



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

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Summary Continued cross-examination of Brigadier General John Tarnue by Counsel for the First Accused Cross-examination of Brigadier General John Tarnue by Counsel for the Second Accused Cross-examination of Brigadier General John Tarnue by Counsel for the Third Accused Forcible Conscripted of Child Soldiers Command Structure Exchange of Diamonds for Arms Conference Following the Abduction of UNAMSIL Peacekeepers

Summary

The testimony of two of the Prosecution's key insider witnesses was the focus of this week's RUF trial proceedings [1]. Two and a half days of trial were devoted to further cross-examination of Brigadier General John Tarnue, a former commanding general of the armed forces of Liberia and subsequent Assistant Chief of Staff (G3) (Planning and Operations) under Charles Taylor's regime (from October 1997 to January 2000). On Thursday, the Prosecution began its examination in chief of Witness TF1-167, which primarily related to the joint operations of the AFRC and the RUF at the time of their *de facto* rule of Sierra Leone during the junta period, their exit from Freetown thereafter and their subsequent attack on several towns in the Kono and Bombali Districts between February and June 1998 and May and November 1998, respectively [2]. The court adjourned early on Friday morning, when it was discovered that the witness was refusing to testify, allegedly due to illness. That same day, the witness's identity was revealed in a local Freetown newspaper, "The Exclusive" as being "Junior Lion" (Mr. George Johnson), a former leader of rebel militia splinter group the West Side Boys, calling into question the effectiveness of the court's witness protection measures in light of recalcitrant press.

Continued cross-examination of Brigadier General John Tarnue by Counsel for the First Accused

The defense continued its cross-examination of Brigadier General John Tarnue during the early part of this week. Counsel for the first accused, Issa Sesay, continued to focus on various discrepancies between the witness's *viva voce* testimony and his written and oral statements during interviews conducted by Dr. Alan White and other members of the prosecution between April 2003 and July 2004.

In particular, counsel for the first accused concentrated on the statements made by the General which placed Issa Sesay and Sam Bockarie at a meeting at Charles Taylor's residence when they had allegedly entered Liberia accompanied by approximately 1500 RUF soldiers in February / March 1998. General Tarnue had first made reference to Sesay accompanying Bockarie on this visit in a written statement which he made in July 2004. When questioned as to why he had not previously mentioned the presence of Issa Sesay, the General stated that he was expanding on previous testimony and had not been specifically asked about Sesay's presence previously.

Similarly, under examination-in-chief, the General had stated that around October 1992, Foday Sankoh had come to Charles Taylor's residence at Botham Hill, Gbarnga, along with Sam "Mosquito" Bockarie, Augustine Gbao and Ibrahim Gbar, bringing supplies in long, yellow, diesel trucks. The General had further stated that Sankoh had carried a mayonnaise jar filled with diamonds, which he had delivered to Charles Taylor. This was the only time during the General's testimony that he mentioned a specific shipment of diamonds from Sankoh to Taylor, a significant fact, given the shipment of diamonds in exchange for arms is a significant part of the Prosecution's case with regards to the funding of Sierra Leone's ten year civil war. At no stage had General Tarnue mentioned that Foday Sankoh had come to Liberia in October 1992 carrying diamonds prior to giving his testimony in court. The Witness claimed this was because he was never asked specifically about Foday Sankoh taking diamonds to Charles Taylor in Liberia in October 1992 [3].

Cross-examination of Brigadier General John Tarnue by Counsel for the Second Accused

Building upon various discrepancies in the witness's testimony pointed out by counsel for the first accused, counsel for the second accused sought to dismantle Tarnue's credibility and reliability as a witness by showing the tenuous link between General Tarnue and both Kallon and the events implicating Kallon as described in his testimony. Counsel for the second accused focused, *inter alia*, on a magazine article entitled "Bad Boys of West Africa" dated 19 June 2000, which the General had sent to an officer at the United Nations High Commission for Refugees (UNHCR) along with a letter seeking asylum when the witness fled to Ghana in 2002.

Counsel put it to Tarnue that much of the witness's testimony regarding Morris Kallon had been taken from this article, which the witness denied. Counsel further put it to Tarnue that he had no way of knowing that the arms shipments which had allegedly been collected by Sam Bockarie and Benjamin Yeaten (along with junior officers, including Kallon and Sesay) in 1993 were taken to the front lines of Sierra Leone, because the witness had not been privy to where these arms shipments had gone after being collected from Liberia. He further alleged that the witness did not know Morris Kallon, that the two had never met and that the only time he had seen Morris Kallon was when Kallon had accompanied Charles Taylor to a conference allegedly held at Roberts International Airfield in Monrovia, Liberia, to which the General retorted that they had met previously at Charles Taylor's residence in 1993.

