



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

Special Court Monitoring Program Update #12 Trial Chamber I - CDF Trial 12 November 2004

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Summary

As the third trial session continues, the Prosecution called a further six witnesses in the CDF case this week, bringing the total number of witnesses called thus far to twenty-six. All of the witnesses testified to events that occurred in the Bonthe District and surrounding riverine areas during the period from mid-1997 till the end of 1998 and testimony centered, in particular, on the initial Kamajor invasion of Bonthe Town on 15 September 1997 and the subsequent mid-February 1998 attacks.

A large proportion of the testimony given this week inferred that the third accused, Allieu Kondewa, had knowledge of, and (in certain instances) control over, the alleged widespread and systematic attacks on the civilian population in Bonthe during this period, and while each of the first and second accused were also implicated, at certain points, as being at the apex of the Kamajor command structure, the testimony relating to Kondewa formed a more prominent part of this week's proceedings. Defense counsel seemed to be launching the counter-argument that, while Kondewa had knowledge of such attacks, Kondewa was not a member of the CDF War Council, the body that the Defense implicated as having ultimate control of the Kamajor operations at that time.

The bench gave notice mid-week that they had received the report they had requested from the Principal Defender relating to the unsigned legal services contract for stand-by counsel for the first accused, Ms Quincy Whitaker [1]. The report outlines in detail the reasons why, according to the Principal Defender, Ms Whitaker has not signed her legal services contract. It extensively documents various exchanges between Ms Whitaker, the Hinga Norman defense team and the Principal Defender. According to the Principal Defender's report, there was a disagreement among legal counsel for Hinga Norman as to the number of hours worked by each counsel and amounts which should therefore be allocated in payment to them. The Principal Defender also states emphatically that "Ms Whitaker only finds herself without a Signed Case Plan and Legal Services Contract because she has refused to sign them" [2]. Ms Whitaker tendered her resignation to the court after receiving the report, stating that, while she found the report to be misleading and untrue, she nevertheless felt unable to represent her client as a result of it being issued. She felt its submission severely compromised her case preparation. She stated further that she didn't think it was in the Chamber's interest to waste valuable trial time hearing

submissions relating to counterarguments to the report. The Principal Defender expressed regret at Ms Whitaker's departure, but stood firmly by her submission.

The Chamber delivered an oral ruling with regards to Ms Whitaker's resignation shortly thereafter, stating that they regretted the unfortunate decision made by Ms Whitaker and acknowledged the Principal Defender's observations. In the circumstances, the Chamber noted it had no alternative but to grant the leave sought and to accept that she can withdraw from the case.

Ms Whitaker's resignation highlights a perceived tension between the role of members of the the Defence Office and that of individual defense counsels representing the accused at the court. The Principal Defender was, in this instance, bound to account to the court regarding certain issues internal to a defense team which arose at trial. This meant that the case preparation of a defense team became transparent to both the prosecution and the bench in a manner with which a defense counsel was unfamiliar and unaccustomed, given the experience of practicing in local jurisdictions afforded her greater autonomy and confidentiality with regards to case management. The interplay between the accountability of defence teams to the Defence Office and the Defence Office to the court is likely to be an ongoing concern as the Defence Office progresses from a nascent institution to an established "fourth pillar" at the Special Court.

Witness profiles at a glance

Witness TF2-096 . Witness TF2-096 is 36 years old. She has been married but no longer has a husband. She has two children and attended school until form two (eighth grade). She speaks Mende and Krio. She is a businesswoman who sells fish and palm oil. Her testimony was given in Mende, with English translation.

Witness TF2-086. Witness TF2-086 does not know her exact age, but, according to the Prosecution's calculations, is approximately 58 years old. She was born in Bonthe Town, Bonthe District. She presently resides at Matru Jong and has been living there for seven years. She is a widow and has seven children. She is currently working as a gardener, planting crain crain, okra and potato leaves. Her testimony was given in Mende, with English translation.

