



U.C. BERKELEY WAR CRIMES STUDIES CENTER
SIERRA LEONE TRIAL MONITORING PROGRAM
WEEKLY REPORT

Special Court Monitoring Program Update #81
Trial Chamber II – AFRC Trial
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Summary

This week saw the conclusion of the Prosecution's cross-examination of the First Accused. The proceedings were adjourned on Thursday due to a lack of availability of defence witnesses.

Cross-Examination of First Accused

The Prosecution, through its cross-examination of the First Accused has put that the First Accused was only detained for a brief period in Colonel Eddie Town by his own troops but was released by SAJ Musa and served as SAJ Musa's second in command, leading troops in Colonel Eddie Town. The Prosecution disputed the First Accused's account of being threatened and shot by Junior Lion, another soldier from the Sierra Leonean Army and a West Side Boy. It was put to the First Accused that he had fabricated the story of being shot by Junior Lion because the latter had testified on behalf of the Prosecution and given damning evidence against the First Accused.

The Prosecution also put to the First Accused that it had not been in his best interests for the SLA to be re-instated. The Prosecution therefore suggested to the First Accused that he had been responsible for the death of SAJ Musa and that he had sought, with the help of the RUF, to overthrow the Kabbah government and secure himself a high-ranking position in an AFRC government. The Prosecution also attempted to show that the First Accused had directly participated in "Operation Spare No Soul" launched by the RUF in 1998. The First Accused has denied all of these allegations, including having had any sort of relationship with the RUF. He claims he has always disliked the RUF.

On Thursday the Prosecution put its case regarding the involvement of the First Accused in the January 6th 1999 invasion of Freetown to the witness. He continued to deny having been in Freetown, stating he had escaped from detention by SAJ Musa's troops and fled to Makeni. When asked about the terms "short sleeves" and "long sleeves" in relation to amputations committed during the conflict (referring to whether the whole arm was amputated or just the hand), he stated he was unfamiliar with these terms.

The Prosecution also dealt in some detail with the First Accused's allegations that he was only arrested by the Special Court to pressure him into giving evidence against Johnny Paul Koroma. The Prosecution sought to tender the original copy of the indictment signed by the First Accused, arguing that this demonstrated he had been indicted the day after being interviewed and therefore could not have been offered a deal in exchange for testifying against Koroma. The Court rejected the document, stating that the First Accused had already conceded that he had not been indicted purely because he had refused to give testimony.

Finally, the Prosecution has attempted to show the First Accused's involvement in diamond mining. A copy of a Special Court Declaration of Means form, allegedly signed by the First Accused on the 22nd March 2003 was shown to him on which his profession is noted as "diamond miner". The First Accused denied having ever seen the form and having ever personally been involved in diamond mining. He stated that his family had some involvement in diamond mining and he had on occasion assisted his mother and sisters with their mining ventures. The Prosecution attempted to press the point by asking about discussions the First Accused had had with his legal representatives regarding the Declaration of Means form but was prevented by the Court. The question put appeared to be straying into the territory of legal professional privilege.

Re-examination of First Accused

In her re-examination Defence Counsel for the First Accused concentrated on the documents tendered by the Prosecution during the course of cross-examination. She queried with the First Accused a document pertaining to his promotion to Staff Sergeant, a newspaper article naming him as a member of the AFRC Supreme Council and a document allegedly listing members of the 1997 AFRC cabinet. The re-examination was short and focused on the issue of the First Accused's identity, his low rank within the army and his medical conditions, which he has claimed made it impossible for him to have participated in the 1997 AFRC coup.

The Prosecution objected to a number of the questions posed, arguing that they addressed matters already covered in examination-in-chief. However, the Court took a broad view and overruled the objection, allowing all questions that related to issues raised in cross-examination.

Time concerns raised by the Bench in the conduct of proceedings

The Court has on a number of occasions urged the Prosecution to be more time conscious, and in particular to limit the amount of time spent reading extracts from the transcripts to the First Accused and asking questions relating to issues already accepted as evidence. Ultimately the Prosecution concluded its cross-examination earlier than anticipated. However, on Thursday afternoon the Court was forced to adjourn until the following Monday morning, as Defence Counsel informed the Court that the next defence witnesses had gone back to their homes and would not be available to give evidence until the following week.