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SCSL-03-01-T  
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## SPECIAL COURT FOR SIERRA LEONE

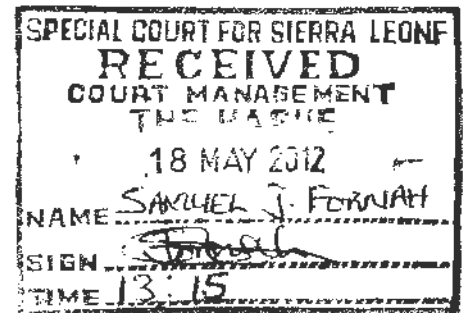
### TRIAL CHAMBER II

**Before:** Justice Richard Lussick, Presiding Judge  
Justice Teresa Doherty  
Justice Julia Sebutinde

**Registrar:** Binta Mansaray

**Date:** 18 May 2012

**Case No.:** SCSL-03-01-T



**PROSECUTOR** v. **Charles Ghankay TAYLOR**

### JUDGEMENT

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## CONTENTS

<b>I. INTRODUCTION .....</b>	<b>1</b>
A. THE ACCUSED .....	2
B. SUMMARY OF THE CHARGES.....	5
C. SUMMARY OF THE DEFENCE CASE.....	7
<b>II. CONTEXT .....</b>	<b>10</b>
A. ORIGINS OF THE SIERRA LEONE CIVIL WAR .....	11
1. SIERRA LEONE AND THE RISE OF PAN-AFRICANISM.....	11
2. TRAINING OF DISSIDENT REVOLUTIONARIES IN LIBYA.....	12
3. FORMATION OF THE REVOLUTIONARY UNITED FRONT AND TRAINING IN LIBERIA (1989-1990) .....	13
4. INSURGENCY INTO SIERRA LEONE (1991-1992) .....	14
B. CIVIL WAR IN SIERRA LEONE (1991-1996) .....	15
1. 1991-1992.....	15
2. 1993-1995.....	18
3. ELECTIONS IN SIERRA LEONE AND “OPERATION STOP ELECTION” (1996-1997).....	20
C. AFRC/RUF JUNTA PERIOD (1997-1998) .....	22
1. AFRC COUP.....	22
2. ECOMOG INTERVENTION (1998-1999) .....	25
D. CIVIL WAR IN SIERRA LEONE (1998-1999) .....	27
E. CIVIL WAR IN SIERRA LEONE (1999-2002) .....	30
1. FREETOWN ATTACK.....	30
2. LOMÉ PEACE ACCORD AND DISARMAMENT (1999).....	31
3. RUF CAPTURE OF UNAMSIL PEACEKEEPERS AND APPOINTMENT OF ISSA SESAY AS INTERIM LEADER (2000).....	33
4. ABUJA PEACE AGREEMENTS AND THE END OF THE SIERRA LEONE CIVIL WAR (2000- 2002).....	35
<b>III. PRELIMINARY ISSUES .....</b>	<b>36</b>
A. SELECTIVE PROSECUTION.....	36
B. EVIDENCE OUTSIDE OF THE SCOPE OF THE INDICTMENT AND/OR JURISDICTION OF THE COURT .....	40
C. ISSUES RELATING TO THE PLEADING IN THE INDICTMENT .....	49
D. PREJUDICIAL DELAY IN THE TRIAL CHAMBER’S RULING ON THE DEFENCE’S CHALLENGE TO THE PLEADING OF THE JOINT CRIMINAL ENTERPRISE AS A MODE OF LIABILITY .....	57
FINDINGS.....	59
E. DISCRETIONARY PAYMENTS AND OTHER INDUCEMENTS TO WITNESSES BY THE PROSECUTION .....	60
F. SUPPRESSION OF EVIDENCE .....	60
<b>IV. EVALUATION OF EVIDENCE.....</b>	<b>63</b>
A. LAW APPLICABLE TO THE ASSESSMENT OF EVIDENCE .....	63
1. BURDEN AND STANDARD OF PROOF .....	63
2. ADMISSION OF EVIDENCE.....	64
B. FORMS OF EVIDENCE UNDER REVIEW .....	64
1. WITNESS TESTIMONY .....	64

2. DOCUMENTARY EVIDENCE.....	75
3. EXPERT TESTIMONY AND REPORTS .....	79
4. FACTS OF WHICH JUDICIAL NOTICE WAS TAKEN .....	80
5. AGREED FACTS .....	80
C. CREDIBILITY ASSESSMENT OF SPECIFIC WITNESSES.....	80
D. AUTHENTICITY ASSESSMENT OF SPECIFIC DOCUMENTS .....	137
<b>V. APPLICABLE LAW.....</b>	<b>144</b>
A. INTRODUCTION .....	144
B. SPECIFIC ELEMENTS OF THE CRIMES.....	145
1. COUNT 1: ACTS OF TERRORISM (ARTICLE 3(D) OF THE STATUTE).....	145
2. COUNTS 2 AND 3: UNLAWFUL KILLINGS (ARTICLES 2(A) AND 3(A) OF THE STATUTE) .....	148
3. COUNTS 4, 5 AND 6: SEXUAL VIOLENCE (ARTICLES 2(G) AND 3(E) OF THE STATUTE). .....	149
4. COUNTS 7 AND 8: CRIMES RELATING TO PHYSICAL VIOLENCE (ARTICLES 3(A) AND 2(I) OF THE STATUTE) .....	157
5. COUNT 9: CRIMES RELATING TO CHILD SOLDIERS (ARTICLE 4(C) OF THE STATUTE)..	159
6. COUNT 10: ABDUCTIONS AND FORCED LABOUR (ARTICLE 2 (C) OF THE STATUTE)....	162
7. COUNT 11: PILLAGE (ARTICLE 3(F) OF THE STATUTE) .....	163
C. LAW ON INDIVIDUAL CRIMINAL RESPONSIBILITY.....	164
1. RESPONSIBILITY PURSUANT TO ARTICLE 6(1) OF THE STATUTE.....	164
2. RESPONSIBILITY PURSUANT TO ARTICLE 6(3) OF THE STATUTE.....	175
<b>VI. LAW AND FINDINGS ON THE GENERAL REQUIREMENTS.....</b>	<b>181</b>
A. ARTICLE 2: CRIMES AGAINST HUMANITY .....	181
B. ARTICLE 3: WAR CRIMES .....	198
C. ARTICLE 4: OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW ..	203
<b>VII. FACTUAL AND LEGAL FINDINGS ON ALLEGED CRIMES.....</b>	<b>204</b>
A. COUNTS 2 AND 3 (MURDER OR “UNLAWFUL KILLINGS”) .....	205
1. ALLEGED UNLAWFUL KILLINGS IN KENEMA DISTRICT (25 MAY 1997 TO ABOUT 31 MARCH 1998).....	207
2. ALLEGED UNLAWFUL KILLINGS IN KONO DISTRICT (BETWEEN ABOUT 1 FEBRUARY 1998 AND 31 DECEMBER 1998).....	236
3. ALLEGED UNLAWFUL KILLINGS IN KAILAHUN DISTRICT (BETWEEN ABOUT 1 FEBRUARY 1998 AND ABOUT 30 JUNE 1998).....	282
4. ALLEGED UNLAWFUL KILLINGS IN FREETOWN AND THE WESTERN AREA (BETWEEN ABOUT 21 DECEMBER 1998 AND ABOUT 28 FEBRUARY 1999).....	291
B. COUNTS 4, 5 AND 6 (SEXUAL VIOLENCE) .....	338
1. COUNT 4 (RAPE).....	339
2. COUNT 5 (SEXUAL SLAVERY).....	384
3. COUNT 6 (OUTRAGES UPON PERSONAL DIGNITY).....	438
C. COUNTS 7 AND 8 (PHYSICAL VIOLENCE) .....	444
1. KONO DISTRICT (1 FEBRUARY 1998 TO 31 DECEMBER 1998) .....	445
2. KAILAHUN DISTRICT (30 NOVEMBER 1996 TO 18 JANUARY 2002) .....	451
3. FREETOWN AND THE WESTERN AREA (21 DECEMBER 1998 TO 28 FEBRUARY 1999)..	457
D. COUNT 9 (CHILD SOLDIERS).....	486
1. FINDING ON THE AFRC AND RUF AS ARMED GROUPS .....	488
2. CONSCRIPTION AND ENLISTMENT OF CHILD SOLDIERS .....	488
3. USING CHILDREN TO ACTIVELY PARTICIPATE IN HOSTILITIES .....	517
E. COUNT 10 (ENSLAVEMENT).....	572
1. KENEMA DISTRICT .....	573

