



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

## Report No. 3

Trial Chamber I - RUF Trial  
 23 July 2004  
 Radha Webley, Researcher

Beginning Monday, 12 July, the Special Court's prosecution team began calling its first witnesses in its case against three of the alleged leaders of the RUF (Revolutionary United Front). Between 12 July and 23 July, nine witnesses were called in total, each of them recounting multiple atrocities allegedly inflicted upon them and their families by rebel forces between 1998 and 1999. Although their testimonies were quite varied in scope, they ranged from accounts of sexual violence, amputations, and murder, to descriptions of forced labor, pillage, and the use of child soldiers by RUF forces.

Rampant sexual violence and amputations stood out as two principal themes throughout these nine witnesses' testimony. One woman from Bombali District told of being captured by a group of rebels, then being raped by one of her captors, watching her husband killed in front of her, and suffering the amputation of both of her hands. Another woman described being beaten and raped by rebels in front of her children, then suffering the amputation both of her own hand and the hand of her six-year old child. Many witnesses described seeing teenage girls and women taken as "wives" by rebels.

One man recalled how, after being captured by rebels, his wife was raped by eight men in front of both him and his children. Later, this same man told of how the male captives were divided up into three groups, the first group locked inside a house and burned to death, the second group taken aside and either shot or cut to death, and the third group (his own) subjected to amputations. In addition to many other such stories that focused on these two themes, witnesses also recounted various other crimes that are equally emblematic of Sierra Leone's ten-year civil war.

A man from Kono district showed the court the inscriptions "AFRC" and "RUF" that were carved on his body after having been captured by a combined group of rebel and junta forces. Another man from Kono described being captured during a rebel attack on Koidu and taken to Tomodu, where he was forced to mine diamonds under gunpoint, fed only one plantain per day. Most witnesses recalled seeing houses and villages burnt by rebel forces, and told of rebels going from house to house stealing food and household goods.

Speaking to one of the principal charges in the indictment against the three defendants in this case, many witnesses also described seeing child soldiers among the rebels, some as young as five years old, working as guards, fighters, and rapists. In fact, one of the witnesses gave a first-hand account of having been captured by the rebels at the age of 12 and incorporated within a "Small Boys Unit" of a rebel group in the Northern Jungle. This witness, now seventeen years old, recounted various events that took place during the year and a half that he remained with this group.

In addition to introducing the Court to the crime-based evidence that will be presented during this case, these witnesses' testimonies also highlighted a few other themes that will undoubtedly be central to the prosecution's case during this trial. For example, most of the witnesses were asked to describe their understanding of who the "rebels" and the "RUF" were. In this regard, one witness stated that the RUF were those who started the war in 1991, while another described them as the men with guns who had rebelled against their country. They described how some wore full combat attire, some just civilian dress, and others a combination of the two.

Similarly, while the defence counsel's cross-examinations made a point of stressing the difference between the RUF, or rebels, and the AFRC, or junta forces, the prosecution, in keeping with the emphasis on "joint criminal enterprise" evident in their opening statement, seemed to stress the point, made firmly by one witness, that the rebels and junta worked "as one." In their examination of these first witnesses, the prosecution also began to lay the foundation for establishing the premise of command responsibility upon which their case rests. In this light, questions asked of witnesses drew out the names of the commanders within particular rebel groups. Witnesses were asked to recount how they knew these individuals were in charge of these particular groups, to give examples of incidents where their authority was demonstrated, and to describe the chain of command evident in these rebel groups. Aside from one relatively vague reference by a witness to "Colonel Issa," none of these witnesses' testimony specifically mentioned the three accused, but the commanders mentioned will undoubtedly be linked to the accused as the trial proceeds. As the prosecution sought to draw out such details, the cross-examination by the defence counsel for the three accused focused on highlighting inconsistencies between the witnesses' original statements and their testimony in court. These cross-examinations also pointed to the difficulty of distinguishing between rebels, junta and other fighters during the war.

Throughout these two weeks of witness testimony, the tension between the rights of the accused and the protection and comfort of the witnesses was clear. Although the prosecution and defence counsel, as well as the judges, were adamant in their intentions to remain sensitive to the witnesses' needs, they were also faced with the reality that, at times, the witnesses' needs directly conflicted with fair trial standards. This point was made particularly clear during one debate in which a witness was afraid of disclosing the exact places and locations associated with her testimony.

