



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

**Special Court Monitoring Program Update #49 Trial Chamber II - AFRC Trial Covering week ending July 15, 2005**

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Summary Witness profiles Evidence at trial Legal and procedural issues

Summary Proceedings in the AFRC trial continued to move quickly this week, with the prosecution calling a further eight witnesses in its case against the three accused. The accused each attended the trial for the majority of the week, the only exception being the absence of Santigie Borbor Kanu (aka “Five-five”) due to ill health. The Chamber closed on Friday so that members of the Sierra Leonean bar could attend the bar council elections.

Witness profiles at a glance

*Witness TF1-033* is 45 years old and was born in Songo in the Port Loko District. The witness finished high-school and worked as a reporter for a local news tabloid, the State News Watch. The witness testified in English with the use of voice distortion.

*Witness TF1-055* is 75 years old and was born in Karina, in the Bombali district. The witness is married and has seven children currently alive. He testified in Madingo.

*Witness TF1-147* was born in Blama in the Bonthe district. He speaks Krio, Mende and English. He testified in Krio.

*Witness TF1-094* is a Category “C” witness (Victim of Sexual Violence) and was allegedly abducted as a child and a victim of multiple rape. She testified in Krio.

*Witness TF1-269* is a Category “C” witness (Victim of Sexual Violence) and testified with voice distortion. She testified in Temne.

*Witness TF1-058* was born in Mano Town in the Moyamba District. He is 41 years old. He testified in English.

*Witness TF1-114* was born in Jimmi Bagbo in the Bo District. He was born on 26 December 1968. He graduated in fifth form (eleventh grade) and became a member of the Sierra Leonean Army in 1991. The witness testified in English.

### Evidence at trial

The witnesses led by the prosecution this week primarily gave crime base evidence relating to the AFRC movement out of Freetown after the ECOMOG intervention in 1998 and the attacks on various villages in the Bombali and Koinadugu districts that occurred thereafter. The week was dominated by the testimony of Witness TF1-033, whose evidence primarily implicated the first accused, Alex Tamba Brima (aka "Gullit"), in atrocities committed against civilians during several offensives launched by the AFRC between February 1998 and January 1999.

#### *Evidence of Witness TF1-033 and Witness TF1-114*

Witness TF1-033 is a journalist who lived and worked in Freetown during the junta period. He was labelled by pro-government supporters as an AFRC sympathiser due to his involvement in public rallies denouncing the use of force to overthrow the coup. According to the witness, as a result, when ECOMOG did intervene in early February 1998, he fled from Freetown fearing his life was in jeopardy. He alleged that Gullit subsequently ordered his abduction by the AFRC in Tombodu.

The witness alleged that he remained close to Gullit from February 1998 to January 1999, when the AFRC attacked Freetown. According to the witness, Gullit liked the witness, because he would report news and current affairs to him from a transistor radio he kept in his pocket. The witness then described in detail how Gullit ordered attacks on civilians and civilian property throughout various villages in the Northern Province and the Western Area of Sierra Leone. This included: ordering Commander Mohamed Savage to kill hundreds of civilians in Tombodu in March 1998; ordering "Operation Spare No Soul" from his hometown, Yaya; ordering the rape and murder of civilians in Yiffin, Sama Bendugu, Bonoya, Karina and Port Loko between April and August 1998 and the burning of houses throughout all these towns. According to the witness, the attacks on Bonoya and Karina were particularly brutal: over five hundred civilians were killed, three hundred civilians were amputated and two hundred women were raped. According to the witness, Gullit would often commend commanders for the atrocities they committed.

The prosecution also led evidence of forced labour at Camp Rosos. The witness alleged over two hundred civilians were made to go on food finding missions and were subsequently killed, due to suspicions that they would become ECOMOG informants once the missions were over.

Under cross-examination, counsel for the first accused pointed to several discrepancies in the witness's prior witness statements that discredited his testimony. In particular, counsel portions of the witness's statements that tended to suggest he had followed the AFRC voluntarily and that he had stayed with Gullit and his men because he had decided to be in their company. The witness testified in court that he felt he had no choice, that they would kill him if he left. Counsel then quoted seven or eight passages in the witness's statement where he had stated Savage was the commander in charge of the attacks on Tombodu without mentioning "Gullit" or Alex Tamba Brima. Further evidence suggesting that the witness had never seen or heard women being raped was led: in several of his statements, the witness had alleged that such acts were not publicly acknowledged and that he had never seen women being raped.