2. KONO DISTRICT.....	587
3. KAILAHUN DISTRICT .....	618
4. OTHER LOCATIONS.....	640
5. FREETOWN AND THE WESTERN AREA .....	643
F. COUNT 11 (PILLAGE).....	652
1. KONO DISTRICT.....	653
2. BOMBALI DISTRICT .....	659
3. PORT LOKO DISTRICT .....	661
4. FREETOWN AND THE WESTERN AREA .....	663
G. COUNT 1 (ACTS OF TERRORISM).....	677
1. PRIMARY PURPOSE OF CERTAIN ACTS OF VIOLENCE.....	677
2. KENEMA DISTRICT .....	681
3. KONO DISTRICT.....	681
4. KAILAHUN DISTRICT .....	700
5. FREETOWN AND THE WESTERN AREA .....	702

## **VIII. FACTUAL FINDINGS ON THE ROLE OF THE ACCUSED ..... 741**

A. PRE-INDICTMENT PERIOD (1988 TO 1996).....	741
1. ALLEGED MEETING IN LIBYA AROUND 1989.....	741
2. ALLEGED MEETING BETWEEN THE ACCUSED, SANKOH AND DR MANNEH IN BURKINA FASO.....	752
3. CAMP NAAMA .....	759
4. THE INVASION OF SIERRA LEONE.....	786
5. ATTACK ON KONO (NOVEMBER 1992 TO JANUARY 1993) .....	809
6. ALLEGED RUF ASSISTANCE TO FIGHT ULIMO IN LIBERIA .....	831
7. ALLEGED SUPPLY OF MATERIEL TO THE RUF FROM GUINEA DURING ULIMO OCCUPATION .....	837
8. SIERRA RUTILE.....	840
9. OPERATION STOP ELECTION (1996) .....	851
B. THE ROLE OF INTERMEDIARIES.....	872
1. BENJAMIN YEATEN .....	872
2. DANIEL TAMBA (A.K.A. JUNGLE).....	892
3. IBRAHIM BAH.....	925
C. MILITARY OPERATIONS.....	941
1. ALLEGED MESSAGE FROM BASE 1 TO TROOPS RETREATING FROM KONO.....	941
2. OPERATIONS IN KONO (EARLY 1998).....	946
3. OPERATION FITTI-FATTA .....	983
4. THE FREETOWN INVASION.....	1016
D. OPERATIONAL SUPPORT .....	1263
1. COMMUNICATIONS .....	1263
2. SUPPORT AND TRAINING .....	1350
3. ALLEGED PROVISION OF SAFE HAVEN .....	1426
4. PROVISION OF RUF GUESTHOUSE IN MONROVIA .....	1440
E. PROVISION OF MILITARY PERSONNEL.....	1467
1. ALLEGATIONS RELATED TO THE RED LION BATTALION.....	1467
2. SCORPION UNIT .....	1512
3. REPATRIATION OF SIERRA LEONEANS .....	1542
4. ALLEGED COOPERATION IN THE RETURN OF DESERTERS TO SIERRA LEONE.....	1569
F. ARMS AND AMMUNITION.....	1583
1. PRELIMINARY ISSUES .....	1585

2. ALLEGATIONS OF DIRECT SUPPLY BY THE ACCUSED .....	1648
3. ALLEGATIONS THAT THE ACCUSED FACILITATED SUPPLIES .....	1794
4. USE OF MATERIEL SUPPLIED OR FACILITATED BY THE ACCUSED .....	1902
5. OTHER SOURCES OF MATERIEL .....	1978
G. DIAMONDS .....	2015
1. ALLEGED DELIVERY OF DIAMONDS TO THE ACCUSED .....	2015
2. ALLEGED FACILITATION OF DIAMOND TRADING BY THE ACCUSED .....	2106
3. PROVISION OF MINING EQUIPMENT AND MINING EXPERTS .....	2124
H. PEACE PROCESS .....	2142
1. EXTERNAL DELEGATION IN CÔTE D'IVOIRE .....	2142
2. ABIDJAN .....	2158
3. LOMÉ .....	2171
4. RELEASE OF UN PEACEKEEPERS (1999) .....	2187
5. RELEASE OF UNAMSIL PEACEKEEPERS (2000) .....	2208
6. COMMUNICATIONS WITH ISSA SESAY ON DISARMAMENT .....	2235
I. LEADERSHIP AND COMMAND STRUCTURE .....	2252
1. ACCUSED RELATIONSHIP WITH THE RUF/AFRC .....	2252
2. ANALYSIS OF THE RUF/AFRC ALLIANCE .....	2351
J. THE WAR STRATEGY OF THE RUF/AFRC .....	2371
K. KNOWLEDGE OF THE ACCUSED .....	2374
<b>IX. LEGAL FINDINGS ON RESPONSIBILITY .....</b>	<b>2405</b>
A. ARTICLE 6.1 OF THE STATUTE .....	2405
1. JOINT CRIMINAL ENTERPRISE .....	2405
2. AIDING AND ABETTING .....	2410
3. PLANNING .....	2424
4. INSTIGATING .....	2429
5. ORDERING .....	2429
B. ARTICLE 6.3 OF THE STATUTE .....	2429
1. SUPERIOR RESPONSIBILITY .....	2429
<b>X. CUMULATIVE AND CONCURRENT CONVICTIONS .....</b>	<b>2433</b>
A. CUMULATIVE CONVICTIONS .....	2433
1. CUMULATIVE CONVICTIONS FOR CRIMES AGAINST HUMANITY AND WAR CRIMES .....	2433
B. CONCURRENT CONVICTIONS .....	2435
<b>XI. DISPOSITION .....</b>	<b>2437</b>
<b>XII. ANNEX A: LIST OF ABBREVIATIONS .....</b>	<b>2441</b>
<b>XIII. ANNEX B: PROCEDURAL HISTORY .....</b>	<b>2446</b>
A. INDICTMENT, ARREST, AND INITIAL APPEARANCE .....	2446
1. PRELIMINARY OBJECTION BASED ON LACK OF JURISDICTION .....	2447
2. PRE-TRIAL PROCEEDINGS .....	2448
3. TRIAL PROCEEDINGS .....	2452
4. PROSECUTION CASE .....	2455
5. DEFENCE CASE .....	2462
6. FINAL JUDGEMENT .....	2472
<b>XIV. ANNEX C: TABLE OF AUTHORITIES .....</b>	<b>2473</b>
1. JUDGEMENTS AND DECISIONS .....	2473

2. INTERNATIONAL LEGAL DOCUMENTS .....	2489
3. SECONDARY SOURCES.....	2491
<b>XV. ANNEX D – MAPS OF SIERRA LEONE AND LIBERIA .....</b>	<b>2492</b>

## I. INTRODUCTION

1. The Special Court for Sierra Leone ("Special Court" or "Court") was established to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.<sup>1</sup> It is an international court<sup>2</sup> established under an Agreement between the United Nations<sup>3</sup> and the Government of Sierra Leone ("Agreement"),<sup>4</sup> and independent from the domestic legal system of Sierra Leone. The Statute of the Special Court ("Statute")<sup>5</sup> empowers the Court to prosecute persons who committed crimes against humanity, serious violations of Article 3 Common to the 1949 Geneva Conventions for the Protection of War Victims and of Additional Protocol II, other serious violations of international humanitarian law and specified crimes under Sierra Leonean law.<sup>6</sup> The Special Court is governed by the Agreement, the Statute and by its Rules of Procedure and Evidence ("Rules").<sup>7</sup>

2. This Judgement is rendered by Trial Chamber II of the Special Court for Sierra Leone,<sup>8</sup> pursuant to the mandate granted to the Special Court by the United Nations and the Republic of Sierra Leone and in accordance with Article 18 of the Statute and Rule 88 of the Rules.

<sup>1</sup> Statute of the Special Court for Sierra Leone, Article 1(1) ("Statute").

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-01-I-059, Decision on Immunity from Jurisdiction, 31 May 2004, para. 57.

<sup>3</sup> Authorised pursuant to United Nations Security Council Resolution 1315 (2000) of 14 August 2000, UN Doc. S/RES/1315 (2000).

<sup>4</sup> Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, signed on 16 January 2002.

<sup>5</sup> Statute of the Special Court for Sierra Leone, annexed to the Agreement.

<sup>6</sup> Articles 2 to 5 of the Statute.

<sup>7</sup> Rules of Procedure and Evidence of the Special Court for Sierra Leone ("Rules").

<sup>8</sup> Composed of Justice Feresa Doherty (Northern Ireland), appointed by the Secretary General of the United Nations; Justice Richard Lussick (Samoa), appointed by the Government of Sierra Leone; Justice Julia Sebutinde (Uganda), appointed by the Secretary General of the United Nations; Justice El Hadji Malick Sow (Senegal) appointed as Alternate Judge by the Secretary General of the United Nations and by the Government of Sierra Leone.

