



U.C. BERKELEY WAR CRIMES STUDIES CENTER
SIERRA LEONE TRIAL MONITORING PROGRAM
WEEKLY REPORT

Special Court Monitoring Program Update # 90
Trial Chamber II – AFRC Trial

Week ending 13 October 2006

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Summary

This week saw five defence witnesses appearing on behalf of the second Accused (Kamara) and two appearing on behalf of the third Accused (Kanu). The witnesses heard this week were all subject to special protection measures pursuant to Trial Chamber II's decision of 9 May 2006.¹ They were consequently shielded from view from the public gallery while they testified and their identities have not been recorded in any court records or transcripts.

Witness Testimonies

The testimonies heard this week again sought to paint a different picture of the events covered by the indictment than that presented by the prosecution. Firstly, witnesses claimed that a number of atrocities attributed by the prosecution to AFRC-controlled SLA troops were in fact committed by RUF soldiers. Secondly witnesses sought to dispel the prosecution claim that the three Accused were in effective command over troops committing many of the prohibited acts charged in the indictment. Witnesses testified that the three Accused had been prisoners at the relevant times, and could therefore not have been in command of any troops. Many witnesses give accounts indicating that other SLA commanders were in fact in charge at times and in places covered by the indictment. As the Accused were allegedly held captive at the material times the witnesses also denied that the Accused could personally have carried out any of the crimes they are charged with. Finally, the witnesses sought to dispel prosecution claims that the AFRC controlled SLA groups had an effective command and control structure in place, or that

¹ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) "Decision on Joint Defence Application for Protective Measures for Defence Witnesses", 9 May 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

they cooperated with the RUF in an organised manner authorised by leading commanders of both groups.

Kamara individual witnesses

DBK-012: Cross-examination by council for the third Accused (Kanu) continued from Friday 6 October.

The witness denied that his troops were supplied with weapons from Charles Taylor's forces in Liberia or from the RUF. He further maintained that there was never any communication between SAJ Musa and Charles Taylor or Mosquito. The witness insisted that Kanu was in no position to give any orders on the march between Colonel Eddie Town and Freetown as he was a prisoner. Council for the third Accused confronted the witness with specific points in the indictment directed against Kanu, and the witness categorically rejected that any of the events detailed were Kanu's doing. The witness claimed he did not, for example, see Kanu demonstrate how to amputate an arm at Fourah Bay in Freetown.²

Cross-examination by council for the first Accused (Brima): The witness maintained that he did not see Brima at Masiaka, Kabala, Mongo Bendugu or Korunbola. The witness claimed he would have known if Brima was in these locations, as a muster parade was called every week and every soldier in the area was obliged to be present. The witness rejected the assertion that SAJ Musa ordered Brima to head north from Mongo Bendugu to establish a new base.

The witness claimed he saw Brima and Kanu being held as prisoners in Colonel Eddie Town. He therefore maintained that the prosecution claim that Brima communicated with Mosquito is incorrect.

The witness also maintained that Brima was not part of the group of SLA soldiers that broke open Pademba Road Prison. He further claimed that any atrocities carried out in Freetown during this period were perpetrated by soldiers released from Pademba Road Prison and from the National Stadium where they were held by ECOMOG. The witness claimed these former SLA soldiers were unhappy about ECOMOG activities in Freetown, and therefore burned houses, killed and amputated the limbs of civilians. The witness maintained that the SLA soldiers who had liberated them tried to stop the atrocities. The witness continued to insist that Brima was not in a position of authority and that he had not perpetrated any of the acts he is charged with under the indictment. He claimed, for example, that Brima did not rape women brought to him at State House.

The witness went on to give evidence about his time as a prisoner at Pademba Road after the final peace treaty was signed. He claimed that several central SLA commanders also

² [The prosecution has alleged that Kanu was responsible for setting an example to AFRC soldiers regarding how to conduct 'long sleeve' \(at the wrist\) and 'short sleeve' \(at the elbow\) amputations. According to witness TF1-334, Kanu showed other soldiers how to do this while at Uppun on the outskirts of Freetown. See Special Court Monitoring Program, Update No.45, at page 3.](#)

held at the prison received special treatment because they agreed to testify for the prosecution at the Special Court. The witness claimed he was also led to believe these individuals would be released from jail if they testified. The witness claimed he had himself been approached in prison and asked if he would testify for the prosecution against his former compatriots.

Cross-examination by the prosecution: Scheduled for 18 October as the defense had not discharged its obligations under Trial Chamber II's Order of 26 April 2006³ to disclose details on defense witnesses to the prosecution a minimum of 21 days before they appear in Court to testify.

DBK-129: Witness is male, born in Freetown in 1972, married with four children and plays football professionally in the Sierra Leone Second Division. The witness enrolled in the Sierra Leone Army in 1991.

