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Summary

This week's proceedings in Trial Chamber I were delayed due to the unavailability of witnesses for the Norman defence case. The defence team for the first accused called three witnesses starting from Wednesday. Chief Joseph Ali-Kavura Kongomoh, the Paramount Chief in the Fakunya district, represents the first witness to testify about the Moyamba crime base. Kenei Torma Kenei also gave evidence with respect to Moyamba and Lansana Bockarie corroborated previous testimony concerning the planning and organization of various attacks by the Kamajors.

The Trial Chamber reiterated its desire that this seventh session of the CDF trial mark the end of the Norman defence case. The presiding judge stated that it would be only under very exceptional circumstances that the defence case for the first accused would continue into the next trial session. The trial session is currently scheduled to finish on June 16, 2006. However, despite the Trial Chamber's explicit wishes that the Norman defence close, there have been an increasing number of problems related to the availability of the remaining witnesses. While the bench indicated its impatience with the absence of a key witness due to medical problems, counsel for Norman argued that much of their strategy and ability to plan is dependent on knowing whether they will be able to call their primary witness, President Kabbah, this trial session. The Trial Chamber is currently

deliberating on the defence motion for the issuance of a subpoena for Kabbah¹ and has indicated that a decision is imminent.

Witness Summaries at a Glance

Lansana Bockarie is the 26th witness called in the Norman defence case. Mr. Bockarie testified in open session in Mende. He was born in Tongo and currently lives in Kenema, where he works as a farmer. He is also a Kamajor and held the position of battalion commander in the Kenema district during the conflict.

Chief Joseph Ali-Kavura Kongomoh II testified in English in open session. He has been a Paramount Chief of Fakunya District, Moyamba Chiefdom since 1994. He represents the first witness called by the defence who can address the Moyamba crime base.

Kenei Torma Kenei testified in Mende in open session. The witness was born in Pujehun district and now resides in Mogbeh town, Bonthe district. He is currently working as a farmer. He was initiated by the third accused, Allieu Kondewa, and fought as a Kamajor during the conflict. Kanneh testified about the recruitment of Kamajor fighters and gave evidence concerning Moyamba town, where he acted as battalion commander.

Testimony of Lansana Bockarie

The Norman defence team called Mr. Lansana Bockarie as their next witness in the CDF trial. The witness was listed on the defence team's back-up witness list and was called following a delay in trial due to the team's inability to locate the remaining witnesses on its core list. The Presiding Judge indicated the Trial Chamber's displeasure with the fact that the summary of the witness' statement was only disclosed the previous day. However, as this is the first of the defence cases at trial, the judges appear wary of penalizing Norman for the behaviour of his court appointed counsel. The team was thus allowed to proceed with the testimony of this unscheduled witness.

Lansana Bockarie narrated events surrounding his initiation into the Kamajor society in Kenema, as well as his participation in the Kamajor attack on the town of Zagoda, in conjunction with Executive Outcomes. The witness also described the capture of Kailahun district as well as a trip to Conakry. He alleged that he traveled to Conakry in order to meet with President Kabbah to discuss what should be done in terms of defending Sierra Leone against rebel attack. At this time the AFRC and the RUF combatants had joined forces. This alleged consultation with the President while he was in exile in Conakry reinforces the linkage the defence wishes to establish between the subsequent actions of the Kamajors and the President's knowledge and authorization of such actions. Bockarie also testified that he had participated in the attack on Tongo and that during such battles the Kamajors adhered to a strict hierarchy allowing for control and command. He also testified about the interaction between ECOMOG forces and the

¹ See *The Prosecutor v Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa* (SCSL-04-14-T) "Norman Motion for an Issuance of a Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah", 15 December 2005 and "Fofana Motion for an Issuance of a Subpoena *Ad Testificandum* to President Ahmed Tejan Kabbah", 15 December 2005.

Kamajors, indicating that the forces exerted control over the Kamajor fighters and organized battles the witness participated in, such as that at Kono. He also gave evidence that he had been appointed as a battalion commander by Alpha Koroma, whom he identified as the CDF co-ordinator for the Kenema district. Bockarie was unable to provide the court with any sort of time-frame for the events he was narrating, which meant that testimony was often confusing and unclear.

The cross-examination by counsel for the third accused, Mr. Ansu Lansana, focused on the witness' experience with the initiation process. Bockarie maintained that after a Kamajor had undergone the initiation process he was effectively protected by bullets, had an increased degree of bravery and, as a whole, the Kamajors were no longer suffering significant fatalities. He again indicated that he met the third accused only once ECOMOG forces were in control of the country. The witness reiterated what previous defence witnesses have stated, which is that the initiators did not participate in combat nor did they distribute weapons or organize attacks, although he noted one or two exceptional cases.