## A. The Accused

3. The Accused, Charles Ghankay Taylor,<sup>9</sup> was born on 28 January 1948 in Arthington in the Republic of Liberia. Taylor was the third eldest of eleven children and by his own testimony came from a 'humble' background.<sup>10</sup>

4. Taylor completed his high school studies to become a teacher in 1967, and went on to become an accountant.<sup>11</sup> In 1972, he went to the United States and graduated with an associate degree in accounting in May 1974 from Chamberlayne Junior College in Boston, Massachusetts. In 1976, he graduated with a BSc degree in economics with specialisation in development from Bentley College in Waltham, Massachusetts.<sup>12</sup>

5. When Taylor arrived in the United States in 1972, he, along with others, founded the Union of Liberian Associations in the Americas ("ULAA") with the aim to bring about peace, as well as political and democratic changes, in Liberia. In 1979, Taylor became chairman of ULAA.<sup>13</sup>

6. In that capacity Taylor visited Liberia in January 1980.<sup>14</sup> During that visit, in April 1980, Samuel Doe successfully staged a coup d'état to become the President of Liberia. Taylor joined Doe's government as a Director General of the General Services Administration and Deputy Minister of Commerce until he fled to the United States in late 1983 following embezzlement allegations by the Doe Government.<sup>15</sup> Taylor was arrested in

<sup>9</sup> The Accused is also known as "Dankpannah Dr Charles Ghankay Taylor" and "Dankpannah Charles Ghankay Macarthur Taylor" and has operated under the alias "Jean-Michel Some" (see Charles Ghankay Taylor, Transcript 9 November 2009, p. 31427; Transcript 1 December 2009, p. 32697). "Dankpannah" is a traditional title given to the most senior chief in Liberia who serves as the chairman of the chiefs and elders and as the "father of the land", see Defence Exhibit D-421, Affidavit of Chief Jalloh Loon. This title has been spelled in a variety of ways, such as "Dah Kpannah" (Exhibit D-421), "Dahkpanah" (as used by the Accused himself, see SCSL-03-01-T-292,) or "Dankpannah".

<sup>10</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24354-24356, 24361.

<sup>11</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24368, 24372-24374.

<sup>12</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24374-24379; Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 2. Mr Taylor received honorary doctorate degrees from the University of China and University of Liberia see Charles Ghankay Taylor, Transcript 14 July 2009, p. 24355.

<sup>13</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24385-24387; Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 2.

<sup>14</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24423-24424.

<sup>15</sup> Charles Ghankay Taylor, Transcript 15 July 2009, pp. 24467-24468, 24489-24491, 24501-24502; Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 2.



June 1984 in the United States pursuant to an extradition request on the Liberian embezzlement charges by Liberia.<sup>16</sup> He was detained on remand pending extradition in Plymouth County House of Correction in Massachusetts, and was able to escape in November 1985.<sup>17</sup>

7. Following his escape from prison in the United States Taylor travelled back to West Africa and in 1986 formed an armed opposition group in Côte d'Ivoire, the National Patriotic Front of Liberia ("NPFL").<sup>18</sup> The NPFL received military training in Libya in 1987.<sup>19</sup> Following the training in Libya, Taylor returned to West Africa in order to plan his insurgency and incursion into Liberia. In December 1989, Taylor led the NPFL insurgency into Liberia from Côte d'Ivoire and a civil war ensued. Taylor established the National Patriotic Reconstruction Assembly Government ("NPRAG") in the NPFL held territories, which he headed.<sup>20</sup> He remained the leader of the NPFL throughout the Liberian civil war until its official end in 1996, following the peace agreement amending and supplementing the Cotonou Accord, the Akosombo Agreement and its Accra Clarification, commonly referred to as the Abuja Peace Accord.<sup>21</sup>

8. As part of the peace process, Taylor, along with all the warring factional leaders, formed and became a member of the interim government known as the Council of State.<sup>22</sup> Taylor resigned from the Council of State in January 1997 in order to be eligible to stand as a candidate for the 1997 general election.<sup>23</sup> He won the election,<sup>24</sup> which was declared "free and fair" by governmental organisations and international observers,<sup>25</sup> to become the 21<sup>st</sup>

<sup>16</sup> Charles Ghankay Taylor, Transcript 15 July 2009, p. 24508; Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 3.

<sup>17</sup> Charles Ghankay Taylor, Transcript 15 July 2009, p. 24509; Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 3.

<sup>18</sup> Charles Ghankay Taylor, Transcript 15 July 2009, pp. 24534-24535.

<sup>19</sup> Charles Ghankay Taylor, Transcript 15 July 2009, pp. 24539, 24553-24554.

<sup>20</sup> Charles Ghankay Taylor, Transcript 16 July 2009, p. 24690-24691; Stephen Ellis, Transcript 18 January 2008, p. 1550.

<sup>21</sup> Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 3; Exhibit P-478, "Excerpts From: US Department of State Liberia Country Report on Human Rights for 1998, Bureau of Democracy, Human Rights and Labor, February 26, 1999;" Edward Zaymay, Transcript 6 May 2010, pp. 40606-40607.

<sup>22</sup> Charles Ghankay Taylor, Transcript 22 July 2009, pp. 25015-25016.

<sup>23</sup> Charles Ghankay Taylor, Transcript 1 December 2009, p. 32764.

<sup>24</sup> Exhibit D-385, "Official Journal of the Economic Community of West African States (ECOWAS), Volume 22, Special Edition", pp. 185-190.

<sup>25</sup> Exhibit D-338, "Letter Dated 24 July 1997 from the Secretary General Addressed to the President of the Security Council, UN Doc. S/1997/581, 24 July 1997", p. 3 (stating that "[o]n behalf of the United Nations and

President of Liberia on 2 August 1997 for a six-year term.<sup>26</sup> In that capacity he was involved and held positions in regional organisations, such as the Economic Community of West African States ("ECOWAS").<sup>27</sup>

9. In 1999, Taylor's Government came under military pressure by an armed rebellion which reached the outskirts of Monrovia by January 2002. Given this military pressure, combined with the political pressure following the unsealing of his Indictment and Warrant of Arrest on 4 June 2003, Taylor stepped down from the Presidency on 11 August 2003.<sup>28</sup> Taylor went into exile in Nigeria and remained there until his arrest by Nigerian authorities on 29 March 2006, following a request by Liberian President Johnson-Sirleaf to the Nigerian authorities that he be surrendered to the Special Court pursuant to the Warrant of Arrest issued by the Special Court.<sup>29</sup>

10. On the same day, Taylor was transferred into the custody of the Special Court in Freetown. He was arraigned and pleaded not guilty to all counts in the Indictment on 3 April 2006.<sup>30</sup> Following security concerns about holding the trial in West Africa, UN Security Council Resolution 1688 (2006) and agreements with the Government of The Netherlands and the International Criminal Court, the President of the Special Court ordered his transfer to The Netherlands in June 2006 in order to stand trial in The Hague.<sup>31</sup>

11. Taylor is currently held in the detention centre of the International Criminal Court ("ICC") located in The Hague under the authority of the Special Court.

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ECOWAS, the elections were certified as having been free and fair"); Exhibit D-385, "Official Journal of the Economic Community of West African States (ECOWAS), Volume 22, Special Edition", pp. 185, 186 (where Nigerian Foreign Minister Tom Ikimi states before the release of the election results that he did not observe and did not receive any reports of "intimidation, harassment and hostility" and the Independent Election Commission states that ECOWAS, the UN, the OAU, European Union and the Carter Centre have been unanimous that the elections were "peaceful, free, fair and transparent"); Exhibit D-126, "The Carter Center Report, 'Observing the 1997 Special Elections Process in Liberia'", p. 9.

<sup>26</sup> Exhibit D-141, "Presidential Papers 2 August 1997- 31 December 1998", p. 14; Charles Ghankay Taylor, Transcript 31 August 2009, p. 28056.

<sup>27</sup> Exhibit D-171, "New African, No. 358, 'Taylor's Triumph Liberia's 100 Days,' December 1997", pp. 8-9.

<sup>28</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24344-24347.

<sup>29</sup> Exhibit D-410, "Security Council Approves Trial Transfer of Former Liberian President Charles Taylor to Netherlands, UN Doc. SC/8755", 16 June 2006.

<sup>30</sup> Transcript 3 April 2006, p. 14.

<sup>31</sup> Exhibit D-410, "Security Council Approves Trial Transfer of Former Liberian President Charles Taylor to Netherlands, UN Doc. SC/8755, 16 June 2006".

## B. Summary of the Charges

12. The Accused faces an 11 count indictment.<sup>32</sup> Five of these counts charge the Accused with crimes against humanity, punishable under Article 2 of the Statute, in particular: murder (Count 2); rape (Count 4); sexual slavery (Count 5); other inhumane acts (Count 8); and enslavement (Count 10). Five additional counts charge the Accused with violations of Article 3 Common to the Geneva Conventions ("Common Article 3") and of Additional Protocol II, punishable under Article 3 of the Statute, in particular: acts of terrorism (Count 1); violence to life, health and physical or mental well-being of persons, in particular murder (Count 3); outrages upon personal dignity (Count 6); violence to life, health and physical or mental well-being of persons, in particular cruel treatment (Count 7); and pillage (Count 11). The remaining count charges the Accused with conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities (Count 9), a serious violation of international humanitarian law punishable under Article 4 of the Statute.