The witness claimed to be a friend of Kamara from his army days, and that they played football together on the army team in 1997. He denies that Brima or Kamara played for the SLA team. The witness claimed he was a security guard for SAJ Musa after the AFRC took power. He testified that the relationship between RUF (under Superman) and SLA (under SAJ Musa) in Kabala was strained. The witness claimed he went to Kono with JP Koroma, and that he did not hear of SLA soldiers being involved in mining activities, raping civilians, looting or burning civilian property, or killing civilians in Kono. He maintained that any burning of houses in Kono was carried out by the RUF.

The witness further testified that the SLA and the RUF were a united force under the command of SAJ Musa at Mongo Bendugu. In Kailahun, SLA and RUF forces also formed one unit, but here Mosquito of the RUF was in command. He claimed he did not see Brima, Kanu or Kamara in Kailahun, nor did he hear that soldiers killed or raped civilians or recruited child soldiers in Kailahun.

The witness maintained that Junior Lion was in charge of operations against ECOMOG in Freetown and that he was in command during the subsequent retreat from the city. He further alleged it was Junior Lion who ordered the burning of the town and the killing and decapitation of civilians in Mamamah with the aim of scaring the advancing ECOMOG troops. The witness maintained that he did not see any of the three Accused on the retreat from Freetown. He insisted that Junior Lion was in command, and that he did not report to any superior officer – and certainly not to Kamara.

The witness further insisted that Junior Lion was in command at West Side, and that he never saw Kamara at West Side. He admits that there were a number of children living with the troops at West Side, but he denies that these children ever took part in any fighting.

³ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) “Order for Disclosure Pursuant to Rule 73ter and the Start of the Defence Case”, 26 April 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

Cross-examination by the prosecution: Scheduled for 18 October as the defense had not discharged its obligations under Trial Chamber II's Order of 26 April 2006⁴ to disclose details on defense witnesses to the prosecution a minimum of 21 days before they appear in Court to testify.

DBK-131: Witness is male, born in 1979 in Freetown. He is currently engaged in computer studies and petty trading. He joined the Sierra Leone Army in 1992.

The witness claimed he was at Masiaka with AFRC controlled SLA contingents. He claims he saw Kamara at Masiaka, but denied that Kamara was a 'big man'. He maintains that Kamara was merely a public relations officer. He rejects claims that Kamara ordered the looting of a bank at Makeni. He also denied that soldiers committed rape or killed civilians at Makeni.

The witness rejected the claim that SLA soldiers and RUF were working under joint command at Lunsar, Makeni or Kabala. He claimed that soldiers from the two forces did sometimes fight together, but that at Koinadugu Village SLA soldiers and RUF soldiers started fighting amongst themselves and any cooperation between the groups subsequently ended. He alleges that RUF soldiers were trying to capture SAJ Musa.

The witness also rejected that there was any effective command structure within the AFRC controlled SLA units until SAJ Musa established a line of command at Mongo Bendugu.

The witness claimed he had not seen or heard of any of the three Accused after the AFRC had pulled out of Freetown following the ECOMOG intervention. He also claimed he saw the three Accused held under arrest by Junior Lion at Colonel Eddie Town. The witness claimed that these prisoners were thought to bewitch their captors and were blamed for the group's failure to reinvade Freetown.

The witness maintained that FAT took over command after SAJ Musa died at Benguima, and that FAT led the troops to Freetown. He claimed he never saw any of the three Accused in Freetown, and insisted that Junior Lion was in command at West Side.

Cross-examination by council for the first Accused (Brima): The witness testified about the time he spent as a prisoner at Pademba Road from 2000 to 2006. He claimed that a number of old SLA soldiers were incarcerated in the same block of the prison. He claimed that some of these old SLA soldiers agreed to testify for the prosecution before the Special Court and were therefore given money, food, wine, marijuana and many benefits that allowed them a better lifestyle and more freedom in the prison. The witness claims he was himself offered 20,000 leones, chicken, cannabis and alcohol, and was promised he would be relocated to Canada if he agreed to testify for the prosecution.

⁴ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) "Order for Disclosure Pursuant to Rule 73ter and the Start of the Defence Case", 26 April 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

The witness also claimed that it was a force of about 900 men that entered Freetown and released prisoners from Pademba Road and the National Stadium. He maintains that about 3,000 prisoners were released from Pademba, and about 1,000 from the National Stadium. He claims that the SLA soldiers who had entered the city were under strict orders to maintain discipline, but that the released prisoners outnumbered their liberators and began killing and looting at will.

The witness denied seeing Brima during any of the attacks he testified about, and refuted prosecution claims that Brima, Kamara and Kanu were commanders of high standing who were given central positions in the SLA command structure at Colonel Eddie Town.

