

346

SCSL-03-01-T

12522

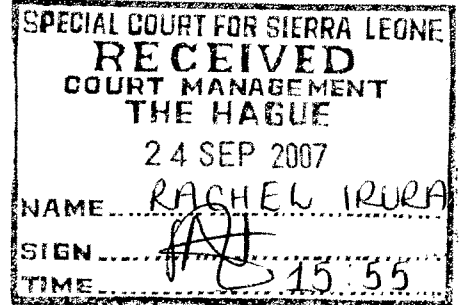
(12522-12543)

**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR  
Freetown – Sierra Leone**

Before: Justice Julia Sebutinde, Presiding  
Justice Richard Lussick  
Justice Teresa Doherty  
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Mr. Herman von Hebel

Date filed: 24 September 2007



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

---

**PUBLIC**

**PROSECUTION REPLY TO "DEFENCE RESPONSE TO 'PROSECUTION'S MOTION FOR  
ADMISSION OF MATERIAL PURSUANT TO RULES 89(C) AND 92BIS'"**

---

Office of the Prosecutor:  
Ms. Brenda J. Hollis  
Mr. Nick Koumjian  
Ms. Wendy van Tongeren

Defence Counsel for Charles Taylor:  
Mr. Courtenay Griffiths Q.C.  
Mr. Andrew Cayley  
Mr. Terry Munyard

## I. INTRODUCTION

1. Pursuant to Rule 7 of the Rules of Procedure and Evidence (“Rules”), the Prosecution files its Reply to the “Defence Response to ‘Prosecution’s Motion for Admission of Material Pursuant to Rules 89(C) and 92bis’”.<sup>1</sup>
2. In the Response, the Defence is prepared to consent to the admission of 9 documents<sup>2</sup> in the “Prosecution’s Motion for Admission of Material Pursuant to Rules 89(C) and 92bis”.<sup>3</sup> The Defence objects to the remaining documents on four grounds:
  - (a) the Motion was insufficient in form in that the Prosecution failed to highlight or excerpt the portions for consideration of admission by the Defence and the Chamber;
  - (b) the documents forming part of the Motion contain evidence of acts and conduct of the Accused and should be excluded from consideration;
  - (c) opinion evidence should be excluded; and
  - (d) video and audio evidence for which there is no translation should be excluded.
3. The first ground of objection is without merit. The Prosecution has sufficiently indicated the portions of documents it seeks to have admitted. Where the Prosecution has not indicated a portion of a document, the Prosecution seeks to have the entire document admitted.
4. As to the second ground of objection:
  - (a) the prohibition in Rule 92bis(A) related to the admission of “proof of acts and conduct of the accused” does not apply to the documentary evidence tendered in the Motion, with one exception, namely Exhibit 1.306 where the Prosecution is prepared to concede to the Defence redactions on pages 8984, 8985, and 8987, and withdraws from consideration by the Chamber those redacted portions;
  - (b) assuming *arguendo*, the prohibition does apply to this documentary

---

<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-337, Defence Response to the “Prosecution’s Motion for Admission of Material Pursuant to Rules 89(C) and 92bis”, 10 September 2007 (“Response”).

<sup>2</sup> The documents agreed upon are maps of various locations.

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-PT-241, Prosecution’s Motion for Admission of Material Pursuant to Rules 89(C) and 92bis, 16 May 2007 (“Motion”).

evidence, the prohibition applies only to information that goes to the proof of acts and conduct of the *Accused*, not to the proof of acts and conduct of *others*; and

- (c) even if not admissible under Rule 92bis(A), the documents are clearly admissible under Rule 89(C).
5. As to the third ground of objection, opinion evidence may be admitted for purposes such as notice.
  6. As to the fourth ground of objection, the Prosecution concedes that audio and video tape evidence must be translated into the language of the Tribunal.

## II. APPLICABLE LAW

7. Rule 92bis(A) as amended on 14 May 2007:

(A) **In addition to the provision of Rule 92ter**, a Chamber may, in lieu of oral testimony, admit as evidence in whole or in part, information **including written statements and transcripts, that do not go to the proof of the acts and conduct of the accused.** (emphasis added to indicate amendments)

8. Rule 89(C) provides: “A Chamber may admit any relevant evidence.”

## III. INSUFFICIENCY OF THE MOTION

9. The Defence erroneously asserts that the Prosecution has not specified which portions of the material it seeks to have admitted. Paragraph 14 of the Motion refers to Annex A which sets out information about the document and the relevance of the documents. Annex A is an index in chart form which organizes the description of the material. Where the Prosecution seeks admission of only a part of the document, the relevant parts are specified in the column “Title/Description”. For example, for document number 1.091, at page 3 of Annex A, the Prosecution specifies that it seeks admission of only pages 4, 5, 10, 11, 15, 22, 25, 33-35, 37, 38 and, therefore, only those pages are annexed to the Motion. At page 5 of Annex A, for document number 1.130, a video-tape, the Prosecution specifies that it seeks admission of minutes 22:50 to 30:56. Where the Prosecution does not specify part(s) of the material, we seek admission of the material in its entirety. For material for which the Prosecution seeks admission of only a part, the Prosecution requests that only the portion of the material specified be admitted into evidence.