In response to her clear discomfort about discussing such details, a proposal was made for the witness to submit these pieces of evidence in writing. Defence counsel, however, was vehement in their opposition to such a proposal, insisting that this would preclude the possibility for a full and public cross-examination. Another issue that continued to surface during these last weeks is how to deal with traumatized witnesses and how to best address their needs in the courtroom. With this concern in mind, both prosecution and defence counsel agreed that one particularly traumatized witness should be allowed to forego verbal testimony, and to simply verify as true her original statement to the prosecution, re-read in the courtroom in her presence. In addition to this one extreme case, many of the other witnesses who testified verbally often broke down in tears in the midst of their testimony or otherwise exhibited severe discomfort, leading to adjournments that ranged from minutes to hours.

Yet another continuing topic of concern during many of these witnesses' testimony was the difficulty of eliciting precise information regarding times and dates. As most of them were unable to read and write, it became clear that many of the witnesses measure time according to seasons rather than within the framework of days and months. Much of the defence counsel's cross-examinations focused on highlighting inconsistencies in, or lack of knowledge about, the times and dates of the events recounted by different witnesses. The judges, however, were fairly regular in their reminders to counsel that they must phrase their questions in a way that would be both understandable and answerable by the witnesses. In fact, some of the judges' comments in this regard seemed, at times, to border on condescension, with them not only pointing out that

counsel must take into account the "illiteracy" of the witness before them, but must also remember their relative "unsophistication" and "unintelligence."

One final but alarming issue that arose this last week in the courtroom was an allegation, later dismissed by the Bench as ungrounded, relating to mis-treatment of family members of the accused. This allegation led to a fiery courtroom debate about the appropriateness of such a public accusation. On the morning of Thursday, 22 July, defence counsel told the Court that the previous day, family members had allegedly visited the accused during visiting hours and that upon leaving the detention center, these women were stripped and subjected to an intrusive vaginal search, a search carried out without authorization from the Chief of Detention. The following day, the Trial Chamber heard testimony from the Chief of Detention, Barry Wallace. Having investigated these charges with his staff and submitted a report on the matter via the Registrar, Wallace maintained that such an intrusive search was not the policy of the Court's Detention Unit, and that no such search had occurred. A vigorous debate then followed between the defence counsel and the Bench. Wayne Jordash, the attorney for the first accused who had initially tabled this matter before the Court, insisted that a full investigation must include discussions with the women who had made the allegations, and that the report submitted by the Chief of Detention was thus incomplete. This point was supported by counsel for the second and third accused. The debate in the courtroom, however, soon turned to the appropriateness of the defence counsel's submission of such allegations within the public setting of the courtroom. Each of the judges reprimanded the defence counsel at length, emphasizing that such a severe allegation should have been more fully investigated by the defence counsel prior to bringing it before such a public forum as the courtroom.

The judges repeatedly stressed the necessity to take into account the public nature of the Court proceedings, emphasizing that "we are very much concerned about the image of this Court." They reminded the counsel of the presence of both national and international press in the gallery, saying that now "it's in the headlines of the news for nothing." This heated debate continued for some time, with defence counsel insisting that they had acted appropriately in this regard. It eventually ended, however, with Presiding Judge Itoe telling the Chief of Detention that the Bench believed his testimony, and informing defence counsel that this matter should be (and should have been) dealt with through the Registry and not in the courtroom itself. As the trial moves into the next week, it will move into the final week of this trial session. The Court will be in recess throughout all of August and, upon resuming in early September, will switch back to the CDF trial. The RUF trial is set to resume in October.



**WSDHANDACENTER**  
FOR HUMAN RIGHTS & INTERNATIONAL JUSTICE  
Stanford University

This publication was originally produced pursuant to a project supported by the War Crimes Studies Center (WCSC), which was founded at the University of California, Berkeley in 2000. In 2014, the WCSC re-located to Stanford University and adopted a new name: the WSD Handa Center for Human Rights and International Justice. The Handa Center succeeds and carries on all the work of the WCSC, including all trial monitoring programs, as well as partnerships such as the Asian International Justice Initiative (AIJI).

A complete archive of trial monitoring reports is available online at:

<http://handacenter.stanford.edu/reports-list>

For more information about Handa Center programs, please visit:

<http://handacenter.stanford.edu>

---