Witness TF2-116. Witness TF2-116 is 59 years old. He is married and has eight children. He was born in Bonthe Town and attended school for 11 years. He speaks English, Mende and Krio. He is a tradesman. During the period of 1997 ? 1998, the witness was a member of the Bonthe Working Committee, a civilian group who worked closely with the elders of Bonthe to preserve the peace and prosperity of the district. The Bonthe Working Committee was accused by the Kamajors as being "junta collaborators". His testimony was given in English.

Witness TF2-004. Witness TF2-004 believes that he is 20 years old, although his age is uncertain. He was born in Fyndah, Pujahun District. He was conscripted as a child soldier to the rebel army at a young age and had not begun any formal education prior to his capture. His testimony was given in Mende, with English translation.

Father John Emmanuel William Garrick. Father Garrick is 39 years old and was born in Freetown. He currently lives in St Edward's compound, Kingtom, Freetown. He works as one of the priests at St Edward's parish and is the chaplain of St Edward's secondary school. He has been a Reverend Father for over nine years and was a parish priest in Bonthe during 1997-1998. He speaks English, Krio and Mende. His testimony was given in English.

Witness TF2-071. Witness TF2-071 is 35 years old. He was born in Bonthe District and currently resides in the Bo District. He is married and has three children. The witness attended school for 12 years and speaks Sherbro, Mende, Krio and English. His testimony was given in English.

Selected “crime base” testimony

Under paragraph 24(e) of the consolidated Indictment, the Prosecution has alleged that, between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Bonthe District, generally in the towns of Talia, Tihun, Maboya, Bolloh, Bombay, and the island town of Bonthe [2]. All of the testimony given by witnesses this week centered around the alleged attacks and operations of the Kamajors around or during this time period, and focused, in particular, on events which took place in Talia and Bonthe Town.

The testimony given by these witnesses could, *inter alia*, collectively be seen to contribute towards substantiating the crime base allegations made under the Indictment [3]. Some of the more prominent crime base testimony given by the witnesses this week included the following:

Witness TF2-096 (Unlawful killing, physical violence and mental suffering)

Witness TF2-096 was living in Talia, home to the Kamajor camp “Base Zero”, during the time of their alleged attacks in the Bonthe District. She recounted, in particular, two instances between the rainy season and the dry season in 1997 when the Kamajors attacked civilians [4]. In the first instance, the witness recalled seeing a “town commander,” namely, a civilian who had been appointed by the rebels to assist them and act as rebel/civilian liaisons (and who hence was characterised as a “junta collaborator”) being shot by Kondewa amidst a procession of the Kamajors who were singing and dancing [5]. Her testimony with regards to this instance, given under examination-in-chief, affirmed that the Kamajors were targeting “junta collaborators”, an allegation which was further reiterated by several other witnesses this week. In the second instance, the witness recalled one of her female friends being captured by four of Kondewa’s bodyguards Kafijini, Jahman, Junisa and Bokindeh - for refusing to comply with Jahman’s request to have his cassava garnished with a bean sauce. According to the witness, after this second incident was reported to Kondewa, the Kamajor guards returned and took the girl to Nyandehun, where she held captive in a cage made of palm fronds. Kondewa allegedly asked the witness’s husband for Le40,000 for her friend’s release and the money was subsequently given to Kondewa and the girl was released.

Under cross-examination, counsel for the third accused put it to the witness that (i) her viewing of the town commander being killed was “a figment of her imagination” and (ii) that he husband had, in fact, pocketed the Le40,000 himself rather than giving it to Kondewa. In substantiating these allegations, counsel for the third accused seemed to be questioning the witness’s credibility by pointing to the fact that she had not reported these instances to any authorities at the time they occurred. The witness responded by stating that she was unable to make such reports because “she was a woman”, perhaps pointing to the further difficulties faced by female victims during the conflict.