#### IV. APPLICATION OF RULE 92BIS(A) TO THE DOCUMENTS IN THE MOTION

10. With one exception,<sup>4</sup> all of the documents which are the subject of the Motion are not subject to the prohibition on proof of the acts and conduct of the accused set out in amended Rule 92bis(A).

##### *History of the Rules*

11. Rule 92bis was originally formulated at the International Criminal Tribunal for the former Yugoslavia (“ICTY”) and the International Criminal Tribunal for Rwanda (“ICTR”) as a method to admit a statement or previous testimony of a witness in lieu of compelling the witness to testify live. Subsequent amendments to this Rule, Rules 92ter and 92quater, also involved admission of witness statements or testimony in lieu of calling the witness to testify.
12. Rule 92bis at the Special Court of Sierra Leone (“SCSL”) took on certain of the features of their predecessors at the ICTY and ICTR with some modification to meet the interests of this court. The Rule was modified in an attempt to simplify the admission of testimony from the Truth and Reconciliation Commission and other bodies that had already collected testimony and evidence related to these crimes. This is described in the *Fofana* Decision.<sup>5</sup>

SCSL Rule 92bis is different to the equivalent Rule in the ICTY and ICTR and deliberately so. The judges of the Court, at one of their first plenary meetings, recognized a need to amend ICTR Rule 92bis in order to simplify this provision for a court operating in what was hoped would be a short time-span in the country where the crimes had been committed and where a Truth and Reconciliation Commission and other authoritative bodies were generating testimony and other information about the recently concluded hostilities. The effect of the SCSL Rule is to permit the reception of “information” – assertions of fact (but not opinion) made in documents or electronic communications – if such facts are relevant and their reliability is “susceptible of confirmation”. This phraseology was chosen to make clear that proof of reliability is not a condition of admission: all that is required is that the information should be capable of corroboration in due course.[...]

##### *May 14, 2007 Amendments to Rule 92*

13. The amended rules were published on 21 May and distributed by email on 22 May 2007. There has been no judicial interpretation of amended Rule 92 since it came into effect.
14. The Prosecution submits that the prohibition in Rule 92bis(A) related to admission

<sup>4</sup> Exhibit 1.306 is a statement taken on 11 February 1999 by the Sierra Leonean Police.

<sup>5</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73, Fofana – Decision on Appeal Against “Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence”, 16 May 2005, para, 26 (“*Fofana* Decision”).

of “proof of the acts and conduct of the accused” is applicable only to written statements and transcripts and not to the other types of “information” contemplated by Rule 92bis(A), such as reports prepared by the Truth and Reconciliation Commission or Non-Governmental Organizations.

- (a) First, the language of the Rule itself leads to this conclusion. The pre-May 2007 wording of the Rule, namely, “a Chamber may, in lieu of oral testimony, admit evidence in whole or in part, information”, remained intact after the amendment. The amendments added the language, “including written statements and transcripts, that do not go to the proof of the acts and conduct of the accused”. The prohibition on admission of “proof of the acts and conduct” was intended to apply to the newly added language concerning written statements and transcripts.
- (b) Secondly, this interpretation of the language of this sub-rule is strengthened by the fact that the two other newly drafted sub-sections, Rule 92ter and Rule 92quater also relate to admission of witness statements or prior testimony in written form.<sup>6</sup>
- (c) Thirdly, the grammatical structure of the phrase “do not go to the acts and conduct of the accused” proves that the prohibition was only intended to apply to written statements and transcripts and not to all information. If the authors had intended the prohibition to cover all “information” the language would have been “does not go to the proof of the acts and conduct of the accused.”
- (d) Finally, to apply the limitation on proof of the acts and conduct of the accused to all documentary evidence, would lead to obviously unjustified and unreasonable results. For example, evidence such as an accused’s written order to commit crimes against humanity, or a videotape of an accused engaged in criminal conduct would be barred by Rule 92bis(A). Such evidence is relevant, susceptible of confirmation and subject to

---

<sup>6</sup> 92ter, *Other Admission of Written Statements and Transcripts*; 92quater, *Unavailable Persons*.

challenge by the Accused.<sup>7</sup> Its admission would assist the finder of fact in its truth seeking function and would not violate the rights of the Accused. Accordingly, the language of the Rule should not be interpreted to exclude such evidence.<sup>8</sup>