13. The Indictment charges that "[m]embers of the RUF, AFRC, AFRC/RUF Junta or alliance and/or Liberian fighters, including members and ex-members of the NPFL (Liberian fighters), assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the Accused"<sup>33</sup> committed the crimes underlying the 11 charged counts spanning over a period of 61 months and 19 days, i.e. from 30 November 1996 to 18 January 2002, in named locations within six districts of Sierra Leone, as follows:

- (i) *From 30 November 1996 to 24 May 1997*: rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kailahun District.
- (ii) *From 25 May 1997 to 31 January 1998*: unlawful killings and enslavement in Kenema District; unlawful killings, rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kono District; unlawful killings, rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kailahun District.
- (iii) *From 1 February 1998 to 31 December 1998*: unlawful killings and enslavement in Kenema District; pillage in Port Loko and Bombali Districts; burnings as acts of terrorism,

<sup>32</sup> *Prosecutor v. Taylor*, SCSL-03-01-PT-263, Prosecution's Second Amended Indictment, 29 May 2007 ("Indictment").

unlawful killings, rape, sexual slavery, outrages upon personal dignity, physical violence, enslavement and pillage in Kono District; unlawful killings, rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kailahun District; burnings of civilian property as acts of terrorism in Freetown and Western Area.

(iv) *From 1 January 1999 to 28 February 1999:* unlawful killings and enslavement in Kono District; rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kailahun District; burnings of civilian property as acts of terrorism, unlawful killings, rape, sexual slavery, outrages upon personal dignity, physical violence, enslavement and pillage in Freetown and Western Area.

(v) *From 1 March 1999 to 18 January 2002:* unlawful killings and enslavement in Kono District; rape, sexual slavery, outrages upon personal dignity, physical violence and enslavement in Kailahun District.

14. The indictment charges as follows:

(vi) that “[m]embers of the RUF, AFRC, AFRC/RUF Junta or alliance and/or Liberian fighters, including members and ex-members of the NPFL (Liberian fighters), assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the Accused” routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities, throughout the period of the indictment – from 30 November 1998 to 18 January 2002 –and throughout the territory of Sierra Leone;<sup>34</sup>

(vii) that “[m]embers of the RUF, AFRC, AFRC/RUF Junta or alliance and/or Liberian fighters, including members and ex-members of the NPFL (Liberian fighters), assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the Accused” burned civilian property, and committed each of the forgoing crimes, as part of a campaign to terrorise the civilian population of the Republic of Sierra Leone.<sup>35</sup>

(viii) that the Accused, by his acts or omissions, is individually criminally responsible pursuant to Article 6(1) of the Statute for the crimes as alleged in the Indictment, which

<sup>33</sup> Indictment, paras 5, 9, 14, 18, 22, 23, 28.

<sup>34</sup> Indictment, para. 22.

<sup>35</sup> Indictment, para. 5.

crimes the Accused planned, instigated, ordered, committed, or in whose planning, preparation or execution the Accused otherwise aided and abetted, or which crimes amounted to or were involved within a common plan, design or purpose in which the Accused participated, or were a reasonably foreseeable consequence of such common plan, design or purpose.<sup>36</sup>

(ix) that in addition or alternatively, pursuant to Article 6(3) of the Statute, the Prosecution alleges that the Accused, while holding positions of superior responsibility and exercising command and control over subordinate members of the RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, is individually criminally responsible for the crimes as alleged in the Indictment. It charges that the Accused is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the Accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.<sup>37</sup>

### C. Summary of the Defence Case

15. The Accused pleaded not guilty to all counts in the Indictment.<sup>38</sup>

16. The Defence accepts that crimes against humanity and war crimes were committed in the armed conflict in Sierra Leone during the Indictment period, but denies that the Accused is responsible for them.<sup>39</sup> The Defence submits that the burden of proof is upon the Prosecution to prove each and every count of the Indictment.<sup>40</sup> Specifically, the Defence submits that the Prosecution must prove beyond reasonable doubt (i) that the crimes were actually committed; (ii) that the crimes fulfil all the legal – contextual and specific – elements of Article 2, 3 and 4 of the Statute; and (iii) that there is a nexus between the alleged crimes and the Accused.<sup>41</sup>

<sup>36</sup> Indictment, para. 33.

<sup>37</sup> Indictment, para. 34.

<sup>38</sup> Transcript 3 April 2006, p. 14.

<sup>39</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-1229, Defence Final Trial Brief, 9 March 2011 ("Defence Final Trial Brief"), para. 1557; *Prosecutor v. Taylor*, SCSL-03-01-PI-229, Defence Pre-Trial Brief, 26 April 2007, ("Defence Pre-Trial Brief"), para. 43.

<sup>40</sup> Defence Final Trial Brief, para. 27.

<sup>41</sup> Defence Pre-Trial Brief, para. 42.

17. In addition to denying responsibility for crimes committed, the Defence also maintains that:

- (i) the Accused did not have the means to support the war in Sierra Leone because he was President of a country that was “effectively bankrupt” and subject to an arms embargo;<sup>42</sup>
- (ii) the Accused had no reason to have gone into Sierra Leone to take its natural resources as alleged when “he had vast amounts of untapped natural resources in Liberia”;<sup>43</sup>
- (iii) the Accused did not support the war in Sierra Leone because he had a justifiable apprehension that a major war in Sierra Leone would lead to regional instability and so it is “incredulous” that the Accused “would have been in cahoots with the Junta”;<sup>44</sup>
- (iv) contrary to the Prosecution’s submissions, the Accused, through his diplomatic efforts, played a substantial role in fostering peace and security in Sierra Leone and that his contribution to the peace process was significant;<sup>45</sup>
- (v) the Prosecution adduced a considerable amount of evidence outside the temporal and geographical scope of the Indictment and that this evidence is so prejudicial to the Accused that it contravenes the Accused’s right to a fair trial and its admission would bring the administration of justice into serious disrepute;<sup>46</sup>
- (vi) much of the Prosecution’s case has in large measure been “shrouded in secrecy” as some insider witnesses have testified with protective measures;<sup>47</sup>
- (vii) the Prosecution provided financial inducements to potential witnesses and sources in exchange for cooperation and testimony, that these were made independent of and distinct from those made by the Witnesses and Victims Section and are a case of prosecutorial abuse of process depriving the Accused of a fair trial;<sup>48</sup>

<sup>42</sup> Defence Final Trial Brief, paras 461-471, 707.

<sup>43</sup> Defence Final Trial Brief, para. 468.

<sup>44</sup> Defence Final Trial Brief, para. 859.

<sup>45</sup> Defence Final Trial Brief, paras 87-102.

<sup>46</sup> Defence Final Trial Brief, paras 28-37, 42-46, 1558-1567.

<sup>47</sup> Defence Closing Arguments, Transcript 9 March 2011, pp. 49408-49409.

<sup>48</sup> Defence Final Trial Brief, paras 23-26.

(viii) some of the Prosecution's witnesses, particularly the linkage witnesses, were so lacking in credibility that the Trial Chamber should completely put aside several Prosecution witnesses altogether;<sup>49</sup>

(ix) the Prosecution failed to call key individuals as witnesses, resulting in the Prosecution's case being largely focused on hearsay, circumstantial evidence and broad assumptions;<sup>50</sup>

(x) much of the Prosecution's evidence was uncertain, contradictory and implausible;<sup>51</sup>

(xi) the Prosecution's cross-examination of the Accused was unfocused, disjointed and generally ineffective in discrediting his evidence-in-chief;<sup>52</sup>

(xii) procedural irregularities surrounding the pleading and adjudication of issues relating to the joint criminal enterprise ("JCE") and the delay in rendering a decision on a Defence motion<sup>53</sup> had a prejudicial and irremediable impact on the Accused's fair trial rights;<sup>54</sup>

(xiii) under international criminal law, the Accused cannot be individually criminal responsible under the third form of JCE for participating in a JCE that had as its primary purpose the commission of a specific intent crime, such as terrorism;<sup>55</sup> and, moreover, there is a lack of Prosecution evidence to sustain a JCE as a mode of liability;<sup>56</sup> and

(xiv) the prosecution of the Accused is "selective and vindictive in nature" and that the Accused was "singled out and prosecuted on the basis of [the United States Government's] political motives and interests".<sup>57</sup>

<sup>49</sup> Defence Final Trial Brief, paras 1377-1556, Defence Closing Arguments, Transcript 10 March 2011, pp. 49473, 49518.