Cross-examination by the prosecution: Scheduled for 26 October, as the defense had not discharged its obligations under Trial Chamber II's Order of 26 April 2006⁵ to disclose details on defense witnesses to the prosecution a minimum of 21 days before they appear in Court to testify.

DBK-126: Witness is female, about 30 years old, lives in Freetown and is a single mother with a seven year old son.

The witness claimed she fled Freetown for Kono when ECOMOG intervened. She claims she saw Kamajors commit atrocities in Kono, and that she saw Kamajors kill and eat SLA soldiers in the region.

She alleged she was captured by Junior Lion's men in Kono and taken to their headquarters where she was forced to work as a cook. During her time at the headquarters she maintained that she never saw Kamara, nor anyone to whom Junior Lion reported. But she claims Junior Lion told her that SAJ Musa was his boss.

She claimed she fled with the group when ECOMOG attacked. She maintains she did not see Kamara at all during the AFRC's retreat from Kono. The witness also claimed that the three Accused were captured by Junior Lion's men at Colonel Eddie Town. She maintained that the three Accused were taken along as prisoners during the march to Freetown. She claims that the soldiers believed the prisoners were witches obstructing their progress towards Freetown. She claimed she never saw any rape or killing of civilians during the invasion of Freetown.

Cross-examination by council for the third Accused (Kanu): The witness maintained that she did not see Kanu as a free man after Colonel Eddie Town. She further maintained she never saw him lead or participate in armed operations. She also claimed that the civilians following the troops were treated well and not made to participate in fighting or placed in the line of fire. She maintained she never saw burning or looting of civilian property, nor killing or rape of civilians in Kono. She also maintained she never saw Brima in Kono.

⁵ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) "Order for Disclosure Pursuant to Rule 73ter and the Start of the Defence Case", 26 April 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

Cross-examination by the prosecution: Scheduled for 27 October, as the defense had not discharged its obligations under Trial Chamber II's Order of 26 April 2006⁶ to disclose details on defense witnesses to the prosecution a minimum of 21 days before they appear in Court to testify.

DBK-005: Cross examined by the prosecution on evidence given 5 October.

The witness agreed that at the time he joined the army and was posted in Daru to fight the RUF the army had a defined structure, and a defined line of command. He agrees that the rules laid down on rank and on following orders were respected. He claims he knew that Tamba Brima was an 'Honourable', but that he did not know if Brima was nick-named Gullit or whether Brima was a good footballer. The witness also knew that Kamara was an 'Honourable', and that the three accused were members of the Supreme Council of the AFRC. But the witness claimed he had never seen Kamara or Brima at the Cockrill army barracks or at JP Lodge (JP Koroma's home).

The witness testified that after he surrendered and was kept at Lungi under ECOMOG guard, an SLA officer was given command over the surrendered troops. He claimed they all followed his orders in captivity. The witness testified that the soldiers who broke open Pademba Road Prison carried with them weapons and distributed these among the released prisoners. The witness acknowledged that it was with these weapons that the released prisoners carried out atrocities in Freetown. He rejected the claim that the killings were actually done by the soldiers entering Freetown rather than by those released from ECOMOG captivity.

The witness rejected claims that any of the three Accused were based at State House while he was there after the SLA attacked Freetown to dislodge ECOMOG. He did not know whether any of the three Accused were part of the Freetown invasion. He denied that the SLA retreat from Freetown was organised and orderly, and he denied that retreating SAL soldiers murdered or kidnapped civilians, amputated limbs or burned civilian property.

Kanu individual defence witnesses

DSK-113: Witness is male, 61 years old and a former member of the SLA. He joined the army in 1964 and was still serving as an SLA soldier in 1997.

The witness claimed he knew Kanu before the 1997 coup and they served at the same army unit outside Freetown. He claimed he had not seen Kanu for a long period after the coup, but eventually saw him again in Benguima after ECOMOG had ousted the AFRC from Freetown. He maintained that Kanu was neither wearing full military uniform nor carrying a weapon at Benguima. The witness claimed Brima was also at Bengua [sic?], and that both men participated in an attack ordered by SAJ Musa.

⁶ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) "Order for Disclosure Pursuant to Rule 73ter and the Start of the Defence Case", 26 April 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

Cross-examination by council for the second accused (Kamara): The witness maintained that he had never seen SLA soldiers burning houses, raping women or amputating civilians' limbs on the retreat from Freetown to Benguima.

Cross-examination by the prosecution: The witness denied that Kanu was moving freely among the SLA troops at Benguima, but maintained that Brima was sitting with the 'big men' at Benguima. He denies that Brima was leading the advance to Freetown. The witness claimed he did not know if Kamara was second in command or Kanu third in command during the advance to Freetown. He maintained he did not see any one of them during the advance to the capital.

DBK-113: Witness is male, born in 1974 in Freetown. His stepfather was an SLA soldier and the witness grew up at the Wilberforce Barracks in Freetown.

