



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

Special Court Monitoring Program Update #47 Trial Chamber II - AFRC Trial Covering week ending July 1, 2005

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Summary Witness profiles at a glance Evidence at trial

Summary Proceedings in the AFRC trial continued at a quickened pace this week, with the prosecution calling a further eight witnesses in its case against the three accused. The majority of testimony this week centered around the atrocities alleged to have been committed by the RUF/AFRC in the Kono district during 1998.

Witness profiles at a glance

Witness TF1-062 was working as a diamond miner in Tongo Field in the Kenema district in 1997. The witness has also testified in the CDF trial. He speaks Temne and Krio. He testified in Temne.

Witness TF1-216 was living in Paema village in the Kono district at the time of the ECOMOG Intervention in Freetown in February 1998. He testified in Krio.

Witness TF1-076 is twenty-two years old and has one child. She is currently unemployed. The witness is a Category "A" witness (victim of sexual violence) and in accordance with the witness protection measures adopted by the Chamber, testified with the use of voice distortion. She was living in Tombodu in 1998. She testified in Kono.

Witness TF1-198 is thirty-eight years old and was born in Tonkoro in the Kono district. She is married and has children. The witness has not received a formal education. The witness is a Category "A" witness (victim of sexual violence) and in accordance with the witness protection measures adopted by the Chamber, testified with the use of voice distortion. The witness was living in Gandorhun in 1998. The witness testified in Kono.

Witness TF1-206 was born in Freetown and is 29 years old. The witness was living in Bomboa Foidu in the Kono district at the time of the ECOMOG Intervention in 1998. He testified in Krio.

Witness TF1-104 testified entirely in closed session.

Witness TF1-019 was born in 1965. He is a Kono and speaks Krio, English and Mende. He was living in Koidu Town in the Kono district at the beginning of 1997.

Witness TF1-072 is fifty-six years old and was born in Tombodu in the Kono district. He is married and has nine children, one of whom is deceased. The witness is a farmer. He speaks some Krio and English but is not fluent in these languages. The witness testified in Kono.

Evidence at trial

The week began with the prosecution hearing evidence from Witness TF1-062, who testified to events that occurred in Tongo Field during the latter half of 1997. The prosecution then called a further six crime base witnesses testifying to atrocities allegedly committed by the RUF/AFRC in Kono during 1997-1998 [1]. The majority of witness testimony centered around attacks in the villages in and around Tombodu, a town allegedly under the control of Mohamed Savage and Staf Alhaji at this time. None of the three accused were directly implicated as ordering the atrocities described by the witnesses this week, although Witness TF1-019 gave evidence that the third accused, Santigie Borbor Kanu (aka "Five-five") was seen in Kono several times in the early part of 1998, which is likely to support the allegation that Kanu was a senior commander of the AFRC based in the Kono district at this time.

Two witnesses also gave evidence that senior RUF commander Sam Bockarie (aka "Mosquito") held meetings with civilians to rally support for the AFRC, adding some weight to the proposition that the RUF and the AFRC were acting in collaboration "to gain political control over the territory of Sierra Leone" which is alleged by the prosecution to be evidence of a joint criminal enterprise [2].

Forced mining at Tongo Field

Under paragraph 64 of the Indictment, the prosecution alleges that between 1 August 1997 and 31 January 1998, the RUF and AFRC forced an unknown number of civilians living in the Kenema district to mine for diamonds at a place known as "Cyborg Pit" in Tongofield. Witness TF1-062, a diamond miner from Kenema, was called to give evidence in support of this allegation this week. The witness testified extensively to the treatment of civilians at the Cyborg Pit during this period. According to the witness, the AFRC/RUF, under the command and control of Sam Bockarie (aka Mosquito), designated "government mining days" during which civilians were forced to mine for diamonds for the junta government. Civilians were not given food or water during these periods of mining and armed guards patrolled the pit, some who were as young as age twelve. Those who disobeyed the orders of the commanders at the pit were punished severely: the witness recalled one child being shot for refusing to drop a bag of gravel when asked to by a combatant. According to the witness, up to two thousand civilians could be forced to mine at the Cyborg Pit at any given time.

Sam Bockarie allegedly in command of Kenema

The witness also testified to the initial attack on Tongo Field by the soldiers in early August 1997. At the time, Tong Field was a CDF stronghold. According to the witness, the soldiers entered the town and looted civilian property for a period of three days. Bockarie is alleged to have ordered the murder of three suspected Kamajors during this time. Bockarie also held a meeting in the town where he explained that he had been appointed the Vice Chairman of the AFRC and apologised to the civilians for the hardship they had experienced at the hands of their attack. He also told the civilians that the AFRC was setting up a secretariat in Kenema that would include a complaints section, where civilians would be able to lodge complaints about the behaviour of combatants with a civilian liaison named Lieutenant Dennis. This tends to suggest that senior members of the RUF/AFRC had knowledge of the crimes committed by their subordinates during this period and may be perceived as evidence of those senior member having effective command and control of those subordinates.