<sup>50</sup> Defence Final Trial Brief, paras 72-81; Defence Closing Arguments, Transcript 9 March 2011, p. 49401.

<sup>51</sup> Defence Final Trial Brief, paras 385, 418, 490, 548, 589-596.

<sup>52</sup> Defence Final Trial Brief, paras 82-86.

<sup>53</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-378, Public Urgent Defence Motion regarding a Fatal Defect in the Prosecution's Second Amended Indictment relating to the Pleading of JCE, 14 December 2007.

<sup>54</sup> Defence Final Trial Brief, paras 47-71.

<sup>55</sup> Defence Rebuttal to Prosecution's Closing Arguments, Transcript 11 March 2011, pp. 49615-49617.

<sup>56</sup> Defence Rebuttal to Prosecution's Closing Arguments, Transcript 11 March 2011, p. 49580.

<sup>57</sup> Defence Final Trial Brief, paras 1-22.

## II. CONTEXT

18. The Sierra Leone Civil War commenced on 23 March 1991 when armed fighters known as the Revolutionary United Front ("RUF") launched an insurgency from Liberia's Lofa County into Sierra Leone's Kailahun District.<sup>58</sup> The conflict continued until President Ahmad Tejan Kabbah of Sierra Leone announced the cessation of hostilities on 18 January 2002.<sup>59</sup> The Prosecution alleges that the Accused is responsible for crimes committed throughout the Indictment period – that is, from the signing of the Abidjan Accord on 30 November 1996 until the formal declaration of the end of the war on 18 January 2002.<sup>60</sup> The Accused is indicted for crimes alleged to have been committed in six of Sierra Leone's thirteen districts.<sup>61</sup>

19. The 11-year civil war was complex, featuring a number of armed groups. Some of these groups formed alliances and some also experienced internal divisions and fracturing. In order to explain these complex events and relationships, an overview of the conflict in Sierra Leone is necessary. Further, as the Accused is alleged to have participated in the civil war without being physically present on the territory of Sierra Leone, it is necessary to provide a brief outline of the broader geopolitical context in which the civil war took place. In this section, the Trial Chamber provides an introduction to the politics, personalities and events necessary to understand the allegations against the Accused. The Trial Chamber also highlights the major areas of dispute between the parties and briefly summarises the parties' submissions on these issues, reserving its findings for later in the judgement.<sup>62</sup>

<sup>58</sup> *Prosecutor v Taylor*, SCSL-03-1-T, Decision on the Prosecution Motion for Judicial Notice, 7 December 2007 [Decision on Judicial Notice], Annex A, Facts C and N; DCT-190, Transcript 7 June 2010, pp. 42182-42183; DCT-025, Transcript 12 March 2010, pp. 37252-37255; Exhibit P-431, "Excerpts from: News Article, IPS Inter Press Service/Global Information Network, Politics Sierra Leone: No Lawyer Willing to Defend Rebel Leader (Lexis Nexis), 7 September 1998", p. 1; Exhibit P-497, "Witness to the Truth: Report of the Sierra Leone Truth and Reconciliation Commission Report, Vol. 2", p. 41; Fayia Musa, Transcript 13 April 2010, pp. 38839- 38840; Sam Kollah, Transcript 1 November 2010, pp. 48369-48370, 48377; John Vincent, Transcript 25 March 2010, pp. 38008-38011.

<sup>59</sup> *Prosecutor v Taylor*, SCSL-03-01-PT-227, Joint Filing by the Prosecution and Defence Admitted Facts & Law, 26 April 2007 [Admitted Facts and Law], Agreed Fact 35; Decision on Judicial Notice, Annex A, Fact C.

<sup>60</sup> Prosecution Final Trial Brief, para. 1.

<sup>61</sup> The Accused is charged with crimes alleged to have been committed in Kailahun, Kenema, Kono, Bombali, Port Loko and Freetown and the Western Area.

<sup>62</sup> The issues and submissions highlighted in this Chapter are not exhaustive of all the issues raised by the parties.



## A. Origins of the Sierra Leone Civil War

### 1. Sierra Leone and the Rise of Pan-Africanism

20. A former British colony, Sierra Leone achieved independence on 27 April 1961. In the decades following independence, Sierra Leone experienced several military coups until 21 April 1971 when Siaka Stevens assumed the Presidency under the All People's Congress ("APC"). In 1978 he established a one-party state. Major-General Joseph Saidu Momoh succeeded Stevens as President in 1985.<sup>63</sup> Despite its rich natural resources, including alluvial diamonds, Sierra Leone experienced economic decline during the 1980s as a result of corruption and nepotism under the APC regime.<sup>64</sup> Disenchanted by the political and economic decadence, a dissident group known as the RUF was formed in the late 1980s/early 1990s with the aim of forcibly removing the APC Government and restoring democracy and good governance to Sierra Leone.<sup>65</sup>

21. During the 1980s, Pan-Africanism became increasingly popular in West Africa and within Sierra Leone this movement was promoted by Fourah Bay College student Ali Kabbah.<sup>66</sup> Sierra Leonean students with connections to the Pan-African movement, including Abu Kanu, Rashid Mansaray, Mohammed Dabo and Cleo Hanciles, travelled to Libya to train with other supporters of the Pan-African ideology and to prepare for a revolution in Sierra Leone.<sup>67</sup> While in Libya, Ali Kabbah formed the Sierra Leone Pan African Revolutionary Movement ("SLPARM"), a dissident group which he led from 1987 until his departure from Libya in 1989.<sup>68</sup>

<sup>63</sup> Stephen Ellis, Transcript 18 January 2008, p. 1555; DCT-068, Transcript 11 March 2010, p. 37013; Exhibit D-062, "How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998", p. 1.

<sup>64</sup> D-006 (Confidential) ERN 16493-16494; Ngulu Kpakai, Transcript 11 March 2010, pp. 37014-37016.

<sup>65</sup> Exhibit D-336, "Footpaths to Democracy, Toward a New Sierra Leone, Volume One, 1995", pp. 19-21; TF1-371, Transcript 29 January 2008, pp. 2545-2549 (CS).

<sup>66</sup> Charles Ghankay Taylor, Transcript 16 July 2009, p. 24645; DCT-068, Transcript 11 March 2010, pp. 37111, 37157; Transcript 12 February 2008, p. 3675.

<sup>67</sup> Exhibit P-277 (Confidential), ERN 18108-18109; Charles Ghankay Taylor, Transcript 15 July 2009, p. 24568; Transcript 20 July 2009, pp. 24748-24749; Transcript 10 September 2009, p. 28568; TF1-168, Transcript 2009, pp. 23393-23394 (CS).

<sup>68</sup> Charles Ghankay Taylor, Transcript 20 July 2009, p. 24748; Transcript 10 September 2010, p. 28568; Charles Ghankay Taylor, Transcript 18 November 2009, p. 32076; Yanks Smythe, Transcript 22 February 2010, p. 35609; DCT-125, Transcript 9 March 2010, p. 36849; Issa Sesay, Transcript 17 August 2010, p. 46427.

## 2. Training of Dissident Revolutionaries in Libya

22. During the late 1980s, the training of members of SLPARM in Libya was organised by an institution known as the Mathaba Alimia ("the Mathaba"), a military and ideological organisation that promoted Pan-Africanism.<sup>69</sup> The Mathaba organised military training in Libyan camps such as "Tinning March" and "Tajura".<sup>70</sup> A number of other West African revolutionaries were trained in Libya, including Charles Taylor from Liberia, Foday Sankoh from Sierra Leone and Kukoi Samba Sanyang (a.k.a. Dr Manneh) from the Gambia.<sup>71</sup> The Accused was the leader of the National Patriotic Front of Liberia ("NPFL"), a group that had been formed in order to remove President Samuel Kanyon Doe's regime from power, citing concerns about corruption.<sup>72</sup> Members of the RUF who trained in Libya were called Special Forces and held the highest status within the RUF.<sup>73</sup>

23. The Prosecution submits that the origins of the Sierra Leone Civil War can be traced back to "a common cause" formed between the Accused, Sankoh and Manneh in which they agreed to assist each other in waging war in Liberia, Sierra Leone and the Gambia.<sup>74</sup> The Defence denies the existence of an alleged common plan between the Accused and Foday Sankoh to wage war in Sierra Leone.<sup>75</sup> It maintains that the Accused was based in Burkina Faso during this period and occasionally visited the Mathaba, interacting only with the Liberian group and other leaders such as Ali Kabbah and Dr Manneh.<sup>76</sup> The Defence further maintains that the Accused did not even know Sankoh while in Libya and that the two men did not have any contact until 1991 in Liberia when they agreed to cooperate strategically against the United Liberation Movement of Liberia for Democracy (ULIMO).<sup>77</sup>

<sup>69</sup> DCT-125, Transcript 4 March 2010, pp. 36665-36668, p. 36681 (CS); DCT-068, Transcript 11 March 2010, p. 37111.

