a meeting with President Doe so Bishop could present his credentials at a ceremony. Bishop was accompanied to his meeting with Doe by other senior staff of the U.S. embassy in Monrovia, he said. He testified that among the people with him were military officers in uniform. Bishop said that at the ceremony he announced to Doe who he was and what he was doing, and although he cannot remember his own exact words, he knew he said "something nice about American/Liberian relations." He remembered Doe made a gracious response.

Bishop testified that he met with Doe on many subsequent occasions in person, and sometimes on the phone. He stated that sometimes they discussed the question of Liberia's support for the U.S. in international fora like the United Nations, and sometimes they discussed aid programs; often they discussed problems Bishop had in dealing with Doe's government, given a growing sense of corruption that was making it difficult to do his job. Bishop also remembered some lighter conversation topics, like visiting American V.I.P.s, and Doe telling Bishop about soccer and Bishop telling Doe about squash. Bishop remembered that among the American V.I.P.s who visited were members of Congress, the head of the C.I.A., and military officers who were in Liberia to help with military assistance programs.

Bishop arrived in Monrovia on April 12, 1987, which he said was "unfortunate" as that was the date of the 1980 coup through which Doe took power. Bishop recalled that at the time he arrived, the U.S. embassy was on Mamba Point on the sea front in Monrovia.

Bishop testified that he first met Doe in Washington, D.C., when Doe went there to visit President Ronald Reagan. Bishop said that he accompanied Secretary of State George Shultz to a meeting with Doe at a hotel. The witness identified a photograph of Reagan and Doe together and said it was a fair likeness of both of them at that time; he was in Reagan's office fairly often accompanying foreign ambassadors, and could speak to Doe's likeness because his meeting with Doe at the hotel was the day after the picture was taken. Bishop further testified that it would be usual for Doe to meet with the Secretary of Defense on such a visit, due to military agreements between the U.S. and Liberia. The witness identified Doe and then-Secretary of Defense Caspar Weinberger together in a photograph.

Bishop testified that he observed through his work that the government in Liberia had a "structure like the United States," with separate branches and structures at the county level. He named ministries in the cabinet like the Ministries of Justice, Public Health, and Defense, and noted that the U.S. often assisted with their programs. He described the Liberian higher education system of two universities, and said that the public of the two had two campuses, including one outside Monrovia about 10 miles away. He described the public health system of Liberia, including John F. Kennedy Hospital, a "tertiary" hospital built with U.S. funds; private hospitals, including the one on the Firestone plantation; and Phebe Hospital in Gbarnga.

Bishop told the jury about taking his wife and two daughters on a road trip from Monrovia to Abidjan in Ivory Coast on December 26, 1989. He said that they drove up through the rainforest and crossed Nimba County, where the border guards made a fuss about the Ambassador and served them all Coca-Cola. Bishop said that the family spent the night in an Ivory Coast town called Man, and that when they arrived in Abidjan, his colleagues were in a state of alarm because on the radio they heard people announce an invasion in the same area where Bishop was. He stated that he made arrangements to fly back to Monrovia, where he found the city in a state of alarm.

Bishop testified that he had no contact with the NPFL while on the ground in Monrovia. He told the jury that his three-year term as the Ambassador to Liberia was coming to an end in March 1990, and there was someone primed to replace him. There had been no ambassador in Mogadishu in a year, and the State Department wanted to send him there as Ambassador to Somalia.

Bishop stated that before he left Monrovia, he saw that radios were made available to the NPFL, and assigned a Foreign Service Officer in Man to monitor them, because Bishop was concerned for the 5000 Americans in Liberia. According to Bishop, many were African-Americans "who were physically indistinct" from Liberians and thus likely to get caught up in the fighting. He testified that his goal in giving the NPFL radios was to "de-conflict," to keep lines of communication open.

When Bishop left Monrovia in the last week of March or the beginning of April 1990, he learned he would not go straight to Mogadishu, but would instead go to Washington, D.C. to head a taskforce with the purpose of monitoring the Liberian situation and keeping the State Department informed. He said that once U.S. naval vessels were deployed to the water off Monrovia, coordinating with the Department of Defense was an additional duty. Bishop described how, as the war continued, part of the taskforce's role was to encourage Americans to leave Liberia and to facilitate their leaving.

Bishop testified that the taskforce received a delegate from Monrovia, William Tubman, a former Foreign Minister and a representative of the Doe government, because "I thought to promote dialogue between the government and the opposition." Bishop called Tubman "a prominent Liberian," and said the taskforce wanted to serve as a bridge between the government and Charles Taylor, to encourage a conversation rather than a force of arms.

Bishop told the jury that before he left Monrovia as Ambassador, Doe responded to the incursion by sending troops to Nimba County. Bishop characterized the troops as "unprofessional," and said they killed civilians, as did the NPFL. He described the war as "taking on a tribal cast." He said that Doe was killing Gios and Manos, and that the NPFL was killing other sides. According to Bishop, he gave written instructions to aides who went to Nimba about what to do and what not to do, telling them to "report back." He said that he met with Doe and counseled him to tell his troops to conduct themselves differently from the reports Bishop was hearing.

Discussing his subsequent taskforce in Washington, D.C., the witness told the jury that the talks he wanted to promote between the government and the opposition were called "proximity talks." For such talks, the participants do not need to be in the same room; he described the participants as in nearby rooms, with State Department representatives "running back and forth" between them.

Bishop testified that he was informed Woewiyu would appear at these "proximity talks," and said that Woewiyu claimed to be the Minister of Defense of the NPFL, and that Woewiyu said he had come to Washington, D.C. to talk. The witness said he thought he had two meetings with Woewiyu, but that it was a long time ago. He remembered several meetings with representatives of Taylor and the NPFL, talking about the possibility of talking through their grievances with the Doe government. The witness stated that these talks were in April 1990, but they were brief and did not work out, and the venue for future talks shifted to the U.S. embassy in Freetown, Sierra Leone. Bishop said his replacement, the new Ambassador to Liberia, went to Freetown to facilitate them.

Bishop said the NPFL objective was that it wanted the Doe regime gone, and was not clear on what would replace it, "and that's what we're trying to shape." He reiterated that Woewiyu indicated he was the Minister of Defense "or some such title; he was in charge of the military."

The witness examined a document that he recognized as a series of reports he prepared as chairman of the taskforce, for Herman J. Cohen, the Assistant Secretary of State for Africa, to whom he reported. Bishop said they were typical of the documents he would prepare for his State Department work.

Bishop recalled that the peace talks in Freetown after the "proximity talks" were not successful either, and that the White House did not want to be any further involved in the process by which "an escaped felon, as it was put to me" could become president of Liberia. He said that afterward, Liberian churches put together talks in Freetown that were also unsuccessful.

Bishop described the military situation at the time of the reports he made to Cohen. He said Doe and the Armed Forces of Liberia held the city of Monrovia, which he described as a "pretty big place" located on the coast. He said the NPFL had come down from Nimba by two routes, one via the railway line around the coast to Buchanan, and one via Gbarnga in the central part of the

country. He noted that thousands had fled to the city from the country, and that the food situation was becoming increasingly critical. According to Bishop, the U.S. embassy had some emergency food delivered via the ICRC; food was put on trucks and "sent up there."

Bishop testified that Doe's Krahn tribal homeland was up the coast from Monrovia near the Ivory Coast border, and that Taylor's forces were in between the Krahns in Monrovia and their homeland up-country. Bishop said that the idea was to keep the Sierra Leone road open, so that Doe supporters could escape and then reach their homeland by different entry points. He said that this was to "avoid a bloodbath," and to avoid fighting in areas where there were refugees.

Examining a memorandum stating that Woewiyu admitted "excesses" occurred in Buchanan, the witness testified that he could not recall exactly what "excesses" these were. He said that both sides were savaging civilians and combatants, and that on the NPFL side, it was hard to tell between the two because NPFL fighters did not wear ordinary military uniforms.

The witness testified that he was personally acquainted with the five humanitarian aid workers whose deaths were described in the stipulated facts.

Bishop stated that from the NPFL, the only person he remembered meeting was Woewiyu, and said that they only met during the "proximity talks."

On cross-examination, Bishop testified that he was aware Doe came to power by killing the prior president. He was also aware that 13 ministers died in the coup, tied to electric polls in front of a crowd. He was also aware that the only election Doe stood for was in 1985 after the attempted Quiwonkpa coup, and he said there was a considerable amount of fraud on all sides.

Bishop described his relationship with Doe as having "ups and downs, some very deep" over the three years Bishop dealt with him. Bishop stated that he considered Doe "ruthless and volatile."

Bishop stated that after the incursion occurred, both forces behaved in a brutal manner. He said there was an "ethnic cast" to the conflict, with the army being Krahn and predominantly killing Gios and Manos. He said that prior to the incursion, there was not systematic killing of Gios and Manos by the army, and that to his knowledge, they were not targeted.

The witness testified that before the "proximity talks," he did not have much background information about Woewiyu.

Bishop clarified that the "proximity talks" never took place, and that although Woewiyu came to Washington, D.C., the State Department could never get the two sides to talk, even with intermediaries. His recollection is that the two sides would not look at the grievances of the other party. He remembered Woewiyu wanted Doe gone, and the Doe government did not want to engage; the talks were to be about elections moving forward, and the Doe government was "sticking." The witness described the Doe government as a "full-fledged government," and said it had a legislature, although he did not remember the legislative calendar.

Bishop said that on December 26, 1989, he did not have any contact with fighting or combatant forces while driving through Nimba County. He stated that before he left Monrovia, there were no reports of an incursion.

The witness stated that he did not independently recall the context of a statement he made in a memorandum from June 29, 1990 about wanting to stall the credential presentation of the next Ambassador to Liberia, but agreed that it showed that at the time, Bishop thought it was not in the U.S. interest to support the Doe regime.

On a brief re-direct, Bishop agreed that the June 29, 1990 memorandum said the State Department "can" stall the new ambassador's credential ceremony.

Witness 5: Herman J. Cohen

The prosecution's fifth witness, former Assistant Secretary of State Herman J. Cohen, began his testimony toward the end of the afternoon. He described his educational background for the jury, and told them that he was in the Army for two years before spending 38 years in the U.S. Foreign Service. Cohen stated that when he entered the Foreign Service, many African countries that had been colonies were becoming independent, so he thought that would be an interesting specialization; he said that he spent 75% of his career working in Africa. Cohen told the jury that he served in five U.S. embassies in Africa: Uganda; Zambia; Zimbabwe; Kinshasa, Congo; and Senegal as the U.S. ambassador. Cohen said that he was the Assistant Secretary of State for Africa under President George H. W. Bush from April 1989 until April 1993.

The witness stated that he had been to Liberia prior to the '89 incursion. Before he was an Assistant Secretary of State, he was the Senior Director for Africa with the National Security Council, and in 1987 accompanied then-Secretary of State George Shultz when he visited five African countries. Liberia was the first, Cohen said, and they spent three days there. Cohen recalled meeting President Doe and attending meetings and social events.

Cohen testified that as the Assistant Secretary of State for Africa, he was concerned that the outbreak of war in Liberia would result in considerable destruction and suffering for the Liberian people. He said that his instinct was to stop the war and find a political solution. Cohen described receiving briefings from a State Department office covering Liberian affairs, from messages from the embassy in Monrovia, and from intelligence reports. He said the embassy would send cables signed by the ambassador.

Cohen examined a memorandum that was sent to the office for Liberian affairs from Woewiyu. According to the memorandum, the objective of the military act of December 24, 1990 was to overthrow the Doe dictatorship and replace it with a democratic government. Cohen testified that based on his observations as an Assistant Secretary of State, this was an accurate statement of the NPFL objective, and he said they came across the Ivory Coast border like an invading fighting force, taking villages.

Cohen testified that at the time the invasion occurred, there was a "regular" government in place, with a president and a cabinet, typical of other African governments and of European governments. "We interacted with them the same as we do other governments," he said. He described that there were people in the provinces to represent the government, civil servants of various kinds. He said that before the invasion, there were education and health services, not generally well developed, but existing along with other infrastructure.

The witness stated that he met Charles Taylor for the first time in September 1990. He recalled that Taylor used to be a member of Doe's government, as the Chief of the General Services Administration. Cohen said that this was much like the American General Services Administration, dealing with the maintenance of buildings and infrastructure.

Returning to the memorandum sent by Woewiyu, the witness examined the text underneath the document's "Political Program" heading. The memorandum stated that after the overthrow of the Doe government, a provisional government would be led by the NPFL with the mandate to restore order and establish readiness for multiparty elections, in accordance with the Constitution of Liberia. Cohen said that he initially accepted this explanation, but then the war went on for quite a long time. He said that with the destruction and loss of life, this "Political Program" was not talked about anymore, although the goal of elections was always there.

The memorandum also described Doe's government as ethnically divisive and stated the NPFL desire to create a "Liberia for all," including "vanquished Krahns." Cohen testified that this is "quite accurate" as to what he was told. However, he noted that during the war, the NPFL had a tendency to be "quite harsh" with anyone Krahn that they encountered, and there was lots of killing.

The witness next examined the June 29, 1990 memorandum from James K. Bishop, former Ambassador to Liberia. Bishop was then heading a crisis watch group working 24 hours a day to monitor the situation in Liberia. The memorandum quoted Woewiyu on the topic of leaving the Sierra Leone road open for Doe supporters to escape. Cohen testified that he himself was worried because he knew Doe supporters would fight to the death; based on what was happening in other parts of the country, they thought they would be killed if they were captured or surrendered.

Cohen stated that he spoke to Taylor directly about leaving the Sierra Leone road open, with the thought that it would let Taylor take the city of Monrovia with little bloodshed; Cohen was the first one to raise the idea. According to Cohen, Taylor did it because the U.S. government asked him to. He did not want the U.S. operating against him, as it was better for the U.S. to be neutral than against him. Cohen also noted the special relationship between the United States and Liberia, and said that both sides understood they did not want to get into a fight.

In Bishop's memorandum, Woewiyu is quoted as saying the "front" has "trained military police" so as to avoid the "excesses" that occurred in Buchanan. Bishop believed this referred to summary executions by the NPFL of members of the Krahn tribe found there.

The witness examined a section of Bishop's memorandum that he explained was a transcribed telephone communication. The section referred to fighting between the Armed Forces of Liberia and Prince Johnson, who was one of Taylor's commanders when the war broke out, but who several months later split off and formed the INPFL. Cohen stated that the INPFL had the same objective as the NPFL, but also had animosity toward Taylor.

In the Bishop memorandum, an Economic Officer from the embassy is mentioned, who complained to Woewiyu about the shut down of the Omega Site and the harassment of "V.O.A." personnel who were "F.S.N.s." The witness explained that the Omega Site was a coast guard staging ground, and that there was a transit relay station in Monrovia for the Voice of America

(i.e., the V.O.A.) programs. Cohen also explained that the acronym "F.S.N." refers to Foreign Service Nationals, employees from the host nation – here, local Liberians – who worked for the U.S. government at, for example, the V.O.A. site. The memorandum noted Woewiyu said these acts were contrary to NPFL policy and that he would talk to Taylor about it.

Cohen testified that approximately three to four weeks after the war began, he received a phone call from Woewiyu, describing himself as "a Liberian living in New Jersey, the official spokesperson for the NPFL and Charles Taylor," and telling Cohen to call him if there were any problems, so Woewiyu could transmit them to Taylor. Cohen said that they spoke two to three more times, because Taylor had acquired a satellite phone and Cohen could call him directly.

Cohen specifically recalled speaking to Woewiyu about keeping the Sierra Leone road open, and wanted Taylor to understand that was very important to the U.S., and that the U.S. wanted to avoid a tragedy. He said that when he spoke to Woewiyu, he believed he was a close confidant of Taylor and that if Cohen sent Taylor messages via Woewiyu, they would arrive. "He impressed me as someone of reliability," Cohen said. Cohen believed that the issue of the escape route was the main issue they talked about.

Cohen stated that the spring of 1990 was very difficult from a humanitarian standpoint. Cohen testified that he spoke to Taylor about the hydroelectric dam that provides electricity to Monrovia, and told Taylor that if Taylor achieved his objective of overthrowing the government, he would need infrastructure if he ever came to power. Cohen said he asked Taylor to please restrain his troops from destroying the dam, "but apparently he couldn't," as the dam was blown up and only recently replaced.

Cohen testified that in 1990 he received a directive from President Bush to talk to every government who had troops on the ground in Liberia, including Taylor. Cohen said he flew to Man in Ivory Coast near the Liberian border, and crossed the border in a vehicle to a point about 15 miles inside. There he saw Taylor in his compound, and they met for about an hour.

According to Cohen, he traveled with several senior United States officials, and when they came within half a mile of the camp, they were greeted by teenagers, all of whom had large automatic weapons. Cohen called this "quite frightening," because as an army veteran, he knows "you don't mess around with that stuff." The teenagers were glaring and not smiling, and something about their manner made Cohen think they were on drugs. Cohen stated that they were "basically bodyguards," present so no one could get close to Taylor. He continued that, judging by his own children, the youngest was 12 or 13.

Cohen said that Taylor was waiting in a "thatched roof thing, sitting on a chair like a throne." Cohen remembered that behind Taylor was a large portrait of the Kennedy family, and Cohen said that when he saw it, he got the feeling that Taylor wanted to be identified with them, plus they were American and he wanted to be close to Americans.

The reason for the meeting, Cohen said, was because he wanted Taylor's view of how the war was advancing. Cohen explained that Taylor did not capture Monrovia when it was just guarded by Doe's troops, and now that West African forces were there, he would never capture it. The witness stated that when he asked Taylor if he would agree to a ceasefire, Taylor said yes, "but he kept fighting." Cohen said that Taylor explained that the reason he kept fighting was his lack

of trust in ECOMOG, but that Taylor indicated additional West African troops would decrease his animosity.

"Something I can work on," the witness explained. The Senegalese President, Cohen said, would be in Washington, D.C. shortly after Cohen returned, and as Cohen had been Ambassador to Senegal, he knew the president well. This is how he approached the President of Senegal about sending troops to Liberia. Taylor said this would be acceptable, according to Cohen. However, he noted that when a Senegalese battalion arrived, despite Taylor's statement that they would be treated as neutral, they were deliberately killed by Taylor's troops.

The witness was familiar with Operation Octopus, which he described as an effort by Taylor's forces to attack ECOMOG in Monrovia, as they wanted to push ECOMOG out of Monrovia. He said this was roughly to the middle or end of 1992.

The witness examined a document and recognized it as a cable from the U.S. embassy in Monrovia. He stated that the repatriation of the remains of the five aid workers whose deaths were stipulated was very important to him as an Associate Secretary. The cable described the ambassador speaking with a representative from NPRAG about the five bodies and requesting they be repatriated if in NPFL territory, but although the witness had heard of NPRAG, he was not familiar with it. Cohen noted that the Ambassador wanted his message about repatriation to go to Taylor or Minister of Defense Woewiyu.

The witness stated he did not know who Isaac Musa was. He said he had contact with only two people in the NPFL, Taylor and Woewiyu.

On cross examination, Cohen agreed that the Omega Site and Voice of America relay station were "vital American interests." He agreed that there was also a C.I.A. site that all the C.I.A.'s African interests went through; all three of these interests were in Monrovia, on the peninsula. He noted that Firestone – now Bridgestone – owned over a million acres in Liberia for rubber, and that because the U.S. military relies on such rubber during conflict, the Firestone lease was also a vital national interest.

The witness acknowledged that he was aware Doe took power in 1980 by assassinating President Tolbert. He was aware that in 1979, the economic downturn meant Tolbert was having trouble keeping people fed, and there was discontent. He was not aware of any discontent between indigenous Liberians and Americo-Liberians.

Cohen testified that the American relationship with Doe deteriorated before the 1989 incursion, although the U.S. government had attempted to work with him because of those vital national interests; however, his regime had committed extrajudicial killings of Gios and Manos in Nimba County.

Cohen agreed that the object of the December 24, 1989 incursion by the NPFL was a military installation, about 15 miles inside the border from Ivory Coast. He agreed that the Armed Forces of Liberia had a significant arsenal there, and that 12 NPFL soldiers went in and killed the guards and took the arms. The witness stated that the war was initially fought with those arms, and with arms received from Libya. He knew Prince Johnson was part of that group, and believed Taylor was not there. He stated that Woewiyu was in New Jersey at the time.

Approximately four weeks after the incursion, the State Department received the memorandum from Woewiyu, and Cohen noted that "we liked hearing" from the memorandum that the NPFL was "pro-West." He noted that the statement was made during a period where the United States was unhappy with the Doe government.

Cohen testified that all his contact with Woewiyu was on the phone. He also testified that he spoke to Taylor via satellite phone on dozens of occasions.

In examining the memorandum about leaving the Sierra Leone road open, the witness stated that Prince Johnson mutinied and broke off with his own militia and blocked the road. Cohen agreed that Prince Johnson prevented Doe from leaving; it was not the NPFL.

In examining the word "excesses" as mentioned by Woewiyu and repeated in Bishop's memorandum, Cohen stated that he did not know if Woewiyu regretted them, but he said Woewiyu knew the U.S. was upset about them.

The witness agreed that Taylor was in charge of the NPFL, not Woewiyu.

Cohen stated that although he discussed the hydroelectric dam with Taylor, Taylor was not able to prevent it from being blown up. Cohen testified that the way Taylor reacted was, "Yeah, we'll try our best to keep it safe."

There were five countries of ECOWAS who supplied troops to ECOMOG, according to Cohen. He said that Taylor feared Nigeria wanted to keep Doe in power, as Nigeria was the most dominant military in the region. Cohen recalled Taylor specifically saying that Doe and the president of Nigeria were friends.

The cross examination of Herman J. Cohen is expected to continue next week; tomorrow morning, the government's case will continue and it will call a new witness to the stand.

June 16, 2018 – Day 4: Elizabeth Blunt and former child soldiers testify

Trial opened on Thursday morning with an announcement from Judge Anita B. Brody that the juror who was unable to attend trial yesterday, and who was replaced by an alternate, will in fact return to the courtroom for the remainder of the case.

Witness 6: Elizabeth Blunt

The first witness to testify on Thursday morning was the former British Broadcasting Corporation ("BBC") journalist Elizabeth Blunt. She began by telling the jury about her educational background, including her history studies at Cambridge University. After she received her degree in 1968, she started to work at the BBC in a training program. Blunt testified that her training program involved work in studios, where she made recordings and prepared transmissions for the radio; subsequently, she worked in Tanzania as a sound recordist on a film.

Blunt told the jury that when she returned to England, she became a writer and producer with the BBC, writing current affairs scripts for the Africa Service. Her scripts were translated into many African languages for broadcast, including Swahili and Arabic. She explained that her early period with the BBC included reporting trips and working in news rooms, so when the BBC posted a job for a BBC correspondent in West Africa, she applied and was accepted.

Blunt testified that her correspondent position began in 1986, and that she was based in Abidjan, Ivory Coast. She described the BBC's business practice of accurately reporting those named in a broadcast, and told the jury, "If they say somebody, you can be pretty sure it's right." She also described the geographic region she covered, which included Mauritania, the Democratic Republic of Congo (then known as Zaire), and Eastern Chad; she confirmed that her territory included Liberia. Blunt stated that she covered her "patch" from 1986 until the first week of November in 1990, and later returned for a short time.

Blunt told the jury that it was BBC policy for new regional correspondents to visit each country in their territory as soon as possible. She first visited Liberia shortly after taking up her position, but said that "Liberia was not considered terribly newsworthy until December 1989."

As a result of the Christmas Eve invasion of Liberia in 1989, Blunt said, she went to Liberia on January 8, 1990. Blunt explained that Ivory Coast is adjacent to Liberia, and that "It was obvious that something fairly serious had happened," because hundreds of people a day were crossing the border from Eastern Liberia into Ivory Coast. Blunt testified that she heard from Ivorian authorities that there was fighting on the Liberian side of the border, in northern Nimba County. For that reason, she flew to Monrovia and then traveled north by road to Nimba; she said that Monrovia was much as it always was.

Blunt explained to the jury that the primary tribes in Nimba County were Mano and Gio, although there were smaller populations of other tribes. "Liberia was well-mixed." She said that the urban areas of Nimba had a significant Mandingo population, who were mostly shopkeepers.

Blunt testified that on arriving in Nimba County, she spent the night in the presidential guest house in Sanniquellie, which she called "very strange" and "eerie." She described it as "very deserted," telling the jury that normally she would have seen children running around, chickens,

and people cooking outside. In contrast, she said, Sanniquellie was "not at all normal" on her visit, with shops closed and very few people; she heard gunshots in the night, although she does not know why.

The witness testified that in the morning, she traveled to a town near the Ivory Coast border, and saw dead bodies lying on the road. She described the town as empty, with the last few people packing up; she saw Mandingo shopkeepers preparing to leave. According to Blunt, people were told to leave so that the army could clear the field of fire.

Blunt stated that as a reporter in the conflict, she first met Thomas Woewiyu on June 25, 1990. Previously, she said, she was familiar with his name based on the reporting of Mark Huband, who had attended peace talks in Freetown in Sierra Leone. According to Blunt, Huband had described Woewiyu as an NPFL spokesperson who attended the Freetown peace talks. Blunt herself met Woewiyu in Abidjan, Ivory Coast, when Woewiyu spoke to the press there on his return from the Freetown talks. She explained to the jury that for Woewiyu to get back to NPFL territory in Liberia, he could not cross the border from Sierra Leone, but instead had to fly to Abidjan and travel by road from there. The witness recognized a photograph of Woewiyu as an accurate depiction of his appearance in 1990.

Blunt testified that during the Abidjan press conference, Woewiyu was focused on the peace talks in Freetown, and his and his organization's point of view. According to Blunt, Woewiyu was not interested in coming to an agreement with the Samuel Doe government, and said that if it took too long for Doe to acquiesce, the NPFL would "go down to Monrovia and get him out." At this point in the war, Blunt said, NPFL and government troops were fighting, and there was another faction involved as well. According to Blunt, Woewiyu said that the NPFL planned to form a provisional government.

Woewiyu was "a good choice for spokesperson," Blunt said, as he was articulate and well-dressed; although he was not as flamboyant as Charles Taylor, he "presented himself in the same style." In her opinion, Woewiyu "was a good PR man if you're trying to say you are a serious organization."

Blunt testified that on August 7, 1990, there was a regional meeting of ECOWAS in Banjul, The Gambia. That meeting was of neighboring governments and was not originally intended to involve fighting factions. However, she said, an NPFL delegation "unexpectedly turned up," including Woewiyu as spokesman. The witness acknowledged that by then he was also the Minister of Defense, but that to her knowledge, he was mostly still a spokesman. The meeting included talk of an intervention force, and according to Blunt, the NPFL expressed concerns to journalists that it would be "risky" if an ECOWAS force was sent in without an agreement and consent from those involved. Blunt recalled that the NPFL delegation was not ready to give their consent, and were going home to talk to Taylor.

The witness was shown a photograph of Prince Johnson, and stated that she saw Prince Johnson in person, so she could recognize it as an accurate depiction of him. She described Johnson as a soldier involved in an earlier rebellion against Doe, who was part of the early group of NPFL rebels who invaded Liberia, and then split away. She explained that both the NPFL and Johnson's forces reached Monrovia, as Johnson entered by a westerly route and got to the port, and Taylor was in the easterly suburbs.

Blunt testified that on Sunday, September 9, 1990, she was the only mainstream Western journalist in Monrovia. She was living in an empty USAID house, and said that on the prior day, she heard gunfire at the port in the neighborhood known as Freeport. The witness explained that this was an area used by ECOMOG forces as a staging area, and told the jury that the bridges from the center of town to the port were closed on the Saturday when she heard gunfire.

By Sunday morning, she said, it was quiet, and people told her the bridges were open, so she went to see what was happening; she was accompanied by a Liberian journalist and his nephew, who drove them. Blunt testified that at the port, everything was "very quiet," and that when she asked a young Nigerian ECOMOG officer about Saturday's gunfire, he said he would see if General Quainoo, the Ghanaian commander of the force, would speak to her. Blunt explained that the soldier went upstairs, and she remained downstairs with a Nigerian BBC journalist who had arrived in Monrovia embedded with ECOMOG.

Suddenly, Blunt told the jury, there was a great commotion outside, and Doe – who had not been seen in weeks – appeared. According to Blunt, he had come to visit General Quainoo, and was annoyed because "anywhere in Africa, the first thing you do is greet the chief," but Quainoo had never greeted Doe, so now Doe had to come to him. She testified that Doe arrived with cars and guards, and she saw the president disappear upstairs while she waited at the bottom of the stairs with microphones hoping for a quote.

"Then there was more commotion," she said, and Prince Johnson arrived. She alleged that he controlled the port and had "allowed" ECOMOG in, so he felt he had "landlords' rights" over the area, and came and went "unchecked." Blunt testified that while Doe's bodyguards had been disarmed, Johnson and his forces retained their weapons when they went upstairs.

Blunt told the jury that she heard shouting and the sound of guns being cocked. She described ECOMOG pushing the journalists into offices along the hallway at the base of the stairs, and then gunfire started; it was a "huge" gun battle that lasted for an hour and a half.

Blunt testified that she was familiar with Doe's voice, and that she recognized it toward the end of the gun battle when she heard it through the wide-open window of the ground-floor office where she was lying on the floor. She testified that through the window she heard people coming outside, and Doe pleading, saying "Please, please, I beg of you" and "You are embarrassing us." Blunt told the jury that she then heard vehicles roaring off. She remembered that when ECOMOG soldiers in the office with her opened the door, she saw numerous bodies in the hallway and the washroom, and outside on the quayside. Blunt said that she was then taken up to town, where she spent the night in the British embassy because everyone was "very afraid."

The witness testified that she spoke with people walking up from the port the next morning, who said that they saw Doe's body lying dead in a small private clinic on an island adjacent to the port. According to them, something had happened to Doe's body, and his hands and ears were chopped off. Blunt testified that she saw people the day after the gun battle "still in shock" and afraid of what would happen next.

Blunt described contact that she had with Woewiyu on October 16, 1990, when he was again travelling into Liberia via Abidjan and stopped to give a press conference there. Blunt described

him as "more on the defensive," as the NPFL had been pushed to the east of the suburbs of Monrovia. She said that he had softened his position, saying it was not set in stone that the country would have to have Taylor as a leader. She remembered Woewiyu complaining that ECOMOG had clearly taken sides, because Nigeria was friendly to Doe, so ECOMOG could no longer be seen as neutral.

On cross examination, the witness acknowledged that she had heard reports of Doe's army persecuting Gio and Mano people in Nimba County, and she noted that happened before she was a correspondent, as a result of an earlier rebellion. She stated that she first arrived in Liberia in August 1986.

Blunt testified that the NPFL arrived in Liberia via Buoto, and she heard of the incursion on Christmas Eve. She later spoke about the incursion with Ivorians who had crossed the border to Liberia to buy alcohol for Christmas, and who had been caught up. She described first hearing about the incursion on the BBC itself, because Taylor called a program called "Focus on Africa" and said that he had invaded Liberia, so the BBC put him on air and Taylor made his claim. The witness said she probably heard this broadcast on December 26, 1990. She explained that "Focus on Africa" was a regularly scheduled program that went out three times every afternoon, and that everyone in Liberia listened to the 5:00pm broadcast.

Blunt thought that she had met Woewiyu three times, including once at peace talks in the spring of 1991. She explained that although she was working in London at the time, but she traveled back to Liberia to cover the peace talks held in the Hotel Africa in Monrovia. She believed Woewiyu was present at the talks, but did not have written notes to confirm his presence. Blunt said that when she left her correspondent position, she was transferred to the main newsroom and worked on the "three A's: Africa, Asia, and Arabs," so when the talks occurred, she was asked to go back to Monrovia because she knew Liberia.

Blunt testified that the conference led to the opening of the road between Monrovia and Buchanan, and said that Buchanan was far from Monrovia, beyond Roberts International Airport near the Firestone plantation. She remembered that there was also a small local airport in the middle of Liberia. She referred to the talks as "confidence-building" between ECOMOG, the NPFL, and church and civic leaders. Blunt believed this was the only time she met Woewiyu in Liberia, because he did not go to Monrovia, and she did not go to the other side of the country where he was. She agreed that the road was only open temporarily, but did not want to give an opinion as to whether Prince Johnson was responsible for its re-closure.

Blunt agreed that Prince Johnson commanded a rival group to the NPFL, and that Woewiyu had nothing to do with Prince Johnson on the date of Doe's death. She explained that their forces were at opposite ends of Monrovia, with ECOMOG and the city between them. She described the port as to the southwest, and the NPFL as "to the east." Blunt described the port facility as big, with many warehouses. She agreed that there was an "alliance" between Prince Johnson and ECOMOG, explaining this was "in the sense that he allowed ECOMOG to set up camp in his area." The witness acknowledged that Prince Johnson was fighting both the NPFL and the Armed Forces of Liberia ("AFL").

The witness testified that prior to his death, Doe lived at the Presidential Palace, and that ECOMOG was not near the Palace but instead near Doe's rival's area of control. She stated that she did not hear directly that ECOMOG did not come to see Doe, but heard it second hand. She

clarified that she did not personally hear Doe say anything when he arrived at the ECOMOG port building, as he "swept up the stairs." Blunt explained that she had talked to many sources about ECOMOG, but she did not see peacekeeping forces at the Presidential Palace herself because she was too scared to go there. She said it was dangerous because there were many frightened AFL soldiers there, and told the jury she thus avoided the Palace because she tried not to put herself in danger.

Blunt did not think she had previously met with ECOMOG about the situation with Doe, but pointed out that was what she was trying to do on the day Doe died. She stated that there were, however, other people in Monrovia with whom she talked about the situation. She also stated that peacekeeping forces had been in place for a few weeks before September 9, 1990.

Blunt described entering Monrovia for this "second wave" of the war by riding into the city on a Nigerian oil tanker, a civilian vessel bringing supplies to ECOMOG forces. She stated that she was not allowed to enter on naval vessels.

The witness agreed that she was not present for any meetings between ECOMOG and Doe before September 9, 1990. She clarified that Freetown is the capital of Sierra Leone, and "Freeport" references the port area of Monrovia.

On a brief re-direct, Blunt said that she was familiar with Operation Octopus, and that the 1991 peace talks at the Hotel Africa occurred prior to October of that year.

Stipulation

Before the government presented its next witness, Assistant United States Attorney Linwood C. Wright, Jr., addressed the jury and explained that the prosecution and defense counsel had agreed to the authenticity of a number of BBC broadcast recordings, that are government exhibits in the case.

Witness 7: Jennifer Lohmeier

The next witness called by the government was Federal Bureau of Investigation ("FBI") Special Agent Jennifer Lohmeier. She told the jury that she has been a Special Agent since 2009, and assisted the FBI in cases involving national security and human rights violations. Lohmeier testified that she previously listened to each of the BBC broadcast recordings stipulated to by the parties.

Lohmeier testified that she had met Woewiyu previously, and indicated him in the courtroom. She also testified that because she had talked to him in the past, she was familiar with his voice. She said she had heard his voice on each of the BBC recordings presented by the government, telling the jury that the broadcasts identified Woewiyu as a participant, and that she confirmed this by recognizing the sound of his voice.

A BBC broadcast was played in the courtroom, presented as part of the program "African Perspective." The broadcast described the situation in Liberia three years after the outbreak of fighting, focusing on child soldiers. The broadcast contained the comments of a man the BBC identified as NPFL Minister of Defense Woewiyu, who said that the "Small Boys Unit" was put

together by the NPFL to keep child soldiers from doing anything "we don't want them to do." The man in the broadcast said the children were 13 or 14 years of age, "not babies." He explained that when the NPFL reached Bassa, there were many children whose parents were killed, and said that an "AK-47 weighs, you know, maybe ten, fifteen pounds." The man said that "if this young fellow feels like, if he doesn't fight, he will be dead anyway," then "he comes forward to do what he has to do."

On cross examination following the playing of the broadcast, Lohmeier said she would have to review the tapes to know whether anyone asked Woewiyu where he was calling from.

Lohmeier acknowledged that she was not present when Woewiyu was interviewed in 2010 "about the Boley matter," and did not speak to him at that time. She explained that there were no FBI agents involved in the investigation, and that it was conducted entirely by immigration officials. She stated that she was not present in 2012 when the FBI spoke to Boley.

On a brief re-direct, Lohmeier testified that to her knowledge, the FBI investigation of Woewiyu began in 2009

Defense Objection to Prosecution Interpreters

Judge Brody dismissed the jury from the courtroom so that she could hear an objection raised by the defense. The defense objected to the use of an interpreter for the next prosecution witness, whom the government called to translate from Liberian English into American English. The defense counsel explained that they assumed the witness would be speaking in a Liberian language, and were not appraised that in fact the witness would be speaking English. They argued that if an interpreter translated "some words that don't mean what we think she means," the defense should be allowed to present a counter translation. Defense counsel further objected that the use of an interpreter paid by the government suggested the translation provided might not be neutral and may be biased, and because they were worried about an ethnic motive or bias on the part of the translator.

The lead translator for the government was sworn in, and testified to his credentials. He described his education in Cameroon and Nigeria, including his receipt of a Bachelor of Arts degree in Foreign Languages, and a Master of Philosophy degree in Language and Literature. He testified to his 25-year work history as an interpreter specializing in French and local West African language, which he characterized as "mostly conflict languages."

The lead translator testified to his service in Federal District Court in prior cases, including interpreting for Liberians in the Chuckie Taylor case brought in Miami, Florida. In prior cases, he was hired by the Court and received compensation for his services from the Federal government. He explained that was how the government found him for the Jabbateh prosecution based on his involvement in the Taylor case, and testified that in the Taylor case, he interpreted for both sides. He gave other examples of other federal cases where he translated "broken English." He told the Court that he employees other interpreters part-time, but only those who speak language he is proficient in and whom he can train; he described the process of looking for another translator to assist in Liberian English interpretation in the **Mohammed Jabbateh prosecution** in Philadelphia last year. He also testified that he has been helping the prosecution for a few days to prepare the government's witnesses to testify at trial.

The government's second interpreter, who is a part-time employee of the lead interpreter, was called and sworn in before the court; he was immediately cross examined. He described leaving Monrovia for a village in Ground Cape Mount County, living in that village near the border with Sierra Leone from 1990 to 1992, and then living in a refugee camp from 1992 until 1998.

The second interpreter explained that this is his second year working for a private company offering interpretation services, and that he does not know who the money in his paycheck originally comes from. He stated that this is his second week working on the Woewiyu case, that he has been helping the government prepare witnesses to testify, and that he has not traveled to work on the case.

The second interpreter testified that he is a member of the Mende tribe, and has been a practicing Muslim since birth.

On a brief direct examination, the second interpreter testified that he previously translated in Federal District Court in the Mohammed Jabbateh prosecution, in which the defendant was a Mandingo and a Muslim.

On re-cross examination, the second interpreter described leaving the village in Grand Cape Mount for the refugee camp in Sierra Leone because of the NPFL and other forces.

Judge Brody told the parties that, in observing the testimony of both interpreters, she had no reason to believe they were not capable. After a brief recess in which the Judge considered the law, she ruled that she will allow the government to use the interpreters, but that the interpreters would not be allowed to simultaneously translate for the witnesses. Instead, they would translate from Liberian English to American English when specifically called on to do so. In this manner, the Judge explained, the jury would hear the witness speak, and would then hear a translation as needed.

Witness 8: "GG"

The next witness called by the government, GG, told the jury that she was born in Gbarnga in Bong County, and identified herself as a member of the Bandi tribe. She told the jury that she graduated from the University of Liberia, earning a degree in business management, and that she is now a businesswoman running "mini shops" or grocery stores selling a variety of goods. She stated that growing up, she had two brothers and a sister.

GG testified that she fled Gbarnga because of the war, going with her brother (Witness FF; see below) to the town of Kakata in Margibi County. In Kakata, she started a business in order to survive, buying oranges and water and other goods and then selling them herself to make a living. She told the jury that she used to sell around town or in the market.

The witness testified that the brother she fled with was her little brother, her mother's fourth child. GG recalled that when they fled, she was 18, and her brother was 11, almost 12.

GG told the court that she always took FF along when she sold goods. She stated that they would put things on their head to sell, with FF putting goods on his head if there were too many for her

to carry alone. She explained that this is a traditional way for both men and women in Liberia to transport items.

The witness testified that Kakata was controlled by NPFL soldiers, and that she saw NPFL commanders including Martina Johnson in the town. She stated that she saw Woewiyu in Kakata once. GG explained that because Kakata was on a main road, many officers used to come in and out.

GG said that she knew who Woewiyu was when she saw him because he was a "big man," the Defense Minister at time. She testified that if Woewiyu came to town, everyone would look, saying "Oh I see him! Look!" She told the court that she was sitting at a little distance when someone told her "That's the Defense Minister!" and told the jury that she got a good look at him. GG stated that she knew Woewiyu's name already, because as Minister of Defense he was always on the air at 3:00 and 5:00 in the afternoon, when everyone would always sit and listen to the BBC radio. She said the BBC broadcast would identify his name as the person speaking.

The witness testified that she and FF fled Kakata when Operation Octopus happened and the town was attacked. She described Octopus as "the war that came from every part of the county," and said that because it did not just come from one location, they fled Kakata and went into the bush, to the village of Konola.

GG testified that she and FF passed through a checkpoint to reach Konola. She said the checkpoint was controlled by NPFL soldiers, both children and adults. According to GG, the child soldiers were armed with the weapons of war; the primary weapon she saw was AK-47s.

GG told the jury that she and FF survived in Konola by finding things to sell, and rested on the road where people came from the village. She said they sold bananas and cassava root, and that she would take these into the Konola market by foot, using the main road. GG explained that the Konola market was where they went most often, and if there was enough merchandise they would go to other markets as well. GG did not know if they went to the Konola market on a specific day of the week.

GG testified that in October, shortly before her birthday, she went with her brother to the Konola market. She said her brother was then 12 years old. GG recalled having plenty of cassava and small edibles to sell, and said that when they got to the market, they put the items down for people to buy.

"There was a heavy group coming," GG said, and described seeing people running everywhere, including soldiers. "Everyone was frightened." GG told the jury that she asked people what was happening, and someone told her the soldiers were catching children and putting them in cars.

GG called to her brother, she said, and had him in his arms when soldiers pulled him from her and carried him to a car. She testified that the soldiers were "throwing and throwing children on board." The witness clarified that the soldiers were all NPFL fighters, and they were catching able-bodied men as well as little boys. She told the jury that those who caught her brother were from his age group. GG recalled that all the fighters, including the child soldiers, had AK-47s. She explained that the car her brother was thrown in was a truck like a pickup, and told the jury that the soldiers did not have a specific car; they had all kinds because they took every car they saw.

GG testified that she and the other parents and relatives of those taken were all crying and running behind the truck full of children, when someone told them that the Defense Minister was in town that day, and said they should go to him. She stated that the relatives grouped themselves together to go talk to Woewiyu, and someone showed the group where he was. She identified the place as Konola Base, where the soldiers did not train but where they were staying. Before the NPFL came, GG told the jury, the base was a Seventh Day Adventist mission school. The witness did not recall ever being at that particular mission before.

According to GG, when she and the other relatives arrived at the base, soldiers would not let them get to Woewiyu. She said the group walked to the base, because it was not far from the market; when they got there, there were many bodyguards around. She testified that she saw Woewiyu standing and talking on a radio. GG said her group was yelling, "Please, we're begging you to let our children go," but the bodyguards kept pushing them away. She described these bodyguards as of mixed age, some adults and some child soldiers of 17 or 18.

GG testified that her group kept asking the soldiers to leave their children alone, but the soldiers replied, "They are not better than those dying," and kept pushing the group away. GG and the other relatives kept calling to Woewiyu, she said, still asking him to please let their children go. Again, the soldiers told them that "Other children are dying on the warfront." The witness explained there were many children on the warfront because the NPFL was catching children to fight.

The witness testified that Woewiyu was standing outside and she saw him clearly. To demonstrate GG's distance from Woewiyu, the government attorney walked backward across the courtroom from the witness box; GG told him to stop as he reached the first row of the public audience, and identified that length of approximately twenty feet as her distance from Woewiyu. GG recalled that Woewiyu wore a white shirt and camouflage trousers, and was wearing an army belt. She stated that there was a pistol on the belt as well as a second handset, in addition to the radio he was holding in his hand.

According to GG, Woewiyu stood with his back to her group as he spoke on the radio. Her group was calling him by name, and she said that eventually he turned around and looked at them, before turning back around and continuing his conversation on the radio. Woewiyu said "not a single word" to them, GG told the jury. She felt that from the expression on his face, he did not care.

The witness identified Woewiyu in a photograph of the leaders of rebel factions that was also shown in court yesterday, and stated that in the photograph, he looked exactly like he did on the day in Kakata. She then looked around the courtroom and identified the defendant as Woewiyu.

GG described how the NPFL soldiers were still pushing her group as they pleaded for their children, so the group eventually left. She testified that she could do nothing but cry; a woman who was a cook for the NPFL soldiers on the base told her not to cry, and said that sometimes people came back from the front lines, so GG should pray hard and maybe she would be lucky. GG decided to stay with the woman, she said, but she could not sleep and every time she thought of her brother, she cried. She told the jury that she stayed because she was "hoping one day my brother would come back." GG explained that she helped the cook in order to get food to eat.

GG said that every time she heard cars coming along the road from Konola, she would run to see if it was her brother. She stated that she spent four days with the cook, and that every time she went to the road, people would see her crying.

According to GG, on the fourth day, people told her there was a car that was ambushed, and that the wounded soldiers were carried to Phebe Hospital. When GG told the cook, she said the woman told her to "run and check," and helped her with transportation. The witness clarified that she was told about the ambush by people on the road, and that they said the soldiers ambushed were the children arrested at the Konola market. She described Phebe Hospital as in Bong County not far from Gbarnga, a little farther from where she was living; the witness decided to go to Phebe Hospital and check to see if she could find her brother among the wounded. The witness explained that when she said "arrest," she used the word to mean the taking of children, not that the children had committed any crimes.

GG told the jury that she was able to get to Phebe Hospital because the cook gave her 500 Liberian dollars for a bus ticket. At Phebe, she said, she ran to the gate and explained to her security guard that she had heard wounded soldiers arrived last night and that they were the children taken in the market; she told him she was looking for her brother. According to GG, the security guard agreed to let her in, and took her to the ward where the wounded soldiers were.

"I was calling his name," the witness told the jury, clearly emotional. "I heard my brother calling my name, and I held him and I started to cry." She testified that his whole body was bandaged, with his fingers gone and his thumb hanging down; a nurse told GG it should be amputated because it was useless.

GG described her search for FF through a long hallway with many partitions, and how she heard him call her name, saying, "I'm dying, I'm dying." GG testified that his whole head was bandaged; because of what happened, his eyes were injured. She told the jury that he never had problems with his eyes or hand before. She explained that the nurse asked if GG was his sister and then told her that his thumb should be amputated. All of GG's brother's fingers were missing, but the nurse had managed to hold his thumb on with a bandage. GG said that she told her brother to let the nurse take his thumb, and GG and FF stayed at Phebe for two or three months while FF recovered.

GG stood before the jury with a large map of Liberia and pointed to Monrovia, Kakata, and Konola. She showed the route of her journey with her brother.

The witness testified that she still lives with FF, and that she helps support him. She explained that the wounds to his eyes affected him badly, and that he cannot see and that his eyes water constantly. "The tears run day and night," she said, and told the jury that his eyes still hurt him.

On cross examination, the witness stated that her brother was hurt in November of 1992. She said she knew this because Octopus started in October, which she knew because she had just turned 18. She could not say if the wounds occurred in early or late November, and did not know the day they left Phebe Hospital. GG stated that she was with her brother the whole time he was in the hospital.

GG testified that they went to Gbarnga to live after they left the hospital, and stated that it was under the control of the NPFL, just like the area of Phebe Hospital. She stated that they decide to go to Gbarnga because it was the safest place to go after the hospital.

The witness stated she did not know which force ambushed her brother.

Witness 9: "FF"

The government's next witness was the brother of GG, FF. He testified that he grew up in Kakata, and identified himself as a member of the Kpelle group. He explained that his father was Kpelle, and that in Liberia tribal identity is determined by your father; he said that he and GG have the same mother but different fathers.

FF told the jury that he went to school in Kakata but did not stay in school long because the war broke out. He was not sure how long he spent in school, maybe one or two years. He stated that when he was growing up, he lived with his sister, GG.

FF testified that he first experienced the war in 1992 when he was 12 years old. He described that at the time he and GG were selling peppers, pineapples, and fruits called "bitterballs" to support themselves, selling from village to village and market to market in Konola.

The witness identified the day of his capture as a Friday, because that was market day in Konola. He described sitting in the market and seeing a group of soldiers running toward him, grabbing people and putting them in a truck. FF said that the soldiers he saw were his "peer group," meaning they were his age, and that they came and kicked away the items FF and GG were selling, and put him in a truck. There were many soldiers and many who were put in the car, he said. He identified those captured as a mixed group, some older than him and some boys younger than him.

FF testified that the soldiers took him to Konola Base, which was previously a mission school and that before that day he had never been there before. He described how everyone was crying and missing their parents, "and for me I lost my mother and couldn't see my sister;" he was crying as well.

FF recalled Commander Zobon of the Small Boys Unit telling the boys there was no way they could go, they had to be trained. FF saw Zobon personally; "he was always with us," FF said. FF testified that he was trained in how to kill, shoot, dismantle an AK-47, and how put a gun together, so the boys would be able "to go to kill." He stated the group trained for three days on the base.

On the fourth day, FF testified, he was told the Minister of Defense was going to come talk to the boys. He described everyone as jubilant and firing guns in the air because they would see their chief.

FF clarified that when he arrived at the base, he trained with adults, because they were all going to face the same battle.

When the Chief of the Defense Staff arrived, FF said, the fighters "called him Chief Tom Woewiyu." The witness recognized the name because he heard the name before he was taken from the market, "because anytime anything happened, he had to come to talk to everybody."

FF recalled that when Woewiyu came to the base, he told the group, "Gentlemen, do not worry. We are going to liberate our country and take it back from ECOMOG." According to FF, Woewiyu said he wanted a "country for all of us, a Liberia for all of us." The witness clarified that Woewiyu addressed everybody in general, not just the adults or boys, because all were going on the battle front.

When FF learned he was going to battle, he said, in his heart was the feeling that he could not see his mother or his sister, and he was full of fear. He said that everyone was crying, and fighters told them, "Why are you crying? Crying cannot help you." A commander told the children who were crying that they were not better than other children, so they had to go fight; FF testified that when the commander said this, he was on a platform with Woewiyu. The witness described a large group on the platform, spread out in the front and center.

Woewiyu was wearing a white shirt and camouflage pants, FF recalled, with a .45 on his side and a Motorola radio handset. FF testified that Woewiyu told the group, "Keep courage. You'll be back."

FF remembered that in the evening, he was put in a pickup and was heading to the battlefront when a launched rocked fell into the truck. The next thing he knew, he told the jury, he was in the hospital. The wounded were taken to the hospital, he said, and his head and hand were bandaged up because the rocket exploded in his eye. FF said that before the explosion, he could see clearly.

The witness told the jury that his hand was "cut," and lifted his right arm to show to the courtroom. He had no right hand; his right arm ended at his wrist, in flesh that looked like it had healed from an amputation.

FF stated that at Phebe Hospital, he trembled every day. He said that the wounded soldiers were carried into the hospital to see the one doctor. "It was a terrible thing."

According to FF, he was lying in the hospital crying when he heard his sister shouting his name. He said that he called back, "I'm here, I'm lying here, I'm dying! Come for me!" He told the court, "I was in severe pain. Everyday people were dying in the hospital."

FF testified that he cannot see things at a distance, and that he feels pain in his eyes every day. He said that he would not be able to see things too clearly even up close.

The witness was shown a photograph and recognized Konola Base, which he said looked how it did when he was 12. He stated that he had not been to Konola Base since the day he left and was ambushed.

FF stated that he was also hit by particles from the rocket in his shoulders and side, and recalled the prosecution taking photographs of his scars.

On cross examination, the witness stated that he did not know the date he came to the hospital, the timeframe between his birthday and the rocket attack, or who launched the rocket. He stated that when attacked, he was with NPFL soldiers. He did not know the date he left Phebe Hospital, whether he had spent Christmas in the hospital, or how old he was when he left the hospital. He testified that no one told him what day it was when he left the hospital.

Witness 10: "X"

The last witness to testify on Thursday, X, told the jury that he was born in Nimba County, in the city of Ganta. He identified himself as of the Mano ethnic tribe. He said that he left school at the elementary level when he was very small, because of the war; he is now a motorcyclist who transports people from place to place, a common taxi method in Monrovia.

X testified that when growing up, he lived with his aunt. He was living with his grandmother because he was very small when his father died, but then he moved with his aunt to Kakata in Margibi County. He said that he lived with many of his aunt's children, including one with whom he was close, Obie, who he called his "older brother." He explained that cousins often call each other brothers in Liberia, and that he was next in age to this cousin. He said that his aunt worked selling bread around Kakata to provide for the family.

The war first came to Kakata in 1990 when X was 14, he said. X stated that he first experienced it one afternoon when his aunt was working and got information that everyone should stay in their houses. A few hours later, he continued, AFL soldiers said everybody should stay inside and should not go anywhere.

The witness testified that the next morning he heard gunshots and hid under a bed. The shooting continued for a long time, and then he heard people knocking on the door. X told the jury that he was brought out from under the bed, and that he saw some people wearing red cloth tied around their heads, although they were wearing normal clothing. He said they had weapons, including AK-47s and Berettas. "They told us they were Charles Taylor's rebels," X said.

According to X, the rebel soldiers came inside and began searching for AFL soldiers, asking if any were hiding in the house. X explained that he did not answer because the soldiers were talking to his aunt. There were no AFL soldiers, so the rebels left; X said some went to the neighbors' houses to search, and some went back to their compound. He identified the rebels as adults.

X testified that a few days later, the government counter-attacked, so X and his family fled into the bush. They went to the Bong Mines Highway that finishes near Coles Farm in Lower Bong County. X explained that they went to Coles Farm to hide in safety, because there was so much shooting. They stayed at Coles Farm for many months before returning to Kakata.

When the family returned to Kakata, X said, there were two soldiers living in their neighbor's house. X identified the soldiers as members of Charles Taylor's group, the NPFL. Clothes and other things had been looted from X's aunt's house, he said. According to X, of the two men living in the neighbor's house, one was named Alphonso; X did not know either man before the war. He described how they had hung red cloth at the house they were living in, but he did not know the significance.

X said that there was “no more trouble” in Kakata and everyone was “doing normal things.” He testified that he lived for about a year under NPFL control, and did not see AFL soldiers anymore. Sometimes, he said, the NPFL soldiers brought them food.

X testified that he returned with his family to Coles Farm in 1992 to make a farm and cut palm nuts from the trees there to make oil to sell for use in cooking. He said they farmed there for many months but he was not sure of the exact number of months, and that eventually his aunt and others left to go back to the village, but that he and Obie remained.

X told the court that one day a group of men came, and he heard them say “Halt! Stop!” He testified that at the time he was in a palm tree cutting palm nuts with a machete; at the time, Obie was under the palm tree standing on the other side. X said that he saw soldiers pointing guns so he came down with the ladder he had used to climb the palm tree, made of a type of flower that grew in the bush. X stated that when he came down, he saw Obie on the ground and the soldiers told the boys to accompany them back to a village.

The witness noted that when he went up the palm tree, Obie had his shirt on; when X came back down the palm tree, Obie was not wearing a shirt.

X testified that at the village, men were lying on their backs in the sun, and women and children were sitting against the walls of buildings; the men did not have shirts on, and were lying with their arms very straight beside them. X stated that he heard a commander give an order to take the men lying down to Bong Mines; he was also taken, along with Obie and some other boys who were younger than him. X told the jury that this was in 1992 when he was 16.

When the group got to Bong Mines, the witness saw a group of men under the orders of other soldiers there, and he described how the soldiers sat the new arrivals down. X recalled orders were given to “Keep them,” and that anyone making an attempt to escape should be killed. X could not recall the name of the commander who gave this order. X said it was a big group of men and boys, and that the people who were already there had also been captured and taken. X identified the soldiers who captured him and who were in charge at Bong Mines as part of the NPFL. He said he and the other captured people were ordered not to escape.

X testified that a few days afterward, soldiers came in a car convoy and the captives were told to come outside and get down into formation. He explained that at Bong Mines was a big house, and the captives slept in the house; the soldiers were outside, surrounding the house. He said the captives were called outside into formation, and those without arms – including X – were surrounded by armed men.

X remembered the arrival of three commanders very clearly. He testified that he stood with other children, and none of them had weapons. When the commanders came, he said, they brought arms and food. X identified the first commander to speak as General Zah, the second commander to speak as Bruce, and the last commander to speak as Woewiyu.

X said everyone was gathered in formation in the middle of town, and that the cars had come and were parking when everyone was called in formation. The witness demonstrated the distance between himself and the commanders who spoke based on his distance to the prosecutor, who

stood near the jury box. The distance was "not far," X said, and commanders were not on a platform, but standing on the ground.

The first commander who spoke "told everybody they should remain in the queue," X said, and that if they did not, they would be killed. X said that General Zah explained they would all be going to the frontlines, and they would be trained in a few days' time to fight. According to X, the second commander to speak, Bruce, said the same thing.

X testified that Woewiyu was the last commander to talk; before he spoke, X had never heard of or seen him. X knew who he was because Woewiyu identified himself, and X heard soldiers call him by his name. X described that when Woewiyu arrived, he was honored by the soldiers, and they called him "Sir." The witness stood up in the witness box and demonstrated for the jury how the soldiers stood formally before Woewiyu, with their arms stiff by their sides, standing perfectly straight, and how they saluted him.

According to X, Woewiyu told the crowd that everyone should "get prepared," because the soldiers would train them for a short time, and they had two weeks to get used to arms and then they would go to the front and fight. X recalled that Woewiyu then introduced himself as the Defense Minister of the NPFL, and said his name.

Later, the captives went around in a circle singing, X said. This was the first time he was made to sing by soldiers; he described how the soldiers would sing and the captives would repeat or answer their song. When asked if he remembered the words, the witness laughed and said he did not have a good voice, but he demonstrated the kind of singing that he was made to do by singing the line "I'm on the battlefield for my love."

The witness said that before Woewiyu left Bong Mines, he gave the command that no one should make the attempt to escape, or they would be executed. X said that Woewiyu left arms and ammunition on the ground so the captives could be trained. He described being training in putting together guns, putting bullets in the chamber, firing, jogging, and taking cover.

X testified that at the meeting with the three commanders, those gathered were told they were going to the frontlines, but did not remember being told who they were fighting. He remembered that there were children younger than him at Bong Mines, including 12-year-olds.

X stated that he was trained by the NPFL fighter Alphonso, his former neighbor, who accompanied the group of captives to Bong Mines.

X recalled that the first time Woewiyu addressed their group at Bong Mines, he wore khaki trousers, a white shirt, and brown boots, and he had a pistol and a grenade.

The training lasted two weeks, X said, and then Woewiyu returned, and the group of trainees was divided in two. The witness testified that Woewiyu returned in a convoy with General Zah, with AK-47s and other kinds of guns as well as ammunition, and distributed them. Everyone was issued an arm; X's AK-47 was given to him by Alphonso, he said. According to X, Woewiyu was present while this was happening, and Woewiyu gave the orders to distribute arms because the trainees were going to the battlefront. X recalled that after the arms were issued, everyone sat and sang songs.

X testified that Woewiyu told them they were all going to Duwalla to attack ECOMOG on the Grand Cape Mount Highway from Monrovia to Freeport. X explained that the highway goes to Freetown, Sierra Leone. He recalled Woewiyu saying that they were "going to fight ECOMOG soldiers and it's not going to be an easy thing." X described Woewiyu telling the crowd that they would be divided into two group for the attack. X said he was placed in a group that took the train track road, under the command of Alphonso; General Zah commanded the others. The witness did not know the exact number of people in each group, but said there were "many," and that there were child soldiers in each group. General Zah's group used the car route.

X recalled walking along the train tracks for two days before getting to Duwalla. He described being kept in an ambush position until 4:00 or 5:00 in the morning before attacking ECOMOG, which was based in Duwalla across the road. The witness testified that his group began to deploy in the early morning and everyone was shooting, with over an hour of heavy fire. He described the group retreating, and said that his friend was killed.

X testified that he escaped to the bush with his brother, and that they spent three days in the bush before going back to Kakata, where they got some clothes and then "started going." The witness told the jury that he threw his gun in an abandoned building because he did not want it, and said that he was "so afraid" he would be captured. His brother threw his gun in a banana bush. The witness stated that in Kakata, the boys put clothes in a bag, and then they spent a week on a truck before arriving in Nimba. He testified that he did not have to participate in the rest of the war.

The witness described seeing Woewiyu again after the war in Dou, in Lower Nimba County, in District #8. He stated that this was in 1997, and they were very close to each other at the time.

The witness recognized Charles Taylor and Woewiyu in a photograph. Woewiyu stood just behind Taylor in the photograph, and the witness testified that was how Woewiyu looked when X saw him. The witness circled Kakata and Bong Mines on a map of Liberia, to show the jury the route of his journey. He then identified the defendant as Woewiyu.

Trial will resume on Monday morning, June 18, with the cross examination of X.

Week in review: week one

The first week of the trial of Jucontee Thomas Woewiyu ended on Thursday with emotional testimony from the government's witnesses. Over the course of the week, the jury heard from numerous witnesses who were present in Liberia in the 1990s, and a narrative of the case began to emerge.

Ten witnesses for the prosecution have testified in the case so far, offering insight into life for ordinary civilians and high-level government officials during the war. The witnesses can be loosely grouped into the following categories:

- 2 testified as journalists who personally witnessed atrocities, and gave the jury a view of the broader context behind specific acts of violence;

- 2 testified as high-level Foreign Service Officers who, on behalf of the United States government, met with Woewiyu during the war, and described Woewiyu's involvement in unsuccessful peace talks;

- 3 testified as victims of the NPFL's use and forced recruitment of child soldiers;

- 3 testified as law enforcement personnel about investigations that involved Woewiyu, and authenticated for the jury recordings of statements Woewiyu made during the war, and later made about his conduct during the war.

A narrative is beginning to emerge from these witnesses' testimony. The prosecution provided evidence of the following:

- Woewiyu was present in Liberia during the war while serving as the Minister of Defense of the NPFL, and he acted in that capacity internationally as well. He was recognized not only as a spokesperson for the NPFL, but also as a high-level official in Charles Taylor's apparatus. He presented himself as a founding member of the NPFL and as the Minister of Defense empowered to act on its behalf in dealings with foreign governments, and interacted with the United States government in that role.

- One of the goals of the NPFL, specifically espoused and promoted by Woewiyu, was the overthrow of Samuel Doe's government. Woewiyu advocated immediately replacing the Doe government with an interim government run by the NPFL. Although an eventual transition to a democratic system was nominally favored, there was not a clear plan for how that transition would take place.

- In his role as Minister of Defense, Woewiyu was obeyed by NPFL fighters who carried out his battle plans, and who visibly paid him respect. Woewiyu personally observed the use of child soldiers and gave orders for them to fight on the front lines; these orders were carried out. He participated in child soldiers' forced recruitment by ordering the execution of any captive trainee who tried to escape. Woewiyu was generally known by civilian Liberians as a figure of authority and power within the NPFL.

- The NPFL as a force was characterized by the use of child soldiers, and by the use of checkpoints – sites of sudden and extreme violence – as a method to control and terrorize the Liberian population,

which was internally displaced in large numbers. This violence could have an ethnic animus, and the NPFL had mechanisms to determine Liberians' ethnicities.

- The NPFL espoused and orchestrated violence against ECOMOG forces, and also hunted for soldiers of the Armed Forces of Liberia when establishing control over a territory. Woewiyu personally espoused violence against ECOMOG, and indicated his displeasure with ECOMOG to the international press, as well as issuing specific orders to attack ECOMOG forces in Liberia.

- Woewiyu orchestrated an economic agreement whereby the Defense Ministry of the NPFL received 15% of the profits from the sale of any lumber from one of the largest lumber companies in Liberia. Previously, Woewiyu received a large sum of money from the owner of the lumber company; the money was intended for the purchase of arms for the NPFL.

- Samuel Doe's government was recognized by the United States government, and the two carried out diplomatic exchanges in an ordinary fashion prior to the war, including when Doe met with President Ronald Reagan in Washington, D.C. While Doe was in power, the Liberian government provided organized services like education and healthcare.

The defense narrative has also begun to emerge. Although the defense counsel did not dispute the statements and orders given by Woewiyu, and did not cross-examine the witnesses who heard those orders about the witnesses' recollection or credibility, counsel did develop the following points:

- Samuel Doe's forces participated in ethnically-based killings of Gios and Manos both as a result of an earlier attempted coup, and as a result of the NPFL invasion of Liberia in 1989. Doe's government was characterized by corruption, and Doe himself was regarded as ruthless by some U.S. officials. When the U.S. government received an initial statement of the NPFL's objectives from Woewiyu, the objectives were seen as acceptable and even positive.

- Doe was killed not by the NPFL, but by Prince Johnson's forces; at the time, the entirety of Monrovia lay between the NPFL and Johnson's forces. Johnson's faction was a rival to the NPFL, and had a loose territorial alliance with ECOMOG in Monrovia.