Under cross-examination, the witness agreed with defense counsel that at all times during the AFRC occupation of Tongofield, Sam Bockarie was in command and control of the area. He further agreed that when Bockarie was not there, he appointed others to work on his behalf and that Bockarie was “the leader” of the commanders in Kenema. This may impact on the prosecution’s ability to prove that the three accused bore the greatest responsibility for the atrocities committed in Kenema during this period. The defense further pointed out that, in one of the witness’s earlier statements to the prosecution, the witness referred to the alleged AFRC/RUF attack as a Kamajor attack, although the statement had been corrected during the course of interviews that had taken place since.

Kono crime base witnesses

The remaining witnesses who testified in open session this week testified to atrocities allegedly committed by the AFRC/RUF in the Kono district, including attacks on the towns of Tombodu, Paema, Bomboa Foindu, Yawando and Yardu. Witness TF1-216 and Witness TF1-072 each testified to amputations and brutal acts of violence against civilians: Witness TF1-216 was in Paema when the “Operation No Living Thing” was ordered in late February 1998 and watched as soldiers from the RUF/AFRC placed his three children in his house and set it ablaze. The witness saw a further fifty-three civilians killed in this manner in Tombodu. According to the witness, the RUF/AFRC were operating under the command of Staf Alhaji in 1998, who ordered that Colonel Rambo cut off his hands. Witness TF1-072 was one of fourteen civilians who was tied up and forced to lay under a burning mattress by Colonel Savage. As he tried to escape, Savage used a machete to cut him in the back and on both his hands. Savage claimed that he was collecting hands to give to President Kabbah.

Witness TF1-076 and Witness TF1-198 each gave evidence of acts sexual violence allegedly committed by soldiers. Witness TF1-198 was pregnant at the time a soldier is alleged to have shoved a wooden pole into her anus; she was also cut severely by a machete on her back and shoulder. Witness TF1-076 was 15 years old when a soldier allegedly held her at gun-point and raped her. She also watched as her uncle was set alight by the combatants. Neither witness was able to name the perpetrators of these acts, nor was there any nexus established between the perpetrators of the acts of sexual violence and the three accused.

Witness TF1-206 testified further to acts of sexual violence: he was one of seven men forced by “the rebels dressed in combat gear” to have sex with women in the town of Bomboa Foindu. According to the witness, an unnamed commander stood by and watched as the forced intercourse took place. According to the witness, the commander was in charge of what the rebels were doing. The rebels subsequently began amputating the hands and ears of the civilians, saying they should go to President Kabbah to get new hands [3]. The witness’s arms were severely lacerated by a rebel and his hands no longer function as a result. Under cross-examination, the witness admitted that he could not determine which militia group the soldiers belonged to. He further agreed that the unnamed commander-in-charge was not communicating with any other commanders, which the defense may assert shows that the accused may not have had knowledge of the events taking place.

Witness TF1-019 was the only witness that gave direct evidence implicating the accused this week, testifying that he saw Santigie Borbor Kanu (aka “Five-five”) in Kono several times during the early part of 1998. According to the witness, Sam Bockarie introduced Five-five to the civilians at a meeting that took place at the Koidu Community Centre in Koidu Town in late 1997. Five-five is alleged to have asked the civilians to support the newly formed AFRC government. The witness further described an attack at Yardu Sandu in April 1998 where he claims he saw soldiers burn the houses in the village. Supporting the allegation of collaboration between the RUF and AFRC, the witness alleged that the burning was committed by the AFRC whom he understood were “ a mixed group of rebels and soldiers” who were working together.

Perhaps due to the sensitive nature of some of the testimony, cross-examination by defense counsel seemed particularly short this week, with counsel for the first and second accused refraining from cross-examining the two female victims of sexual violence. At times, defense counsel appeared to focus on alleging prior inconsistencies in witnesses statements that were overly specific or somewhat irrelevant to the charges against the accused. Examples of this included: pointing out to a victim of sexual violence that she had previously stated that the soldier who raped her ripped her lappa and not her skirt; arguing that a witness had referred to six men being forced to have sex with six women, rather than seven; and focusing on evidence related to a Kamajor attack in Tongo Field (rather than an AFRC attack). Given the relative insignificance of the inconsistencies and the irrelevance of the charges against the CDF accused to their case, it was difficult to see the basis for the defense's pursuit of these particular lines of cross-enquiry [4].

1.) Due to an order issued by Trial Chamber I, monitors are not allowed to comment on the testimony of witnesses who testify in closed session. As such, there has been no comments made about the testimony of Witness TF1-014 in this report.

2.) *Further Amended Consolidated Indictment* dated 18 February 2005. Paragraph 33 of the Indictment alleges that the AFRC and the RUF shared "a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas."

3.) The witness named thirteen people from the town who lost limbs or whose limbs were severely lacerated by the rebels.

4.) "Lappa" is a Krio word for a piece of cloth that women use to tie around their waist.



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