<sup>70</sup> Exhibit D-115A, "Untitled Map of Libya"; Moses Blah, Transcript 14 May 2008, pp. 9802-9803; DCT-125, Transcript 4 March 2010, pp. 36672-36673; Yanks Smythe, Transcript 22 February 2010, pp. 35571-35577.

<sup>71</sup> Charles Ghankay Taylor, Transcript 15 July 2009, p. 24568; Transcript 20 July 2009, pp. 24748-24749; Transcript 10 September 2009, p. 28568; TF1-168, Transcript 2009, pp. 23393-23394 (CS).

<sup>72</sup> Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 3. ERN 26606; Exhibit D-383, "Statement by Charles Ghankay Taylor, Leader of the National Patriotic Front of Liberia, 1 January 1990".

<sup>73</sup> TF1-371, Transcript 25 January 2008, pp. 2211-2212 (CS); Perry Kamara, Transcript 4 February 2008, p. 3042; Dauda Aruna Fornie, Transcript 1 December 2008, p. 21317; TF1-579, Transcript 5 November 2008, p. 19787; Issa Sesay, Transcript 5 July 2010, pp. 43606, 43609.

<sup>74</sup> Prosecution Final Trial Brief, paras 51-52.

<sup>75</sup> Defence Final Trial Brief, paras 306, 736-770.

<sup>76</sup> Defence Final Trial Brief, para. 745.

<sup>77</sup> Defence Final Trial Brief, para. 815.

### 3. Formation of the Revolutionary United Front and Training in Liberia (1989-1990)

24. By August 1990, the RUF had been formed and were training in Liberia.<sup>78</sup> The NPFL, following its incursion into Liberia on 24 December 1989, seized control of Gbamga and the Camp Naama training base.<sup>79</sup> From August 1990, Camp Naama was used as a training base for both NPFL and RUF fighters.<sup>80</sup> Approximately 300 RUF fighters comprising Sierra Leoneans and Liberians were trained at Camp Naama, including persons who later became senior members of the RUF, such as Sam Bockarie, Issa Sesay, Morris Kallon, Philip Palmer, Augustine Gbao and Mike Lamin.<sup>81</sup> Members of the RUF who trained in Liberia were called Vanguarders and held the second highest status within the RUF.<sup>82</sup>

25. The Prosecution submits that, in furtherance of the common cause alleged to have been formed between Taylor and Sankoh in the late 1980s, the NPFL and RUF trained alongside each other at Camp Naama and were “carbon copies” modelled by Taylor.<sup>83</sup> It further submits that the Accused was the “father” or “godfather” of the RUF<sup>84</sup> in the sense that he created the RUF as a viable organised armed force;<sup>85</sup> nurtured and sustained it by providing a secure training environment,<sup>86</sup> supplies,<sup>87</sup> instructors<sup>88</sup> and new recruits;<sup>89</sup> ensured its continued survival; taught it how to terrorise civilians;<sup>90</sup> directed it in its first

<sup>78</sup> DCT-025, Transcript 12 March 2010, pp. 37226-37228.

<sup>79</sup> DCT-292, Transcript 1 June 2010, pp. 41838-41839.

<sup>80</sup> Exhibit P-031, “Report for the Special Court for Sierra Leone, Charles Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006”, pp. 3-4; Exhibit D-006 (Confidential); DCT-125, Transcript 4 March 2010, pp. 36696-36697; Exhibit P-414, “Liberian Truth and Reconciliation Commission Diaspora Project – Appendix D, Key events in Liberian History from 1979-2003”; Decision on Judicial Notice, para. 66; Defence Final Trial Brief, para. 395; DCT-025, Transcript 12 March 2010, pp. 37226-37228.

<sup>81</sup> Isaac Mongor, Transcript 10 March 2008, pp. 5666-5667; Foday Lansana, Transcript 20 February 2008, p. 4374; TF1-371, Transcript 24 January 2008, pp. 2204, 2206-2208 (CS); DCT-025, Transcript 17 March 2010, p. 37411; TF1-168, Transcript 21 January 2009, pp. 23203-23204 (CS); TF1-362, Transcript 27 February 2008, p. 4805 (CS); TF1-367, Transcript 20 August 2008, p. 14096.

<sup>82</sup> Dauda Aruna Fomie, Transcript 1 December 2008, pp. 21301-21302; TF1-371, Transcript 25 January 2008, pp. 2230-2231 (CS); Jabaty Jaward, Transcript 8 July 2008, pp. 13234-13235; Perry Kamara, Transcript 4 February 2008, pp. 3042-3043; TF1-168, Transcript 21 January 2009, pp. 23157-23160 (CS); Issa Sesay, Transcript 5 July 2010, pp. 43606, 43609; Charles Ngebeh, Transcript 1 April 2010, p. 38609.

<sup>83</sup> Prosecution Final Trial Brief, para. 61.

<sup>84</sup> Prosecution Final Trial Brief, para. 58.

<sup>85</sup> Prosecution Final Trial Brief, paras 60, 65.

<sup>86</sup> Prosecution Final Trial Brief paras 66-67.

<sup>87</sup> Prosecution Final Trial Brief, para. 75.

<sup>88</sup> Prosecution Final Trial Brief, paras 71-73.

<sup>89</sup> Prosecution Final Trial Brief, paras 68-70.

<sup>90</sup> Prosecution Final Trial Brief, para. 74.

endeavours, protected it from outside threats to its existence, and strengthened the basic unity of the group".<sup>91</sup>

26. The Defence denies that the Accused played any role in creating or supporting the RUF and submits that the RUF forged its own identity separate from the NPFL and was a "self-reliant struggle".<sup>92</sup> While it accepts that the NPFL and RUF fighters were trained at Camp Naama at the same time, the Defence maintains that the two forces were segregated in that they trained separately, had separate command structures<sup>93</sup> and that the RUF fighters were strictly confined to their area, known as "Crab Hole" or "Sokoto".<sup>94</sup>

#### 4. Insurgency into Sierra Leone (1991-1992)

27. In late February 1991, Foday Sankoh issued an ultimatum to President Momoh to resign from the Presidency within 90 days or else face a revolt.<sup>95</sup> On 23 March 1991, prior to the expiration of the 90-day deadline, about 150 RUF and NPFL<sup>96</sup> fighters from Camp Naama launched an insurgency into eastern Sierra Leone, signifying the commencement of the civil war.<sup>97</sup> The armed forces of Sierra Leone, commonly known as the Sierra Leone Army ("SLA") fought to repel the RUF's offensives. As the RUF spread throughout the country, they set up bases and captured civilians who were trained in fighting techniques, war tactics and ideology of the RUF.<sup>98</sup> Those trained in Sierra Leone were called Junior Commandos and were considered junior in rank to the Vanguard.<sup>99</sup>

<sup>91</sup> Prosecution Final Trial Brief, para. 60.

<sup>92</sup> Defence Final Trial Brief, para. 391.

<sup>93</sup> Defence Final Trial Brief, para. 398.

<sup>94</sup> Defence Final Trial Brief, paras 392-393.

<sup>95</sup> Martin George, Transcript 22 April 2010, pp. 39642, 39645-39646.

<sup>96</sup> Prosecution Final Trial Brief, paras 78-79, 256; Defence Final Trial Brief, para. 423.

<sup>97</sup> DCT-190, Transcript 7 June 2010, pp. 42182, 42183; DCT-025, Transcript 12 March 2010 pp. 37252-37255; Exhibit P-431, "Excerpts from: News Article, IPS - Inter Press Service/Global Information Network, Politics - Sierra Leone: No Lawyer Willing to Defend Rebel Leader (Lexis Nexis), 7 September 1998", p. 1; Exhibit P-497, "Witness to the Truth: Report of the Sierra Leone Truth and Reconciliation Commission Report, Vol. 2", p. 41; Fayia Musa, Transcript 13 April 2010, pp. 38839- 38840; Sam Kolleh, Transcript 1 November 2010, pp. 48369-48370, 48377; John Vincent, Transcript 25 March 2010, pp. 38008-38011; Decision on Judicial Notice, Annex A, Facts C and N.

<sup>98</sup> TF1-371, Transcript 25 January 2008, pp. 2228-2232, 2248-2255 (CS); DCT-025, Transcript 17 March 2010, pp. 37428-37433; Jabaty Jaward, Transcript 8 July 2008, pp. 13222-13224.

<sup>99</sup> TF1-371, Transcript 25 January 2008, pp. 2253-2255 (CS); Perry Kamara, Transcript 4 February 2008, pp. 3042-3043; DCT-025, Transcript 17 March 2010, pp. 37434-37435; Jabaty Jaward, Transcript 8 July 2008, pp. 13234-13235.

