



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

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Summary Witness Profiles at a Glance Insider Testimony on Alleged Relations between RUF and AFRC Points of Interest: Insider Witnesses and "Dancing with the Devil"

**Summary**

For the end of this week the prosecution focused on key insider witness, Gibril Massaquoi, who predominantly testified about the relationship between the AFRC and RUF, but also gave information about the command structure and operational strategy of both forces at various intervals during the war.

At the end of this witness's testimony, there are only two more witnesses scheduled to appear before the prosecution is likely to rest its case against the AFRC accused.

**Witness Profile at a Glance**

Witness TF1-046, Gibril Massaquoi, is a native of Kenema and speaks English, Mende and Krio. He is a Group 1, Category C insider witness, and he testified in English in open session. Notably, this witness willingly disclosed his identity to the public, though he continues to receive support from Witness and Victims Services.[1] His final rank in the RUF was Lt. Colonel. He also served as RUF spokesman and personal assistant to Foday Sankoh during the war.

**Insider Testimony on Alleged Relations between RUF and AFRC**

**Background Testimony on Early RUF Activities**

Mr. Massaquoi provided comprehensive information about his alleged experience with the RUF for the duration of the conflict, from 1991 when the rebel force first invaded Sierra Leone from Liberia, to the war's end in 2002. According to his testimony, he was one of many civilians "taken" by the RUF from a village in Pujehun District in May 1991. While Mr. Massaquoi testified that he was initially abducted by the RUF, and that he even attempted to escape, he told the court that he eventually rose through the ranks of the rebel fighting force and came to work closely with Foday Sankoh, Sam Bockarie and other alleged RUF leaders. Indeed, in 1997 Foday Sankoh appointed Gibril Massaquoi as official spokesman for the RUF.

Mr. Massaquoi's testimony shed light on the early days of RUF activity in eastern Sierra Leone and its close ties to Charles Taylor, then leader of the National Patriotic Front of Liberia (NPFL), which controlled the western portion of Liberia. The witness testified about RUF training camps in the western area of Liberia, where RUF Vanguard<sup>[2]</sup> prepared him and other captured civilians to fight in Sierra Leone. He also testified that Liberian commanders led operations from the western area of Liberia into eastern Sierra Leone.

The prosecution examined the witness for one and a half hours on the chronology of his movement and involvement with the RUF prior to the coup d'état and installation of the AFRC junta government on 25 May 1997. Most of this information pre-dates the period covered in the indictment and the existence of the AFRC, and thus was likely intended to provide context and background rather than evidence against the three RUF accused.

### **Foundations of Alleged Relationship between RUF and AFRC**

The prosecution moved on to explore the witness's knowledge of the alleged relationship between the RUF and the AFRC. Mr. Massaquoi claimed to have answered the phone when Johnny Paul Koroma allegedly called Foday Sankoh on 26 May 1997 (the day after the AFRC seized control of Sierra Leone), inviting the RUF to join the AFRC government in Freetown. He also stated that he was at Foday Sankoh's side when Sankoh made a radio broadcast telling RUF commanders to join the AFRC, take all orders from Johnny Paul Koroma, and "join your brothers for peace". This statement was allegedly aired on national radio and the BBC. The prosecution played a recording of it in court and entered the recording into evidence.

### **Meetings of AFRC Supreme Council in Freetown**

Mr. Massaquoi also testified that all three indictees were members of the AFRC Supreme Council and were present at three meetings in Freetown in August and September 1997. He described the Supreme Council as a body which made law and policy for the country, and he testified that he was one of the RUF representatives to the Supreme Council. Mr. Massaquoi also testified that the AFRC paid certain RUF commanders who served as members of the Supreme Council and ministers in the AFRC government.

The witness claimed that, during the first alleged Supreme Council meeting at Cockerill Military Headquarters, some commanders voiced concern about reports that Santigie Kanu (a.k.a. "55" or "Five-Five") and his men were looting civilian properties in Freetown. At the second alleged meeting at State House, the witness stated that members of RUF and AFRC high command discussed joint military deployments and strategy for bringing arms and ammunition from a stockpile in Burkina Faso into Freetown. According to the witness, alleged AFRC leader, Johnny Paul Koroma, worked with RUF commanders to carry out this plan. The third meeting was allegedly assembled but cancelled due to an attack on the military headquarters at Cockerill.

On the prosecution's motion, the bench admitted into evidence the minutes from an "emergency Supreme Council meeting", which the witness did not attend, but which allegedly lists the names of all members of the Supreme Council.<sup>[3]</sup>

### **Alleged Collaboration between AFRC and RUF after January 6 th Invasion**

Mr. Massaquoi testified that Alex Tamba Brima (a.k.a. "Gullit") was running the AFRC by the time of the 6 January 1999 Freetown invasion. He stated that he attended a meeting in early January 1999 led by Gullit, wherein it was established that Gullit was the AFRC First in Command and Chief of Defense Staff, Five-Five was the Chief of Army Staff, and Ibrahim Bazy Kamara (a.k.a. "Bazzy") was in charge of men & their equipment.