Witness TF2-086 (Physical violence and mental suffering)

Witness TF2-086 was allegedly captured by Kamajors in Motombo, Bonthe District, while with her friend. According to the witness, the Kamajors cut her several times and in several different places on her body using a machete. They also took Le140,000 from her. During open session, though from behind a protective screen, the witness revealed scars upon her right wrist, right arm and right elbow, left shoulder, jaw, neck, in between her legs and in several places on her head. The witness stated that, after she had been attacked by the Kamajors, she remembers lying in the bush for two days, unable to move. According to the witness her friend was killed during the time of her attack.

The witness was unable to remember the time or date in which these events occurred. Under cross-examination, she was asked by counsel for the second and third accused why she had not

reported these incidences at the time they had occurred. The witness stated in response that she had not reported these incidences because there were no authorities to whom to report such events.

Witness TF2-116 (Unlawful killing, terrorizing the civilian population, looting and burning)

Witness TF2-116 gave testimony, *inter alia*, regarding the Kamajor attacks on Bonthe Town that occurred on 15 September 1997 and on 15-16 February 1998, respectively. The witness was a member of the Bonthe Working Committee, a group which was believed by the Kamajors to have been collaborating with the juntas. As a result, he was threatened by the Kamajors during their attack on Bonthe in February 1998, and recalled, in particular, a number of important town meetings with the Kamajors, which are discussed in further detail below. (See *paragraph (iii)(a) ? 16-18 and 29 February meetings in Bonthe Town*).

The witness gave extensive testimony with regards to the relationship between the Kamajors and the civilians at this time. According to the witness, during their attacks, the Kamajors rampantly opened fire on the town, both at night and during the day and would openly destroy property. The witness recalled, in particular, how he was told that, upon being welcomed by civilians on 15 February 1998 at a location known as the "the PZ compound" or "The Billet", a civilian named Kpana Masso was killed under the order of Commander Baigeh, a senior Kamajor commander. Baigeh ordered his men to shoot Masso in both his legs, at which time Masso fell to the ground and was struggling for some time. According to the witness, Masso had been wrongly identified by Baigeh as the father of SLA officers serving at the Sierra Leone Naval Wing in Bonthe [6].

A second commander, Julius Squire, was also implicated in the conflict. According to the witness, Squire ordered that his house be looted and his property vandalised during the February attacks. He returned to his home from a meeting on Monday, 16 February 1998, to find that it had been looted, Le 17,900,000 had been stolen and his property vandalised. These events were not disputed under cross-examination.

Witness TF2-004 (Use of child soldiers)

Witness TF2-004 testified that he was originally conscripted to the junta forces that attacked his home at Fyndah in the Pujehun District. He was conscripted prior to beginning any formal education and as such, is unable to read or write. According to the witness, he was subsequently captured by the Kamajors in Maka, after which time he and five other boys between the ages of 10 and 16 were taken to Liya in the Kpaka chiefdom and were initiated into the Kamajor society by Muniro Sherrif. The initiation occurred after the witness participated in his first Kamajor attack at Telugbongor. The witness was trained by "Commander Small", who taught him how to use a gun (a "58"), which he subsequently kept and used during the conflict. The witness recalled, in particular, an attack on the town of Zimi, where he witnessed an "unarmed collaborator" being killed. He also alleged that he saw the Kamajors burn several houses by dousing them with petrol and admitted to shooting and killing a number of rebels during this attack. The witness could not recall the time or date of the attack.