- The road from Monrovia was opened – with NPFL agreement and involvement – to allow the supporters of Doe, and those associated with him, to safely escape from violence. It was later blocked by Johnson's forces, not by the NPFL.

- Charles Taylor was the head of the NPFL, not Woewiyu, and as its head Taylor could not always curtail the actions of his fighters.

- As a leader of the NPFL-CRC, Woewiyu fought against the NPFL.

- Even if witnesses had suffered violence in a region under NPFL control or while fighting for the NPFL, they might relocate to another area under NPFL control because it was considered safe.

- Woewiyu voluntarily gave interviews to law enforcement personnel about his dealings and economic agreements with the lumber company.

Trial continues next week, with a large number of Liberian and international witnesses expected to testify. As many as nine additional Liberian witnesses are expected to come to Philadelphia from Liberia to testify.

June 19, 2018 – Day 5: Former child solider continue to testify

Witness 10: "X," Continued

The prosecution of Thomas Woewiyu continued on Monday morning with the completion of the testimony of Witness X.

On direct examination, X confirmed that before he left the battlefield at Duwalla and escaped, Defense Minister Woewiyu split into two groups the force with which X was training, and sent them in different directions. X was with the group that followed the railroad tracks. X explained that Duwalla is located on the Cape Mount Highway, "not too far" from Monrovia; he told the jury that on a day with no traffic, Duwalla is only a ten-minute drive from Monrovia.

The witness was shown a map on which he recognized the county of Montserrado and neighborhoods in Monrovia. X identified Duwalla on the map and pointed it out to the jury, via its proximity to Caldwell Junction.

On cross-examination, the witness stated that he arrived in Philadelphia at the end of May of this year, after the government secured his visa to come to America. He confirmed that the government is paying his expenses here, including his hotel bill, his spending expenses, and his witness fee. He testified that he first met with prosecution counsel and investigators in early April 2018 in Monrovia. X stated that he does not know the exact date on which he will return to Liberia, but intends to return when his testimony is complete.

X agreed when asked by counsel if, in 1990 while he was living with his sister, Armed Forces of Liberia (AFL) soldiers appeared with guns, and he was told to go inside. He agreed that when the NPFL later arrived, there was fighting between the groups. He agreed when asked by counsel that he then went to Bong Mines to hide, and then returned home.

X described what happened when NPFL soldiers moved in next door to him, confirming that he lived in close proximity to the soldiers for two years, sometimes receiving food from the soldiers. He agreed that it was a peaceful coexistence.

The witness testified that although he had heard the name Isaac Musa, he did not know Musa's position. The witness also stated that he did not know the month in 1992 that he was taken to Bong Mines by the NPFL.

X attested that he engaged in the NPFL attack on ECOMOG forces at Duwalla, and that it was due to the heavy force of fighting that he retreated.

The witness stated that he has lived in Liberia since birth and now lives in Nimba, and that while living in Nimba he heard about the Truth and Reconciliation Commission (TRC) on the radio. He did not know who founded the TRC or set it up. He confirmed that the purpose of the TRC was to find out what happened in the war, and said that while the TRC was on the radio for a long time, he did not pay attention to how long. X did not know whom the TRC interviewed, or how many people the TRC interviewed. He testified that he never gave an interview, and never tried to give a statement, to the TRC.

The witness never heard that the TRC recommended over 100 people for prosecution. When asked if he was aware that Woewiyu was not one of those recommended, he stated that he did not know any of the people listed for prosecution.

On a brief re-direct examination, X testified that he could not remember if he ever knew Woewiyu was on a TRC list of persons subject to or recommended for public sanctions based on the commission of human rights violations.

X was asked if he knew he was getting the average pay for a witness, "no more and no less," but the question was withdrawn before he answered.

X was asked if he knew that **Witness GG or Witness FF, who gave testimony in this trial last week**, came to Philadelphia to testify. He stated that he knew they were here to testify, and that they have already returned to Liberia.

X testified that he did not remember on which the date he was captured and taken to Bong Mines, nor the name of the operation for which his group was divided to attack Duwalla. He recalled that the purpose of that operation was to fight ECOMOG.

Witness 11: "Y"

Witness Y testified that he was born in 1980 in Ganta in Nimba County, and identified himself as a member of the Mano tribe. He told the jury that, to his knowledge, there were many Mano and Gio people in the NPFL, and that the two tribes were concentrated in Nimba County.

The witness stated that he currently supports two younger siblings, and told the jury that he did not complete school. He studied for two or three years before he left school at the age of six or seven because of farming. He explained that he was raised by his foster sister in Zualay, and said that she did not want to pay Y's school fees because he did not pay attention in school and she thought that he just wanted to farm. After he left school, he farmed rice for two years.

Y told the jury that after the war, he returned to school, and currently studies at the University of Liberia. He is employed full time in security for a branch of the government of Liberia.

Y testified that he was nine years old when the war came to Zualay in 1989 or 1990. He explained that he used to play football on the football field with his friends, who were 7-10 years old. One evening, while playing on the field, the boys were surprised to see men in military and khaki trousers enter the town. Y stated that some of the men wore a knife on their side; some carried a gun.

"They ran on the field to us," Y said. He later found out that the men were soldiers for the NPFL. The boys tried to run away, but a man told them to be still. Y identified the speaker as Commander Zobon Johnson. Y told the jury that there were 12 boys playing football, but he did not know the number of NPFL soldiers who appeared.

Y recalled that the boys were all frightened because Johnson told them that if they did run, they would be shot. Y testified that the NPFL soldiers wanted the boys' help carrying loads to another town, and that Johnson told them that they would be compensated, but did not say what the

boys would be given. According to Y, the boys were not willing to carry the loads, but were too frightened to refuse, so they carried the loads to a nearby village. Y described his heavy load as a kit bag full of bullet magazines. He testified that when the boys reached the village, the soldiers told them to stop, and that they could return to Zualay. On the boys' return, Y said, they were too frightened to go on to the football field to play again, so in the future they played in the town.

The witness testified that Johnson returned to Zualay a second time. At that time, Y said, the people in the town were carrying on with their normal activities. According to Y, Johnson again said he would give the boys compensation if they would carry a load. "That used to be how he got boys to come," Y said. He told the jury that this time the boys carried loads to a different village, located in Nimba County; this time, the loads had clothes in them. Y testified that in the destination village, Johnson said the same thing, that the boys would be given compensation; this time, Johnson told them "everything would be okay when the boss comes." Y did not know who Johnson meant by "the boss."

On a map, the witness identified Ganta, Zualay, and the village to which he carried magazines; he then pointed to where he thought he carried clothes, but corrected himself.

The witness testified that Zobon Johnson returned to Zualay a third time. The third time "was very difficult for us," Y said. He described standing in front of his house, while friends of his were playing in the center of town. Johnson and other NPFL soldiers ran into the town at a high speed, Y said, and Y ran inside of his house to try to hide under the bed, "but they got me out." He testified that his foster sister was crying and begging the soldiers not to carry Y away, "but they took me from her."

The witness confirmed that he was 10 or 11 years old the third time Johnson came to Zualay, and that he was familiar with Johnson based on the two times he had seen Johnson previously. Y stated that from the time he was taken away from home, he lived with Johnson "where Johnson was staying."

Y testified that on occasion, Johnson would bring the boys living with him outside, and would say "his overall boss" would come to address them. Y explained that he and the other boys living with Johnson were part of the Small Boys Unit ("SBU"), of which Johnson was the commander.

The witness described his arrival at Johnson's camp from Zualay, telling the jury that the NPFL had "arrested most of us in town," and led their captives away from Zualay to Gbarnga through the bush. Some captives had to walk because the available truck was too packed; Y believed there were over 12 boys captured in Zualay, and that he was the oldest. At that time, he said, he was between 10 and 11 years old.

Their destination in Gbarnga, Y testified, was "a place like a school." He described being kept inside in rooms, and being taken out every morning and addressed by Johnson. Johnson told the boys, "Your boss is coming to speak to us." Y testified that when he arrived at the "school" in Gbarnga, there were others already there.

Y described his training to the jury, including how the NPFL showed the boys how to use guns Y had never previously seen. He testified that he ever had any desire to be at the training camp,

telling the Court that he was afraid and just a boy at the time. He explained that if he said "no" to being trained, he would be penalized, i.e. beaten or killed. He testified to witnessing the kind of penalization he feared: in his presence, NPFL fighters told a young girl to obey the orders given to her, but when she did not, they took her away and Y never say her again. He recalled that the girl was "very little," maybe seven or eight years old, and that she had spent most of her time in their group crying.

Eventually, Y said, Johnson told the trainees that "the boss" he had told them about would be coming that day, and they should come out to see him. "The boss" identified himself as Tom Woewiyu; the witness remembered he was dressed in camouflage pants and a white shirt and jacket. Y stated there was a pistol on his belt.

"You are here for a purpose," Y remembered Woewiyu saying. "Don't worry, you'll be put somewhere to do good." According to Y, the purpose was to fight against Samuel Doe's soldiers. Y knew of Doe as the President of Liberia at the time. The witness recognized a photograph that he was shown as an accurate depiction of Woewiyu at the time. He stated that Woewiyu left after making this speech, but that Woewiyu said he would come back.

Y testified that when Woewiyu returned, he divided the crowd of trainees into two groups, one to be led by Woewiyu and one to be led by Johnson. When Woewiyu arrived at the training camp, he gave out arms to some of the boys who did not have them. Y explained that he did not have a gun, but he was between two of his friends – one in front of him and one behind him – who carried guns. Those boys in the middle of a formation carried other materials, he said.

Y specifically remembered that Johnson said a "plain thing:" "Anyone you see in front, those with guns, kill them; they are enemies to us." Y testified that he himself carried the materials for loading a gun, so that if a boy in front of him reached back, Y could give him what he needed.

They were going to Monrovia, Y stated, but he told the jury that he himself did not reach Monrovia. Johnson said the boys could rest at a town by the road, as they were all getting tired – the witness specifically recalled the heavy weight of his own load – and they could not fall by the wayside on their march. Y stated that they were on the road walking for a day before Johnson told them they could rest, but that Johnson added that "nobody should leave the group before he said to go."

The witness testified that the resting group heard firing sounds from small arms like AK-47s, and then heard a rocket launching from a distance. He stated he heard a launching sound "on a building" and then he saw those with guns begin to take cover. He confirmed that he saw the hose with the rocket, and that arms kept on firing, so he ran into the bush with his friend from Zualay.

Y remembered that when they decided to run, they did not take their loads. He described how the child soldiers with guns took cover, so those with loads were able to run. Y told the jury that once in the bush, he and his friend did not know where they were going, but that they met two scared adults; once the boys let the adults know not to be afraid of them, they showed the boys where to go. Y described the adults as a man and his wife, who had three children. "He accepted us as his own children," Y said, and the family began helping Y and his friend.

Y testified that eventually the boys and the family reached a point where the family had to go in a different direction. He remembered the man saying, "Gentlemen, find your way out." Y said that his Zualay friend was tired, and decided to stay in the town where they were parting from the family, but Y decided to join another group that was continuing onward. He testified that "luckily" he eventually found himself across the border in Guinea.

Y confirmed that the materials he carried in the line of child soldiers were the magazines of bullets for the guns around him.

On cross-examination, Y stated that he was nine years old when he first met Johnson, when he was first asked to carry loads for him. He stated that the second time, he was in the same age group; he was nine years old, but did not know the day or month. He explained that he told the jury he was "10 or 11" when captured, because he was between birthdays, and could not therefore consider himself either age.

Y testified that he had a knife but was not issued a gun.

Y testified that he did not know the name of the town the boys rested at on the highway, or where he parted with the family and his friend, because he was not from that area and so was not familiar with those places.

The witness confirmed that he first met the prosecution counsel in 2018, and had never testified before about these events. He stated that he knew of the TRC, but the he never gave an interview to the TRC.

Witness 12: "CC"

Witness CC testified that he was born in 1975 in Margibi County at the Firestone Hospital in Division 10. He explained the "Division" system to the jury, stating that Divisions were compounds numbered 1-45, for the use of the workers on the Firestone rubber plantation. He told the jury that he himself grew up in Division 45, also in Margibi County. CC stated that his father was a mechanic with the company and his mother took care of the home. CC went to elementary school but did not get far before the war came, as he started in 1984 and the war came in 1990 when he was 15 or 16.

CC told the jury that the war came to Liberia in 1989, and it came to him personally on the Firestone plantation in 1990, when rebels entered with heavy fire. He had heard rumors that the war would come, he said, but there were lots of rumors, so he went out to play after school one day while his parents were at home. He testified that suddenly rebels opened fire and everyone ran; when he ran home, he did not see his parents, who had already fled.

CC did not know where his parents were, so he ran to his uncle's house across the road. He stated that his uncle asked CC where his parents were, but CC answered that he did not know. CC said that he stayed with his uncle for almost a month, and it was very hard to get food, because the ones who used to provide food were the Firestone management.

The witness testified that he saw many fighters, because they had already captured the area. He described the rebels' process of "recruiting" young men: first they would catch you, then put you

in a vehicle, then take you to a base; "that's how you were recruited." He confirmed that he was 15 or 16 years old at the time. CC testified that the rebels who were "recruiting" mainly young men were NPFL fighters, and that he himself was recruited in that fashion. He explained that he joined because he was forced to, and said that he was hungry when he was recruited, as there was little food to eat, but that he did not join for food.

When he was recruited, CC said, he was put on a truck and taken to Buchanan, the capital city of Grand Bassa County, close to the ocean; he told the jury that the city has a port. He recalled that their destination in Buchanan was the fairgrounds, which were used as the staging ground for a training procedure referred to as "Zero Week." CC recalled that there were men of many different ages in the truck with him from the Firestone plantation, about a platoon's worth of 62 men, both older and younger than him. At the fairgrounds, he testified, the 62 of them joined a group of many people already there.

"Zero Week is when you first get to base," CC said. He described the process of shaving the trainees' heads before they were put in water and mud and taught to drop to the ground to roll and crawl. "Every day they do that to you." The witness testified that his Zero Week training included crawling in mud on his hands, and being taught to "bear things" like what would happen if you were captured on the front lines; the object of "bearing things," he said, was so the trainees learned how not to "expose your group." Learning to "bear things" also involved eating only once a day, CC said.

The witness testified that the name "Zero Week" was because the trainees had "not done anything yet." He testified that not everyone survived the training, and estimated that two people died because of it. He also confirmed that people were disciplined during Zero Week, if they saw a ranking officer and did not obey an order. He described punishments as trainees being "ordered on your butt with a rebel belt" or being "put on your knuckles." According to CC, those trainees who survived Zero Week began active training.

CC confirmed that at the beginning of Zero Week, trainees' heads were shaved, and stated that trainees could not bathe during Zero Week. Only after the end of the week were they allowed to bathe, when they were taken to the waterside to bathe and then given a shirt, jeans, and sandals.

CC described his "active training," telling the jury that it involved guerilla tactics, weapons, and moving on or attacking the enemy. He explained that the weapons training involved how to fire and disassemble a weapon; his was an AK-47. He also learned how to take cover if fired upon by the enemy. This training, CC said, lasted for two weeks. He described a metal bell that would be beaten when it was time to everyone to come from their bunk, when it was time to rain, or when there was an emergency.

According to CC, the first thing the trainees learned was singing. He remembered the words to many, many songs, and sang one for the jury, which included the words "if they bring trouble, we bring it to you." CC confirmed that these were songs about being Charles Taylor's soldiers. He confirmed that he trained to be in the SBU, and later in the Anti-Terrorism Unit ("ATU") after Taylor became president.

CC recalled that besides learning how to use an AK-47, trainees also learned how to use an RPG-7, including how to mount a rocket and how to launch it from their shoulders.

CC testified that in training, trainees were told that the AFL was the enemy.

At the end of the training, he said, he was sent to the military barracks at Camp Schieffelin, near Roberts International Airport in Monrovia. CC confirmed that Camp Schieffelin was an AFL base, and he was sent there to do battle. After a woman came to tell them about it, he said, he was taken in a truck because the battle was intensifying on the highway and the NPFL had gone to the training base for reinforcements. CC was still around 15 or 16 years old, he said, and at Camp Schieffelin there were mixed troops, both older and younger than him.

The witness described being taken by the truck to the head of a hill, and walking down the hill to the battle for Camp Schieffelin. He testified that he was in the battle for almost a week before the NPFL captured the barracks, and that his next assignment was to advance all the way to Monrovia; the NPFL was met with heavy force, and was commanded to fight to the death.

CC said that after this fighting, when ECOMOG came to the country, he went to Gbarnga and was assigned to the SBU. He recalled that Zobon Johnson was the commander of the SBU.

CC described his assignment in Gbarnga as to the "executive grounds" or "Executive Mansion" where Charles Taylor was. He told the jury about the system of three checkpoints that led to Taylor: the SBU commanded the first checkpoint; SS Cobra commanded the second; and the last checkpoint, closest to the hill on which the Executive Mansion sat, was commanded by Taskforce. He explained that the SBU checkpoint lay on a branch of a road toward Far East where a telecommunications tower was, and to the left was the road to the Executive Mansion. He explained that "Far East" was the name of a residential community, and that the checkpoint lay on the road used to access it from the road leading to the Executive Mansion.

CC testified to the procedure at the SBU checkpoint where he served, telling the jury that if somebody wanted to go to the Executive Mansion, there was a "strong mandate" that every vehicle had to be stopped and checked, even if the person visiting was the Chief of Staff or Defense Minister. The witness stated that all cars were checked for guns, and weapons were left at the checkpoint. He said that the SBU checkpoint would also call ahead to the next checkpoint to alert them to the coming vehicle, before allowing it to drive onward; the SBU checkpoint would also confirm that the vehicle had permission to approach the Executive Mansion.

Specifically, CC remembered Chief of Staff Isaac Musa, Defense Minister Woewiyu, and Commander General Christopher Vambo, a.k.a. "Mosquito," approaching Taylor through the SBU checkpoint. He testified that many other commanders came through too.

CC testified that this same procedure was used when Woewiyu came through. "I'm a soldier," he said, "I fall under the Defense Minister. He knows the order" of the procedure. The witness confirmed that the procedure followed for Woewiyu was to stop the car, check it for weapons, and call to the next checkpoint before Woewiyu was allowed to proceed. He recalled seeing Woewiyu pass through the checkpoint two or three times, arriving in a jeep with a pickup of bodyguards.

CC confirmed that the Defense Minister's vehicle was searched, because soldiers fall under the Defense Ministry and the Defense Ministry is not part of the President. He described soldiers greeting Woewiyu with a salute.

CC recalled that when Woewiyu's car was searched, everyone came out, and said that the bodyguards did not proceed with Woewiyu. CC said the bodyguards carried weapons, and confirmed that he personally saw Woewiyu several times because "he came to speak to his friend Charles Taylor." The witness stated that the same checkpoint procedure was followed every time. He remembered Woewiyu wore a military uniform or mufti, and that Woewiyu handed his bodyguard his .45 to hold at the checkpoint. "The bodyguards would move with you as commander," CC said, and stated that Woewiyu had a special bodyguard who served as his aide de camp.

The witness testified that within the SBU were women known as the "Wasps," who had joined the army; they carried weapons because they were soldiers. He stated that some were young girls.

The witness testified that he became aware of Operation Octopus in 1992, and said that it began on October 14 of that year. Prior to the operation, he said, there was an "all generals forum" where the Chiefs of Staff and generals brought men. ECOMOG was deployed into barrier counties at that time, CC said, and Taylor decided to disarm them. The witness confirmed that he personally knew this because he was assigned with Taylor.

CC described receiving from Zobon Johnson the order to fight ECOMOG in Octopus, and stated that although he did not know the name of Johnson's commander, he knew that Johnson fell under the Executive Mansion and under the Defense Ministry. CC confirmed that Woewiyu was at the top of the Defense Ministry. Before Octopus started, CC said, Taylor gave the order to the Defense Ministry to disarm ECOMOG in different counties.

They were then put into trucks and sent to Monrovia, CC testified. All units were ordered to bring men and go to the Defense Ministry, so they brought trucks and were taken to the Fendell campus of the University of Liberia. CC gave examples of the "all units" order, saying that a unit ordered to bring 50 men brought 50, and a unit ordered to bring 100 brought 100. He recalled that some of the units mustered were Taskforce, the Artillery Division, Special Taskforce, Delta, and the SBU. He stated that he saw all these units together at CARI, a residential area on the way to Monrovia. The witness did not know how to spell CARI, but testified that it was where the Defense Ministry was located, and where many soldiers lived.

CC testified that many soldiers were gathered at CARI, and that general soldiers were mixed with the Special Forces. He confirmed that he was taken by truck to the University of Liberia campus at Fendell in Montserrado County.

CC testified that before going to Monrovia, a communication came from Prince Johnson, then-commander of the INPFL forces. "At the time, he and Taylor were not together," CC said, but explained that they were later reunited. He described Prince Johnson telling Taylor to send troops to him to enter Monrovia, while Taylor's other troops should enter via another route.

CC testified that the area the NPFL controlled at Fendell was a "buffer zone" known as the "D Ground."

The NPFL forces, including CC, were told that "the enemy" was ECOMOG, the AFL, Blackbird, ULIMO-J, and ULIMO-K.

CC explained that on the other side of the "buffer zone" at Fendell was an area controlled by ECOMOG at Mount Barclay, on the road to Monrovia. The witness stated that there was a checkpoint at the D Ground buffer zone.

The witness testified that the Chief of Staff and Defense Minister Woewiyu came and addressed the troops before the assault on ECOMOG. He recalled Woewiyu talked about celebrating, and told the forces to move on the front line, fall out, move on ECOMOG, and capture Monrovia, because "the President wants to come to Monrovia." CC specifically remembered that Woewiyu said ECOMOG was the enemy.

CC recalled that there was a ceasefire between 1991 until Operation Octopus began in 1992. He stated that Octopus began on October 15, 1992. During that time, he said, he was commanded by Commander General Christopher Vambo, a.k.a. "Mosquito." CC described men being sent to Prince Johnson's base, and said that he himself was sent to Barnersville; others were responsible for the area from Omega Tower to Redlight. He stated that Omega Tower was something the Russians used back in World War II, and is part of Montserrado County. The witness also remembered the "Kuwait Team" taking part in the NPFL operation, and said they were men who came to fight from Sierra Leone.

During Operation Octopus, Prince Johnson arrested the men who had been sent to him from the NPFL, CC said. He stated that this was because Prince Johnson feared Isaac Musa because they were in competition. Prince Johnson disarmed the men sent to him. At the time, CC and his group were waiting for Prince Johnson and the NPFL soldiers sent to him to signal with open fire for CC's group to attack. They were still waiting when they received the information that Prince Johnson had disarmed men in the free zone near the ECOMOG base. CC recalled that a general said, "What that man is doing is bad, we're struggling."

Eventually after the signal of opening fire, CC said, the joint troops moved to Mount Barkley and moved on ECOMOG. He testified that the Kuwait Team moved toward Barnersville and two other units moved to the Omega Tower. The witness himself moved toward Barnersville; he characterized what followed as a "serious battle." He recalled ECOMOG firing from fighter jets and from their gunships at sea. The heaviest weapon the rebel soldiers personally carried was a "G3 with LAR," a "German weapon that uses steady rounds." CC told the jury that there was no protection from the jets except a concrete building to hide behind, but that "if a rocket fell from there, it could fire on you."

CC testified that the NPFL rebel forces did have some anti-aircraft guns commanded by the Artillery Division Chief of Staff, with additional fighting commanded by Martina Johnson. He confirmed that no individual fighter's weapon could take down the jets, and that only the Artillery Division could shoot at the planes.

CC testified that he saw "Mosquito" during Operation Octopus every day when the soldiers were in formation, and Mosquito came to order them to the battlefield; every day the soldiers would called at Mosquito's house for orders. CC recalled that one of Mosquito's characteristics was a stutter when he spoke.

At one point, CC told the jury, he travelled with Mosquito to pick up ammunition from the Defense Minister at D Ground. A truck was brought and they took it down to D Ground and then the truck was parked up the hill, he said. They were also accompanied by Mosquito's bodyguards.

At D Ground, Mosquito met with Defense Minister Woewiyu, because he was the commander, CC said. CC personally saw them greet each other. Although he was not allowed to go with them when they spoke, he witnessed Mosquito saluting Woewiyu. He testified that Woewiyu gave the order to give Mosquito ammunition, and Mosquito told CC to put it in the pickup. Woewiyu ordered Mosquito be given 15 boxes of ammunition for RPG rockets and AK-47s. CC knew Woewiyu ordered this because they came around the truck and CC heard it for himself. Woewiyu said to Mosquito, "You must take care of the frontlines. Take care of the boys." According to CC, Woewiyu gave this statement after giving the ammunition to Mosquito.

CC testified that he then returned with Mosquito to Barnersville, where there was heavy fighting with fire launched from planes and gunships. The witness described retreating all the way into Barnersville to the market; he then retreated onward to Gbarnga and then to Lofa County. CC stated that he took another assignment in Lofa, reporting to the battalion commander there.

The witness described for the jury what a "conniver" was, gesturing between himself and the government prosecutor. He explained, "When you are with me and then go to the enemy" and "negotiate" with the enemy, and then are found out, you are a conniver; there is a tribunal and then you are executed. Asked if suspected supporters of the AFL, ULIMO, or ECOMOG were considered "connivers," CC answered, "Yes."

On cross-examination, the witness confirmed that he met with United States government prosecutors in early April. He explained that he got to know them through friends, after friends gave him information on the phone and recommended that he speak to them. CC stated he met for one day in Monrovia with government prosecutors, and they spoke through an interpreter.

The witness confirmed that after Taylor became President of Liberia, he personally joined the ATU. He stated that he was assigned to the Executive Mansion in Monrovia, and confirmed that this was not the Executive Mansion he mentioned earlier, which was in Gbarnga. He testified that the ATU was a brigade of more than 2000 soldiers, and that before joining it, he was in the Special Security Unit ("SSU"), which became the ATU. CC told the jury that he was in the ATU until Taylor left for Nigeria and for the United Nations. He confirmed that he was in the SSU from 1997-1999, and in the ATU from 1999-2003.

CC stated that he does not now work for the government, and he did not work for the government after Taylor left.

The witness agreed that Chuckie Taylor, Charles Taylor's son, created the ATU, and was its "big boss." He agreed that in the ATU, Charles Taylor was the only one above Chuckie Taylor.

CC testified that he became aware of the TRC when Charles Taylor went to The Hague. He told the jury that "those who put the war together must forget and move on." He did not know anyone who testified for the TRC, and stated that since Charles Taylor left Liberia, he himself only "does his own business." He stated that he was unaware of how the TRC worked, whether they "got" people to speak to them or they asked people to speak to them. He confirmed that he did

not know anybody who testified, and that although he heard reports on the radio or television about the TRC, he "did not have time for it." CC said that he did not know 20,000 people testified before the TRC. He confirmed that the first time he told his story was in April 2018, when he met with U.S. government prosecutors.

Witness 13: Elisabeth Kaiser

The prosecution called Elisabeth Kaiser to speak as an expert witness to the characteristics of child soldiers, including their psychology. The government began by examining Kaiser as to her credentials.

Kaiser stated that she is a clinical researcher in psychology and a psychotherapist, who works both with the University of Konstanz in Germany, and with various non-governmental organizations ("NGOs"). She told the jury that she works with trauma survivors at a clinic and also teaches at the University of Zurich, where her classes allow doctors to learn trauma treatment. She described her patients as suffering the "severe spectrum" of post-traumatic stress disorder, including psychosis, depression suicidal ideation, and drug addictions.

Kaiser explained that to her knowledge, she was called as a witness to talk about the recruitment of child soldiers: why they are attractive to armed groups, and what the long-term consequences of their soldiering are.

Kaiser testified that she received her Ph.D. in Clinical Psychology, focusing on psycho-trauma, from the University of Konstanz in 2008. She also has an M.A. from Yale University, with a focus on domestic violence and abuse situations in the international public health sphere, with a focus on developing countries.

She described her work history as a "patchwork C.V.," although Kaiser agreed that her work history has given her an expertise in child soldiers. She explained that she has been a project officer in African countries for UNICEF and U.N. Women, and specialized in the mental health disorders of children in war.

Kaiser described her work as translating scientific knowledge about the brain through projects applied in the field, including in a large project in Uganda run through an out-patient clinic arising from the crisis of Joseph Kony and the Lord's Resistance Army ("LRA"). Kaiser explained to the jury that Kony was a rebel leader in Northern Uganda who built a combat group to counter the president, and "recruited" – she explained that by this she meant "abducted" – everyone in Northern Uganda. Kaiser explained that when children were freed, the government placed them in transitory centers, where she studied 1200 children in a random clinical sample to better understand their disorders. All had been in the LRA, although not all as combatants.

Kaiser confirmed she had done similar work in Sri Lanka, Afghanistan, Syria, Rwanda, Somalia, and Congo; she stressed that each country or conflict required an assessment of its particular characteristics. "We research and then diagnose and then treat and then teach," she said.

Kaiser testified that she is the founder of Vivo International, an NGO, as well as a member of a professional association at the University of Konstanz. She received a reward as an outstanding young professional, she said, and told the jury that she has written approximately 50 scientific

articles relating to her field, which her team helped produce. She said that she has spoken on the topic of child soldiers at many professional conferences, both academic and humanitarian.

The witness told the Court that her one previous experience of giving expert testimony was at the International Criminal Court ("ICC"), where she was approached to testify by the sitting judge. She said that at that time she was asked to be an expert on the issue of child soldiers, and that she anticipated her testimony in the Woewiyu prosecution being "in line" with her testimony at the ICC. She confirmed that she was compensated at the ICC, and said that here she hoped for an honorarium to compensate her, saying she would like her flight and hotel to be paid.

On cross-examination as to her expertise, Kaiser stated that she studied the clinical history of child soldiers, not the political history. She confirmed that she did not study the Greco-Roman use of child soldiers, or their use during the American Civil War. She stated that she was familiar with the current U.S. practice of allowing the recruitment of 17-year-olds. She clarified that her expertise is in "new wars," particularly in the features of modern civil wars, not in the "old wars" with a specific front and a specific ceasefire. She explained that her expertise is in those "new wars" whose victims are predominantly civilians, "very different" from past wars.

Kaiser stated that her Ph.D. is in the natural sciences, so she has studied the biology of brain plasticity. She testified that she learned what was normal for a 13-year-old or a 14-year-old brain, and told the jury that she would say there was an "age bracket, 12-17, where lots of reorganization of the brain happens." However, Kaiser acknowledged there is a difference between the brain of a 12-year-old and a 17-year-old.

Kaiser was then admitted to testify as an expert on the "psychology of children who become soldiers."

Kaiser testified that there are two major features that make child soldiers attractive to rebel groups: they are fearless, and they are fearful. She stated that the "fearless" prong is because children are adventurous and excitable, entering soldiering as a game; they act for fast rewards. She said they thus make good soldiers because they do not assess the long-term consequences of their actions, not having the judgement to make determinations. She told the jury that children's pre-frontal cortex is not developed to the point where children can develop their own morality.

Kaiser testified that contrary to the old assumption that humans' thought patterns are shaped early on in life, scientists now understand that the brain "opens as a window" to learn in adolescence. She stated that development in that period comes in three stages: physical coordination; emotional and motivational development; and lastly judgment, or the reasoning and understanding of the importance of actions, as a child nears 17 or 18 years of age. She said that such development is only finished at the age of 25, although it begins to slow at the age of 20. Kaiser described these adolescent years, therefore, as a period when "things are not developed to reason or act with sound morality."

The "fearful" prong of child soldiers, Kaiser testified, is based on their trust of adult mentors. She told the jury that in this period, children usually live with a caretaker who shows them the rules of life. She stated that "African education" focuses on a child's "obedience" to following the "teachings of elders." She described children reacting positively to a mentor who teaches them

slowly and with rewards, reacting to him as a father, uncle, or older brother. Conversely, she said, if a "mentor" is cruel or harsh, for example if he kills with no reason, then children will start to doubt him. She stated that if a mentor figure enforced teachings with violence, children would lose their trust, but they would obey.

Kaiser testified that adolescents mimic conduct of adults because "when the brain window is open," children are supposed to learn from the social conduct around them; adults in this way teach children how to function. "So if you grow up in a combat group, you could be a good combatant, but not a good civilian."

Kaiser stated that it is easy to indoctrinate child soldiers if they are given a good reason to fight, such as a strong enemy, or a threat to a village or harvest. "If you build a good reason to act together, they will follow," she said.

Kaiser testified that even if children 12-17 think that they joined a force voluntarily, she would not consider their service voluntary. She explained that such children have no way of assessing the totality of forces that come together in a civil war: they do not know that their lives will not be normal later; or that they will be stigmatized; or how their actions will be harmful to their mind, body, spirit, or consciousness. She stated that to adequately judge a situation, they need a base of ethics or morality or a viewpoint, "some solid assumption about the world."

Kaiser told the jury that it is the cortex that makes a human being distinct from other mammals. She testified that its plasticity makes children vulnerable, as in that age range, it is possible to shape a pianist, technician, farmer, or combatant. She explained that the branches of the synapses get "taken down" in that period, as a child focuses on a specific path; it is harder to learn a new path later in life. She gave a metaphor of the brain in that age range as a developing highway, from which side-streets may be constructed later, but that the highway will already be there.

There was no cross-examination as to Kaiser's expert testimony.

Witness 14: "DD"

Witness DD testified that he was born in 1977 in Division 27, a complex of the Firestone rubber plantation in Margibi County. He said that Division 27 is one of the smallest towns on the plantation, and he stayed there until the war.

The witness told the jury that he is a high school graduate, and that he graduated from the Worldwide Mission School System in 2004. He subsequently enrolled in the University of Liberia, and then dropped out.

The witness remembered the day in 1990 that the war entered Division 27; he was 12 years old. He testified that men entered the town with guns in their hands and wearing colorful clothes, with bushy hair. The witness confirmed the men were not wearing military uniforms.

DD testified that the men announced they were from the NPFL. He said there were five of them, and all were armed. They entered the town with a man whom DD called Uncle; he was tied up in the "duck fa tabae" style. The witness confirmed that everyone in town knew Uncle, because it

was a small town. DD said Uncle was a tapper who also did farming, and explained that a tapper got rubber juice from the trees; some were contractors and some were regular employees for Firestone.

The witness told the jury that his father was a tapper. His mother worked in the home, he said. DD stated that he also had two brothers, one two years older, and one staying with an uncle.

The witness was shown a picture and confirmed it depicted what he meant by "tabay/tabae style;" he identified the photo as "just how Uncle" was tied. DD testified that when the NPFL rebels came, the first questions asked were "Who are you? Why?" Uncle was not a soldier, DD said, but lived the whole time in town with his daughter. DD explained that at first, when Charles Taylor's rebels came, everyone in the town was afraid and ran all over, but then the townspeople came back to try to tell the NPFL rebels that Uncle was not a soldier, but the rebels did not listen. According to DD, the NPFL rebels then beat Uncle up and shot him in the middle of the town, and he was killed.

DD testified that there was fear in the town, and the NPFL took over. People left for the bush, DD said, including him and his parents. He told the jury that his older brother was captured by the NPFL, and that since his brother was captured in 1990, the family has not seen him.

It was "very dangerous," DD said, with "bad things still happening," like when the NPFL soldiers would see young girls and women. He testified that the NPFL would use their weapons to take the girls and women as their "girls" or their "wives," and "do what they wanted."

According to DD, his father tried to see if DD's brother was in the town, but DD's father was caught by the NPFL, who beat him severely, and he almost died. "By the grace of God," he lived, DD said, and he came back to tell the family what had happened.

DD described Division 27 as between Harbel and Kakata; his father said they should get higher, and climb away. DD explained that Harbel is in the same large Firestone plantation area as Division 27 in Margibi County, and so the family walked in the bush to get to Harbel. There was no way a car could go there, he said, and the family could not go by road. However, before they got to Harbel, they had to pass through a checkpoint that was on the road at the entrance of town.

DD testified that the Harbel checkpoint had rope tied from one side of the road to the other, and was manned by a group of soldiers asking questions before they would let people pass. The first question asked to an individual trying to pass was to which tribe the individual belonged. DD identified himself to the jury as a member of the Kissi tribe. He testified that if someone was a Krahn or a Mandingo man, they were taken out of line. The last DD would see of them, he said, was a child soldier carrying a weapon and being told to "Take that man out of line." The witness explained that at this time, if a Krahn or Mandingo came out of a line, they were killed.

The witness confirmed that the NPFL controlled the area, and that he saw some child soldiers as well as adults at the checkpoints. He identified the children as about his age at the time, 12. He noticed some of the children were small enough that their guns dragged on the ground. He

affirmed that in Liberia during the war, if it was said to "take someone out of line," they would be taken out of line and killed.

DD stated that the Harbel checkpoint was decorated with intestines and a human skull. He said that the second checkpoint in the area was in Harbel Hills, where the Firestone staff lived; that checkpoint was decorated with human intestines. DD explained that rebels used pieces of each person killed, tying one person's intestine to another's. He stated that he also saw a human skull used at a checkpoint at Owen's Grove. The witness confirmed that these checkpoints were manned by NPFL soldiers, both children and older people.

DD testified that it was hard to get water in the area of Harbel because of the war. His family could not get water for drinking, although they could find it for cooking. He explained that he had to walk between Harbel center and Harbel Hills for fresh good drinking water. He did not know the distance exactly, but said it was not long, and he would go with children of his own age to get water, including a friend who was living in the staff quarters with his "sister." DD confirmed that this "sister" was a relative of some kind, and there were lots of children living in her family's house during the war because "he was a good man."

The witness said that his friend's sister asked where DD was from, and DD answered that he was from Harbel town. The sister encouraged him to stay in her house, and said they would go down to see his parents, so DD moved in with his friend and his friend's sister. He identified the sister as older than him, somewhere around 25. The staff quarters she lived in were a "nice place," a "very decent house," DD said.

The sister told DD that she had a friend, and one day while DD was at the house, "Uncle Tom" came to the house with soldiers behind him, and spent some time there before leaving. DD confirmed that the sister and Uncle Tom were friends, although he did not know how intimate they were. He confirmed that Uncle Tom would come to the house and leave again, and that later DD heard he was the Defense Minister of the NPFL. When the witness was shown a photograph, he circled Woewiyu and said, "This is Uncle Tom."

DD testified that Woewiyu visited the sister's house "once in a while," with soldiers. The witness ascribed the bodyguards to Woewiyu being the Defense Minister. He described Woewiyu as wearing military trousers with a white t-shirt the first time DD saw him.

At one point, Woewiyu came to the house and told DD's "play mother" that there would be an attack on the highway. DD, his friend, and his friend's sister all got into a pickup with NPFL soldiers to leave Harbel Hills; the witness confirmed Woewiyu was not with them.

DD stated that the pickup headed to Buchanan, stopping at a checkpoint near Cotton Tree along the way. According to DD, at Cotton Tree the soldiers left to get food, and DD and the others were left in a long queue of people. He described Cotton Tree as on the way between Buchanan and Harbel, which was why there was a checkpoint there. DD testified that it was an NPFL checkpoint and that the soldiers there were asking the same questions he had heard at the Harbel checkpoint, focusing on people's tribes.

DD testified that on that day, he saw many bodies in the swamp ground near the checkpoint. He explained that typically the NPFL would take Krahns or Mandingos there for execution. He stated

that child soldiers were the ones who killed them. DD testified that child soldiers were used for killing, and that adults would tell them, "Hey, take this man over there." The witness said that the Cotton Tree checkpoint used rope tied from one end to the other, and that in the present it can still be seen there.

According to DD, his group had no problem with travel at the checkpoint, as they were with NPFL soldiers and under the protection of the Defense Minister, although DD affirmed Woewiyu was not traveling with them. The witness stated that they came to another checkpoint at Owen's Grove, and that this was where he saw the human skull he mentioned before. DD testified that every checkpoint he passed had child soldiers, including at Owen's Grove.

DD testified that once his group went through the check point, they proceeded to the flour mill near Buchanan, where they came into contact with Koko Dennis, one of the NPFL generals. DD recognized Dennis in a photograph, and said Dennis had a leg problem, and so he limped when he walked. The witness then stated that although he knew Dennis was a soldier, he did not know what role he played. He only knew that Dennis was "one of the top soldiers" and that he had men under his control. DD did not recall Dennis' relationship to Woewiyu, but affirmed he had men under his command.

The witness stated that his group stayed in Buchanan for some days, and then moved onto LAC, where the sister left the two boys with soldiers. DD was not sure where she went. He explained that "LAC" was the name of another company with a rubber plantation, and characterized it as a "long distance" from Buchanan, one or two hours' drive. He stated that LAC is in Grand Bassa County.

DD testified that one day Woewiyu came to the compound in LAC, where soldiers were called from various towns to attend a meeting. DD was not sure how many came, but knew it was a large number. Woewiyu told the gathered men to "Be vigilant because the Chief says at any time may be an attack." The witness knew Woewiyu said this because he was standing within the fence when Woewiyu came to the meeting, and listened to him say it. At the time Woewiyu was making this statement, DD was walking from "the gate," and testified that by the time he returned, the soldiers had dispersed.

DD described Koko Dennis returning a few days later with two men tied tabae-style; Dennis said they were "on recognizance" as spies. According to DD, Woewiyu was at the fence with Dennis and the men. Dennis asked the men why they would not talk, saying, "Your Chief is here and asking, and you don't respond." DD identified the "Chief" as Woewiyu. When the men did not answer, DD said, Dennis gave an order to cut their ears. DD testified that Woewiyu did not respond to the situation, although he was standing next to Dennis. The witness stated that an ear was cut from each suspected spy, and Dennis said, "Take them away." DD did not know where the men were taken. Prior to the cutting of their ears, the men were pleading and crying, DD said, insisting that they were not soldiers and did not know anything about soldiers.

The witness testified that after a few days he saw his friend's sister with "Uncle Tom" and a little boy they were calling "Tom." The witness thought he was named after Woewiyu but was not sure.

DD told the jury that he was afraid because of all the killings going on, so when he went to fetch water, he escaped from the compound. DD confirmed the NPFL was killing people in the area, and stated that if "Uncle Tom" was around, everything was fine, but that if he was not around, the soldiers misbehaved. The witness described running away to the bush and trying to look for his family, and joining a group making its way to Buchanan, where he was "caught by CRS" and relocated to his family.

On cross-examination, DD confirmed that he never fought in the war and that no one asked him to fight. He confirmed that he was aware of the TRC, but that he never gave nor sought to give testimony. He confirmed that when Woewiyu was around everything was better, agreeing that there was "better order when he was around than when he was not."

On re-direct, the witness confirmed that Woewiyu stood next to Koko Dennis and did nothing when the suspected spies' ears were cut off. He stated that the soldier who brought the "spies" in was a general who was giving direct commands. The witness did not recall Woewiyu saying anything to the prisoners himself. The witness confirmed that Woewiyu was in charge during the incident.

On re-cross, the witness clarified that he did not say it was the President's brother who brought the spies to the compound.

Witness 15: Mark Stucke

The final witness of the afternoon was Mark Stucke, who identified himself as a journalist who currently owns and runs a distribution company for documentaries and current affairs news reports.

Stucke testified that he was a videographer and journalist from the late 1980s until the late 1990s, and told the jury that he worked in approximately 10 wars and created approximately 50 news reports in the form of 10-minute documentaries. He identified some of the conflicts and conflict areas from which he reported, such as the Russian War in Afghanistan; the Liberian First Civil War; South Sudan; the end of apartheid in Soweto, South Africa; Sarajevo and the Balkans; and Burma. He confirmed that he had covered active combat many times.

The witness stated that he reported from Liberia twice, in 1992 and in 1996. In 1992 he traveled as a freelance journalist with a colleague, he said, who went along but did not report in-depth. He described the entry process as "normal" for such a situation, obtaining connections via a political office in London that would arrange political cover to keep the journalists safe.

Stucke explained that as a freelancer, he was always looking for a "different" story that "mainstream" news could not access, but that broadcasters would have difficulty refusing. He testified that given the Nigerian ECOMOG troops' "direct fractious situation with a rebel group on the ground," Liberia struck him as a place of interest.

The witness entered Liberia with his colleague via Ivory Coast, he said, reaching an Ivorian NPFL safehouse and then driving across the river into Liberia with a "senior NPFL character" whose first name Stucke remembered as Ben. He stated that he had no idea exactly where they were going, because the two journalists were entirely in NPFL hands, but stated the journalists' expressed

objective was to go "where the action was," "to the heart of the story." Stucke testified that the journalists spent their first night in Gbarnga at a house described to them as "Ben's family house."

The next day, he said, they continued onward for "some distance" until at the end of the day they reached a "rough, crude situation in the bush." When they parked, they were immediately surrounded by NPFL soldiers with guns, and the next thing Stucke knew, he was meeting Charles Taylor.

Stucke estimated that on the journey from Ben's house to Taylor, they passed 20 checkpoints. He described these checkpoints as "very crude" and "never exactly the same," but all populated by young, frenzied, malnourished rebel soldiers in "every state of dress." Some were practically naked, and very few – if any – had military uniforms. Stucke explained that he had never seen in other conflicts the particular elements by which the checkpoints were typified, including decorations of skulls and different amulets; he characterized this as the individual look of the NPFL faction.

Stucke recalled that there were skulls at two or three of the estimated 20 checkpoints he passed through, and called the checkpoints "always very frightening." He explained that Ben, the senior NPFL commander, was "plainly nervous," and used a "big bag of cash" to pay to get through each checkpoint. The witness stated that his recollection of individual checkpoints was hazy, but that he did not recall seeing any human remains other than skulls. He characterized the checkpoint soldiers as being two-thirds made up of children under 18, with the youngest probably age eight. The child soldiers often appeared malnourished, Stucke said. They were excitable and noisy, shouting as soon as the car had stopped.

According to Stucke, the structure of the checkpoints varied, with some being merely sticks across the road, but confirmed that the fighters manning them were armed, "if you can call machetes arms." He said the child soldiers were armed with machetes, knives, guns, and sticks. He stated that throughout his two weeks in Liberia in 1992, he saw a reliable mix of boys and girls who were child soldiers. Stucke said there were fewer girls, but they were armed at the same ratio as the boys.

The witness testified that he later came to understand the significance of the children's state, but at the time only noticed that they were manic and hyper. He explained to the jury that he was learning a new environment at the time, and that he had never previously been to West Africa.

When Stucke arrived at Charles Taylor's camp on his second day in Liberia, he said, he parked with a couple of other cars in a clearing and then walked 5-10 minutes down a forest track. He described seeing one or two buildings, but stressed that the camp was "really in the bush." He testified that he saw many young soldiers typical of those he had seen so far.

Stucke testified that he met Taylor shortly after arriving at the camp, and said Taylor seemed prepared to give an interview. Stucke supposed that Taylor had been expecting them.

Stucke confirmed that the soldiers he saw were typical of those he had seen and would see on his trip, dressed in "every state" and with a proclivity for women's clothing, and amulets and spiritualistic totems. He described understanding the child soldiers nearest to Taylor to be clearly

more senior, as they were slightly better dressed. According to Stucke, there were 10-20 child soldiers around Taylor while the journalists conducted their interview, and these children were better armed and "more standardly" armed than the other child soldiers Stucke had seen. He confirmed they were the same range of ages as the other child soldiers he had seen, and was sure that they were treated differently.

Stucke testified that he later came to know what the difference was between children in "special units" and the others, but stated that on that interview day he just noticed that there were some children who were in his pictures of Taylor "clearly, with a presumed right to be there close to Taylor." Over the following days, Stucke said, he noticed that he came across some military vehicles that carried a different type of child soldier from the others he saw, usually in new or unusual vehicles painted with side writing saying "SBU" or "Small Boys Unit" or painted in a camouflage print. The proportion of youths in these vehicles was higher than in Stucke's day-to-day experience, and those youths carried authority, such that other soldiers approaching were afraid of them. If Stucke himself attempted to approach, he was pulled back or discouraged from going near them, and was told they were "dangerous" and that he should "stay away."

On the evening Stucke was interviewing Taylor, he said, it began raining and fighter jets bombed the area midway through the interview. He testified that everyone scattered and charged into the forest, including Taylor. Stucke knew the jets belonged to ECOMOG because "no one else had the wherewithal;" the witness pinpointed the bombing as toward the end of October 1992.

Stucke testified that the two main areas he wanted to see were Firestone because it had been bombed, and the front lines in Gardnersville, to see "the action." He stated that he was drawn to Firestone because he had heard it was aerially bombed by ECOMOG, and that the NPFL was happy to take him there. Stucke and his colleague slept in the main residential quarters there over the next few days, and saw the injured at Firestone Hospital, and what was described as a residential area that had been bombed. They also interviewed the American manager.

The witness confirmed that the NPFL controlled everywhere he and his colleague went until they left for the Ivory Coast and flew back to Liberia by another route. He confirmed that it was otherwise not possible to switch between covering different factions.

Stucke testified that the two journalists were taken to Gardnersville because they asked to see the frontlines, and Ben arranged their trip. Ben took them to the area one morning and handed them over to a group of young fighters for the day, with the local commander placed in charge of the journalist. Ben then left, the witness said. He described his colleague as mostly the camera man and himself as the principle journalist, but explained that they both filled multiple roles on this trip.

The local commander at Gardnersville was older than the rest of the fighters there, Stucke said. He characterized the fighters in Gardnersville as "typically" dressed, with many wearing women's clothes, and young fighters down to boys aged 9-10. He confirmed that he stayed with them all day.

"There was immediate evidence that we were close to serious action," he said, based on the incoming gunfire and shelling. He described the main direct action as on the road, but said that it branched out toward the end of the day.

Stucke testified that he was not sure what exactly the local commander wore, but that he wore shorts without a shirt, and may have been barefoot or in sandals, with something on his head. Stucke explained that it was difficult to tell one outfit from another because they were all mixed up.

Stucke testified that child soldiers were actively engaged in combat in Gardnersville, and that the majority of them were younger than 18. He said that the local commander was in his 30s, and was the only fighter present older than 18 or 19. The witness stated that the child soldiers were mostly using AK-47s, although there were some RPGs, which the witness identified as shoulder-held guns which fire shells placed down the barrel and which have a range of a few hundred yards, delivering the impact of a hand grenade at the other end. He confirmed that he saw lots of fire and that there were shells firing from the other end of the road every few minutes; later in the day, fighter jets flew overhead. He said the operation the NPFL was engaged in was called "Octopus."

The prosecution played a video that the witness recognized as his own footage from his 1992 trip to Liberia, showing a child running with a gun and then a man in shorts and a beret. Stucke recognized the man as the local commander, the leader of the contingent with which the journalists spent their day at the frontlines. He recalled that the leader referred to a command structure to which he reported. The witness recognized that the video showed a man carrying RPG shells and another man carrying an AK-47, and that the child running with the gun was one of the younger of the group. Stucke confirmed that the child was engaged in combat like the rest, and said that they were in a "very dangerous situation" where somebody would be if they had a "strong reason, either fighting or recording."

The video was resumed, and showed a child with an AK-47 running down an alley, and the local commander pointing at the sky. The witness identified the leader as pointing at jets that were bombing another area, and confirmed that the jets were ECOMOG's, because "no one else had jets in that area." Stucke then identified a female soldier in a denim jacket at the start of a video sequence as a young commander. The video showed a fighter in a corset, which Stucke said was typical of those wearing women's clothes; it also showed a fighter in an amulet, which he likewise identified as typical of NPFL soldiers' dress. The video showed footage of a fighter in a top hat, which Stucke said he thought was shot near the Firestone factory, but he was not sure, because "such a typical scene could have been shot any day anywhere."

On cross-examination, Stucke confirmed that at Charles Taylor's camp, Taylor's fighters were not shooting anything, firing mortars, or attacking anyone. He confirmed that the peacekeepers' jets dropped bombs near the camp, and said that it was clear that Taylor's soldiers thought the bombs could be directed at them. He stated that the camp "had the feel of a jungle hideout."

Stucke confirmed that Ben was "high up" as an NPFL commander, but nervous at NPFL checkpoints. He stated that Ben could not get through the checkpoints on his own, nor could anyone else. He confirmed that Ben had authority, but said that Ben had to recount his right to that authority at each checkpoint, and then when the soldiers confirmed he was someone important, he was let through. The witness confirmed Ben had to give the checkpoints money, and that it "defined the chaos and craziness of the entire experience."

Trial will resume on Tuesday morning, when the government will call a new witness to the stand.

June 20, 2018 – Day 6: aspects of NPFL command and control

Witness 16: Mark Huband

The government's first witness for the day, Mark Huband, told the jury that he currently runs a strategic intelligence company in the United Kingdom, serving other multinational companies. He testified that he has a degree in history and a post-graduate degree in journalism, and characterized his company as a global "network of individuals who research details of concern" to their clients.

Huband testified that in September 1989, he moved from London to Abidjan, Ivory Coast, because he wanted to be a foreign correspondent. For the two years prior, he said, he worked in London for a local London paper and a regional paper based in Wales. Huband explained that he moved to Abidjan as a foreign correspondent for the *Financial Times* ("*FT*"), covering Francophone West Africa, although his remit also included some English-speaking areas. He characterized his position as one with "geographical leeway, led by the stories the *FT* was interested in," such as financial or business stories.

Huband told the jury that at that time, he was based in Ivory Coast because Ivory Coast was the biggest cocoa producer in the world, as well as a major coffee producer, facts which were of interest to the *FT*'s business focus. The witness explained that he became interested in the regional, cultural, political, and social life of West Africa, but that the focus of the *FT* was narrower.

The witness testified that in early January of 1990, while working for the *FT*, he took the opportunity to go to Liberia. He had recently been in the United Kingdom, and while there learned of the incursion into Northern Liberia; he described his interest in pursuing the story. Huband testified that a few days after his return to Abidjan from London, he flew to Monrovia to learn more about what the incursion led to, and what lay behind it.

The day after arriving in Monrovia, Huband said, he approached the Ministry of Information for a press pass; he then proceeded to Sanniquellie in Nimba County by taxi with another correspondent. Huband told the jury that the journey revealed to him something about the character of the country, the government, and the presence of Armed Forces of Liberia ("AFL") checkpoints on the road north. He confirmed that these AFL checkpoints were not manned by child soldiers, but noted that at many of the checkpoints, money changed hands to ensure passage. According to Huband, the taxi driver viewed facilitating the exchange and travel through the checkpoints as part of his role. Huband recalled that at one point, an AFL soldier wanted a ride to Sanniquellie, and so jumped into the taxi to journey with them.

In Sanniquellie, the witness saw many soldiers and people milling around. He stated that as he had never been there before, he could not compare the feeling in town to that before the excursion. He testified that when he arrived, he and the other correspondents went to a government office to see if they could speak to anyone about the incursion. Huband saw an American soldier with a group of AFL soldiers at the building, and followed the American into the government building to speak with him. The American went into a room with the AFL soldiers prior to speaking to Huband. Huband confirmed that he knew the soldier was American based on the badge and identification on his jacket.

Huband asked the American soldier, "Are you assisting the AFL?" He said the soldier described his presence in Sanniquellie as part of a "cooperation agreement between the United States and the AFL," or "the United States and Liberia." Huband stated that the soldier said he was in Sanniquellie in an advisory capacity. Huband confirmed that on that trip, he did not see any rebels in Nimba County. After staying for one night in Sanniquellie, he and the other correspondent returned to Monrovia, and then Huband flew back to Abidjan.

The witness told the jury that he returned to Liberia in April 1990, after he was contacted in Abidjan by the *Sunday Correspondent*, a London newspaper, asking him if he was interested in covering Liberia. He explained that the *FT* had not suggested he go to Liberia, and was not encouraging of it. Huband went because he was a "young reporter looking for stories" who was "keen and wanted to go," but he "did not tell the *FT* that he went." He testified that on about April 3 or April 4, the *FT* learned he was in Liberia, so his editor – Huband's direct superior – told him he should cover the story from the angle of the effect on an iron ore mine on the Liberian border with Guinea. Huband explained that this mine was in the far north of the country, in Nimba County, and was connected by railroad to the coast. He said that the trip was arranged by his editor via the company's London office.

Huband testified that on April 4, he drove to the port city of Buchanan, south of Monrovia, where the iron ore was transported to the port by train. He was to travel from Buchanan on the train's reverse journey, back to the mine at the border. The witness stated that on the train with him was an accountant who was going to start a job at the mine; otherwise, the train was empty, except for the engine driver in a different cab. He described the train as an enormous "goods train," pulled by three engines, that travelled slowly despite its empty wagons.

Huband testified that as the train neared Ganta in Nimba County, at about 8:00a.m., it passed below a small bridge. He knew it was about 8:00 in the morning because the train left Buchanan at 6:00a.m., and had been traveling for about two hours. Huband said that after passing under the bridge, he heard gunfire, although he did not know what it was for a few seconds; the train came to a rapid halt. He was leaning against a window, and noticed the accountant was lying on the floor and beckoning for Huband to join him. Huband left the window and joined the accountant on the floor, he said, at which point the window he had been learning against shattered completed. The witness recalled that he realized the train was being attacked, so he lay flat on the floor with his bag over him. He stated that the train did not start moving again.

The witness testified that as he lay on the floor, there was a lull in the gunfire, and he heard nothing but the hissing sound of the train's breaks. After a delay of about a minute, he said, he heard footsteps on the track or aggregate beside the track. The accountant stood up in a half crouch to look out the rear window, and said, "They're coming." Then there was intense gunfire, and all the windows in the cab shattered. The witness did not know who was meant by "they."

When the gunfire stopped, Huband said, he fleetingly saw a face at what had been the train's window. He and the accountant began a whispered conversation about how "they," the attackers, knew that Huband and the accountant were in the cab, and it was probably best if they tried to get out. The accountant stood and opened the doors at the front of the cap which led to a gangway around the train, and the two of them walked slowly along the gangway because they did not want to startle whomever awaited them.

Huband testified that when they walked around the train, he saw armed people whom he assumed had attacked the train. He described them as eight or nine people, all male, aged from their mid-teens until their mid-20s. He said that all of them had AK-47s but were not in military uniforms, and they were quite jumpy. They screamed "get out" and "throw your bags down." According to Huband, when he and the accountant came down the ladder from the gangway platform to the tracks, they were ordered to strip to their underwear and their bags were rifled through; he remembered that valuables like passports and cameras were taken. After this action the armed men calmed down slightly, he said.

The witness stated that when the two were dressed again, they moved away from the track, and quickly, they observed a low flying aircraft. He testified that the armed men told him, "That's the government, the government knows the train was attacked." Within minutes, he said, the aircraft left the area, and he and the accountant were ushered toward a dirt road. He clarified that although he was not forced to go with the men, they told him "We go now," and it seemed like a good idea.

The group walked down the verge on either side of the dirt road and came into a more forested area, Huband said. He remembered walking for about an hour before being led off the road down a path into a thicker area of forest. He estimated that this was at about 10:30 or 11:00a.m., and that it had become quite hot. He said the group continued for a short while and then stopped again, and that he did not know where they were going. He told the jury that he was not in the mood to ask questions, because he did not know if he would survive.

According to Huband, there was suddenly a "very mysterious moment" where the group came under fire. He had no idea who was firing, but speculated that it was maybe the AFL. He told the jury that the moment was significant because everyone in the group dispersed, some going forward and some backward. The witness and the accountant sprinted away from the firing into the thicker forest, and realized they had become separated from the others, but had no idea where they were. Huband testified that they retraced their steps, following the path and the skins of fruit they had eaten and thrown aside. They went back to the road and started to head toward the train.

Then they saw another group of armed men ahead, Huband said. He testified that these men – a different group from the prior group – had a "mixed response" to the two outsiders, and that one in particular was very jumpy. They were all armed similarly to the men at the train tracks, carrying AK-47s. The one that was very aggressive asked why the two outsiders had been on the train, Huband said, and demanded to see identification. Huband characterized the interaction as "very unnerving," until a slightly older man sitting beside the road introduced himself, and calmed the situation.

Huband testified that he continued with this group away from the train along the road. He specifically recalled that one man carried his bag, for which he was very grateful. He said that eventually they came to a truck camouflaged underneath branches, and they all got into it and drove for a short while.

The armed group took Huband and the accountant to a large village that he said he thought was approximately 20-30 minutes away from where they had started. He recalled that the village was "full of young people," and that he learned it was named Seklepie. He observed that the thing

that struck him first about the village was the way it was occupied by armed young men, and stated that it "belonged to them."

The witness stated that he spoke to a man he later learned was named Peter, who was in charge military, and who told him he would be taken to meet Charles Taylor, the NPFL leader. Huband remembered one or two dead bodies lying out in the road, one with legs still inside its trousers and with the rest of the body decomposed; he vividly remembered that all that was left of the rest of the body was its spine sticking out. The witness clarified that the "armed young people" he saw in the town were young teens aged 13 or 14, perhaps up to their early 20s. He characterized these armed people as not "absolutely children."

Huband stated that he was in Seklepie for the rest of the afternoon, and that he did not observe military exercises, but recalled a lively moment in the afternoon when many of the young armed people got inside a closed armored truck. The witness testified that he was told they were "going off to fight."

Huband recalled that at one point, he was questioned by an administrator who was suspicious of him for having a press card issued by the government of Liberia. The witness said that this administrator thought Huband was working for the government, and that Huband had to explain that journalists must get press passes in order to operate in the country. He estimated that this interrogation lasted ten minutes before he went back to sit down with a person identifiable as the commander of the forces in Seklepie.

At about 6:00 p.m., Huband said, he and the accountant left in a four-wheel drive car for what seemed a long journey along country roads, to reach a place that he learned was called Gborplay, the headquarters of the NPFL. The witness stated that the car arrived around midnight, and he and the accountant were shown to a round straw hut to sleep. Before he slept, the witness saw people around, but he followed the orders to go inside the hut and so did not see more at that time.

Huband testified that someone knocked on the door early in the morning, and Huband was escorted by two young men to the building in front of the hut. He recalled that there were two female armed guards on the door of the building, and said their faces were covered, but that based on their physique, he thought they were young. He told the jury that inside the building was a settee, low chairs, a low table, and some people. He testified that one was a man in white traditional dress who identified himself as Charles Taylor, and one was in Western clothes. Taylor introduced this other man as Samuel Dokie.

According to Huband, the conversation at the meeting covered a range of topics. He testified that Taylor initially asked him to sit down, and then apologized for not having scrambled eggs to offer him; Taylor then put half of his own porridge on a plate for Huband. Huband recalled Taylor saying it was lucky that the NPFL did not carry out their original plan, which was to use mortars to attack the train and blow it off the track. He recalled Taylor saying the iron ore company was warned of the likelihood of attack three days before the attack was carried out.

According to Huband, Taylor knew he was a journalist, because Huband had told it to fighters in the first village and to his drivers on the way to Gborplay. The witness "quite vividly" recalled Dokie being less sympathetic to his situation than Taylor; Huband stated that Taylor felt it was

better to have a living young reporter than a dead one, but that there was a difference in tone from Dokie.

The witness remembered Taylor leaving the room and returning wearing camouflage trousers and a safari jacket, and describing the fight against Samuel Doe as a "civilian uprising." Huband stated that they discussed Doe's government before proceeding outside and observing rows of NPFL fighters chanting, "Major Taylor, he's our leader." The witness was not sure if this scene was contrived for his own particular benefit, although he clearly recalled Taylor inspecting the forces.

The witness confirmed that his conversation with Taylor focused on the Doe government and "the reasons this was taking place." He recalled Taylor using the word "shame" to describe the sitting government.

After Taylor led Huband to inspect the troops, Huband said, he showed him a big anti-aircraft gun that the NPFL had captured. Huband stated that he talked to the gunner while Taylor went back into the building. Huband testified that as a reporter, he was always looking around, but that in this situation, he did not want to "wander off" and be accused of spying, so he stayed where put.

Huband testified that Taylor asked for Huband's *FT* business card because he said he wanted "to get your name right," and that he also asked for the number of the British embassy in Abidjan to tell them that Huband was "in safe hands."

The witness stated that although one or two troops were in military uniforms in Gborplay, the majority of clothes varied. He recalled many were armed, but the arms varied. He also recalled that the ages of the troops varied. He remembered seeing older men with single-barreled shotguns, while others had AK-47s. Huband further recalled that there were both men and women at Gborplay.

Huban stated that when Taylor re-emerged, he told Huband he was "free to go," but then paused and said, "On the other hand, you might be interested to stay and have a look around." Huband testified that he stayed, and toured the area with Dokie. Taylor told Dokie to find a car and guards, and shortly Huband left with them to see the area in a 4×4, with Dokie in front next to the driver, an armed guard next to Huband, and two more armed guards in the back.

Huband did not know where the car was going, but stated that eventually they went south and eventually arrived in Butuo, where the incursion started. He stated there was a checkpoint at the start of the village, and said it was guarded by the old men of the village with single-barreled shotguns. Huband described the checkpoint as "makeshift," a rope across the road tied with rags to better mark it. He stated that the people there knew who Dokie was, so their car was given access immediately.

Huband described an open ground in the town where NPFL fighters were lined up. He testified that Dokie told them that any fighter found raping anyone would be shot. He stated that Dokie was clear on the issue of discipline. Huband testified that Dokie asked Huband if he wanted to address the fighters, but Huband declined.