The prosecution focused the court's attention on various alleged radio communications between the RUF and AFRC leaders. The witness claimed that, immediately following the AFRC invasion of Freetown on January 6<sup>th</sup>, Gullit spoke with Sam Bockarie (a.k.a. "Mosquito") via radio communication, requesting RUF reinforcements and ammunition.

Mr. Massaquoi also described the AFRC and RUF's allegedly coordinated retreat from Freetown shortly after the January 6<sup>th</sup> invasion. He stated that he was present when Five-Five allegedly gave the order to "put the war candle" on Pademba Road in Freetown, which the witness explained meant set fire to the houses.<sup>[4]</sup> In the course of this allegedly coordinated retreat, Mr. Massaquoi claims to have found Bishop Ganda and several nuns on the floor in Five-Five's house, having allegedly suffered recent beatings. He also testified to seeing an AFRC fighter shoot and kill three nuns in Calaba Town. While the witness did not testify that any of the accused were present or gave the order for these killings, he claims that Gullit knew about them. However, neither the prosecution nor the defense inquired whether Gullit or any of the accused took action in response to this information.

### **Joint Operations and "In-fighting" Amongst RUF and AFRC**

According to the witness's testimony, coordination between the RUF and AFRC high commands was extensive and included radio communications concerning military operations, strategic planning for the import of RUF stockpiled arms and ammunition from Burkina Faso, international diplomatic relations, and representation at peace talks in Abidjan and Lome. On cross examination the witness stated that the RUF and the AFRC created a joint command structure called the Western Area Security Patrol (WASP), which was comprised of both SLA<sup>[5]</sup> and RUF fighters. He clarified that this was the only example of a joint command structure between the RUF and AFRC, and it was specific to the Western Area.

Mr. Massaquoi described various meetings of the RUF and AFRC high command to coordinate actions to retake Freetown, including plans for a two-pronged attack by an integrated RUF/AFRC force. Even so, the witness described numerous incidents of "in-fighting" between members of the RUF and the AFRC, or within the respective groups themselves. According to the witness, members of the RUF and AFRC high commands attempted to work together to resolve these tensions.<sup>[6]</sup> Again, Mr. Massaquoi testified that he and all three of the accused were present at these meetings.

Defense teams seized upon this description of "in-fighting" to show a lack of cohesion between the RUF and AFRC and dispute the prosecution's theory of a joint criminal enterprise between members of these two groups.<sup>[7]</sup>

### **Cross Examination**

The defense began its cross examination by attempting to expose the witness's own alleged involvement in war crimes and crimes against humanity. Defense counsel asserted that the witness had been warned by investigators that he was also a suspect, implying that he agreed to testify for the prosecution in order to escape indictment himself. Similarly, defense teams attempted to show that the witness was motivated to testify by other improper incentives, pursuing the familiar strand of cross examination on witness compensation, medical treatment, and reimbursement for transportation.

Defense counsel tried to show that the witness was biased against the AFRC by inquiring into the circumstances of his detention at Pademba Road Prison from October 1997 to January 1999.<sup>[8]</sup> Defense counsel exposed Mr. Massaquoi's feeling that he had been unjustly detained, and he ultimately admitted that he blamed the AFRC government for his detention.

Defense counsel also emphasized the witness's high-rank and deficient military training, attempting to illustrate the disorganization and lack of command structure in the rebel forces.

### **Points of Interest: Insider Witnesses and “Dancing with the Devil”**

The prosecution has called two key insider witnesses this month: George Johnson, a.k.a. “Junior Lion” and Gibril Massaquoi. Both of these witnesses are of crucial importance to the prosecution's case because they provide high-ranking, detailed insight into the alleged AFRC command structure, operational strategy and coordination with the RUF.

However, as former Special Court Chief Prosecutor, David Crane, has repeatedly said, working with these witnesses is like “dancing with the devil”. Insider witness testimony is integral to the prosecution's case, and it is unique because, unlike crime-based or victim testimony, the number of people who possess this knowledge and information is quite limited. But by definition, insider witnesses are high-ranking members of the fighting forces who are often implicated in the same crimes as the indictees.[9]

Like many insider witnesses, both George Johnson and Gibril Massaquoi initially came into contact with the court as suspects. The Chief of Prosecution cautions that the definition of a “suspect” under the SCSL statute is broad[10], and that many people who come before the court could technically be considered suspects if there is any evidence that they committed a crime under the statute.[11] The ultimate question is whether that individual “bears the greatest responsibility”. Thus, while it may have information that renders these individuals indictable, the prosecution has exercised its discretion to determine that they do not bear the *greatest* responsibility.

Once the prosecution makes this decision, and the individual shows himself willing to give a complete and honest account of the events as they occurred, the prosecution treats him as a witness rather than a suspect and he is afforded the support and protection necessary to facilitate his testimony.[12]

Moreover, insider witnesses usually face greater security risks than victim witnesses. This increased risk may be attributed to the sensitive information they are expected to provide, or to the sheer fact that they were high-profile figures during the war and continue to face rigorous and sometimes violent opposition. Regardless, the Witness and Victims Unit is prepared to offer these witnesses whatever protection they may need to ensure their safety.