Under cross examination, counsel for the first accused pointed out several discrepancies between the witness's *viva voce* testimony and the written statement written on his behalf by investigators of the OTP in Kenema on 13 January 2003. Defense counsel further pointed out that, as the witness could not read or write, the signature on the statement could not be his. When asked to identify the January 2003 statement as his own, the witness replied that he "could see the paper with his own eyes, but that he did not sign it, nor did he ever print it". The alleged witness statement was submitted to the court as Exhibit 22. This further highlights an on-going issue facing the court with regards to significant discrepancies between the written and oral testimony given by the witnesses called thus far in the CDF trial. In several instances, such

discrepancies have amounted to witness statements previously tendered to the Defense in accordance with Rule 66 of the Rules being alleged by the witnesses testifying in court as either (i) not being a statement which they agreed or attested to giving or (ii) not having accurately recorded that witness's intended statement at the time the interview was conducted by investigators of the Prosecution.

Despite substantial testimony given by the witnesses regarding the alleged atrocities committed by the Kamajors and their widespread attack on the civilian population of Bonthe, some of the witnesses also gave testimony with regards to the intended protection of civilians by the Kamajors against members of the Sierra Leone Naval Wing, the militia force that had become hostile towards the civilians in 1996 and 1997. During the course of testimony to this effect, these witnesses asserted that the Kamajors were acting under the instructions of (or at the behest of) President Alhaji Ahmad Tejan Kabbah. In particular, Witness TF2-096, the witness stated that, upon opening "Base Zero", a well-known Kamajor camp in Talia in 1997, Pa Norman (identified as being the first accused) told the townsfolk that he had been "sent by President Kabbah" to open a training base to fight a war "in order to bring peace to Sierra Leone", calling into question Kabbah's role in the conflict and asserting a nexus between Norman and Kabbah with regards to the command responsibility structure of the Kamajor operations.

Civilian activism and the role of the third accused in the 15 September 1997 invasion

A large proportion of witness testimony this week also focused on the role that the civilians played in attempting to prevent the Kamajor attacks on civilians in the riverine district. In particular, Witness TF2-116 gave extensive testimony regarding his role in the Bonthe Working Committee, a group which was actively involved in seeking to improve the condition of civilians during the conflict [7]. Similarly, according to Father Garrick and Witness TF2-071, as hostilities increased between the Kamajors and the Sierra Leone Naval Wing, a delegation of civilians were sent by the elders of the Bonthe District to discuss issues of civilian safety with the third accused, Allieu Kondewa, prior to the initial Kamajor invasion of Bonthe in September 1997.

Father Garrick further testified that, at a meeting between the delegation, various members of the CDF and the third accused which took place in Tihun during August 1997, the delegation pleaded with Kondewa to assist them in preventing hostilities between the soldiers and civilians, to encourage the free movement of civilian vessels throughout the waterways and to prohibit the outbreak of hostilities between the Kamajors and the soldiers. Kondewa allegedly responded by agreeing to: (a) the cessation of hostilities between the Kamajors and the soldiers, (b) the prevention of harassment of civilians and (c) the promotion of a peaceful co-existence between the soldiers and the Kamajors.

This testimony implied that Kondewa had knowledge of the Kamajor operations at this time. Under cross-examination, counsel for the third accused called into question whether third accused could have prevented the attack which eventually precipitated in September 1997, by pointing out that Kondewa had not been part of the CDF War Council at that time, a body which the Defense asserted had paramount authority over the Kamajor operations.

Command responsibility: 15 September 1997 invasion and February 1998 attacks

As has been previously stated, the Kamajors are alleged to have first invaded Bonthe Town on 15 September 1997, entering the town from three separate directions. The attack was signalled at 5 am when civilians heard the resounding call of the Poro secret society, followed closely thereafter by open gunfire. Witness TF2-071 testified that the Kamajors entered the town dressed in their traditional costumes and were laden with arms and cutlasses. Many of the Kamajors went directly to the naval base where the Sierra Leonean Naval Wing's gunboats were stationed and attacked the officers residing there.