The cross-examination by the Prosecution focused on the disputed event of the Kamajors' attack on Tongo. The Prosecution noted that a previous defence witness had testified that he had entered Tongo together with Bockarie, however Bockarie denied this evidence and continued to deny ever participating in the attack. Bockarie also maintained that he had not seen any corpses in Tongo nor had he lead a group of Kamajors in an attack on the town of Buema, as alleged by a previous defence witness. The Prosecution has consistently highlighted contradictions between various defence witnesses' testimony during cross-examination.

The Prosecution dealt a major blow to the value of Bockarie's testimony for the defence when the witness admitted that he did not actually meet President Kabbah when he traveled to Conakry. Rather, the witness met with a messenger for the government. The Defence's attempt to establish a direct link between the President and his authorization of Kamajor activities was thus thwarted.

The remainder of the cross-examination involved the Prosecution putting various allegations to the witness regarding the behaviour of Kamajors towards civilians during the conflict. Questions focused on the specific period between the overthrow of the government and the arrival of ECOMOG forces. Bockarie flatly denied all such allegations involving the unlawful killing of civilians, looting, the use of child soldiers and the treatment of captured enemy combatants. The witness did however admit that he had heard about the perpetration of killing and looting by Kamajors, however he denied ever having seen such acts.

Chief Joseph Ali-Kavura Kongomoh II

The paramount chief of the Fakunya district, Moyamba Chiefdom, began his testimony by describing the requirements of membership in the Kamajor society. This supposed recruitment criteria required that the candidate be a citizen of the chiefdom, be 18 years of age or older, have no criminal record and in addition the potential recruits must exhibit

respect for elders and colleagues. He testified that prior to his departure from the country in 1997 he saw that these requirements were being observed in the recruitment process. Upon his return to Sierra Leone from the United States a year later the witness testified that he met with Vice-President Demby in late 1998. At this time the witness testified that Demby called on all Kamajors to assist in the defence of Freetown, which was predicted soon to come under rebel attack. Kongomoh alleged that he subsequently formed a committee and received money from the government in order to facilitate the mobilization of Kamajors in the defence of the city.

Counsel for the first accused then led evidence on the difference between initiation and recruitment. The witness confirmed that not all initiates were subsequently recruited as some utilized the initiation process simply as a form of protection. He also maintained that initiates below the age of 18 were not allowed to be recruited into fighting forces. Kongomoh also testified that the command structure that existed with the Kamajors operating in the Fakunya district was fully entrenched in the chieftdom hierarchy and that it was the Chiefs who provided food and logistics to the fighters.

Initially, the Prosecution's cross-examination focused on the witness' reasons for his prolonged stay in the United States during the conflict. However, this was dropped after the defence made several objections as to its relevance and appropriateness. The Prosecution's cross-examination then centered on the activities of a member of the witness' extended family, whom the witness referred to as his "grandson", in an ongoing attempt to assert the prevalence of child soldiers during the conflict. The Prosecution noted that his grandson had been immunized and initiated as a Kamajor when he was 15 years old. The witness continued to maintain that he had not been recruited into a fighting force and that he had actually been 17 years old at the time of his initiation. The Prosecution however contended that the witness' grandson had participated in fighting activities on behalf of the Kamajors and referred to interview notes they had collected when investigators previously interviewed the witness as a potential Prosecution witness. The witness acknowledged that he had heard about the incident involving his grandson acting with Kamajors against rebel forces, but stated that at the time in question his grandson was 17 years and 4 months of age.

During the re-examination by counsel for the first accused, lead counsel attempted to clarify the witness' testimony regarding the age of his grandson. The witness stated that he had meant that his grandson was 17 years and 4 months old at the time of his initiation, and not at the time of the incident with the rebels. The Prosecution objected however and argued that it was clear during the cross-examination that the age of the grandson was related to the time of the incident and did not warrant any questions of clarification in the re-examination. Justice Boutet voiced his agreement with the Prosecution and counsel finished the re-examination.

WVS Dispute

During Friday's proceedings the Trial Chamber indicated that it would like to hear Dr. Jabbi's comments on the documents submitted by Witness and Victims Support Unit (WVS), regarding comments made by Jabbi to the Trial Chamber on Monday. The

document submitted by WVS concerns Jabbi's comments about the unit's work in locating witnesses and bringing them to Freetown. The WVS felt that Jabbi was unfairly blaming them for the unavailability of certain witnesses and felt the need to bring the disputed information to the Trial Chamber's attention. The presiding judge, Justice Boutet, was particularly concerned about the inaccuracies the court may have received from Jabbi's account of events, especially considering his role as an officer of the court. Justice Boutet noted that the WVS documents show that most of the fifteen witnesses being held for the Norman defence were allowed to return to their respective homes with the consent of counsel.

Dr. Jabbi, however, was apparently reluctant to address the issues and insisted that the WVS be given copies of the transcripts from Monday's proceedings so that they have an accurate account of what exactly was said. Justice Boutet consented and stated that a WVS representative would be in court on Monday, when the matter would be taken up.