A large part of counsel for the second accused's cross-examination also focused on discrediting Tarnue's personal credibility and implicating him in the command structure of the National Patriotic Front of Liberia (NPFL). Defense counsel implied that Tarnue held a position on par with, or senior to, the accused persons by pointing to his allegiance to Charles Taylor and his quick rise in rank to Brigadier General under the Taylor regime, a theme that would be reiterated by counsel for the third accused [4]. Tarnue responded that he had carried out his duties with dedication and commitment and that it was his professionalism which had allowed him to attain success. He added that he was proud of those he had trained as rebels in the NPFL. He subsequently retracted the reference to "rebels" in his statement.

Cross-examination of Brigadier General John Tarnue by Counsel for the Third Accused

During the cross-examination by counsel for the third accused of General Tarnue, the court witnessed some of its most heated exchanges since the trial session began. Drawing from the renowned common law doctrine of clean hands, counsel for the third accused began his cross-examination by stating that he sought to prove that the witness had come to the court with "unclean hands" and that, during the course of his cross-examination, he would be exploring General Tarnue's motives for participating in the proceedings as a witness for the Prosecution.

Counsel for the third accused divided his cross-examination into five main areas: (a) the forcible conscription of child soldiers; (b) the General's role in the command structure of the juntas; (c) both the General's and Gbao's alleged participation in arms and diamond shipments, and (d) the alleged attacks on UNAMSIL peacekeepers and humanitarian workers in Sierra Leone which allegedly occurred between about 15 August and 15 September 2000 [5]. Finally, defense counsel questioned Tarnue with regards to his links with the U.S. State Department, his torture by members of the ATU led by Charles Taylor's son, Chucky Taylor, and his own feelings of moral culpability for his part in a regime which supported a ten year conflict in Sierra Leone, ending his cross-examination by stating that Tarnue hadn't come to the court with clean hands, but with hands "smeared with the blood of thousands of people from this country".

Forcible Conscription of Child Soldiers

Counsel for the third accused questioned the General on the role which he played in the involuntary conscription of child soldiers and his involvement in the training of small boy units (SBUs) at the Camp Kanola training camp in Liberia. In his role as Assistant Chief of Staff (G3) (Planning and Operations), the General admitted that he was in charge of training several forcibly conscripted soldiers, including SBUs, and that he reported weekly to Charles Taylor on the "battle readiness" of these involuntary conscripts. When asked how he felt, as a Christian man, about the fact that his trainees could be subject to capital punishment if they didn't co-operate, the witness said that there was nothing he could do about it. Defense counsel for the third accused appeared to be creating a clear juxtaposition between the witness's part in the conscription of child soldiers and the part played by the third accused as a commander of the RUF Internal Defence Unit, reiterating his argument that the General had not come to the court with clean hands [6].

Command Structure

Counsel for the third accused divided the chain of command of the juntas into the following four categories in descending order of command: (A) Level 1: Military Policy (undertaken by Taylor and Sankoh); (B) Level 2: Advisory Command and Strategic Planning (a category which he said Tarnue fell into); (C) Level 3: Battlefield Command (undertaken by, among others, Yeaten and Bockarie) and (D) Level 4: Logistical Support (undertaken by, among others, Sesay).

Tarnue was extensively cross-examined on his part in the command structure of the NPFL and RUF. He admitted to being the commander responsible for training and subsequently organising into battalions the 292 men and boys (some of whom were forcible conscripts) who comprised the first wave of soldiers that attacked Sierra Leone on 28 February 1991. He further agreed that the division of troops constituted strategic command, but did not agree that this implied that he was a "Level 2" officer under the regime. Furthermore, he denied knowing that the 292 troops he had trained were being sent to Sierra Leone, instead alleging that he first became aware of this fact at the rallying meetings held on 25 and 26 February 1991. This was despite the fact that Foday Sankoh had visited Camp Namma with Charles Taylor in January of that year.