28. The Prosecution alleges that the Accused, Sankoh and NPFL commanders planned the March 1991 invasion of Sierra Leone at a meeting chaired by the Accused in Voinjama in Liberia's Lofa County in March 1991.<sup>100</sup> The Prosecution further claims that the NPFL commanders and fighters under the command of the Accused were the primary participants of the initial invasion into Sierra Leone and during the early stages of the conflict until they were withdrawn in about June 1992.<sup>101</sup> Further, it claims that about 300 novice RUF fighters trained at Camp Naama were integrated into the NPFL battalions which led the invasion into Sierra Leone "in order to gain experience as the invasion continued";<sup>102</sup> and that during the period 1991-1992 the Accused regularly sent NPFL fighters to Sierra Leone to reinforce the RUF.<sup>103</sup>

29. The Defence maintains that the Accused was not present at the Voinjama meeting<sup>104</sup> and neither planned nor had knowledge of the alleged plan to attack Sierra Leone.<sup>105</sup> Whilst the Defence does not deny that the invasion force did include members of the NPFL, or the fact that the majority of RUF recruits were Liberian, it maintains that these men were not sent to invade Sierra Leone by the Accused.<sup>106</sup>

## **B. Civil War in Sierra Leone (1991-1996)**

### **1. 1991-1992**

30. In fighting against the RUF, the SLA cooperated with ULIMO, an armed group that was initially formed to fight against the NPFL in Liberia.<sup>107</sup> In addition, in early 1991 the Sierra Leone Government created the Special Task Force ("STF"), an armed group consisting of mainly Liberian recruits who were former ULIMO members, in order to assist the SLA in repelling the rebels.<sup>108</sup>

<sup>100</sup> Prosecution Final Trial Brief, para. 77.

<sup>101</sup> Prosecution Final Trial Brief, paras 78-80.

<sup>102</sup> Prosecution Final Trial Brief, paras 78-81.

<sup>103</sup> Prosecution Final Trial Brief, paras 82-84.

<sup>104</sup> Defence Final Trial Brief, paras 415-417.

<sup>105</sup> Defence Final Trial Brief, para. 417.

<sup>106</sup> Defence Final Trial Brief, para. 423.

<sup>107</sup> Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Ghankay Taylor and the War in Sierra Leone, Stephen Ellis, 5 December 2006", p. 7; Varmuyan Sherif, Transcript 9 January 2008, pp. 796-799; Exhibit D-026, "Submissions to the Sierra Leone Truth and Reconciliation Commission, Appendix 2, Statement by His Excellency the President Alhaji Dr Ahmad Tejan Kabbah, 4 August 2003".

<sup>108</sup> Exhibit D-469, "Letter from Brigadier General David L M Bropleh to Acting CDs, DHQ. Request for

31. From at least August 1991 until at least May 1992, the RUF cooperated with the NPFL in fighting against ULIMO and the SLA.<sup>109</sup> In early 1992, however, at a time when the RUF was seeking peace talks with President Momoh's APC Government, a group of young military officers led by 26-year-old Captain Valentine Strasser overthrew the APC Government in a coup and established a ruling military council known as the National Provisional Ruling Council ("NPRC").<sup>110</sup> While many in the RUF saw this as the culmination of their struggle to rid Sierra Leone of the APC's one-party state,<sup>111</sup> the Strasser regime refused to pursue negotiations with the RUF and instead mounted a crushing offensive that drove the RUF towards and over the border into Liberia by the end of 1992/early 1993.<sup>112</sup>

32. In early 1992, tensions emerged between the RUF and the NPFL over the way in which the latter were treating Sierra Leonean civilians.<sup>113</sup> Fighting erupted between the two groups resulting in the execution of at least 30 Vandards and escalating into a series of three military operations code-named "Top 20", "Top 40" and "Top Final"<sup>114</sup> respectively, in which the NPFL withdrew from Sierra Leone and returned to Liberia after June 1992.<sup>115</sup> Some NPFL members remained in Sierra Leone and assumed senior roles within the RUF,

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Redress on the Twenty-Six (26) Liberians Rejected at BTC BSTTT 4 Training Program on Constitutional Grounds, November 30 2000": TF1-371, Transcript 28 January 2008, pp. 2387-2388 (CS); Exhibit D-462 (Confidential); Exhibit D-026, "Submissions to the Sierra Leone Truth and Reconciliation Commission, Appendix 2, Statement by His Excellency the President Alhaji Dr Ahmad Tejan Kabbah, 4 August 2003".

<sup>109</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24328-24329; Transcript 20 July 2009, pp. 24796-24797; Transcript 10 September 2009, pp. 28535-28536, 28563-28564; Transcript 22 September 2009, pp. 29296, 29298-29299; Transcript 15 September 2009, pp. 28939-28940; Transcript 25 November 2009, pp. 32367-32369.

<sup>110</sup> Exhibit P-031, "Report for the Special Court for Sierra Leone, Charles Ghankay Taylor and the War in Sierra Leone, Stephen Ellis," Stephen Ellis, Transcript 22 September 2008, p. 16906; Charles Ngebeh, Transcript 22 March 2010, p. 37781.

<sup>111</sup> Fayia Musa, Transcript 14 April 2010, pp. 38928-38929.

<sup>112</sup> Exhibit D-062, "How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998", p. 2; Fayia Musa, Transcript 14 April 2010, p. 38929.

<sup>113</sup> TF1-561, Transcript 14 May 2008, p. 9862; TF1-371, Transcript 25 January 2008, pp. 2235-2237 (CS); TF1-168, Transcript 21 January 2009, p. 23167 (CS); Charles Ghankay Taylor, Transcript 20 July 2009, pp. 24812, 24839.

<sup>114</sup> TF1-168, Transcript 23 January 2009, pp. 23437-23438 (CS); Fayia Musa, Transcript 14 April 2010, pp. 38897, 38900; Foday Lansana, Transcript 20 February 2008, pp. 4371-4373.

<sup>115</sup> Fayia Musa, Transcript 14 April 2010, pp. 38908-38909, 38913-38914; Exhibit P-277 (Confidential), pp. 00018120-00018121; Jabaty Jaward, Transcript 14 July 2008, p. 13670; TF1-168, Transcript 21 January 2009, pp. 23212-23213 (CS); Isaac Mongor, Transcript 3 April 2008, pp. 6615-6617.

including Denis Mingo (a.k.a. Superman),<sup>116</sup> Isaac Mongor<sup>117</sup> and Foday Lansana (a.k.a. CO Nya).<sup>118</sup>

33. The Prosecution claims that after the initial attack in March 1991, the Accused sent NPFL troops including radio operators and commandos from Liberia to reinforce the RUF forces fighting on the front lines in Sierra Leone, and created and equipped a special unit known as "Black Gadaffa" tasked with regaining the border areas of Sierra Leone and preventing ULIMO from cutting off the Liberia-Sierra Leone supply channels.<sup>119</sup> The Prosecution further claims that Taylor's forces remained in Sierra Leone, directing and participating in the fighting and the crimes committed against civilians;<sup>120</sup> and that even after the NPFL's withdrawal from Sierra Leone in June 1992, the Accused continued his involvement, participation and concerted action within the RUF<sup>121</sup> and was in contact with Sankoh through radio communication, checking on the situation within the RUF.<sup>122</sup> The Prosecution further alleges that the Accused ordered the RUF to capture Sierra Leone's diamondiferous areas and thereafter provided the RUF with arms and ammunition in exchange for diamonds.<sup>123</sup>

34. The Defence argues that Charles Taylor's involvement in the initial stages of the Sierra Leone conflict was not intended to aid Sankoh's revolution but rather was "a strategic expansion that would create a frontier buffer zone behind which the revolution in Liberia could be adequately protected" against ULIMO.<sup>124</sup> It submits further that while the RUF obtained "some ammunition" from Taylor in this early part of the war, his contribution was negligible and not sufficient to support an RUF military victory.<sup>125</sup> It submits further that by May/June 1992, about a year after the launch of the invasion into Sierra Leone, Taylor cut back his support to Foday Sankoh and ultimately withdrew all the NPFL forces from Sierra

<sup>116</sup> TF1-371, Transcript 25 January 2008, pp. 2258-2259 (CS); TF1-567, Transcript 2 July 2008, p. 12873.

<sup>117</sup> Isaac Mongor, Transcript 11 March 2008, pp. 5712, 5722-5723; TF1-371, Transcript 25 January 2008, pp. 2258-2259 (CS);

<sup>118</sup> TF1-567, Transcript 2 July 2008, pp. 12830-12831; Dauda Aruna Fomie, Transcript 1 December 2008, p. 21351.

<sup>119</sup> Prosecution Final Trial Brief, paras 82-83.

<sup>120</sup> Prosecution Final Trial Brief, para. 84.

<sup>121</sup> Prosecution Final Trial Brief, paras 84-94.

<sup>122</sup> Prosecution Final Trial Brief, paras 85, 93-101.

<sup>123</sup> Prosecution Final Trial Brief, paras 86-87, 206, 349.