The witness testified that he next went down to Tapita, where he met Elmer Johnson. He recalled that Johnson was introduced by Dokie or introduced himself, and that Huband was told that Johnson was overseeing the military operation based in Tapita. He described Johnson as tall, with glasses, and a clean-shaven chubby face. Huband stated that he later learned Johnson had made an attempt in the early 1980s to overthrow Samuel Doe, and in that attempt had lost an eye. Huband said he wore a false eye that was immediately noticeable.

Huband recalled that he chatted with Johnson on two occasions. He remembered that he did not have an immediate opportunity, because Johnson chatted with Dokie in the main square where an attempt was going on to empty the tank of a gas station was going on, because the fuel was needed. He stated that Johnson knew about the attack on the train and how Huband got there, so at first they exchanged a few words. Later, while spending the night in a Catholic mission in Tapita, Huband said, he and Johnson talked about Johnson's attempt to overthrow Doe in 1983 or 1984, and about the provenance and training of the NPFL.

The witness told the jury that he later learned the extent to which the NPFL had already trained in Libya, and about the involvement of Burkina Faso. He stated that at this point in the war there were rumors of Libya's involvement.

The next morning, Huband said, he witnessed a group of NPFL fighters singing a song to the tune of "O Susanna." The words had been adapted to "Going off to the battlefront, don't you cry for me."

Huband recalled that on his third night with the NPFL, he stayed in another small village, and ultimately returned to Gborplay. This was followed by a long formal interview with Taylor in Gborplay the next morning.

According to Huband, the accountant stated that as there was now "no job at the mine," he would join the NPFL. Huband recalled there was the opportunity for a private conversation between them, and he confirmed that the employee had not been pushed into joining. Huband recalled seeing him many months later, still with the NPFL.

Huband testified that he then crossed the river that separated Liberia from Ivory Coast, via a ferry on a rope. He thought Dokie was on the ferry too. On the other side, the witness said, he was met by Ivorian soldiers and a British embassy official, and was taken back to Abidjan. He believed his return to Ivory Coast to be on April 10 or 11. He noted that he is still friends with the editor who sent him on the train to the iron ore mine.

Huband testified that a few days later he received a phone call from a man who identified himself as Thomas Woewiyu. Huband recalled that he introduced himself as a "supporter of the NPFL," and that he told Huband he was calling from New Jersey. Huband said Woewiyu wanted to arrange a press conference with Charles Taylor in Liberia. The witness told Woewiyu that there were journalists in Abidjan who would be interested to come along to such a press conference.

The prosecution showed the witness a map, and Huband identified the railroad on which the train was attacked, and the road along which he walked with the armed group.

Huband testified that overall, he had two or three calls with Woewiyu, with about three days in between each one. He recalled discussing with Woewiyu who Huband should liaise with in the north west of Ivory Coast to plan the crossing into Liberia. He stated that Woewiyu gave Huband a name and phone number to contact directly.

Huband recalled eight or nine journalists besides himself traveling to the Liberian press conference from Abidjan. He stated that they traveled to Danané, a town close to the Liberian border, to the house of the person with whom Huband had arranged their travel. They drove to an isolated part of the border. Huband explained that the border was shut and the Ivorian government was "sensitive about the situation," so they did not want to be seen helping journalists get into Liberia. Huband recalled driving to a field and then wading across the river to reach Liberia.

A minibus was waiting to take the group to Tapita, which Huband stated was much the same as before, although possibly with fewer armed people. He recalled learning the battlefield had moved south. He testified that the group was taken to the same Baptist mission he stayed in before, which had a radio station attached. He identified the mission as the location of the Taylor press conference.

Huband remembered passing Dokie on the road, and said that when he waved, Dokie did not acknowledge him. He did not know if Dokie was at the press conference, and thought that Woewiyu was not there either. He remembered Taylor was the focus, and that his wife Agnes was with him.

The journalists stayed in Tapita that night, Huband said, and the following day went to a small village about 25 minutes south, before returning to Tapita. The witness recalled having brief contact with Elmer Johnson beside a road; when Huband asked how everything was going, Johnson told him it was "all going very well."

The witness testified that he returned to Liberia in late May or early June 1990. Huband said that before the press conference, *The Guardian* newspaper had asked him if he would like to go back, as the newspaper wanted more coverage of the war. Huband explained that *The Guardian* is a more general paper and was more interested than the *FT* in the types of news Huband wanted to cover.

According to Huband, by the time he returned, it was clear that Liberia was in the midst of a full-scale war. He crossed the river to Tapita, he said, and headed to Buchanan. He recalled that by then the port city of Buchanan had been seized by the NPFL from the government, and Huband said there were more checkpoints to pass through when traveling

Huband described the checkpoints as usually "a challenge" and "quite fraught." He said this was one of the few places younger fighters would interact with "outsiders," as there was no business travel and the AFL had already committed atrocities and left. He described the young fighters as "suspicious" of "people like me" or other "outsiders." He testified that he sensed there was much drinking going on at these checkpoints, as well as the "smoking of stuff," although he did not see it

Huband characterized the atmosphere of checkpoints as tense and aggressive. He said that although no journalists were killed in that period, one never knew how a checkpoint crossing would go. He recalled older people who manned checkpoints having shot guns, and younger people having AK-47s. He stated that as the war progressed, those manning the checkpoints got younger and younger, and said that he thought this was because they were left behind while the older men went to fight.

The witness recalled seeing dead bodies on the same visit to Liberia where he attended Taylor's press conference. He said that because the group of journalists wanted to "see more," there were able to go south of Tapita. He recalled some of the journalists with him as from Agence-France Press, the *New York Times*, the Associated Press, Reuters, and the BBC. He told the jury that international journalists wanted to be able to write about as much as possible, so they moved closer to the fighting and saw horrible signs of combat in the village south of Tapita. He specifically recalled seeing 20 to 30 bodies piled up and dumped behind a hut, and described them as "clearly civilian," including women in civilian clothes and children.

When Huband went back to Liberia in May or June 1990 to report what was then taking place, he was taken all the way south to Buchanan through checkpoints. He told the jury Buchanan had just been taken by the NPFL, and the trip was a "real eye-opener" because of the behavior of the NPFL. He described the NPFL as a civilian army run by a corps of people with military training in Libya, and said there was a variety of discipline already, but that what was striking about Buchanan was that it had been ransacked by the NPFL.

Huband testified that he had not seen such behavior before in the NPFL conquering of a large town. He described the streets strewn with debris, and shops clearly broken into. He said the shopkeepers were still there, very worried about themselves and their businesses. He particularly remembered that the Lebanese shopkeepers were terrified about what would happen to them and their property. Huband characterized the "immediately apparent" atmosphere as "very tense."

Huband stated that he was given rooms in a deserted part of the iron ore company's large residential compound in Buchanan. He stated that the expat employees had left the country, and the Liberian employees had fled.

He told the jury that he stayed in Buchanan for three or four days, during which he had contract with Dokie several times. He recalled Dokie coming to reassure the Lebanese businesspeople while Huband was visiting them, reassuring them that they were not the enemy of the NPFL, and instead were considered friends of Liberia. However, Huband recalled Dokie issuing a "veiled threat" to the Lebanese, telling them that if they left the country, it would be difficult to return. Huband stated that Dokie left an official note to the NPFL fighters on the door of a Lebanese businessperson, telling the NPFL fighters not to harm the house's inhabitants; the next day, Huband said, the NPFL fighters ripped it off the door. Huband reiterated that he was struck by how the NPFL's discipline was becoming a "real issue," and said there was a "change in tone" from his earliest dealings with them.

Huband testified to the NPFL's hierarchy. He said that Taylor was at its head, and told the jury that there was a strong sense of the NPFL's military structure based on its training of soldiers, parades, and its dispatching of people to other places. The witness confirmed that he saw soldiers dispatched from place to place himself.

While Huband was in Buchanan, he said, “it emerged that the NPFL had lost track of Elmer Johnson.” Huband recalled that Johnson was referred to as having been in Buchanan, but that Dokie was now “clearly anxious” about not knowing where he was. The witness felt he could ask Dokie about his anxiety, given that they had met a number of times.

Huband recalled that when he was being driven in a car with Dokie from Buchanan to Roberts International Airport, they saw a blue pickup beside the road that had been attacked. Johnson’s body was found next to it. Huband testified that Dokie was very upset and shocked, even subdued; Huband said there were no tears, just silence. Dokie referred to Johnson as something like a hero, if not in those precise words, and Dokie emphasized his own relationship with Johnson. Huband explained that Dokie and Johnson both joined Taylor in January 1990, and their bond was cemented then.

The witness testified that he returned to Buchanan, and the following day he and the other journalists received a note saying that they were invited to Johnson’s burial. He thought this was June 7, and said the burial was to be at the LAC rubber plantation at 10:00a.m.; the journalists received the note after 10:00a.m., too late to attend the funeral. Later that day they learned their presence was again requested at the LAC plantation, about 25 minutes from Buchanan. Huband told the jury that “LAC” was the Liberian Agricultural Company.

Huband recalled that it was getting dark when the journalists set off from Buchanan, having been told they would meet with Charles Taylor at LAC that evening. He described the situation as in Buchanan as “strange,” and stated that there was shooting early on that day. Huband said that the area was meant to be under NPFL control, but when he asked there was shooting, he did not get an answer. He described a “sense of uncertainty.”

Huband recalled that the journey to LAC was tense. He testified that he passed through two checkpoints to get to LAC. The first was “not too bad,” but at the second, there was a lot of shouting. He remembered the second checkpoint was manned by 13- or 14-year-olds, all armed with AK-47s, who demanded identification. Huband told the jury that when the checkpoints were like that, they were “unnerving.” He said that in this case, the atmosphere was added to because it was dark and raining heavily, so that the people manning the checkpoint could not see into vehicles easily. He thought the checkpoint might have been lit by a paraffin lamp.

Huband stated that although the LAC plantation was mostly covered in rubber trees, there were some residential properties. He recalled that on arriving at LAC, he and the other journalists went to a bungalow on the edge of an open area that he thought might have been a golf course. Inside, it was gloomy, although Charles Taylor was visible. Huband described the room as simple, just a settee and chairs and maybe a picture on the wall. He stated that one or two people were standing, and the rest were sitting. He recalled that Dokie was present in civilian clothes, to the left of the settee where Taylor was sitting. Taylor was not in military clothes; Huband stated that he never saw Taylor in military clothes.

The witness said he asked Taylor about Johnson, and recalled that Taylor replied, “Elmer Johnson was not my special military advisor. He was just assigned one battalion of the NPFL.”

Huband testified that Taylor was not alone on the settee. Woewiyu sat with him, in military fatigues and a hat. The witness recalled that Woewiyu had an AK-47 between his legs.

Huband recalled that his questions focused on Jonson initially, because he wanted a sense of what effect Johnson's death had on Taylor. After asking his questions and receiving Taylor's response disclaiming Johnson's status, Taylor talked to the journalists about the way they were reporting. Huband explained that there was a delay in how quickly Taylor could read what Huband and the others wrote, as he did not have a satellite phone. He recalled Taylor saying, "You're lucky there's a free press here." Huband believed Taylor was displeased with the press coverage of the ransacking of Buchanan.

Huband testified that he saw Woewiyu again during the region's first attempt to organize peace talks in Sierra Leone. He recalled the talks beginning June 12, 1990, and stated he therefore next saw Woewiyu on June 10 or 11.

Huband recalled returning to Buchanan after the June 7 meeting, and then going back to LAC the next day to see Dokie. When told Dokie was at Tapita, Huband said, he drove there with two CNN journalists who then went on to Ivory Coast. The witness stated that when he found Dokie in Tapita, he told Dokie he wanted to stay longer in Liberia, and the two drove on to Gborplay. He recalled that in Gborplay, Dokie had a brief conversation with Taylor, who wanted him to go to the peace talks in Sierra Leone.

In the same car, Huband and Dokie then drove the distance to Bong Mines, southwest of Gborplay in central Liberia. Huband explained that there were a number of expats at the mine and that most of them were German, so the German air force had agreed to evacuate them to Freetown, Sierra Leone. The NPFL delegation to the peace talks would travel in the same aircraft. Huband said the group travelled to Freetown in a C130 military aircraft. The witness recalled seeing Woewiyu taken to Freetown as a delegate, wearing a suit and tie.

The witness thought that in Freetown, there were four NPFL delegates. He recalled Dokie and Woewiyu by name, but not the others. He recalled going with them by helicopter shuttle from the Freetown airport to the other side of the bay. Huband testified that he understood Woewiyu to be the head of the four-person NPFL delegation. He told the jury that the key focus of the talks was that the NPFL wanted Samuel Doe to leave Liberia; he recalled that Doe himself had various conditions, and that the two sides could not reconcile so the talks collapsed by about June 15.

Huband noted that he might have been included on the list of NPFL delegates, in order to secure a spot on the plane. He confirmed that he acted as a journalist during the talks, and said the NPFL did not seek him out while there.

The witness testified that he next saw Woewiyu in March 1991 at the All Liberia Conference in the outskirts of Monrovia, where he saw Woewiyu again leading the NPFL delegation. Huband stated that by this time, the conflict had spilled over into Sierra Leone. He said that the NPFL was accused of giving facilities to those responsible for what was happening in Sierra Leone, and their reputation soured. Huband stated that the distrust between parties was cemented, and the peace talks collapsed.

Huband testified that when he had seen Woewiyu sat beside Taylor with an AK-47 between his legs, Woewiyu had been on Taylor's right.

On cross-examination, the witness confirmed that he first met the government agents and prosecutors in London in 2016, and again in 2018.

Huband confirmed that by the third time he went to Liberia, it would be fair to say a full-scale war was occurring. He confirmed that his impression of the NPFL in Buchanan differed from his previous impressions. He confirmed that it would be undisciplined of troops to rape anyone, as Dokie was commanding the troops not to do in April 1990 in Butuo. He confirmed that the behavior in Buchanan was the first time he had felt there was a lack of discipline, and that he had not seen that behavior before. Huband said that another sign of indiscipline was when the NPFL fighters ripped down Dokie's note on the Lebanese shop.

The witness confirmed that he saw Woewiyu on three occasions in Liberia: at the LAC plantation on the evening after Johnson was killed, in June 1990; when flying to peace talks in Sierra Leone on the German military aircraft; and in March of 1991 at the All Liberia Conference.

The witness stated that he later learned Johnson had trained as a U.S. soldier, and part of the United States invasion of Grenada in 1982. The witness stated that he did not know anything about Johnson's military skills, but that Johnson had experience that others did not.

Huband testified that Woewiyu "fumbled" with the AK-47 between his legs, and said that he did not look like someone who was highly skilled in handling guns.

On a brief re-direct examination, the witness confirmed that he did not live in Liberia, and stated that he took "long trips" there of one to two weeks. He explained that he traveled a lot to cover the West Africa region, returning "home" to Abidjan for perhaps a week out of a month. He stated that besides Liberia, he might also go to countries including Mali, Gabon, or Nigeria.

Huban confirmed that, as far as fumbling with an AK-47, it was an AK-47 that was between Woewiyu's legs.

Witness 17: Gerald Rose

The next witness for the prosecution, Gerald Rose, told the jury he arrived in Philadelphia by train, and stated that his ticket was paid for by the United States Attorney's office. He stated that his hotel and per diem expenses were also covered.

The witness testified that he served in the U.S. Army for 25 years, beginning as an enlisted man and ending as a Colonel in the Joint Chiefs of Staff. He stated that he served in Vietnam, Korea, and throughout the United States. He described his military education at the Command and General Staff School, and also at the Army War College. He described being detailed from the Joint Chiefs to a short posting in the Department of State, and said that a year later he was invited "by Dr. Kissinger's people" to apply for a job there; he then served 17 years in the State Department, beginning in 1977.

The witness stated that he began his State Department career as the Executive Director of the Department of Medical Services, and then went on to five overseas postings. These postings were in Kinshasa, in what was then Zaire; Pretoria, South Africa; Lagos, Nigeria; Khartoum, Sudan; and lastly in Monrovia as the Deputy Chief of Mission. He stated that he held this last post from

August of 1991 until the end of September, 1993. He described the Deputy Chief of Mission as the "alter ego" or "number two" for the ambassador, and said that the United States did not officially recognize the then-government of Liberia, so the ambassador at the time was called the "Chief of Mission."

According to Rose, the government when he arrived in Liberia was IGNU, the Interim Government for National Unity. He described the situation prior to his departure for Monrovia as including a defensive perimeter by ECOMOG around Monrovia, a state of affairs which had continued for almost two years by that point. The witness confirmed that Charles Taylor was the leader of the NPFL, and that he controlled all the other territory in Monrovia.

Prior to Rose taking up his post, he said he had a "read-in" period of three or four weeks in which to read as much as possible about his new post, and meet as many people as possible. He told the jury he had a lunch with Woewiyu very early in the reading period, and that he understood Woewiyu to be the Minister of Defense and the spokesperson for the NPFL. Woewiyu told Rose about the goals and aspirations of the NPFL. Rose noted that Woewiyu "impressed him very much" because he was so articulate and well-educated. However, Rose noted that he was also glib, and that he reminded Rose of a car salesman.

Rose said that Woewiyu was "selling" the mission of the NPFL, and that he did a good job. According to Rose, the NPFL's mission was to assume power over the government, remove the corrupt Doe government, and establish a better form of government, although he noted the NPFL did not say who would run it.

The witness said that after he arrived in Monrovia, there was an interregnum of "no peace, no war" with ECOMOG. He testified that in this time, he met three times with Charles Taylor at Taylor's headquarters in Gbarnga, and said he also attended a ceremony in an auditorium upcountry with Taylor's wife. He described the process of arranging these meetings by radio, calling them "always pre-arranged" between the embassy and Taylor's people. He noted that during this interregnum period, the NPFL seized additional territory near the border with Sierra Leone.

Rose testified that he would go from Monrovia to Gbarnga to meet with Taylor, and that this was a significant distance passing through both ECOMOG and NPFL checkpoints. He said that at the ECOMOG checkpoint, they knew his car and his American flag, and everything was convenient. He testified that about a half mile onward was the first NPFL checkpoints, where there was a little more hassle. He testified that there would then be an additional one to three checkpoints manned by the SBU, which were "more problematic." He confirmed that "SBU" meant "Small Boys Unit."

Rose described these SBU checkpoints as always manned by young boy fighters. He told the jury that the young boy fighters were "not soldiers," so he declined to use the word "soldiers" for the boys. He noted the boys were often drugged, and that it was difficult to judge how they might react when he came through the checkpoint. He characterized the experience as "unpleasant." The witness testified that the SBU boys manning checkpoints ranged in age from about eight to 14 or 15 years old.

The witness described one "very problematic" exchange that he experienced at an ad hoc checkpoint. He stated that usually, he did not have to get out of the car; however, at this checkpoint, he was forced out by a rude boy armed with an AK-47. The witness described him as demanding, and said he shoved the AK-47 against the witness's body. Rose said that the boy was very angry. Rose testified that he told the boy he had an appointment with the boy's "big boss" Taylor; he told the boy it would be "bad for him" if Rose did not get to the big boss on time. Rose said this boy was 10 or 11, and knew who Taylor was and who the "big boss" was.

Charles Taylor's headquarters in Gbarnga were in a large building on a rise, the witness said. It had two perimeters, one outer and one inner, both manned by the SBU.

The witness recalled that his first meeting with Taylor was a "greeting meeting" to allow the men to get to know each other, as Rose was the primary interlocutor with Taylor at the time. He stated that the meeting lasted about 25 minutes, and that he was left with an "extraordinary impression" of Taylor's articulation, poise, charisma, and confidence. The witness noted these characteristics were also important to Woewiyu.

Rose stated that "the problem with what Taylor and Woewiyu were selling" was that Rose already knew Taylor was a fugitive. Rose told the jury that Taylor absconded with $1 million from Liberia to the United States, and was awaiting extradition in the U.S. when he escaped and returned to Liberia. Rose said this was sometime in the 1970s, when one of the most hated enemies of the U.S. was Muammar Gaddafi of Libya, who later trained and financed Taylor's fighters. "This told me that what Taylor and Woewiyu said was not true," Rose stated.

The witness testified that from his arrival until October 1992, there was little conflict. He characterized what fighting occurred in that period as "military exercises."

Taylor did not discuss ECOMOG much with Rose, according to the witness. Their basic discussions were about Taylor, or about Taylor and the United States. Rose recalled that while he was the Deputy Chief of Mission, Senegalese peacekeepers serving with ECOMOG were kidnapped by the NPFL. He recalled that he contacted Taylor's people on the radio, and made a strong plea to the NPFL to release the Senegalese peacekeepers, and told the NPFL that it would be in the NPFL's best interest to release them. Rose recalled that when the kidnapped soldiers were released, the Senegalese peacekeepers withdrew from ECOMOG. Rose testified that based on his conversations with Taylor, the NPFL viewed ECOMOG as its "mortal enemy," and felt that ECOMOG had stopped the NPFL from the 1989 dream of seizing Monrovia.

Rose testified that he was in Monrovia during Operation Octopus. He told the jury that he first became aware something was going on early in the morning, when he received a phone call from a Marine security guard, telling him that "all hell had broken loose" and the Ambassador was coming to the embassy. Rose could hear artillery fire, he said. He drove the quarter mile to the embassy through an ECOMOG checkpoint, and reported to the State Department that the conflict had resumed in a strong manner. According to Rose, he did not experience being attacked by artillery rounds in Liberia prior to Octopus. Rose said that a mortar round that landed in the residential area did no damage.

Rose testified that the artillery fire was coming from the NPFL-occupied area of Monrovia. He said the high point of intensity was in the first here days of the offensive, after which the lines

were stagnant for three weeks. He said that ECOMOG then drove the NPFL back at least as far as the original lines and in some cases further, after which he could move around a significant distance inside the perimeter.

Rose confirmed that the NPFL got "very close" to capturing Monrovia, getting as far as Bushrod Island in the main avenue of attack, two miles from downtown Monrovia. He told the jury that the NPFL was repulsed at the Nigerian ECOMOG headquarters, where the commander rallied his forces and made a counter-attack, pushing the NPFL out of the overrun Nigerian compound and halting their advance.

Rose specifically confirmed that the NPFL had command and control over its military forces. He said that although it was not the same as the command and control within the U.S. Army, it was "really quite effective." He described the NPFL as having radio contract with all or virtually all units, and said that pictures of the SBU normally show children carrying radios as well as AK-47s. He stated that Taylor obviously set the overall goals or aims of the NPFL, but Rose described how the NPFL also had ministries to conduct the affairs of implementing Taylor's guidelines.

The witness confirmed that he knew the five humanitarian aid workers who were killed during Operation Octopus, and who were suspected of collaborating with ECOMOG and who were killed because of it. He stated that he met them after his arrival in Liberia, and continued to meet with them in a social context. He said that he saw them at the embassy every Friday.

On cross-examination, Rose confirmed that he first met Woewiyu in the United States. Rose described Woewiyu contacting the State Department's Bureau of African Affairs, and said that the Liberia Desk Officer briefed Rose as to who Woewiyu was, and arranged for a lunch meeting in Roslyn, Virginia.

Rose did not remember another meeting with Woewiyu. Rose did not remember talking to Woewiyu again. Rose agreed that it was fair to say he dealt with Taylor directly, or with J.T. Richardson. Rose confirmed that he never met Woewiyu in Liberia.

Rose stated that the "interregnum" was "not full-scale fighting," and said it continued until Operation Octopus began on October 15, 1992. He confirmed that during that period, there was relative calm in Monrovia, with everyday business going on. He did not know if the calm pervaded the rest of the country, because that was NPGL terrain. He stated that he traveled to NPFL terrain when he visited Taylor in Gbarnga, and also on a trip to the Firestone plantation, which was in NPFL territory at the time. Rose stated that he went to Firestone to meet General Domingo of the NPFL. He stated that on that visit, he was accompanied by an American employee of the Firestone plantation.

Rose testified that he did not know with whom he spoke by radio about the kidnapped Senegalese troops. He stated he did not know if it was "cause and effect" that the troops were released after he spoke with the NPFL about them on the radio.

On re-direct, the witness confirmed the name of the Liberian Desk Officer at the State Department. Rose could not recall if a large group of Senegalese peacekeepers was taken captive by the NPFL and killed.

Witness 18: "F"

The government's next witness testified that he was born in Lofa County in Northern Liberia, and lived there for half his life before coming to the United States in 2000. He told the jury that he graduated from high school in Liberia, from college in Canada in 1997, and then from the University of Phoenix.

The witness testified that he was in Liberia during the Liberian First Civil War, and that he listened to the radio every afternoon of the war. F testified that he was "very familiar" with two voices he heard on the BBC program "Focus on Africa:" Charles Taylor, "leader of the revolution;" and Thomas Woewiyu, "spokesperson of the NPFL." He stated that Woewiyu caught his attention when the witness heard him say on the radio, "The only good Krahn man is a dead Krahn man."

F recalled seeing Woewiyu later in the war in approximately 1994, when F was working for the Salvation Army. He described seeing Woewiyu at the Mount Barclay checkpoint while the witness was passing though the checkpoint in the course of fulfilling his duties. He noted being afraid at the checkpoint; a Nigerian contingent of ECOMOG was there, and Woewiyu's bodyguards began "taking positions." F remembered the ECOMOG soldiers saying that his group had to leave. F also recalled that Woewiyu had about 15 bodyguards, three of whom were in their early twenties, and the rest of whom were between the ages of 8-14 years old. F confirmed that they were all "fully armed to the teeth."

F stated that he then saw Woewiyu a few months later in Kakata, again while the witness was carrying out his Salvation Army duties. He believed that this was in June 1994. He said he saw the same children from the SBU or Special Forces acting as Woewiyu's bodyguards whom he had seen previously with Woewiyu at Mount Barclay. F testified that in Kakata, Woewiyu was standing between two vehicles at the police station in the middle of town. He was fueling from an ECOMOG tank to his own vehicle, and talking to an ECOMOG commander there. F jumped in his jeep and left.

The third time the witness saw Woewiyu was in May 1995, when Woewiyu was in the camp, and the witness saw the NPFL "going all over the place." F testified that he drove to Harbel and parked his car in the middle of the street at the Cotton Tree checkpoint. The witness saw the ECOMOG commander, Woewiyu, and J.T. Richardson standing in the street shouting. He noted that the children there could barely half-open their eyes. The witness stated that they were armed and had been taking drugs. The witness identified Woewiyu in a photograph.

On cross-examination, the witness confirmed that the first time he saw Woewiyu was in March 1994. He stated that he did not follow who was then the interim president, but that he knew Taylor still had his NPFL soldiers. He stated that if he were right, Taylor did not come to Monrovia to be president until September 1995, but that he was not sure about that fact.

The witness confirmed that the first time he saw Woewiyu, Woewiyu was talking to an ECOMOG captain, but was not fighting ECOMOG. The armed child soldiers were not fighting ECOMOG either. The witness confirmed that the second time he saw Woewiyu, at the police station in Kakata, Woewiyu was again talking to ECOMOG but not fighting. The witness testified that he observed the discussion for 10-15 minutes.

F stated that he knew that in 1994, Woewiyu was part of the NPFL-CRC. He looked at a photograph of leaders of factions, and recognized Boley of the LPC; the AFL Chief of Staff; Roosevelt Johnson, who broke away with others of the Krahn ethnic group, and was part of ULIMO-J.

F confirmed that the child soldiers he saw at the checkpoint at Cotton Tree were intimidating, and that he was nervous at the time. He confirmed that they did not shoot at him or strike him, but they did keep their guns pointed, saying, "Do not get too close to Woewiyu."

On re-direct, the witness agreed that all the leaders in the photograph of the factions were members of fighting groups. He testified that Woewiyu was the "number two man in the NPFL." He said that he knew all the factions fought separately and distinctly, but stated he did not follow the political aspect of the coalition against Taylor.

Witness 19: Gregory Stemn

The government's last witness for the afternoon was the Liberian photojournalist Gregory Stemn. He stated that he was from Bushrod Island in Liberia, and identified himself as a member of the Kru ethnic group. He stated that he completed high school in Liberia, before beginning to study at the University of Liberia, where he could not finish because of the war. He said he later studied photojournalism in New York.

Stemn told the jury that he was a member of the Press Club in high school, and began to work at what was then the only independent newspaper in Liberia as a "cub reporter." He said that he loved sports and so began as a sports photographer, but then his boss could not be present at a political photography assignment, so sent Stemn to the Executive Mansion in his place. The editor then told Stemn to stay in that role. Stemn was the political photographer for the *Daily Observer* from 1986-1990. The witness identified a photograph he took at the Executive Mansion, just before Doe's election, showing Doe receiving a copy of the Liberian Constitution from Dr. Amos Sawyer.

Stemn testified that while Doe was the president, the city had electricity, not 100%, but enough to walk between streets and go into any corner of Monrovia at night without fear. He acknowledged that Doe built the roads, including the one to the Sierra Leone border, and said Doe maintained the roads as well. He said there was running water in the period before Doe's overthrow. He then testified that in the present day, after the war, Liberia is still struggling with its electricity and water, and said the roads upcountry are very bad.

Stemn confirmed that he was not a supporter of Doe, and told the jury that he suffered as an independent journalist under Doe. He stated that the freedom of speech was not supported in that era, and said that the *Daily Observer* offices were burned down, and its workers were arrested.

Stemn testified that he first saw the effects of the war when he was assigned to go to Nimba County, and had the opportunity to go in with the Red Cross to see displaced people. There were two reporters with him from the same newspaper.

According to Stemn, Taylor was a major player in Doe's government. He was appointed as the Director General of the General Services Administration by Doe, and also served as Deputy Minister of Commerce; Stemn observed him once while he held that role. The witness was shown and recognized photograph he took of Charles Taylor and Prince Johnson.

The witness confirmed that he was not present at the first interfaith-organized peace talk at the U.S. embassy in Sierra Leone, but that he did attend the second meeting. He took a taxi to Sierra Leone, but then the meeting did not happen, and Stemn had a very difficult time returning. He described people crossing from Liberia to Sierra Leone, and said it took a long time to enter Liberia. He described the meeting in Sierra Leone as between groups of Krahns and Mandingos, who joined ULIMO factions; he noted that at the border, the people he would see most often trying to flee were Krahns or former government officials. Many told him not to go back to Liberia.

The witness stated that he observed mainly AFL checkpoints at this time, and said the NPFL checkpoints were on "the other side." At some of these NPFL checkpoints, Stemn saw bodies decomposing on the road.

When Stemn was living on Bushrod Island in Monrovia, he would make his way to the center of town with a camera. He described crossing the bridge over the river between Monrovia and Bushrod Island. He said the *Daily Observer* office closed because of the war, and that although some of his colleagues left the country, he stayed on as a freelancer. He said that he occasionally helped Elizabeth Blunt and other foreign journalists, and he also produced the *Torchlight Newspaper*.

Stemn testified that at the time of Samuel Doe's death in September 1990, the war was "very intense." The NPFL controlled a large section of Liberia, he said, and the center of Monrovia was controlled by the AFL, and Bushrod Island by Prince Johnson and the INPFL. He stated that the NPFL controlled Lofa County, Gbarnga, and Cape Mount.

Stemn stated that he went into NPFL territory two times before Doe was killed, and that he passed through "terrifying" checkpoints. He saw human skulls and intestines in the middle of the road like a basket. He testified that most of the fighters at the checkpoints where child soldiers, and that most people regarded them as more quick to kill. He confirmed that he came into contact with them because he took many pictures of them, and said their age range was from 9-15, and that they were well-armed. Stemn said he was frightened of the child soldiers because they could shoot at any time; their eyes were red like they were on drugs. He said that the child soldiers asked who you were and where you were from, and whether you had a pass. "They looked at you like the enemy," or a spy, because you were from a different area, he said.

Stemn testified that he saw a man "taken from the line" because he was Krahn. Although he did not see what happened to the man, he heard shots. He stated that when a journalist covers a story, he cannot interfere.

Stemn testified that he was familiar with ECOMOG. He recognized a photo he took of a rescue mission by ECOMOG, and pointed out the camouflage uniforms and white helmets of the ECOMOG soldiers in the photograph as typical of their dress at that time. He stated that the ECOMOG soldiers arrived in Liberia under heavy fire, by ship, landing in August at Freeport in

Monrovia. He observed this from Bushrod Island. The witness identified a photograph of the peacekeepers arriving by boat.

The witness recognized a photograph he took of a child soldier in 1990 at a checkpoint near Harbel and the Firestone plantation, where fighters were assembled. He testified that the child was part of the NPFL, and stressed that the NPFL was the "biggest fighting force" of the war. He recalled taking the photograph at a general muster that brought all the NPFL troops together.

Stemn testified that he recalled September 9, 1990, as the date Doe was captured at Freeport in Monrovia by Prince Johnson and the INPFL. According to Stemn, he saw unedited videotape of what happened to Doe, shot by a radio station president in Monrovia. He testified that the tape showed Prince Johnson's men torturing Doe, and Prince Johnson being fed by a woman and drinking a Budweiser. Stemn testified that Doe begged for mercy as a soldier stood on Doe's shoulders and cut off his ears. Stemn said that Doe begged for his life, saying, "You have won the battle, let bygones be bygones," but Prince Johnson responded, "I told you one day I will fuck you up."

Stemn testified that on September 10, 1990, he saw Doe's body at a clinic in Bushrod Island where it lay on display. To enter the clinic, he told the jury, everyone had to lift their hands to surrender. He stated that the soldiers there knew him from the newspaper, so they let him in. He testified that he took a photograph of the body, and described Doe's head as "scraped off," and said his ears and toes were cut off, as were a portion of his fingers, hands, and penis. He stated that some men there were putting their pistols on Doe's penis and taking photographs.

According to Stemn, the war intensified after Doe was killed, because every fighting force wanted their own territory. He confirmed that child soldiers were still used in 1991, and identified a photograph he took of a child soldier at the Mount Barclay checkpoint in 1991. He said this was at the NPFL checkpoint in the "buffer zone."

Stemn described "confidence building" between ECOMOG on one side and the NPFL on the other. He said the purpose was to allow peacekeepers to deploy inside NPFL territory, to allow the people there to have confidence in them, and confidence in free movement and that peace was coming. He stated that each such visit involved NPFL officials getting in touch with ECOMOG. He recognized a photograph he took at one such event where Woewiyu spoke. The witness identified Woewiyu as the Defense Spokesperson, but confirmed he also knew Woewiyu was the Minister of Defense of the NPFL. He noted that the "confidence building" event photograph showed Woewiyu greeting an American official from the U.S. Embassy, but Stemn did not know the American's name. Stemn stated that the fighting did not stop despite the confidence building,

Stemn recalled the six Senegalese ECOMOG soldiers killed and buried in the heart of Lofa County. He said the Senegalese ECOMOG troops were "sponsored" by the U.S., and that after the negotiations to get their bodies back, their bodies had to be exhumed.

Stemn described going to NPFL territory and needing a pass and permission to do so. He stated that most of the media coverage was concentrated in Monrovia.

After Doe's death, Stemn said, most of the NPFL fighters he saw looked frightening. He testified that the way they dressed made him afraid, with the men wearing wigs and women's clothes, and that they were all armed. He said he went through checkpoints during this time, and said they were the most frightening of all, because they were decorated with human skulls and decomposing bodies. He confirmed that the checkpoint guards still asked the same questions, like "Where are you going?"

The witness recognized a photograph of Martina Johnson, and identified her as a frontline commander during Operation Octopus. The witness did not know her unit's name, but stated that she commanded artillery. Stemn stated that he took the photograph during a disarmament, when the truck Martina Johnson was in was moved into Lofa County. He testified that he saw the artillery truck once before, looking across the bridge from Bushrod Island to where it used to launch.

"Octopus was the first time I was really displaced," the witness said. He had to move because of the fighting and the heavy fire at Bushrod Island. Stemn stated that actual combat went on at this time, as the NPFL came through Mount Coffee and the water tower area and attacked the INPFL. He said the fighting was very heavy at night and into the morning, and ECOMOG had to withdraw. Many people were displaced.

Stemn stated that the peacekeepers did not know the area well, but that they were joined by a Special Forces group trained under the interim government; that group helped calm the area. He testified that the NPFL was pushed back to its base, and that the INPFL was overrun all the way back, such that Prince Johnson took cover with ECOMOG.

Stemn testified that J. T. Richardson was the commander in charge of Octopus, and was the architect on which the operation rested.

After two or three days, Stemn said, he was able to venture out from the high school to which he was displaced, and return home with his family. According to Stemn, the peacekeepers said it would be good to return home, in case of looting. He confirmed that the fighting did not continue in central Monrovia, but said that it was intense and that the peacekeepers used this opportunity to drive the NPFL back to their base.

The witness recognized other photographs he took of child soldiers with the NPFL and ECOMOG, including another at Mount Barclay.

After Octopus, the conflict continued, Stemn said. He characterized 1993 as "skirmishes," and 1994 as a ceasefire that was mostly holding but "not 100%." He recognized a photograph he took at Roberts International Airport of Koko Dennis – later, "General One Foot," called that because of his limp – and one of the arrival of representatives of the U.N. Secretary General and U.N.D.P., and then one of the Chief of Staff of the interim government.

Stemn confirmed that he attended most of the peace conferences, and he identified a photo he took at one in the Ivory Coast. He recognized the Security Services head for the interim government, Taylor, Woewiyu, Sawyer (the Interim President), and a protocol coordinator for the Ivory Coast government. He stated that the photograph was taken as the delegates were leaving the hall. Stemn was also shown a photograph in which he recognized Grace Minor, now a

Senator of Montserrado County. Stemn recognized another photograph he took, identifying Taylor; Woewiyu, who he thought might then be the Labor Minister; Minor; and Gus Kouwenhoven.

According to Stemn, he went to the site of a peace conference four times, and the agreement was always signed and broken. He stated that he also went to Geneva for another meeting hosted between Taylor and the interim government. The witness recognized a photograph he took in Geneva, of Woewiyu the "defense spokesperson" with two others: Brownie Samukai, the Chief of Police of the interim government; and Philip Banks, the Minister of Justice for the interim government. He did not know the year it was taken, although he knew it was during the conference in Geneva.

The witness described a conference in Abuja, Nigeria, which brought Taylor to Monrovia. He explained that various unity conferences had occurred, including the first time faction leaders met to talk peace on their own soil. He was shown a photograph, and identified it as Woewiyu being greeted by the leader of ECOMOG at the All Liberia Conference. The witness confirmed that Woewiyu represented the NPFL at these conferences. Stemn was then shown another photograph and recognized it as the NPFL delegation to the conference, which included Woewiyu and the legal counsel for the NPFL. The witness identified another photograph that showed Woewiyu and other delegates leaving the conference hall after the day's meetings.

Stemn testified that after the unity conference, the fighting subsided but that it did not stop. He stated that it continued after Taylor was elected.

The witness was shown a photograph of a group of faction leaders. He identified Woewiyu and Dokie of the NPFL; Francois Massaquoi, of the Lofa Defense Force; George Boley, of the Liberia Peace Council; the head of the AFL; and Roosevelt Johnson. He stated that these men formed a coalition together but were later afraid when Dokie was killed that Taylor would hunt them. The witness cannot describe if they actually fought together. He identified "Woewiyu and others" as the head of the CRC, but stated that he did not know if CRC members used weapons, and said that he knew they fought politically while other groups were still fighting.

Stemn confirmed that he knows James Fasuekoi, and said he was a colleague.

On cross-examination, the witness testified that many of his photographs are available in a book, and that his archives are also available. He did not know how many pictures he took in Liberia, or whether the photographs were used in the TRC. He did not remember giving an interview to the *Daily Maverick* about the TRC using his photographs. He explained that he makes his photographs available to anyone who asks, so long as they credit him. He stated his belief that "they should be published for people to see what happened."

The witness did not know if his photographs were used in the immigration trial against Boley held in New York in 2010. He did not know how many photographs of Boley he took.

Trial will resume tomorrow with the continued cross-examination of Gregory Stemn.

June 21, 2018 – Day 7: Ethnic persecution testimony

Witness 19: Gregory Stemn, Continued

Trial continued Wednesday morning with the cross-examination of Gregory Stemn, the Liberian photojournalist who founded the *Torchlight* newspaper during the war.

The witness testified that while he was a photojournalist in Liberia, he had his camera with him most of the time. He stated that he took numerous pictures during the war, and that the library of his photographs is available on his personal website. He testified that these pictures are not for sale; if anyone asks to use them, he grants access. He confirmed that he shared them with government prosecutors.

The witness confirmed that in one of the photographs of six faction leaders that he was shown yesterday, Woewiyu appears alongside three members of the Krahn tribe.

On a brief re-direct examination, the witness confirmed that his photographs are widely available in a book he published seven years ago, available on Amazon for anyone who wants to buy it.

Witness 20: "B"

The prosecution's next witness, B, testified that he was born in Monrovia, Montserrado County, but spent much of his childhood in Zwedruh in Grand Gedeh County; he stayed in Grand Gedeh until 1983. The witness stated that he has 12 siblings.

B went to elementary school in Grand Gedeh County, before moving to Kakata in Margibi County to attend a boarding high school. While there, he played football (soccer), including with a teammate who went on to "notoriety in Liberia" for his football abilities. B graduated from high school in 1988, and went on to the University of Liberia, where he studied chemistry and biology. He testified that his studies were interrupted by the war. The witness stated that he is now a citizen of the United States, working as a financial analyst.

The witness identified himself as a member of the Krahn ethnic group, and explained that his father was a Krahn and his mother a Grebo. He stated that he was familiar with the language and customs of both tribes.

B testified that he first heard of the war on December 24, 1989, while en route to Monrovia from Nimba County. He was traveling by bus with his local football team. On the way to Monrovia, he said, the bus driver fell asleep at the wheel and overran a checkpoint manned by Armed Forces of Liberia (AFL) soldiers. B stated that there were about 60 people on the bus, and none were injured.

According to B, when the bus ran the checkpoint, it was stopped at gunpoint and the passengers were detained there. He confirmed this was an unusual reaction to persons going through an AFL checkpoint. B stated that normally the AFL soldiers at checkpoints had arms and guns, but that night there were more people at the checkpoint than usual, and the checkpoint was more active than usual. He testified that the soldiers told his group that there was a possible rebel attack

pending, and the soldiers were debating whether his group were rebels who were disguised. The group was detained at the checkpoint overnight.

The witness described the following day, when his team had to prove that they were a legitimate team and not rebels in disguise. He said that a call was made to the Superintendent of Margibi County, who verified that they were a true team from Margibi, so the bus was allowed to leave and the team went back to Kakata. B told the jury that he did not stay in Kakata long, because of his experience at the checkpoint, and that he went back to Monrovia to his family.

B said that he returned to Kakata on May 26, his school's "Gala Day" celebrating its anniversary. He testified that on arriving in Kakata as an alumnus looking forward to festive activities, he instead observed women and children running "helter-skelter," and described the whole town as "amok." The witness said that he started to hear gunfire from the north, from the borderlands region toward Gbarnga; he said that everyone knew that serious fighting was coming and they had to escape. The witness stated that he left in what was "probably the last possible taxi" in Kakata.

At the time, B said, he was living in Monrovia with his family; his parents and his siblings were together in the house. They lived in the neighborhood of Caldwell, which he described as more or less middle class. The neighborhood was made up of government officials and working families, and he characterized it as "very quiet and peaceful." B told the jury that the neighborhood was ethnically mixed, with almost every tribe represented, and that everyone got along very well.

According to B, shortly after May 26, his family woke to find that almost their entire compound was empty and that most of their neighbors had left. He stated that those left were a few families from the Krahn tribe, and a Pakistani family that lived a few yards away from his own house. He said that he did not know then why everyone had left, but there had been chatter of the war coming. The war was already in Kakata, which is only 45 miles from Kakata to Monrovia.

The witness stated that he later found out about a flyer that appeared in his neighborhood, saying that people that had to leave the compound because it was going to be used as base. He was told that the flyer stated if someone was a Krahn or from another targeted group, they would be killed. He testified that his family did not receive the flyer. B told the jury that everyone became afraid, and had to make a decision for safety; the boys slept at their own house, and because one of his sisters was a classmate of a Pakistani girl, his sisters slept at the Pakistani family's house for a few days.

According to B, a neighbor decided to move his children to the neighbor's farm in Grand Cape Mount County; the neighbor was the Director of the Cabinet of Doe's government at the time. B stated that the neighbor's family also did not receive the flyer. The witness stated that the neighbor was originally from Grand Cape Mount County in the west of Liberia near the Sierra Leone border, and that his idea was to move his family to his farm until the situation calmed down in Monrovia. The children of the two families were very friendly, B said, and started to cry, so the neighbor approached B's parents and offered to "take your kids along for two weeks or so" in order for the children to be together; the neighbor said that he would bring the children back when things shortly subsided. B stated that the families packed bags of clothing, on the understanding they would be going to vacation for a few days on the farm, but "two weeks turned into eternity."

B testified that on the farm, he met workers who took care of it with their families, and said that there were other small towns nearby, so other displaced people had also come to seek refuge there. He confirmed that the stay on the farm was longer than two weeks, as the situation in Monrovia was not improving, so they could not come back. He recalled that they had to listen to the BBC to learn the situation in Monrovia, and said that he stayed on the farm from May 29 or so until the end of June.

B recalled hearing an individual identified as Thomas Woewiyu on the radio over the course of war. He recalled that when he first heard about Woewiyu on the radio, Woewiyu was identified as the Defense Spokesperson for the NPFL and granted interviews to the two major BBC reporters, Robin White and Elizabeth Blunt. B explained to the jury that the "BBC was the major source of information for everyone in that situation." B specifically remembered hearing Woewiyu's voice on the radio in one of his interviews, stating that the "good Krahn man is the dead one."

The witness confirmed that in general, he stayed on the farm from May until the end of November, but that he did not stay there continuously; at the end of June, he briefly left. He stated that they had a meeting because they were running out of food, as they had only taken two weeks' worth and had been at the farm for over five weeks. He explained that the group of people there was "literally" more "than the farm could take." At the time, the farm's rice crop was germinating, and would not be ready for harvest until September or October, but this was still June. Because his brothers and sisters were at the farm and running out of food, B decided to go back to Monrovia to find his father and get more food to sustain his family members on the farm. He stated that on July 2, he took a car to Monrovia.

B told the jury that upon his arrival at Duwalla and the Caldwell intersection, fighting broke out. He said that was the day Prince Johnson's forces had taken over Freeport in Monrovia, and B said he was caught in between Freeport and trying to get to the other side. He confirmed that he was coming toward the Caldwell Junction and his car had entered Duwalla Market when everyone jumped out and ran.

B testified that the fighting lasted for 1.5 hours between the AFL and Prince Johnson's INPFL. He said that he followed one of the running groups and jumped into a house nearby, and hid under a bed; he remembered that the 1.5 hours felt like an eternity because it was his first time having gunfire in his ears, and he did not know what to expect or what would happen. B said he was not alone in the house, as maybe 25 had rushed inside; when the firefight subsided, the owner of house told them all to "go their merry way."

B did not know what to do, so he followed a group because he heard someone say there was a police center nearby at the Voice of America ("VoA") facility. They had a big station in Brewerville roughly eight miles from Duwalla. B stated that he joined a group and walked there; when he arrived, he saw a big yard and many displaced people.

While at VoA, B ran into his high school friend who now played for the national team and was well known throughout Liberia: "Everyone knew his name." The witness confirmed they were roommates at the boarding school. B testified that he was very happy to see his friend, and felt at least "some amount of hope and comfort, because at that point in time, people were not being friends with the Krahn ethnic group," but when his friend saw him, they embraced. He already

knew B's origin and knew what the situation was, B said, so the two decided to work together to reach safety.

B's friend told him that because the friend was already known as a big football star, he would give B one of his jerseys to wear and would himself wear the other, and would walk in front of B because people knew his place. The plan was for B's friend to "more or less shield" B, B said. He testified that his friend said they needed to leave because the fighting was going to get intense, and that the friend suggested finding a way across the border to Freetown.

On the first day, B recalled, they walked from Brewerville to a little town and slept, and on the following morning reached their first major interaction with NPFL rebels at Clay. He testified that the checkpoint at Clay was "very, very frightening." He said Clay used to be an official government checkpoint for the AFL, but now was taken over by the NPFL. He said it was manned by boys 12-14 years old, who carried AK-47s and stopped the whole group of civilians. B confirmed that he was not alone with his friend, as many people were walking away from the war toward the southern end of Liberia.

B described the physical aspect of the checkpoint as a piece of rope across the street, and said there were fresh human heads with blood draining from them on a piece of stake in the middle of road.

The witness described a process of walking up to within 1000 feet of the checkpoint, and a child shouting out, "Halt!" He said everyone would stop, then the child would tell them to advance and they would walk until 500 feet lay between them and him. The witness recalled there were roughly three or four NPFL soldiers at the checkpoint, but that the NPFL had another group in the building farther down from the checkpoint. He confirmed that the checkpoint was on a main road where children were patrolling.

The witness testified that when someone came to the middle area in front of the checkpoint, the soldiers would ask their name, and once it was called, they would then ask the person's tribe. If they came from an acceptable tribe, he said, they were told to pass. If they were Krahn or Mandingo, they were pulled to one side. The witness testified that he saw this happen, and that it even happened to him. As part of his plan with his friend, he said, he was prepared based on the fact that he had already heard the NPFL would ask for Krahns or government officials: since B could speak Grebo, the friends had planned that he would say he was Grebo.

B testified that his friend was Bassa, and was allowed to pass ahead; when B said he himself was Grebo, a soldier told him, "Every Krahn wants to be Grebo and Kru and so forth. Step aside." B told the jury that he did step aside, and was waiting for his fate when his friend who had passed was recognized by NPFL rebels ahead, but was so frightened that he could only keep saying, "My brother, my brother." According to B, when a rebel asked what was happening, the friend told the rebels, who B said "must have been a higher rank than the one at the gate," because the one at the gate was told to bring B over. The rebels wanted the two men to stay, but the friend told them the two had to leave.

Next, the friends got to a checkpoint in the town of Gutrie, which looked almost the same as Clay, according to B. He said it had the same "decorations" of heads, and that there was a soldier there famous for killing people. The soldiers again stopped them, B said, and tried to convince

them to stay. He testified that because the friends did not want to push the soldiers, they decided to stay the night. He confirmed that the soldiers wanted to recruit them to fight, and did not know B was a Krahn. He said they reached that checkpoint late at night, and he and his friend did not want to try to fight back because that could also lead to death. They decided they would continue their journey in the morning, "when no one was focusing on us."

B testified that early in the morning, he heard crying. He stated a woman was crying because the NPFL had taken her husband. B said that 15 feet away from him, the NPFL shot the man, saying the couple was Mandingo. He recalled that it was common for the NPFL rebel soldiers to call people "Mandingo dogs" or "Krahn dogs." He confirmed that he very clearly saw the man get shot; the first thing he heard was a soldier crying "Step aside," and the next thing he saw was the man shot in front of his wife and children. B stated that the man was shot by a very young boy 14 years old or so; he was an NPFL soldier.

B said that later on in the morning, at maybe 10:00a.m. or 11:00a.m., they got another man and took him to the Gutrie football field. There, the NPFL rebel soldiers called the whole group together, and shot the man; B testified they said it was meant as a deterrent for anyone trying to keep Krahns or Mandingos safe. He said that as a Krahn, who knew the situation was not safe, so he had no option but to keep walking.

At the Robertsville Junction checkpoint, B said, they met a former schoolmate who was so happy to see B that she almost called him by his middle name, which would expose him as a Krahn. He explained that was the name he was popularly known by in high school. He described having to literally rush to her to cover her mouth; she cried when she realized that what she had been about to do would cause his death. B recalled telling her she couldn't cry, and that he wanted to continue.

At the next checkpoint, B said, another NPFL soldier tried to convince the friends to stay, wanting to convert them to fighters. B described the soldier lecturing them about why the revolution was happening, but they knew they were not going to join. He described the checkpoint's appearance as the same as the first checkpoints he encountered. He said that the further they went, the more deadly the checkpoints became; B thought he would be killed.

B reiterated that the checkpoints were places where people would be killed. He described how they would be "picked up" from the line waiting to pass, and soldiers sitting on the side of the road would direct the soldiers manning the checkpoint, saying "Carry him." Then the witness would hear gunfire. He stated that the bodies were not buried right away, but were instead placed in the middle of the town for people to see.

Eventually, B said, he and his friend disagreed about where to go and B had to make a choice. The friend wanted to go to Freetown, but B's siblings were not too far away. He said he left and went back for his family. The two stayed at the town where they eventually parted for some time, B said, and then the same things started to happen, "people dying here and there." It was 12 miles to the farmland, and B said he went to join the rest of his siblings.

According to B, the farm when he returned was a different place from the farm he had left. It was "very quiet," and everyone was worried, because they did not know what to expect. He said his siblings had not known if he had survived, and when he rejoined them, he explained what he

had seen along the way. On the following day, rebels came to town in their car with their commander, and B said he and his brothers ran into the forest because they knew only rebels had cars; the sisters stayed in town with the rest of the family. He testified that he stayed there until November 28, when they heard a ceasefire was signed in Monrovia, and he decide he should go search for his parents so the family could begin a transition back to their life in Monrovia.

The witness testified that he went to Monrovia to search for his parents, but the NPFL had announced on the radio that no one would be allowed from their territory back to Monrovia; if someone was caught trying to reach Monrovia, they would be killed. When the witness reached the last checkpoint leading to Monrovia, he said, a female commander there ordered him to be arrested because she determined he was going to Monrovia, and that was a crime in NPFL territory. He testified that he was tied up and beaten, and the NPFL tried to get a confession from him that he was going to Monrovia; when he did not say it, they threw him in a makeshift prison. He confirmed that the NPFL did not know he was Krahn, as they had gone through a "filtering" and felt there were no Krahns or Mandingos in their midst, but they still did not allow people from their territory back to Monrovia. The witness described how he spent a few days in prison before they let him go because he did some work for them by going to fetch water and food, as well as cooking for them.

B said he had to stay in the town for about a week to prove he was not leaving to go to Monrovia. He described sneaking out after a while, and told the jury that the distance from the checkpoint to the ECOMOG buffer zone was about 1000 feet. Once in the hands of ECOMOG, he said, you would be put on a truck and ECOMOG would send you to Monrovia.

B testified that in Monrovia, he found his father in military barracks, and his condition was so bad that he was literally dying of starvation. B's father could barely sit up, B said, and could only lie down on a recliner. He was surviving on tea.

According to B, it took over a year for his family to fully reunite, because not everyone could come together. He wanted to go back to his siblings because he was the oldest, and he felt guilty that he left then in a very difficult situation, but his father and the rest of his family members decided they had to make a decision. He recalled them telling him that at least he was alive and that he had to stay with them in Monrovia, hoping that one day something good would happen and his siblings would join them. They "had to keep hope alive," B said.

After recounting his journey, the witness used a map to trace his route for the jury.

On cross-examination, the witness confirmed that he did not see the flyer distributed in his neighborhood, but that according to the information he received, it did not say if the neighborhood was to become an INPFL or a Taylor base, only that it was to be a base. He testified that he did not previously tell government agents that the flyer named Prince Johnson.

Witness 5: Herman J. Cohen, Continued

Herman J. Cohen then returned to the stand for his cross-examination. His direct examination occurred on **Day 3 of the trial**.

On cross-examination, he confirmed that he ended his service as the Undersecretary for African Affairs in 1993, and said that he was replaced in April after the Clinton administration came in. He testified that he was then sent on detail to the World Bank, where he worked on Africa until November 1993, when he retired from the State Department and the World Bank kept him on.

Cohen confirmed that his role with the World Bank focused totally on Africa. He described his duties, which centered on a new program that was starting up called the 'Global Coalition for Africa.' He said the purpose was to develop a dialogue between donor nations and Africa so as to encourage good governance, and that this was the first time the World Bank did something in politics; he was asked to be part of team. Cohen stated that he dealt with several countries, and did not know if he ever dealt specifically with Liberia for the World Bank.

The witness testified that he later went to see Charles Taylor not as an employee of the World Bank, but as a civilian. He said he was invited by a shipping registry company that financed his trip, and he went as a private citizen and Taylor asked him to look around and give advice. He said he did this without salary. Cohen confirmed that he ultimately gave Taylor some advice on how might be able to get financial help for development. Cohen said he had a "complete run of government without asking permission," and that he found a Deputy Minister of Finance who had a wonderful plan on economic recovery. He recalled telling Taylor that the Deputy had a wonderful program, and that Cohen then said goodbye and went home.

Cohen confirmed that part of what the World Band needed was to have an outside accountant look at how money was spent. He testified that he never saw an indication that his advice was followed by Taylor.

Cohen agreed that he "kept tabs on" the happenings in Liberia, even after his service with the State Department. He stated that he thought Liberians referred to the First Civil War and the Second Civil War, but was not sure. He agreed that in 2003 there was ultimately a peace accord after which fighting stopped. He agreed that one requirement of this peace accord was that Charles Taylor go into exile in Nigeria.

Cohen confirmed that another provision of the peace accord was the creation of the Truth and Reconciliation Commission ("TRC"). He understood that it followed the template of South Africa in 1994, which was to "talk everything out." He said people would tell what they did and confess, and they would decide on forgiveness. He confirmed that the TRC also named some people who could be prosecuted. Cohen stated that he did not know if the United States gave money for the TRC.

Cohen confirmed that when he said "talk everything out," he meant that the TRC took testimony. He did not remember if testimony was taken in Liberia. He did not know if the testimony must be given publicly or could be given confidentially. He stated that he did not read the report from the TRC.

The witness confirmed that he voluntarily testified in front of the TRC in Monrovia. He confirmed he did not have to go and that there was no subpoena. According to Cohen, this took place in St. Paul, Minnesota, at Hamline University, where several commissioners from the TRC had come to take testimony from individuals.

Cohen confirmed there is a large group of Liberians in the U.S., across the East Coast and especially in St. Paul. He agreed that the group who emigrated to the U.S. were called the "diaspora" by Liberians inside Liberia, and that the diaspora had some impact during the conflict on U.S. policy makers.

The witness confirmed that Woewiyu was not just part of the diaspora, but also part of the United Liberian Association in America, and had testified before a Congressional committee about what was going on under Doe's government. The witness did not know the timing of this testimony.

The witness confirmed that his testimony in front of the TRC focused on the U.S. role throughout the period leading up to the conflict and then after, as it was the only thing he was qualified to talk about.

Cohen agreed that the one thing he expressed regret about during his testimony was an effort made to broker the departure of Doe from Liberia in the spring of 1990. He agreed that something had been worked out where a U.S. plane was to pick up Doe, to take him to Sierra Leone and ultimately to Togo as an exile. Cohen confirmed this was something he spent time trying to make happen, and testified that virtually at the eleventh hour, word came from the White House that he should back off; he was given an order not to pursue, and to stop all efforts at mediation of the conference. Cohen recalled that he was told, "Do not take charge of the problem," and that he expressed his regret to the commissioners from Liberia.

Cohen stated that he did not remember the specific point at which reparations came up in questions from the commissioners. He did not recall a commissioner expressing the opinion that the U.S. had a moral responsibility to pay reparations, but did recall suggesting Liberia look to Ivory Coast and Burkina Faso for reparations. He explained that Burkina Faso had provided a large amount of financial support and armament to the NPFL, and that it was a transit point for Libyan arms. He explained that Ivory Coast nominally took a neutral stance, but that the NPFL were able to use it for a staging ground.

The witness did not remember ever seeing a list of people the TRC recommended for prosecution.

On re-direct, the witness stated that he believes Libya should not be given reparations for their role, but that in his opinion Libya should give reparations, as Libya trained the rebels and provided the arms that were trafficked through Burkina Faso. He confirmed that Libya provided all the arms for Taylor's army.

The witness confirmed that it was the U.S. policy to leave Liberians like Woewiyu and the NPFL leadership to make peace. He confirmed that after Doe was removed, the NPFL fought ECOMOG, and subsequently ULIMO. He could not count for the jury how many peace or unity conferences there were before 2003, but said there were "quite a few." He confirmed that throughout the peace process, the NPFL kept fighting.

Witness 21: "C"

Witness C was born in Monrovia, and grew up both there and in Grand Gedeh. She stated that she is one of the sisters of Witness B. She stated that she attended elementary school in Grand Gedeh, and high school first in Duwalla and then Monrovia, as her las year or so of high school was interrupted by the war. C stated that she is now living in the United States as a banker, and said she had to take time off from the probation period of her new job to come here to testify.

The witness testified that she was living in Caldwell when the war started in 1989, and that it was an ethnically mixed community. C said there were approximately four Krahn families in the same compound where she lived, and they did not know division at the time. She told the jury that they did not only play with Krahn children while growing up.

The witness said the outside world reached her community because they were constantly listening to the news on radio and television, and also received news by word of mouth. She recalled listening to a morning show but also news because it kept her informed; she remembered listening to the BBC.

After the war started, C said, she sometimes heard representatives of the NPFL speaking on the BBC via radio on BBC. She recalled someone identifying himself as Woewiyu speaking on the BBC, and that he said "the good Krahn man is the dead one." She told the jury that hearing this made her feel "turned off," and that it "took away her spirit," because she did not understand what it meant. C told the jury that in the country she grew up knowing, "We loved each other and did not see division." She explained that her parents did not bring her up that way, as they were Christians who prized treating everyone equally. "That meant a whole lot to me," C said.

C stated that her father was the Joint Security Chief of Doe's government, and her mother was a librarian.

C testified that in the spring of 1990, on the eve of Easter, her family had gone to sleep like on a regular Saturday. She said that normally her father was at work at night because he oversaw border lines and the joint security divisions at night.

According to C, when the family woke up, the entire compound was empty except for themselves, a few families from the same county, and one military officer and his family. In the entire compound of three different sections, she said, everyone was gone except for just four Krahn families, a Pakistani family, and one other. She said that before that morning, she had experienced a change in how her neighbors were treating her. She said they were growing stand-offish, and did not want to mix considering the information on Krahns they were hearing. C said her neighbors started backing away and not being as friendly as they used to be, and although they did not say why, she noted they were not distancing themselves from Grebos or Krus.

The witness described her surprise at waking up in the morning and seeing everyone gone, as the compound was normally lively. C said she would see her neighbors as early as 6:00a.m., going about doing their business or with the lights on getting ready to cook. "It was completely dead and empty." She told the jury that she did not know what was going on, but later found out. She described her family not knowing how get through this night or another without people around, as it put them in an insecure position.

C confirmed that she travelled to the farm of the same neighbor previously described by her brother, Witness B. She identified the neighbor as a member of the Vai tribe. She acknowledged that he had people taking care of the farm working and living there, and said that when the group arrived from Monrovia, there were probably about 36 people or so staying there

C's first contact with the NPFL occurred when they came on her family friend's farm and said he was hosting people from the Krahn ethnic group, she said. C testified that the NPFL commander ordered them to be put outside so they could be killed. She explained that she had come from taking a brief nap and was on a little porch area with the family friend's wife when she heard a vehicle coming up the hill. She said that the NPFL fighters came in one pickup truck, and that the commander was wearing green military pants and a red t-shirt and had a string tied around his head with something in the middle of the string. She stated there were about four or five people other than the commander, and that all of the group was armed. She confirmed that the commander identified himself as the commander, and said he was with the NPFL.

C testified that when the pickup arrived, the Superintendent of the Marketing Association for those who had business in the local markets was tied up in the back of the truck. According to C, the NPFL commander said they would tie C up just like the Superintendent, and that the NPFL would take them to be killed because they were Krahns. She recalled the commander saying that someone told him there were Krahns hiding on the farm.

C testified that she was tied up alongside her sister, "like a duck where you tie the wings together." She demonstrated the "duck fa tabae" style to the jury, and explained that victims were tied at the arms with their chest protruding. She said it felt as if her chest were going to break apart. "My spirit left my body," she said, clearly emotional. "I felt empty. I felt I could see myself standing in front looking at me in the car tied up." The process was painful, she said, and used a plain brown rope tied really tight. The witness showed the jury her right arm, saying the rope left her with scars because it cut her skin. She said that each time she sees her scar, she feels the rope on her right arm.

C's sister was also tied up and placed in the back of the pickup truck, C said, as well as the family friend because he was accused of harboring Krahn children and had been the Director of the Cabinet in Doe's government. She confirmed that when this happened she was going on 18 years old, and that her sister had a four-year age difference. She was told that whether or not the sisters were Krahn, they would be killed; the NPFL fighters also told her that there as an RPG launcher at the back of neck, and she should not shake because it would blow her up.

While C was in the pickup, she said, she told a soldier that they were Grebo, not a Krahn in hiding. She testified that she spoke English to the soldier, and that he got another soldier who spoke Grebo to talk to the sisters. She explained that Grebo is her mother's dialect, and that her father is Krahn, which in Liberia – because tribal membership passed through the father – was enough to make her guilty. C said that the Grebo-speaking fighter said she "speaks like a proper Grebo girl;" the witness explained that she spoke "seaside" Grebo, because that's where her mother was from. Th Grebo-speaking fighter told the commander he thought she was actually Grebo, but by this time the NPFL fighters were looting everything they could, including food and clothing.

C described how the NPFL fighters made an effort to drive away after they had looted all they possible could, but the truck would not start. She said that when they tried again it still would

not start, so all the people who were tied up were unloaded. At that point, the ignition worked, she said; when they were loaded in again, it would not start. They did this a third time, C said, but after the third time, were convinced God was not ready for the captives to die. The commander told them the group would come back, and that if anyone on the farm at that moment were not there during the future inspection, the NPFL would kill everyone on the farm.