The February 1998 attacks alleged to have been sustained and most heightened over a period of about three days - were also described in great detail this week. Father Garrick testified that the Kamajors conducted widespread looting operations on both 15 and 16 February in both government buildings and civilian homes. Throughout the next three days and for some time thereafter, Father Garrick alleged that he harboured several civilians at St Patrick's church compound in an attempt to protect them from the atrocities being committed. According to both Father Garrick and Witness TF2-116, the site of the church compound became, paradoxically, both an important refuge for the civilians and the centre of active hostilities and tensions, as can be seen from the meeting which took place there.

The testimony relating to each of these attacks implicated each of the accuseds as playing both a formal and substantive role in the Kamajor operations at this time. The witnesses called by the Prosecution this week seemed to have been called on the basis that their evidence implied that each of the accused and, in particular, the first and third accuseds were actively involved in orchestrating the Kamajor operations in the Bonthe District and were aware of the effect such operations were having on the civilian population. Examples of the testimony substantiating these claims included Hinga Norman's opening of "Base Zero" at Talia and Kondewa's visit to Bonthe Town shortly after the 1998 attacks. A command structure also appeared to be emerging from testimony relating to several meetings which took place between the Kamajors and civilians in Bonthe Town, which pointed, in certain instances, to the fact that subordinate Kamajor officers were accountable and responsible to the commands of their senior officers in more than merely an "ad hoc" fashion. In response to this assertion, Defense counsel seemed to be launching the counter-argument that those senior officers who were in control (in particular, Commander Morrie Jusu Kamara) did, in fact, reprimand those junior officers who were committing atrocities against civilians. Further evidence was given by Witness TF2-071 which implicated Hinga Norman and Kondewa as having ultimate authority over the actions of Morrie Jusu Kamara and Julius Squire, two senior commanders who were directly implicated in the February 1998 attack (*See paragraph (iv) (e) Meeting in Freetown with Attorney General and President Kabbah*). The Defense asserted in response that, while in some instances, the accused did hold positions of authority within the Kamajor society, they were still answerable to superiors in the command structure, perhaps pointing to an argument with regards to who bore the greatest responsibility in these instances.

Opening of "Base Zero", Talia, Yawbecko chiefdom

According to witness testimony given this week, the Kamajor operations in the Bonthe District established their training centre at "Base Zero", a camp where Kamajors who were initiated into the society were trained and instructed prior to going into battle. Witness TF2-096 testified that he saw the first accused, Samuel Hinga Norman, and the second accused, Moinina Fofana, attend the opening ceremony for Base Zero between the rainy and the dry seasons in 1997. According to the witness, Norman was clearly "[the Kamajor's] boss", and that Norman himself had said, during the opening that Kabbah had sent him to fight the war and he was the Kamajor leader. The first accused is alleged to have referred to Moinina Fofana as "the man who is going to organise the war" and the "Director of War" during the opening. Witness TF2-096 further stated that the first accused visited the base several times, but in his absence Kondewa was acting commander at the base.

Under cross-examination, the witness agreed with counsel for the first accused that Pak Norman was sent to Talia by President Kabbah and that Norman could only administer guns to the Kamajors if Kabbah had signed for them, again calling into question Kabbah's part in the conflict.

16-17 February 1998 meetings in Bonthe town

The Kamajors are alleged to have held three meetings with the civilians during the period of active hostilities in February 1998. According to witness TF2-116, the first meeting was held at St Patrick's church compound on 16 February 1998. The meeting was attended by the Kamajor

district commander and commander of the “Casilla” Battalion, Morrie Juso Kamara, and was chaired by Julius Squire. Commanders “Rambo” and “Konteh” were also there. All Bonthe civilians were invited to the meeting.

At the time of this first meeting, Witness TF2-116 had gone into hiding, as he had become a target of the Kamajors due to his association with the Bonthe Working Committee. According to the witness, Julius Squire demanded that he be produced for the Kamajors and hence, when civilians came looking for him, he decided he would attend. Upon entering the church compound, the witness was placed at the center of a circle, “the usual way in which the Kamajors condemned people to death”. He was then interrogated by Julius Squire, who accused Witness TF2-116 of being a junta collaborator, stating that the Bonthe Working Committee were “small boys who had taken over without the elders consent”, which the witness denied. According to Witness TF2-116, Squire then ordered that the witness be killed, at which point another District Commander intervened, declaring a cease-fire on civilians. However, a third commander, Commander Rambo, subsequently insisted on killing someone “so it would go on record that he had killed in Bonthe Town”.