Interestingly, both Mr. Johnson and Mr. Massaquoi voluntarily waived their identity protections and testified in full view of the public.[13] It is not clear what motivation lies behind this decision, and it may simply be that these men are identifiable by the uniqueness of their testimony, thus rendering identity protection futile. But their decision to testify publicly may also be perceived as a tactic for securing additional or longer-term witness protection and support. Indeed, although their waiver of identity protection measures is voluntary, their increased visibility may make it impossible for these witnesses to safely remain in the country, thereby pressuring the court to find a way to relocate them abroad.[14]

### **Points of Interest: Indictees Protest Installation of Closed Circuit Video Cameras**

None of the accused were present in court for the first day of Gibril Massaquoi's examination in chief. While the reason for their absence was initially unknown to the court, the bench accepted the accused's absence to be a waiver of their right to appear. It was eventually disclosed that the accused were protesting the installation of closed circuit video cameras throughout the detention facility. Information later circulated that one of the RUF accused had supposedly thrown a rock at one of the contractors installing the camera system, causing a head injury to the contractor and

resulting in the separate confinement of that individual detainee, which in turn gave rise to the protest.

- 1.) The bench insisted that the witness be brought into the trial chamber with all protective measures in place so that he may verbally waive these measures in person before the court. The witness said, "I see no reason why I should be behind any protection or any screen to testify because I am saying the truth." Gibril Massaquoi, Official Transcript, 7 October 2005, p. 4, lines 24-26.
- 2.) The witness explained that "Vanguards" were RUF fighters who had been trained by Foday Sankoh in Liberia. "Junior Commandos" were RUF fighters trained in Sierra Leone. "Special Forces" were RUF fighters trained in Libya.
- 3.) The Prosecution did not make clear for the record whether the names of any of the accused appeared on this list, but presumably this would be evident from the exhibit itself.
- 4.) On cross examination, the witness stated that the phrase "war candles" and "war lights" were both used by fighters in Freetown. Defense counsel read one of the witness's prior statements to investigators wherein he allegedly stated that he did not know who had given the order to burn houses in Freetown, or indeed whether there had been any official order at all.
- 5.) The witness frequently referred to "SLAs" or "soldiers", and he clarified that he meant former SLA soldiers that were fighting on behalf of the AFRC after the coup d'etat.
- 6.) It appears from the witness's testimony that Foday Sankoh's detention by ECOMOG forces in Freetown may have been the cause of much of this "in-fighting", as the absence of the supreme commander clearly affected command structure within the RUF. According to the witness, Sam Bockarie was essentially first in command of the RUF in Foday Sankoh's absence, and there were tensions between the imprisoned Sankoh, Bockarie, Dennis Mingo and Issa Sessay (all alleged RUF commanders). For example, he testified that Sam Bockarie sent a message to all RUF commanders not to take orders from Foday Sankoh.
- 7.) Defense counsel for the third accused referenced Mr. Massaquoi's draft book entitled "The Conflict", which notes various personality clashes and break downs in cooperation between the RUF and AFRC. Mr. Massaquoi said he has written 500 pages to describe the conflict, "to the best of my personal knowledge". He stated, "I want the world to know as early as possible the truth about what happened." Gibril Massaquoi, Official Transcript, p. 23, Lines 19-22, 11 October 2005.
- 8.) Mr. Massaquoi testified that RUF and AFRC commanders arrested him on suspicion of collaborating with the CDF to overthrow the AFRC government. He was detained at Pademba Road Prison in October 1997. He explained that, while he was in jail, President Kabbah's reinstated government charged and tried him for treason. Although the witness was acquitted on the treason charges, he was not released until the AFRC entered Freetown on 6 January 1999 and broke open the prison.
- 9.) At a recent SCSL Outreach event in Makeni, various questions were raised by members of the Sierra Leonean civil society as to why Gibril Massaquoi was not indicted, when he is perceived by the general public to have been a senior man in the RUF. Personal notes of the SCSL Chief of Press and Public Affairs, 12 October 2005.
- 10.) Suspect: "A person concerning whom the Prosecutor possesses reliable information which tends to show that he may have committed a crime over which the Special Court has jurisdiction

in accordance with Article 1 of the Statute.” Rule 2 ? Definitions, Rules of Procedure and Evidence.

11.) Luc Cote, Chief of Prosecution, in an interview on 12 October 2005.

12.) *Ibid.* Also note that the Lome Peace Accord signed in 1999 included an amnesty that pardons former combatants for actions taken in pursuit of their objectives up until the time at which the agreement was executed and accords them immunity from prosecution by the state in relation to those acts.

13.) Mr. Johnson voluntarily waived his identity protection after a local newspaper revealed his identity as an insider witness in a front page article. 18 October 2004 testimony of Witness TF1-167, George Johnson (aka “Junior Lion”) of the West Side Boys. When called to testify in Trial Chamber II almost one year later, Mr. Johnson again opted to testify without identity protection.

14.) All resettlement decisions hinge on acceptance by the host nation.