True to their word, the same NPFL group and commander came back about one and a half or two weeks later. When they came back, she said, they rounded up every man, and took food and everything else they could. She described the fighters forcing victims to fall to the ground without being allowed to break their fall in any way. C said that this abuse was known as "felling the tree," and described the NPFL punishing people as much as they could.

C said that the NPFL was still looking for Krahns but also wanted to loot things, "so if they could get both, it would be great." She recalled that at this point, the wife of the family friend said to the fighters, "Do you think I would risk my family's lives to have Krahn people on the farm? If I know you are looking for them, why would I have them here? Am I that stupid?" C stated the soldiers left after they looted.

C confirmed that not all 30 people living on the farm gathered this second time. She said that during this period, civilians did not drive, so all cars that were heard were actually rebels, so when someone heard a car coming, everyone ran into swamps or bushes as far away as they could get.

The witness described how eventually the decision was made to leave the farm, as one of the family friend's children was not doing well. She stated that the war had a psychological impact on the child, and he stopped talking or eating, and consistently looked sick. C said they did not know what was going on with him.

The witness stated that eventually the group made it to Sierra Leone, where they stayed in a town and were occasionally supported by the UNHCR, which gave supplies to newcomers and sometimes also gave money to help feed the siblings. She said that the family friend went on to Freetown, but that she encountered the NPFL in Sierra Leone, in April of that same year. She said that the rebels who came to Sierra Leone from Liberia were the same type of people who rounded others up previously, and so she tried to get back to Monrovia to reconnect with her parents.

The witness described the rebels coming over the border to Sierra Leone and attacking; many had guns and were dressed up in red t-shirts or whatever clothes they could find. She said they came in pickup trucks, zooming through towns and rounding up people. C said they had to go in the bushes again off the road to get to another village at a little distance from where they were, and someone had to go up to the road and check if it was safe to go back to Liberia. She recalled that those doing the shooting were little boys, between 8-10 years old.

The witness testified that she made it back to Monrovia eventually, and finished high school there. At the time, the interim government was in power.

There was no cross-examination of Witness C.

Witness 22: "A"

Witness A testified that he was born in the port city of Harper in Maryland County, and grew up in Monrovia on Bushrod Island. He told the jury he is a Grebo. The witness testified that he went to high school on Bushrod Island, where he developed an interest in journalism and pursued it through the University of Liberia, taking courses there in journalism and English. He told the jury that he then began his career in journalism, working for the *Daily Observer*, the *Sun Times News*, the *Standard*, and a Catholic radio station prior to the war.

When A learned that war had broken out, he said, he was at the airport in San Francisco. He was on an international exchange program and his escort bought a newspaper and said, "Look! War in your country! Are you sure you want to go back?" The witness replied that he did, and told the jury that he arrived at Roberts International Airport on April 1, 1990. He is sure of the date because, as he told the jury, he loves wrestling and that was one of the biggest WWE WrestleMania shows, so it is etched in his mind.

A testified that back in Monrovia, he resumed his work as a journalist with the *Catholic Herald*. At that time, A said, Samuel Doe was president. A said that in the following months, as the war intensified, he continued his work. He stated that during that time, the government provided the typical services usual in a normal environment – radio, lights, and water – and the civil society functioned. Everyone went to work. He said that the point at which food and sanitation gradually became a problem in Monrovia was August 1990.

A testified that his neighborhood had run out of food so he needed to go to Bushrod Island to look for food, which was a safe environment for him because he grew up there. Near the maternity hospital, he saw a long line of people at a checkpoint run by the AFL, he said. A stated that everyone had to show their identification, which included where they were born; he said that the AFL noticed someone was from Nimba County, pulled him from the checkpoint line, and shot him. The witness affirmed that he saw this himself.

The witness testified that during this time, he was arrested by members of the Doe government. One morning before August 1990, he said, he left home to go to work, and when he got out of his taxi, he was whisked into a waiting car and sped off to Doe's Executive Mansion. A told the jury that it was a natural thing for anyone to ask why they were arrested, and when he told them he was a journalist, they wanted him to show his identification, but for once he did not have it in his pocket. To them it seemed like he was lying, and A said he was kept there for hours. Once someone recognized him as a journalist, but when he asked to be let go, he was told, "No." A said that Doe's press secretary would recognize him, as the Executive Mansion was part of his beat, but he was again refused. Eventually the press secretary was called and the witness was released.

A testified that he began working for the Associated Press and the BBC around 1991, just a week apart. He said his normal beat was to cover the situation of the war, supplying the agencies with what happened each day. He stated that he did not leave Monrovia every day, but that when the NPFL eventually agreed to confidence-building measures and relaxed the checkpoints, he sometimes left Monrovia. Before that, he said, he got out of Monrovia as far as Bushrod Island, but did not go further because it was dangerous for anyone to get out at the time as there were usually checkpoints.

The witness clarified that "confidence measures" were designed to bridge the gap between the sides, and bridge the division in the country. He said that people in Monrovia were holed up. He said his nickname for Monrovia was the "big rock where people live," as it has no farmland; in his view, the confidence-building was designed to relax the checkpoints so food would flow into Monrovia from the interior of country. He confirmed that the interior was all controlled by the NPFL, and was referred to as "Taylorland."

According to A, he was eventually able to travel to Taylorland because of the confidence-building, and went when Taylor's officials sent to Monrovia for experienced journalists to tell their side of the story. A stated that it was natural for journalists to go, as they wanted to see how the NPFL lived and what they were doing in Taylorland. The NPFL's Liberian press liaison would let the Monrovian journalists know to come and visit, A said.

The first time A traveled outside Monrovia after the confidence-building measures, he said, the press liaison came to get the journalists and take them in a vehicle to Gbarnga where the NPFL had its headquarters. A testified that before arriving, the liaison turned off the road to a place called "CARI," the Central Agricultural Research Institute. The witness confirmed that the liaison had a driver, but controlled the car himself. A said he had been to CARI during "normal times," and that it was a research institution. A had been there more than once, so he had an idea of where they were.

A recalled the liaison, when he turned off the main highway to the road that led to the house, telling the journalists they would make a short stop. Lights came on, A said, and it was his first view of child soldiers, because they were all over the yard. A described the house as a five-bedroom bungalow with palm trees in yard. It was nighttime, and because "guys in power had anything they wanted," they had generators to power their lights.

A testified that the child soldiers looked and acted drugged. He said they wore wigs. Some carried guns that looked bigger than they were; A estimated the youngest to be 10 years old. A described the car he was in as parked "very close" to the house's porch.

A testified that a gentleman he later got to know as Tom Woewiyu emerged from the building. A said he exchanged a few words with the press liaison, who then got back in the car and the group proceeded to Gbarnga, where they stayed overnight. The next day, A stated, they all went to meet with Taylor. It was the first time A saw him in person. A recalled that the journalists had been told that Taylor wanted them to come see how he lived and how he controlled the area, and how people lived normal lives under NPFL control.

The witness described coming into Taylor's office, and Taylor recognized one of the women with A as a distant relation. A remembered that on this first trip, Taylor gave a speech about how Liberia needed to move forward. Looking back, A said, Taylor always gave a speech, because it was intended to make you accept him for what he was. He noted that Taylor offered the journalists food and they went into a huge dining room, before getting back in their car.

The witness recalled passed through major checkpoints like Mount Barclay, 15 Gate, Kakata, and Gbarnga, as well as many others. He said that 15 Gate is very near to Kakata, but farther from Monrovia. 15 Gate is considered part of Harbel, west of the main location. They called the last

checkpoint “Iron Gate,” A said; it was the last gate before someone entered Gbarnga to head into Executive Mansion. It was manned by child soldiers.

Being a journalist, A said, the children’s commanders would not give him the information he wanted to use. Instead, he would get information from the child soldiers by bribing them with cigarettes; he would regularly travel with packs of cigarettes to give away.

The witness noted that he did not travel to and from Gbarnga by himself. He said he needed some sense of protection, because he was going among people who carried guns and who used them without any semblance of civil society. Even though he was a journalist and ready to “brave the storm,” he said, he was human as well and wanted a sense of protection. He would go to Gbarnga either with a group of journalists, or wait for the press liaison to reappear. Even when with the group of journalists, he said, he usually used cover like the U.N. or relief agencies.

A described a particular trip to Gbarnga where the liaison picked the journalists up at their hotel and took them to the Executive Mansion; it was apparently Taylor’s birthday. He said there were lots of people in the room at the Mansion, and one was Woewiyu. The witness said this was a larger room than that where he first met Taylor, and that Isaac Musa, other NPFL commanders, and several other people were also there. He said the journalists were not told it was Taylor’s birthday celebration before they arrived. He said that Monrovia was a small place, so when the chance came to get out, they felt obliged to go and get the stories.

A said that he wanted “the story behind the story,” so Taylor told the story of how he left jail in the United States and went back to Africa. A recalled that Taylor stood up in front of the assembly to tell the story, and that Woewiyu was a central figure. He recalled Woewiyu sitting on the right-hand side of Taylor. The witness identified Isaac Musa as a general in Taylor’s armed forces, and recalled Musa climbing the stairs to enter the main building and being disarmed. A said that Musa was asked to surrender his weapons, by Taylor’s child soldier bodyguards at the door. The witness confirmed that he did not have contact himself with Woewiyu at this event.

A testified that subsequently, Woewiyu came to Monrovia on one of the confidence-building trips, and his entourage pointed out A, saying, “Chief, this is the BBC guy.” He recalled that they always called Woewiyu “Chief.” He stated that Woewiyu turned to him and said thank you, because “all your stories are helping us because they pinpoint where the enemies are.” The witness explained that at that time, “the enemy” was AFL and ECOMOG. He realized that Woewiyu was referring to the witness’s mentioning distances in his stories. He told the jury that describing the distance between the NPFL and ECOMOG was a common practice to provide more detail in stories. However, when he got away from Woewiyu, he repeated it to his friends and stopped doing it.

The witness was shown a map of Bong County and identified the main highway linking Monrovia to Gbarnga. He was also shown, and recognized, a photo of CARI. He used a photo of a bungalow to show the jury where the car from which he could clearly see child soldiers was; he pointed it out next to the porch. The witness was shown a photograph of the room where he met Taylor, and indicated where Taylor stood and where Woewiyu sat beside him. The witness was shown a photo and indicated Musa and Woewiyu. He indicated the defendant when asked if he saw Woewiyu in the courtroom.

A testified that he saw Woewiyu come to Monrovia on many occasions, including when he came to join the other group of rebels who, by this time, claimed they had broken away from Taylor. He did not know the year. He remembered a national unity conference in Monrovia, and said it was before Woewiyu broke away. The witness covered the conference. Shown a photograph previously admitted, he named members of the NPFL delegation to the national unity conference.

The witness testified that he was present in Monrovia during Operation Octopus, and still listened to the BBC at that time. He recalled Woewiyu being accused by BBC journalists in London of shelling Monrovia indiscriminately. He recalled Woewiyu replying that the NPFL was not doing that, but rather a "surgical operation." The shelling did not appear to the witness to be surgical; he told the jury that the house two houses away from his was shelled, and that explained that his neighborhood was not a military barracks.

On cross-examination, the witness confirmed he lives in the United States. He did not know where the witness was speaking from when he discussed "surgical strikes," whether inside or outside Liberia. When asked whether he questioned if Woewiyu was telling the truth or if Woewiyu knew for sure what happened, the witness replied that he questioned if Woewiyu was telling the truth.

When shown a photograph, the witness did not know if it was at a meeting discussing the ceasefire from 1991.

The witness stated that he only knew about the fighting in the areas he covered prior to Operation Octopus. He confirmed that from spring 1991 until October 1992, there was no fighting in the area of Monrovia he was covering, and that it was safe to move around the city due to the ECOMOG forces. The witness agreed that at that time, the person nominally in charge of the Liberian government was Sawyer. The witness indicated that he covered him for the BBC if he made news; but that he rarely made news.

At one point, A saw W at the Temple of Justice in Monrovia during the period when there was not fighting on the road between Monrovia and Gbarnga, which the witness said was "thanks to ECOMOG." A said that Woewiyu always traveled with bodyguards, but did not come to Monrovia with child soldiers.

The witness confirmed that he was arrested by Doe. He confirmed that he saw a man shot at an AFL checkpoint, as the AFL then controlled the city. He placed the death to a month before Doe was shot.

The witness confirmed that he passed through several checkpoints because there were myriads of rebel factions. He passed through ULIMO and INPFL, but did not pass through a LURD checkpoint, as he was out of Liberia at that point. He confirmed that there were child soldiers at all of them.

The witness stated that he read about the TRC from afar. He did not know when it was in operation. He stated that he did not offer to testify before the TRC. He agreed that it met outside Liberia in several meetings in U.S. cities. A did not consider going to testify, although he would have if asked but no one asked.

On re-direct, A confirmed he never saw child soldiers at AFL or ECOMOG checkpoints

The witness confirmed that the military operation known as Octopus took several weeks to compete. He did not know the day it started. When in Monrovia during Octopus, he said, you could see fighter jets overhead and could hear bombs dropping. The NPFL had control of Harbel at that time.

The witness stated that he remembered Robin White very well, and was played a BBC radio broadcast of "Focus on Africa" from November 3, 1992. In it, the presenter states that the NPFL has reported ECOMOG bombs, and interviews a man identified as Woewiyu, who said he was there at the time. Woewiyu stressed that it was not a military zone, and when pressed about his own presence at the site, Woewiyu said he was just passing through, and was "not a military installation" in himself. After the witness heard the recording, he recalled that Woewiyu was on the ground in Liberia during the operation.

Witness 23: "AA"

Witness AA testified that he is from Gbarnga in Bong County, and identified himself as a member of the Mandingo tribe, and a Muslim. He stated that his mother was Kpelle. He sells scrap for a living, and before the war he was a miner. His father was also a miner, the witness said, so AA grew up in that trade. Prior to the war, he left Gbarnga and came to Monrovia, taking his mother, his two wives, and his children.

AA testified that he was in Monrovia when the war started, but did not stay there. In 1991, he said, everyone thought it was a week or a month's issue, because they had never seen such a thing or had experience of it. According to A, at the end of 1991 his mother told him to take her back to the family farm, located 25 miles from Gbarnga. He said his mother wanted to go to the farm because the war was frightening; AA obeyed, because "our religion says we should save our mother first before we save our father."

AA stated that the took a car from Monrovia to Gbarnga, passing through many checkpoints that were all controlled by the NPFL at that time. He said there were sometimes human skulls at the checkpoints, and sometimes the NPFL would put a head on the number plate in front of a car; he stated the NPFL would also sometimes kill people, cut open their stomach, and take out their intestines to tie together and put across the road as a checkpoint.

AA told the checkpoint guards he was a Kpelle, he said, because if he told them he was Mandingo, they would kill him. He told the jury that the NPFL announced it was after Mandingos, Krahns, and AFL soldiers. He described how the NPFL fighters would check a person's legs for boot marks, and if you had the marks, they would say you were a soldier even if you were not. They would kill you either way, he said.

The witness testified that there were some adults many the checkpoints, but mostly he saw children aged 10-15 years old. He said they were called the "SBU," and some dragged their guns behind them. The witness said he heard the fighters ask "What are you?" and no one said Mandingo, Krahn, or AFL because "it was Judgement Day for you if said so."

The witness saw many people pulled out of line at checkpoints. The fighters called to the crowd to get in single file, AA said, and then would come and say they were not satisfied. AA said that people could cry and beg but it did not matter; the NPFL fighters did whatever they wanted to do, and he personally witnessed them killing people and taking out their intestines. Sometimes he saw fighters performing what was called the "VIP treatment," when a captive's wrists were tied, he was laid down, and heavy objects like car engines were placed on top of him until he was pressed to death. The witness recalled that if someone tried to intercede, they would be told to leave the person alone because he was "being given the VIP treatment."

The witness confirmed that two wives are allowed in his religion.

The witness recalled 25-30 checkpoints between Monrovia and Gbarnga, and explained that each group of NPFL fighters had their own checkpoints, and that at that time, the whole area was controlled by the NPFL

AA reached Gbarnga safely with his mother, he said, and met a friend there. He said that he stopped at the mosque his grandfather helped build, which was not far from where AA lived, and that is where he saw his friend. The witness explained that although he resided in Monrovia at that time, he said he "lived" in Bong County because out of the whole world, it is Bong County he knows best. AA said his friend shook his hand and asked where AA was going, and at that time AA's heart was beating because he thought he might be killed or beaten; if his friend revealed AA to be a Mandingo, AA was "finished."

AA testified that he explained he was bringing his mother to her farm, and his friend exclaimed over the distance and asked AA why he did not go by a different route. AA told his friend he was scared to do that, because Bong County was where AA was born and anyone could identify him and point at him as a Mandingo, and he would be killed. AA testified that his friend said his uncle was Sam Dokie of the NPFL, who could ease AA's journey. Since his friend guaranteed AA's safety, AA agreed to the friend's plan.

AA explained that his major issue was that he needed rice, which he told to his friend. The friend suggested that they Doe for help, AA said, so they went to Doe's home. AA was nervous, but on arrival, they learned Dokie was not there. AA stated that Dokie's wife told them that Dokie had gone to Tom Woewiyu's house, and the friend wanted to go there and get help. AA told the jury that he was feeling a little more confident by then nothing would happen to him, so they went to Woewiyu's house, near where Taylor had his mansion, by the road that goes to Far East.

AA said that the two went to Woewiyu's house and learned the men had gone out, so they waited. He stated that he did not know Woewiyu at that time. He noticed men arriving in a Nissan Jeep colored red and white, and said that when it parked, all the soldiers around stood at attention and saluted them. All the way from the checkpoint to his home, all the soldiers standing were saluting.

After Woewiyu and Dokie arrived, AA said, his friend said they should wait. Both NPFL men went to have a meal, which AA recalled was soup. After the meal, he told the jury, he introduced himself to Dokie, and after talking, Dokie gave AA three bags of rice. AA stated that he had left his mother at the mosque, but that he now went with her and the bags of rice to the farm.

The witness confirmed that they passed through many checkpoints on the way from Gbarnga to the farm; the same kinds of killings and abuse occurred that he had already seen at other checkpoints. He told the jury that the little children at the checkpoints were there because they did not understand anything and did not have regard for human beings. He explained that he referred to Taylor and the NPFL as "the government" because they were in power in Gbarnga. He stated that sometimes the NPFL leadership was referred to as NPRAG, although he does not know what it stands for; that is that the NPFL fighters said to call them.

The witness stated that Taylor was the president and Woewiyu the Defense Minister.

The witness stated that he reached the farm with his mother, but after some time, his mother began to miss her grandchildren. In 1991, almost 1992, she told AA to bring her grandchildren to the farm. AA noted that war was coming and she could not see it, but that for Muslims, "heaven is right under the feet of our mothers. So I was compelled to do it and I went."

When returning to Monrovia, AA said, he went through the same kind of thing as on his initial journey, but this time he had his mother's blessings with him. He said that when he reached Gbarnga, he was advised that he had to have a pass. He purchased one, and on pass it was written "NPFL" and they put a scorpion stamp on it. The witness identified the scorpion stamp as the same on a document shown to the jury, and said that as long as had the pass, things were easier for him. However, he still told everyone he was Kpelle and spoke with a Kpelle dialect.

The witness arrived in Monrovia in a pickup that was unloaded and then taken by NPFL troops who said they were taking people to the warfront. AA was told "civilians are nothing," so they should get off the truck. He spent two or three days before trying to reach his old neighborhood, and could not go there directly. He noted that everyone in the country was worried because the NPFL was gaining more ground and almost all the country was under their control, so "everyone had to be careful."

The witness went home and was told his children were not there, so he went to look for them in a different part of the city. He testified that he never knew anything like Octopus was going to happen, but suddenly he saw ECOMOG troops coming and people running all over the place. He continued by different roads, he said, to Dry Rice Market; there was an NPFL checkpoint nearby.

The witness got to the checkpoint and everyone was told to stand in line. The same sort of questions were asked, and this checkpoint was manned by many younger child soldiers, which the witness believed is because "they could not really think that well." AA said he wanted to get in line but the soldiers said he must leave it. Martina Johnson appeared, and the witness recognized a photograph of her. She directed the line to be more straight and shot a pistol to indicate it. She wanted the line to be straight like the bullet's path. The witness noted that a bullet went past his ear.

The witness testified that "Mandingo pepper soup" is an order to kill. He reiterated that whether someone is Mandingo or not, what matters is if they say you are Mandingo. They said a lot of people in that line were Mandingo.

After interacted with Martina Johnson, AA said, he fell to ground and thought would die. Yet he recovered, and the soldiers said he should get in line. The same soldiers from the SBU had

bayonets on the front of their guns. The witness knew that if he did not get up and identify himself, he would be killed. The witness identified the scar from his knife wound in a picture.

AA testified that for two or three days, he moved dead bodies at the checkpoint. "It was more than forcing me because the alternative was they would just kill me." There were lots of people at the checkpoint. Aa stated that the body movers had to open up a little well nearby, and put the dead bodies in the well

The witness was shown a photograph he recognized as one of Dokie and W and Boley and the AFL leader

On cross-examination, AA agreed that it was a "very difficult trip" from Monrovia to Gbarnga and the farm, and took roughly about a week. AA did not know the month, but believed he left the farm sometime around September 1992. He cannot remember the length of his stay, but knows he left in September because that's what he saw when they stamped it on his pass.

AA confirmed Samuel Dokie's house was in Gbarnga, and said the "whole city" was for the NPDL, so they could take any house they wanted. AA noted that Dokie was born in Nimba County, and "because of the power of the gun they became owners of Bong County."

AA confirmed that the mosque in his town was built by his grandfather, and had been present a long time. He stated that he did not pray at the five proscribed times while en route, because he was traveling. He stated that he did not know about the mosque in Gbarnga, because he was not in charge of it. He stated that he did not know if the mosque was a secret place, and said he never went to pray there; he confirmed that there were more than five mosques in the county.

The witness confirmed that in Gbarnga, most Muslims are Mandingo, but that there are some other tribes like the Kpelle as well.

The witness stated that the distance from the mosque to Dokie's house, on foot, was about 15-20 minutes. He confirmed that they then went to Woewiyu's house, which was not more than an hour away. He reiterated that he did not want to go there in the first place, and that he did not go there because of Woewiyu, but instead to talk to Dokie and ask for help. AA stated that he did not speak to Woewiyu and he was afraid, because there were lots of SBU boys there.

On re-direct, AA affirmed that a bag of rice is heavy, and that rice was called "gold dust" at that time. AA testified that his friend and another boy helped him to carry the bags.

The witness stated that he never saw a Mandingo in Gbarnga at that time

Witness 24: "V"

The witness identified himself as a Mandingo by tribe and a Muslim, and told the jury that he was born in Bakiedou, in Lofa County. He said that he attended Arabic School, where he learned to read the Quran. He is a farmer of rice, coffee, and cocoa. He stated that his whole family is from Bakiedou, and that he had six siblings, but one passed away. The witness said that his mother was blind.

V testified that Bakiedou is largely a Mandingo village, and that different tribes are from different places. The witness recalled that this was also true in 1990.

V stated that the town leadership was set up with a town chief, the sectionate chief, the clan chief, and the parliament chief. His older brother was the town chief, he said.

The witness testified that in July 1990, he heard the war was in Nimba Country; the rebels had entered Nimba. At the time, he said, his family was farming. The witness recalled that the white man in Zorzor warned them that the rebels were coming, and that they had attacked the nearby town of Salayea, 40 minutes away by car. V recalled that the white man came on Tuesday to Bakiedou and called on V's brother, and said to him as the town chief, "Tell your people the rebels are coming and they are looking for Mandingos."

V reiterated that at that time, all the people in Bakiedou were Mandingo. He said that when the war entered Liberia, all of them originally from Bakiedou came back home. Some were in Monrovia, Nimba, or other towns; they returned.

V stated that after his brother was warned on Tuesday, he called everybody in the town together on Wednesday. V recalled that his brother told the townspeople what the white man said, that rebels were coming and killing Mandingos. He asked the elders, "What should we do?" and people said, "This is our home. We don't know any other place." Bakiedou planned that when the rebels came, the town would tell them, "We are not in politics, we are Muslims."

The witness confirmed that the rebel group was Taylor's NPFL.

On Thursday, V testified, the rebels came. He told the jury that they had on differently colored clothes, and were armed. He said they were small children. When they came, he said, they surrounded men, and one of them fired; they started rounding up or collecting people and took them to the town hall. He recalled that they took many people. The witness stated that this was around 10:00a.m.

According to V, "Different tribes were among us, but they asked who was Loma and who was Kpelle, and took them out so that only Mandingos were left." At that time, the Mandingos from the village were sitting on the ground outside of the town hall. Young man were calling to each other in the NPFL language. One among them had civilian clothes, V said, and he took off his clothes, including his trousers and the second shirt he had under his military clothes.

The witness said his mother was in the kitchen at this time, but that somebody held her hand and took her to town hall.

The man that took his clothes off said he was Quiwonkpa's brother, but he never said his real name.

V testified that when all the Mandingo townspeople were outside the town hall, the rebels told everybody to go inside. V remembered his brother the chief went to meet them and gave them money and a cow; the NPFL then said "All women should leave" because the men were going to have a meeting. V did not recall the NPFL saying anything about the cow or dollars.

The witness said his mother left with the other women because she was blind, but then V corrected himself and said that she did not leave, and instead stayed in the town hall. He wanted to take her out, he said, but was told that she should stay.

The witness remembered that after the town presented the money and the cow to the NPFL, the NPFL said, "Who in here does not have bullets in their gun? They should go." Then they gave bullets to the people without them. He said the NPFL soldiers said "We do not trust them" and "Those people who gave us money and cow, we do not trust them, they are our enemies. Kill all of them." He testified that the NPFL fighters then opened fire and started killing people. He confirmed that no Mandingo inside the hall was armed, and that there were no soldiers disguised among them.

V testified that when the NPFL opened fire, he was in the town hall. He told the jury that he was shot in the hand, the hip, through the leg, and at the top of his head. He stated that his mother was shot through her shoulder at such an angle that the bullet emerged through her chest. She died right there, he said; his father was pierced in the chest and also died. His older brother the chief was also caught in chest and died. The witness testified that 137 people were killed right on the spot.

According to V, some of those who went into hiding in the bush when they heard gunfire started checking around after the fire ended. One of his brothers came to the town hall and V lifted his head. He described the bodies lying where they fell, and himself among them. When his brother wanted to run away, V said, he caught him and asked to be taken to a different place.

V personally saw dead bodies outside the town hall and around the town. Those that came from hiding in the bushes also went around town and saw bodies. V told his brother to take V to some corner of a house and then go inform people where he was. He slept there, and then headed to Guinea.

The witness identified a photograph of his hand. He testified that after his injuries, he spent two months recuperating in a hospital in Guinea. He also identified pictures of the scars on his legs. He pointed to himself to show the jury where precisely the wounds occurred. The witness also identified a number of photographs from Bakiedou, including of the town hall and of the marker of the collective buried remains of the massacre victims.

The prosecutor told the witness that the prosecutor accidentally said the massacre occurred on July 11, not July 12. The witness stated he did not know the exact date of the massacre, but did know that it occurred on a Thursday. The prosecutor stated July 12 was a Thursday.

There was no cross examination.

Trial will resume tomorrow morning; a number of additional government witnesses are expected to testify.

June 22, 2018 – Day 8: Persecution, child soldiers, and BBC broadcasts

Witness 25: "W"

Trial began on Thursday morning with the testimony of Witness W, who told the jury that he was born in Bakiedou in Lofa County in 1972. He testified that he grew up in Bakiedou, and that he is a Mandingo who practices Islam. He confirmed that not all Mandingos are Muslim, nor are all Muslims in Liberia from the Mandingo tribe. He said that of the tribes in Liberia, some of them practice Islam, including the Vai, Gola, and Gbandi.

The witness testified that he went to school in Bakiedou, stopping in the twelfth grade. His mother had a business selling small goods, and his father was an Islamic teacher. The witness said that he had two siblings, a brother and a sister. The witness stated that he is currently a commercial driver living in Bakiedou.

W recalled that the day the NPFL fighters came to Bakiedou was a Thursday, July 12, 1990. He said that on the Thursday morning between 9:00 a.m. and 10:00 a.m., he saw men and women coming with guns, and they attacked the town. "They started to kill people," W said. He told the jury that some of the people with guns were adults, and some were children. He said that they were dressed in civilian clothes, some of which had "NPFL" written on them; some were wearing red headbands.

The witness testified that the NPFL soldiers started to kill people who started to run from them. The witness explained that he was in the town and saw this. He told the jury that he was initially inside his house and started to run, but the NPFL fighters grabbed him. According to W, two men took him to the town hall. He explained that a "town hall" in Liberia is an area where people gather for meetings, and is also known as a "palaver hut."

After the NPFL started bringing townspeople to the town hall, W said, they told the town crier to go and call everybody else in town to come. He confirmed that the job of the town crier was to call people to come when there was a meeting. After the crier went and called them, W said, more people came. He described the townspeople sitting in front of the hall at first, but it was the rainy season and began to rain, so the NPFL asked everyone to go inside the town hall. At this time the NPFL were around the civilians; some were around the town killing people, and some surrounded the townspeople.

W stated that there appeared to be someone in charge, although the commander did not identify himself by name. W recalled that the commander said he was a relative of the late Quiwonkpa, the Gio soldier killed by Doe.

W testified that the town chief was brought into the town hall. W explained that in his tradition, when you have a stranger, you welcome them. He told the jury that the town chief welcomed the NPFL with money and a cow, but that the NPFL commander reacted with thanks, but said the NPFL was not satisfied, and wanted to kill the townspeople. The commander said, "We are not satisfied with you people. We will still kill you." Then, the soldiers began to shoot.

According to W, before the shooting began, the NPFL said they wanted to have a meeting with the men of the town. They told the women to leave the town hall, and held the meeting with the

town chief with only men of the town present. W stated that when the only woman left in the hall was a very old blind woman, the NPFL started to shoot at people. He stated that the NPFL were standing in the town hall when they began shooting. The witness fell, and "everyone else was falling too." W said he was wounded on his thigh and his hand. He did not know how long the shooting continued.

The witness testified that when the shooting stopped, the NPFL left, so he got up and went to his house. He stood up in the witness box and indicated to the jury where he had been shot in the thigh and arm. "As I'm talking, I have a bullet in my arm," he said, and showed the place in his arm where the bullet rests.

According to the witness, before he went home, he stood up in the town hall and he saw dead bodies. He said that when he stood up in the hall, some people were alive, but wounded, like him; "they were fighting for their lives." He testified that he also saw dead bodies on his way home, and specifically remembered one man who had been shot in the stomach and whose intestines were coming out, who was asking for water to drink. The witness said that he also saw children crying for their mothers. W testified that 137 people were killed in Bakiedou, including his older brother, who was killed inside the town hall.

W told the jury that after he returned home, he traveled to Guinea for treatment of his gunshot wounds. He said that his mother took him in a vehicle, as the distance from Bakiedou to the Guinea border was a three hour walk. He said he stayed in Guinea for seven years, along with the other Mandingos of Bakiedou: "everyone fled to Guinea." He testified that they only returned in 1997, around the time of the election in Liberia.

The witness recalled meeting with prosecutors and investigators, and taking photos of his wounds. He reviewed a photograph of his leg and identified the wounds where a bullet had entered and exited his leg; the photograph clearly showed his wounds, healed but still readily visible.

There was no cross-examination of Witness W.

Witness 26: "BB"

Witness testified that she was from Todee in Montserrado County, and was born in 1980. She said her father was Mende and her mother was Kpelle. Her mother used to sell cooked food and beverages, and her father was a farmer who cut palm. BB told the jury that she had two older brothers, Momo and Prince. One of them was two years older than her.

When the witness was 12 years old, she said, the soldiers came. They were dressed in colorful clothes and had guns. She recalled hearing that the soldiers' leader's name was Tom Woewiyu.

BB testified that one morning, her mother was cooking in the kitchen and the soldiers came to ask where BB's two brothers were. BB said that her mother told the soldiers they were inside. The witness remembered that at that time, soldiers were running around town. She testified that they caught her brothers and some other boys as well. She explained that when she said "caught," she meant the soldiers took her brothers and tied them. BB told the jury that her mother's reaction was to cry and beg the soldiers for the boys; BB's father was begging

too. She recalled that the soldiers said, "if you want to beg, go to the boss man." She testified that the "boss man" was Tom Woewiyu.

According to the witness, she went with her parents to go to talk to Woewiyu. They went to the next town over to get to where Woewiyu was. She described Woewiyu as inside in a room, with "his boys" outside. When Woewiyu came outside, BB said, he was dressed in short trousers with a white t-shirt.

BB testified that when she and her parents reached Woewiyu's building, "his boys" went inside to inform him before he came outside. She described how her mother and father begged Woewiyu for their sons, but testified that Woewiyu did not say anything, and went back inside. She recalled her mother saying, "My two boys, they are my hope. I beg you." She remembered her father was begging Woewiyu too, and her mother was crying. "The boss man didn't say anything. He went back inside," BB said.

BB remembered that Woewiyu then got dressed and reemerged in a jacket and trousers. She remembered his jacket was brown, with short sleeves. She testified that he left, taking "his boys" with him, and telling the boys, "Take care of the men."

BB testified that she never saw her brothers again.

There was no cross-examination of Witness BB.

Witness 27: "HH"

Witness HH testified that he is from Margibi County, and told the jury he is not a member of a particular tribe, as his father was Americo-Liberian and his mother was a Bassa woman. He stated that his father held many positions in the Doe government, including as the Deputy Managing Director of Telecommunications, the Deputy Minister at the Ministry of Transport, and a Board Chair at National Social Security.

HH told the jury that he received a Bachelor's in Public Administration and Management from the University of Liberia, and now has a construction firm in Liberia that does general contracting on roads and public buildings.

HH testified that in 1990, he lived with his father in Redlight in Paynesville, and his mother lived in Gardnersville. He said that July 9, his eleventh birthday, was the day the NPFL rebels entered Redlight. He knew they were from the NPFL because there was only one warring faction at the time. HH said that he heard "huge gunfire," and everyone hid inside because "it was their first time to hear gunfire." He confirmed the fighting was between the AFL and NPFL, and lasted for several hours.

Eventually, the rebel soldiers said all the townspeople should "get behind them" after they captured the town. HH testified that after the fighting had moved ahead, the rebels knocked on doors and said to go to the Fendell Agriculture Campus of the University of Liberia, and to Omega, which was the satellite station the Americans had at the time. All of the people started to go, HH said; he went alone by himself because he did not see his family.

After he left Redlight, he got to place called "Coca-Cola Factory," a bottling factory. HH testified that there was a checkpoint there, and that he saw dead bodies all over the place. The soldiers were yelling to get in a single file get in line. He said that some of the rebels were adults and some were his age; they were carrying guns. There were bodies lying on the ground. The rebels said to get in a single file line, and asked about civilians' tribe, and whether they were a security person or in the army.

HH stated that the rebels were probably asking because if you were a Krahn or an AFL soldier or security personnel, you had to be executed. "That was the system at the time." HH said he was not one of them; he was "just a kid trying to find my parents."

HH testified that the checkpoint was a rope crossing the road, and beside it were people with guns. He said it was "very scary" because there were bodies lying in the road. He confirmed this was an NPFL checkpoint, as the NPFL was in control everywhere. He confirmed that those guarding the checkpoint were "all ages and sizes," including "men and kids of my age."

The witness recalled the NPFL taking people out of line and taking them away for interrogation, although he did not see what the rebels did to them at that time. He was only concerned with how to reconnect with his family; HH said that even if they were going to die, he just wanted to be together.

HH passed through the checkpoint, he said, and saw a huge group, so he followed them. They passed through the Omega checkpoint and started going toward Mount Barclay, "on and on" until they got to another town in Margibi. HH walked, and saw many dead bodies, including a woman flat on her stomach with a child crying on her back. He said that no one could rescue the child, because at that time, if you went to rescue the baby, you would be branded as a Krahn or something else, and told, "Why do you go to rescue the baby when you don't know who the mother is? You must have some relationship with the mother, so we will kill you like her." He said the child "had to cry and die."

In the town, HH said, he met a woman and her husband who said "he was my father," after the witness said who his father was. They acted as guardians to HH because his own father had helped the couple in the past; they called him "a nice man." At the time, HH could only speak English, not and tribal dialect. He said that Bassa people controlled the town, and he learned Bassa from contact with the woman.

HH described the war continuing and the shortage of food. He said there was no food everywhere, with people eating cabbage in tiny sections because they could not find rice – a staple – or bread. HH recalled that they started to leave the town to pass through checkpoints at night, because if they went in the daytime there was a likelihood that they would not get through, so they snuck through the bush at night to find food. HH testified that he walked from the town to Harbel several times to find food, saying they would go and get things to sell to sustain themselves. This lasted for four or five months.

HH explained that he then met a boy after the INPFL captured Fendell. According to HH, the boy said he saw HH's father at Fendell, so the witness decided to follow the boy back there. HH stated that at the time, he had only one option, which was to reconnect with his family. He testified that when he saw them, he ran to them and was "so happy." He said that fortunately,

he was able to bring rice to share at Fendell. He explained that he got there by car with the boy who used to live in his community; when he saw HH, he brought him to his father. HH stated that the boy was one of Prince Johnson's rebels at the time.

A day or two after HH was reunited with his father, the NPFL re-captured Fendell, and a relief truck brought in rice and distributed it. Rice was allocated to family heads depending on size of family; the witness recalled that the bishop of the church was distributing rice. He explained that family heads talked to those in control of the CRS truck, which was going back to Buchanan. They asked for a ride to be carried to Buchanan. HH's father talked to the bishop, and the witness's family went to Buchanan.

HH testified that "Fendell was always terrifying," a place where, if you were taking a bath in a creek, you saw bodies in the water. There were "dead bodies all over the place," he said. "No one wanted to be there." HH said it was a displaced persons camp, where people were living in campus buildings, and occupying the lobbies and classrooms. The witness gestured to the front of the courtroom and said you would find 100 people lying in an area of that size. He stated that the place was "so terrifying, so everyone wanted to leave, but were afraid to go through checkpoints." Therefore, when a relief truck came, people would talk to the driver and would ask for a ride. HH said it was safer to travel in a relief truck or a military truck, so if you wanted to be stationed somewhere else, you could talk to them and then ride along.

The witness said his family went to Buchanan and it was also terrifying, as people were dead, and others were running up and down. He saw rebels with guns on their shoulders. He said that this was his first time knowing that at least he was not hearing launching sounds, so it was a little bit better.

HH confirmed that this was still in 1990, and that Buchanan was then controlled by the NPFL. According to the witness, he saw Cyril Allen. He stated that as a child he did not know Allen's rank or position, but heard him referred to as "Special Forces." HH stated that there were bodyguards who guarded NPFL officers, including "SBU carrying arms." He said that younger and older people carried arms, and some wore t-shirts with symbols or drawing of a scorpion. HH stated that if you saw a rebel, you focused on something else so as not be caught, or else the rebels would take you from your parents. He confirmed that children were grabbed and taken to a training based to be a rebel soldier.

HH recalled seeing Isaac Musa, and Thomas Woewiyu in Buchanan, as well as many other Special Forces personnel. He said that when they came, they were referred to as "Special Forces," and if you saw a convoy coming, you knew it was Special Forces. He testified that every one of them had bodyguards and moved in convoys. He confirmed that Woewiyu had bodyguards, a mix of kids and adults. HH stated that rebels did not have a special age; if an older person was not mindful, he said, a 10-year-old at ten years old with a gun on his shoulder would tell an old man to sit on the ground. The witness said "it was the most common thing, to have a boy giving orders."

HH testified that he stayed in Buchanan until ECOMOG entered Monrovia, and the family heard the news, so people were trying to find their way back to the capital. While in Buchanan he carried loads or did small things for people for compensation, he said, which allowed him to ask for a ride to Monrovia. He explained that you had to ride with rebels to get to Monrovia, because they were the only ones doing transportation at the time, and it would be safe. He said

you paid them to get back to Monrovia, and the rate was very inflated. If someone could not pay, they could not go to the safe zone.

The witness was shown a photograph of six leaders of rebel factions, and identified Woewiyu and Samuel Dokie.

When HH got back to the Monrovia area, he said, he went to Gardnersville where his mother lived. He explained that his parents got divorced before the war. If you walked, it took two hours to get between Gardnersville and Paynesville, but you could get a ride between them for 70 Liberian dollars, which was the equivalent to 50 American cents.

The witness testified that he lived with his mother in Gardnersville until October 15, 1992, when Octopus began. HH said this was the first time he saw one person literally shooting another person; through 1990 he saw bodies, but 1992 was when he saw the act of shooting before his own eyes.

The witness recalled waking up on October 15, and his mother said they needed to go to the market to get food. Before they got there, HH said, they heard gunfire all over the place and people said it was the rebels attacking ECOMOG. He testified that after three or four hours, the rebels had taken over the entire place and he saw soldiers everywhere. He told the jury that it was "so deadly and so crazy," because although it was not that long a battle, there was "a lot of killing." The witness stated that he personally saw people get shot about 20-25 times.

After several days, HH said, he and his mother could not stay any longer in the community. They moved by road to have the protection of being near other people; if they were far from the road, they would be raped or harmed. The witness said he was 13 or 14 at the time, so he remembered it all clearly.

HH and his mother came to a checkpoint where many rebels were sitting "and carrying on dangerous activities." He said that if they were not satisfied with someone's answers to their questions, they pushed the person to one side and shot them. He described the checkpoint as a rope across the road with a red cloth, near a big house where a general lived. He said that every fighter, who left the front line went to the house with what they looted, and they raped women there. They "brought people and whatever they wanted, they did there."

The witness described the questions asked at the checkpoint, including who are you, where are you from, and what dialect do you speak. He said that sometimes the guards would say someone looked suspicious or like "reconnaissance," or like one of their targets. He did not know what they meant by "reconnaissance," but recalled the guards saying those people were their target. He noted the guards also searched for those who looked like Krahn man. He testified that when they said someone was "reconnaissance," they "did not take long investigating." He described how, by the time a second guard came to see why the first guard was asking someone questions, the person would be shot. He testified that he saw this "continuously" as "a day to day thing," and that his mother was afraid and they walked all the way to another community because it was too terrible. HH stated that the Patience Shop Checkpoint was close to them, and they wanted to be closer because sometimes the fighters would then befriend you.

HH testified that the fighters were travelers about their dialects because the NPFL was concerned about ECOMOG and peacekeepers. He explained that "dialect meant many different things." Dialects were initially used to identify ethnic groups. However, by this point, the NPFL was looking for dialects from Ghanaians, Sierra Leoneans, Nigerians, and other ECOMOG countries. He confirmed that in 1990, the NPFL used dialects when looking for Krahns, but in 1992 the NPFL used dialects when looking for ECOMOG.

HH testified they stayed in that area for maybe a month until his mother said they needed to go, and they went to another community until Octopus subsided. He said they went to the Shoe Factory community, and that was the area where they were before in Nyanford Town in the Gardnersville area was near a main road to Gbarnga, Buchanan, and Nimba, which was why many things happened there. He confirmed that he saw bad things happen every day, sometimes four or six times a day.

The witness was shown a partial map of Liberia, and identified for the jury where he lived with his mother prior to Octopus.

On cross-examination, the witness confirmed that when he was 11 years old and living in Buchanan before ECOMOG came to Monrovia, he saw children with guns, but no one asked him to join the SBU or the NPFL, or tried to make him join the SBU or the NPFL. He confirmed that when Octopus happened, he had turned 13, and again no one asked him to join or tried to make him join the NPFL.

The witness did not remember how long he was at Shoe Factory, explaining that he was a "kid under the protection of my mother. If she said stay, stay. If she said go, go."

The witness confirmed that at the Patience Shop checkpoint, when the NPFL was looking for the dialects of various ECOMOG soldiers, they were trying to find infiltrators.

On re-direct, the witness described the NPFL trying to find connivers. HH observed that they would not talk to suspected connivers long; they would simply shoot. He confirmed that he did everything he could to avoid recruitment, and was always under the guardianship of an adult. He was never a single child moving around by himself; someone was always guarding him.

The witness stated that NPFL commanders on the ground in Octopus often had "scary names." He stated that he saw Martina Johnson, General Lion, and many others. He was familiar with the name "Mosquito," identifying it as belonging to Christopher Vambo, who he said was the Chief of Staff at the time. HH noted that soldiers would salute Mosquito.

Witness 28: "Z"

The final witness of the afternoon, Z, testified that she was born in Kelebi in Bong County and grew up there, living with her mother. She told the jury she did not go to school. Her father lived in Gbarnga, she said. The witness identified herself as of the Loma and Kpelle tribes, and said that her father's tribe is Loma, from Lofa County. Z told the jury that she supports herself by "making gardens," and still lives in Kelebi. She said that she grew up with one sibling, Paul, a small boy who was younger than she was; the rest of her siblings lived at Firestone.

The witness said that, early in1990, she was not living in Kelebi. When the war came, she was in Monrovia with an older sister, but left when it became intense. At first the witness went to Gbarnga in Bong County and stayed with her father, but then she went back to Kelebi because her mother was there. She confirmed that she moved back to Kelebi with Paul.

Z testified that at that time, the NPFL was in control in Kelebi. The witness recalled that during Octopus, on a Saturday – the witness knew the day because it was a market day in Kelebi – her brother went from fishing to the market. Fishing "was the only job he did most of the time." She told the jury, "He was a boy who used to stutter, so when he was coming with his fish, they took the fish from him. That's how I decided to go to the market." Z said that a woman asked where Z was going and when she said the market, the woman told her, "They've already arrested your brother."

The witness confirmed that her brother was a fisherman who used to fish with his friends up the river to support himself. She said that when she heard something had happened to Paul, she was at the house. She was getting ready to go to the market and a lady told Z, "Your brother has been arrested." Z said that she asked the woman why, and the woman said, "They say he is a ULIMO suspect, he is recognizance."

Z decided to go to the market, she said, where she saw a group of people, "soldiers upon soldiers." She confirmed that the soldiers were NPFL fighters. She went to check for Paul, and "saw fish they took from him." Z testified that when she asked the soldiers for Paul, they said they did not know him. Z insisted "my brother is here," and said he was "in the kitchen" and she told the soldiers to "put him down."

Z confirmed that the soldiers had many guns. She confirmed that she asked them "What happened? Is my brother here?" She told the jury that the soldiers said Paul was not there, so she continued standing there; she did not know where Paul was, but knew he was with them. She stated that all of this happened right in the middle of town.

Z said she saw two women who also had children who had been arrested in the same way. She went over to them and they "all got together."

When the witness was asked if she was told the boys were arrestees, she said the NPFL soldiers had said there were "people in the kitchen." Z explained that in Liberia, a "kitchen" is where people keep rice in an attic. She said that you do not cook in a kitchen. She said that when the soldiers told her "they have prisoners in kitchen," Z asked to see to see if Paul was there. She testified that the soldiers said no, because they had to wait for orders from the Defense Minister. Z said that she and the other women decided to wait for him.

She testified that when the Defense Minister arrived, she heard the soldiers say, "Defense Minister, Defense Minister." She saw him arrive, and saw him in the kitchen. The witness said she was not sure how he arrived; if he brought a vehicle, she said, maybe he left it on the highway. Z testified that she learned the Defense Minister's name when the soldiers said, "Tom Woewiyu."

Z stated that after Woewiyu arrived, he sat on a table under a kitchen. She explained that the kitchen where Paul was had another kitchen next to it. Z demonstrated the distance from

Woewiyu to where the boys were held in the other kitchen, as equivalent to the distance between the witness box and approximately two feet in front of the defense table. She said that Woewiyu was in that larger kitchen with many soldiers around him; she confirmed that the soldiers had guns.

Z testified that she and the two women were begging Woewiyu, because the soldiers said "the big man had come," and by "the big man," they meant Woewiyu the Defense Minister. She said the soldiers did not allow the women to reach Woewiyu, and were standing between them. Z recalled that the women said to Woewiyu, "Chief, we are begging for our children. They are not reconnaissance people. They are citizens of this town."

Z stated that at that time, the soldiers were bringing Paul and the other boys outside. She stated that the soldiers who were there had commanders who gave them orders to bring the prisoners down from the attic, because their boss had come. Z said the soldiers had a commander in Kelebi, and the soldiers said the boss wanted to see the prisoners. She confirmed that the boss who wanted to see them was Woewiyu.

Z testified that the soldiers brought the prisoners to Woewiyu, while the women continued to beg and were crying. Z said that the other two prisoners with Paul were an older boy and a small boy. She said that when the women begged Woewiyu, he said nothing and the soldiers did not give the women the option to get closer to him, but the women kept begging. She recalled that Woewiyu said to the women, "The people said these are reconnaissance people. What are you guys doing with them?" Z stated that she did not have anything to say because she did not have power. Then Woewiyu said, in reference to the prisoners, "Take them away. I don't want to see them."

Z stated that during the time of the war, when someone said "I don't want to see them," it meant "kill them." The next thing would be killing. She testified that when Woewiyu said that, the NPFL soldiers took Paul and the other two boys away. She said she and the other two women were still crying and begging, but Woewiyu's reaction while the boys were being taken away "was nothing." The witness did not "see him do anything." Woewiyu "did not take any action." She said that the soldiers then took Paul along the road toward Molonkpalan.

Z testified that while he was living in Kelebi, Paul used to go fishing every day. She never saw him with a gun, and never saw him with rebels. She stated that Paul was someone who was very quiet; to even talk was very difficult for him, because of his stutter. Z testified that after Paul was taken away, Z never saw him again.

There was no cross-examination of Witness Z.

BBC Broadcasts

Government prosecutors played for the jury a series of BBC broadcasts recorded between 1990-1994. The broadcasts were mainly from the Focus on Africa and Network Africa programs. All of them contained audio statements made in his own voice by a man identified within the broadcasts as Thomas Woewiyu. Among the almost two dozen broadcasts played for the jury, dated by the prosecution, were the following:

- June 1, 1990: The broadcaster reported that Samuel Doe would not run for president again, and had issued his resignation. Woewiyu was identified as a spokesman for the NPFL living in the United States, and said that Doe's resignation was "not an acceptable offer." Woewiyu then said that the only offer from Doe that would make sense would be his surrender to the NPFL and to Liberia to stand for prosecution; otherwise, Woewiyu said, Doe should "do himself a favor by getting out of the country." Woewiyu said the atrocities committed by "Doe's people" were made under Doe's instructions. "We will get him out," Woewiyu said. When the BBC reporter asked if the NPFL was changing its conditions for peace, Woewiyu responded that they always wanted Doe's immediate resignation; waiting a year for Doe to resign was not good enough. The BBC reporter identified Woewiyu as "On the line from Washington."

- June 21, 1990: The BBC identified the "NPFL chief negotiator" at peace talks in Sierra Leone as Woewiyu. Woewiyu said Doe's offers meant nothing to the NPFL, and added that "there is no government left in Liberia." Woewiyu rejected the BBC characterization of Doe's peace offers as "reasonable." When the BBC asked if there would be another round of peace talks, Woewiyu said the NPFL controlled 90% of the land and 99% of the people, and so they were in a position "not to allow [Doe] to leave the country any longer, if that's what he wants." Woewiyu rejected the notion of a ceasefire and said there was no change in NPFL strategy and no change in wanting to remove Doe. "We will be taking the capital," he said, and added that the NPFL could close the roads out of Monrovia whenever they wanted. Woewiyu said the NPFL told Doe he could leave unharmed and had nothing else to offer him; he told Doe to "leave now or it's too late." Woewiyu discussed peace talks to be held the next week, which the NPFL was committed to attend.

- June 25, 1990: The reporter stated that peace talks were to resume in Sierra Leone, but the NPFL had not arrived. The reporter said Woewiyu was speaking from the Ivory Coast, and Woewiyu said the NPFL would not engage in peace talks, because Doe was not ready to leave power. Woewiyu stated that the NPFL would "proceed with our own plan of action" to go to Monrovia, and indicated that the NPFL already had a government to put in place in the days to come, called "NPRAG." Woewiyu said that people outside NPFL were part of NPRAG. He told the BBC that the "war started a long time ago, and is just going to continue until this comes to an end."

- July 3, 1990: The BBC reported that NPFL troops were moving to Monrovia. Water and power was cut off, and international phones and were cut. Woewiyu, speaking from the United States, identified the NPFL assault as the "final campaign" and "last effort," after which Liberian people would have something else to talk about. He said that the NPFL had "close to 15 thousand armed men." He described the NPFL covering every road in and out of Monrovia, and said that the only other way out of the peninsular city was by the ocean, but indicated that the NPFL had boats offshore to stop anyone who fled by that route. Woewiyu spoke of his desire to prosecute Doe. The NPFL had "provided an opportunity for Doe" to leave, he said, and indicated that the "effort is not to let Doe go, but to have him." Woewiyu said that, if the Americans could not extricate Doe, "we'll get him."

- August 14, 1990: The BBC reported that Prince Johnson was dead, and the NPFL claimed responsibility. Woewiyu described the place of the death and urged INPFL fighters to join the NPFL, because the "best way to go is all of us to work together." When asked if it was more important to kill Prince Johnson than to kill Doe, Woewiyu said no, but that Prince Johnson did need to be put under control.

- January 25, 1991: The BBC reported the American Ambassador to Liberia expressed disappointment with the various factions for failing to come to peace talks. Woewiyu spoke from "rebel headquarters in Gbarnga," and discussed setting up an interim government. Woewiyu said the NPFL was committed to a ceasefire, but blamed ECOMOG for human rights violations and the dangerous security situation, as well as catering to the "Sawyer government." Woewiyu confirmed that he made a mistake about the death of Prince Johnson.

- March 28, 1991: The BBC identified Woewiyu as the "NPFL spokesman" and said he called from Taylor's headquarters in Gbarnga. Woewiyu said the NPFL did not walk out of a recent peace conference, and that he was not worried by people booing him. He said he was not worried, because the people booing had been planted in the audience.

- June 3, 1992: The BBC reported hearing that Senegalese ECOMOG peacekeepers were kidnapped by the NPFL. Woewiyu denied the allegations, and said the firefight in which the peacekeepers were supposedly captured was very tense, so it was not easy to readily assess the situation on ground.

- November 28, 1992: The BBC identified "defense spokesman" Woewiyu speaking from Gbarnga at the NPFL headquarters; he said ECOMOG had plans to destroy Liberia. Woewiyu characterized ECOMOG's attacks as completely unprovoked, and not based on the location of actual NPFL troops. He described civilian deaths after ECOMOG bombardment.

- May 4, 1993: Woewiyu was identified as "Taylor's Defense Minister" and spoke about reports that he had "quit the rebel movement." "That information is wrong," Woewiyu said to Robin White in London. Woewiyu stated that his supposed leaving of the NPFL was merely an ECOMOG rumor published in a Nigerian paper. He said that he was "of one mind" with Taylor, and told the BBC that the NPFL was getting stronger based on the violence of ECOMOG. He said that he "spoke to my people this morning, and the reports from ECOMOG are false" that ECOMOG had captured a strategic village.

- August 13, 1990: The BBC indicated that within the next few days, ECOMOG would move into Liberia. ECOMOG discussed that they had heard reports that not everyone on the ground would greet them peacefully. "NPFL spokesman" Woewiyu said that the NPFL would take any action necessary to protect its cause, and stated that ECOMOG was "rammed down their throats."

- August 23, 1990: Woewiyu said a ceasefire could be reached if the other parties would come to the table. However, he said, the NPFL "would continue bloodshed, if someone sends ECOMOG in there," because the NPFL had the will power and spirit to "protect national integrity and sovereignty." Woewiyu said the NPFL was suspicious of the Guinean forces because Guineans were Mandingos; he indicated there were difficulties with the Mandingos in Liberia. Woewiyu was reported as being in Banjul, Gambia.

- August 24, 1990: Woewiyu said the NPFL would fight ECOMOG "to the last man." Woewiyu said he had been in Liberia for a few weeks, and stated that Sierra Leone and other ECOMOG countries were satisfying their own egos, rather than helping Liberia.

- August 27, 1990: Woewiyu said Liberia was "attacked" by Nigeria, Ghana, Sierra Leone, and Gambia, and characterized ECOMOG's actions as an "invasion." The BBC called him a "rebel spokesman."

- August 29, 1990: The BBC reported that Taylor was getting direct help from Libya and Burkina Faso, and identified Woewiyu as the NPFL Defense Minister. Woewiyu called ECOMOG "hooligans," and stressed that ECOMOG did not belong in Liberia. He said that other countries had told him they would send ECOMOG peacekeepers only if there was a total ceasefire, but would not send peacekeepers based on how ECOMOG was currently operating. He named Ghana, Guinea, and Sierra Leone as "aggressors."

- September 10, 1990: Elizabeth Blunt reported on the likely death of Doe, saying he had arrived at Prince Johnson's headquarters alive, but that his body was said to be now on display. Woewiyu characterized ECOMOG as interlopers.

- September 10, 1990: Woewiyu said the NPFL's goal regarding ECOMOG was to "pull back" ECOMOG in Liberia, and in fact to "obliterate" it.

- September 19, 1990: Woewiyu named Ghana, Guinea, and Sierra Leone as an aggressive and invading force. He said the NPFL had "no reason to give up" and would keep fighting back against ECOMOG, and that ECOMOG's "type of aggression can only strengthen our resolve." He described civilian deaths wrought by ECOMOG. Woewiyu said that "Ghana declared war on Liberia." He talked about Burkina Faso and Ivory Coast, saying that the NPFL had a right to look to "friends and other countries" when Liberia's sovereignty was threatened. He said he had asked for help and had received offers of help and "better arms" from "unnamed countries." He said it was time to "call it off" when Doe was killed, but that "you cannot cooperate with someone who comes in your home with arms."

- September 29, 1990: Woewiyu was identified as being in New York. He said that anyone who approached Liberia without NPFL permission would be fired on. He referred to ECOMOG as being in Sierra Leone.

- June 9, 1993: The BBC reported on the murder of approximately 300 civilians in Harbel, and said the survivors blamed the NPFL. The BBC identified the NPFL "defense spokesman" and "Defense Minister" Woewiyu, speaking from Abidjan. Woewiyu blamed ECOMOG, saying ECOMOG undertook "genocidal activities" and was taking sides in the conflict. Woewiyu said the NPFL forces had "no reason" to kill the 300 civilians, and that many of them might be his own relatives, as they were from his home town.

- September 7, 1994: The BBC stated it was receiving reports that Taylor had been removed from the NPFL leadership, and identified "former defense spokesman" Woewiyu as saying he replaced Taylor within the NPFL leadership. Woewiyu said he was appointed as the NPFL's new leader by the Central Revolutionary Council, because Taylor had no control over the troops. Woewiyu said Taylor left Liberia and told the NPFL that "everyone is on their own, to do what they should do." Woewiyu stated that Taylor did not have troops outside of the NPFL. Woewiyu stated the NPFL had joined in a coalition with all the other fighting forces in Liberia to see calm and tranquility restored in Gbarnga. Woewiyu said that, while he himself was not in Gbarnga, he was "in touch with the people on the ground." He said fighting was going on between NPFL troops Taylor had pitted against each other.

Week in review: week 2

The second week of the trial of Jucontee Thomas Woewiyu ended on Thursday with the presentation of dramatic evidence by the prosecution. The last witness of the week testified to Woewiyu personally ordering the killing of a young man suspected of being a spy, and her testimony was followed by the playing of numerous BBC broadcasts in which Woewiyu himself spoke to the goals and practices of the NPFL.

20 witnesses for the prosecution testified this week, developing the prosecution's narrative about the NPFL's control over much of Liberia and the NPFL's policies of violence against its perceived enemies, and about Woewiyu's position of power within the structure of the NPFL. The witnesses can be loosely grouped into the following categories:

- Seven testified to the NPFL's policy of ethnic persecution, with three having survived ethnically-motivated acts of violence by the NPFL, two witnessing such ethnic violence but escaping it by lying about their ethnicity, and two not themselves endangered but testifying as to Woewiyu and the NPFL's ethnic policies;

- Two testified as witnesses to Woewiyu's presence while violence was carried out by the NPFL against suspected spies, with one having witnessed Woewiyu personally ordering the execution of suspects;

- Five testified to the forced recruitment of child soldiers, including three men who were forcibly recruited as children, a sister whose brothers were taken from her, and an expert witness on the psychology of children who become soldiers;

- Four testified as journalists whose travels in Liberia were facilitated by the NPFL and whose observance of the broader war contextualized the issuing of orders on the ground, with three of them having personally observed Woewiyu acting for the NPFL on the public stage;

- Two testified as high-level Foreign Service Officers to the interaction of the United States government with the NPFL during the war.

The prosecution also played for the jury a series of 21 BBC broadcasts recorded between 1990-1994, mostly from the Focus on Africa and Network Africa programs. All of them contained interviews with a man identified within the broadcasts as "Defense Spokesman" or "Defense Minister" Thomas Woewiyu.

The prosecution's narrative continued to take shape from the witnesses' testimony and from the BBC broadcasts. The prosecution provided evidence of the following:

- When Samuel Doe offered to resign in a year's time, the NPFL rejected the offer and, through Woewiyu, warned Doe to leave the country but refused to facilitate his escape. The NPFL, according to Woewiyu, was prepared in June 1990 to proceed with its own "plan of action," regardless of offers made at peace talks.

- The NPFL did not lay down its arms after the death of Samuel Doe; in fact, fighting intensified. The fighting continued despite numerous peace conferences, and the NPFL on occasion did not attend

scheduled talks and left others while they were ongoing. Woewiyu was often the head of the NPFL delegation sent to peace conferences, including those where the NPFL walked out of ongoing talks.

- Woewiyu was present at NPFL headquarters in Gbarnga in 1991 and 1992, speaking to the BBC from the rebel headquarters while characterizing ECOMOG as biased and violent. Throughout the First Liberian Civil War, Woewiyu described ECOMOG as committing human rights violations and offenses against Liberia's sovereignty. Woewiyu specifically invoked the countries of origin of the peacekeeping troops as a mark of their untrustworthiness, and singled out Guinean troops as suspicious because of Guinea's Mandingo population. In general, the Armed Forces of Liberia and ECOMOG were characterized to NPFL child soldiers as "the enemy."

- Woewiyu was present twice when accused spies were condemned. Once, he issued the execution order himself by saying, "Take them away. I don't want to see them." Once, he was in command and stood by silently while a subordinate cut off suspected spies' ears and ordered the suspects to be taken away. If an NPFL soldier, whether a guard at a checkpoint or Woewiyu himself, said "Take them away," the person was not seen again. "I do not want to see them" was understood as an execution order.

- The NPFL's policy of ethnic persecution was systematic and widespread, and reached from the highest echelons of NPFL power down to individual guards at checkpoints. Woewiyu announced on the BBC that "the only good Krahn man is the dead Krahn man," and checkpoint guards would attempt to find Krahns and other disfavored groups among travelers. Suspected Krahns or other disfavored groups were summarily executed, and anyone trying to aid a suspected person was deemed suspicious themselves, and was thus likely to be killed as well.

- Checkpoints were sites of easy and immediate violence, and over the course of the war, the NPFL checkpoints shifted from searching for Krahns and Mandingos to searching for ECOMOG soldiers or collaborators from other warring factions. Checkpoints involved other forms of atrocities than killings alone, including forced labor to dispose of corpses. Checkpoints were often manned by drugged child soldiers.

- NPFL violence extended past checkpoints to the homes of those they had heard were suspected of being part of a disfavored group, in order to kill them. Among such violence was a massacre in Bakiedou village, where over 100 people were murdered because they were Mandingo. The community knew about the imminent attack before it occurred, and it was expected that the arrival of the NPFL would herald attacks on Mandingos.

- The NPFL had a high level of control on the ground in Liberia, and journalists hoping to cover stories outside of Monrovia worked with the NPFL to secure safe passage. In many instances, journalists' trips were facilitated directly by the NPFL, and journalists were escorted in NPFL vehicles through the numerous and dangerous checkpoints to ensure the journalists' safety.

- Woewiyu was generally known by fighters and civilians as a "Chief," a "big man," and a "boss man," to whom beleaguered families should go to beg for the return of their conscripted or imprisoned sons. When faced with pleas by the families of NPFL captives, he was unmoved.

- Woewiyu directed battle plans of forces on the ground, including forces primarily made up of child soldiers. He personally oversaw the issuing of arms to child soldiers. The NPFL maintained training

camps in a number of locations for child soldiers and other "recruits," with systematized training in field-stripping weapons, evasive maneuvers, etc. Child soldiers were desirable because they were malleable and fearless fighters who would follow authority figures.

- The United States government dealt directly with Woewiyu as a mouthpiece for and participant in NPFL policy. In the opinion of the United States government, the NPFL had a clear structure of command, and its leadership was in control of subordinate fighters. The NPFL had procedures that were strictly followed, including checkpoint protocols carried out by child soldiers at NPFL headquarters.

- Operation Octopus, carried out in October 1992, was especially brutal, and served as a microcosm of the other atrocities committed by the NPFL, including the use of child soldiers and the attacking of civilian targets rather than military ones.

The defense did not cross-examine many of the prosecution's witnesses this week, and declined to cross-examine the witness who testified that Woewiyu himself ordered her brother executed on suspicion of being a spy. However, the defense narrative was developed through other witnesses:

- Some civilians co-existed peacefully with NPFL soldiers. Not all young men were conscripted, and not all child soldiers carried guns.