#### V. ACTS AND CONDUCT OF THE ACCUSED

15. Assuming *arguendo*, the limitation regarding admission of proof of acts and conduct of the accused does apply to the types of documents the Prosecution seeks to have admitted, the term “acts and conduct of the accused” should be strictly interpreted. The plain language of Rule 92bis prohibits admission only of “acts and conduct of the accused.” It would not include statements, admissions, confessions of an accused, but rather only his “deeds and behaviour”.<sup>9</sup>
16. Nor does the prohibition apply to the acts and conduct of others.<sup>10</sup> The jurisprudence of the ICTY has found that there is a: “clear distinction [to be] drawn ... between (a) the acts and conduct of those others who commit the crimes for which the indictment alleges that the accused is individually responsible, and (b) the acts and conduct of the accused as charged in the indictment which establish his responsibility for the acts and conduct of those others. It is only a written statement which goes to proof of the latter acts and conduct which Rule 92bis(A) excludes from the procedure laid down in that Rule.”<sup>11</sup> As noted in the *Galić* Decision

<sup>7</sup> *Prosecutor v. Norman, Fofana, Kondewa*, Case No. SCSL-04-14-T, Decision on Prosecution’s Request to Admit into Evidence Certain Documents Pursuant to Rules 92bis and 89(C), 14 July 2005, p 2, para 2.

<sup>8</sup> Exhibit 1.058 is an example of this type of document. It is a situation report, written by the Black Guard Commander to Foday Sankoh, in the normal course of business activities. This document discusses ongoing activities at the time of the armed conflict from the point of view of those involved and was not written in anticipation of litigation. This document should be admitted and weighed within the context of other evidence elicited at the trial.

<sup>9</sup> “Noting that in defining what constitutes the evidence which goes to prove acts and conduct of the accused, the Chamber takes guidance from the case-law of the ICTY, where it was held that the phrase ‘acts and conduct of the accused’ is a plain expression and should be given its ordinary meaning: deeds and behaviour of the accused” and that the fact of the conduct being that of co-perpetrators or subordinates is relevant in determining if cross examination should be allowed and not in deciding if a document should be admitted. *Prosecutor v. Milosević*, Decision on Prosecution’s Request to have Written Statements Admitted under Rule 92bis, 21 March 2002, para 22.

<sup>10</sup> While this mandatory prohibition does not apply to anyone other than an accused, the Prosecution concedes that a Trial Chamber retains discretion to exclude a written statement going to the acts and conduct of key accomplices when such conduct is central to the charges against an accused. See *Galić*, paras 13-16.

<sup>11</sup> *Prosecutor v. Karemera*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, App. Ch., 16 June 2006 (“*Karemera* Appeals Decision”), para. 52, citing *Galić* Decision, para. 8-9.

referred to in the *Karemera* Appeals Decision, any other interpretation of this rule “would effectively denude it of any real utility.”<sup>12</sup>

*Rule 89(C) and Rule 92bis*

17. Although the practice has developed over time at the SCSL that parties have relied upon Rule 92bis to admit documentary evidence in forms other than witness statements and testimonies, Rule 89(C) provides the fundamentally principled rule for the admission of evidence including documentary, audio and video evidence. As discussed above, an examination of the language of Rule 92bis as it has been amended indicates that the Rule remains focused on the admission of witness statements and testimony, not on documentary evidence such as the Prosecution seeks to have admitted in its Motion.
18. By its own terms, Rule 92bis(A) only applies to evidence “in lieu of oral testimony.” Thus it appears that the Rule was only intended to apply to evidence that was offered to replace what might normally be proven through *viva voce* witnesses and therefore would not apply to most forms of documentary evidence, such as those that are the subject of the Motion. Even those few documents submitted by the Prosecution which are in the format of a written statement or testimony, such as Exhibit 1.327,<sup>13</sup> were not created as part of the investigative process in this prosecution nor prepared for the purposes of these legal proceedings. The jurisprudence in other international tribunals has recognized this as an important distinguishing characteristic in determining the applicability of Rule 92bis limitations.<sup>14</sup>
19. The Prosecution submits that even if the court finds that any of the documents that were the subject of the motion do not meet the requirements for admission of Rule 92bis, the documents should be admitted under Rule 89(C) as the documents are clearly relevant, they were not prepared in anticipation of this litigation and they are

---

<sup>12</sup> *Ibid.*

<sup>13</sup> Exhibit 1.327, Congressman Frank Wolf’s Testimony before the Subcommittee on Trade of the House Committee on Ways and Means Hearing on Conflict Diamonds is not testimony created for legal proceedings and is not offered in lieu of oral testimony.

<sup>14</sup> In the *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal concerning Rule 92bis(C), App. Ch., 7 June 2002 (“*Galić* Decision”), at para. 28: “Rules 92bis(A) and 92bis(C) are directed to written statements prepared for the purposes of legal proceedings.[...]”, and at para. 31: “But Rule 92bis has no effect upon hearsay material which was not prepared for the purposes of legal proceedings.”

not intended to replace *viva voce* witnesses.

