



U.C. Berkeley War Crimes Studies Center
Sierra Leone Trial Monitoring Program
Weekly Report

Special Court Monitoring Program Update #43 Trial Chamber 1 - CDF Trial Covering week ending June 10, 2005

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Summary Witness Profiles at a Glance Evidence at trial

Summary The prosecution called a further four witnesses in the CDF case this week, bringing the total number of witnesses called in the CDF trial to seventy-two. Only two witnesses testified in open session, one of whom is alleged to be a former child combatant and who testified via closed circuit television. Witness profiles at a glance

Witness TF2-133 is allegedly a victim of sexual violence. Due to an unreasoned decision issued by the Chamber on 23 May 2005 and a series of rulings that followed the decision issued last week, the majority of the witness's testimony was rendered inadmissible prior to her testifying. The witness was born in Samalie and testified in Mende.

Witness TF2-080 is allegedly a former child combatant and was classified by the prosecution as a vulnerable witness. According to the prosecution, the witness's age is unable to be determined: the witness could be anywhere between the ages of seventeen and twenty-three. The witness was born in Taiama and testified in Krio via closed circuit television.

Witness TF2-218 and *Witness TF2-011* testified entirely in closed session. Evidence at trial

Alleged sexual violence victim unable to testify to events after her capture at "Base Zero"

Following a controversial unreasoned decision issued by the Chamber on 23 May 2005 prohibiting her from testifying to acts of sexual violence, Witness TF2-133 was unable to testify to any of the events that occurred after her capture at "Base Zero", Talia Yawbecko. She did, however, testify to seeing her mother killed in a palm plantation nearby. According to the witness, a man named Moinina Jusu killed her mother. It was not established by the prosecution that Moinina Jusu was a Kamajor, nor was the time of the alleged killing established, although it was established that the witness's mother was killed at the time when the Kamajors entered Yokailahun. The witness was not cross-examined by the defence.

Alleged former child combatant testifies

The prosecution's seventieth witness, Witness TF2-080, testified to voluntarily joining the CDF, allegedly as a child combatant, between 1997 and 1998. According to the witness, a former youth vigilante, he decided to join the Kamajors they had assisted him to bury his sister after she was

raped and killed by RUF combatants. Many of his friends were also joining the Kamajor movement at the time. The witness is alleged to have been in Class Five when he was recruited as a Kamajor. He was initiated into the society by A.G. Mokussi and paid a registration fee of Le30,000 (USD10) to Kondewa's assistant.

The witness was initially part of the "Ranger" group, under the command of Colonel Haji. According to the witness, the "Ranger" group were deployed to attack the West Side Boys in Freetown, but the group stopped at Mile 91, where they burned and looted civilian property while fighting the RUF rebels. The witness allegedly changed groups prior to reaching Mile 91, after stabbing a civilian and taking his gun during an exchange of fire. Notably, the prosecution did not appear to establish a time frame for the occurrence of these events.

Under cross-examination the witness agreed that he obtained protection from being part of the Kamajor movement. He was given charms and told that if he believed in them, they would prevent him from being killed. The witness said he believed this was why he had survived the war. He also agreed that he had voluntarily joined the Kamajor society. It was difficult to determine the significance of this line of cross enquiry, given the voluntary conscription of child combatants does not appear to be a defense against the charges relating to the use of child soldiers faced by the accused persons.