- The NPFL's practices at the beginning of the war were perceived as less bloody and more targeted than those enacted later; there was a greater degree of control at that time, and the NPFL's goals were considered acceptable to the United States.

- Woewiyu had conversations with ECOMOG personnel, away from Monrovia, that were not aggressive in tone.

- The Armed Forces of Liberia were also violent, killing one man at a checkpoint and detaining suspected rebels overnight at another checkpoint.

- Prior to Operation Octopus, there was a period of relative calm in Liberia, characterized by skirmishes but not by all-out war.

- Except for one Foreign Service Officer, the prosecution's witnesses did not involve themselves with Liberia's Truth and Reconciliation Commission either in Liberia or in the United States. They were unaware that Woewiyu was not recommended for prosecution by the Commission.

Trial continues on Monday, June 25, with United States immigration officers and Federal Bureau of Investigation agents expected to testify. The prosecution is expected to rest its case within a few days, and the defense will then begin the presentation of its case.

Day 9: BBC transcripts and illegal arms trafficking

Trial began Monday morning with a discussion of the evidence and witnesses that will be presented this week.

The prosecution is expected to call USCIS Senior Immigration Services Officer Peggy Lin later this week to testify as to her knowledge of Thomas Woewiyu's citizenship application. The defense objected to portions of her expected testimony, arguing that it goes to the ultimate issue of truth before the jury. The prosecution responded that the evidence instead goes to the materiality of the question of what Woewiyu allegedly sought to conceal from the United States government, and why.

The defense proposed that stipulated facts be presented to the jury, in which the parties agree that Lin reviewed everything in Woewiyu's application and made a decision issued on August 12, 2010 that Woewiyu was not morally fit for citizenship. The prosecution argued that such stipulations would remove the probative evidence in Lin's expected testimony, which would otherwise help the jury understand why the evidence regarding Woewiyu's actions in Liberia was important to Lin's decision. The prosecution then proposed an instruction be given to the jury that a USCIS immigration decision does not have direct bearing on the criminality at issue in this case. Judge Anita B. Brody asked the parties to continue to discuss the question between themselves.

The defense informed Judge Brody that it agreed to the authenticity and admissibility of documents that Federal Bureau of Investigation ("FBI") Special Agent Jennifer Lohmeier will read into the record.

The prosecution informed Judge Brody that it intended to move to preclude a witness the defense expects to call as an expert on the United States citizenship application process.

Witness 7: Jennifer Lohmeier

FBI Special Agent Jennifer Lohmeier returned to the stand a second time on Monday morning, in order to read documents into the Court record. The parties agreed as to the documents' authenticity and admissibility. The documents included transcripts, letters, an affidavit, and newspaper articles. The majority of the documents included internal identification of Woewiyu as an interview subject or as the document's author. The documents were dated by the prosecution and read into the record as follows:

- July 5, 1990; BBC Transcript:

The BBC reported that ECOWAS was conferring in Sierra Leone, and that the NPFL was anxious to communicate that it would not accept President Samuel Doe's resignation unless Charles Taylor was allowed to lead the interim government. The BBC interviewed Woewiyu, who stated that Taylor was in charge of more than 15,000 fighting people in Liberia, and who said it was "unrealistic and conniving" for diplomatic forces to say that Taylor need not lead. Woewiyu asserted that if Taylor were not in control of the interim government, Liberia would plunge into further chaos, and he blamed the United States for pursuing its "own agenda, maybe they have somebody in mind to run the country." Woewiyu blamed Doe for violence against civilians in Liberia.

Woewiyu said it was "not bad tactics" for the NPFL to confront America and all of West Africa, and continued that ECOWAS proposed and was behind the idea that the interim government be formed without Taylor. Woewiyu said he hoped ECOWAS would give up that "predetermined position," and stated that the NPFL refused to hold its fire during upcoming peace talks.

After the interview, the BBC identified Woewiyu as an "NPFL spokesman," and reported that the NPFL did not attend the scheduled peace talks.

- July 5, 1990; a second BBC transcript from the same day:

  The BBC reported that Armed Forces of Liberia (AFL) soldiers were looting shops and businesses, and that senior advisors to Doe had fled Liberia, although the President himself had not. The BBC reported that journalists "trapped" in Monrovia reported a lack of food and water, and that only one Telex a day could be sent from the city. The BBC identified Woewiyu as someone who "acts as a spokesman for [Taylor] in Washington" and indicated that Woewiyu had spoken with rebel commanders in the field a few hours before his BBC interview.

  In his interview, Woewiyu said Doe's army was disorganized and that "we hope to get ahold of Doe himself so he can stand trial." Woewiyu stated that "the deal we are making with him is we will spare his life." He told the BBC that by the time the NPFL came to power in Monrovia, "from the description we are getting, [Monrovia] is going to be in very, very bad shape." He told the BBC that "there is no way to get out of the city" and said that "if they know what we know," those fighting in the city should put down their arms and "join hands." Woewiyu acknowledged the United States's involvement in attempting to speak to Doe. The BBC reporter asked whether Doe could "get away if he wanted to," and Woewiyu answered, "No." Woewiyu said that Doe might be in an embassy from which he could escape Liberia "without our interference."

- August 27, 1990; BBC transcript:

  The BBC reported that ECOWAS was encountering resistance in areas around Monrovia, and that there was a peace conference in Banjul to discuss the first interim government in Liberia. According to the BBC, the idea of the conference was "to find someone whom all parties can agree should lead the interim government." The BBC reported on differences between Prince Johnson's troops and ECOWAS, and reporting that Taylor's forces opposed the ECOWAS presence. The BBC reported that Prince Johnson and Doe had indicated to ECOWAS their willingness to sign a ceasefire, and that the NPFL had decided it wanted nothing to do with the ceasefire; the NPFL was "marginalized in the peace process." The BBC reported that ECOWAS had arrested a number of Prince Johnson's men, and he agreed to keep only 20 men around the port area.

  The BBC reported that the main opposition to ECOWAS was coming from the NPFL, and then interviewed "Defense spokesman" Woewiyu. Woewiyu stated that ECOWAS was "not a peacekeeping force" and that he "believe[d] they have the support of the United States" and were carrying out offensive attacks. The BBC reported that ECOWAS was sought out by scared and hungry civilians – mostly women and children – who received food from ECOWAS troops.

- September 24, 1990; BBC transcript:

The BBC reported on a ceasefire in Liberia, and said Taylor was "busy laying down plans" for the country, although he "persistently" rejected ECOWAS and its peace talks in Banjul. The BBC said Taylor was talking about holding elections, and then turned to "Defense spokesman" Woewiyu for comment. Woewiyu said that Taylor had declared an interim government, the National Reconstruction Assembly Government ("NPRAG"), and that it had been running for two months. Woewiyu identified himself as a member of NPRAG.

Woewiyu stated that people were "trying to normalize their lives" outside Monrovia, and described the interim government assembly as governing for a period of six months, during which time it would set up general elections. He described roads and food stores as open outside Monrovia, including in Buchanan. "As long as Doe is dead, the people know that was our prime objective," Woewiyu said. He also accused ECOWAS of carrying out bombing raids and described Grand Jeddah as "very volatile." He said Doe troops were still in Grand Jeddah, and stated the NPFL had "sealed off" the area so no violence could come out of it.

- November 10, 1992; BBC transcript:

  NPFL spokesman Woewiyu called from Liberia about the NPFL's self-proclaimed ceasefire, saying that "we ordered our forces to stop fighting" but that ECOWAS continuing to bombard. "Of course, if we are being shot at, we will not turn our backs." When Woewiyu was asked why the NPFL announced its own ceasefire, rather than complying with the ECOWAS ceasefire, Woewiyu said that the terms of that ceasefire were not discussed with the NPFL. Woewiyu said the NPFL gave its own people 12 hours to stop fighting, in order for the terms of the NPFL ceasefire to be put in place. He said that "if ECOMOG observes a ceasefire, we will observe a ceasefire" but "if they do not, we will all know who is prolonging the pain of the Liberian people."

- October 3, 1990; Letter from Firestone Plantation Company to Charles Taylor, internally identified as being sent care of Woewiyu:

  The letter from the Firestone Plantation Company stated that its representatives desired to meet with Taylor, or his designated and authorized representatives, in Abidjan or a neighboring country. The purpose of the meeting would be to facilitate a visit to the Firestone plantation and to assess the state of Firestone's assets and the plantation itself. The letter stated that Firestone was worried about the safety and security of its representatives, and sought assurances from Taylor. Firestone also wished to discuss future operations. Attached to the letter was a discussion agenda, including the protection of personnel; the protection of property; the recovery of stolen property or its return; tax relief abatement; the resumption of Firestone's operations; and a functional banking system.

- July 19, 1996; Affidavit of Jucontee Thomas Woewiyu, submitted in *Cigna v. Bridgestone/Firestone Inc., et al.:*

  Woewiyu's affidavit was internally identified as being filed in the Court of Common Pleas in Ohio. In it, he identified himself as a member of the Union of Liberian Associations in America, 1980-1987; its chairman, 1987-1990; a founder of the NPFL, January 1987; a member of the NPFL, 1987-"the present;" a member of the NPFL's Executive Council, 1990-1994; the NPFL's spokesman, 1989-1994; the NPFL's Chief Negotiator, 1990-1994; the Defense Minister of NPRAG,

1990-1994; a Minister of Liberia's transitional government, 1994-1995; and the Minister of Labor of the interim government, 1995-"the present."

In the affidavit, Woewiyu stated that Doe falsified the results of the 1985 presidential election, and that the majority of Liberians believed this unlawful conduct violated the letter and the spirit of the Liberian Constitution, and they therefore did not consider Doe a "constitutional president." Woewiyu stated that post-1985, Doe engaged in unlawful conduct, including human rights violations.

Woewiyu stated that the NPFL was formed in Ivory Coast in January 1987 at a meeting attended by Woewiyu, Taylor, and three others. He said that the specific intent and objective of the NPFL was to protect the rights, freedoms, and democratic system of Liberia by trying to pressure Doe into resigning. Woewiyu said that it was agreed that after Doe's resignation, an interim government would be set up, and that was the "specific intent of the NPFL" until the present. "Beginning with an incursion into Nimba County by 12 members, the NPFL attempted to apply additional pressure" to provoke Doe's resignation.

Woewiyu stated that the NPFL initially had fewer than 200 members, but when it grew due to the popularity of its democratic goals, the civilians who joined "also pursued their own personal objectives" resulting in looting, revenge, and factional "turf battles." Woewiyu said these were not the objectives of the NPFL itself, which had a standing policy against "looting, theft, or vandalism;" "whenever possible to do so, the NPFL punished those responsible for their unlawful conduct." He stated that the NPFL never intended to overthrow Liberia's government or alter its democratic system forcibly or otherwise, or to influence how the powers of the branches of the Liberian government were exercised. He stated that the NPFL never intended to seize control of the Liberian presidency forcibly or otherwise, or to install Taylor as president. Woewiyu said that any conflicting statements made or reported did not reflect the objectives of the NPFL, and to the extent that such statements were made, they were either misstatements, unauthorized, or made with personal objectives in mind.

Woewiyu discussed the INPFL and said that at all times it shared the same objectives as the NPFL. He stated that in June 1990, Prince Johnson set up the INPFL because he incorrectly believed that Taylor wanted to install himself as president. Woewiyu then reiterated that the two factions had the same goals, and said that at no time did the INPFL intend to overthrow the Liberian government or exercise the powers of the government. He said that NPRAG was an "interim caretaker administration" formed in November 1990, and that its goal was to discuss with IGNU – the interim government in Monrovia – the setting up of a democratic government together to hold free and fair elections. He identified the fighting that occurred through September 1990 as a result of Doe and a small number of Krahns in the AFL. He stated that the "events in Liberia constituted a popular uprising."

- August 30, 2005; Open letter from Woewiyu to Ellen Johnson Sirleaf:

In the body of his letter, Woewiyu stated that he wrote it in response to Ellen Johnson Sirleaf "mustering the courage" to apologize to the Liberian people for a "callous statement" she made in 1990. He indicated that she apologized for saying to "level the Mansion, we will rebuild it," but stated that in reality, she said to "level Monrovia, we will rebuild it." He wrote that Sirleaf now regretted "making a stupid comment," and asked why Sirleaf would replace a stupid

comment with a false one. Woewiyu wrote that he would also refresh her memory about other "deadly statements" she made, and clarify her role in the founding of the NPFL and the prosecution of its wars. He wrote that her position in the NPFL was a high one, "especially the Taylor version" of the NPFL, and said that Sirleaf was in fact in charge of the NPFL and gave the order to level Monrovia. "Her order was carried out."

Woewiyu also indicated that Sirleaf was the second most powerful person in the United Nations Development Program at that time, and yet blocked the promotion of other Liberians.

Woewiyu wrote that Sirleaf was involved in the failed Quiwonkpa coup, and that after Woewiyu's own subsequent visit to Ivory Coast, three members of the NPFL – including Taylor – began to look for support for training and arms of their rebels. Woewiyu wrote that Taylor said he found such support in Burkina Faso, and Woewiyu himself went there to ascertain it, with Sirleaf's knowledge and support. His letter then implicated her in the training the NPFL forces received in Tripoli. Woewiyu stated that he met with Sirleaf and Taylor in Paris in order to plan how to get their rebels into Liberia; they discussed whether it was best to launch an attack using Sierra Leone as a staging ground.

Woewiyu accused Sirleaf of going to NPFL headquarters in Nimba County and telling the NPFL commanders there that she and Woewiyu agreed that support would be given to the Liberian Action Party when Doe was deposed. Woewiyu wrote that he was subsequently confronted with a court martial for "selling out the revolution" on his own arrival at NPFL headquarters, and that only God and "my friendship with Taylor" saved his life. He closed his letter with accusations of financial support by Sirleaf for the NPFL, including $25,000 "given by her consortium" when the war started.

- "The Woewiyu Testimony To The Liberian TRC That Was Never Given" article, published in *African Panorama*:

  In a piece believed to be authored by Woewiyu, in lieu of his giving testimony before the Truth and Reconciliation Commission ("TRC"), Woewiyu wrote that his heart went out to Guinean immigrants in Grand Bassa County who were put into a "concentration camp." He said that at Woewiyu's urging, Taylor saw that the camp was "broken up."

  Woewiyu wrote that he apologized to any ethnic Krahns of Grand Jeddah Country who may have suffered as a result of his misquoted statement that "the only good Krahn man is a dead Krahn man." Woewiyu claimed that he was quoting Taylor, and that the broadcast misrepresented that "his" statement was originally made by Woewiyu. Woewiyu wrote that Taylor bankrolled ULIMO-J in its struggle against ULIMO-K, and stated that Krahns heard Taylor make the statement that "the only good Krahn man is a dead Krahn man" directly.

  Woewiyu stated that he "condemns in strongest terms" those who used the Liberian "uprising" to profit, including those who took over diamond mines. He wrote that one such group worked as an extension of Guinea, with whom the group had "natural ethnic affinities." He blamed the assassination of President Doe on ECOMOG.

- August 1992; "Turning the Tables" article:

Woewiyu is identified in the article as the Minister of Labor of the Liberian National Transitional Government ("LNTG"), and the Defense spokesman of the NPFL. It stated he was sworn into the LNTG along with Samuel Dokie and others. The article reported that Taylor had not intended the NPFL-associated delegates to the LNTG to take their seats, and so their being sworn in was perceived as a departure from the NPFL of its intellectual and ideological backbone, of which Woewiyu was a part.

The article quoted Woewiyu, who said reports of his departure were false statements; he called the NPFL a "very very good organization" but said its leadership under Taylor was bad. He said the NPFL was founded by Thomas Quiwonkpa and "it could have been led by myself, Tom Woewiyu," but that Taylor rose to its leadership by a series of coincidences. Woewiyu stated that Taylor insisted on being present in the NPFL "by force," and that those NPFL members who joined the LNTG did so in part to counter Taylor's advancement, and to find a way to end the war. Woewiyu said that "over the years," those who led the NPFL watched Taylor turn it into a quest for revenge. He stated that those children who fought in the NPFL and died were not of Taylor's tribe, and thus belonged "to a group of people he has no regard for." Woewiyu stated that fighters in the LPC and ULIMO factions were mostly NPFL fighters "who had to run for their lives," and that the majority of fighters in the LPC specifically were people who had their ears cut off by J. T. Richardson and Koko Dennis.

Woewiyu said the NPFL itself was not the problem, but recognized that it had a problem in Taylor. He said that others involved, besides Taylor, did not believe that questions of sovereignty should stop the peace process, and said that the NPFL would avoid violence. Woewiyu stated that Krahns' and Mandingos' names were improperly used to fight the war, and called on NPFL fighters to "stop fighting anybody," as Taylor was the real enemy of the NPFL. Woewiyu called Taylor an "enemy to society who has wasted blood on the noble goals of the NPFL."

Woewiyu said there was a big celebration when Jackson Doe was received by the NPFL in Harbel, and that he was received as a hero, but that when Jackson Doe and others were taken to Buchanan and given housing, they disappeared. Woewiyu called this a "calculated decision" on Taylor's part. Woewiyu emphasized that the actions of Taylor, Grace Minor, and Koko Dennis were not the actions of the NPFL, and stated that Taylor's struggle was "not political," but rather to bring himself to power.

Woewiyu reiterated that the goals of the INPFL were the same as the NPFL. He said those involved in the fight were prepared to put weapons down and work via politics. He thanked Nigeria for its perseverance and its dedication to Africanism.

- October 23, 1992; "Horrors of War" article:

The "Horrors of War" article was read into the record as a first-person account of the experience in the war of the journalist Robert Morris, who worked for the Doe government and subsequently for the Liberia Broadcasting System ("LBS"). Morris discussed the entrance of the NPFL into Caldwell and Duwalla, near Monrovia, on October 23, 1992. He wrote that he heard obscenities directed against ECOMOG, Krahns, and Mandingos.

Morris reported that the NPFL called residents out of their houses to be interrogated and taken to "Taylorland." He wrote that the NPFL asked the residents of the neighborhoods if they were

working for the interim government or the AFL, or if they were Krahns or Mandingos. He recalled that the NPFL soldiers beat and killed people because of their tribes and their association with the interim government; he specifically recalled that they killed a Mandingo man because of his Mandingo accent. Morris wrote that as the civilians were forced from their homes by the NPFL and made to go toward the Fendell campus of the University of Liberia, women were stripped naked to see if they were hiding valuables in their vaginas. Women and girls, including young girls aged 12-15 years old, were raped.

Morris wrote that he had to hide his identity, and was interrogated for two hours before he was released, but was then grabbed again and asked why he was still in Monrovia when Taylor had ordered all its citizens to leave for NPFL territory. He pretended that he had recently had an operation, and was receiving treatment; the NPFL fighter who interrogated him was angry, and insisted there were good hospitals inside NPFL territory.

Morris wrote that NPFL rebels showed him and other civilians the dead bodies of ECOMOG soldiers. He recalled that he could not cry, because he was afraid of being shot on the spot. The NPFL fighters ordered Morris and other civilians to leave Monrovia, because the NPFL was sending 20,000 men to take the Executive Mansion. A friendly NPFL fighter warned Morris's neighbor that the NPFL had decided to kill everyone from Duwalla, because people from Duwalla were suspected of alerting ECOMOG when NPFL fighters entered the city. This neighbor warned Morris and others, and they all lied about their home neighborhoods. Subsequently, NPFL fighters mounted a checkpoint at Fendell to search for those from Duwalla. Morris wrote that some people were detained, and he did not know what happened to them.

Morris wrote that he arrived at a checkpoint near 15 Gate near Harbel, and was identified by an NPFL fighter there as a member of Doe's government and of the interim government's LBS. Morris walked forward to be interrogated, but shooting began and he escaped. He wrote that 5,000 people were lined up at 15 Gate, being interrogated as they waited to enter NPFL territory. He said many rebels asked questions at once; there was not a lead interrogator.

Morris wrote that he arrived near Kingsville at the Firestone Plantation, along with thousands of other displaced people, and stayed there five months. He wrote that there was rampant murder, rape, a lack of food, and diseases spreading within the NPFL territory. He specifically said that people were killed and their bodies thrown in bushes for allegedly being ULIMO spies. Morris reported that sick people and children died daily. He wrote that NPFL fighters killed innocents and drank their blood; this included one fighter who entered the African Methodist Episcopal church where Morris was living, and asked for prayers because he killed a man and drank his blood. Morris wrote that civilians could not say anything positive about ECOMOG, because NPFL fighters were "brainwashed by Taylor," and he specifically recalled a man who was severely beaten for spreading news of ECOMOG's coming.

Morris wrote that ECOMOG began a bombardment of the Firestone area on February 23, 1993; "everyone panicked and began running everywhere," including the fighters. Hundreds of rebels began to retreat but were confused, and Morris wrote that they did not know where to go because they were surrounded by opposition forces on all sides. He stated that the rebels decided to take guns from the small children, as the children could not effectively fight ECOMOG. Morris wrote that the rebels fled following the continued bombardment by ECOMOG, who then took over and directed civilians to go to a safe area.

Morris wrote that he personally sang and praised ECOMOG when he entered Monrovia with other displaced people. They were greeted by Monrovians dancing for joy to see them return from the NPFL's territory. He recalled that he was very ill, and was taken by ECOMOG for treatment. He wrote that when he returned to his home in Duwalla, he learned that his five-month-old child had died during the height of the Operation Octopus attack on Monrovia.

On cross-examination, the defense asked Lohmeier about the article "Woewiyu Testimony to the Liberian TRC That Was Never Given," as reported in *African Panorama*. Lohmeier stated that to her understanding, *African Panorama* is a periodical focused on Africa. To her knowledge, the document does not indicate when it was published, and Lohmeier was not aware of its date of publication. Lohmeier was aware that ultimately the TRC published a Final Report.

Lohmeier agreed that she was assigned to the investigation of Woewiyu until she was transferred to other duties last April. She became familiar with the TRC's Final Report at that time. She agreed it was long, "over 300 pages." She was not sure if the Final Report included a description of the TRC's methodologies, or how long the Commission investigated. She stated that she had spoken to some of the TRC's Commissioners as part of the investigation of Woewiyu.

Witness 29: Gary Lang

The prosecution's next witness was Gary Lang, who began his testimony by informing the jury that he has severe tinnitus and 60% hearing loss as a result of exposure to an explosion, which would cause him to adjust his hearing device periodically.

Lang testified that he is currently an independent monitor and compliance official, overseeing defense contractors who willfully violated trafficking laws. He stated that he is appointed by the government to make sure contractors have strong compliance programs in place, and that he is responsible for overseeing ethics programs as well, to make sure companies are not dealing with countries under U.S. or international embargoes.

Lang testified that he began his government service as an investigator for the Food and Drug Administration, and served in that capacity for approximately seven years. Subsequently, he worked as a Special Agent for the Department of Defense, and then as a Special Agent for the U.S. Customs Service based in Miami, Florida. In that position, he assisted in a number of investigations, including marine and aircraft smuggling. He testified that some of his investigations were carried out under the Arms Export Control Act and International Trafficking Arms Regulation ("ITAR"), in an undercover capacity.

The witness described his undercover work for the jury, explaining that he investigated violations of arms and munitions smuggling. He testified that he worked on a number of cases involving a fake storefront and warehouse that federal agents had set up, where he worked undercover fulltime. He explained that the cover for this pretend arms business was as a storefront that dealt in aircraft parts.

Lang told the jury that federal undercover investigations allow agents to record conversations with suspects. He explained that the Arms Export Control Act is a federal act that relates to ITAR, and that these regulations give licensing instructions and outline legal processes for the export and import of arms.

Lang testified that his undercover identity was as Garrison "Gary" Luhr. Others working undercover at the fake storefront included a young female agent, who played the receptionist; those working in warehouse; and Lang's purported "business partner," who was familiar with aircraft parts. Lang told the jury that this was a Customs Service agent undercover as "Bill" or "Billy," whose real name is William Parks.

Lang recalled two long-term undercover investigations ongoing at the time, during which he met Eugene Cox. He said that both long-term investigations involved the illegal export of arms. In one, he pretended to have stolen arms from the military to sell onward; the other involved arms to be smuggled outside of the country, so as to evade a license requirement.

Lang testified that he worked in this undercover capacity for at least five years. He confirmed that this was known as "deep cover." Lang stated that his supervisor was referred to as the "Case Agent," and was named Michael Verre.

The witness recalled meeting with Eugene Cox at the undercover storefront, located next to the Miami airport, on January 29, 1992. He testified that the meeting was set up by a confidential informant, who had information that Cox had friends who wanted "sensitive equipment," and that they had just "overthrown a country." Lang explained that a "confidential informant" is "a source of information in cases about individuals or groups looking to violate certain federal laws." Lang stated that the confidential informant was present for Lang's first meeting with Cox, and that William Parks was also present.

Lang testified that he introduced himself to Cox and asked how he could assist him. He said that he explained their business to Cox as an "aircraft parts business" that bought, traded, and sold "military surplus." Lang testified that Cox opened his briefcase and took out and unrolled a picture of two individuals, pointed at them, and said, "This is Charles Taylor, acting president of NPRAG, and the second individual is Tom Woewiyu, the Minister of Defense." Lang told the jury that Cox inquired about purchasing surface-to-air missiles ("SAMs"), M-16s, AK-47s, and related ammunition.

Lang told the jury that undercover operations approved out of Washington, D.C., are required to be wired for audio and video in order to collect evidence. He said that his investigations used pinhole cameras to record what was taking place at the storefront. He indicated that he occasionally wore a "body wire" in his investigation involving Cox and Woewiyu. Lang stated that his first and second meetings with Cox were recorded via audio and video, that he wore a wire at the third meeting because of its location, that he similarly wore a wire at the fourth meeting, and that the fifth meeting was recorded via audio and video.

Lang indicated that he had an opportunity to review the video and audio recordings made, and that they fairly and accurately captured what had occurred. He explained that at the end of an undercover operation, Case Agent Michael Verre would initial a tape and turn it into the evidence custodian, who would log it with a date and time. Lang would also identify himself by his agent number on the end of a particular tape.

Lang then identified the video of his first meeting with Cox, and portions were played for the jury, interspersed with testimony by Lang. The recording had both audio and visual. It showed Cox, the undercover informant, and three agents, including Lang and Case Agent Verre. The five men

sat in a small office room, with Cox leaning forward on a couch to speak to Lang and Verre, who sat opposite him. The informant stated that Cox had friends who had overthrown a government and who needed arms. On the tape, Cox identified these "friends" in a photograph: Charles Taylor and Tom Woewiyu.

The tape was then paused, and Lang testified to the jury that he subsequently met Woewiyu on three separate occasions.

The tape was resumed, and Cox identified the two men in the photograph as from the "National Patriotic Reconstruction Front of Liberia," and said that "Tom is the Minister of Defense." On the tape, Cox explained to the undercover agents that Taylor would be holding elections eventually, and said that Taylor would be elected, but that he needed to "shore up his position." The men on the videotape laughed. Cox then said "they had a lot of raw materials." On the tape, Lang stated that he sold aircraft parts and did "a lot of exporting." He told Cox they would take everything "one step at a time." Cox then stated he was looking for ammunition, AK-47s, "and etcetera etcetera etcetera."

The video was paused and Lang explained parts of their conversation to the jury. He testified that when he had told Cox that he did not "sell out the front door," he was talking about SAMs and M-16s. He explained to the jury that if one is not the government or manufacturer, one does not have the authority to possess or sell such weapons. He testified that he told Cox that he had access to the missiles because "they did not make it over to the Gulf War" and he obtained access to them after they had been stolen.

The video was resumed, and the undercover agents asked Cox about the "presiding faction" in Liberia. Cox replied that ECOWAS was fighting the rebels, and called ECOWAS a "U.S. backtrack force." When asked the size of the rebel force, Cox said it was "50,000 men."

The video was paused, and Lang testified that it was important to find out the size of Taylor's forces at the beginning, as Cox had asked for ammunition. Lang recalled that besides ammunition, Cox was looking for SAMs, M-16s, M-79 grenade launchers, and M-60 machine guns. He recalled mentioning to Cox that a "Redeye" was disposable and that a Stinger had a tracking device and could fire a large projectile. He explained to the jury that a Stinger is designed to track aircraft in range and lock onto it as a target. He said they are "ambulatory," or "shoulder-fired weapons."

The video was resumed, and Cox asked about the availability of munitions and rounds for AK-47s. He stated that the forces needed half a million rounds. The informant said that was not enough for 50,000 fighters.

The video was paused, and Lang confirmed that by "rounds," Cox meant "ammunition." He stated that Cox was interested in AK-47s because those were the guns soldiers on the ground were carrying.

The video was resumed, and the informant stated that the "Minister of Defense will know what he wants," so that when Cox came back to the storefront for another meeting, he could tell the agents what was wanted. Cox said he did not know how many rounds per gun they wanted, but that overall it "sounds like a pretty good deal."

The video was paused, and Lang explained that M-16s are also known as A-1s or A-2s, and might be referred to as such on the videotape.

The video was resumed, and the men discussed prices. Cox said he does the "dirty work," and that "what they can't find, I go and find for them."

The video was paused and Lang testified as to the prices of the arms. Lang recalled that the Stinger missiles would be sold for $105,000 each, and that Lang told Cox he had Stinger missiles at several different locations.

Lang recalled that he subsequently received a phone call from Cox, and there was "an issue because of an embargo." Therefore, the deal would be delayed. Lang recalled that Cox described the peacekeepers as behind the embargo, and that Cox referred to them as ECOWAS. Lang stated that he did not hear from Cox for almost a year after that.

Lang testified that his second meeting with Cox was on April 29, 1993. He said the meeting was set up via the informant, and that Cox came into the meeting to discuss next steps, again saying things had to be put on hold due to the embargo. He testified that this second meeting was again in the storefront office.

Lang recalled that Cox said they were "getting bombed by peacekeeping forces, but couldn't do anything, because they didn't have any Stinger missiles or SAMs to shoot them down." The witness testified that this meeting was also secretly recorded. He told the jury that in the meeting, he went to show Cox the arms for sale in the warehouse connected to the office. Cox asked for photographs of the weapons so that he could take them back and show them to "his boss." Lang testified that, based on his interactions with Cox, Cox's "boss" was Woewiyu, the Minister of Defense.

After the display of weapons, Lang said, the men returned to the office and he discussed prices with Cox. He recalled that Cox asked if he had paper, and Lang wrote down prices, using "ST" for Stinger and "Red" for Redeyes, because they did not want explicit information about the arms trafficking to get into anybody's hands. He testified that in addition to the name of the weapon, he also wrote the prices. For example, he wrote "ST for 105k" as shorthand for one Stinger for $105,000 and "Red for 50k" as shorthand for one Red for $50,000. Lang stated that on the paper, he also indicated the quantity he was making available, so "10 Red" was shorthand for "10 Redeyes."

According to Lang, Cox brought polaroids of the weapons from the warehouse back to the office, so while Lang was writing his notes on the sale, Cox and the informant said they would write on the back of each polaroid what Lang had said about prices and quantity. Lang testified that in this discussion, he learned it would not be a cash deal. He told the jury that Cox said he wanted to set up a company with Lang, and give Lang 25% of certain resources or minerals available in Liberia.

Lang testified that the men also discussed the issue of transportation, and how they would get the weapons out of the U.S. to their ultimate destination of Liberia. He said that at a subsequent meeting, he learned the destination would be Ivory Coast. Lang told the jury that he was given the new destination by Woewiyu, because Ivory Coast was not under an arms embargo. The

witness said that he learned from Cox and Woewiyu that once the weapons landed in Ivory Coast, they would be shipped into Liberia. He stated that at this second meeting, however, they were merely focused on getting the arms out of the United States.

Lang identified the video of the second meeting, and identified the participants for the jury. The video was then shown to the jury, and was played in increments and then paused, so Lang could explain what was happening onscreen. The portions of the second meeting that were secretly filmed in the storefront office had both audio and visual.

When the video began in the storefront office, Cox said that "in the country at the moment," there was a situation where they "still had control of 75-80% of the country, but some things have changed. There's an embargo there and they're using ECOWAS to do it." He indicated that Liberia had gold, diamonds, fishing, and ore reserves.

The video was paused, and Lang testified that based on his discussions with Cox, it was Taylor who had 75-80% of country, and his forces were getting bombed by ECOWAS, the peacekeeping force. He said that when the video discussed not having Stingers or SAMs "to bring them down," it was ECOWAS who would be brought down by the missiles.

The video was resumed, and Cox said, "You can check in [to Liberia] but you can't check out." He said there were "unnecessary difficulties," and the fighters "need arms to stop those bombers." He said they "need to get products to do it" and that suppliers "need vision to understand what they can have." On the videotape, Lang said that he had a certain package to offer, and that he would sit down and listen to Cox's proposal. Cox stated he needed AK-47s, M-16s, and rounds to go with both of them, "because you know we can't buy them." Cox stated he wanted to buy SAMs, and Lang replied that he had Stingers and Redeyes. "You said you needed stuff to take out an aircraft. Those are perfect for your infantry."

The video was paused, and Lang testified that Cox described needing something to combat low-range aircraft. Lang testified that when Cox said, "He said he'd take stingers," the "he" Cox referenced was Defense Minister Woewiyu. Lang told the jury that Cox was worried about being identified by law enforcement, and would often look at the ceiling, because he was nervous about people listening to their conversations.

The video was resumed, and Cox said "I don't like to talk on the phone," and suggested getting a third party to communicate for them. On the video, Lang said he "just got back" and "there's a great market over in Yugoslavia." Lang reminded Cox that the last time they spoke, Cox wanted "a lot of infantry stuff," but Lang was concerned about how to "get this stuff out of here." Cox told Lang, "I don't know where he'll have it, he said you don't need to know where I'm going to take it."

The video was paused, and Lang testified that the "he" Cox discussed was Woewiyu, the Minister of Defense. He reiterated that at a subsequent meeting, Woewiyu told Lang that the arms would go to Ivory Coast.

The video was resumed, and Cox told Lang, "This guy is in-country now." Cox explained that Lang could "cut a deal right now. He says he's here, in-country."

The video was paused, and Lang testified that then, as seen on the video, Cox unrolled a photograph and pointed to the picture of Woewiyu as being "in-country." He said Cox then rolled up the picture and put it in his briefcase. Lang testified that throughout their conversation, when Cox said "he," he continually pointed to the photograph in his briefcase and was referring to Woewiyu.

The video was resumed, and Cox stated that there was 7-8 million dollars right in the port of Buchanan. The informant then suggested taking photographs of the arms available to show to "his boss."

The video was paused, and Lang testified that he was made aware during a subsequent meeting that Woewiyu had in fact seen the photographs that were taken at the second meeting. He said Woewiyu referred to Lang's shorthand and specific quantities of Stinger missiles for sale, which Woewiyu would only have known if he had seen the back of the photographs on which that information was written.

The video was resumed, and Cox said that they had "walked into a situation where people died. People in Sarajevo and Bosnia are killing each other for this." Lang responded that "we're going to be businessmen here." Cox said that he did not "want to get into it with someone who doesn't have the imagination to see possibilities." He then stated, "When you're talking to me now, you're talking to this guy here" and pointed at the photograph in his briefcase.

"These guys are revolutionaries," Cox said on the video, explaining to Lang that it would be difficult for "them" to draw up a contract that said "XX dollars owed" and charge it to the government. Cox then told Lang they could "get there by recognizing the assets and liabilities of the country," because the rebels did not have that expertise, and instead "come to guys like us to do it for them." The informant asked if it would be acceptable to Lang to receive a note from the government as to what was owed. Cox then asked, "How about a conversation with this man?"

The tape was paused and Lang testified that when Cox said "this man," he pointed to the picture in his briefcase of Woewiyu.

The video was resumed, and Cox asked, "These are things you can't write down; how about a conversation in the next few days?" The men made plans for a meeting, and Cox asked, "Can you guys come up to New York?"

The video was paused, and Lang testified that he met with Cox and Woewiyu in New York the next month, in May. He did not believe the informant was at those later meetings, because it was standard undercover practice to cut out the informant after initial contact was made.

The video was resumed, and on it Lang reiterated a list of the weapons he had available. Cox said that he was "willing to get started with that, that's a great good faith gesture." Cox called the company they would set up the "Liberian Development Corporation," and said 25% of its profits would be given to Lang.

The video was paused, and Lang explained that Cox intended to pay him for the arms by giving him 25% of the iron ore in Liberia. He did not recall if Cox gave him literature or documents to look at.

The witness testified that he had had seen the video recording of the subsequent display of arms in the warehouse, but that the audio was very poor due to noise in the warehouse. He then identified the video, and it was shown to the jury. It depicted men walking toward a truck inside a warehouse. Lang identified Cox, the informant, himself, and another federal agent operating undercover in a role as the person who brought out the weapons and spoke about each of them to Cox. Lang said that this second agent was "former military," and Lang recalled that Cox was very worried about him. Lang recalled that he told Cox that the second agent was Lang's brother-in-law. He explained that Cox was nervous because the agent's actions and appearance were "very much like a police officer."

The video showed various arms laid on a table by the truck. In the video, Cox was shown a Redeye, a Stinger missile, and an M-16. Lang confirmed to the jury that Cox was also interested in arms sometimes referred to as "heavy machine guns." Lang confirmed to the jury that an M-79 is used to fire grenades at vehicles, including tanks. On the video, Cox was shown an M-16, and the second agent demonstrated the bipod on which it could be mounted so fighters could fire the M-16 while lying on the ground. The witness described for the jury the heavy caliber of bullets which were used by these guns.

The video resumed inside the office after the men visited the warehouse, with audio resumed as well. Cox called it a "done deal." The informant said, "When you form a company, it makes it easier, because you can talk on the phone about company business." Cox said, "Don't tell him you're gonna meet this guy."

The video was paused, and Lang explained that Cox did not want the second agent in the warehouse to be told that Lang would meet Woewiyu. Cox was also nervous about "Billy" knowing too much. Lang testified that this was because William Parks appeared to represent the legitimate face of the aircraft parts business.

The video was resumed, and Cox expressed how pleased Taylor would be about the deal. The video depicted the men discussing the polaroids taken of the weapons, and what details of the deal would be committed to paper. Eventually, the men decided to write the quantity and price of the arms on the backs of the photographs. Cox said, "He'll look at them and then destroy them."

The video was paused, and Lang identified the "he" in Cox's statement as Woewiyu. Lang stated that although Taylor was previously mentioned, Lang knew "he" was Woewiyu because that was the individual with whom Lang was going to subsequently meet. Lang reiterated that in their subsequent meeting, Woewiyu identified the polaroid photographs by the descriptions written on the backs of the polaroids.

The video was resumed, and showed Lang writing something. Lang testified to the jury that he was writing what weapons Cox wanted and at what prices, and he then recognized and identified the paper on which he had written those notes. He indicated the initials of Case Officer Michael Verre at the bottom of the page of Lang's notes, and indicated where Verre wrote the date of the meeting. He said that Cox wrote the quantities and prices on the back of the photographs, so Cox did not need Lang's paper, and Lang retained it.

On the video, Lang asked whether Cox needed a photograph of the Redeye. Cox said, "He knows the Redeye. He spoke of the Redeye." Lang testified that, once again, "he" referred to the Minister of Defense.

On the video, Lang asked about where to move "this surplus." Cox said, "He'll tell you where to put it." Lang told the jury that once again, "he" referred to Woewiyu.

Lang's testimony will continue tomorrow morning.

Counsels' Objections

The jury left the courtroom, and counsel discussed whether Special Agent Lohmeier may be called by the defense to testify to the TRC's Final Report. The defense stated that USCIS Senior Immigration Services Officer Peggy Lin's immigration decision was based in part on the TRC's Final Report.

Defense objected to the prosecution potentially admitting, through Officer Lin, the document in which she denied Woewiyu's Citizenship Application. Defense counsel stated that allowing the document to be admitted would usurp the role of the jury, because in it, Lin talked about caselaw and the findings that she had made. Defense specifically objected to Lin's statement about Woewiyu willfully refusing to support his dependents during the period in question. Prosecution counsel said he had no objection to redacting the portion of Lin's decision about refusing support.

Defense objected to the admissal of the portion of Lin's decision in which she summarized what she had learned about Woewiyu's role in the NPFL, and in which she concluded that he did not have good moral character. The defense stated that in her decision, Lin wrote that she relied solely on the factual findings of the TRC Final Report.

Judge Brody asked counsel to confer tonight and determine what they agree may be redacted from Lin's decision, so that tomorrow morning they can either present an agreement, or Judge Brody can rule on the objection at that time.

The prosecution then raised an objection to an immigration attorney whom the defense intends to call as a witness. Defense counsel outlined the attorney's immigration law background, and explained that calling him would be appropriate, given that citizenship is a specialist practice area. Counsel specifically stated that the defense wanted to call the attorney to provide a "defense expert perspective" as a counter to the two Immigration Officers the prosecution expects to call tomorrow.

The prosecution argued that the proposed defense witness has not served in the Immigration and Naturalization Service in approximately 30 years, and that the prosecution witnesses will state factually what happened with Woewiyu, "not opine" about what legally should happen.

The defense argued that its witness would only opine as to the immigration process "remaining open for final determination," and explained that because the witness currently practices as an immigration attorney, he is qualified to speak to that process.

The prosecution argued that the denial of Woewiyu's citizenship goes to the materiality of the facts, and Judge Brody told the prosecution that "if it is important that Woewiyu was denied citizenship, the defense has an opportunity to question that." Prosecution counsel responded that the Immigration Services witnesses will testify that they made requests for additional information from Woewiyu. Counsel indicated that the first officer will testify that she interviewed Woewiyu and will discuss that process, and the second officer will testify about the information she considered when denying Woewiyu's application, including the TRC's Final Report. Counsel suggested that it was not necessary nor would it aid the jury to hear that "the process remains open."

The defense argued that Woewiyu's intent in answering the Citizenship Application questions is at the heart of this case, and that Woewiyu's supplemental response demonstrated his intent better than what he said "in a very brief hearing." Counsel argued that because the jury does not know what the citizenship application process is, the defendant should not have to rely on government testimony as to what it is, and that the jury would be helped by the testimony of someone who practices in the area. The defense described its witness's relevance as "he says how this process goes. He's not giving opinions on the ultimate questions, only on what the possibilities are each step of the way."

The prosecution responded that an expert can have nothing to say about Woewiyu's intent.

Judge Brody referred to the defense opening argument, and noted that if Woewiyu's defense is that he did not understand what the Citizenship Application questions were because they were open to interpretation, then the defense witness will say they were open-ended questions. She told the parties that she will rule on their objections tomorrow.

June 27, 2018 – Day 10: Undercover agents and immigration forms

Counsels' Motions

Before the jury was called into the courtroom on Tuesday morning, trial began with a discussion of, and Judge Anita B. Brody's ruling on, the motion presented yesterday by the prosecution to preclude the defense's proposed immigration law expert witness.

Defense counsel responded to the prosecution's motion, explaining that while the Federal Rules of Evidence require giving opposing counsel notice of any expert report to be presented, the proposed witness has no expert report. Defense counsel also stated that the proposed witness will not present expert testimony on the defendant's mental condition. Defense counsel mentioned that although the government never requested a summary about the witness's proposed testimony, the defense had nevertheless provided a summary.

The proposed expert is "going to testify to something relatively simple," defense counsel argued, but said the citizenship process is nonetheless outside the scope of knowledge of ordinary people. The defense laid out a timeline for the judge of four central points to which the proposed expert could give context: the submission of Woewiyu's Citizenship Application in January 2006; the hearing on the Application in January 2009; the provision of a supplement through Woewiyu's immigration counsel in August 2009; and the final decision on the Application rendered in August 2010. Defense counsel explained that this timeline may not be wholly ordinary, but that the expert would testify that it was also not unusual. Defense counsel stated that the proposed expert would testify to how an application for citizenship is followed by a hearing, after which there are three possible outcomes: citizenship is granted, citizenship is immediately denied, or an Immigration Officer determines that further investigation needed. "In this case," defense counsel said, "the latter happened."

Defense counsel told the Court that shortly after the determination that further investigation was needed, Woewiyu was given a Form N-14, requesting additional information about his tax returns. He was subsequently given a second N-14, requesting "lots more information." Defense counsel stated that Woewiyu was given a deadline to respond, and that he responded by the deadline through his immigration lawyer on August 14, 2009.

Defense counsel argued that "almost a full year went by before a decision was made" on August 12, 2010, and the jury could have questions about whether that length of time was unusual. The defense's expert would testify that while that length of time is not seen in every case, it does happen. Defense counsel reminded the Court that in the defense's opening, defense counsel had told the jury that the Citizenship Application form used today is different from the form that Woewiyu filled out in 2006.

Judge Brody recalled that when the defense moved earlier in the case to preclude a prosecution expert, she granted the motion. She asked whether that expert had any bearing on this determination, and defense counsel explained that witness was a historian as to the Liberian conflict, and was unrelated to the question of immigration.

The prosecution responded to the defense arguments by explaining the prosecution sought reciprocal discovery of expert witnesses in a discovery letter dated October 21, 2014.

Judge Brody told counsel that the "issue of prompt discovery has been very questionable as far as the government is concerned." She explained that she had given the government "leeway" and had "extended deadlines." The Judge stated that she was very understanding of concerns the government had, and that she would "extend the same graciousness to the defense." Judge Brody ruled that the defense may call its proposed expert witness, but told defense counsel that because the issue was not a complicated one, the testimony would be restricted to the topics defense counsel had just described to the Court. Judge Brody explained that precedent suggested it was very important that everything about an expert be taken in context. Judge Brody also explained that the rules are meant to prevent parties from gaining unfair advantages, and to avoid surprises. Judge Brody said that the expert would be helpful to explain the theme of the defense, and that the jury could thus better understand the elements the defense is planning to present.

The prosecution pointed out that it had renewed a request for reciprocal discovery in 2018, and argued that what the defense's expert would testify to would go towards Woewiyu's intent. The prosecution was concerned that defense counsel would also solicit the expert's opinion about why the government changed the Citizenship Application form and why it would be reasonable for Woewiyu to misunderstand the form, and called such testimony "prohibited."

Judge Brody reminded counsel that "knowledge is very important," as it is "the third element the government must prove." She read from the proposed jury charge, which stated that the elements of the alleged crime included that Woewiyu acted knowingly and that he was aware his statements were false when he made them. Judge Brody reiterated her ruling that she will allow the defense to call the witness, but said they "must be very circumspect."

Defense counsel then raised the question of whether they might seek a request that Judge Brody issue subpoenas to a number of federal agents and officers involved in investigations concerning Woewiyu. Defense counsel explained that the defense received a letter yesterday responding to a June 19 request to the Department of State ("State") and Department of Homeland Security ("DHS"), denying the defense's request to call the agents as witnesses. Defense counsel explained that, in order to procure the presence of government agents to testify for a defense, defense attorneys must follow certain regulations, requiring them to provide the government with a notice of the need for agents to testify, and a brief description of what the agents would testify to and its relevance.

Defense counsel explained that it sought subpoenas for four agents from DHS and one from State, because all spoke with Woewiyu in the past. Defense counsel stated that the timing of those discussions is important to the defense's case because Woewiyu's answers on his Application should be understood in context of his interviews in January 2009 and August 2009. Defense counsel reiterated that in both instances, DHS and State had denied the requests for the agents to testify.

The prosecution informed the court that, "I know they made the request, but I do not know most of the agents." The prosecution stated that these are regulations the defense counsel is aware of, arguing that "it's not as if these people came out of nowhere." The prosecution stated that the defense had the information as to the agents' past interviews with Woewiyu "for months, much of it years," and pointed out that the request was nonetheless made during trial. The prosecution told the Court that the "agencies responded under their own regulations" by denying the defense request to call the agents, and that the agencies "have their "own relationship to this

case," so the particular agency should represent itself. The prosecution argued that this is what the "agencies' regulations, and what the law, requires."

Judge Brody responded, "Sometimes the law requires what I say it requires." She asked the defense what the agents could be expected to testify to.

Defense counsel responded that the agents would speak about interviews conducted with Woewiyu in other cases. One was in relationship to an immigration case against George Boley, and that interview was performed on May 6, 2010 by an Immigration and Citizenship Enforcement ("ICE") Special Agent. Defense counsel explained that calling the agents would allow the defense to develop the theme presented in the defense's opening statement, that Woewiyu "was forthcoming about his time in the NPFL," and "we know they believed him because they put him on their witness list." The defense explained that George Boley was another person "of Liberian descent" whom the federal government investigated in an immigration case in New York. Defense counsel stated that Woewiyu provided a "lengthy" interview and statement in that case, and labelled the relevant ICE agents "critical" to show the jury that Woewiyu "was not someone who had the intent to deceive an immigration official, because that was who he was talking to" in his prior statement about Liberia.

Defense counsel explained that the relevant Department of State official to be subpoenaed conducted an interview with Woewiyu in 2006. Defense counsel told the Court that Woewiyu voluntarily went to State to tell the agency that he had heard about a death threat against a political person in Liberia, and that "I'm in the NPFL and know about it so I thought you should know." Defense counsel again characterized this potential witness as "critical to our defense," to develop the theory that Woewiyu "wouldn't try to lie when he already gave willing interviews saying all of this." Defense counsel argued it was important for the jury to hear evidence as to Woewiyu's alleged intentional decision to try to deceive, as these agents could present evidence he had deliberately told them about his background.

The prosecution responded that the defense's argument was "misleading" because both interviews occurred after Woewiyu had allegedly lied on his Citizenship Application, and after the subsequent requests for more information. The prosecution stated that "the people [Woewiyu] talked to" in the interviews were "not those making the determination about citizenship." The prosecution stated that the interviewing agents worked for completely different agencies from the Department of Homeland Security. The prosecution argued that Woewiyu may have revealed his NPFL affiliations to make himself "more valuable to them" during his application process, and "he may have been trying to curry favor." The prosecution also stated that Woewiyu "never testified in the Boley trial," because "if he did, he would have had to come clean and plead guilty."

Judge Brody informed the prosecution that the question to be decided was whether the agents' expected testimony would be relevant to the jury.

The prosecution argued that the agents' proposed testimony was not relevant to jury, and would instead confuse or mislead the jury. The prosecution said the defense wanted "to act as though the government is one giant organization," but "if that was the case, then [Woewiyu] had no reason not to answer the questions honestly." The prosecution also stated that the "2006" State interview "actually happened in 2007," after Woewiyu "already made his initial misrepresentations." The prosecution continued that it was "never a secret" to State that

Woewiyu was a member of the NPFL, and pointed out that the prosecution in fact called three witnesses from State who testified to meetings with him. "But nobody gave him permission to lie," the prosecution said. "They can't get up and argue the oath is meaningless 'because everybody knew.' 'Everybody knew' is not a defense to perjury or any other immigration charge."

Defense counsel explained its position that Woewiyu "gave his best answers to his knowledge and belief," and said the government needed "to prove he intended to deceive on his immigration application." Defense counsel stated that both interviews took place before the application was adjudicated, and so the jury should decide whether they were relevant, stating the jury "should hear evidence that Woewiyu met with law enforcement on two occasions and told them about his NPFL relationship." Defense counsel explained that this theme was introduced in the defense's opening statement, and that defense counsel "had no idea they would deny our subpoenas," which is why the defense was requesting Judge Brody to compel the agents' presence.

The prosecution noted that Department of State officers are not immigration officials.

Judge Brody stated that if the central issue is Woewiyu's state of mind, then she must read the defense motion to decide if she must compel the agents to testify.

Witness 29: Gary Lang, Continued

Former U.S. Customs Service Special Agent Gary Lang then returned to the witness stand to continue his testimony. He recalled that his second meeting with Eugene Cox was on April 29, 1993.

The secret audio and visual recording of the meeting, a part of which was played yesterday, was again played for the jury. On the video, Cox said "I'll get Tom to say that" he would write a promissory note guaranteeing payment against the weapons promised by Lang in his undercover role as an arms trafficker. Cox told Lang that "Tom" was leaving the country and would be gone for a "week or less." The men discussed how best to communicate about the deal. Lang told Cox to call Lang at his house, and to say something like "When are you coming to New York?" or "My buddy's coming on such-and-such a date." The men discussed using payphones if they needed to talk in detail. Cox said, "We've got a done deal […] but still I want you to meet him." Lang told Cox that "if he can put up commodities against this," then "we're good."

The video was paused, and Lang testified that the men were discussing natural resources, because this was no longer a cash deal. Lang was going to get access, although not immediately, to Liberia's natural resources in exchange for arms. The promissory note was to entitle Lang in his undercover persona to 25% of a certain amount of resources, maybe iron ore. The witness confirmed that when the men discussed "Tom," they were talking about Thomas Woewiyu, the defendant. Lang told the jury that when Woewiyu was to be in New York after travelling, Cox wanted Lang to meet Woewiyu, "and I agreed."

The witness identified and recognized a list that was first shown to him yesterday, the original copy of the notes he took during the meeting with Cox as to which weapons were wanted, and their quantities. He testified that there was a discussion between Cox and Lang's confidential

informant, and they started to write the same information on the back of polaroid photos, as to the available weapons, that Lang was writing in his notes. The jury examined the original document, and Lang told them that he recognized his own handwriting.

Lang confirmed that on the list, "6 ST" meant "6 Stinger missiles." He explained that the number six was significant, because in a subsequent meeting, Woewiyu made a reference to "6 ST." Lang testified that, from reviewing the recordings and transcripts, he recalled saying that the Stinger missile systems came with three rounds each, and that Woewiyu said, "That's 18." Lang also stated that "Red" meant the Redeye missile system.

Lang testified that he met with Woewiyu and Cox at John F. Kennedy International Airport ("JFK") in New York at an airline lounge on or about May 12, 1993. He told the jury that he did not need his confidential informant to set up the meeting, as it was done directly with Cox. Lang confirmed that the meeting consisted only of himself, Cox, and Woewiyu. Lang testified that he wore a body wire for this third meeting with Cox and first meeting with Woewiyu, as he could not get a camera on the meeting. He stated that he learned after reviewing the transcripts and recordings that there was a camera outside of the lounge watching who was coming and going, and on its tape, Lang saw himself and the other two men enter and exit the lounge.

The witness recalled that they met at the entrance of the lounge and he introduced himself to Woewiyu and they sat down. Lang recalled that he was there "conducting other business," and that he had camouflage material with him. He recalled that Cox said, "He's busy," and pointed to Lang, "I'm busy," and pointed to himself, "he's busy," and pointed to Woewiyu, "so let's get right to it." Woewiyu introduced himself and handed Lang his Driver's License to show Lang how to spell his name; Lang recalled that Woewiyu also told Lang how to pronounce it. Lang recalled telling Woewiyu there was no need for that assurance because of the confidential informant, and that if the confidential informant recommended Cox and anybody who worked with him, that was fine.

Lang testified that the conversation turned to a discussion of the embargo in place in Liberia, and to a promissory note. After reviewing the recordings and transcripts, Lang recalled that Woewiyu mentioned that there was no embargo on medical supplies, but there was an arms embargo in Liberia. He told the jury that the next part of their discussion was Woewiyu telling Lang about the United Nations, and their involvement in Bosnia with an embargo. Lang recalled saying "that's a great market over there," referring to arms in the former Yugoslavia, and Woewiyu responded, "Well there's medical supplies everywhere." Lang testified that at that point he realized they would not talk about arms, but would talk about "medical supplies" instead, and that "medical supplies" would mean the arms he was to supply to Woewiyu.

Lang testified that some medical supplies were going to be provided as part of the transaction. He told the jury that in previous meetings with Cox, there was discussion as to a potential port of entry, and putting the arms in a container on a ship. Lang said that Woewiyu asked about using an airfreight container instead, which would be smaller than a shipping container. Lang recalled that at that point, the men immediately began to discuss flying the weapons to Liberia rather than shipping them via boat. Lang said that if he looked at the transcripts, he could better recall, but that he believed Woewiyu indicated the promised Redeye missiles should go in the container first.

An audio recording was then played for the witness which was identified internally at the beginning of the tape as being recorded on May 12, 1993 at JFK. Lang confirmed that this was the recording made via body wire of his meeting with Woewiyu, and said that he recognized himself by the identifying agent number recorded at the beginning of the tape. Lang said that he listened to the tape previously and that it matched the government's transcript, and that the two together accurately reflect what happened at the meeting. The tape was played for the jury, and occasionally paused for testimony.

Lang explained that part of his cover story was that he had just had a meeting in the airline lounge where he was trying to buy a company that was in the business of trying to sell military camouflage. The witness said that in reality there was no meeting, and Judge Brody asked if this set-up was part of the "sting operation," and the witness confirmed that it was.

The tape was played for the jury. On the tape, Cox said he "learned something today," which would allow Lang an "option on security." Woewiyu told Lang how to pronounce and spell his name. The men then discussed whether the promissory note was negotiable anywhere in the world, and Lang was told it would be, "when Liberia has the money." The men discussed terms of interest on the note. Woewiyu told Lang that the "other side asked for a ceasefire" and "I said there should be conditions" on the ceasefire, because the peacekeepers were excused from the embargo and were going around creating armies. The men discussed the former Yugoslavia, and that there was a "big market over there." Woewiyu said, "Yeah, medical supplies, they are all over the place." On the tape, the men are then heard laughing.

The tape was paused, and Lang said that "medical supplies" meant "arms," and that is why they laughed. He reiterated that they had a later conversation during this meeting about transporting both medical supplies and arms, with medical supplies to be used as a way of concealing arms.

The tape was resumed, and on it the men discussed how to get arms to Liberia. Lang said, "I like this idea of calling it medical supplies," and that if the arms were called medical supplies, there will be less paperwork. He stated that if on paper the supplies were shown as going to Liberia, there would be an issue. The men decided they could not designate Liberia as the destination. Cox suggested they "designate a country that's friendly to us." "For eyes that don't need to know," they would say they were shipping medical supplies for that country. Woewiyu was involved in the discussion and suggested writing the name of another country on the paper. The men discussed whether they could in fact ship the arms via boat, as some potentially friendly countries were landlocked. They discussed whether they could fly the arms, and what the cargo's weight would be. Lang confirmed to the others that the deal included three rounds per Stinger, along with a battery for each Stinger; and that the Redeyes were not sophisticated but were "throwaways," that is, not reusable. Woewiyu confirmed that six Stingers with three rounds each would be 18 rounds.

The tape was paused and Lang confirmed that the six Stingers would come with three rounds, for a total of 18 rounds. He confirmed that these were the "6 ST" that was showed to the jury on Lang's original list, and that Cox wrote on the back of a photograph. He confirmed that when Woewiyu on the tape asked if he "could get more rounds," Woewiyu meant "more missile rounds."

The tape was resumed, and Lang said he wanted to make sure that they sent the arms to a country that was not going to raise questions. Cox told Lang he was "talking to a man that's in

Africa as important as our president here, more because he has more power." Cox told Lang that "in the country they're in, he has the power." Lang told Cox and Woewiyu he could get them brand new A-1s or A-2s to send to an acceptable legal country, after which it would be their responsibility to get the arms to Liberia. Cox said this proposal was "another option down the line." Woewiyu again asked the weight of the expected cargo, and suggested putting the arms in an airfreight container.

The tape was paused, and Lang testified that the men planned to put six Stinger missiles into an airfreight container.

The tape was resumed, and Cox suggested secreting the weapons on the bottom of a container underneath medical supplies. The men discussed who would buy the supplies. Woewiyu confirmed he would destroy the polaroid pictures of the available weapons, and asked about the weapons' actual market value.

The tape was paused, and Lang confirmed that Woewiyu had indicated he had seen and still retained the pictures, and that he would destroy them. Lang recalled that Woewiyu said they would have to cut open his stomach to find the pictures.

The tape was resumed, and on it the men discussed prices. They stated the cost of a Stinger was $105,000, the cost for a Redeye was $50,000, and the cost for an A-1 (M-16) was $1,000. The A-1s came with a sling and 2 magazines, and were brand new. On the tape Lang clarified that the guns can come with 1,000 rounds apiece, and the cost was $225 per thousand rounds.

The tape was paused, and the witness confirmed that A-1s are M-16s; they are machine guns. Lang recalled that Woewiyu said M-16s were some of "the best guns." Lang confirmed the cost was $225 for each set of 1,000 rounds of ammunition per rifle. He recalled offering 1,100 M-16s for sale.

The tape was resumed, and Lang said it would cost $1.1 million for the M-16s. The men discussed the purchase of 24 M-60s at $10,000 each. They stated that the whole package was roughly $2 million, including the weapons already discussed and the grenade launchers. Cox asked about the medical supplies, and Lang asked what type they would prefer; Woewiyu suggested swabs and antibiotics. Cox said that Woewiyu should designate a destination country, and "we'll work out how to get it in." Lang said he could charter a plane, and then they could discuss a lease. Woewiyu said there was some talk about Ivory Coast as a destination for the arms.

The tape was paused, and Lang confirmed that Woewiyu designated Ivory Coast as the third country through which the arms would be transported. He explained to the jury that a "wet lease" is an airplane lease that comes with crew and fuel; a "dry lease" requires the lessee to provide crew and fuel. He explained that at the time, he called up an informant of his who used to be a pilot, and the informant drew up a lease, designating Ivory Coast as the plane's destination.

The tape was resumed. Woewiyu said, "Things are looking a little tight for us." Woewiyu stated that he had discussed the deal "with Charles." Woewiyu said he would like "you guys to consider" whether they could "think about how you can help us with that," because otherwise he

might have to "take the Redeye and the other thing and whatever we can get on there." The men continue to discuss potential airplanes, such as a Boeing 727 or Fokker 28, and Lang pointed out that whatever country they decided on had to be able to accommodate the particular aircraft.

The tape was paused. The witness stated that he believed that by "Charles," Woewiyu was referring to Charles Taylor, the acting president of NPRAG.

The tape was resumed. Woewiyu said he "would like to see if in the next three or four days or so can we get something concrete […] in terms of aircraft and we can see how much we can get on there." Lang said that before that, he would like the promissory note. Woewiyu responded, "Yeah." Lang said that if Woewiyu named a destination country, Lang could get him a "fair quote." Woewiyu responded that Ivory Coast would be the destination.

Lang asked if Woewiyu wanted a lease for 60 days, and Woewiyu said, "Yeah." The men discussed using a wet or dry lease, and Woewiyu said the lease "would have to be with everything that goes with it," and that they should fly on a "big" international established route. Lang said, "Everything you do, we will make arrangements," and pointed out that the men still had to set up a company and get medical supplies. Lang told Woewiyu, "You have to be careful," and Woewiyu told him, "We're between a rock and a hard place."

At that point on the tape, Lang called a third party who was not available, and asked for a message to be relayed for the party to call Lang's house that night. The men then continued to discuss getting the arms out of the United States. They decide Lang and Cox would speak that night. Lang told Woewiyu that a six-month lease was better than a short one, because otherwise the leasing company might think that Woewiyu would rip off their airplane. "You have to spend money to make money," Lang said. Woewiyu asked Lang to consider getting the plane as part of the cost on the ground, as otherwise they would be fumbling around trying to collect things on the ground.

The tape was paused, and Lang testified that Woewiyu referred to the "concrete and specific" deal involving arms supposedly already set aside for him. Lang explained that his third-party call was to his confidential informant who had been a pilot.

Lang was then shown a series of documents, and recalled that they were documents he was asked to put together for the deal, including a lease and the full list of arms discussed, along with their prices. He confirmed that these were what he later gave to Cox. The documents were shown to the jury. The first page of the document series was a FedEx receipt, dated May 17, 1993, for a letter mailed to Cox from Lang's undercover persona. The letter included a note that Lang talked to his pilot friend for a 30-day lease at $177,000 excluding the cost of fuel. The documents also showed an "Agreement of Aircraft Charter," which Lang testified was the lease he was asked to put together, that he in turn asked his informant to put together.

At that point, the prosecution asked Lang whether Woewiyu was in the court. Lang looked around the courtroom, and identified the defendant as Woewiyu.

Lang then confirmed that he asked his pilot confidential informant to designate Ivory Coast as the arrival country, because Woewiyu asked him to designate it that way. The next page of the

document series was a lease reading "Global Enterprises of Miami, Inc." on the top of the page, and Lang confirmed that was the name on the outside of his undercover storefront. He said that "GFL Trading," also written on the lease, was another front operation, and the initials stood for for his undercover identity name. On the last page of the document series was the quantity of arms to be provided, including six Stingers manufactured by General Dynamics. Lang indicated there was then a column showing their price of $105,000. He stated that at the bottom of the page, underneath the list of weapons, was written "18," referring to the three rounds each Stinger was to include. He noted that the page listed a quantity of 10 Redeye missiles, also manufactured by General Dynamics, at $50,000 each.

Counsels' Motions

Judge Brody asked whether defense counsel was interested in calling Special Agent Craig from DHS. Defense counsel answered that he was of interest as the Case Agent on the Woewiyu investigation, but that counsel never had the opportunity to interview him before. The prosecution noted Craig was "available to testify if they want him to testify."

Defense counsel stated that the other agents from DHS "are more crucial" because they met with Woewiyu and interviewed him. Judge Brody noted counsel made its request to call DHS agents on June 19, 2018. Defense counsel responded that the defense received the statements in the investigations "in a big batch in February," and did not previously know that agents had taken statements from Woewiyu. Defense counsel explained that it took time to go through the documents to see what was included, and pointed out that the defense team was not finalized until late April. Defense counsel stated that if the government would stipulate to certain documents regarding the statements, "that would be helpful." Defense counsel noted that these documents would "not normally be admissible."