*Non Expert Opinion Evidence*

20. The Prosecution concedes that non expert opinion evidence is not admissible for the truth of its contents pursuant to Rule 92*bis*.<sup>15</sup> The Prosecution also concedes that while there is opined information in the Exhibits tendered, such evidence may be admissible on issues other than the proof of the opinion, such as notice to the Accused.<sup>16</sup> Where the Prosecution believes that a document is relevant for such purposes this is indicated.

*Video and Audio tapes*

21. The Defence objects to the admission of video tapes where the language is Krio and has not been translated.<sup>17</sup> The Prosecution concedes that translation is a requirement and has therefore provided an unofficial translation of Exhibit 1.132, as Annex A. The transcript includes translation of the Krio excerpts the Defence referenced in its Response.<sup>18</sup>

## VI. CONCLUSION

*Defence Redactions*

22. The Prosecution has reviewed the information redacted by the Defence in the framework of amended Rule 92*bis*(A) as interpreted above and asks that the portions redacted in the witness statement Exhibit 1.306 be withdrawn for consideration but that the remaining information in that Exhibit be admitted. All remaining documents or portions thereof which have been redacted are not witness statements or testimony, thus are not limited by the restrictions of that Rule. However, the Prosecution accepts certain of these redactions on general principles of cooperation and fairness and, as set out below, withdraws the redacted portion from the Chamber's consideration for admission:

---

<sup>15</sup> Fofana, para. 26. See also Response, para. 5.

<sup>16</sup> Guided by general principles of cooperation and fairness, the Prosecution has conceded to the Defense's request for redactions of several documents including newspaper articles which contain opinion or conclusion statements and has withdrawn requests for admission of those redactions.

<sup>17</sup> Exhibit 1.132.

<sup>18</sup> Please note that the translation is unofficial, as performed by a member of the Prosecution team.



- i) Exhibit 1.081 with a redaction at pages 8040 and 8042, we withdraw for consideration ONLY the references to “the leader of Monrovia” and “the leader” contained in the redaction as suggested by the Defence,
- ii) Exhibit 1.091 as redacted by the Defence on page 8434, 8437, 8438, 8439, 8440, (but not 8435),
- iii) Exhibit 1.093 as redacted by the Defence on page 8452,
- iv) Exhibit 1.156 as redacted by the Defence on pages 8111, 8112, 8113,
- v) Exhibit 1.161 as redacted by the Defence on pages 8488,
- vi) Exhibit 1.162 as redacted by the Defence on pages 8490, 8491,
- vii) Exhibit 1.164 as redacted by the Defence on pages 8498 and 8499,
- viii) Exhibit 1.165 as redacted by the Defence on pages 8500, 8501, 8502,
- ix) Exhibit 1.193 as redacted by the Defence on pages 8572,
- x) Exhibit 1.210 as redacted by the Defence on pages 8548,
- xi) Exhibits 1.275 as redacted by the Defence on pages 8605, 8611, 8617, 8619,
- xii) Exhibit 1.277 – we withdraw for consideration ONLY references to NPFL on pages 8683, 8685, 8686, 8687, 8688, 8730 – 8741, 8757 – 8773 and 8810-8817,
- xiii) Exhibit 1.306 – we withdraw for consideration ONLY the redactions at page 8954 and 8955 and not 8957,
- xiv) Exhibit 1.313 as redacted by the Defence on page 9183,
- xv) Exhibit 1.327 as redacted by the Defence on page 9194,
- xvi) Exhibit 1.333 as redacted by the Defence.

Assuming *arguendo*, the limitation on admissibility is applicable to these redacted documents or portions thereof, the Defence redactions of the following should be rejected as they are not proof of the acts and conduct of the Accused, and the documents in their entirety should be admitted:

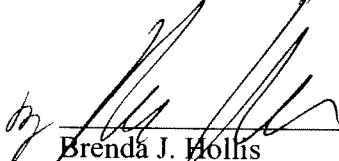
- i) Exhibit 1.064 as redacted by the Defense at pages 8007 and 8008,
- ii) Exhibit 1.074 as redacted by the Defense at pages 8428 and 8429,
- iii) Exhibit 1.085 as redacted by the Defense at pages 8055,
- iv) Exhibit 1.091 as redacted by the Defense at pages 8435, (query 8440),
- v) Exhibit 1.092 as redacted by the Defense at page 8448,
- vi) Exhibit 1.094 as redacted by the Defense at page 8483,
- vii) Exhibit 1.150 as redacted by the Defense at page 8473,
- viii) Exhibit 1.156 as redacted by the Defense at pages 8080, 8099, 8100,
- ix) Exhibit 1.157 as redacted by the Defense at page 8124,
- x) Exhibit 1.197 as redacted by the Defense at pages 8519 and 8520,
- xi) Exhibit 1.200 as redacted by the Defense at page 8528,
- xii) Exhibit 1.201 as redacted by the Defense at page 8531,