Counsel for the third accused, Santigie Borbor Kanu, also raised the issue that, at the time ECOMOG intervened in Freetown, the AFRC had signed a Peace Agreement with ECOWAS leaders in Conakry, Guinea giving the AFRC six months in power without the threat of intervention. ECOMOG's intervention was in breach of the Peace Agreement. However, no nexus was established between ECOMOG's breach and the action of the AFRC against civilians.

Witness TF1-114 was also part of the convoy that left Freetown in February 1998. The witness was a military police adjutant for the AFRC whose duties included issuing passes to civilians at

Buedu to track their movements, so civilians could move “without being molested”. A primary focus of the witness’s testimony was the use of forced labour in camps at Buedu, where civilians were asked to work on farms and build roads for “the rebels”. The witness also gave some evidence relating to acts of sexual violence against women at the camp.

*Further crime base witnesses: Attacks at Karina*

The remaining crime base witnesses this week primarily gave evidence surrounding the alleged AFRC attacks in Karina, Kabala, Bamakura and Rosos. In particular, Witness TF1-055 and Witness TF1-058 each testified to events that took place in Karina, the home town of President Kabbah, where some of the most brutal killings and amputations of the conflict are said to have occurred. Witness TF1-058 alleged he was one of several civilians who were made to lie face down on the ground while soldiers used machetes repeatedly to hack into their skulls. Witness TF1-147 primarily gave hearsay evidence about two attacks on Kabala in July and September 1998. According to the witness, the July attack involved ECOMOG and the SLA fighting against the rebels, somewhat at odds with the prosecution’s theory of a joint criminal enterprise existing between the RUF and the AFRC. Under cross examination, witness testified that he couldn’t actually say who had caused the majority of the destruction of the property and the killing, because he was outside the town during the attacks.

*Evidence of sexual violence*

Under counts 6-9 of the indictment, the prosecution has charged the accused with being individually criminally responsible for acts of rape, sexual slavery and sexual violence. This includes the charge of forced marriage, a novel charge in international humanitarian law first brought at the Special Court in response to descriptions of women being “made into bush wives” emerging from the investigative process. This week, witness TF1-094 testified to being captured and made into a “wife” after an SLA attack in Bamakura (Koinadugu) in 1998. The witness was in second class at school at the time of the attack and was raped multiple times by her captor, a soldier she referred to as “Andrew”. The witness became pregnant with Andrew’s child shortly after the attack. She was subsequently trained for combat by the SLA. The witness gave evidence of being beaten on her stomach by Gullit during her six month of pregnancy. While she saw the pregnancy to full term, the child was still-born.

Witness TF1-269 also gave evidence of sexual violence this week. According to the witness, she was raped by three men whom she described as “rebels” during an attack at Rosos (Bombali) in 1998. According to the witness, once the three rebels had taken turns to have sexual intercourse with her, she was forced to perform acts of fellatio on one of the three. One of the rebels subsequently cut the back of her neck.

Legal and procedural issues

*Counsels encouraged by Judge Lussick not to stall proceedings for the bench*

Judge Lussick discouraged counsel for the prosecution from “pacing the evidence with the bench” this week, when noticing that a trial attorney was waiting for the judges to finish writing notes on the evidence before continuing to lead the witness. “You keep asking the questions, we will get it down,” Judge Lussick said. This approach to proceedings is markedly different to the approach adopted in Trial Chamber I, where trial attorneys have been cautioned on a number of occasions to ensure that the pace of their questioning allows for the judges to copy almost verbatim the evidence given by the witnesses.

*New interpreters: Madingo translation*

New interpreters were sworn into the interpretation booth this week, in order for the court to hear Witness TF1-055 testify in Madingo, a regional dialect that is said to originate from tribes that came to Sierra Leone from Mali in north-west Africa.