The witness claimed he saw Kanu as a prisoner at Colonel Eddie Town. He also claimed that after the ECOMOG intervention his stepfather was attacked by civilians because he had supported the AFRC while they were in power. The witness claimed that he fled Freetown for fear he would be harassed as well.

The witness claimed he went to Koidu Town (Kono District). He maintained that he saw both RUF and SLA groups in Kono and that the relationship between the two groups was strained. He claimed Superman was in charge in Koidu Town and was responsible for the burning of large parts of the city.

The witness maintained that he never saw Kanu in Koidu or at Masofinia. He claimed that the SLA troops at Masofinia were led by junior Lion, and that he ordered the attack on Karina Village. He claimed that Kanu did not take part in that attack. The witness maintained that it was ECOMOG and Kamajors who attacked Mandaha and set the village ablaze.

He claimed he heard that SAJ Musa held some commanders captive at Colonel Eddie Town because they were allegedly cowards. The witness claimed he did not see Kanu at Benguima and never saw him after SAJ Musa's death. He thus claimed that he did not see Kanu at any time during the march towards Freetown. He claimed he therefore did not see Kanu distributing matches to soldiers, nor did he see Kanu at State House.

Cross-examination by council for the second Accused (Kamara): The witness maintained that he had seen Kamara as a prisoner in Colonel Eddie Town, and that it was Superman who ordered the burning of houses in Koidu Town. He claimed that he had not seen Kamara at Karina, Rosos or during the retreat from Freetown to Benguima. He claimed he had not seen Kamara at Mile 38, and had not heard that Kamara had ordered the killing of 20 civilians.

The witness testified that while he was a prisoner at Pademba Road officials from the Special Court visited him and asked him to testify for the prosecution. They allegedly

told him that he would be given help with his sentence and could go abroad with members of his family. The witness claimed he knew of people who had agreed to testify and that these people were sometimes allowed to leave the prison to see their families at home and that they could bring parcels of food and medicines into the prison.

Cross-examination by council for the first Accused (Brima): The witness claimed he saw SLA soldiers being harassed by RUF personnel in Koidu Town. He claimed he did not hear of or see SLA or RUF soldiers committing acts of sexual violence against civilians in Kono. The witness maintained that he did not see Brima at Mandaha and that he did not see the burning of houses or the killing of civilians in that location. He claimed that he had never seen any child soldiers during his time with the armed forces, and had never heard that any of the women he encountered had been forced into ‘bush marriages’. He maintained that Brima did not take over command of the SLA troops after the death of SAJ Musa, and that he never saw the forces in Colonel Eddie Town operating communications equipment.

Cross-examination by the prosecution: The witness claimed he did not know if the three Accused were referred to as ‘Honourables’, nor whether they were responsible for the overthrow of the Kabbah government. He claimed he had never heard of the AFRC Supreme Council.

The witness claimed he did not know whether AFRC and RUF troops worked together in Kono, nor whether the burning of houses in Koidu Town was carried out by a mixed SLA/RUF force. He reiterated that he had not seen Brima in Kono, and rejected claims that Brima was in command with Kamara as his second at Rosos. He also rejected claims that Brima was in command, Kamara his second, and Kanu third in command at Colonel Eddie Town and that this command structure remained in place after the death of SAJ Musa. He denied that Brima was in command, with Kamara as second in command and Kanu as one of the senior commanders during AFRC operations in Freetown and later at State House. The witness denied prosecution claims that he has met with other former SLA soldiers as well as with the first Accused to plan what evidence to give before the Court. The prosecution alleged that the witness has worked as an assistant for one of Kanu’s defence council and that he is lying before the Court because he feels he owes this man a favour. The witness denied this.

Decision on Urgent Prosecution Motion for an Order Restricting Contacts Between the Accused and Defence Witnesses and Requiring Disclosure of Such Contacts ⁷(filed 27 July 2006), 10 October 2006

This motion was dismissed by the Bench. The Bench found that the prosecution had not proven that any contact between witness and the Accused had actually taken place. The

⁷ *The Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu* (SCSL-16-488) “Decision on Urgent Prosecution Motion for an Order Restricting Contacts Between the Accused and Defense Witnesses and Requiring Disclosure of Such Contacts”, 10 October 2006, available on-line at: <http://www.sc-sl.org/AFRC-decisions.html>.

Bench further held that even if such contact had occurred, it had not been shown that this had contaminated any evidence these witnesses has presented before the Court, and that any collusion between a witness and the Accused does not prevent the witness from giving evidence, nor does it make the evidence inadmissible. The Bench did, however, remind the defence of their duty to ensure that the administration of justice is not brought into disrepute and that their professional integrity is not impugned. According to the Chamber, these duties extend to ensuring that the integrity of the evidence is maintained.