- xiii) Exhibit 1.202 as redacted by the Defense at page 8533,
  - xiv) Exhibit 1.204 as redacted by the Defense at page 8537,
  - xv) Exhibit 1.275 as redacted by the Defense at page 8600,
  - xvi) Exhibit 1.277 as redacted by the Defense, other than references to NPFL,
  - xvii) Exhibit 1.288 as redacted by the Defense at page 8840,
  - xviii) Exhibit 1.294 as redacted by the Defense at page 8846,
  - xix) Exhibit 1.297 as redacted by the Defense at page 8848,
  - xx) Exhibit 1.394 as redacted by the Defense at page 8883,
  - xxi) Exhibit 1.396 as redacted by the Defense at page 8888,
  - xxii) Exhibit 1.397 as redacted by the Defense at page 8893,
  - xxiii) Exhibit 1.398 as redacted by the Defense at page 8896.
23. Where there is evidence in the documents tendered of the acts and conduct of the men identified in paragraph 12<sup>19</sup> of the Response that are central to the proof of the allegations, the Prosecution asks that the Chamber admit the exhibits with a view that matters of weight be addressed in the course of the trial. If there is close proximity at the relevant time to which the document alludes and the subject matter is central, the Chamber may exercise its discretion to admit the evidence and not to rely on the contents without corroborative proof elicited during the course of the trial.
24. In addition, the Prosecution requests the Trial Chamber admit Exhibit 1.058 with this caution in mind.<sup>20</sup>
25. Save where a concession has been made by the Prosecution as set out herein, the Prosecution requests that the Trial Chamber admit the documents as requested in the Motion.

Filed in the Hague,

24 September 2007

For the Prosecution,

  
\_\_\_\_\_  
Brenda J. Hollis  
Senior Trial Attorney

<sup>19</sup> Namely: Sam Bockarie, Johnny Paul Koroma and Foday Sankoh.

<sup>20</sup> See Footnote 8.

## INDEX OF AUTHORITIES

SCSL*Prosecutor v. Taylor* – Case No. SCSL-03-01

*Prosecutor v. Taylor*, SCSL-03-01-PT-241, Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92bis, filed on 16 May 2007 ("Motion").

*Prosecutor v. Taylor*, SCSL-03-01-T-337, Defence Response to the 'Prosecution's Motion for Admission of Material Pursuant to Rules 89(C) and 92bis', 10 September 2007 ("Response").

Other Cases*Prosecutor v. Norman et al.* – Case No. SCSL-04-14

1. *Prosecutor v. Norman et al.*, SCSL-04-14-AR73-398, Fofana – Decision on Appeal Against 'Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence', 16 May 2005.
2. *Prosecutor v. Norman et al.*, SCSL-04-14-T-447, Decision on Prosecution's Request to Admit into Evidence Certain Documents Pursuant to Rules 92bis and 89(C), 14 July 2005.

ICTR Cases

3. *Prosecutor v. Karemera*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, App. Ch., 16 June 2006.

<http://69.94.11.53/default.htm>

ICTY Cases

4. *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal concerning Rule 92bis(C), App. Ch., 7 June 2002.

<http://www.un.org/icty/cases-e/index-e.htm>

5. *Prosecutor v. Milosevic*, Case No. IT-02-54, Decision on Prosecution's Request to Have Written Statements Admitted under Rule 92bis, Tr. Ch., 21 March 2002.

<http://www.un.org/icty/milosevic/trialc/decision-e/20321AE517364.htm>

**ANNEX A**

**Kono After the ARC-RUF Retreat**  
**Exh. 1.132, D0000067, formerly EV0158**  
**Footage shot for SLBS-TV**  
**Total Time: 39:50**

**0:00-0:54**

**Fighting**

- *Title: "Kono After the AFRC-RUF Retreat.*
- *Various battle scenes. People talking in Krio.*

**0:54-1:29**

- *A driving vehicle shows burned out buildings and vehicles.*
- *Images of victims are also interspersed.*

**Voiceover:**

The rebel war which started in Sierra Leone in 1991 has had devastating effects on the lives of Sierra Leoneans. The destruction of private and public property, the maiming and amputation and killing of innocent and defenseless civilians have since been the order of the rebel movement in the country. This situation has ever continued in the nation that was once regarded as the most peaceful.

**1:30-2:31**

**Images of fighters, both junta and ECOMOG.**

**Voiceover:**

As if these vices weren't enough for the poor Sierra Leoneans, the unfolding merger between the RUF and the Sierra Leone Army on May 25<sup>th</sup>, 1997 compounded the suffering of the people, both in the cities and the rural areas. Looting, commandeering of vehicles, maiming, raping, and of course killing of civilians became the order of the day by the junta. The atrocities continued until the West African Monitoring Group, ECOMOG, on the 12<sup>th</sup> of February 1998 flushed the marauders out of the city, Freetown. The ejection of the Junta from the city resulted in an all out rampage in the rural areas and the major cities in the region. As ECOMOG continued to dislodge them, the Junta declared an Operation code-named Operation No Living Thing, destroying whatever their path lies.