The witness then described how a young civilian boy named Kondo Battiana, also an alleged “collaborator”, was taken from the meeting and killed. According to the witness, he heard two gunshots from the compound, upon which Commander Rambo returned to the meeting and confessed to killing him. The witness later saw his body in a nearby street identified as “Heady Road”. The Bonthe Working Committee was then told by Morrie Juso Kamara that they would not be killed, provided they paid the Kamajors a sum of Le100,000. According to the witness, Father Garrick guaranteed the payment of such sum. A second meeting then took place between the Kamajors and the Bonthe Working Committee at “Pa Issac’s” house, after which a second civilian, a Mr Konteh, who was a tailor in the town, was shot in the street.

Under cross-examination, Defense counsel appeared to be launching the argument that Rambo was a renegade Kamajor who was likely to have been reprimanded by his senior officers. The witness agreed that Rambo “had blood-lust” and that Commander Kamara was “a disciplinarian”, but asserted further that, to his knowledge, Rambo had never been reprimanded for this killing.

A third meeting is alleged to have taken place at the residence of Lahai Koroma, the chiefdom speaker of Sitia chiefdom, the next day (17 February, 1998). According to Witness TF2-116, it was decided that the Bonthe Working Committee would work with the Kamajors to prevent further hostilities between Kamajors and civilians in Bonthe.

Third accused's visit to Bonthe Town

Father Garrick and Witness TF2-116 each testified seeing the third accused, Allieu Kondewa, in Bonthe Town not long after the attacks from 15-18 February 1998. According to Witness TF2-116, Kondewa called a public meeting at the town hall, where he heard a number of complaints from various civilians. The meeting was allegedly well attended and a lot of complaints were made. According to the witness, Kondewa stated at the meeting that he did not order his men to enter Bonthe and he was sorry that that was what they had done. Kondewa allegedly continued by saying that the people “should forget ECOMOG” and that “the Kamajors would look after Bonthe”.

Father Garrick similarly testified that Kondewa arrived in Bonthe on 29 February 2004 and that he visited Lahai Koroma, the Sitia chiefdom speaker taking refuge from the Kamajors at the church compound. According to Father Garrick, Kondewa spoke about some of the atrocities caused by the Kamajors. Kondewa then allegedly asked Father Garrick to provide him with some money to ensure Koroma’s safe passage, accompanied by Kondewa, from Bonthe Town to “Base Zero” at Talia. Witness TF2-071 further alleged that Koroma was subsequently taken to Bo Town. According to Father Garrick, Kondewa was allegedly paid Le 600,000 and other Kamajors Le

400,000 to ensure Koroma's passage. Father Garrick testified that, to his knowledge, none of the Kamajors had been reprimanded by or punished by Kondewa.

First accused's visit to Bonthe Town

Witness TF2-116 and Witness TF2-071 each alleged to having seen the first accused, Samuel Hinga Norman, arrive in Bonthe with two ECOMOG officers shortly after the February 1998 attacks. Witness TF2-071 alleged that, after arriving with the ECOMOG officers by helicopter eight days after the February 1998 attack had subsided, Norman held a meeting in the Bonthe town hall where he described working with the Kamajors as "like working with a cutlass: if it cuts you, you drop it and then you pick it up again".

Under cross-examination, the witness agreed that the first accused had shown great concern for the civilians. In particular, Norman had warned the civilians not to become caught in enemy cross-fire.