Exchange of Diamonds for Arms

Counsel for the third accused cross-examined Tarnue further with regards to the transfer and exchange of diamonds and goods for arms between members of the RUF and the NPFL [7]. In particular, defense counsel focussed on the witness's testimony with regards to the October 1992 visit to Taylor's executive mansion in Gbovel Hill, Gbangar at which Foday Sankoh, Sam Bockarie and Augustine Gbao had allegedly come by truck to deliver goods and diamonds to Taylor in exchange for arms. Under cross-examination, the witness agreed that he had not seen Gbao depositing or collecting arms during 1992, but that Gbao had come to Gbangar in his capacity as a security adviser.

Tarnue then went on to state that he had never been involved in the shipment of diamonds from Sierra Leone to Liberia. When asked whether he had ever been sent by Taylor to pick up Ibrahim Gbar, an alleged mediator and co-ordinator of the shipment of diamonds, he responded "only one time". Counsel for the third accused then read extensively from the witness's statement from interviews conducted by Dr. White on 9-10 April 2003, where the witness had described picking up Mr. Gbar on a number of occasions by using phraseology that implicated him in the normal course of diamond shipments to Liberia.

Counsel for the third accused also implicated Tarnue in the atrocities of the Sierra Leone war for his part in both the shipment of diamonds and the planning of the protection of the diamond-rich areas of the country. He alleged that Tarnue was aware that the diamond-rich Kono district in Sierra Leone was the scene of some of the worst atrocities of the war and that when he advised Charles Taylor to "fortify the diamond areas" in 1998, he had done so in the knowledge of what was happening there. Tarnue denied having knowledge of such atrocities nor having told Charles Taylor to do so, although he subsequently stated he had seen video coverage of the fighting in the Kono district.

Conference following the Abduction of UNAMSIL Peacekeepers

Under examination-in-chief, Tarnue had testified to having knowledge of a conference allegedly held in 2000 at Roberts International Airfield in Monrovia, Liberia, after UN peacekeeping troops were abducted by the RUF. Tarnue had alleged that the conference was attended by members of the RUF high command, including Issa Sesay and Augustine Gbao. Under cross-examination, Tarnue agreed that he could not say whether the third accused had anything to do with the abduction of the UN peacekeepers.

The witness's ability to identify Gbao's appearance and his attendance at the conference came into question when it became clear that the witness was unable to identify Gbao's correct height. Counsel read further from the witness's statements where he had alleged that Augustine Gbao was "a big man". The witness reiterated these sentiments in court by stating that Augustine Gbao was a big man, like me". The witness stated his height as being 5 ft 9 inches tall. When asked in court whether he would be surprised to know that Augustine Gbao was 5 foot 3 inches tall, the witness maintained that to him, Gbao was "still a big man".

Tarnue's links to the U.S. State Department and His Involvement in the Conflict

Finally, counsel for the third accused sought to question Tarnue extensively about his alleged links to the U.S. State Department and his involvement with the U.S. military attache to Liberia in 2001. In particular, counsel for the third accused seemed concerned with any information Tarnue had been asked to disclose with regards to his knowledge of links between the sale of diamonds outside Liberia and support of the terrorist group Al Qaeda, responsible for the bombing of the World Trade Center in New York in 1991 and its destruction in 2001.

After questioning Tarnue extensively about his involvement with the U.S. military attache to Liberia, counsel for the third accused then began a line of questioning relating to Tarnue's torture by members of the ATU, ordered by Charles Taylor's son, Chucky Taylor, in 2002.

After describing the torture suffered by the witness at the hands of Chucky Taylor, defense counsel put it to the witness that, when making allegations about the witness's close association with the U.S. military attache and the United States, that Chucky Taylor was not wrong. In what appeared to emerge from confusion as to what counsel had actually said, Judge Thompson took this to mean that counsel for the third accused was alleging that the torture of the witness by Chucky Taylor was not wrong. Counsel for the third accused took great offence to this accusation, calling the assertion by the bench, "with all due respect", ludicrous. After further heated

exchanges between Thompson and counsel for the third accused, court adjourned abruptly at the behest of Judge Itoe.

After seven full days of testifying, General Tarnue sat through his final two and a half hours of testimony on Wednesday morning. The witness became visibly distraught during his cross examination and accused counsel for the third accused of antagonising him, stating that counsel was “his brother” and shouldn’t be acting acrimoniously. He accused defense counsel of being happy that he had been tortured and said he had not been able to sleep the night before. After giving the witness extensive leeway to air his grievances, Judge Itoe finally wrapped his gavel on the bench, saying “this has to stop somewhere” and making reference to the fact that the witness was in “a court of law”, not “a market.”