**2:31-3:05**

**Destruction images.**

**Voiceover:**

Kono District in eastern Sierra Leone, a diamond-ferous area in the country, was never spared in the state of destruction, killing and maiming. Apart from killing innocent civilians, every infrastructure was destroyed.

**3:05-4:37****Sewafe bridge images.**

Voiceover:

The Sewafe bridge is the main gateway that links Kono District to the rest of the country. The bridge was cut off by the fleeing AFRC-RUF bandits in an effort to prevent the entry of the Nigerian-led ECOMOG into the district.

The civil defense forces in the area were prompt to come to the aid of the people in the districts, by resurfacing and refilling the gaps so that the Western African peacekeepers will be let in and liberate the people. St. Francis Gbondo is the CDF coordinator of Kono.

**4:37-5:14****Interview with CDF Coordinator, St. Francis Gbondo**

Gbondo:

From 8-23 March, there was a serious fight here: the Kamajors, Donsos, and the Juntas. They (Juntas) tried to “bridge off” the bridge so they could make Koidu the next Gbarnga in Liberia, but we did not give them a chance. All the times that we came here, we tried to dislodge them so that they will not cause havoc on this bridge, but sometimes they would overpower us, but we did not allow them to engage their full power here. You could even see the machine they were using.

**5:14-5:25****Market in Kono, lots of people talking.****5:25-6:34****More burned down buildings.**

Voiceover:

Njaiama Sewafe is about 45 kilometers from Koidu town with over 15,000 displaced persons from Kono and its environs. Gborie Yamba is the senior town chief. He expressed appreciation at the efforts being made by the Kono district’s emergency task force and called on them to continue to make further contracts with governments and international organizations for the people in that district.

**6:34-8:10****Interview with Town Chief, Gborie Yamba (in Krio).**

Yamba:

I am not sure whether the government is thinking about us. Over 15,000 people are living in Njaiama Sewafe right now. People came from the bush. There is no food, no medicine, people are dying every day. In fact, here now we have had about 30-something children who have died because there are no medicines, no food, malnutrition has taken hold. So we are begging you to talk to the government for them to think about us. We are here, we do not have food and we all came out of the bush.

Interviewer:

So what can you tell us about the situation, security-wise (from the point of view of security)?

Yamba:

In terms of security, the Kamajors are doing well together with ECOMOG, but at the moment, the Kamajors are short of food. If the government is ready to assist them to clear this area. If we are able to stay here today, it is because the Kamajors and ECOMOG were able to clear here. Right now, the Sierra Leone Army (SLAs) are maiming people, they are cutting people, they are damaging people, so we are begging...

Interviewer:

In fact, that reminds me, when you said they are maiming people, what about houses?

Yamba:

As regards houses, they burn all the houses in every village that they attack—all the villages around here. The last one ... we do not want SLAs here. When they are deployed in Lebara, they have attacked and given the ammunition to the Juntas. In Masabendu Junction, they killed over 35 people in the past few days and burned all the houses there. So we are begging, we do not want SLAs here. It is better for us to remain with ECOMOG and the Kamajors because these are the ones who sympathised with us. The Salone man (SLA) who after doing bad things and he surrenders will come again to do more bad things. And I heard a threat from someone (a man) that, they will continue to burn this place until we (residents) go and report to Tejan Kabbah, for him (Tejan Kabbah) to come and solve our problems. So we do not want them here. We have already protested here to Captain Kollehjoh that we do not want them here. They did not agree to our protest demands; they deployed them all around here. Now they have damaged all our towns, but if the government is prepared to consider our situation, it will be good.

### **8:10-9:12**

#### **Bumpeh**

Voiceover:

Bumpeh is another town that suffered at the hands of the fleeing AFRC-RUF bandits. And it is just four kilometers from Koidu town. Aiah Lebbie is the acting paramount chief.

### **9:12-10:00**

#### **Interview with Acting Paramount Chief, Aiah Lebbie (in Krio)**

Lebbie:

I am thankful to the task force who have done all of this for us, because we know that they are really thinking of us civilians who are suffering here. I am not going to talk too much because of the time, but I will say on behalf of all the Nimikoro people who are here that I am thankful to them and that whatever is presented to us here today will be utilized for the people so that everybody gets his accordingly.

**10:04-13:53**

**Interview with a Kamajor.**

Voiceover:

A member of the Civil Defence Forces based in the district, describes the security situation in the area as 90% guaranteed.