Meeting in Freetown with the Attorney General and President Kabbah

Finally, in another example of civilian activism, Witness TF2-071 and Father Garrick each testified to delegations of civilians from Bonthe going to Freetown shortly after Kondewa's visit in February 1998 to alert the then Attorney General, the Honourable Samuel Berewa and President Alhaji Ahmad Tejan Kabbah of the atrocities being committed by the Kamajors throughout the Bonthe District. According to Witness TF2-071, President Kabbah's response had been to order the civilians to take one hundred bags of rice to the Kamajors in Bonthe.

The Attorney General responded by giving the officer in charge of police in the Bonthe District a letter to distribute to the Kamajors. According to Father Garrick, the officer in charge refused to administer the letter to the Kamajors, because he feared that going to Bonthe "would be his suicide". As a result, the delegation returned to Bonthe and Father Garrick himself administered the letter to the Kamajors. Witness TF2-071 testified that, after the letter had been circulated, he saw Commander Morrie Jusu Kamara pass it to Commander Julius Squire and state that if the letter had come from "Hinga Norman" (the first accused) or "Kondewa" (the third accused) then "they would have listened to it" [8]. Under cross-examination, Father Garrick testified, however, that the situation in Bonthe did dramatically improve after the time at which the letter had been circulated to the Kamajors based there.

As the Prosecution continues to piece together the testimony of witnesses with regards to each of the first, second and third accused's role in the conflict, the embryonic emergence of their argument for a defined command structure, implicating each of the accused at (or near) the apex of command, is becoming apparent. Alleged evidence which may be construed in this regard and which emerged from the testimony given this week included: (A) each of first and second accused attending the opening of "Base Zero", a known epicentre for training Kamajor combatants during the conflict; (B) the third accused attended several meetings where he (I) allegedly acknowledged that the Kamajors had acted to the detriment of civilians or (II) assisted civilians from escaping persecution; and (C) senior Kamajor commanders, such as Morrie Jusu Kamara, deferring to Hinga Norman's command rather than that of other senior members of the Sierra Leonean government. The first and third accuseds were particularly implicated as having knowledge of, and in certain instances, authority over, the Kamajor operations during this time.

Defense counsel primarily seemed to be launching the counter-argument that the first, second and third accused (A) did, where possible, take preventative measures necessary relating to the conflict; (B) were not solely responsible for the atrocities committed by the Kamajors; and (C) were themselves taking orders from superiors who ultimately bore the greatest responsibility, as in the case of the CDF War Council and, in certain instances, from President Kabbah.

1.) At the time, the status of Ms Whitaker as “stand-by counsel” or “court appointed” counsel had not been fully and finally determined. See also *Special Court Monitoring Program Update No. 11 dated 5 November 2004 at paragraph (ii) Formal status of defense counsel.*

2.) *Prosecutor v Norman SCSL 2004-14-T* “ Report to the Trial Chamber (10757 - 10761)” at page 4.

3.) Father Garrick testimony and Witness TF2-071’s testimony have not been included as part of this section, as the testimony given by these witnesses is discussed in great detail below under paragraphs (iii) and (iv).

4.) In Sierra Leone, the rainy season is generally thought to end and the dry season begin around September / October.

5.) Under the Indictment, the Prosecution is alleging that the Kamajors specifically targeted suspected “Collaborators” and others known to be not supportive of the Kamajors and their activities.

6.) Witness TF2-071 also testified to seeing Kpana Masso “placed at the center of a circle in the PZ compound and killed”, although Witness TF2-071 alleged that Baigeh shot Masso himself. Father Garrick also testified to Masso’s death when stating during his examination in chief that he had seen the corpse of Kpana Masso “outside the Kamajor base”.

7.) While this was not the only function of the Bonthe Working Committee, the committee became actively involved in such endeavours during the conflict.

8.) A large part of the cross-examination of this witness by counsel for the third accused was undertaken in closed session and as such, certain counterarguments raised by the Defense have not been included in this report.



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