Throughout his entire cross-examination, General Tarnue had been clearly evasive when answering questions, had often repeated questions several times and had, on a number of occasions, avoided questions altogether, giving answers that were neither relevant nor which answered the questions being asked. On several occasions, the judges reprimanded General Tarnue for refusing to respond to questions in a co-operative manner. At times, Tarnue appeared to be intentionally thwarting of the judicial process by engaging in circumlocution for the sake of it, rather than for any constructive purpose.

Examination-in-chief of Witness TF1-167

On Thursday morning, Witness TF1-167 began his examination-in-chief after a brief closed session in which his identity was revealed. Despite the court’s best efforts to keep the identity of the witness protected, which included screening the witness and using voice distortion techniques, local newspaper *The Exclusive* revealed the witness’s identity as “Junior Lion” (aka George Johnson), one of the leaders of militia group the West Side Boys, in a front page article published on Friday morning (15 October 2004). As of Friday, it was unknown how the court would deal with the actions of *The Exclusive*.

The witness primarily testified as to the events of the coup staged by junior officers of the junta in May 1997, the exit by the junta from Freetown in February 1998 and subsequent attacks and planned attacks on towns in, *inter alia*, the Kono and Bombali districts. It seemed apparent that the Prosecution had called this Witness primarily to show the alliance created between the AFRC and the RUF during the junta period to prove their case with regards to the joint criminal enterprise created and sustained between the two rebel militias. The witness also gave several explanations as to the nature of the command structure of the AFRC and the RUF, alleging on a number of occasions that both Issa Sesay and Morris Kallon had participated in a number of high level meetings planning the attacks on various towns in Sierra Leone.

Joint Criminal Enterprise

In what was a clear and succinct testimonial, Witness TF1-167 described the events that occurred during and immediately following the overthrow of the Kabbah government on 25 May 1997. After identifying the sixteen original coup members, each known as “honourables”, the witness described how the AFRC and the RUF joined forces shortly thereafter, with Johnny Paul Koroma allegedly contacting RUF leader Sam Bockarie “in the bush” and asking him to join the AFRC in Freetown.

The witness went onto describe how several members of the RUF, including Sam Bockarie, Dennis Mingu aka “Superman”, Issa Sesay and Morris Kallon emerged from the bush and joined forces with the AFRC. The witness stated that he heard Sam Bockarie subsequently went to

Kenema, where he was allegedly planning to take over the Eastern Province and the diamond-rich areas.

The witness alleged that, throughout the junta period, there were joint operations between the RUF and the AFRC, [including an attack on the Mammy Yoko Hotel on 2 June 1998]. He also alleged that there was an alliance between the RUF and the SLA and that the SLA were providing the RUF with arms and ammunitions from a shared military ordinance at Mollytown. Among others, three junior commanders in the SLA, "Bomb Blast", "Savage" and "SLA Rambo" were implicated in the operations during the junta period.

- 1.) Both witnesses have been categorised as Category "C" witnesses.
- 2.) On 25 May 1997, officers of the Sierra Leonean Army (SLA) staged a military coup ousting the Sierra Leonean President, H.F. Alhaji Dr Ahmed Tejan Kabbah, and establishing the Armed Forces Revolutionary Council (AFRC). This began the period known as the "junta period", which continued until the AFRC military regime was ousted from power in February, 1998 by an ECOMOG military intervention. The junta period is deemed to have ended on 12 February, 1998.
- 3.) We note that the alleged events pre-date the temporal jurisdiction of the indictment, which, at paragraph 16, states that "All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996". See *The Prosecutor v Issa Hassan Sesay, Morris Kallon and Augustine Gbao*, Amended and Consolidated Indictment dated 13 May 2004.
- 4.) Counsel for the second accused focused on the General's comparatively quick trajectory from captain to Brigadier General during his time of service to the NPFL, which took a period of just seven years, having only attained the rank of captain after eighteen years of service with the armed forces of Liberia.
- 5.) "UNAMSIL" stands for the United Nations Mission in Sierra Leone.
- 6.) Count 12 of the amended and consolidated indictment against the accused persons, charges each of Sesay, Kallon and Gbao for routinely conscripting, enlisting and/or using boys and girls under the age of 15 to participate in active hostilities. *The Prosecutor v Issa Hassan Sesay, Morris Kallon and Augustine Gbao*, Amended and Consolidated Indictment dated 13 May 2004.
- 7.) See Special Court Monitoring Program Update No.7 dated 8 October 2004.



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