~10:16 CDF:

The situation for now, you see, from Sewafe on to Koidu town, I would say we can give 90% security assurance that it's safe. The only thing I wish to emphasize on this: Sierra Leone surrendered Junta were deployed. After we fought from Sewafe onto Koidu town, all those villages were empty; no deployments were there, no Kamajors, no soldiers, there were no problems there. Civilians were walking this route from Sefadu to Koidu and back, every now and then. But two weeks immediately after soldiers were deployed there, we started encountering problems.

Interviewer:

Which soldiers?

CDF:

Sierra Leone soldiers (SLAs).

Interviewer:

So what are they doing exactly?

CDF:

Well you see, just imagine, deployment is made here within my area of responsibility, then somebody comes here and we hear a gunshot. Before I could go to find out what was happening, they had all retreated, and so...if we go and see where they have fought, you find 1, 2 or 3 magazines with ammo scattered about, which is just surprising that they came to come and collect supplies. So even in my home village called Egbeda, they killed 51 people there.

Interviewer:

So as a Kamajor in this area, what have you done to rescue this kind of situation?

CDF:

Well, we had demonstrated before against the deployment of these soldiers here, but you see we have authorities. The ECOMOG major here, Major Salwam told us that the government gave him these people to come with, and if that was the case, we cannot do otherwise. So we just have to accept them. Government is not stupid, so we wrote a formal report to Hinga Norman, which we copied to the Brigade Major here, we copied Major Tanko, we copied all authorities concerned, but they still shunned us. They just moved the people (SLAs) over and deployed them, then problems started, and up to date, these people...one week back, they came and attacked the people of Masabendu and killed 38 of them.



Interviewer:

But as Kamajors, what can you tell us about the spirit you have to put an end to this problem?

CDF:

We are all in high spirits. Everybody is ready to fight. From Sandor, we have 3,000 hunters. The only problem or reason they have been sitting in Sewafe is because they are waiting for cartridges. If there are cartridges, they all will be able to use their single-barrel guns, as they have one each. Every hunter in Sandor has a single-barrel, and we will not be able to go along with automatic rifles when the men do not have their cartridges, so as we have been waiting all along, we thank God. May God bless you people too for taking your time, make all effort and risk your lives to come here.

Now that you have come here today, I believe that we will start the advance tomorrow. We do not have any time to waste. We will advance for Sandor Chiefdom. We are advancing on three fronts: we will advance through Sandeya, we will advance through Masabendu Junction, then I will come with other Kamajors from Egbeda with whom I will advance so that when our men hit them, when they are attacked from the back, when they are retreating, they will come and fall into my own ambush. So all along it was just this cartridge (problem). Food, if it comes, OK, that's fine, if it doesn't come, that's OK, we are in the bush. We eat what we can find in the bush. Thank you.

**13:53-14:48**

**Destruction (houses and vehicles burned)**

**14:48-15:34**

**Fighters dancing.**

~15:07 Voiceover:

Koidu town, which is the District Headquarters of Kono District had an abnormal share of the destruction. The infrastructures in major sections and along the streets were all razed to the ground.

**15:34-16:00**

Voiceover:

Coquina and Small Lebanon areas are presently the abode for all those who had only been in Koidu Town. Major Joe Adeyeye is the deputy ground commander in the area.

**16:00-16:12**

**More dancing fighters.**

**16:12-17:27**

**Destruction (houses and vehicles burned)**

- ~17:02 drives past a dumpster that is tagged "AFRC."

**17:27-19:32**

**Interview with ECOMOG Peacekeeper, Major Joe Adeyeye, 2<sup>nd</sup> Ground Commander**

Adeyeye:

The security some kilometers from us here is relatively safe.

Interviewer:

What do you mean exactly, what type of kilometers?

Adeyeye:

Let's say, ahh, about five kilometers radius is relatively safe.

Interviewer:

So, um, how do you see the people themselves, the inhabitants, how are you receiving them, in terms of cooperation?

Adeyeye:

Actually, we've been receiving them. At least we make them feel that, yes, ECOMOG has come to rescue them and save them from the juntas. For example, in terms of medical, feeding, we've really tried our best and they've started coming out of the bush.

Interviewer:

So, what advancements are you making now?

Adeyeye:

As you all are aware, that the mop up operation is in progress. It has started in this area also. So it is everywhere.

Interviewer:

So, umm, you also have the local militia. Are they cooperating with you?

Adeyeye:

They are very, very cooperative.

Interviewer:

In terms of the general output of your men, are they in good spirits?

Adeyeye:

Very, very, their morale is very high.

Interviewer:

So, what message have you for the general populace now that, ah, calm is returning to the place? What do you have to tell them?

Adeyeye:

If they have any means of telling their brothers who are still with the junta, if there is any way they can tell them and pass a message to them that the earlier they come and surrender their weapons, the better.

Interviewer:

Is that all?

Adeyeye:

Um, and again, they should not hesitate to tell us, anywhere they know the rebels are and if there is any one of them in their midst, they should not be afraid to point them out.