The prosecution noted that statements the defense had made today about the expert witness expected to be called were not previously mentioned, and that previously, the defense did not say it wanted the expert to opine on the changing of the Citizenship Application form.

Defense counsel assured the Court that the expert would not be asked to opine on the reasons for the changes to the form, but only to say whether there is now a different form.

Witness 29: Gary Lang, Continued

Lang continued his testimony as to the last page of the document series. He noted that it showed 10 Redeyes. He stated that the "1.1mil" written underneath the 1,100 M-16s referred to the 1,000 rounds of ammunition that would be supplied for each M-16. He said that in total, there would be 1.1 million bullets. He noted that the document showed 15 M-79 grenade launchers and 150 grenades were to be in the deal, as well as 24 M-60 machine guns. He stated that the "20k" written below the machine gun order referred to the belted rounds that feed into a machine gun. Lang confirmed that his previous handwritten note and this typed inventory listed the same weapons and quantities.

Lang was shown another document, and recognized it as another sender's copy of a FedEx sent by "G. F. Luhr," Lang's undercover identity, to Eugene Cox. He noted that the second page of the document laid out a lease agreement for an airplane and the transportation of its cargo from the

United States to Ivory Coast, and indicated costs. He said that the third page was a confirmation proposal request for goods, "regarding line items" listed in the previous FedEx. He testified that "line items" meant the arms at issue in the $2.35 million deal.

Lang testified that the first page of the document was a FedEx report dated May 19, 1993. The second page was a letter from Lang in his undercover persona, written to Cox and concerning the transportation of the cargo. The letter required an advance payment of $100,000. Lang testified that at a subsequent meeting, this advance payment was discussed, and Cox and Woewiyu were "frantically" working to come up with this money. The third page of the document was a letter to Cox re-confirming Cox's request for goods and supplies, with a total sale price of $2.35 million. Lang testified that "goods and supplies" meant "arms." He told the jury that "GFL Trading Group," mentioned in the letter, was one of his undercover trading companies. He confirmed that the "negotiable promissory note" mentioned in the letter was the one granting him access to 25% of the profits from a natural resource in Liberia, as payment for the arms.

Lang testified that after sending this FedEx to Cox, he had a subsequent meeting with Cox and Woewiyu at the Mayflower Hotel in Washington, D.C., on June 18, 1993. As at the JFK meeting, Lang said, he had to wear a body wire to record the conversation. He stated that at first, the discussion centered on peace talks in Liberia. Then, Woewiyu provided Lang a promissory note signed by the NPRAG Minister of Justice, NPRAG Minister of Finance, and NPRAG President Charles Taylor. He told the jury that there was discussion of his concern that the note was a Xerox copy of the original promissory note. He stated that attached to the note were several pages of lists of medical supplies and equipment. He recalled that in his undercover role, he asked how the copy could be authentic. Lang testified that he told Woewiyu that he thought the agreement was for Lang to hold the note, and that the men decided there was a misunderstanding. Lang recalled from reviewing the transcript and audio that he asked if they even still had a deal, and that Woewiyu and Cox said yes.

The witness recognized an audio recording from previously reviewing it, and it was then played for the jury. On the recording, Lang told Cox he was "a little disappointed" because he thought that when they met, he would receive the down-payment money. He told them that he had to pay for the plane to be made ready. The men discussed the funding of the $100,000 down-payment.

The tape was paused, and Lang described how the men discussed the transportation of the arms, and told the jury that it would next hear discussion of the promissory note. He testified that a sound just played on the tape was a briefcase opening, so that at the point the tape was paused, the men had just taken out and were currently reviewing promissory note.

The tape was resumed, and on it Lang asked how he knew the Xerox copy would be honored. He said he wanted to be assured that the deal would be honored, and wanted to make sure the deal was covered.

The tape was paused, and Lang explained that reference was made to a third person, and a concern that someone else knew about the transaction. Lang did not recall the identity of the other person.

The tape was resumed, and Lang asked whether "Charles" knew about the deal. He also referenced "Mr. Taylor," and asked whether he would honor the deal. Woewiyu said, "Of course. He signed it." Cox replied, "He knows the whole nine-yard agreement."

The tape was paused, and Lang testified that there was a signature in the name "Charles Taylor" on the note.

The tape was resumed, and Lang said, "You did your homework." Woewiyu explained he put the list of medical supplies on his own letterhead because "I witnessed the signing of the document here […] and then had the document notarized." He explained that "any notary" could "witness my own attestation," because Woewiyu wanted to make sure the deal was "legitimate."

The tape was paused, and Lang testified that initially he was concerned, as he was looking at pages of medical supplies. He recalled that Woewiyu told him the amount "might not be exact, but it's close." He explained that Woewiyu and Cox had listed quantities of medical supplies on the pages attached to the note, and listed an amount that was worth close to the $2.35 million that Lang would be owed.

The tape was resumed. Lang said he did not want other parties to know about the deal. "Getting back to assurances," Lang wanted to know that he would not be "left holding the bag" because he only had a promissory note based on delivering medical equipment.

The tape was paused, and Lang explained that during their discussion, Woewiyu had handed Lang a document on his own letterhead. Lang had needed authentication of the deal, he said, and Woewiyu had gone to get the promissory note as a means of authenticating it.

The tape was resumed. Lang said that he thought there was a "green light" for the deal, and that the pilot was now losing money. Lang said that he was not happy because he had to hold the shipment while Woewiyu got the money together. Lang said, "I'm assured by you I'm gonna get paid." Woewiyu continued his assurances, and mentioned that "within the next week or so" he should have news. Lang asked, "Right now, we still have a deal?" Cox and Woewiyu told him yes. Lang said he was disappointed that it would take longer for Cox and Woewiyu to get money together.

The tape was paused, and Lang confirmed that Woewiyu responded "Yes" when asked whether they still had a deal. Lang said the conversation continued to be about finding money for the transportation of the weapons.

The tape was resumed, and Lang said, "I understood this to be a little bit different." He explained that he thought they were going to go forward with transportation, but he now thought it might be a problem. He pointed out that "$100,000 is not the final cost, as we discussed on the phone, and I sent you a contract." Woewiyu responded, "I know that."

The tape was paused, and Lang testified that Woewiyu was referring to the letter Lang had sent via FedEx, listing the arms. Lang said that the $100,000 was a down-payment to get the arms transportation started. He said some would be paid from the promissory note, and explained that his persona was frustrated because he had spent money holding a plane for the deal, the

plane was sitting there doing nothing, and the deal was not being completed when he expected it to be.

The tape was resumed, and Lang told the men "the stuff is yours" but that it would cost $100,000 to hold the plane. The discussion continued, and Woewiyu said "I was not instructed to deliver" the promissory note, "which is definitely based on the delivery."

The tape was paused, and Lang explained that there was a misunderstanding as to who would hold the note and when. Lang testified that Woewiyu said, "I was not instructed to deliver the note unless in position to take delivery" of the arms. Lang said his question was he thought he himself would be given the note, but Woewiyu said he would give Lang the note after delivery.

The tape was resumed, and Lang confirmed the order and said that if this was a misunderstanding, it was a big one. Lang said he was not happy about it and that what had happened did not make him want to hold the shipment. Lang said that he would not advertise the arms. Woewiyu said that he would honor the deal and that Lang should "hold it for a week." Lang also said to Woewiyu "I think you should ask Mr. Taylor about the note," to which Woewiyu said that he would talk to Taylor about the note.

The tape was paused, and Lang testified that at that point on the tape, the men were discussing risk. He recalled Woewiyu saying, "I see what you're saying," and acknowledging that Lang was taking a significant risk by hanging onto the arms and not yet offloading them.

The witness was shown a page he recognized as the list of medical supplies intended for Liberia, which was appended to the promissory note. He noted the letterhead was Woewiyu's personal letterhead, and that it showed a return address in Gbarnga. Lang noted he was referred to in the note as the promissee of $2.35 million, covering the list of arms that was the subject of the deal, but that the promissory note said this was to cover "medical supplies." Lang recalled asking Woewiyu if Charles Taylor was aware of the realities of the deal.

The note pledged "all resources of the republic of Liberia" to discharge the debt, referring to iron ore, coffee beans, and the other natural resources of Liberia. Lang stated the note was executed on June 1, 1993. He identified the printed text underneath one of the seals affixed to the page as saying "Acting Minister of Finance," which was the title on the heading on which the note was printed. The witness said he could not clearly make out the "Minister of Justice" stamp. Lang stated that he could make out Charles Taylor's typed name underneath the seal of the Acting President.

The witness reviewed the next page of the document, and noted that it was labeled with the name NPRAG and a scorpion stamp, and was addressed from Gbarnga City. Lang said this was the list of medical supplies he referred to in his discussion with Woewiyu, when Lang told Woewiyu that he "must have done his homework," because the value of the medical supplies came close to the amount the arms deal cost.

Lang recalled that he had a subsequent meeting with Woewiyu in November 1993, at which Woewiyu supplied Lang a document that dealt with the authenticity issue. Lang said that because he was concerned about the Xerox copy of the promissory note, a second document was presented for his review in November. He recalled that he was shown a Certificate of

Authenticity purportedly from Woewiyu, identifying him as a member of NPRAG and identifying the presence of a notary public at the signing of the promissory note on June 21 by Taylor and others. Lang recalled that during this third meeting, Woewiyu told Lang that he was present when Taylor signed the promissory note, and that Woewiyu travelled back to the United States with the note.

Lang testified that this final meeting with Woewiyu was at the undercover office in Miami on November 29, 1993. He told the jury that the deal was "up in the air," and recalled from reviewing transcripts and video that Woewiyu had just returned from peace talks in Geneva. Lang said it appeared that the arms deal was not happening, and the men discussed the peace accord. Lang recalled being told that everyone was relying on Woewiyu, as the Minister of Defense, to get the deal accomplished. Lang recalled that, based on the promissory note that Lang had signed, Woewiyu said that Lang would be in a "very good position" to get involved in the "aviation business" from the ground floor up in Liberia. Specifically, the men discussed M-16s, and Woewiyu described to Lang that he thought he could market those types of arms in other countries based on his position as Minister of Defense.

Video and audio existed of Lang's third meeting with Woewiyu, which were then played for the jury and interspersed with testimony. On the video, the men discussed Woewiyu giving Lang the document "authenticating" the deal.

The tape was paused, and Lang testified that at this point in the deal, they were reviewing the document saying Woewiyu was present during the signing of the promissory note.

On the video, Woewiyu confirmed that he was privy to the signing of the note, and said that they were "genuine in terms of the people and the government." He then told Lang, "I might be able to sell that stuff, there's no question in my mind about it." Woewiyu said that he "would be the ideal person to do that because of [his] position." Woewiyu also said that the money Lang received might be less than originally promised. "Because of our problems right now I just don't have that."

The video was paused, and Lang confirmed that Woewiyu meant he might be able to sell the arms that Lang had procured for NPFL.

The video was resumed, and Woewiyu stated that "everybody wants" the weapons "for the birds."

The video was paused, and Lang testified that Woewiyu continued the discussion, saying he might be able to market those arms based on his position as Minister of Defense. The witness took "the birds" to mean aircraft, and said that Woewiyu meant the Stingers could counter them.

Lang told the jury that Woewiyu, Cox, and another agent operating undercover, Peter Ostrovsky, then went to the warehouse. He said the other agent opened a vehicle to display M-16s. Video of this warehouse visit was shown to the jury, but the video and audio were not very clear. Lang specifically recalled handing an M-16 to Woewiyu to examine. The witness identified the relative placements of himself, Ostrovsky, Cox, and Woewiyu on the screen. He recalled Cox's distinctive limp, and that Ostrovsky had a distinctive voice, and said that he could recognize them in this way. On the video, the men passed around the weapon, which both Woewiyu and then Cox held.

Lang testified that, based on his meetings with Cox and Woewiyu, listening to them speak and watching them interact, "they were more than associates," they were "close friends." Lang recalled Cox referring to Woewiyu as "his boss."

On cross-examination, Lang confirmed that his first two meetings were with Cox alone, not the defendant. He recalled that in their second meeting, Cox said "we have a done deal" himself, and did not get on the phone or talk to anyone to confirm the deal's status before he made the statement. Lang confirmed that the undercover investigation at issue did not lead to any direct prosecution, although he believed Cox pled guilty to violations of the Arms Export Control Act. Lang confirmed that Woewiyu was not prosecuted for arms trafficking.

Witness 30: Peter Ostrovsky

The government's next witness, Peter Ostrovsky, testified that he started his career in federal law enforcement with the U.S. Customs Service in 1987, and that he worked there "in several investigative areas." He told the jury that in 1997, he transferred to an office in the Pacific Northwest, where he worked for another 11 years. The witness stated that he then transferred to London, England for three years to work as the Deputy Attaché at the U.S. Embassy there on behalf of the Department of Homeland Security. He said that he then served seven more years as the Head of Office, or "Assistant Special Agent in Charge," in the same Pacific Northwest office. He retired in March of this year. He confirmed that the U.S. Customs Service was not always part of DHS.

Ostrovsky testified that he was a Special Agent with Customs for six years before joining the long-term undercover investigation in Miami, in which he was a secondary undercover agent. He recalled that he participated in the meeting with Woewiyu on November 29, 1993, and stated that he had reviewed videotape. Ostrovsky said the videotape he reviewed covered the warehouse portion of the undercover business, where he was working as a "warehouse man." The jury was shown the video, and the witness identified himself, Special Agent Lang, Woewiyu, and Cox. The video showed the men gathered around the trunk of a car and peering into it, as well as looking at weapons.

Ostrovsky recalled that as the weapon was handed between Woewiyu and Cox, they discussed how much the weapon weighed. Ostrovsky explained that the weapon was wrapped in plastic because that was how the government had supplied it for the operation.

There was no cross-examination of this witness.

Witness 31: William Parks

The government's next witness, William Parks, identified himself to the jury as a private investigator in Florida. He testified that prior to that, he was in the submarine service of the military for four years, followed by service at the Department of the Interior, and Naval Intelligence. He was then a Special Agent with the Department of Housing and Urban Development in Texas, then a Special Agent with the Department of Commerce in New Jersey, and then a Special Agent with the U.S. Customs Service. He told the jury that he began his Customs service in Miami in approximately 1988, and stayed in that position for approximately

10 years, then served at the training academy as an instructor, then served in Tampa, and then retired in 2007.

Parks stated that in his current employment, he specializes in criminal defense, and is hired by private attorneys on behalf of their clients. Parks testified to his military service in Vietnam, Iraq, Afghanistan, and Kosovo. He stated that he was deployed to Vietnam, and his other postings were as a mentor to government officials and Foreign Service Officers.

Parks remembered the January 29, 1992 meeting he attended along with Lang, Eugene Cox, and a confidential informant. He confirmed that he recalled it because of reviewing recordings and transcripts. He said that without the recordings and transcripts, he would have some recollection of the case, but would not know specifics. Parks recalled Cox unfurling a photograph at the meeting of "his friend Tom," and said that to his best recollection, the photograph also showed President Charles Taylor.

Parks recalled subsequently meeting the "friend named Tom" in November 1993 at the undercover storefront location. He stated that his role was limited to bringing Cox and Woewiyu down from the Fort Lauderdale Airport to the Miami office. He said that his role in this investigation was always a supportive role to Lang, and Parks would provide whatever Lang or the Case Agent needed in terms of transportation or participation in meetings. His persona during this investigation, the witness recalled, was as Lang's partner in business as a broker and exporter. He recalled that his undercover name was Bill Clark.

Parks confirmed that he reviewed the recording of the drive from the Fort Lauderdale Airport to Miami. He testified that he was wearing "something close to a Panasonic 36" small tape recorder, and confirmed that it was hidden on his person. The witness was shown an example of such a recorder, and stated that it looked familiar.

Parks specifically recalled Cox smoking a cigarette on the drive, and joking with him about the health issues involved. He characterized the drive as "cordial," and said that Woewiyu eventually entered the conversation. He recalled Woewiyu introduced himself as the Minister of Defense, and that he talked about coming to the United States on a "visa of some sort." The witness believed that Woewiyu said he wanted to be a pilot and go to Florida.

Parks said that "altitudinal complex" came up in the conversation, which he had not heard of previously. He said Woewiyu explained that a friend or relative had it, had been a pilot, and then had died. Parks recalled that after the end of Woewiyu's story, Woewiyu said he told Immigration that he had wanted to be a pilot. He then told Parks that he did not really want to be a pilot. The witness's impression was that Woewiyu told Immigration one thing, but that "he really meant something else." Parks reiterated that he would not characterize the situation as Woewiyu "'changing his mind' so much as 'he told them one thing but really intended something else.'" Parks recalled that Woewiyu specifically said he did not have an altitudinal complex.

The audio recording of the journey was played for jury. It began with Parks picking up Cox and Woewiyu at the airport. Woewiyu asked, "Did I ever tell you the story with the Immigration?" When Parks said "No," Woewiyu told him that in 1969, Woewiyu came to the U.S. to attend Burnside Aviation school in Miami, because he wanted to do commercial flying. Woewiyu said that he decided to go into science instead, and he went to Immigration to

change his papers, where the interviewer was searching for "bad intent" and might say that Woewiyu was looking for a way to stay in the U.S. "So I wrote altitudinal complex, I suffer from [it] upon arrival," Woewiyu told Parks. When the Immigration Officer asked why Woewiyu did not know about the complex before leaving Liberia, Woewiyu answered that it was because "the tallest building in Liberia is three stories high." Woewiyu told Parks, "I wasn't suffering from no altitudinal complex, I just didn't want to go to Florida."

The witness confirmed that this was the story he recalled Woewiyu telling about going to Florida to be a pilot.

There was no cross-examination of this witness.

Defense Objection to Prosecution's Proposed Evidence

Defense counsel objected to two documents the prosecution sought to admit through its next witness. Specifically, the defense objected to portions of a Request for Investigation dated February 19, 2008 and sent from the U.S. Citizenship and Immigration Services ("USCIS") Field Office in Philadelphia to the ICE Office in Vermont.

The prosecution responded that the Request for Investigation came from Woewiyu's "Alien File" ("A-File"), was not hearsay and was not being offered for the truth of the matter asserted. The prosecution said the request is one reason the case took so long to go through the citizenship decision process. The prosecution stated that the relevance of the document went directly to the defense assertion that "everybody already knew everything." The prosecution stated that the next prosecution witness would testify that she saw the Request for Investigation, but did not make those decisions, and did not assume it was true. The prosecution indicated the witness would say she reviewed the request when going into Woewiyu's citizenship interview itself.

The prosecution continued that the next government witness's response to the Request spoke directly to the defense assertion in the opening statement that Woewiyu "was an open book" that "never tried to hide anything." The prosecution argued that the Request was a document the witness reviewed, and she would testify that it gave her very limited information that she would not take into account when making her determination. The prosecution offered to exclude the entire document, rather than exclude portions of it.

The defense objected to portions of the document as hearsay.

The Judge said that this was not a hearsay issue, and then asked stated that the defense had to choose between all of the document being admitted into evidence, or all of the document being excluded. She stated that in her understanding, the government's position was that Woewiyu was not well-known to the government as a whole, so the document could either be wholly excluded or not.

The defense asked for the document to be excluded as a whole, and Judge Brody granted the motion.

The defense also asked to exclude a document from the "Liberian Human Rights Campaign" website, dated October 1998, that had been included in Woewiyu's A-File. Defense counsel

directed the Court to the final pages of the document, which listed its sources as "various Liberian international news reporting." Defense counsel stated that there was no objection to prosecution witnesses discussing open source files, but that this particular file had no indicia of reliability.

The prosecution counsel stated there was no objection to excluding the document, and that it was just a part of Woewiyu's A-File.

Judge Brody remarked, "I just listen to the lawyers." She ruled that the "Liberian Human Rights Campaign" was excluded from the A-File exhibits admitted through the prosecution's next witness, along with the Request for Investigation.

Witness 32: Marsilina "Marsha" Eikerenkoetter

The final witness of the afternoon, Marsha Eikerenkoetter, testified that she was hired by the Social Security Administration ("SSA") in 1981, and was subsequently hired by the Immigration and Naturalization Service ("INS") in 1988. She began in a clerical role with the SSA, then was promoted to serving as an Information Officer in the Debt Management Branch, providing information on SSA benefits. She said she was there for roughly six years. During that time, Eikerenkoetter joined the military as an Air Force Reservist, and she remained in that capacity until 2008 when she retired.

Eikerenkoetter testified that she was hired as an Information Officer by the INS in 1988. She told the jury that she provided information on immigration benefits to any individuals who came into the office. In 1992, she was promoted to the position of Immigration Examiner at INS. She described the position as interviewing applicants for their immigration petitions, like permanent residency or citizenship. She stated that the position's title changed from Immigration Examiner to District Adjudications Officer, and presently is known as an Immigration Services Officer. She confirmed that all three positions are in reality the same job with the same duties. She confirmed that the INS is now USCIS.

Eikerenkoetter told jury that she volunteered to join the Refugee Branch, and was sent to Kenya, Ethiopia, and Zambia to conduct asylum interviews. She said these trips were known as "circuit rides," and lasted about 45 days each. She occasionally extended these tours. Eikerenkoetter testified that her last tours were in Iraq in 2014 and 2016, and that the longest she spent on a circuit ride was her three-month trip in 2016. She stated that in the 1990s, she went to Guantanamo Bay on a refugee detail, but her delegation was sent home.

Eikerenkoetter described interviewing refugees and taking statements about the harms they suffered or if they were persecuted in their country of origin. She testified that she took their testimony on why they feared persecution as a result of one of the five protected grounds that forms the basis for an asylum applications. Eikerenkoetter stated that when she found people who had been persecuted as a result of one of the five grounds, she recommended an approval of their refugee status. She explained that if their security checks came back clear, they would eventually come to the U.S. as refugees.

Eikerenkoetter testified that she was with USCIS in 2009, when her title was Immigration Services Officer. She stated that recommendations as to whether someone should become a naturalized

citizen are based on whether the applicant meets the qualifications. She stated there is a process she follows. She testified that USCIS makes the ultimate determination about whether someone receives citizenship, not the Department of State, DHS, or Federal Bureau of Investigation. The witness did not recall what year INS changed its name to USCIS, but recalled that it was under the latter heading in 2009.

Eikerenkoetter described the protocol and procedures she customarily and routinely followed during the naturalization process at USCIS. She said that her office is physically located in Philadelphia, in the Eastern District of Pennsylvania, and that all the interviews she performed during a year-long period in 2009 were conducted there. She described how interviews were generally prescheduled about two months in advance. Officers would have "scheduled bundles," consisting of 12-14 cases assigned by a supervisor for a given day. Officers thus had to perform 12-14 interviews every day.

The witness testified that if an officer ran out of time, there were two "duty officers" who could pick up the leftover cases of an agent who fell behind. Eikerenkoetter testified there was not a penalty if an officer fell behind. She stated that the scheduled time for an interview was maybe 20-30 minutes, or "back then could have been 15 minutes," but that nothing happened if an interview ran over time. Cases would be completed that day, "maybe not by me, but by another officer."

Eikerenkoetter testified that she never told anyone that she only had a certain amount of time to listen to them. She told the jury that people coming in were already under enough pressure, and were nervous, so her practice was to try to get them to relax. She explained that if she told them that they had only a certain amount of time, it would not help them relax.

Eikerenkoetter explained that a "specially scheduled case" was when, on occasion, a supervisor assigned a special case that would be the only case an officer had for that day. She said this could occur for various reasons, including having have been pending for a long time. She said she could not speak to all the reasons for such a designation, and a supervisor could answer better. She said a supervisor would tell an officer about the special case by email. Eikerenkoetter testified that there was no time limit for these cases, and reiterated that were the only one scheduled for the entire day. She testified that she did not treat these cases differently from other cases, and did not look at these applicants more suspiciously. She stated that she followed the same protocols with specialty scheduled cases as she would otherwise.

Eikerenkoetter told the jury that when she had a specially scheduled case, she followed the same routine of going over an application and administering the citizenship exam as she did with other cases. She explained that she received an applicant's A-File, would review it, would make sure all checks were done, and would then set up the case for an interview.

Eikerenkoetter described how the first thing she did during an interview was to call the applicant in, introduce herself, and place the applicant under oath. She said that she administered the oath by saying, "Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Eikerenkoetter described that she then administered two tests. She would ask the applicant to sit, and would then generally administer the citizenship exam first to get it out of the way,

"because they're generally really nervous about that." She explained that the citizenship exam is about the history and government of the United States, and officers ask 10 questions randomly selected from 100 possible questions. She said that a passing score was at least seven correct answers to the 10 questions asked. Second, she gave an English proficiency test. An applicant had to read a sentence in English and write a sentence correctly in English. Eikerenkoetter testified that she was not looking for reasons not to naturalize someone, and the application process was not weighted against them.

Eikerenkoetter testified that her next step was to go over the N-400 Application for Naturalization with the applicant, and make any necessary changes. She told the jury that she used a red pen to check off the questions that she asked specifically. She confirmed that this process was done after the applicant swore an oath. She testified that based on her experience, she expected applicants to tell the truth. She confirmed that applicants were sworn in before she asked them to sit down.

Eikerenkoetter testified that the beginning of the Form N-400 is basically biographical information, and that she would go through all the questions with the applicant. She explained that if the applicant gave a different answer and there was a change, she would put the corrected information and mark it by number. She testified that making changes was not held against applicants, but she did expect them to be honest with the Form-400. Eikerenkoetter stated that she assured herself that applicants understood questions by asking if they did. If they said they did not, she would rephrase the question. If they said they did, the interview would move on. She explained that she read questions verbatim to applicants unless they asked for a restatement.

Eikerenkoetter said that, while she was not sure what questions were next on the form, she knew it included eligibility and moral character questions. She testified that if someone lied under oath, from her vantage point they would not have met the moral character requirement. She said their application could be denied because of the lack of good moral character based on lying under oath.

The witness testified that she became familiar with the individual named Jucontee Thomas Woewiyu, because she interviewed him for naturalization. She recognized an email from her supervisor at the time, instructing clerical staff to schedule a Naturalization Interview for her to conduct at 10 a.m. on January 30, 2009. She said the Woewiyu case was thus the only case she would have been scheduled for on that day. She noted that the email was sent on December 3, 2008, and that it instructed the clerk to forward the interviewee's file to Marsha. The witness confirmed that email meant that she had only one interview scheduled for the day, and could take as much time as she needed with the interview; there was no time limit.

Eikerenkoetter testified that her interview with Woewiyu took place. She stated that at no time did she make representations to the applicant or his counsel that they only had limited time. She stated that she did not tell them that they only had 15 minutes for the interview.

Eikerenkoetter testified that she reviewed Woewiyu's A-File prior to his interview. She was shown documents from the A-File, and identified "Form I-20A," a student form for someone coming over to study as a student on an F-1 visa. The witness said the form indicated it was for "Jucontee Thomas Smith," who later went back to his name "Jucontee Thomas Woewiyu." The

witness stated that F-1 visas are supposed to go to students, and that the form indicated it was for Burnside Aviation School in Opa Locka, Florida.

Eikerenkoetter was shown a document she identified as a subsequent form in reply to the I-20A, that would be sent back to Immigration by the Foreign Student Advisor at a school, informing Immigration of whether the student came to school. The form shown to Eikerenkoetter said that Woewiyu had not registered for class at the school started in 1969.

The prosecution then asked the witness about the immigration interview. Eikerenkoetter recalled that Woewiyu had his attorney with him. She testified that the first thing she did was to place him under oath, and that she expected him to tell the truth.

The witness was shown the N-400 from Woewiyu's interview, and testified that with Woewiyu and his immigration counsel, she went through the form question by question. She knew they went through all the questions, because she placed red check marks beside the questions asked, including where the form listed "Jucontee Thomas Smith" under "other names used." Eikerenkoetter testified that when she circled a question on the form, that also meant she had asked it. She stated that some of that information comes from a permanent record. Eikerenkoetter described the requirement that under the particular section of law, a naturalization applicant had to have been be a Legal Permanent Resident for at least five years before being eligible to file the applicationfor citizenship. She testified that this meant that as an LPR since 1972, one would be eligible to apply for citizenship from 1977 onwards.

Eikerenkoetter reviewed a page of the N-400 that showed Woewiyu certified his answers were true under penalty of perjury, and that they were prepared with the help of an attorney. The application was certified on January 23, 2006. That attorney also certified that the information the applicant gave to the attorney was true and correct. Applicant certified that all information and evidence presented was true and correct. Finally, the applicant authorized the release of information to INS.

The witness testified about Woewiyu's responses to the biographical information questions with which the N-400 began. She noted that Woewiyu became a permanent resident on January 13, 1972. She confirmed that all the red check marks on the page meant she had asked the questions next to the check. She said there was also red text written on the page, and she pointed out where she crossed out Woewiyu's old phone number and wrote in his new phone number. She confirmed that the checkmarks throughout the form were questions that she had gone over with the applicant.

Eikerenkoetter looked at later pages of the document. She noted that p.6 showed a change, from 7 children to 8 children. She confirmed that she had asked all questions "verbatim."

The witness confirmed that she read to Woewiyu the question about his membership in an association. She testified that in her experience, "ever" meant "at any time." When the applicant filled out the application, he said that no, he was not a member of a group. In his interview, he answered yes, and changed his substantive answer. The witness indicated to the jury her red pen on the document, where she had written the name of the organization Woewiyu belonged to, the "Union of Liberian Associations in the United States." She recalled that she then asked what type of organization it was, and whether he was a member of any other

organization. He said no. She testified that she did not recall him fumbling in a briefcase at that time, or at any other time.

Eikerenkoetter testified that she did not tell Woewiyu that he only had 15 minutes left; she reiterated that he "had all the time he needed. The witness stated that she wrote down Woewiyu's changed association answer – adding the Union of Liberian Associations in the United States – because Woewiyu said so. She testified that if he had said to add the NPFL, she would have written it. If he had said to add the NPFL-CRC, she would have written it.

Eikerenkoetter testified that Woewiyu did not ask about the meaning of the "communist party" or "any other totalitarian party" while she was reading him questions verbatim from the N-400. She stated that she asked him if he was ever a member of a terrorist organization, and that he answered no. She testified that Woewiyu did not ask for a definition of any of those terms.

Eikerenkoetter confirmed that she asked verbatim the question about whether Woewiyu ever sought to overthrow a government. She testified that he answered no, and she said that he never asked what "government meant," nor "overthrow," nor "force" nor "violence," nor "directly" nor "indirectly," but simply because the applicant said "no" under oath.

Eikerenkoetter confirmed that she asked verbatim, while Woewiyu was under oath, the question about whether he ever persecuted anyone. She testified that he answered, "No." She said that he did not ask what "ever" meant, nor "persecuted," nor "directly or indirectly."

Eikerenkoetter's testimony will continue tomorrow.

Stipulations

The defense presented proposed stipulations as to documents to be admitted in lieu of calling two federal agents to testify for the defense. The Court and counsel will review the proposal tonight.

June 28, 2018 – Day 11: The prosecution rests

Witness 32: Marsilina "Marsha" Eikerenkoetter, Continued

Marsha Eikerenkoetter continued her testimony on Wednesday morning. She testified that there was no information in defendant Thomas Woewiyu's A-File from the Federal Bureau of Investigation ("FBI"), the Department of Homeland Security ("DHS"), or the Department of State ("State"). She stated that she also did not receive information from them in her investigation of the A-File.

The witness was again shown Woewiyu's Form N-400, the Application for Naturalization form, and was asked about the N-400's Question 11: "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?" Eikerenkoetter testified that she read this question to Woewiyu verbatim. She knew she did because on the N-400, she checked the question off in red pen. She testified that, as indicated on the Form, Woewiyu answered "No." She told the jury that he did not ask for Eikerenkoetter to clarify "persecution," "directly or indirectly," or any other part of the question. The witness confirmed that she did not ask Woewiyu Question 12 on Form N-400, whether he ever worked with the Nazi government during World War II.

The witness continued to examine the Form, and stated that Woewiyu answered "No" to a succession of questions.

Eikerenkoetter reviewed the questions under the "Good Moral Character" heading on the Form. She testified that in addition to these questions, a determination of an applicant's lack of good moral character could be made if an applicant does not tell the truth under oath. She confirmed that lying under oath is by itself enough to trigger a denial of the application. The witness examined the moral character questions, including one directing the applicant to answer in the affirmative about past arrests "even if the records are sealed or otherwise cleared." She testified that she asked Woewiyu verbatim if he ever committed a crime, and that he answered "No." She told the jury that Woewiyu never said anything to her about seeking to purchase arms.

The next question on the Form N-400 dealt with whether the applicant was ever detained by law enforcement for any reason. Eikerenkoetter testified that Woewiyu answered "Yes," and a checkmark could be seen in the corresponding box on the Form. Eikerenkoetter testified that he also answered "Yes" to the question of whether he was charged with committing a crime or offense, but "No" to whether he was convicted or entered an alternative adjudication program. She testified, in accordance with the N-400 displayed to the jury, that Woewiyu answered "No" to whether he ever received a suspended sentence or was placed on parole, or was imprisoned. Underneath these questions was a box in which the witness could explain any "Yes" answer. Eikerenkoetter confirmed that Woewiyu stated on his application that he was charged with receiving stolen property, was arrested in January 1982, and pled guilty to a misdemeanor.

Eikerenkoetter testified that she wrote in red pen the oral changes that Woewiyu made to his application, and that this could be seen on the application as shown to the jury. She had indicated of the Form changes she made, based on answers Woewiyu gave about his past criminal record, by numbering them 7-10. She explained that during his interview, Woewiyu told

her he had been charged with suspicion of being associated with organized crime, but this charge was dismissed. The witness noted this information on the Form. Eikerenkoetter testified that this charge, and the information related to it, were the only changes Woewiyu made to his answers to questions on this portion of the application.

Eikerenkoetter testified that Woewiyu submitted attachments to his N-400, and said that she would be familiar with them if shown them. She was then shown the attachments and confirmed that she had seen them before. These attachments included pages on which Eikerenkoetter had written in red. Eikerenkoetter examined a handwritten page submitted by Woewiyu with his Form N-400 application, in which he wrote that the page was an expansion of an answer to a question in the Good Moral Character section of the application. He wrote, "When I first came to the U.S., I worked for a parking company" which was under a federal indictment. He said that as an employee of the parking company, he was detained by police and taken to the Queens County Courthouse, but was never arrested. Woewiyu included a letter dated January 9, 2005, indicating that the relevant New York law enforcement office was unable to find a record of this arrest, which allegedly occurred in 1970, as the arrest was over 25 years old. Eikerenkoetter confirmed that she received this information from Woewiyu as part of his Form N-400 Application for Naturalization.

Eikerenkoetter confirmed that while reviewing the Good Moral Character section of Form N-400 with Woewiyu, he did not tell her anything about his arrest for the falsification of business records in 1970. He did not disclose anything about it on his application. Eikerenkoetter confirmed that in relation to the questions on the N-400, "ever" meant "at any time."

Eikerenkoetter continued to examine Woewiyu's answers to Form N-400, and she testified that she asked him each question orally and then checked them off. She confirmed that the Form instructed the applicant to "attach any additional information that helps explain" an applicant's answer. Eikerenkoetter testified that Woewiyu answered "No" to whether he was a habitual drunk, engaged in prostitution, smuggled illegal drugs, had been simultaneously married to more than one person, helped anyone enter the United States illegally, or was involved with illegal gambling. The witness confirmed that she did not ask whether Woewiyu failed to support his dependents or failed to pay alimony; there was no red checkmark beside that question on the Form.

Eikerenkoetter testified that there was a question on Form N-400 as to whether the applicant ever gave false information to a U.S. government official while applying for immigration benefits, or to prevent deportation. She told the jury that Woewiyu told her nothing about his application for flight school when he first arrived in the United States. She said he also answered "No" to whether he was ever removed or deported.

Eikerenkoetter testified that Woewiyu checked "Yes" under a "selective service" heading. She said that he included documents about registering for selective service among his attachments. Eikerenkoetter testified that an applicant for naturalization may support an application with any additional information or documentation that helps to explain his answers.

Eikerenkoetter testified that the oath sworn by the applicant requires the applicant to answer whether he will support the constitution, and whether the applicants understands and is willing to take an oath of allegiance to the United States. Eikerenkoetter testified that Form N-400 also asked whether, if the law required, the applicant would be willing to bear arms for the United

States, perform non-combatant services, or perform work of national importance under a civilian government. Eikerenkoetter testified that Woewiyu answered "Yes" to all of these questions.

The witness re-examined Woewiyu's signature on his application. She agreed that the signature denoted the applicant attesting that everything in the application was true and correct, including the changes he made orally. Eikerenkoetter testified that, as written on the application and shown to the jury, the applicant, by signing the application "under penalty of perjury," certified that the contents, "subscribed by me," including the changes Eikerenkoetter numbered 1-10, "are true and correct to the best of my knowledge and belief." Eikerenkoetter testified that Woewiyu signed and swore this before Eikerenkoetter on January 30, 2009. She confirmed that the changes numbered 1-10 were corrections Woewiyu made to his application, and that a reference to pages 1-20 indicated Woewiyu's attachments to the N-400. She told the jury that the signature on the left side of the page was Woewiyu's, and the signature on the right side of the page was her own. She testified that when Woewiyu's signature was executed, it indicated to Eikerenkoetter that "everything in the application and what he told me during the interview was true and correct" "under penalty of perjury."

Eikerenkoetter testified that she did not then determine whether to recommend that Woewiyu receive naturalization. She told the jury that additional evidence was needed, and she asked for additional evidence because it formed part of the eligibility determination. She testified that an applicant was under oath even when adding new information to the application. Eikerenkoetter explained that a request for additional information did not change the strictures of the perjury oath; "he still has to tell the truth." She stated that it was her custom and practice to tell an applicant what the additional requests for evidence would be, after they had gone through all the questions on Form N-400. She stated that when an applicant comes in for an interview, the applicant does not know if Eikerenkoetter will ask for additional information; she pointed out that at that time, "I don't know that I'm going to ask for additional evidence."

Eikerenkoetter was shown a document she identified as a "Continuance," which was a request for additional evidence. She stated if she told someone that she would request additional evidence from them, she would also tell them the topic of the request for evidence.

Eikerenkoetter was then shown a document on U.S. Customs and Immigration Service ("USCIS") letterhead called a Form N-14 Request for Evidence, which listed additional information that was requested from Woewiyu, and indicated that the information should be sent to a USCIS address in Philadelphia. She stated that the Request for Evidence was sent to Woewiyu care of Raymond Basso, Woewiyu's attorney, and that it indicated that an examination of Woewiyu's N-400 showed a need for additional information.

Eikerenkoetter confirmed that this Request indicated that Woewiyu needed to submit additional evidence. She noted that the document stated that "failure to do so may result in denial" of his naturalization application, but that sending additional information did not guarantee the granting of citizenship. In the request, Eikerenkoetter explained that "if you choose to submit only some or none of the requested information, your application will be adjudicated on its merits." Eikerenkoetter confirmed that if Woewiyu did not respond or did not send the requested information, the application could be denied.

A page attached to the Request was shown to the witness. It was headed "Requested Information, Documents, and/or Forms." Under the subheading "Taxes," the document

requested that Woewiyu provide his IRS transcripts from 2002-2007. Eikerenkoetter testified that she asked for his tax information because Woewiyu said during the interview that he was self-employed. She explained that an examination of whether an applicant has paid his taxes, or, if taxes are owed, that an agreement to pay those taxes is on file, is part of the Good Moral Character determination.

Under the subheading "In Addition," Eikerenkoetter's Request sought documentation to prove that Woewiyu's first marriage had been legally terminated via a divorce decree. Eikerenkoetter testified that she sought that information because an applicant's civil status goes on the N-400, and is entered into records if an applicant becomes a citizen, which is why she needed to see a divorce decree. Eikerenkoetter confirmed that this was standard protocol. She explained that her decision as to what further information to seek was not triggered by information in Woewiyu's A-File, except that the File stated he was self-employed, and hence, she requested information to show that Woewiyu had paid taxes he owed. She told the jury that Woewiyu's divorce decree was in fact not in his A-File, which is why she asked for that information.

Eikerenkoetter testified that after she requested additional information via a Form N-14, an applicant's A-File would go to a holding shelf waiting for the additional evidence to come in. If the additional evidence came in, she expected the A-File to come back to her. In Woewiyu's case, Eikerenkoetter testified that when she sent him Form N-14, she had not decided whether or not she would recommend that his naturalization application be granted. She testified that she never received a response to her Form N-14. She told the jury that she never saw the file again after she sent the Form N-14, and did not know what happened to it. She testified that had she received a response, the file would have come back to her, and she would have made a determination based on the information she received.

Eikerenkoetter confirmed that she testified yesterday that Woewiyu's was a "specially scheduled interview," and reiterated that meant she had all day to interview him. She testified that she wrote a memorandum to file about the interview, and identified it for the jury when shown. Eikerenkoetter testified that she wrote the memorandum because she was specially assigned to the case by her supervisor, and that it was accurate as to the events at the time, because she wrote it shortly after the interview. The interview was conducted on January 30, 2009, and the memorandum was dated February 2, 2009.

The witness testified that the person she named in her memorandum as "Mr. Thomas" was in fact the defendant, Jucontee Thomas Woewiyu. She wrote in her memorandum that he said he was never a member of a group, but after she repeated the question a few times, he said he was a member of the Union of Liberian Associations in the United States, which he called "a U.S.-based organization that helps Liberians." Eikerenkoetter testified that when she said she "repeated it a couple of times," it was because she wanted to make sure the defendant understood the question. She testified that he gave her the information about the organization orally. The witness testified that the memorandum correctly reflects that Woewiyu told her he did not belong to any other groups.

Eikerenkoetter testified that she perceived Woewiyu to understand all of the application's questions. She asked if he was ever a member of the Communist Party or of a terrorist group and he answered "No." She stated that he did not ask for a definition of any of those terms.

The memorandum reported that Eikerenkoetter then asked if Woewiyu ever advocated the overthrow of any government, whether directly or indirectly. She testified that she asked the question verbatim, and that he did not answer anything about the country of Liberia. The memorandum reported that when Eikerenkoetter asked the question, "he chuckled a little." Eikerenkoetter testified that she reported his reaction because that was a "pretty serious question for someone to be chuckling at."

The memorandum reported that Woewiyu indicated on his Form-400 that he had two prior arrests, in 1970 and 1982. The witness stated that Woewiyu did not mention his arrest for the falsification of business records. The memorandum then stated Eikerenkoetter asked whether Woewiyu had committed any other illegal activity. Eikerenkoetter testified that he answered "No." Eikerenkoetter confirmed that Woewiyu never mentioned his alleged arms trafficking to her.

The memorandum reported that Woewiyu was the Minister of Labor in Liberia between 1994 and 2000. It stated that between 2000 and 2003, he was a Senator and President Pro Tempore of the Liberian Senate, while maintaining a residence in the United States. The memorandum stated that Woewiyu traveled to Liberia to serve during the Senate cycle every three months, but that he never stayed outside the United States for more than three months at a time. According to Eikerenkoetter's memorandum, Woewiyu's last trip outside the U.S. was in 2006. It noted that Woewiyu had been self-employed in real estate management since 1985. At the conclusion of the memorandum, Eikerenkoetter wrote that she asked if Woewiyu understood all the questions he was asked, and he indicated that he did. She testified to the same fact.

The memorandum stated that Eikerenkoetter asked Woewiyu for his IRS transcripts of the last five years, and for documentation as to the legal termination of his marriage. Eikerenkoetter testified that she did not ask for evidence about his groups or associations, because Woewiyu had indicated there was only one. She said there was no need to ask about any others, because she assumed he was telling the truth. She told the jury that she did not ask him for additional evidence about overthrowing a government, "because under oath he told me he had not." She further stated that she did not submit a request for evidence about any persecution Woewiyu may have committed, "because he told me he had not."

The witness was shown Woewiyu's Adjudication Processing Worksheet, and confirmed that she had seen it before. She then testified that Woewiyu's application for citizenship was denied, and that she had nothing to do with that determination.

On cross-examination, Eikerenkoetter was asked about the protocols she followed. She testified that the USCIS Policy Manual is the primary source of the policies guiding the job Eikerenkoetter has done for over 20 years.

She stated that before an interview she generally conducted a thorough review of an applicant's Form-400 and A-File. She explained that an A-File begins when someone comes into the U.S., and that the earliest documents are at the back of the file; as more documents are collected, they are piled on top. She testified that when she received Woewiyu's A-File in December 2008, it covered the time period beginning with his entry into the United States in 1969, up through the date she received it, which was about six weeks or so before the interview.

Eikerenkoetter confirmed that she reviewed Woewiyu's A-File in advance of his interview in January 2009, and that this was part of her job's protocol. She stated that part of reviewing an A-File is assessing whether there are unanswered questions, and thinking about what questions she would want to ask. She stated that other preparation for an interview includes checking law enforcement databases, correspondence from other agencies, and reports from other agencies.

Eikerenkoetter confirmed that every applicant receives an interview. She testified that at the initial interview, an Immigration Officer asks a candidate to provide a green card, Social Security card, and Driver's License. An Officer then explains and administers the naturalization test, and goes through the application and makes corrections as indicated by the candidate. She confirmed the questions asked of an applicant during the interview cover the full application. She confirmed that Officers have a right to present any documentary evidence they want, or to conduct cross-examination. She stated that an Officer may grant citizenship immediately, deny it immediately (which she said happened "rarely"), or request a continuance. An applicant can appeal the denial of his or her application.

If an Officer requests a continuance, he or she may request to re-schedule a future interview, or can make a request for additional evidence in writing. Either way, additional information must be provided within 30 days, and any additional documentation must become part of the record. Eikerenkoetter stated that an applicant still must tell the truth during this ongoing process. She described any future requests for information, termed a "subsequent examination of documents," as also part of the whole application.

The witness stated that Woewiyu did not file an appeal.

In this case, Eikerenkoetter reviewed Woewiyu's A-File and read the contents in advance. She said that a student visa for flight school was in the A-File, and that it was natural for it to be there, as the A-File collected all documents relating to Woewiyu's legal status. She confirmed that the A-File included another request for an F-1 student visa three weeks after the first visa, when Woewiyu decided to go to computer programming school. She said the later visa was executed in April 1969.

Eikerenkoetter confirmed that when she looked at Woewiyu's A-File prior to the interview, she saw more recent documents as well, including a document dated May 13, 2006. She confirmed that the document discussed arms purchased by Woewiyu for the NPFL, and said that there were handwritten notes at the bottom of these documents.

Eikerenkoetter testified that she also saw a memorandum in Woewiyu's A-File from the Immigration and Naturalization Service ("INS"), discussing a "hit resolution" for Woewiyu. It said that he was on "lookout security," and that a "hit" that came up on a computer for Woewiyu had been "resolved." She said the memorandum indicated an "ICE Miami Duty Agent" said Woewiyu was on "lookout only," and that it was "okay to process his I-90." Eikerenkoetter told the jury that an I-90 is an application to replace a green card. She stated that this memorandum was put into the A-File around 2006.

Eikerenkoetter testified that she also reviewed a document in Woewiyu's A-File that was called "An Open Letter to Madame Ellen Johnson Sirleaf," that would have been put in the file in 2008. She confirmed she would have read it, as she reviewed everything in the file.

Eikerenkoetter testified that she met with Woewiyu on January 30, 2009. She said that he brought in his required documents, and had his fingerprints taken before Eikerenkoetter arrived, so they could be run through a criminal database. She confirmed he then took and passed the various tests, and she then went over the Form N-400 with him.

The witness said she believed that there have been two modifications to Form N-400 that were made after Woewiyu originally completed the form, and that the current version of the form is about twice as long as the version Woewiyu completed. She confirmed that Woewiyu's Form N-400 was filled out with help from a different attorney than the one who appeared with him at his interview. She stated that she could tell it was filled out on a computer, as the Xs in boxes were not handwritten. She confirmed they made some corrections to the form as they went through it together, and the last thing she would have an applicant do is sign the Form N-400 attesting to any corrections made. She confirmed that she then made the determination to request more information, as the things she asked about "are just the quick things you do" if someone initially filed their application three years ago, and were now divorced. Eikerenkoetter testified that she never received a response to the Form N-14 she sent to Woewiyu, requesting additional information.

Eikerenkoetter agreed that in her memorandum to file, it was a mistake that she called Woewiyu "Mr. Thomas." She said that she did not ask for records of Woewiyu's criminal history because it was outside the statutory period for immigration applications, which she explained covers the five years preceding the date of filing an application. She explained that getting records from the 1970s was not important to a naturalization determination because they are outside the statutory date, and because Woewiyu provided a letter from the State of New York saying that no records were found. The witness confirmed that even if he had provided such records, they would not be considered either way, as they would be outside the five-year period.

Eikerenkoetter told the jury that sometimes she is asked to explain the question about an applicant's associations. She agreed that if an applicant did not bring a lawyer to an interview, they might have many questions. She agreed that if an applicant were on a school board, or involved in a political organization or running for office, that should be considered "an association" for purposes of the application. She testified that associations should be listed whether they are in the United States, or anywhere else. She confirmed that per the guiding regulations, if an applicant orally corrected information during an interview, Form N-400 would have to be corrected by hand to conform with the oral statements that were made. This was what she did with her red pen.

Eikerenkoetter confirmed that during his interview, Woewiyu told her that he was member of the Liberian Senate, and held several positions there. She agreed the Senate was a group, but said that she did not add it to the relevant section on the Form, but she mentioned it in her memorandum. She agreed that the guiding regulations said she "shall" correct an application to conform to oral statements made in an interview, and characterized the discrepancy here as an "oversight."

The witness stated the interview began at 10 a.m., but that she did not record when it ended. She did not recall taking notes, although she could do so under the regulations. She said that she wrote a memorandum instead.

On re-direct, Eikerenkoetter again was asked to review the May 13, 2006 document initially shown to her by the defense, which discussed arms trafficking. She testified that it had no influence on her decisions with regard to Woewiyu. She stated that if his letter to Sirleaf was in the file when she received it, then she read it; she did not now recall having read it. Eikerenkoetter testified that Woewiyu's letter to Sirleaf did not have any effect on whether she fairly considered him for citizenship. She confirmed that she did not ask him if he was a member of the NPFL, although the designation was in his letter.

Eikerenkoetter told the jury that, in her view, Woewiyu was testifying when he answered her questions during his interview, as he was under oath.

Eikerenkoetter stated that a conviction outside the statutory timeframe does "not matter" for naturalization, but that if an applicant lied about it, the lie does make a difference, as applicants are "under oath to tell the truth."

Eikerenkoetter confirmed that the new Form N-400 is longer than the version of the N-400 Woewiyu submitted. She was shown certain questions in the new Form N-400 and asked to compare those questions to questions on the version of the form Woewiyu completed. In particular, Eikerenkoetter was asked to compare the language of questions 8, 10 and 11 on the form Woewiyu completed, and questions 9, 11, and 12, respectively, on the current version of Form N-400. As shown below, questions 10 and 11 as they appeared on the form that Woewiyu answered are identical to current questions 11 and 12, respectively, and the witness confirmed this in her testimony. Question 8 on the prior version of Form N-400, which asked about association in any groups, differs in part from current question 9.

Prior Version of Form N-400, Used by Woewiyu in 2006:

8. 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?

10. Have you EVER advocated (either directly or indirectly) the overthrow of any government by force or violence?

11. 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?

Current Version of Form N-400, Written in 2016:

9. Have you EVER been a member of, involved in, or in any way associated with, any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other location in the world?

11. Have you EVER advocated (either directly or indirectly) the overthrow of any government by force or violence?

12. 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 new form changed the question about belonging to groups "in the United States or any other place" to "in the United States in any other location in the world."

Eikerenkoetter confirmed that it would have made a difference to her whether Woewiyu lied under oath with regard to a conviction during the five-year statutory period. She reiterated that lying under oath goes to an applicant's good moral character, and if an applicant does not have such a character, that alone is a basis to deny the application.

On re-cross, the defense asked further questions about the new Form N-400. The witness said she was aware of two modifications to the form. She agreed that each time the Form has been updated, it has gotten longer. She said the purpose was to get as much information as possible from an applicant, because an Immigration Officer is going to make a determination about whether to grant the application based on the form. She agreed that the edits to Form N-400 have made it more specific to aid Officers. In reviewing the new Form N-400, she said it was last updated on December 23, 2016.

Eikerenkoetter agreed that the 2016 Form added "involved in, or in any way associated with" to the question about associations, in case the person was not a full "member" of an association. She stated that the part of the question about "associating with" a group was on the previous form as well. The Form added "any other location in the world" and "dates of membership" to the required questions, so Officers could have a fuller picture of the applicant.

Eikerenkoetter agreed, in looking at the 2016 Form, that it added new questions about specific activities, following the membership question. She confirmed that it asked new questions about an applicant's involvement in genocide, torture, killing or trying to kill, hurting or trying to hurt, forcing sex, or impeding the free exercise of religion. She confirmed that it also added questions about serving in a military or paramilitary unit (and defined "paramilitary"), the police, a self-defense group, a vigilante group (and defined "vigilante"), a rebel group, a guerilla group (as defined), a militia (as defined), or an insurgent organization (as defined). There are also new questions about whether an applicant is a worker or volunteer or soldier serving in a prison, a prison camp, a detention camp (as defined), a labor camp (as defined), or anywhere else people are forced to stay. She confirmed these new questions were not asked of Woewiyu.

Eikerenkoetter testified that the questions are also new about being in or helping a group that used weapons. The questions about selling or providing weapon are also new. Eikerenkoetter confirmed that Woewiyu was not asked any of those questions. Other new questions involved whether an applicant ever received military or paramilitary (as defined) or weapons training; recruited (as defined) or conscripted (as defined) or used a person under 15 years old; or used a person under 15 in combat.

Eikerenkoetter stated that Woewiyu's convictions are outside the statutory period. She testified that when she reviewed his A-File, in the back of it were 20 pages or so of certified copies of his criminal convictions from New York. The witness did not specifically recall that these documents were in the File, but was "assuming that" they were there. Eikerenkoetter confirmed that it was usual that, as an applicant was applying for a green card and things of that nature, as the applicant's criminal record was obtained by Immigration, it would be put in the File. Eikerenkoetter confirmed she would have reviewed this information before the interview in 2009.

Eikerenkoetter was shown a cover sheet for a Record of Proceeding, which is the beginning of a criminal record in the back of an A-File. She said the sheet looked familiar. The next page was a record of an investigation from Immigration, saying the records attached were from a criminal court in New York. Eikerenkoetter examined the document and confirmed it was a Request for a Record Check in the 1970s, referring to Woewiyu's criminal record. Eikerenkoetter characterized it as "fair to say" that there was information in Woewiyu's file about prior criminal records in New York.

On re-direct, the government attorney asked Eikerenkoetter whether the fact of the criminal record in his A-File relieved Woewiyu of the right to be truthful under oath about that record. She testified that, "No, it does not."

Witness 33: Peggy Lin Chang

The prosecution's next witness was Peggy Lin Chang. She testified to her educational background in political science, and told the jury she has a law degree from Temple University. She has been working for Immigration for almost 17 years. She testified that she started with the INS, which is now USCIS. She began as a District Adjudications Officer, a position which is now called an Immigration Services Officer. Then she became a Senior Immigration Services Officer, she said, and is now a USCIS Appeals Officer. Chang stated that as an Adjudications Officer, she did green card applications, family-based applications, and naturalization applications. She said that as a Senior Officer, she performed more complex services. As an Appeals Officer, she deals with appeals or motions to appeal, and currently only works on appeals of denials of business visas.

Chang testified that CARP stands for something like "Controlled Application Resolution," and is a process by which special cases were designated, and went through a more careful process. She explained that the general criteria for a CARP case was a national security issue, including terrorist cases or "egregious public safety" concerns. She explained that this did not refer to the petty theft type of crime, but instead to very serious crimes, of which war crimes would be an example.

Chang recalled being assigned the Woewiyu case in July 2009, through the USCIS Fraud Branch. She recalled being told, "This is a CARP case, do what we usually do with a CARP case." She explained that the eligibility assessment is the first step in such a case, and that internal and external vetting is then performed as necessary.

Chang explained that an eligibility assessment is done in every citizenship application. She explained that for naturalization, questions to be probed include good moral character, physical presence, and a continuous residence. She explained that a "big part" of this assessment is if

Legal Permanent Resident ("LPR") status was lawfully obtained. She agreed that English-language proficiency is part of the naturalization process. She testified that she personally adjudicated at least several hundred such applications.

To make her own assessment, Chang said, she reviewed Woewiyu's A-File and conducted her own research. She said there are standard checks which are done for all cases, and that an Officer can also check Internet sources, to look for whatever is publicly available. She said that USCIS databases would allow access to relevant fingerprint records, and another internal database would provide brief information on applications and petitions that had been filed by an applicant.

Chang testified that when conducting her database and open source research, she saw abundant information about Woewiyu's involvement with the NPFL and various groups. She said this was not on his Form N-400, although his positions within the Liberian government, and his travel dates, were a "big part" of his application. Chang testified that these open source resources gave her concerns about Woewiyu's eligibility, because they indicated to her that Woewiyu was "very high up in the NPFL" as its Defense Minister and spokesperson. She said that she seemed "to remember he was Number Two" in the hierarchy, and it would "seem to me there was direct involvement or a high chance of involvement" with the NPFL.

Chang testified that evidence of Woewiyu's travel to Liberia was important for naturalization, because both physical presence and continuous residence were required. She said that an applicant "must be in the United States" for a certain number of days out of the statutory period. She also stated that Immigration should be apprised of address changes approximately 11 days after the change.

Chang clarified that "internal database checks" included both an FBI name check, and a TECS database that contained information provided by the FBI. She explained that searchers using these databases would see "pending" or "no record" or a "positive" record for a name that was searched. The witness did not recall any information in Woewiyu's file from the FBI or the Department of State. Chang testified that the TECS database brings up more information from various agencies.

Chang stated that she believed there were two TECS hits regarding Woewiyu, and recalled that one was about exporting weapons. She said this seemed "consistent" to her with the information she learned about the Liberian First Civil War and information about the NPFL. She said this kind of information meant she should "slow down and pay attention to the file" to assess more eligibility issues. Chang stated that if Woewiyu was involved in an illegal arms investigation, depending on the progress of a court case, he would be ineligible for naturalization, or even deportable. Chang stated that if she had ever received evidence that Woewiyu participated in an attempt to purchase illegal arms, but had not told the Immigration authorities, that could possibly constitute false testimony, "which goes to good moral character and is a bar to naturalization."

Defense Objections to Prosecution's Lines of Questioning

Defense counsel objected to the prosecution's potential line of questioning about whether Chang's letter denying Woewiyu's application (as will be described below), would be

prejudicial. The defense argued that in this case, Woewiyu has not be charged with lying to a government official or immigration official, and the prosecution's indictment does not include this allegation. The defense argued that the prosecution should not be permitted to attempt to elicit evidence about charges not in the indictment.

The prosecution noted that Woewiyu's 1970 arrest and conviction form one of the counts of perjury in the indictment.

The defense further objected to possible discussion about the flight school Woewiyu may have intended to attend, as well as to discussion of his alleged involvement in arms trafficking. Judge Brody said she would consider each objection in turn and would rule on these objections after further consideration and research.

The prosecution argued that the flight school information is part of the evidence that proves the government's case, that it was part of the A-File, and that Woewiyu subsequently lied about it in his application process. The defense said Woewiyu did not admit lying about the flight school, and that the undercover recording of the drive from JFK to Philadelphia is open to interpretation.

Defense counsel said that if Woewiyu had lied about the flight school, counsel would concede that his answer on the Form N-400 would need to be "Yes," that he had lied to a government officer. However, counsel said, the prosecution did not charge the defendant with that crime, or give the defense notice that it would proceed on this basis, and the defendant was not conceding this point.

Judge Brody noted that she would have to research the law on how much leeway the prosecution is allowed with respect to introducing evidence of alleged crimes that are not spelled out in the indictment. Judge Brody reserved ruling on the defense's objections until she can review the case law on the issue.

The prosecution argued that it was not asserting that Woewiyu lied to a government officer as a basis to convict him, but rather that it showed him lying about something he was obligated to reveal.

Judge Brody reiterated that the only question is how far the government can go beyond specific acts mentioned in the indictment. She said the indictment mentioned and explained good moral character, and the discussion of lying to an official may go to that, but she needed to research the legal issue before she could rule.

The defense said that it also objected to a line of questioning related to arms trafficking, as it assumed the prosecution would say that Woewiyu should have affirmatively disclosed the trafficking. Defense counsel objected on the grounds that arms trafficking is not one of the counts in the indictment.

The prosecution argued that it did not assert Woewiyu's arms trafficking as a basis for his conviction, but instead presented evidence on it because it went to the issue of Woewiyu being the Minister of Defense, and someone who sought to overthrow a government by force.

Judge Brody ruled that the line of questioning as to arms trafficking may continue, in regards to that aspect of advocating to overthrow a government.

The defense argued that the prosecution should not be able to argue in its closing that Woewiyu is guilty based on his alleged arms trafficking.

Judge Brody explained that the theory was raised early by the prosecution that arms trafficking evidenced Woewiyu's position as Minister of Defense. She said that the issue of whether the prosecution can use Woewiyu's supposed lying about why he came to the United States is separate, and she would rule on that issue later.

Witness 33: Peggy Lin Chang, Continued

Chang returned to the witness stand, and testified that she vaguely recalled criminal records which were included at the bottom of Woewiyu's A-File. The witness was shown a document dated April 23, 1971, that she "vaguely" remembered seeing in the A-File. The document, a memorandum written by an INS investigator, noted that Woewiyu was charged with falsifying business records in 1970. The memorandum noted that the investigator attempted to locate Woewiyu, but he had changed his address, had not provided a forwarding address, and his contacts did not know where to find him. Chang agreed it was "fair to say" that at the time, Woewiyu's whereabouts were unknown to the INS.

Chang was shown another document, dated June 9, 1970, that noted six people were arrested and charged with falsifying business records. She confirmed that, per the document, one of the people arrested was Thomas J. Smith. Chang was also shown a document dated October 26, 1970, indicating Woewiyu pled guilty to a Class A misdemeanor, and his sentence was an "unconditional discharge, to have no more conflict with the law." The witness was shown the indictment against Woewiyu, dated in February of 1970, charging him with falsifying business records.

Chang testified that the records in Woewiyu's A-File related to his arrest and conviction in 1970. She confirmed that a criminal conviction would impact LPR or citizenship status if it was "a crime of moral turpitude." Chang said it was important to investigate if an applicant "convicted of CMIT would be deportable or inadmissible." She explained that "CMIT" means "crime involving moral turpitude," and that such crimes were usually theft, fraud, or a more severe offense, and that a person who is guilty of such a crime is deportable.

The witness was asked about the investigator's report from 1971, which is marked with handwriting in red pen. The handwriting states that at the time of the notes, the investigator still could not find Woewiyu, but had concluded the crime was not one of moral turpitude.

Chang was shown a copy of Woewiyu's completed Form I-130, a petition to classify someone as an immediate relative. She indicated that on the form, Woewiyu listed the date of his present marriage as March 13, 1971. Chang testified that Woewiyu obtained his LPR status through his marriage to his first wife.

The witness confirmed that in determining Woewiyu's eligibility for naturalization, she reviewed his Form N-400 and related documents. She was shown a memorandum that she recognized as

one from Marsha Eikerenkoetter, related to Woewiyu's interview. Chang testified that Eikerenkoetter's memorandum indicated Woewiyu initially said he had never been a member of or associated with any organization, and testified that "based on my research, I did not think this was true." Chang said it "was a concern" that Woewiyu also said he never tried to or advocated the overthrow of a government.

Chang testified that she also came across the Truth and Reconciliation ("TRC") Final Report, and that it was relevant to Woewiyu's good moral character. She testified that she relied on it and its factual findings "heavily" in making her decision to deny Woewiyu's naturalization application.

Chang told the jury that after she made an eligibility assessment, she believed (but had not reached a definitive conclusion) that Woewiyu was not eligible for citizenship. Before reaching a conclusion about his eligibility, Chang testified that she "wanted more information." She explained that the basis of her belief was Woewiyu's possible involvement with the NPFL and crimes associated with that involvement. She reiterated that for naturalization, an applicant cannot give false testimony, as it is a bar to naturalization. She explained that an applicant must meet the good moral character requirement, and must show physical presence and continuous residence, and lawfully possess a green card. In this case, she believed Woewiyu had provided false testimony, which did not indicate a good moral character, and she had concerns about whether Woewiyu had continuous residence in the U.S., and whether he abandoned his permanent residence in the U.S.

Chang testified that she chose to further investigate Woewiyu because she had other concerns about possible illegal activity. She said that an applicant's good moral character encompasses possible false testimony, but also crimes committed by the applicant. She said she was also concerned about Woewiyu's physical presence and continuous residence. She told the jury that she therefore issued a Form N-14 Request for Evidence, Chang's first request to Woewiyu, but the second such request in his A-File. She confirmed that she could have denied Woewiyu "on the spot" before she issued this second Request for Evidence.

A document was shown to Chang. She identified it as her own Form N-14 Request for Evidence, the second in Woewiyu's A-File. It was dated July 15, 2009. It requested a notarized written statement from Woewiyu, addressing many additional questions.