Interviewer:

So finally, what have you to say to the government of the people of Sierra Leone?

Adeyeye:

Actually I have to congratulate them, because they...we really sympathize with them, since we came in to rescue them from the hands of the junta. And I implore them to cooperate with the present government. And forget everything about the junta.

#### **19:32-33:54**

#### **Burned buildings and vehicles**

~21:32 Voiceover:

Koidu town has nothing to show, as the destruction is massive. Hospitals and other infrastructure providing essential services were all reduced to rubble.

- ~25:48 *Post building burned.*

Narrator points out the buildings that were burned:

We are still in Konomanyi Park...old commercial bank, the post office, which was also burnt, SAL Post. This is the Opera Building from the back from the post office, also burnt. Opera buildings, Allieu Store, also burnt...INAUDIBLE...left to right of Koidu Road, all burnt down. Turner Street Junction, all burnt down. The high up-garrett we are seeing is Alhaji Umaru's house, the only two-story house in (town?) and even this other side, those are Alhaji's houses. The destruction is quite extensive.

~31:00 Narrator:

99% of the houses have come down. This is Bayoh Street, Bayoh Street, everything burned down. (Whistles.) (softly...Everything. Everything.

~32:40

This is Council Road. This is the Town Council, the vehicles, machines, everything gone...

**33:54-37:22**

**Displaced Persons Camp**

~33:48 Voiceover:

As a result of this massive destruction in their district, Kono descendents were able to put into place an emergency task force to do a needs assessment survey in the district. The team, in their own little way, presented food and non-food items to the surviving displaced persons at Masingbe, Bumpeh and Koidu. The Masingbe displaced camp where over 10,000 displaced persons from Kono and its environs are temporarily encamped life is difficult, as there is little or nothing that the people can feed on, not to mention the inadequate shelter.

~34:48-36:35 **Sahr Komba, Camp Chairman (in Krio):**

Komba:

...inside Masingbe

Interviewer:

So how far have you gone with this kind of work?

Komba:

Well recently, with the increase in population, there has been insufficient accommodation and overcrowding. That is why we were given this place to build a camp.

Interviewer:

Who are they?

Komba:

The Acting Paramount Chief, with the Chiefdom people here, Pa Roke.

Interviewer:

So, how do you see it, is it conducive?

Komba:

Yes, yes, it is conducive.

Interviewer:

How far have you gone with the work?

Komba:

We are almost coming to completion but we do not have plastic sheets to cover the booths. That is the problem now.

Interviewer:

How many of you have registered so far?

Komba:

Over 15,000 from Kono.

Interviewer:

So, what do you want the government to do now?

Komba:

We want the government to help us by sending us food and medicine, that is our problem, and our hunters in Kono, that they should be given cartridges. They want to go and fight but do not have cartridges.

Interviewer:

How do you see your relationship with the people of Masingbe?

Komba:

Well, the people here are treating us well. They have no problems at all. They are treating us well in this chiefdom.

Interviewer:

Do you think you will be able to get basic necessities like water and other things in this site?

Komba:

Yes, here there were previous camps. There are water wells here and toilets. We have up to 10 water wells here and up to 50 toilets constructed by MSF.

Interviewer:

So what can you say to your colleagues with whom you came here?

Komba:

My message is that we should be together as one and to obey the laws that apply here. The laws that applied to us in Kono are the same that apply here, so we must obey them.

~36:47 Voiceover:

Going through at the camp has heightened their desire to go back home. With this determination, the ECOMOG Task Force Commander in Sierra Leone, Brigadier General Mitikisie Maxwell Khobe has assured the people of maximum security in the district.

### **37:23-39:50**

#### **Interview with Maxwell Khobe**

Khobe:

The rebels are scattered in groups, very little, mobile.

[Tape is messed up here]

They have little ammunition...and so the majority of them are carrying cutlasses. Even then, out of that number, very few are actually willing to fight. We have put in place troops to kill them wherever they appear. We are pursuing them. There will be no rebels left in this country at the end of the day. As [INAUDIBLE] boundary, we'll get, we'll clear them out as time goes on.

12543

*OTP Unofficial Transcript*

Interviewer:

So what have you to tell the Kono people?

Khobe:

I sympathise with Kono people—very seriously. Like others too that have lost everything, their houses, their children, their hands and legs, and eyes and so on—some their ears even. I take it that that is the biggest sacrifice they can give, so that they can continue to live without any fear of what the future holds, because already they have sacrificed everything that they have. I want to thank them for their courage they have exhibited because the rebels were out to ensure they eliminate them. And, I want them to understand that they have God with them above every other thing and that the destruction of property, by the grace of God, they will have a better future that their children will be proud of. And they will have better housing units, and so on, in that same flattened Kono. So I give them a message of hope that tomorrow is definitely going to be better than today.