The witness examined the Request for Evidence, and identified the first question heading as dealing with Woewiyu's offices and official positions in Liberia, any diplomatic privileges he held, any travel in an official capacity, and a request for copies of any diplomatic passports or other documentation he might hold. Chang testified that this question went to the issue of Woewiyu possibly abandoning his permanent residence in the United States. The second question heading asked how Woewiyu managed to hold the positions of Minister of Labor, Senator, and Pro Tempore of the Senate in Liberia while maintaining a residence in the United States. Chang testified that this also went to the issue of Woewiyu's permanent residence. The third question asked for an accurate list of Woewiyu's travel dates from 2001 to the present, for the same reason. Chang explained that the request for travel dates begins in 2001, because the statutory period the application was concerned with begins five years before an application was submitted.

The fourth question in Chang's Request for Evidence involved children and the evidence of child support. She told the jury that this evidence went to three issues: child support, false testimony, and a green card lawfully obtained. She explained that if children were conceived through an

undisclosed prior marriage, she would have to make sure that earlier marriage was terminated before an applicant married the U.S. citizen through whom the applicant obtained a green card. The fifth question referred to Eikerenkoetter's request for IRS tax records, and renewed that request. Chang later learned that Woewiyu responded through his lawyer to that first Request for Evidence, but submitted the response to a different office. Chang's sixth question sought to confirm the divorce dates listed on Woewiyu's Form N-400, to make sure they were after he received his green card.

The seventh item on Chang's Request for Evidence referred to Woewiyu's "Open Letter to Madame Ellen Johnson Sirleaf." The witness did not recall how she found the letter; she testified that she either found it online, or it was already in the file. She remembered reviewing it as part of her initial assessment of Woewiyu. She testified that she found it significant because it came from Woewiyu himself, and was therefore more credible. She stated that the letter indicated he was part of the NPFL and other organizations that were not disclosed on his Form N-400, and that "it seemed like he had a very significant role." Chang's Request stated that other Internet searches linked him to the NPFL as well; Chang said that either she performed the searches, or someone else did and they were in Woewiyu's A-File.

Despite this involvement in groups, the only association Woewiyu identified on his Form N-400 was the Union of Liberian Associations in the United States, so Chang's Request asked him to explain the discrepancy. The witness stated it was significant to her, because Woewiyu did not disclose the truth during his naturalization interview. The Request asked Woewiyu for information about groups he was in, and to explain specifically the nature of the organizations and where they were based, as well as any titles or positions he held, or money he donated. Chang told the jury that she asked for this information because she wanted to know his role, which went to false testimony and good moral character grounds.

Chang's eighth question heading indicated that Internet searches revealed Liberian president Ellen Johnson Sirleaf filed a lawsuit against Woewiyu. Chang's Request stated that she wanted to know what the claims were against him in that lawsuit, and to see if it also impacted his good moral character. The ninth question related to Internet searches that indicated Woewiyu ran for President of Liberia in 2005, as it went to the abandonment of the continuous residence and physical presence requirements.

Chang testified that when she issued Woewiyu a Form N-14 Request for Evidence, it did not in any way negate his obligation to tell the truth during his interview. Applicants "have to tell the truth at your interview" because "that's the integrity of the process. You have to be truthful during the interview."

Chang confirmed that she received a response to her Form N-14 from Woewiyu's lawyer, dated August 13, 2009. The letter was from Raymond Basso, Woewiyu's attorney. Attached was a copy of Chang's Request for Evidence or "Continuance," Woewiyu's answers to Chang's questions, and a time-stamped Form N-14 from March 15, 2009 to show he did respond to Eikerenkoetter's Request for Evidence. He also sent copies of passports, and an article covering the Ellen Johnson Sirleaf lawsuit.

The witness examined the letter and confirmed that it noted dates of Woewiyu's travels. It also noted the positions he held in Liberia, including the dates. This included the Minister of Defense or spokesman for NPRAG. "By the end of 1990," he wrote, the NPFL controlled the majority of

the country, although ECOWAS intervened with a peacekeeping force. He wrote that exiled Liberians met in Banjul and formed a transitional government that excluded the NPFL, despite the NPFL controlling the majority of the country. He wrote that in response, the NPFL formed NPRAG to govern the areas of Liberia it controlled. He described himself, prior to his involvement in NPRAG, as the spokesman and chief negotiator of the NPFL. Woewiyu explained that the NPFL was an "extension of the opposition movement" against Doe, which launched a "civil uprising."

Chang confirmed that Woewiyu did not indicate what he did as the Minister of Defense. She testified that he did not say whether he gave orders or acquired arms.

Chang examined Woewiyu's answer to the question about his associations with groups. In his answers, he mentioned the ULAA; his church, 1983-1987; President of ULAA, 1987-1990; and Chairman of the Board of ULAA, also in 1987. The witness read into the record Woewiyu's written explanation of the NPFL as arising "in response to the brutal military regime of Samuel Doe." He said it was a "group of patriotic Liberians who committed themselves to the removal of the regime by any means necessary." He indicated that "my approval was necessary" as a leader of the Liberian diaspora, so in the course of the uprising that started in December 1989, he became a spokesman." Woewiyu's answer to Chang's first question stated that he broke away from Taylor because of his recalcitrance, and said that the effort of his new group, the NPFL-CRC, brought an end to the war in 1996.

Chang confirmed that Woewiyu did not say anything about being Minister of Defense. She told the jury he said it earlier, but did not mention it when asked to list the extent of his past and present group involvement.

Chang stated that there was one instance where Woewiyu provided her something and it changed her initial conclusion that he was not eligible for citizenship. She testified that she initially had concerns about his first marriage being a cover to obtain U.S. citizenship, but she was not concerned about that after receiving his written response. She said that this was only answer that actually changed her mind as a result of seeing Woewiyu's response to the Request for Evidence; his responses otherwise confirmed his affiliations and memberships in various groups, including the NPFL, and did not change her initial conclusion that he was not eligible for citizenship. She testified that the new information did not change her conclusion about whether he ever advocated for the overthrow of a government, or whether he was ineligible based on lying about persecutions. "He made statements to confirm those concerns," she said, including in his explanation about the NPFL as a group "committed to the removal of the regime by any means necessary, including an armed uprising."

Chang confirmed that these subsequent statements "did not relieve [Woewiyu] of his obligation to tell the truth" in his interview on January 30, 2009.

Chang recalled that she issued her decision on Woewiyu's application on August 12, 2010. She was shown a copy the denial letter that was sent to Woewiyu and identified it. Chang testified that she wrote the letter, although it carried the signature of the relevant Field Office Director. In the letter, Chang provided a procedural history and wrote that another review of the file was subsequently conducted. Chang read into the record portions of the denial letter.

Chang's denial letter stated that Woewiyu "failed to demonstrate good moral character," because he attempted to overthrow a government and he persecuted people. According to Woewiyu's notarized statement in response to Chang's Form N-14 Request for Evidence, in 1987, Woewiyu became a member of the NPFL. In December 1989, he became a spokesman of the NPFL, led by Charles Taylor. In 1989-1990, Woewiyu was the spokesman and chief negotiator, and was then the Minister of Defense and a founder of NPFL-CRC.

Based on Woewiyu's involvement in the NPFL, Chang said, the Immigration Officer determined he lacked good moral character for the purposes of naturalization. The denial letter stated that Woewiyu was implicated in gross human rights violations both individually and by virtue of the critical command role he played. The letter then discussed the TRC's Final Report, which was published and submitted to the people of Liberia in 2009. The Report named the NPFL a "significant violator," a category given to groups who committed the highest number of violations during the war. Chang's memorandum listed, among other types of violations, egregious domestic crimes, gross human rights violations, and humanitarian violations. Chang's memorandum relied on the TRC report as evidence of these violations.

According to Chang's memorandum, the TRC found that the NPFL committed 39% of all reported violations during the war, an "overwhelming" amount. Chang's letter stated that Immigration could not overlook Woewiyu's role, which was high enough that it made "it more likely than not that [he] had personal involvement." The letter specifically mentioned that, according to the TRC, Woewiyu was responsible for the murder of six Senegalese ECOMOG peacekeepers. Chang testified that the footnotes on the bottom of the letter cite to pages of the TRC. The letter concluded that the "central role you played in the NPFL" and its status as a "significant violator" thus meant that Woewiyu failed to demonstrate good moral character for purposes of naturalization

Chang testified that Woewiyu's language on his response to her Form N-14 Request for Evidence "confirmed or helped" her decision.

Chang examined the second heading of Woewiyu's denial letter, which indicated Woewiyu "provided false testimony during the naturalization interview." She read into the record portions of the letter, regarding Woewiyu's "inadequate" answer to the Form N-400 question about his membership in groups or associations. The discussion is footnoted to Woewiyu's open letter to Ellen Johnson Sirleaf, and refers to open source searches that indicate Woewiyu was a member of the NPFL. Chang continued to read the letter aloud; it stated that in Woewiyu's notarized statement, he indicated he "fumbled in his briefcase while trying to find a supporting document."

Chang said that Woewiyu's failure to indicate his associations was "not plausible." "Even if you felt hurried," Chang said, that "does not indicate why you initially said no" to belonging to any groups, nor why Woewiyu did not disclose his membership in the NPFL, which is "seemingly unrelated" to the ULAA, until after he was asked about the NPFL by Chang. Chang recalled that Woewiyu argued that the ULAA was an umbrella organization that included organizations in Liberia, but Chang again found this explanation not plausible. Chang testified this question was significant, because she felt that Woewiyu "was not forthcoming until we told him that we knew about his membership" in the NPFL.

Chang's letter further denied Woewiyu on the grounds of false testimony he provided about advocating the overthrow of government, and persecution. The denial was based on his "integral

leadership role" in the NPFL, and the denial letter stated that the determination included Chang's review of the TRC. The letter stated that the NPFL's murder of ethnic minorities and peacekeepers was inherently the persecution of people based on their ethnicities or membership in social groups, which were addressed by that question on the Form N-400.

Chang's letter continued by saying that Woewiyu "materially misrepresented [himself] during" the interview, because he cut off a "significant line of questioning" about the NPFL and was "not forthcoming or credible" – in fact, had a "lack of credibility – that also factors into overall lack of good moral character."

Chang testified that the forced recruitment of child soldiers by the NPFL, or the knowledge of Woewiyu's personal use of them, would be important for determining Woewiyu's eligibility because they would be international law violations. He explained that ethnic cleansing is similarly important to know, as it would be a bar to naturalization. She testified that separating people on the basis of their tribe or ethnicity would also preclude good moral character.

On cross-examination, Chang confirmed that she thoroughly reviewed the A-File prior to her determination. She confirmed that the A-File contained emails between agencies sharing information about Woewiyu, as well as Internet articles. The witness did not recall if she printed them to add to the File, or if they were already there. She confirmed that she investigated the case from her office, and did not interview Woewiyu or anyone else.

Chang examined an email thread from July 7, 2009, that was sent to her by a third party, which included an email from a Department of State employee regarding a "poison pen" letter. According to the email, this was sent to State by an individual whom the email opined was attempting to ingratiate himself with the current rulers of Liberia. The email stated that the writer probably had not suffered human rights abuses, as he was a former Minister of Commerce. The email was sent on September 21, 2007.

Chang testified that she drafted the N-336 Decision on Naturalization, the letter sent to Woewiyu that denied his application. She confirmed that in preparing her final decision, she wrote that "for purposes of the naturalization application," she "relied solely on the findings of Liberian TRC." She confirmed that the page numbers footnoted in her letter cited to the TRC. Chang was then shown a copy of the TRC Final Report, and agreed after an examination that she gave a substantive history of the TRC's founding in her denial letter to Woewiyu. In that denial, she stated that USCIS is "not in a position to debate" the TRC's finding.

The witness did not recall how much money was spent on the TRC investigation. The witness examined a relevant page of the TRC report, and confirmed that it said a little over seven million dollars was spent. Chang did not recall that the TRC took a little over 40,000 statements from witnesses, although she understood that there was an effort to take a large number of statements. Chang confirmed that the Final Report was submitted within a few weeks of the Form N-14 Chang sent to Woewiyu. Chang testified that although she wrote that she "relied solely on" the TRC, she "also took into account other stuff." However, she said she did "heavily" rely on the TRC.

Chang read into the record a footnote in her letter, which was attached to a sentence she was asked about during her direct examination. That sentence stated that the TRC found Woewiyu

guilty of gross human rights violations. Chang read the footnote aloud, which said that Woewiyu was subject to public sanctions and barred from serving in public office for 30 years by the TRC. Chang then read aloud the page she cited to in the TRC, but disagreed with defense counsel that was the entire punishment suggested by the TRC, though she did not testify about what other punishments were suggested by the TRC. The witness noted both Woewiyu and then-president Ellen Johnson Sirleaf were on the list of people who were subject to sanctions.

The witness did not know that Ellen Johnson Sirleaf served a second term as president after the TRC report was published. She did not know the Liberian Supreme Court later overturned sanctions suggested by the TRC. The witness did know Ellen Johnson Sirleaf was later named a Nobel laureate.

Chang confirmed that when she wrote her N-336 denial letter to Woewiyu, she looked to see if Woewiyu was on the lists suggested by the TRC for prosecution or other punishment. The defense showed Chang a list of eight perpetrators recommend for prosecution as leaders of warring factions, and confirmed Woewiyu's name was not on the list. The defense showed Chang a list of those recommended for prosecution who were "the most notorious perpetrators," 160 people, and confirmed that Woewiyu was not on the list. The defense showed Chang a list of 102 mercenaries, and Woewiyu was not on the list. The TRC also maintained a list of those recommended for domestic prosecution, and Woewiyu's name was not on the list. Chang was shown a list of individuals recommended for prosecution for their economic crimes, and confirmed Woewiyu was not on that list either. Chang was shown a list of individuals recommended for further investigation, and confirmed Woewiyu was not on the list.

Chang could not recall how many times Woewiyu's name is mentioned in the TRC Final Report, but said it was "a few." Defense counsel showed the witness the three sections of the TRC that referred to Woewiyu. The witness confirmed that Woewiyu's name appeared in a discussion of the peace conference at the U.S. Embassy, as well as in a discussion of the transitional government and the factional fighting around Monrovia.

Chang wrote in her denial letter that Woewiyu ordered the murder of six Senegalese soldiers. Chang was then shown a portion of the TRC that reported soldiers were murdered "on orders of Charles Taylor and defense minister Thomas Woewiyu." The witness said that she read that statement as meaning orders both men gave orders for there murders, but confirmed she did not specifically write that Charles Taylor was one of those who ordered the murders. She agreed that she said "you ordered," meaning Woewiyu.

Chang confirmed that she did not try to interview any of the witnesses mentioned in Woewiyu's A-File. She confirmed that she did not speak to anyone at ULAA to find out about Woewiyu's service there. She did not speak to Woewiyu's attorney about what happened at the hearing. Chang said that such contact would be "not normal."

Chang did not recall if she read the entirety or most of the TRC report. She said she "probably skipped over" the methodology part of the report. Reviewing portions of the report, she confirmed that the TRC found all factions had committed atrocities, when engaged in armed conflict. She did not recall if the TRC determined all factions recruited and used child soldiers. Chang confirmed that in her denial letter, she referred to "a chart" that showed the NPFL committed 39% of the violations in the war. She vaguely recalled the chart, and was shown it. It indicated atrocities committed by all armed factions.

Chang confirmed that she denied Woewiyu's Citizenship Application, and he did not appeal.

Witness 7: Jennifer Lohmeier

Special Agent Lohmeier returned to the stand as the final witness for the prosecution. She testified that in the course of the Woewiyu investigation, she obtained a certified copy of an indictment of Woewiyu from the State of New York issued on June 8, 1970. She testified that she had compared this to a copy of the indictment in Woewiyu's A-File. She said that pages attached to the certified copy contain pages that are missing from the copy in the A-File, including a bench warrant. Lohmeier confirmed that, based on her review of the certified copy, a bench warrant was issued, Woewiyu arrested, appeared in court, was arraigned, charged, and pled guilty to the misdemeanor crime of falsification of business records.

Lohmeier confirmed that she was present at the interviews of some of witnesses for this trial. She testified that some of the witnesses were illiterate. On a large-scale map before the jury, she identified some of the locations mentioned by some of the witnesses on a map of Liberia, pointing to Bakiedou, 15 Gate, Cotton Tree, and other villages that were referred to in witnesses' testimony. Counsel went one by one through the witnesses, while Lohmeier pointed out on a large map the towns and villages discussed. Lohmeier also examined a large-scale map of Monrovia and identified various neighborhoods, suburbs, and locations near the city; these included Duwalla, Caldwell, the Fendell campus of the University of Liberia, and the buffer zone around Mount Barclay.

On a brief cross-examination, Lohmeier testified that she never traveled to Liberia. She explained that she was familiar with a map of the country based on her work with witnesses and through her own personal review of the map. She agreed that some of the witnesses were illiterate, but said she could find and recognize places on the map based on their descriptions, as well as the placement of other villages they were referring to.

Lohmeier testified that she sought a certified copy of Woewiyu's conviction on her own, not from his A-File. She confirmed that as an FBI Special Agent, she had looked at many criminal histories, including Woewiyu's. She testified that she was only aware of Woewiyu's 1970 conviction, and not his conviction in 1982; Lohmeier indicated she would have to refer to the 1982 conviction records to familiarize herself with them. The witness was shown a document from the A-File and confirmed it was from Woewiyu's 1970 conviction, showing he pleaded guilty to a misdemeanor and was given an unconditional discharge. Lohmeier was shown a second document and confirmed she saw it previously in the A-File, and that it showed Woewiyu pled guilty to receiving stolen property as a misdemeanor and was given an unconditional discharge. Lohmeier stated she did not know what an unconditional discharge is, and confirmed that even as an FBI agent, she does not know what an unconditional discharge is.

The government rested its case. Tomorrow morning, the defense will begin the presentation of its case.

Proposed Stipulated Documents

Defense counsel discussed documents it wanted to admit via the federal agents whose presence the defense had requested. The parties agreed to admit three documents via stipulation in lieu

of having a witness to authenticate the documents through testimony. The prosecution suggested that some information in these documents needs to be redacted and the defense will propose redactions to the documents for the prosecution to consider.

June 29, 2018 – Day 12: Character witnesses and the defense rests

Charging Conference

Trial began on Thursday morning with a conference on proposed jury instructions.

The prosecution had no objections to Judge Anita B. Brody's proposed jury charge, but did propose adding a clause to several of the instructions, so that they comported with the indictment. In the charges that Woewiyu had made a false statement about whether he had persecuted others, the prosecution sought to include the words "both directly and indirectly" in relation to the alleged persecution. The prosecution's proposed changes would affect Counts Five, Nine, Fourteen, and Fifteen. For example, the instruction on Count Five would read:

In Count Five, the false statement alleged is that Woewiyu did not disclose that while he was a member of, among other organizations, the NPFL, he, both directly and indirectly, persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.

The prosecution tated that it proposed these additions with "the standard understanding that 'and' means 'and/or.'" There was a discussion as to whether it would be better to include a "standard instruction" as to the meaning of "and" from the model jury instructions, or add "or" in multiple places in the charges. The defense indicated it might raise an objection to the inclusion of "or," and the prosecution replied that the government has traditionally charged crimes using "and" to mean both words. Judge Brody instructed the prosecution to submit its proposed additions of "or" to her on Thursday afternoon, so that she could consider adding "or" throughout the charges.

The defense queried how the jury instruction regarding expert witnesses would be formulated, as the tentative text required naming each expert and the expert's area of expertise. Judge Brody stated that she would modify the instruction to give a general explanation about experts, and that she would not include the experts' names.

The defense proposed a supplemental instruction explaining the holding of an "honest belief" as a counter to the elements of perjury, and the government had no objections aside from language changes, to which the defense agreed. Judge Brody allowed the proposed addition.

In regard to the instructions about the defense's witnesses, defense counsel stated that Woewiyu would not testify. Defense counsel also informed the Court that the defense's character witnesses would give their opinions of Woewiyu's honesty and law-abiding nature.

Judge Brody confirmed that the case involved no stipulated testimony. She stated that she would determine whether to include her proposed charge as to specific investigation techniques after closing statements are presented. The prosecution asked for the proposed instruction on motive to be included.

Judge Brody indicated that the parties should examine the proposed verdict sheet and then propose changes they thought necessary. The prosecution indicated it had submitted the prosecution's proposed changes.

The defense requested that the jury be given written copies of their instructions in the jury room during deliberations.

The parties acknowledged the jury would also have a copy of the Indictment during their deliberations. The prosecution asked whether some things in the Indictment should be redacted, such as a discussion of cannibalism, because there was no evidence presented on it. Judge Brody said the redactions would be allowed if the defense agreed to them, but that otherwise the full Indictment would be given to the jury.

In the event that a party used the jury instructions in its closing argument, Judge Brody instructed the parties to also state during the closing argument that the judge would instruct the jury as to the law.

Defense Witness 1: Raymond Basso

The first witness for the defense, Raymond Basso, told the jury that he is an attorney in private practice in Philadelphia, and that the law firm he founded, Caprara and Basso, solely practices immigration law.

Basso identified Woewiyu in the courtroom, and stated that Woewiyu is Basso's former client. Basso testified that they met in October 2008, and that Woewiyu sought his representation because Woewiyu had not received a response from the government after filing an an Application for Naturalization in 2006. Basso told the jury that he helped Woewiyu obtain a hearing set for January 2009, and that prior to that hearing, he met with Woewiyu twice.

Basso testified that it is his practice to meet with a client after the client receives an interview notice is received from U.S. Customs and Immigration Service ("USCIS"). He testified that when he met with Woewiyu to prepare for the interview, they looked at the Form N-400 that Woewiyu had filed in 2006. Woewiyu provided it to him, and they went over it together.

Basso testified that Woewiyu did not indicate that all his answers on the Form N-400 were correct. Basso stated that when they went over the Form N-400 together, they realized they would have to make amendments. Basso testified that he advised Woewiyu to prepare and gather documents relating to the amendments. Basso testified that Woewiyu was previously arrested, and Basso knew Woewiyu would have to obtain and present the records of his conviction, "as a matter of course in Immigration." Basso testified that he knew that Woewiyu was also a "member of the Liberian government at points in the past," and that he told Woewiyu to write that out and have it ready for his interview.

Basso testified that Woewiyu brought his briefcase to the immigration interview, carrying documents Woewiyu had prepared to show the Immigration Officer at the interview. Basso recalled that he and Woewiyu started going over the documents in the waiting room at the USCIS offices while waiting to be called into the interview. Basso testified that Woewiyu had gotten documents from one of his arrests, and was unable to obtain documentation of the other arrest because it was an old conviction in New York, and they did not keep the records that far back.

Basso testified that by the time he went into the hearing with Eikerenkoetter, he had done approximately 200 immigration hearings. He stated that he had done about 400 since then. He confirmed that he has had other hearings with Immigration Officer Eikerenkoetter.

Basso testified that when he and Woewiyu went into the hearing, Eikerenkoetter swore Woewiyu in "just like I was sworn in now." Basso testified that when Eikerenkoetter came to the substantive questions about travel, divorce, arrest, and membership in a group, she asked Woewiyu for an explanation. Basso testified that Woewiyu started explaining, and "was prepared to offer his explanation," and that he reached into his briefcase to provide the documents that Woewiyu had prepared. Basso told the jury that Eikerenkoetter "cut him off" and said they did "not have time for that now," and that she told Woewiyu she would "send him something in the mail."

Basso testified that to his recollection, the interview lasted 10-15 minutes. He testified that Woewiyu was not able to hand in what he had prepared because "she did not want to take it," and that Eikerenkoetter said she would send Woewiyu a Form N-14 Request for Evidence.

Basso testified that during the interview, Woewiyu mentioned orally that he was a member of the Liberian government. Basso recalled that Eikerenkoetter was taking notes during the interview, but he did not know whether she specifically wrote that down.

Basso confirmed that Eikerenkoetter had Woewiyu sign the Form N-400 with the corrections she had made. "That's the practice," he said.

Basso explained that a Form N-14 is filed in a naturalization proceeding to request missing information or provide clarification to certain answers. Basso testified that the Form N-14 can be used, because "the government has limited amount of time to hear these cases." Basso testified that Immigration Officers have a certain amount of interviews a day that they "need to get through." He explained that given the amount of time taken to clarify certain points, applicants might be handed a Form N-14 letter, or be told it would be sent to their attorney.

"We were told we were going to get a Form N-14," Basso testified. He said that he and Woewiyu eventually received two, and responded to each of them. He testified that he personally delivered the response to USCIS.

The witness was shown a document he recognized as the cover page to the response to the second Form N-14, dated August 13, 2009. He recognized his firm's letterhead on the cover page, and confirmed the page listed seven documents that were enclosed. He read into the record the statement on the cover page that "It is important to note that I, Raymond Basso, personally hand-delivered" a response to the previous Form N-14 on March 5, 2009; the cover page noted the stamped date on the prior response was "faint but legible." Basso explained to the jury that he wrote that because the government said it had not received a response to its first Form N-14.

The witness was shown a notarized written statement that answered nine questions, which he characterized as providing information about Woewiyu's "former service in government."

The witness was shown a document he identified as the "body of a Request for Evidence."

The witness was shown the cover page again, and said it indicated that it enclosed answers to questions asked in the Request for Evidence.

Basso then reviewed the enclosures, including Woewiyu's nine answers to "questions about his involvement in the Liberian government," and identified Woewiyu's signature. He stated the document was dated and notarized on August 12, 2009. Basso confirmed it was produced by Woewiyu and notarized because Basso requested it. Basso testified that Woewiyu brought it to Basso's office and that they went over it together.

Basso confirmed that he does not have personal knowledge of any of the items Woewiyu responded to, "except for Note One." He testified that Note One of Woewiyu's response stated that Woewiyu attempted to give to Eikerenkoetter a document that Woewiyu had prepared about his associations, but while he was "fumbling" with his briefcase, Eikerenkoetter said they only had 15 minutes to conduct their interview. Basso testified that Note One stated that Woewiyu only told Eikerenkoetter about his membership in the Union of Liberian Association of the Americas ("ULAA"), an umbrella organization. Basso also testified that Woewiyu wrote in Note One that it was "not my intention to hide my membership." Basso testified that in Note One, Woewiyu also wrote that Ellen Johnson Sirleaf had dropped her case against him.

Basso confirmed that he was present at the interview described in Note One. Basso testified that he did not know if the conversation about the short time period "happened at the very beginning" of the meeting, as indicated in Note One, but stated that it did happen. He testified that he would not have submitted Woewiyu's response to USCIS if what Woewiyu put in his notarized statement did not comport with Basso's memory.

Basso testified that his representation of Woewiyu continued after the response to the Form N-14 was submitted on August 13, 2009. Basso testified that "shortly after the interview," although he did not recall the date, Woewiyu was contacted by a government agency. Basso stated that he did not know at the time which agency it was, but that Woewiyu was requested to go to the Customs House in Philadelphia to answer questions. Basso stated that Woewiyu asked Basso to accompany him, so he did.

Basso testified that there were three officers in the room. To the best of his recollection, the conversation was "about the Liberian Civil War." He recalled specifically that they discussed in depth the history of Liberia and the events leading up to the First Civil War, and that the conversation went on for "a couple hours." Basso testified that he did not recall whether he charged Woewiyu for his time, but if he did charge him, "it was minimal." Basso said the things Woewiyu discussed with the agents were "fascinating," but Basso had no personal knowledge of them. He said the agents gave no indication of whether they thought Woewiyu was not being truthful.

On cross-examination, Basso testified that he began representing Woewiyu in 2008. He testified he may also have represented Woewiyu in 2010. Basso confirmed that he represented Woewiyu in the 2009 interview with Eikerenkoetter, and that Basso had been in a "limited amount" of other interviews with her. He testified that he has also appeared in hearings with other Immigration Officers at the USCIS Philadelphia offices. He testified that he appeared at approximately 200 naturalization hearings before Woewiyu's 2009 interview, and possibly 400 since then.

The witness confirmed that he and Woewiyu met with agents at the Customs House after the 2009 interview, although he was not sure of the date. If he "had to guess," it was "probably 2010." Basso testified that he was compensated for his representation of Woewiyu, and that he owes Woewiyu a fiduciary duty.

Basso testified that he knew Woewiyu was arrested in 2014, and represented him at the related hearing. Basso testified that he told the *Philadelphia Inquirer* at the time "that his client took no part in the more brutal part of Taylor's campaign." He testified that he specifically stated – and was quoted by the *Inquirer* as saying – that "Tom had nothing to do with any of that. Immigration and the U.S. government were fully aware of that."

Basso confirmed that he solely practices immigration law. He testified that when he made that statement to the *Inquirer*, he had done no discovery in either the case now before the jury, or before Woewiyu was arrested. Basso testified that Woewiyu was his client, and that Basso publicly took that position. Basso disagreed with the prosecutor that he made the statement without "reviewing anything in case," although he confirmed he did not review discovery prior to making it.

Basso confirmed to the jury that he also said to the *Inquirer*, in what the prosecution characterized as "opining on the government's motives" for arresting Woewiyu, "I don't know. Politically it's not very popular to be tied to Charles Taylor right now."

The witness was shown the "Turning the Tables" article that was read into the record on Monday by Special Agent Jennifer Lohmeier. He testified that at the time of his statements to the *Inquirer*, he did not know Woewiyu was a founding member of the NPFL.

Basso was shown a memorandum previously discussed in this trial, entitled "The Current Situation in Liberia," and allegedly sent from Woewiyu to the U.S. Department of State on January 22, 1990. Basso testified that he knew of the NPFL's objective to overthrow "the Doe dictatorship," which was stated in the memorandum, because the subject came up in the conversation with the three government agents in 2010. He stated it "came to light" during his "subsequent research into the Liberian Civil War. I came to know that happened."

Basso was then shown the statement Woewiyu made in the Dutch prosecution of Gus Kouwenhoven, **previously discussed in this case**. Basso testified that he knew Woewiyu was the Minister of Defense, but was not aware that Woewiyu was an "expert on military matters," as the statement claimed. Basso testified further that he did not know Woewiyu "issued orders to fighters," as the statement claimed.

Basso was then shown a document that he said appeared to be a resume, and that the document bore Woewiyu's name. Basso confirmed that he interviewed Woewiyu and went over Woewiyu's Form N-400 with him. The defense objected to the admission of the document because the witness could not be expected to verify the accuracy of its contents. Defense counsel argued that the document had been "prepared by somebody else," and that Basso could only know its contents through reading it. Judge Brody did not admit the document into evidence. Basso confirmed that the document stated that Woewiyu served from 1990-1994 as the Minister of Defense of National Patriotic Reconstruction Assembly Government. Basso testified that he recalled Woewiyu had made representations to him of being a spokesman, mostly in a public

relations role, and was someone whom the international community referred to as the Minister of Defense.

The witness was again shown Woewiyu's statement in the Dutch case. Basso testified that he became aware at the 2010 meeting with government agents that Woewiyu said that as Minister of Defense, he had given orders to fighters.

Basso testified that he met with Woewiyu and went over the Form N-400 with him prior to the 2009 interview. He testified that in that interview, Woewiyu raised his right hand and swore to tell the truth. He testified that it was after the portion of the Form N-400 about organizations and affiliations that Eikerenkoetter said, "I'll give you a Request for Evidence for that."

The witness confirmed that he had knowledge of the procedure of the naturalization process. He confirmed that he was familiar with a "specially scheduled interview" to an extent, but said that it was an "internal" designation used by the government.

The witness testified again that Woewiyu was sworn in at the hearing. Basso then reviewed the N-400, and confirmed that Woewiyu did not write "Union of Liberian Association in the United States" on the form. He confirmed that the only other person at the meeting was the Immigration Officer, so it was the Officer's writing on the form. Basso stated that he "cannot testify what the Officer heard or wrote" in response to Woewiyu's answer about membership in groups. Basso did not recall Woewiyu mentioning his affiliation with the NPFL- CRC or NPRAG.

Basso testified he could "imagine" that Woewiyu was asked the "substantive" questions of whether he was ever a member of the Communist Party, a totalitarian party, or a terrorist group. He confirmed that there was a check mark in red pen beside the question on the Form N-400 that asked whether Woewiyu had ever advocated directly or indirectly the overthrow of a government. Basso testified that he does not know if Eikerenkoetter asked the question verbatim. He testified that "often one question will be asked, and the Officer will check down the line." He disagreed that a red check mark indicated a question on the Form had been asked by the Officer.

Basso confirmed there was a check mark beside the persecution of whether Woewiyu ever persecuted anyone. He confirmed that the "No" box was checked in answer to this question, "but I did not prepare this application." Basso testified he "cannot recall exactly what questions were asked" by Eikerenkoetter, "but we were prepared to answer those questions at the interview." He reiterated that he cannot recall if these specific questions were asked.

Basso was read a series of questions from Form N-400, and agreed that all of them were "substantive." He agreed that the series of questions about the applicant's taxes and about any past arrests or convictions were "substantive."

Basso testified that the red pen additions to the questions about previous arrests were not written by Woewiyu. He confirmed that nothing on Woewiyu's Form N-400 said "anything about falsification of business records." Basso was shown a letter from January 9, 2005, that stated New York could not find a record of Woewiyu's arrest that was more than 25 years old. Basso recalled having seen the letter before.

Basso was then shown an attachment to Woewiyu's Form N-400, and testified that it was submitted at his hearing. Basso testified that the document was a handwritten note in which Woewiyu described himself as a parking attendant who had been caught up in a federal investigation of his place of work, and in the related blanket warrant issued as part of that investigation. Basso testified that the note was in his own handwriting. He stated that he did not know what this "blanket warrant" was about. He testified that he received the information in the note from Woewiyu. He clarified that he did not know about this particular blanket warrant, but that to the best of his knowledge, in general they are warrants covering a number of defendants in a single indictment. When asked about the statement that Woewiyu was never arrested, Basso replied, "Those are his words." He stated that he understands Woewiyu has a conviction for the falsification of business records.

Returning to Woewiyu's Form N-400, the witness agreed that all the questions of the Good Moral Character section are "substantive."

Basso reviewed the final page of Woewiyu's Form N-400. He confirmed that the final page included an oath that Woewiyu had signed, stating "I swear, affirm, and certify under penalty of perjury." Basso confirmed that the page noted there were 10 corrections to the Form, and that attached were 20 pages, including the handwritten page he wrote about Woewiyu's experience as a parking attendant. He confirmed the "10" and "20" were handwritten in red pen. He confirmed that the Officer's signature was written in red pen, and that Woewiyu's signature was present.

Basso testified that he had said Eikerenkoetter stated they would "take care of substantive stuff during the Request for Evidence." Basso confirmed that he had just testified that there were many questions checked with a red pen and that those were substantive questions. He testified that he knew what Eikerenkoetter's red check marks meant, but that could not say they were complete.

Basso confirmed that Woewiyu received two Form N-14 Requests for Evidence, and Basso had seen both of them. He reviewed the first, and confirmed that USCIS had sent it to Woewiyu, requesting his tax returns for the years 2002 to 2007, and documentation of his divorce. Basso confirmed that Woewiyu's response included tax information and documentation on the dissolution of his marriage.

Basso again testified that he was told by Eikerenkoetter that they "would take care of substantive information in the Request for Evidence." "I prepared that document," he said, testifying that he prepared it in response to the Form N-14, and that there was no mention in it of the NPFL. He testified that he knew about Woewiyu's membership in the NPFL and although he did not "know all the acronyms," he "knew Woewiyu was affiliated with the Liberian government in a number of ways." Basso testified that in Basso's presence, Woewiyu swore that his statements were true and correct.

Basso confirmed that Woewiyu "testified orally" to being a member of the Liberian government. Basso was shown the memorandum written by Eikerenkoetter about the interview, discussed in court yesterday, where she indicated that Woewiyu had worked in Liberia as the Minister of Labor and the President Pro Tempore of the Senate. Basso recalled that Woewiyu stated those things to him. He recalled that Woewiyu said that he traveled back and forth, and believed Woewiyu said his last travel was in 2006.

Basso testified Woewiyu said nothing at the time about being the Minister of Defense of the NPFL. Basso stated it was "not necessarily" the time to say that, as if there was limited time to answer questions, an Immigration Officer would end the interview and request more evidence. He stated that an Officer has to try to complete an application. He stated that he has a basic understanding of a specially scheduled interview, but that he is not intimate with U.S. government procedure.

Basso testified that he knew Woewiyu was in the NPFL, that he was a founder, and that his group was trying to overthrow the recognized government of Samuel Doe. He confirmed that Woewiyu checked "No" as to advocating the overthrow of a government. Basso testified that "he didn't check [that box] at the interview." He testified that Woewiyu swore beforehand and certified afterwards that his statements in the Form N-400 were correct, and did so in Basso's presence.

Basso again testified that he prepared Woewiyu's response to the first Request for Evidence, and that the response said nothing about the NPFL. "Nor was [that information] solicited" in the Request for Evidence, Basso said.

Basso was shown the response to the second Record of Evidence, and confirmed he prepared the response in answer to a number of questions. He confirmed that the Record of Evidence listed a number of organizations.

Basso testified that by the time of the 2009 interview, he knew Woewiyu was a member of the NPFL, but that he did not know if Woewiyu was a founder. Basso testified that he did not know if the NPFL was considered to be a rebel group, and did not know if the NPFL was fighting a legitimate government.

Basso testified that the first Request for Evidence was sent after Woewiyu had been sworn in at the interview. He confirmed that the NPFL was not mentioned in the response to the first Request for Evidence, and that he knew Woewiyu was a member of these groups. Basso disagreed that "the jig was up" when the second Request for Evidence sought information about Woewiyu's membership of organizations and groups.

On re-direct, Basso refreshed his recollection as to the date of the interview with the three agents. He stated that it occurred on May 6, 2010. He testified that he had no reason to believe that was not the date on which they met, and confirmed it was before Woewiyu received the final decision on his application.

Basso testified that the Immigration Officer's question that caused Woewiyu to reach into briefcase his briefcase was about Woewiyu's "past affiliations in the Liberian government." Basso testified that "We were told that we could address that later." He reiterated that he believed Eikerenkoetter indicated that she had about 15 minutes to "get this done." He testified that she "cut [Woewiyu] off as he tried to present the document he prepared."

Basso testified that when going over the employment history question asked on the Form N-400, Woewiyu briefly mentioned the positions that he had held in the Liberian government. "From what was just presented, she didn't seem like she wrote it down." Basso did not believe Eikerenkoetter wrote the information elsewhere. He testified that Woewiyu was trying to

supplement his answers to the questions on the Form. He did not know that Eikerenkoetter wrote a memorandum about the meeting four days later.

On re-cross, Basso testified that in the second response to the Request for Evidence, Woewiyu stated that he had fumbled with documents at the beginning of the interview and that the Immigration Officer stated that they had 15 minutes for the interview. He was shown the document listing Woewiyu's affiliations, and Basso testified that the second response stated that Woewiyu listed the ULAA because it was an umbrella organization that represented all Liberian organizations in America.

Defense Witness 2: Monkojay Thomas Woewiyu

The second witness for the defense was Monkojay Thomas Woewiyu, the defendant's son. While awaiting his video link testimony, the defense told the jury that the witness was in the U.S. Navy and that he was present in court on Tuesday, but had only one day's leave to testify in person, and then had to return to his post. Defense counsel said Woewiyu's son was presented as a witness who would speak to his opinion as to Woewiyu's honesty and law-abidingness.

The witness testified that the defendant was his father, so it was "fair to say" the witness knew him all his life. He testified that he is a Lieutenant in the U.S. Navy, and has served for eight years. He told the jury he is currently stationed in Rhode Island, training for his next assignment at sea.

The witness testified that he holds his father in a high regard and that he "builds his own honesty" from his father's. He testified that "never throughout the years" has he had reason to not believe what Woewiyu told him. The witness testified that even when "taking a step back" and observing his father's interactions with others, including those working for him, the "things they've had to say as well have led" the witness to believe that his father is a "very honest" man. The witness believed he had taken his father's same values and applied them to his own life, not only in what the witness does for his country, but in how he carries himself as a man.

The witness testified that in his view, his father has been a law-abiding citizen from the time he entered the United States in the late 1960s. He stated that he has never known his father to be involved in issues with the law, and said that his father "always advised me and the rest of his children to be law-abiding citizens," and always led them in that regard. The witness testified he has never had trouble with the law, nor have his siblings, and said this was a "testament to the man."

The witness confirmed he was in the courtroom two days ago for the trial, and heard testimony about his father's prior misdemeanor convictions. He testified they did not change his opinion about whether his father is law-abiding.

On cross-examination, the witness confirmed he has been in the Navy for eight years. He testified that he graduated from college and then made the "considered decision" to join the military. He testified that he was 24 years old when he joined military.

Defense Witness 3: Stephen J. Britt

The next defense witness was Stephen J. Britt, an attorney in private practice. He described his background for the jury, explaining that he has both a Master's degree and has gone to law school. He testified that he was on active duty with the Marine Corps from 1970-1973, and retired from the Marine Corps Reserves in 2006 as a Lieutenant Colonel. He confirmed he was a Reservist from 1973-2006.

Britt testified that in 1974, he was employed with the Immigration and Naturalization Service ("INS") in Philadelphia as a Criminal Investigator, a position later renamed a Special Agent. He said that he was with INS until 1991, and attended law school at night while still employed with INS. Subsequently, he became an Assistant United States Attorney ("AUSA"), serving four years in the Criminal Division before transferring to the Civil Division. He stated that while he was primarily a prosecutor for his first four years, he did prosecute cases throughout his 12 years as an AUSA.

Britt testified that in 2003, he went into private practice with a focus on immigration law and federal criminal defense. He testified that he has continuously represented people in immigration matters, including both what he called the "clean side" and the "dirty side." He said the "clean side" were applications for naturalization, green cards, and student visas. He said the "dirty side" was representing people in deportation proceedings.

He confirmed that his prior experience with INS influenced his private practice, and told the jury that in almost 18 years as an Immigration employee, and then 12 years as an AUSA "doing a great deal of immigration work both criminal and civil," he learned a great deal about immigration work and what applicants "should focus on." Britt testified that he had represented immigrants in the naturalization process approximately 10 times.

Britt testified that when he was a Special Agent, he investigated immigration fraud frequently, and that he also used that knowledge in private practice. He stated that he accompanied his clients to interviews with USCIS, and performed follow-up work on Form N-14 Requests for Evidence. He said that he has represented his clients from their application all the way through to an appeal. He stated that in his practice, he has kept familiar with how federal regulations apply to immigration matters, and specifically to naturalization matters.

Defense counsel then tendered Britt as an expert on naturalization proceedings.

The prosecution began its voir dire of Britt's expertise by asking Britt about his role at INS. Britt confirmed that while he was with INS, he was a law enforcement officer with a gun and badge, and that he worked on a variety of cases. He stated he was never an Immigration Examiner; he was always either a Criminal Investigator or a Special Agent. He stated that in recent years, criminal law has been the bulk of his work. He recalled working on 10-15 naturalization cases. He stated that he never met Basso before this morning, when they talked in the courtroom hallway. He agreed that if someone had represented applicants at 400 naturalization hearings, that "would be a lot."

The prosecution confirmed that it did not object to Britt as an expert, and Judge Brody ruled that Britt may testify.

Britt testified that the naturalization process begins when an "otherwise eligible alien" prepares a Form N-400 and submits it to USCIS. He testified that USCIS ensures that the appropriate fee has been paid, then sends a notice to the applicant to proceed to a biometric center where the applicant's fingerprints and photographs are taken, after which USCIS sends the applicant a notice of examination. The witness stated he never called it a "hearing." He agreed that sometimes it is called a "natz exam."

Britt testified that at the examination, the applicant proceeds into a small office and the Immigration Officer "very cordially" introduces him- or herself. The Officer then takes the applicant's green card and state-issued ID card, swears in the applicant, and proceeds with the interview. He testified that an examiner has the applicant's Form N-400 and "invariably" the A-File, which he described as being like "the service record of the alien's particular case." He stated that the left-hand side of an A-File has public records, while the right-hand side has private information and notes prepared by Immigration Officers. Britt said that as an Agent, he would put things on both sides of an A-File.

Britt testified that as an agent for 17 years, particularly in the 1970s and 1980s, the government was required to investigate all naturalization applications. He stated that in later years there were fewer investigations, as a supervisor could waive them. Previously, Britt said, he would be given an A-File and knock on doors and look at police records; he estimated that he saw hundreds of Form N-400s in this manner.

Britt testified that at a naturalization exam, Officers always took a red pen and would ask every question exactly as it was written on the Form N-400, "all of the questions right through," marking changes with a red pen. He testified that if an individual gave an answer that supplied information different or supplemental to Form N-400, the applicant would be asked to explain. Britt testified that the explanation was expected to be recorded by the hearing examiner.

Britt testified that if applicants arrived at the interview with documents they wanted to supply, an examiner was expected to take them, consider them, discuss them, and find out what their relevance was with the applicant who came in for the examination. If the examiner did not take documents at the examination, "if they knew they were there but chose not to ask," the examiner could in theory send a Form N-14 Request for Evidence, and the applicant would then mail in the documents and whatever else was required in response to the Request. Britt said that the "next opportunity to present the documents" post-hearing would depend on how the hearing came out. He explained that there are three possible outcomes: an application is granted, denied, or continued. He told the jury that if an application process is continued for more examination, or an examiner says a Request for Evidence will be sent, then an applicant could send in documents in that way.

Britt testified that in a case where a Form N-14 is sent to an applicant or an applicant's attorney, and there has been a response, the second interview is supposed to be scheduled between 60 and 120 days of the first interview, in order to give the applicant time to gather relevant information. Britt told the jury there is always a second conference or examination, usually with the same Officer serving as the examiner. He stated that the process ends when an application is either granted or denied. He said that an application is not "fully processed" until the government dismisses it or grants citizenship.

On cross-examination, Britt testified that there is "absolutely not always a second hearing." He confirmed the interviews occur in a "small room," and the applicant comes in by themselves or with a lawyer, and that the lawyer "is seated right there and can see everything." He confirmed Officers use red pen "as a matter of course," with the applicant's "lawyer right there next to him." Britt testified that an applicant takes an oath to tell the truth, and at the end of the interview, certifies that what was said is true under penalty of perjury. Britt stated it is "partially" true that an applicant must tell the truth throughout the process, but confirmed an applicant must certify he told the truth on the form.

On re-direct, Britt testified that at the end of an examination, the Form N-400 is given back to the applicant to sign with its amendments. He stated that if an examiner was not going to grant the application – if there was an issue – the examiner would usually tell you. He stated the applicant signs when the application is ready to be adjudicated. Britt testified that he did not know if an applicant was supposed to be asked to sign an N-400 if he had provided additional information during the examination, and the examiner did not write it down. He testified that he had never seen that occur.

Defense Witness 4: Jucontee Thomas Woewiyu II

The defense's next witness identified himself as the son of the defendant, and the brother of the previous witness Monkojay Thomas Woewiyu. He testified that he has a Master's degree in Mental Health Counseling, and works in the Philadelphia School District.

He stated that the opinion he has formed in the 36 years he has known his father is that "overall he's an honest person." The witness stated that his father "always instilled" in the witness and his siblings "and everyone around us to be honest, especially not to steal." The witness stated his father taught his children not to steal from their friends, their family, or even their nation.

The witness testified that Woewiyu always follows the law. He testified that he spent "a lot of time abroad" with his father in Africa, when Woewiyu was in Liberia as a law-maker. The witness described Woewiyu as a Senator and leader of the Senate, who made laws and led hundreds of thousands of people. He described Woewiyu as "One of the most honest people I know." He stated that Woewiyu pays his taxes and is a "tax guy."

On cross-examination, the witness confirmed he had been in Africa with his father. He confirmed his father had been Minister of Labor and Senate Pro Tempore. When asked if his father was the Minister of Labor in Charles Taylor's government, he responded that his father was the Minister of Labor "in the government of Liberia."

Defense Witness 5: Naanco Woewiyu

The defense's next witness identified herself as the daughter of the defendant. She testified that she has a Master's degree in Social Work and is currently employed by Montgomery County in Maryland, where she is a social worker.

She testified that she has had an opportunity to form an opinion as to her father's honesty. She stated that she did "believe he is an honest person." She testified that he taught her to be

honest, and taught her all the values she knows. She said he has been a loving father and grandfather.

The witness testified that she believes her father is a law-abiding person. She said that his previous convictions for misdemeanors had not changed her opinion. She stated that in the time she has known him, she has seen no indication that her father has broken the law.

Defense Witness 6: Hawa Dahnsaw

The next defense witness identified herself as the daughter of the defendant. She told the jury that she has two Master's degrees, one in Social Work and one in Educational Leadership. She testified that she is the principal of a high school in Northern New Jersey, where she has been with the school district for 23 years, and has been a principal for the last 13 years.

Dahnsaw told the jury she has had a "very long" opportunity to form an opinion on her father's honesty. She said he is the "driving force of our family, the founder of who we are. He made sure we were educated." She testified that the honesty she was speaking of showed her father to be an honest person, who "developed those types of values in us and the people he's affiliated with in his community."

Dahnsaw testified that Woewiyu is a law-abiding person. She said that she had only heard about his previous convictions here in the courtroom, but "nothing has changed in her opinion" because of them. She testified that she was in college "when the rebellion broke out in Liberia." She testified that throughout that period, she had no reason to think her father was less than honest or not a law-abiding person.

Prosecution Objection to Truth and Reconciliation Commission ("TRC") Final Report

The defense moved for the entirety of the TRC Final Report to be admitted into evidence, and the prosecution objected.

The defense argued that portions of the Final Report were already entered through Peggy Lin Chang on Wednesday, and that in her decision denying Woewiyu's application for naturalization, she said she "solely" relied on the Final Report to reach her decision. Defense counsel argued that Lin's decision was entered into evidence, which "quoted extensively" from the Report. Defense counsel explained that she cited and quoted the Final Report ten times in a seven-page decision, and that Lin testified that she did not speak to any witnesses.

Defense counsel then argued that it had objected to the government's motion to admit the naturalization denial decision, and that the government had argued it was relevant to materiality. Defense counsel argued that the jury should be permitted to see the entire report in order to decide whether the report truly is material, and said the "first question the jury will ask" is to see the full contents of the Final Report. Defense counsel argued that because this "whole case is about an application for citizenship," and the Report was the basis of the denial, the rule of completeness required the jury to see the Report because the jury cannot find the facts if it is not allowed to see all of them.

The prosecution argued that on the stand, Peggy Lin Chang said that she also looked at open source documents, and that the defense already questioned her on the stand as to the relevant parts of the Final Report. The prosecution argued that "She relied on it, but they're offering it for the truth of the matter asserted." The prosecution said that the central question was what the Report proved, and that it was hearsay and would confuse the jury.

Judge Brody stated that the Final Report was not hearsay. Judge Brody then asked why, if Chang had relied on it and what she had written based on it was admitted in evidence, the Report should not come in. The prosecution responded that "she said she relied on certain portions, and what she relied on was footnoted" and that the defense had already confronted her with those portions. The defense then quoted from the portion of Chang's denial decision where she said she relied "solely" on the Report.

Judge Brody ruled that the Report also goes to the issue of materiality. She said she might not allow all of the Report to be given to the jury, and might only allow portions of it in, but ruled that counsel can refer to the Report in the closing arguments. She cautioned the defense counsel that the Report cannot be used for the truth of the matter asserted, and that the defense counsel could not refer to other witnesses contained in the Report.

Defense counsel agreed it would discuss the findings of the Report, and those conclusions Chang had drawn from it. The defense stated it would refer to those exhibits it had cross-examined the witness with, and might refer to other parts as well.

The defense then rested its case. The prosecution did not present a rebuttal case.

Verdict Sheet

The government had no proposed changes to Judge Brody's Verdict Sheet. The defense proposed a one-word change in each of Counts 3-16, requesting that "knowing" be added as a "scienter adverb or adjective." Judge Brody ruled that she would not add anything to the Verdict Sheet.

Trial will resume on Monday morning with the parties' closing statements, after which the jury will begin its deliberations.

Week in review: week 3

The third week of the trial of Jucontee Thomas Woewiyu ended on Thursday when the defense rested its case. 12 witnesses testified this week: six for the prosecution, and six for the defense. The last witnesses of the week were the children of Woewiyu, who testified to his honesty and law-abiding nature.

Before the prosecution rested on Wednesday, its six witnesses developed a narrative of Woewiyu's wrong-doing in the United States, speaking to his alleged arms trafficking as the NPFL's Minister of Defense, and to the alleged perjury and false statements that are at the heart of this criminal immigration fraud case. The prosecution witnesses can be loosely grouped into the following categories:

- Three former U.S. Customs Service Special Agents testified to their involvement in an undercover sting operation in which Woewiyu attempted to illegally export stolen arms to Liberia;

- Two officials with the U.S. Citizenship and Immigration Service testified to their roles in the denial of Woewiyu's Application for Naturalization;

- One Federal Bureau of Investigation Special Agent testified to the geography of locations mentioned by Liberian witnesses.

The prosecution also read into the record a series of BBC broadcasts, as well as articles and other documents written during or about the First Liberian Civil War; Woewiyu was an interview subject of the broadcasts, and occasionally an author of the documents.

The prosecution's narrative continued to take shape from its witnesses' testimony and from the broadcasts and documents. The prosecution provided evidence of the following:

- In 1990, Woewiyu stated that ECOWAS was barring Charles Taylor from taking a position in the interim government, and portrayed ECOMOG generally as a violent and invasive force. He spoke of the NPFL as pursuing Doe, and resisting Doe's escape to safety in exile; on later occasions, he both blamed ECOMOG for Doe's death, and stated that Doe's death was the NPFL's "prime objective." After Doe's death, the NPFL continued to treat the Armed Forces of Liberia as an enemy force.

- As the NPFL approached Monrovia, it ordered civilians to leave the surrounds of the city and to enter "Taylorland." The displaced people were interrogated and searched at a checkpoint as they entered NPFL territory. Civilians suspected of aiding ECOMOG and ULIMO were killed, and the NPFL condemned a whole neighborhood of Monrovia based on its suspected ECOMOG collaboration. Some inhabitants managed to escape by pretending they were from other parts of the city.

- The NPFL set up the National Reconstruction Assembly Government ("NPRAG") in its territory, to act in the place of a traditional government. Ministers were appointed, including Woewiyu as the Minister of Defense, and presented themselves on the international stage as persons of authority. NPFL fighters considered NPRAG to be stable enough to support hospitals like those in government territory. At least one large multinational company, the Firestone Plantation Company,

considered the NPFL stable enough and structured enough to negotiate with it for a resumption of the company's business activities; on the agenda for a proposed meeting, sent to Charles Taylor via Woewiyu, was a "functional banking system."

- Woewiyu became unwittingly involved in a federal undercover investigation into illegal arms trafficking in Miami, Florida in 1992-1993 when he attempted to buy arms for the NPFL. He identified himself as the Minister of Defense, saying he was close to Charles Taylor. Among the arms he attempted to buy were surface-to-air missiles, M-16s, and AK-47s. AK-47s were desirable because fighters on the ground were already using them, and the missiles were needed to bring down ECOMOG jets.

- Woewiyu personally negotiated a share in the sale of Liberia's natural resources as payment for the trafficked arms, meeting with undercover agents on three separate occasions to finesse the deal. Woewiyu told an undercover agent posing as an arms trafficker that he personally observed Charles Taylor sign the promissory note indicating terms of payment for the deal. The arms were to be concealed as a shipment of medical supplies; Woewiyu personally negotiated the details of the concealment, and designated Sierra Leone as the country from which the arms would enter Liberia. Woewiyu was concerned with the weight of the weapons, and handled one of the guns himself to test its weight.

- Woewiyu's January 2009 naturalization hearing was followed by a Request for Evidence as to his tax records and divorce proceedings. At this hearing, Woewiyu did not disclose his membership in the NPFL, or his activities during the First Liberian Civil War. When asked if he had ever persecuted someone and if he had ever advocated the overthrow of a government, he answered no to both questions; the Immigration Officer who conducted the hearing recalled him "chuckling" when asked if he had advocated the overthrow of a government. Those corrections he did make to his form, including his number of children and an early arrest, were made orally to the Immigration Officer, who marked them in red pen on his application.

- Woewiyu was later issued a second Request for Evidence, asking about his involvement with the NPFL. After he responded to that Request, his Application for Naturalization was denied based on his lack of a good moral character. The determination was based in large part on the Final Report of the Truth and Reconciliation Commission ("TRC"), which detailed crimes committed by the NPFL.

- Woewiyu consistently presented himself as a founding member of the NPFL, including to undercover federal agents and in a 2005 open letter to Ellen Johnson Sirleaf in which he stated that he had met with Sirleaf and Charles Taylor in Paris to plan how to launch rebels into Liberia. In that letter, he wrote that he travelled to Burkina Faso to ascertain Burkinabé monetary and training support for the nascent NPFL.

- Woewiyu presented himself as divorced from Charles Taylor's policies, although he was the Minister of Labor in the Taylor government formed after the 1997 elections. Woewiyu presented himself in this way in articles purportedly written by him, including one in which he apologized to Krahns and Mandingos harmed by his earlier statements. Woewiyu wrote that the infamous "the only good Krahn man is the dead Krahn man" mantra was originally said by Charles Taylor, and that Woewiyu only repeated it as a quotation, not as a policy endorsement.

- In 1969, Woewiyu entered the United States on a student visa. He described his visa process to an undercover federal agent in 1993, saying he obtained his 1969 visa to attend flight school without intending to become a pilot.

- One of Woewiyu's sons serves in the U.S. Navy. The prosecution asked a brief series of questions on cross-examination, elucidating that he joined at the age of 24 after graduating from college and making a "reasoned" decision to serve. The questions were presumably meant to contrast his life with those of the former child soldiers who testified in prior weeks to their forced recruitment.

The defense continued to develop its narrative through its cross-examination of the prosecution witnesses. It also presented six of its own witnesses, who developed the defense narrative of a fundamentally honest man who attempted to correctly present relevant information on his Application for Naturalization:

- Two testified to the circumstances surrounding the denial of Woewiyu's Application for Naturalization, one as an expert witness to the process and one – Woewiyu's immigration lawyer – as a direct witness;

- Four of Woewiyu's children testified as character witnesses to his honesty and law-abidingness, and told the jury how his honest nature positively impacted their lives.

The defense narrative contrasted with the prosecution narrative in two major ways: as to the process of Woewiyu's naturalization hearing in January 2009, and as to his personal character. The defense elicited evidence of the following:

- Woewiyu's January 2009 naturalization hearing was "rushed," and he and his immigration lawyer were told that the hearing could not exceed 15 minutes. When Woewiyu attempted to reach into his briefcase for a list of affiliations and group memberships that he had prepared, the Immigration Officer told him it could be provided in a follow-up submission. When asked about his associations, he therefore only gave the Officer the name of an umbrella organization for other Liberian groups, rather than taking the time to list for her all of his group memberships. Woewiyu did tell the Officer orally that he was a member of the Liberian Senate, but this was not written down by the Officer as additional information on his Application for Naturalization.

- The Immigration Officer who conducted Woewiyu's hearing did not take notes or record the interview, although she could have. Her memorandum about the hearing was written a few days afterward. It would be unusual to ask an applicant to sign an Application for Naturalization on which not all of the applicant's oral changes had been recorded by the Officer.

- An Application for Naturalization is not "fully processed" until all follow-up Requests for Evidence have been responded to, and the government subsequently denies or grants citizenship to an applicant.

- The Immigration Officer who ultimately denied Woewiyu's Application for Naturalization relied "solely" on the Final Report of the Truth and Reconciliation Commission for evidence of Woewiyu's involvement with the activities of the NPFL, which she used to determine his lack of a good moral character. There are ten footnoted citations to the Final Report in her seven-page denial letter. The TRC did not mention Woewiyu in the body of its Final Report more than three times, and attributed

the murder of six Senegalese ECOMOG peacekeepers – specifically mentioned in the Officer's denial letter – to Charles Taylor as well as to Woewiyu.

- The TRC did not ultimately recommend Woewiyu for prosecution. It recommended him for sanctions barring immediate service in the Liberian government; Ellen Johnson Sirleaf was also recommended for those sanctions, and went on to win a Nobel Peace Prize and to serve two terms as the elected President of Liberia.

- After Woewiyu applied for citizenship, the Application for Naturalization was changed twice, in order to make the process clearer and to better elucidate information helpful to Immigration Officers. The form is now twice as long as it was in 2006 when Woewiyu initially filled it out, and contains specific questions as to the commission of genocide and human rights abuses, and the recruitment of child soldiers.

- Woewiyu was interviewed by three federal agents at the Customs House in Philadelphia in 2010, in a conversation centering on Liberian history, including the events leading up to and during the First Liberian Civil War.

- Woewiyu's children all testified to his honesty. They described how he instilled the values of honesty and law-abidingness in them, and explained that the knowledge of his previous convictions – discussed earlier in Court – did not change their opinions.

  Trial resumes on Monday, July 2, when the parties will present their closing arguments. The jury will then begin its deliberations; a verdict is expected later in the week.

July 3, 2018 – Day 13: Closing arguments

Defense's Proposed Additional Jury Charge

The trial of Thomas Woewiyu began on Monday morning with the presentation of a motion by the defense to change the proposed language in a portion of the jury instructions.

The prosecution and the defense agreed as to changes of language in Counts 1 and 2 of the charging sheet, with respect to interrogatories. The parties agreed that for each interrogatory, or question, on the verdict sheet, the jury must answer each interrogatory unanimously.

The defense moved for an additional jury charge as to a "good faith reliance on an attorney." The defense argued that the jury had heard evidence that Woewiyu consulted with attorney Raymond Basso, and that it was up to the jury to determine whether the elements of the "good faith" defense are met as a question of fact. The defense argued that factually, Woewiyu sought advice on the potential legality of any false answers from an attorney, and that good faith reliance on the advice of an attorney is a complete defense to perjury.

The prosecution agreed that unlawful intent is not proved as an element of perjury if the accused makes a good faith report of material facts to his or her attorney and then reasonably relies on the attorney's advice in good faith.

Judge Anita B. Brody ruled that she would instruct the jury that good faith reliance is a defense to perjury charges, and that evidence of a defendant following the advice of counsel in good faith goes to the defendant's intent.

Prosecution Closing Argument

The prosecution closing argument was delivered by Assistant United States Attorney Linwood C. Wright, Jr. He began his statement by thanking the jurors for their attentiveness, and by telling them that "America remains the idea that inspires the world." Wright told the jury that it is a privilege to be born here, an honor to become a citizen, a gift to vote here and raise a family here, and a gift to live here. He told the jury that he himself did not pen "those simple and eloquent words," and "some may be surprised who did:" former Governor of California Arnold Schwarzenegger, on becoming a U.S. citizen.

Wright, in his words, "suggested" to the jury (a turn of phrase he would repeat often in his closing argument) that there are "problems and divisions" in the United States, but that U.S. citizenship is still so valuable that it is difficult to quantify. "Whatever you do," he said, "if you're in the jungle and if they're pulling out your fingernails, you don't give up your American passport." He said that "people come here, and those who deserve it are welcomed. We are still a welcoming nation." He reminded the jury of two witnesses who testified, who were born in Liberia and who are now American citizens. "They came to this great nation of ours and earned citizenship," Wright said, "something whose value cannot be bought."

Wright told the jury that it "cannot be ignored that this defendant attempted to get that sacred honor of being an American citizen through fraud." He suggested that the evidence was clear,

showing that since Woewiyu "came into this nation he has only had a passing familiarity with the truth," and Wright characterized that familiarity as "fleeting at best."

Wright replayed a BBC recording was played for the jury, in which a reporter described the NPFL territory of Gbarnga as a "twilight zone," with "hundreds of children." The reporter identified Woewiyu as the NPFL's Defense Minister, and described the NPFL's Small Boys Unit. "It is a very small group," Woewiyu said, "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." The reporter asked if Woewiyu saw anything morally wrong with arming children, and he responded, "I see something morally wrong about having a ten-year-old child killed." When the tape ended, Wright suggested to the jury that Woewiyu saying "they're not babies" was Woewiyu playing to his audience.

Wright then suggested to the jury that Woewiyu's "break with Charles Taylor is a temporary break." He described the NPFL-CRC as "a council of warlords" that "fought against Charles Taylor," but said that when Taylor was elected President, Woewiyu reconciled with him and became the Minister of Labor in Taylor's cabinet. Wright quoted from an article previously read in court, in which Woewiyu wrote that "those children who fought in the NPFL and died were not related to Taylor." He said that while children were fighting the war in Liberia, Taylor's own children were in Swiss boarding schools. The article went on to discuss eight-year-olds dragging AK-47s behind them. Wright told the jury that Woewiyu and Taylor "were together" in 1992, but that in 1994 when they broke, "it was a change in narratives." Wright reminded the jury of Woewiyu's declaration that NPFL fighters "weren't babies," but "all of a sudden they were eight-year-olds." Wright then read the transcript of a BBC interview, in which Woewiyu said he was "strongly behind Taylor" and "of one mind with him."

Wright showed the jury a photo of Woewiyu with Taylor, and reminded them that Mark Huband testified to seeing Woewiyu seated at Taylor's right hand. He showed the jury a photograph of a child soldier, entered into evidence in this case. Wright indicated that by his own words, Woewiyu was "of one mind" with Taylor in 1990 and 1991. He said the photograph was taken at a "confidence building session" while opening a road, and that Woewiyu attended the session as Minister of Defense, while there were checkpoints manned by child soldiers at the same event. He showed the jury another photograph, and said that the children depicted "were in fact his fighters." Wright said the Woewiyu was the Minister of Defense from 1990 until 1993, "so when he changes the narrative, it's a shading of the truth" because all along, the children were his fighters. "When you talk to the BBC, they're not 'babies.' But in reality, and when it suited his purpose, they were eight-year-olds.

Wright reminded the jury that he had an opportunity to cross examine Woewiyu's immigration attorney, Raymond Basso. He described asking Basso a question, and showing Basso a document that Basso said "looked like a resume." Wright reminded the jury that he had asked Basso if Woewiyu had told him that as Minister of Defense, he was in reality more of a spokesman who "mostly did PR," not the planning and commanding of the NPFL. This was stated on Woewiyu's resume, which also stated that Woewiyu was out of Liberia for most of the duration of the war. Wright told the jury that Basso had answered "No," and Wright suggested that was because it suited Woewiyu's purpose at the time to present this image.

Wright then discussed the statement Woewiyu gave on March 3, 2006 in a Dutch prosecution of a third party. He reminded them that Woewiyu swore in testimony given before a magistrate that "the rebels came from the northern border. I know this, I know that, because I'm an expert. I was Minister of Defense." Wright told the jury they had heard witnesses testify to Woewiyu giving "pep talks to soldiers, including child soldiers." Wright read from the Dutch statement, in which Woewiyu said, "I never physically engaged in fighting. As Minister of Defense of the NPFL, I issued orders to fighters." Wright told the jury they had heard about the orders, when they heard about Woewiyu instructing soldiers they were going to fight ECOMOG or Doe. Wright reminded them of the testimony of Witness X and Witness Y, who were abducted by the NPFL and forced into battle. He suggested to the jury it "cannot be ignored" that they encountered Woewiyu.

"Do you know who else he gave orders to?" Wright asked. He reminded the jury of Witness FF, who was 12 years old when NPFL rebels "literally tore him out of his sister's arms and conscripted him," and took him for training at Konola Base. Wright told the jury that Woewiyu was the Minister of Defense when he came to the base and told FF and others, "You're going to fight ECOMOG." "This kid crying for his sister […] from whose arms he was torn, [was] thrown into a pickup truck on the way to the front" when he was attacked, Wright said, and added that "he can't write right-handed." Wright raised his right hand, clenched into a fist, to demonstrate to the jury that FF had lost his hand when attacked.

Wright then told the jury about "something else that can't be ignored," the July 12, 1990 massacre at Bakiedou, the Mandingo village in Lofa County. He reminded them of the two witnesses who testified that NPFL rebels rounded up the Mandingos "to the extent they could," and put them in the town hall. Wright recalled to the jury Witness V, whose brother was a town chief who said "We are not political," and have the rebels a cow and money. "What happened?" Wright asked rhetorically. His answer: "We don't trust you people, kill them." Wright described Witness V and Witness W, who "fell among the other falling bodies," and "played dead." "What happened?" Wright asked. Witness V lost his brother, his blind mother, and his father. Witness W lost his brother.

"What else can't be ignored?" Wright asked. "The oath." He told the jury it was "not to be trifled with," and was "not a matter of whim […] it is mandatory." He described the "solid obligation" to "in fact be truthful." Wright referred to the defense argument that Woewiyu "told everybody who he was," and agreed that the list included the BBC, the U.S. State Department, and the international press, but said it did not include "the entity and individuals in it who he was legally obligated to tell." Wright argued that Woewiyu "could not get what he wanted if he did" tell the truth to those whom he was obligated to be truthful with.

Wright suggested to the jury that the evidence supports that Woewiyu's failure to honestly answer the questions on the Form N-400 Application for Naturalization was by design. Wright argued that Woewiyu joined the NPFL in 1987, and could have applied for naturalization at any time from 1977 onward, and thus had 19 years – as he submitted his application in 2006 – to acknowledge membership in the NPFL, NPFL-CRC, or the National Reconstruction Assembly Government ("NPRAG"). Wright told the jury that the evidence showed the omission was "by design, because he knew that if they knew [about the NPFL] they would find out about child soldiers," or that he was Minister of Defense, "and then he couldn't get what he wanted. So again the narrative on his part shifted. All you have to do is write it down and be honest, but he didn't do that."

Wright referred to the movie *Jagged Edge*, in which Jeff Bridges' character challenges a prosecutor to prove that Bridges killed his wife. Wright told the jury that Bridges "had a right to say 'prove it.' And that's how it ought to be." He reminded the jury that the law never places the burden on a defendant to come forward with any evidence at all, and that Woewiyu had a right to expect the government to prove its case. Wright also told the jury that just because there is a trial does not mean there is an actual issue, and no matter how overwhelming the evidence is, the defendant has the right to make the government prove its case.

Wright then suggested that there was "no issue" in relation to three of the lies Woewiyu was alleged to have told, and listed them: 1) when instructed to list his affiliations, "there was no 'NPFL' there;" 2) when asked if he ever directly or indirectly advocated the overthrow of a government by force or violence, there was "overwhelming evidence" that he did; and 3) when asked to list prior convictions, the "falsification of business records just isn't there."

Wright then told the jurors that Judge Brody would instruct them on the law, and indicated he would discuss the counts as well, but "she'll tell you if I'm wrong." He began with Count One of the indictment, a charge of fraudulently attempting to obtain citizenship. Wright read the jury the elements, and said that the "reality is that if you find" that Woewiyu "lied with regard to four areas on the N-400, then [the jury] can find for the government on all counts" and "the government will have fulfilled all of its obligations under every statute tried." Wright argued that Woewiyu knew he was under oath, and reminded the jury it had seen Woewiyu's signed affidavit attesting to the truth of the matters contained in his application.

"Each count is simply dependent on the fact that he was not honest on the form," Wright said, before classifying the other counts of fraudulently attempting to obtain citizenship, making false statements on an immigration form, perjury, and making false certifications. He told the jury that for the perjury charges, some are based on Woewiyu's alleged false swearing, "where he raised his right hand," and some are based on false certifications of the data on his application.

Wright then addressed Woewiyu's membership in the NPFL. He told the jury again that Woewiyu could have applied for citizenship "every year from 1977 to 2006," and could have declared his membership in the NPFL any year after its founding. He showed the jury Woewiyu's application form, with its red checkmarks, and told the jury that U.S. Customs and Immigration Services ("USCIS") Officer Marsha Eikerenkoetter reiterated her question as to Woewiyu's associations a few times, "and he said 'No.' She said, 'Are you sure?'"

Wright told the jury Woewiyu then told Eikerenkoetter the Union of Liberian Associations in the Americas ("ULAA"), and she wrote it down. "He didn't even have to write it down, he just had to say NPFL," Wright argued. "But he didn't do that, he instead came up with this. And then he said later on that's an umbrella organization." Wright professed incredulity to the jury, that a civic organization in the United States could be an umbrella organization for a rebel group trying to overthrow a country and form a new government. He asked the jury to look to their "human experience" as to whether Woewiyu's answer was reasonable. "He just didn't do it, and he had every opportunity."

Wright then reminded the jury of evidence it had heard about Woewiyu's membership in the NPFL. He showed a photograph of Woewiyu at a conference, sitting at a table behind an NPFL sign. He asked the jury to remember the "Turning the Tables" article purportedly written by Woewiyu, discussing his breaking ties with Charles Taylor in 1994. Wright read aloud from the

article, quoting Woewiyu as saying, “Gentlemen of the press, I am a founding member of the NPFL.”

Wright turned to the Dutch statement taken in 2006, and read to the jury Woewiyu’s assertion that “I’m a co-founder of the NPFL. Together with Charles Taylor, I founded the NPFL.” He read further into the statement, in which Woewiyu discussed logging rights that the NPFL could cede because it controlled 90% of Liberian territory, and named others who could have led the NPFL instead of Charles Taylor, including himself. Wright reminded the jury of the BBC broadcast in which Woewiyu, then with the NPFL-CRC, said “I’m in charge now.” Wright asked the jury, “Was he in the NPFL?” He answered, “Certainly he was.”

Wright then discussed the depth of Woewiyu’s relationship with the NPFL organization. He read from a BBC transcript in which Woewiyu discussed NPRAG and his own place in the NPRAG cabinet, saying Taylor had “appointed some of those cabinet ministers, one of which I was.” Wright told the jury Woewiyu’s omission of his NPFL membership from his Application for Naturalization would be akin to Robert E. Lee describing himself as an educator, and omitting his history with the Confederacy. Wright told the jury that the “evidence has shown that [Woewiyu] was embedded in the fabric of the NPFL, and that the fabric of the NPFL was embedded in him.”

Wright then turned to the next question on which Woewiyu had allegedly lied, telling the jury Woewiyu “checked no” in answer to whether he ever advocated directly or indirectly the overthrow of a government. Wright reminded the jury that Woewiyu’s immigration attorney, Basso, “admitted on the stand he knew they were trying to overthrow” Samuel Doe’s government. Wright argued that although Woewiyu “said under penalty of perjury that he never tried to do that,” his past actions indicated the opposite. Wright read aloud from a memorandum written by Woewiyu to a State Department official, quoting that the NPFL “has as its objective the overthrow of the Doe government.”

“We know that was the goal of the organization he founded,” Wright said, adding that Woewiyu “was the Minister of Defense and he did what Ministers of Defense do” – purchase arms. Wright referred to Woewiyu’s statements to the Dutch that “I’m the Minister of Defense and I know everything about this.” Wright argued that Woewiyu’s negotiation with undercover Special Agents for stinger missiles “goes to whether he was trying to overthrow the government,” and read aloud from Woewiyu’s Certificate of Authenticity which he gave to the Agents, allegedly to prove his good faith in the arms deal. Wright read, “Jucontee Thomas Woewiyu hereby certifies as follows: I am Minster of National Defense” of NPRAG. Wright asked the jury “And what did he try to do? Get guns.” Wright added that Woewiyu’s statement in the Dutch case showed he received guns from Libya and from Nigerian peacekeepers.

Wright quoted the Notorious B.I.G., asking the jury, “What ya think all the guns is for?” Wright told the jury that “we know what they were for” – the overthrow of the Doe government. He then read again from a BBC transcript, when Woewiyu’s answer to whether there was a ceasefire was “No,” and that there was “No change in the plan to take Doe down.” Wright continued to read from the transcript in which Woewiyu said Doe’s ministers “are all in danger,” and advised them to “flee the country if you can,” or, if approached by a hitman, “and you can cut his throat first, you do so.”

Wright returned to other BBC broadcasts, reading to the jury from a number of transcripts that had been entered into evidence. In one, Woewiyu said that if Doe went on the radio to

announce his resignation, and begged to negotiate, Woewiyu "might" go to Sierra Leone to attend ongoing peace talks; he said the war would "continue until it comes to an end." In another transcript, from July 3, 1990, Wright read Woewiyu's statement that "when we're done with this campaign, there'll be no more Doe." In it, Woewiyu also discussed Monrovia's location on a peninsula, and how the NPFL had blocked all escape routes, including by water. Wright then read from a transcript of a broadcast made two days later, in which Woewiyu called it "unrealistic" not to include Charles Taylor in an interim government. Wright suggested to the jury that Woewiyu was saying the NPFL would not stop fighting until Taylor was in power, and that Woewiyu "committed acts that showed us overwhelmingly that he was attempting to overthrow by force or violence."

Wright called to the jury's attention the testimony of American diplomats, and showed a photograph of Doe and Amos Sawyer, who became the interim president after Doe's death, receiving the 1986 Constitution that is still in force in Liberia. Wright characterized Doe's election in 1985 as "not the best election in the world" but one which was legitimate enough to allow U.S. diplomats to present Doe their credentials. He also told the jury that the Liberian government is "modeled on ours," and listed those structures and services that are similar, including its three branches of government, public services, civil servants, public works, public hospitals, roads, and schools. "They had everything that is indicative of the existence of a government," he said, adding that it was "recognized" by the United States. He showed the jury pictures of Doe in Washington, D.C. with President Ronald Reagan and separately with Caspar Weinberger, Reagan's Secretary of Defense.

"But remember [Woewiyu's] constantly changing the narrative," Wright cautioned. He said that when Woewiyu talked to the Dutch in 2006, he told them that in September 1990 President Doe was murdered, and Sawyer was elected president. Wright said that in an earlier conversation with the Dutch, Woewiyu indicated an interim government was set up in Monrovia, but that the NPFL controlled the rest of the country, and set up its own interim government, of which Woewiyu admitted to being Minister of Defense. Wright read Woewiyu's statement to the Dutch, quoting him as saying that "the interim governments were converted in 1994 to a single interim government in Monrovia. I became Minister of Labor in that government." Wright continued to read aloud from the statement, saying Woewiyu created the NPFL-CRC in April 1994 when he wanted to disavow Taylor, who wanted to continue fighting, but that "in 1997, elections were held and I reconciled with Charles Taylor."

"And this is the most curious," Wright said, and read aloud from the Application for Naturalization the question as to whether the applicant had ever been convicted of a crime. "Falsification of business records is not listed there," Wright told the jury. Woewiyu could not have forgotten about the conviction, Weight argued, because his attachments to the Form N-400 suggested otherwise. Wright told the jury that because Woewiyu did not know what USCIS knew about his past, he and Basso "tried to go and look and find out what they had." He showed the jury a letter from the State of New York saying a record of Woewiyu's arrest could not be found. Wright argued that the letter proved Woewiyu had not forgotten about the conviction, "but once they saw that, they said they're going to provide a false narrative."

Wright addressed the handwritten attachment to Woewiyu's application, in which he said he was arrested as a parking attendant on the strength of a "blanket warrant." Wright said that in his time as a prosecutor, he had never heard of a "blanket warrant," telling the jury it is "like a pink and green zebra." Wright showed the jury a bench warrant with only Woewiyu's name on it,

asking them, “Where’s everybody else in the zebra?” He called the handwritten note “a false narrative once again concocted by the defendant in order to get what he wanted.”

Wright then discussed Woewiyu’s fourth alleged lie, telling the jury that “this is where battle’s to be joined if battle is to be,” and read aloud, “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?” Wright told the jury Woewiyu answered “No,” and suggested that “the evidence shows again that’s another false narrative.”

Wright reminded the jury that the rebellion began on December 24, 1989, and then read aloud from a BBC transcript of a June 1990 broadcast, in which Woewiyu said the NPFL had taken 90% of the land mass of the country, and in which he indicated that 99% of the population of the country was on the NPFL’s side. Wright suggested that this accomplishment in just six months could not be done “if you don’t have control over your forces. You can’t do that.” Wright referred to the American diplomat witnesses who said the NPFL had a way of communicating, and to Witness DD, who testified that when Woewiyu was present, soldiers behaved.

“Remember he was the one who was advancing the dialogue,” Wright said. Wright referred to three witnesses who heard Woewiyu say “a good Krahn man is a dead Krahn man.” Wright told the jury Woewiyu admitted to saying that in 1994, after working with Krahns and Mandingos in ULIMO-K and -J to try to “take out Charles Taylor, before they reconciled.” Wright read aloud from the letter in which Woewiyu wrote that his statement was “maliciously aired” on NPFL radio after his split from Taylor. The “interesting thing,” Wright said, was that Woewiyu was “rationalizing.” “Witnesses said they heard it during the war,” Wright said, and asked the jury to consider “Where is NPFL radio gonna get a recording of him saying that?”

“Let’s take a look at what was happening around the country,” Wright said, and referred to James Fasuekoi’s testimony about his Krahn friend tortured in the style called “duck fa tabae,” buried face down, and called a “Krahn dog.” Wright reminded the jury of Witness C, who said that as a Krahn, she survived the NPFL by “Divine Providence.” He described her testimony, including how the NPFL found her at a farm and tied her in the tabae style, and how she “still has faint marks as a result of it. They were going to take her away and kill her merely for being a Krahn.” “What you have to remember is these are civilians, these aren’t combatants,” Wright said.

Wright explained to the jury the reason for the prosecution showing so many maps: “We talked about checkpoints from one end of the country to the other,” listing them in Bong County, Lofa County, Montserrado County, and Margibi County. Wright called the NPFL checkpoints “horrendous,” and said some “had severed heads still dripping in middle of road. Intestines in baskets, ropes made of intestines.” He described the questions asked “over and over again” at the checkpoints as to tribal affiliation, telling the jury the NPFL searched out different dialects. “Krahns and Mandingos were separated out and many were never seen again.” He referred to a witness who saw a Krahn man shot. “And who was doing that?” Wright asked. “Who had the least developed brains” and were “easily indoctrinated” to be “used as weapons?” “Child soldiers,” he said.

Wright suggested the NPFL policy with regard to Mandingos was equally violent, and “Woewiyu understood what was going on because he knew.” Wright referred to a document authored by Woewiyu, and said in it he called Taylor an “enemy of the NPFL,” arguing that “this was a circumstance where [Woewiyu] said it was someone else,” but that Woewiyu had in fact said

"the only good Krahn man is the dead Krahn man," and who was Minister of Defense during the war. Wright read more from Woewiyu's statement, in which Woewiyu condemned those using the uprising to search for revenge, but connected the fighters who "took over the diamond region of Liberia" to Guinea, "where they had natural ethnic affinities." Wright told the jury that "this is after the CRC thing where he needed Krahns and Mandingos," and that Guinea has a Mandingo population. Wright reminded the jury that witnesses from Bakiedou testified that after their families were massacred, they went to Guinea.

Wright then read from two more BBC transcripts. In one, Woewiyu downplayed the suffering of Mandingos. In the other, Woewiyu said he had a suspicion of Guinean ECOMOG forces because Guinea had the same tribes as Liberia, "so when you have problem between Mandingos and Manos and Gios," Guinea "cannot serve as a referee." Wright reminded the jury of two witnesses who testified about witnessing animosity against Mandingos.

Wright turned to the "circumstances with connivers," which he told the jury was relevant to the persecution of someone based on their political opinion. "And you know that opinion was repeatedly articulated by the defendant." Wright read from a BBC transcript, in which Woewiyu said that "anybody that entered the land called Liberia without the consensus of the people of Liberia" would be met with arms. Wright described the NPFL continuing to fight when ECOMOG arrived in Liberia, and reminded the jury of a witness who said it was a crime to go to Monrovia, and of Fasuekoi's response when asked if there were government services provided at Fendell: "Are you joking?" Wright read a BBC quote from Woewiyu in which he said ECOMOG was being helped by the U.S., and played aloud a recording in which Woewiyu discussed ECOMOG shelling civilian areas and said its activities were coordinated by the U.S., so the NPFL would "have to organize ourselves properly" to fight "until we are dead."

"Of course ECOMOG was the enemy," Wright said, and reminded the jury of Fasuekoi's testimony about teachers who were from ECOMOG countries. He reminded the jury of the witness who passed a checkpoint at Patience Shop, where NPFL rebels were checking for dialects of people from ECOMOG countries. Wright told the jury that "after the fact," Woewiyu said his "heart goes out to […] Ghanaian immigrants in Grand Bassa County" who were rounded up and placed in a "concentration camp" by the NPFL, that was broken up when Woewiyu learned of it and urged Taylor to end it. "This is years later after," Wright argued, "and you ask yourself how, as Minister of Defense, he could not know about a concentration camp being run by his forces in Nimba County."

The "evidence doesn't stop there," Wright said, "but I want to leave you with one thing in relation to persecution, and that involves five American humanitarian aid workers." He recalled the testimony that two were killed in a vehicle and three at a different location on the orders of Mosquito, "who was a commanding general who served under Woewiyu, who in the Dutch testimony says he trained" Mosquito. Wright then reminded the jury of a witness who testified that during Operation Octopus, Woewiyu arrived with ammunition and told Mosquito "he's strong, tell the boys to hold the line" in the pitched battle for Monrovia. Wright argued that during that time, the innocent humanitarian workers were killed for their perceived opinion of supporting ECOMOG.

Wright addressed Woewiyu's control, reminding the jury of Witness DD's testimony about Koko Dennis and the two suspected connivers. He told the jury that DD testified that Dennis said, "You tell the Chief what you know" while Woewiyu was present. When they protested their

innocence, Wright recalled DD saying, their ears were cut off "and then they're taken away." Wright described Woewiyu's "Turning the Tables" articles as in fact turning on Koko Dennis, "who he was standing next to and did nothing when he cut off their ears. The narrative goes the way he wants it to go. And I suggest the evidence shows he's guilty on all the charges."

Wright told the jury that everything said in the courtroom "all gets written down," and then quoted extensively from the defense's opening statement. He began by quoting Catherine Henry, the Federal Public Defender who delivered the opening statement, as asking why the prosecution brought "these poor people" over to testify to what happened. Wright told the jury that the U.S. government "does not have the ability or desire to compel someone from another country to come here and testify. Those brave souls came here because they had something they needed to say." Wright told the jury that "something happened to them that should never happen to anyone," and that the witnesses "came here voluntarily, and it was a cathartic experience." "They were here because they wanted to tell their story." Wright told the jury the government did not bring the witnesses for "emotional manipulation," as suggested by the defense's opening statement, but because "when someone pleads not guilty, we have to prove it. […] These were the people we had to ask."

Wright quoted from the defense's opening statement as to the roles of the NPFL spokesperson and Minister of Defense "basically doing the same thing." "Does Sarah Huckabee Sanders go out to meet with people to buy Stinger missiles?" he asked. "No. [Woewiyu] was a spokesman." However, Wright then reminded the jury of the testimony of Witness Z, whose brother was a fisherman who was taken away at Woewiyu's order.

Wright read again from the defense's opening statement as to the Form N-400 being "open" until the end of the application process, and then told the jury that even the defense witnesses testified that an oath was binding. Wright indicated the defense expert said that if a Form N-400 was incorrectly checked by an Immigration Officer, "Don't sign. You can't lie. And evidence showed that's what the defendant did."

Wright quoted the defense's opening statement that Woewiyu "has been an open book for 50 years," and told the jury "No, he applied in 2006. It just didn't happen. It's as simple as that." He referred to the defense opening statement that Eikerenkoetter rushed the interview, and reminded the jury of the document showing she had one hearing that day. Wright quoted the defense opening statement that the Form N-400 is now twice as long ("an acknowledgement by the government it was unclear"), but argued there is only a "slight difference in wording." Wright told the jury there is "nothing in evidence about why they changed the form."

Wright referred to the defense opening statement that Krahns and Mandingos were not singled out because of their ethnic group, but because they were the "other side" in the war. "They were civilians," Wright argued, and Woewiyu "in fact said that."

Finally, Wright referred to the defense opening statement about the importance of the Final Report of the Truth and Reconciliation Commission ("TRC"). "What does that have to do with the price of coffee in Brazil?" he asked. "I suggest that may be a great report" for healing Liberia, "but that doesn't have anything to do with [the issues] here." Wright told the jury that the prosecution is not asking the jury to accept anything in the TRC as true, even though it was relied on by Immigration Officer Peggy Lin Chang to deny Woewiyu's naturalization application. "You don't need that," he said. "What matters is the evidence you heard from this witness

stand. That's what counts, not a report where we don't know how things were put together or how people were interviewed." Wright called the TRC Report a "distraction." He further argued that the defense position as to the TRC Report's importance "does not make sense," because "it says [Woewiyu] was in the NPFL advocating overthrowing" Doe, and serving as Minister of Defense, and that along with Charles Taylor he ordered the murder of six Senegalese peacekeepers. "It helps the government's case," Wright said, "but you don't have to accept it as true." He asked the jury to accept as true the testimony from the witness stand.

"Those people in the TRC haven't come to the U.S. and committed fraud and perjury," Wright said. "They're in Liberia or wherever" they happen to be, but Woewiyu "came here and he committed these crimes."

Defense Closing Argument

The defense closing argument was delivered by Catherine Henry, a Senior Litigator with the Federal Community Defender Office. "If anyone has given you false information or omitted material facts or engaged in a false narrative, it's the government," she told the jury. "They tried to hide things from you and they're guilty." She referred to her opening statement and her argument that Woewiyu "never lied," and said that he "consulted with a lawyer and answered [the questions on the Form N-400] to the best of his knowledge and belief." Henry told the jury that Woewiyu "tried to supplement his Form, but an incompetent Immigration Officer shut him down. When he finally could give the information, he did." She argued that USCIS had all of the facts about Woewiyu before his application was adjudicated.

Henry said Woewiyu was "not guilty of the crimes in the indictment, and it's that simple." She told the jury that he was "never secret, never deceptive" because he made statements on the radio and in newspapers, and met with members of the State Department and the Department of Homeland Security, and sent his testimony to the TRC. Henry told the jury that "all that [was] while his citizenship application was pending," and characterized Woewiyu as "in the public eye."

Henry told the jury that the prosecution had "bombarded" the jurors "with maps, checkpoints, and child soldiers […] to try to distract you from the issues" of the case, and that the government was trying to take a very simple issue and make it more complicated. She cautioned the jury no to "worry about the complicated facts of the Liberian civil wars" that the government was trying to distract the jury with, because when the jurors retired to deliberate, they would see that the jury instructions "have zero to do with war crimes." She told the jury that all they needed to consider was what Woewiyu thought and intended at the time he answered questions during his interview. "Don't let them insult your intelligence by saying it's about immigration," she urged. "It's not, as far as the government is concerned." Henry characterized the trial as "a four-week odyssey of the government trying to play you," because in fact the immigration process "worked." "None of us quibble with his denial," she said.

Henry reminded the jury that in her opening statement, she told them that is where the process should have ended, with the denial of Woewiyu's naturalization application, and characterized it as "no harm" to the United States. "He applied, was denied, end of story." She indicated some of the jurors had previously sat on juries in robbery or burglary cases, and argued that while those harms are continuous, the harms at issue here in an immigration case are not continuous. "This isn't a case where victims need to come to court." Henry argued that the prosecution presented witnesses and asked them "When did the war come to you?" because

they wanted "to have a war crimes trial." "There isn't a person in this courtroom who doesn't think Liberians have story to tell," she said, but argued that the United States does not have jurisdiction over war crimes. She accused the prosecution of "tunnel vision about what the facts are."

Henry reminded the jurors that they took an oath to uphold the law as given them by Judge Brody, and told them that that it was immigration law, and they must have a clear view of facts. She told the jury it would "not be able to convict [Woewiyu] of crimes he did not commit and crimes he was not charged with." She told them they might want to help Liberian victims, but cannot do so here.

Henry reminded the jury that during voir dire, the potential jurors were asked if they knew anything about the Liberian civil wars, and they said "No." She said that what the prosecution had done throughout the trial was "give little pieces" about the war, "and in doing that it's been deceptive." "I shouldn't have to go through all of this with you because it's totally irrelevant," she said, "but we have to go through it because […] the government has forced us to clear the air about what really happened." Henry referred to the NPFL's commission of massacres at which Woewiyu was not present, "and you heard from about five witnesses about ethnic cleansing, and heard about the forced recruitment of child soldiers all by the NPFL, according to the government" and to Immigration Officer Chang, who denied Woewiyu's Application for Naturalization. Henry told the jurors that they had "heard from the government that the NPFL committed the majority of violence during the Civil War, and ECOMOG were peacekeepers."

Henry argued that Chang "only used little snapshots of the TRC in her decision, portions out of context, and they're one-sided," and told the jury that was why the government "tried to object and shut it down every time" the defense asked witnesses about the TRC. Henry referred to Special Agent Jennifer Lohmeier's testimony about reading the TRC Report, and said the prosecution shut down that line of questioning.

Henry told the jury that the TRC was a three-year project funded by the United Nations and the United States "to apportion blame" and to suggest prosecutions and sanctions, and to help Liberia "move forward." She said it cost $7 million, and described the methodology as "they put up flyers" about holding hearings, "and everyone can come." Henry told the jury that the TRC went to 15 counties and sent statement-takers who could take statements in secret if witnesses were scared; she said some were trained in talking to child soldiers and some were trained in talking to "women who had been treated violently." Henry described the TRC as taking 40,000 statements from people in Liberia, other places in West Africa, and the diaspora including in the United States.

Henry argued that the TRC Report "confirms what I said in opening, that there's plenty of blame to go around." The prosecution objected that Henry was arguing substantively from the report, and Judge Brody reminded the prosecution that she had allowed portions of the report to come in as evidence.

Henry argued that the "TRC said the majority of violations were committed by other factions, not the NPFL." She said it was "devastating" that the TRC listed enough massacres occurring to cover four pages. "We heard about one and it gave us goosebumps." But, she said, only 30 massacres out of 103 listed on those four pages were carried out by the NPFL, and that massacres were a common feature of the civil war on all sides. She referred again to the prosecution's "tunnel

vision," and explained that the massacres were committed by all factions, "and that's important because it's not noted in the government's case or the report" in which Woewiyu was denied citizenship.

Henry called the NPFL the "bogeyman in the ethnic cleansing campaign," and argued that the jurors did not "hear any evidence that their goal was to eradicate ethnic groups." She said it was "true" that Krahns and Mandingos were Doe supporters, and said the jury had not heard about any "ethnic animosity" by the NPFL. She said the jury heard the NPFL was "the aggressor," but that the TRC described a massacre on July 29, 1990, carried out by Doe, that "violated the sanctity" of a church when 600 people were killed by the Armed Forces of Liberia. Henry argued that this was a war and not an attempt at ethnic cleansing.

Henry argued that the jurors "had to sit with a binder and listen to all the BBC tapes," but did not hear the BBC broadcast in which witnesses said they heard Woewiyu say on the BBC that "the good Krahn is a dead Krahn." She argued that the prosecution did not play that broadcast "because it would have given the whole context" of the statement.

Henry told the jury that "USCIS and the government painted the NPFL as the only violent faction" at checkpoints, but that it was "important to note that all factions committed a wide range of violence against civilians at checkpoints. The picture is so much bigger than they're giving you." She said "all" factions committed human rights violations, and that the TRC had listed the groups, including the NPFL, the Liberia Peace Council, ECOMOG, and the Liberian National Police as perpetrators. "All of these groups were using violence, all had checkpoints, all were targeting civilians," she said.

Henry addressed the use of child soldiers, because Chang "found the NPFL's use of child soldiers a factor" in her denial of Woewiyu's Application for Naturalization. Henry argued that all factions recruited and used child soldiers during periods of armed conflict. She quoted the TRC Report as saying not only that did all warring groups use child soldiers, but estimated "that 70% of all combatants in the Liberian conflict were children." Therefore, Henry said, "to say they're relying on the NPFL's use of child soldiers is deceiving." She continued that this is not how the U.S. military would fight today or in 1994, but "this is what it was like there" and "we can't go back and try to pass judgement on what happened there." She reminded the jurors that "you're here to pass judgement on an immigration case."

Henry said that Chang's report denying Woewiyu's application stated that the "NPFL constituted the overwhelming majority of violations in the war," but that the TRC Report showed that 61% of the violations, a majority, were done by other factions, including ECOMOG. Henry characterized the prosecution's portrayal of the peacekeepers as "they came with white hats as good guys," but reminded the jury that they were combatants with guns, and that ECOMOG was "the only faction that had planes and could bomb people." She described Witness FF as the "person with the most significant injuries you saw here," and said he was "bombed by ECOMOG" after being asked if he was ready to go fight them, and while he was on his way to fight. She said that ECOMOG "might have started as peacekeepers, but they didn't end that way." She reminded the jury of the November 2, 1992 BBC tape in which Woewiyu said they had "been bombed, women and children are dead," and Henry told the jury that the TRC Report showed that the day prior to the broadcast, ECOMOG had bombed a football (soccer) match, killing 150 and wounding 86.

Henry told the jury that the government said because Woewiyu was a member of the NPFL, he lacks good moral character. Woewiyu did not appeal his citizenship denial, although he could have, and reminded the jury that they "only have to decide if he's guilty beyond a reasonable doubt." She said that unlike what the prosecution presented, "the war wasn't black and white. It just wasn't. It was grey all the way." She argued that the jury only needs to determine whether Woewiyu lied on his immigration forms and nothing else. She suggested that the prosecution's "various witnesses may have had an ax to grind."

Henry argued that the evidence showed Woewiyu "largely acted like spokesperson." She said he often called the BBC from "various places," and that he travelled in the United States and Europe, and indicated that if the jury listened to the BBC broadcast tapes, they would hear Woewiyu trying to seek a conclusion to the armed conflict. She reminded them that they had heard about other NPFL commanders, like Mosquito, Martina Johnson, and J. T. Richardson.

Henry told the jury that they heard that the NPFL's civilian soldiers were "largely undisciplined," and reminded the jury of pictures in evidence of soldiers wearing dresses and wigs. "You heard testimony they didn't follow orders," she said. She reminded the jury of the testimony given by Mark Huband that Samuel Dokie had to tell his soldiers not to rape people and not to loot shopkeepers, and that the soldiers took down the flyers that told them not to loot. Henry characterized this behavior as a "level of disrespect," and reminded the jury of Witness DD's testimony that "when [Woewiyu] left, [soldiers] would start killing people." But, when Woewiyu was present, soldiers behaved.

Henry told the jury that it was "interesting" to her that despite "all these people who were embedded" (referring to journalists who took photographs and testified about them), the jury "never saw [a picture] of Woewiyu with child soldiers on the ground," or a picture of him in fatigues and a white shirt. Henry acknowledged there were four pictures of Woewiyu with Charles Taylor that were shown to the jury: two from peace conferences, one with commanders including the leader of ECOMOG, and one other. She said that in all four pictures, Woewiyu was wearing a suit and tie, "like you'd expect from a spokesman." She argued that "if there were pictures of [Woewiyu] on the ground commanding soldiers," the prosecution would have surely shown them to the jury. She pointed out that in the photograph of the six faction leaders, two were Krahn men.

Henry argued that although Woewiyu was given the title of Minister of Defense, he had "no military training." She characterized his attempt to buy guns as "unsuccessful," arguing that he was bad at attempting to buy guns, and reminded the jury that when Mark Huband saw Woewiyu with a gun between his legs, he said Woewiyu "looked like he couldn't handle it." "I very much doubt he trained General Mosquito," Henry said.

Henry also reminded the jury that "the rebellion happened very quickly," and that the INPFL was a "completely different group" responsible for murdering Doe. She acknowledged that "the conflict went on after Doe died," and said this was because "various groups have opposing interests." She described ECOMOG entering the conflict, and said it "went from peacekeeper to aggressor." She described Taylor becoming "more and more unbearable" as the conflict went on, "which is why Woewiyu broke from him, then went back to him."

Henry characterized it as "shocking" that the government, through Chang, "tried to paint Woewiyu as the #2 guy" based on information in the TRC Report. Henry said the prosecution had

"left out" of its case that the dispute between "the people of Liberia versus Woewiyu had already been decided." She showed the jury numerous charts from the TRC Report, in which the Commissioners recommended outcomes for various participants. She showed the jury that Woewiyu was not recommended for prosecution as a leader of a faction, a list with nine names; and he was not recommended for persecution as a notorious perpetrator, a list for which the Commissioners "considered the same circumstances you're considering," and for which they generated a list of 116 perpetrators recommended for prosecution. Henry showed the jury that Woewiyu was also not recommended for Liberian domestic prosecution, a list in which Group 1 had 44 names and Group 2 had 14. She said Woewiyu was also not on the list of 26 people recommended for prosecution for economic crimes. Henry told the jury that Woewiyu was on the TRC's list of those who "should be barred from holding office for 30 years," along with President Ellen Johnson Sirleaf, who won the Nobel Peace Prize and went on to serve as President of Liberia; and Grace Minor, "a woman in government in Liberia." "That's why they didn't want you to see the Report and why they didn't want us to ask questions about it," Henry said, because it was "clear" that the TRC had considered the worst of the worst acts already.

Henry told the jurors that they would have to consider if the civilian witnesses who "came from Africa" proved beyond a reasonable doubt that events happened according to their testimony. She pointed out to the jury that it did not hear from any military officer or commander who would say Woewiyu told them to kill Krahns and Mandingos. She also pointed out to the jury that the prosecution witnesses could not testify as to what day or month or season the events they described happened in. She added that two of the witnesses, "who had terrible stories to tell" about "pleading to have someone released," were not asked to identify Woewiyu in court. "Ask yourselves why," she urged the jury. Henry also reminded the jury that none of the prosecution witnesses "sought to testify or give a statement to the TRC."

Henry argued that there was "no way for us to test the stories these witnesses came to court and said," because "we can't go to Liberia and ask someone to tell a story from 30 years ago" without knowing the exact date of what happened. There was "no way we can challenge that evidence," Henry said, "nor do we have to under the law." She asked the jury to consider that it was not until April 2018 that the witnesses took the opportunity to come to the United States, after they were "referred" to speak to the prosecution. She questioned whether the witnesses were "really desperate" for a chance to speak 30 years later, or if they wanted an all-expenses paid trip to the United States and a witness fee. Henry acknowledged that it might be cathartic to have testified, but said it "does seem strange" that they would be "desperate" to tell their stories 30 years after the events, instead of to the TRC "in their own backyard. I don't know if it means they're not telling truth. Are they accurate and reliable? I don't know. But it doesn't matter" because it has no bearing on whether Woewiyu lied on his immigration forms, she said.

Henry argued that even if the witnesses were accurate and everything happened exactly as they said it did, their testimony would not change the fact that Woewiyu did not lie on his Form N-400. She said the main point the government needed to prove was "what Woewiyu thought when he went through the process." She told the jurors that when Judge Brody instructed them on the law, they would hear about knowing and willful conduct, which go to Woewiyu's state of mind, and that good faith is a defense. Henry told the jury they would hear that acting on the advice of counsel could negate the willfulness element for perjury. She told the jurors they would hear from Judge Brody that the prosecution must prove that any alleged false statement "goes to materiality," meaning "whether it would influence USCIS."

Henry argued that Woewiyu did not lie on his FormN-400, and that the jury could tell he did not intend to mislead by looking at what he did after: "he told the truth after." She said the prosecution could not prove Woewiyu was trying to hide who he was, because he was interviewed by the State Department in 2007, and the jury had seen the email where Chang received information about him being in the NPFL. Henry asked, given his past disclosures, "Why in the world wouldn't he put the NPFL on the form?" She told the jury that Woewiyu had wanted to give the information, and that if it was an intentional lie, he would not have disclosed his NPFL membership on his response to the Form N-14 Request for Evidence. She told the jury that "what he put on the N-14 is relevant to what he wanted to put in the first place," and told the jury there was "no way" for Woewiyu "to give this information on his own," given the bureaucracy in place. Henry reminded the jury that when Basso tried to submit Woewiyu's response to the First Request for Evidence, the USCIS said it was never submitted.

Henry discussed "the four questions he's accused of lying about," and said it was fine that Woewiyu's first lawyer submitted the "incomplete" Application for Naturalization in 2006, because Woewiyu could add more at his hearing. "And that's why Basso told him to get lists together and get all his information together to give at the interview." Henry exhorted the jury "to think about what happened on Friday January 30 at 10a.m. because that's what's relevant."

"I don't know any way to say this other than [Eikerenkoetter] did a terrible job," Henry said, telling the jury that Eikerenkoetter violated her own protocols and the law, as well as acting in dereliction of her duties, "in those few minutes" of the interview. "She's the reason we're here. If she had done her job that day, none of this would have happened." Henry told the jury that Woewiyu's hearing was "such a special concern" that Eikerenkoetter "blocked off a whole day and got his A-File five weeks in advance" so she could consider it. However, Henry said, Eikerenkoetter "completely ignored her ability – in fact, her duty – under the Code of Federal Regulations to cross-examine applicants with contrary information." Henry told the jurors that the law said Immigration Officers "shall" examine such applicants, and that "shall" means mandatory.

Henry argued that Eikerenkoetter should have asked Woewiyu about the NPFL directly, based on reading his A-File. "The point is," Henry said, "she's supposed to get as much information as possible to get it right." Henry argued that Eikerenkoetter could also have asked about the other groups "within the umbrella," or asked Woewiyu to step outside to talk to his lawyer about the information "about the war." "That's how she should have examined Woewiyu. She had all day. In not doing that, she violated the Code of Federal Regulations." Henry argued that the government, through Eikerenkoetter, had a chance to pursue Woewiyu already, but "we're here because now they say that's not good enough."

Henry suggested that Eikerenkoetter "knows [the interview] was a shoddy job" because she did not videotape or transcribe it, or file an affidavit swearing to its accuracy, as she was required to do under the Code of Federal Regulations. Henry stated that Eikerenkoetter was "not allowed to put it in a 'Memo to File,'" and asked the jury to "think about why she didn't do any of those things. She treated it like a mini vacation day." Henry pointed out that Eikerenkoetter recorded when Woewiyu's interview began but not when it ended. Henry argued that it was the prosecution's burden to prove how the interview happened, but asked how the jury is supposed to believe the prosecution when "they can't prove it happened how said they did, with a videotape."

Henry turned to the testimony of Chang, and pointed out to the jury that it took her 13 months to decide to deny Woewiyu's Application for Naturalization. Henry said that "all she did was Google [Woewiyu], she didn't talk to a person in 13 months." Henry said Chang "stumbled on one thing that was reliable, the TRC, but it supported a predetermined decision she already made." Henry told the jury that "despite this prejudging," Chang sent a second Form N-14 Request for Evidence after Eikerenkoetter's, which Woewiyu answered.

Henry discussed Woewiyu's "membership in groups," and told the jury that Woewiyu had "prepared a list at the beginning of the hearing and when he tried to explain, [Eikerenkoetter] shut him down. He tried to explain, started to explain, she shut him down." Henry reminded the jury that, according to Basso's testimony, Woewiyu "wasn't able to explain about the groups until the N-14." She submitted that Basso's testimony is worthy of belief because he is a lawyer and an officer of court, who has "every incentive not to run afoul of USCIS" because he practices immigration law "and has to appear in front of them in a professional capacity." Henry stated that he testified because he "knows [what happened] was not right."

Henry told the jurors that they need not rely on Basso's testimony to know that Woewiyu tried to name his groups in the hearing. She suggested the jurors would know it from the actual physical evidence in the case, from the Form N-400 marked up by Eikerenkoetter and from the text of the response to the second Form N-14. Henry showed the jury how Woewiyu's various positions in the ULAA were written on his resume. She then showed the jurors the Form N-400 where Eikerenkoetter wrote Woewiyu's association as the "Union of Liberian Association in the United States," and suggested Woewiyu would never give that name for the ULAA because there is no such association.. She also showed they jury where Eikerenkoetter had written "Liberian Community Associations" and crossed out "Community." Henry suggested this showed "it didn't go the way [Eikerenkoetter] said it did, because the word 'community' was never spoken, according to her." Henry suggested that the meeting "had to have gone the way Woewiyu and Basso are saying it went."

Henry told the jury that "other evidence shows they were telling the truth." She suggested that whether Eikerenkoetter was "lying or not paying attention, this means you can't rely on her evidence to convict Woewiyu." Henry described Woewiyu and Basso as "trying to tell her about the groups, which showed Woewiyu was not trying to hide membership" in the NPFL; Henry reiterated that he "talked to the State Department, it was all over the internet." She asked the jurors how they could trust Eikerenkoetter "when she repeatedly testified to mistakes." Henry reminded the jury they had heard Eikerenkoetter call it an "oversight or omission" not to enter Woewiyu's statement about membership in the Liberian Senate on his Form N-400, although it was in her memo; Henry also pointed out that Eikerenkoetter called Woewiyu by the wrong name in her memo. "You can't rely on her testimony to convict him in Federal Court," Henry said. "It went down exactly how Basso told you."

Henry suggested that Woewiyu's answer about never attempting to overthrow a government was because he did not believe Doe's government was a legitimate government. She told the jury that the truth of the legitimacy does not matter; "it matters what he thought. You've heard him say this numerous times." She told the jury that just because Woewiyu called Doe a President did not mean he thought he was a legitimate president. Henry quoted a BBC broadcast in which Woewiyu said, "They are talking things that make believe that there is a government, but there is no government left." Henry also referred to the Firestone affidavit in which Woewiyu referred to Doe as not being a constitutionally-recognized president.

Henry argued that the second Form N-14 response that Woewiyu filed clarified that he was in the NPFL, and clarified that the NPFL was committed to the removal of the "Doe regime." She called it "interesting" that, before the application was adjudicated or decided, Basso went with Woewiyu to meet with agents from the Department of Homeland Security. She explained that his attendance indicated Woewiyu did not think he had lied on a federal form, and did not think he did anything wrong or tried to overthrow a government, and further that Basso would not have accompanied him to meet with federal agents if he thought Woewiyu had lied.

"It's pretty ridiculous," Henry said, for the government to accept an Immigration Officer's omission on the form, when she held the job for 20 years and works full-time, and made numerous mistakes, but to not accept that Woewiyu did not think Doe's was a legitimate government. "How can they say it's okay for her to leave things blank?" Henry asked.

Henry turned to the question of whether Woewiyu had ever persecuted anyone, and told the jury he did not think he had. She told the jury they heard no testimony about the definition of "persecution" because it means something different to someone who "grew up in the bush in Africa" and someone who grew up here. Henry reminded the jurors that they had heard again and again in the BBC broadcasts that Woewiyu's aim was to bring democracy. "He had no intent to persecute," she said, "only to fight the other side in a war." She told the jury the TRC said there were many sides, and quoted three of Woewiyu's statements to the BBC about Liberians facing the future together.

Henry argued that the persecution question on the Form N-400 that Woewiyu complete is vague, calling for an applicant's opinion, and said that USCIS had recognized the issue, which is why the Form N-14 was modified. Henry told the jury that the new questions were designed to elicit "factual answers, and not opinion answers." She reminded the jury that it had seen the definitions now included in the new form, but that persecution was not defined when Woewiyu applied. Henry suggested that since USCIS wanted to know these things, Eikerenkoetter could have asked them during her full day allotted for Woewiyu's interview, "but she asked none." Henry then said that even if Woewiyu answered "Yes" to all the new questions, including the use of child soldiers, he could still answer "No" to whether he had persecuted anyone, because of his firmly-held belief that the NPFL was working to liberate Liberia. Henry also pointed out that the TRC Report, which was first published in 2008, did not recommend that Woewiyu be prosecuted for persecution, which further support's Woewiyu's belief that he did not persecute anyone.

Henry told the jury that Eikerenkoetter could have asked anything in her interview and did not, and that Chang could have asked anything in her Form N-14 but did not. Henry argued that Basso did not think Woewiyu answered incorrectly or tried to hide what he did during war, or Basso would not have brought him in to make his statement on the record. The appropriate conclusion, Henry suggested, was that "in Woewiyu's mind, he was trying to answer correctly."

Henry turned to the question of Woewiyu's missing conviction for fraudulent business records, "even though it's outside the statutory period and it wouldn't make a difference anyway." She said it was just one misdemeanor, for which Woewiyu brought documentation to his interview. She described how he tried to figure out what happened when he was taken from work to the courthouse. Henry said Woewiyu "did what most people do" by trying to obtain the records from 1969, disclosing what he found to USCIS, and asking someone else to figure out what they mean. Henry explained that Basso was "not a criminal lawyer," and was writing what

Woewiyu told him about the "blanket warrant." "He was brought to the courthouse and later released. It's not for Woewiyu to say what that means," Henry said. She reminded the jury that Special Agent Lohmeier did not know what "unconditional discharge" means, so asked why either Woewiyu or his lawyer should know.

"This is the shadiness I'm talking about," Henry said: that the government ridiculed Woewiyu for referring to a blanket warrant, and then showed the jury a bench warrant for Woewiyu's arrest, and said Basso was lying because he did not know the two are different things. "The bottom line is they gave it at the meeting," Henry said, adding that "she had the records in the A-File the whole time." Henry then asked how this information about the arrest could be material to Chang's decision, because the government already knew about it since it was in the A-File. And no one asked Woewiyu about the arrest during his interview. She added that nowhere in the Form N-14 was there a question about the arrest, because it did not matter since it was outside the relevant period.

Henry reminded the jury that the "other thing" it heard about was when Woewiyu came to the U.S. in 1969 to attend flight school, and changed his mind, and three weeks later enrolled in computer school. She explained that Woewiyu realized he was afraid of heights, since in Liberia, all of the buildings are only a few stories tall. Henry said Woewiyu changed schools but came to the U.S. lawfully, and he told the government where he was and he was "on their radar" – if he were not, she said, "he would be deported anytime."

Henry reminded the jury that the prosecution is required to prove all the elements of a charge beyond a reasonable doubt, and then went through the different types of crimes with which Woewiyu is charged, answering her own questions about his actions:

- Trying to fraudulently obtain citizenship through a lie? No.
- Knowingly and intentionally lying on his Form N-400? No, because he tried to answer and then filled in his complete information later, on his response to the second Form N-14 Request for Evidence.
- Willfully perjuring himself during the interview? No, because he acted from his firmly-held beliefs and in good faith reliance on the advice of his lawyer.
- Were the disputed facts material? "Unequivocally no," because USCIS had every fact in front of it by the end of the process, after the research and the Requests for Evidence, and before adjudication.

Henry told the jury that the prosecution "is trying to get you to find he's a war criminal. But not only did the TRC not say he was to be prosecuted," she argued, "if the government thinks he's a war criminal, they should have deported him." She called this a "petty case," and told the jury that of the 16 counts on the verdict sheet, "they all say the same things in different ways" because the prosecution is "hoping you'll think it's more important than it is. They're hoping that after such a long trial, you'll at least find him guilty of one charge. But you shouldn't."

Henry called the trial "positively un-American" because the government is asking the jury to find Woewiyu guilty of committing war crimes, but has not charged him with that, which is a violation of the right to due process of law, and said the law was "not so the government can go all over the world and corral people, to punish a 73-year-old grandfather who's raised successful kids and

been a law-abiding citizen" who pays his taxes. She suggested to the jury that "we don't do that here because that's what separates us from other countries."

Henry told the jurors that when they apply the facts to the law, she is "very confident" they will find Woewiyu not guilty on all charges.

Prosecution Rebuttal Statement

Wright opened his rebuttal by asking the jurors if they remembered Woewiyu saying, "I didn't have no attitudinal complex." "He started lying from the moment he got here," Wright said. He stated that "when he said that," Woewiyu "lied to Immigration," "shifting the narrative to get what he wanted." Wright added that Woewiyu could not be considered a law-abiding citizen, given that he has two misdemeanor convictions. "If someone attempts to defraud someone," Wright said, "that attempt is every bit as much of a crime even if the victim is not ultimately" harmed.

Wright reminded the jury that Woewiyu "raised his hand [and] swore to tell the truth" as well as certifying his application at the end of his hearing. Wright reminded the jury that the defense expert said that if something on the form was not true, you are not supposed to sign the form. "He certified it with his lawyer sitting there," Wright said, "Basso who wrote the curious part about the blanket warrant." He indicated that there is an arrest warrant in the same exhibit as the disputed bench warrant.

Wright reiterated that Woewiyu "told everyone but the people he's legally obligated to about his membership in the NPFL, and this is the guy who wants the honor of being a citizen." Wright read aloud the State Department email to Chang, which indicated Woewiyu's motive for revealing a "poison pen" letter was "to ingratiate himself with the present government of Liberia," but that the writer of the email doubted he had suffered human rights abuses because he was a Minister in Taylor's government.

Wright told the jury it can accept the TRC Report or not, and that it had a "different process" not dependent "on people taking the stand and telling their story under oath. It's not what we have here in the courthouse." Wright indicated the TRC Report may not carry much weight, as it recommended Sirleaf for the same sanctions as Woewiyu – barring her from public office for 30 years – but she was elected President twice. Wright then read aloud the description in the TRC Report of those to be sanctioned, whom it said were "associated with warring factions" and the "most prominent" violators of international humanitarian law and others. Number 31 on the list was Woewiyu, which Wright against said underscored the prosecution's position. Wright then mentioned the six Senegalese soldiers whose murder was mentioned in Chang's denial letter. "And as for not being #2," Wright said, "you heard from him that he was Minister of Defense," and added that when Woewiyu came to the CRC, he said, "I am the leader of the NPFL."

Wright discussed the defense contention that, at the beginning of the interview, Woewiyu fumbled in his briefcase for his list of associations to present. Wright said, "The question was how far down? All he had to say was 'NPFL.'"

Wright then discussed Basso, reminding the jury that "people choose their own lawyers." He said that for all the interviews Basso had presumably witnessed, he was not forthcoming. Wright gave examples: including Basso saying "I don't remember" if the questions were asked verbatim, even though the defense expert said that was procedure. Wright pointed out that the defense expert said Immigration Officers do not need to memorialize their findings on the form, they just have to memorialize them somehow, "and she did." "All of a sudden we're casting aspersions on Eikerenkoetter who's gone out to deal with refugees in God-forsaken zones and war zones," Wright observed, "and now we get up and say she's taking a vacation day? No."

Wright called it "interesting" for the defense to say Woewiyu relied on his lawyer, when the lawyer did not know he was Minister of Defense or a member of the NPFL. "Yet he sat next to him while he swore to tell the truth and while he certified" the Form N-400 in a small room, Wright said, and let Woewiyu go ahead and certify the document. Wright added that Basso was "the same guy who wrote that curious memo."

Wright closed his rebuttal with a metaphor, describing himself as an American expat living in Argentina who did not "like the way things are running in the U.S." He described going to California to find like-minded people, sweeping up to the San Francisco Bay Area, and then invading Arizona before being repelled and returning to Argentina. "But they had problems with Nazis a few years back," Wright said, and described a form Argentina might ask him to fill out as an immigrant, saying whether he had ever tried to overthrow a government. "Here I was, the leader of the movement, but I didn't think it was legitimate." Wright suggested that this would be the same thing as Woewiyu's actions in the United States and Liberia, as Liberia had the same trappings of government as the United States.

Wright ended with an exhortation to the jury: "He sits there cloaked in innocence, but I ask you to consider and, based on the evidence, take the cloak of innocence off the guilty defendant, and render a vote of guilty."

Jury Instructions

Judge Brody then read the jury instructions to the jury. She instructed the jurors of their duty to listen to all of her instructions on the law, and not to follow their "own notion of what the law is or ought to be." She instructed the jury as to the need for a unanimous verdict, and instructed them to refrain from any research or communication about the case, except with each other, until a verdict is delivered to the Judge.

The fully jury instructions, as read by Judge Brody, will be available on the Civitas Maxima shortly.

Judge Brody instructed the jury that Woewiyu is presumed innocent until proven guilty beyond a reasonable doubt; she told the jurors that they cannot convict Woewiyu based on suspicion or conjecture. She instructed them as to the meaning of "beyond a reasonable doubt," explaining that possible doubts based on conjecture or speculation are not reasonable. Those doubts based on reason, logic, common sense, or experience are reasonable.

Judge Brody instructed the jury as to the two types of evidence they had heard: direct, and circumstantial. Circumstantial evidence is that from which reasonable inferences may be drawn, she said. The Judge also instructed the jury of their role as the sole adjudicators of witness

credibility, that is, whether a witness is "worthy of belief." Among other strictures, the Judge instructed the jurors about factors they may weigh as to credibility (demeanor, manner), and about factors they ought not to disproportionally weight (lapses of memory, or a witness's role as a law enforcement officer). She instructed the jury that Woewiyu had an absolute right not to testify, and that his decision not to take the witness stand may not be weighed against him.

Judge Brody instructed the jury as to the concepts of motive and intent. Motive, she said, is not a required element of the charges in this case, although a good or bad motive could be weighed by the jury. The jury could consider evidence about what Woewiyu did or said, and how he acted, to determine his intent and his state of mind at the time of the alleged crimes.

Judge Brody addressed the specific charges in the indictment, and instructed the jury that an indictment is not evidence. She instructed the jury as to the elements of each charged crime, and defined those words – like "knowingly" – whose legal import the jury may not know.

At the end of the reading of the charges, verdict sheets were given to the jury. These sheets provided the jury with questions to answer, which they must answer unanimously. These questions took the jury through the various counts, asking whether the jury found Woewiyu to have made false statements and/or to have falsely certified his statements in answer to those questions on the N-400 Application for Naturalization at issue in this case:

- Question 8a: "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?"

- Question 10: "Have you EVER advocated *(either directly or indirectly)* the overthrow of any government by force or violence?"

- Question 11: "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?"

- Question 18: "Have you EVER been convicted of a crime or offense?"

The jury began deliberations this afternoon, and will continue their deliberations tomorrow.

Jury verdict sheets

CHARGES AND VERDICT IN THE TRIAL OF JUCONTEE THOMAS WOEWIYU

Indictment Filed: January 30, 2014

Verdict Issued: July 3, 2018

18 U.S.C. § 1425 (fraudulently attempting to obtain citizenship – 2 counts)

18 U.S.C. § 1546(a) (fraud in immigration documents – 4 counts)

18 U.S.C. § 1015(a) (false statements in relation to naturalization – 3 counts)

18 U.S.C. § 1621 (perjury – 7 counts)

Count 1:

From on or about January 23, 2006 through on or about January 30, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly attempted to procure and obtain, contrary to law, naturalization as a United States citizen for himself, by knowingly providing false and fraudulent information as to material fact, and by omitting material fact, in his Application for Naturalization, Form N-400.

In violation of Title 18, United States Code, Section 1425 (a).

VERDICT: GUILTY

Count 2:

From on or about January 23, 2006 through on or about January 30, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly attempted to procure and obtain naturalization as a United States citizen for himself, to which he was not entitled, in that: at the time of his application for naturalization, defendant WOEWIYU did not satisfy the requirements for naturalization, under Title 8, United States Code, Section 1427, in that he was not a person of "good moral character," in that WOEWIYU falsely certified under penalty of perjury to the truth of various assertions, and provided false testimony under oath, for the purpose of obtaining United States citizenship; that is,

a. defendant did not disclose his membership in, and association with, all organizations, including but not limited to the NPFL;

b. defendant did not disclose that he both directly and indirectly advocated the overthrow of the Doe Liberian government by force or violence; and

c. defendant did not disclose that while he was a member, of among other organizations, the NPFL, he persecuted either directly or indirectly others because of their political opinion and membership in a particular social group, including members of the Krahn and Mandingo tribes.

In violation of Title 18, United States Code, Section 1425 (b).

VERDICT: GUILTY

Count 3:

On or about January 30, 2009, in the Eastern District of Pennsylvania, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made under oath, and knowingly certified as true under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form N-400, Application for Naturalization, by which the defendant applied to become a United States citizen, in that, as the defendant then and there well knew, his response to question 8a and subpart bon his Form N 400, Application for Naturalization, was false, in that, the defendant did not to disclose his membership in, and association with, all organizations, including but not limited to the NPFL and the NPFL-CRC.

In violation of Title 18, United States Code, Section 1546 (a).

VERDICT: NOT GUILTY

Count 4:

On or about January 30, 2009, in the Eastern District of Pennsylvania, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made under oath, and knowingly certified as true under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form N-400, Application for Naturalization, by which the defendant applied to become a United States citizen in that,

as the defendant then and there well knew, his response to question 10 on his Form N-400, Application for Naturalization, was false, in that, the defendant did not disclose that he both directly and indirectly advocated the overthrow of the Doe Liberian government by force or violence.

In violation of Title 18, United States Code, Section 1546 (a).

VERDICT: GUILTY

Count 5:

On or about January 30, 2009, in the Eastern District of Pennsylvania, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made under oath, and knowingly subscribed as true under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form N-400, Application for Naturalization, by which the defendant applied to become a United States citizen in that, as the defendant then and there well knew, his response to question 11 on his Form N-400, Application for Naturalization, was false, in that the defendant did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.

In violation of Title 18, United States Code, Section 1546 (a).

VERDICT: GUILTY

Count 6:

On or about January 30, 2009, in the Eastern District of Pennsylvania, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made under oath, and knowingly subscribed as true under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form N-400, Application for Naturalization, by which the defendant applied to become a United States citizen in that, as the defendant then and there well knew, his response to question 18 on his Form N-400, Application for Naturalization, was false, in that the defendant did not disclose his 1970 New York State conviction for falsification of business records.

In violation of Title 18, United States Code, Section 1546 (a).

VERDICT: NOT GUILTY

Count 7:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made a false statement under oath in a proceeding, and matter relating to naturalization, citizenship, and registry of aliens, that is in his Form N-400, Application for

Naturalization, and in the related interview, in that, as defendant WOEWIYU then and there well knew, his statement in response to question 8a and subpart bon his Form N-400, Application for Naturalization, was false, in that he did not disclose his membership in, and association with, all organizations, including but not limited to the NPFL and the NPFL-CRC.

In violation of Title 18, United States Code, Section 1015(a).

VERDICT: NOT GUILTY

Count 8:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made a false statement under oath in a proceeding, and matter relating to naturalization, citizenship, and registry of aliens, that is in his Form N-400, Application for Naturalization, and in the related interview, in that, as the defendant then and there well knew, his statements in response to question I0 on his Form N-400, Application for Naturalization, was false, in that, the defendant did not disclose that he both directly and indirectly advocated the overthrow of the Doe Liberian government by force or violence.

In violation of Title 18, United States Code, Section 1015(a).

VERDICT: GUILTY

Count 9:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made a false statement under oath in a proceeding, and matter relating to naturalization, citizenship, and registry of aliens, that is in his Form N-400, Application for Naturalization, and in the related interview, in that, as defendant then and there well knew, his statement in response to question 11 on his Form N-400, Application for Naturalization, was false, in that the defendant did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.

In violation of Title 18, United States Code, Section 1015(a).

VERDICT: GUILTY

Count 10:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

having taken an oath before a competent tribunal, officer and person, in a case in which a law of the United States authorizes an oath to be administered, that he would testify declare, depose and certify truly, did willfully and contrary to such oath falsely state before an immigration officer with regard to his Form N-400, Application of Naturalization, a material matter, that is, that his response to question 8a and subpart bon his Form N-400, Application for Naturalization, was true, when as the defendant then and there well knew and believed, his response was false, in that the defendant knew at the time he made the statement that he did not disclose his membership in, and association with, all organizations, other than the Union of Liberia Associations in the United States, including, but not limited to, the NPFL and the NPFL-CRC. In violation of Title 18, United States Code, Section 1621 (1).

VERDICT: GUILTY

Count 11:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

in a declaration, certificate, verification, or statement under penalty of perjury as permitted under Title 28, United States Code, Section 1746, willfully certified as true in his Form N-400 Application for Naturalization, a material matter which he did not believe to be true in that, as the defendant then and there well knew and believed, his response to question 8a and subpart b on his Form N-400, Application for Naturalization, was false, in that the defendant knew at the time he made the statement that he did not disclose his membership in, and association with, all organizations, other than the Union of Liberia Associations in the United States, including, but not limited to, the NPFL and the NPFL-CRC.

In violation of Title 18, United States Code, Section 1621(2).

VERDICT: NOT GUILTY

Count 12:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

having taken an oath before a competent tribunal, officer and person, in a case in which a law of the United States authorizes an oath to be administered, that he would testify declare, depose and certify truly, did willfully and contrary to such oath falsely state before an immigration officer with regard to his Form N-400, Application for Naturalization, a material matter, that is that his response to question 10 on his Form N-400, Application for Naturalization, was true, when, as the defendant then and there well knew and believed, his response was false, in that the defendant knew at the time he made the statement that he had advocated the overthrow of the Doe Liberia government by force and violence.

In violation of Title 18, United States Code, Section 1621(1).

VERDICT: GUILTY

Count 13:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

in a declaration, certificate, verification, or statement under penalty of perjury as permitted under Title 28, United States Code, Section 1746, willfully certified as true in his Form N-400, Application for Naturalization, a material matter that he did not believe to be true in that,

as the defendant then and there well knew and believed, his response to question 10 on his Form N-400, Application for Naturalization was false, in that the defendant knew at the time he made the statement that he had advocated the overthrow of the Doe Liberia government by force and violence.

In violation of Title 18, United States Code, Section 1621(2).

VERDICT: GUILTY

Count 14:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

having taken an oath before a competent tribunal, officer and person, in a case in which a law of the United States authorizes an oath to be administered, that he would testify declare, depose and certify truly, did willfully and contrary to such oath falsely state before an immigration officer with regard to his Form N-400, Application for Naturalization, a material matter, that is, that his response to question II on his Form N-400, Application for Naturalization, was true, when, as the defendant then and there well knew and believed, his response was false, in that the defendant knew at the time he made the statement that he did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.

In violation of Title IS, United States Code, Section I621 (1).

VERDICT: GUILTY

Count 15:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a “Jucontee Thomas Smith”

in a declaration, certificate, verification, or statement under penalty of perjury as permitted under Title 28, United States Code, Section 1746, willfully certified as true in his Form N-400, Application for Naturalization, a material matter that he did not believe to be true, in that, as the defendant then and there well knew and believed, his response to question 11 on his Form N

400, Application for Naturalization, was false, in that the defendant knew at the time he made the statement that he did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.

In violation of Title 18, United States Code, Section 1621 (2).

VERDICT: GUILTY

Count 16:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a “Jucontee Thomas Smith”

in a declaration, certificate, verification, or statement under penalty of perjury as permitted under Title 28, United States Code, Section 1746, willfully certified as true in his Form N-400, Application for Naturalization, a material matter that he did not believe to be true, in that, as the defendant then and there well knew and believed, his response to question 18 on his Form N400, Application for Naturalization, was false, in that the defendant knew at the time he made the statement that he did not disclose his 1970 New York State conviction for falsification of business records.

In violation of Title 18, United States Code, Section 1621(2).

VERDICT: NOT GUILTY