<sup>124</sup> Defence Final Trial Brief, paras 428, 814-820.

<sup>125</sup> Defence Final Trial Brief, para. 428.

Leone in mid-1992 during Operation Top Final.<sup>126</sup> The Defence also maintains that Operation Top Final and the NPFL's withdrawal caused a rift between the Accused and Foday Sankoh, with the two men ceasing all contact from mid-1992 until 1999.<sup>127</sup> The Defence denies that the Accused maintained radio communications with Foday Sankoh or the RUF from mid-1992 to the time of the Junta in 1997,<sup>128</sup> or that he provided the RUF with arms and ammunition after May 1992,<sup>129</sup> or that the RUF provided the Accused with diamonds.<sup>130</sup> The Defence submits that it would not have been possible for the Accused to supply the RUF with arms and ammunition because ULIMO controlled the Liberian-Sierra Leonean border from late 1992 until 1996.<sup>131</sup>

## 2. 1993-1995

35. Throughout the early period of the civil war, the RUF were scattered throughout the jungles of Sierra Leone, from where fighters launched guerrilla attacks on towns in order to capture arms, ammunition and other supplies. In late 1993, after the capture of Kono, the RUF retreated from Kono District and crossed into Kailahun District, where they maintained control over many of the major towns until early 1994.<sup>132</sup> The RUF then moved to Kenema District, capturing the Tongo mining area and establishing their main base at "Camp Zogoda", in the Kambui Hills.<sup>133</sup> In late 1994 or early 1995, the RUF attacked the international mining company Sierra Rutile in Bonthe District, holding the site until a counter-attack by SLA forces in January 1995.<sup>134</sup>

<sup>126</sup> Defence Final Trial Brief, paras 429-430.

<sup>127</sup> Defence Final Trial Brief, para. 431; Charles Ghankay Taylor, Transcript 10 September 2009, pp. 28669-28670; Transcript 26 October 2009, pp. 30245-30254, 30255-30256; Transcript 7 September 2009, p. 28192; Fayia Musa, Transcript 14 April 2010, p. 38915.

<sup>128</sup> Defence Final Trial Brief, para. 820.

<sup>129</sup> Defence Final Trial Brief, paras 430-431.

<sup>130</sup> Defence Response to Prosecution Final Trial Brief, paras 73-81.

<sup>131</sup> Defence Final Trial Brief, paras 434-436.

<sup>132</sup> Martin George, Transcript 22 April 2010, pp. 39702-39704; TF1-168, Transcript 21 January 2009, pp. 23228-23230(CS); Exhibit P-277 (Confidential), p. 31.

<sup>133</sup> Martin George, Transcript 22 April 2010, pp. 39704-39706; TF1-567, Transcript 2 July 2008, pp. 12874-12875; TF1-168, Transcript 21 January 2009, pp. 23233-23236; Charles Ngebeh, Transcript 22 March 2010, pp. 37790-37791; Martin George, Transcript 22 April 2010, pp. 39708-39712. For the fact that Camp Zogoda was located in the Kambui Hills, see TF1-371, Transcript 25 January 2008, p. 2251; TF1-516, Transcript 8 April 2008, p. 6839; Dauda Aruna Fomie, Transcript 4 December 2008, p. 21762; TF1-168, Transcript 21 January 2009, p. 23488.

<sup>134</sup> TF1-567, Transcript 2 July 2008, p. 12876; Perry Kamara, Transcript 4 February 2008, pp. 3053-3054; Charles Ngebeh, Transcript 12 April 2010, p. 38653; Martin George, Transcript 22 April 2010, pp. 39712-39716; Issa Sesay, Transcript 6 July 2010, p. 43747.



36. In March 1995, some RUF fighters launched several ambushes near Freetown, prompting Strasser's NPRC government to invite a South African private security firm known as Executive Outcomes to assist in repelling the RUF.<sup>135</sup> Executive Outcomes trained the SLA and local militia groups, including Donsos, Gbethis, Tamboros and Kamajors. These combined forces repelled the RUF fighters that were located near the Freetown Peninsula, forcing them to withdraw to Fogbo and then Makoot.<sup>136</sup> This defeat prompted the RUF to initiate peace talks with the NPRC. In early 1995, preliminary talks were held between the two groups in Yamoussoukro, Côte d'Ivoire.<sup>137</sup>

37. The Prosecution submits that RUF personnel remained in Liberia until late 1992 or early 1993 and that Gbarnga, Taylor's Headquarters, continued to be the transit point through which Sankoh and the RUF fighters would transit to and from Sierra Leone;<sup>138</sup> and that until access to the Sierra Leone/Liberian border was significantly reduced, Taylor regularly provided the RUF with arms, ammunition, food and medicines from various areas in Liberia within his control,<sup>139</sup> as well as communication equipment,<sup>140</sup> training support,<sup>141</sup> and a safe haven,<sup>142</sup> in order to sustain the RUF war in Sierra Leone. The Prosecution further alleges that in late 1992, Sankoh and Taylor planned the capture of diamond-rich Kono District, Taylor provided the arms and ammunition for that attack and that after Kono was captured, Sankoh took diamonds to the Accused in exchange for more ammunition.<sup>143</sup> It further alleges that during this period and throughout the conflict in Sierra Leone, the Accused continued to provide the leaders of the RUF and AFRC/RUF with strategic instruction, direction and guidance in relation to a range of political, military and other

<sup>135</sup> Exhibit D-062, "How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998", p. 4; Charles Ngebeh, Transcript 23 March 2010, pp. 37825-37827.

<sup>136</sup> Exhibit D-062, "How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998", p. 4; Stephen Smith, Transcript 22 September 2008, pp. 16911-16914; Charles Ngebeh, Transcript 23 March 2010, pp. 37825-37827; Charles Ngebeh, Transcript 23 March 2010, pp. 37834-37835.

<sup>137</sup> Exhibit P-277 (Confidential), p. 43; TFI-168, Transcript 22 January 2009, p. 23270; Issa Sesay, Transcript 6 July 2010, pp. 43738-43739. Exhibit P-567, "Sierra Leone Web, Sierra Leone News, March 1996"; Exhibit D-062, "How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998", pp. 4-5; Stephen Smith, Transcript 22 September 2008, pp. 16913-16916.

<sup>138</sup> Prosecution Final Trial Brief, para. 86.

<sup>139</sup> Prosecution Final Trial Brief, paras 88-94.

<sup>140</sup> Prosecution Final Trial Brief, paras 93-101.

<sup>141</sup> Prosecution Final Trial Brief, paras 102-110.

<sup>142</sup> Prosecution Final Trial Brief, paras 111-113.

<sup>143</sup> Prosecution Final Trial Brief, paras 86-88.

matters<sup>144</sup> including advising the RUF to set up “jungles” from which to launch attacks,<sup>145</sup> advising the RUF to attack “a major place” in order to capture the attention of the international community and to force the Strasser Government into agreeing to a peace deal<sup>146</sup> and advising the RUF to set up an “external delegation” that would handle diplomatic relations.<sup>147</sup>

38. The Defence argues that from late 1992 or early 1993 until 1996, the border between Sierra Leone and Liberia was effectively closed by the activities of ULIMO and that it remained closed during the 1996 Sierra Leone elections.<sup>148</sup> The Defence maintains that after the RUF were pushed to the border by the NPRC regime forces, the former changed their tactics by waging a “self-reliant struggle” in which they set up bases in various jungles in Sierra Leone and obtained arms and ammunition principally from ambushes and battles, but not from Liberia.<sup>149</sup> The Defence specifically denies that the Accused was in radio contact with Sankoh or the RUF after 1992 or that he ordered the Sierra Rutile attack.<sup>150</sup>

### 3. Elections in Sierra Leone and “Operation Stop Election” (1996-1997)

39. Strasser announced that elections were to be held in Sierra Leone but, before these could take place, he was overthrown as leader of the NPRC government by his deputy, Brigadier General Julius Maada Bio.<sup>151</sup> Peace talks between the NPRC Government and the RUF were scheduled to take place in Côte d’Ivoire but despite calls from the latter for peace before democratic elections,<sup>152</sup> presidential elections were held in Sierra Leone on 26 and 27 February 1996 before any peace agreement was signed. However, as no candidate won the necessary percentage of the vote, it was necessary to hold a second round of voting.<sup>153</sup> Before the second round of voting could commence, Sankoh called an RUF forum in

<sup>144</sup> Prosecution Final Trial Brief, paras 119-120.

<sup>145</sup> Prosecution Final Trial Brief, para. 121.

<sup>146</sup> Prosecution Final Trial Brief, paras 122-124.

<sup>147</sup> Prosecution Final Trial Brief, para. 125.

<sup>148</sup> Defence Final Trial Brief, paras 434-436.

<sup>149</sup> Defence Final Trial Brief, paras 435-436.

<sup>150</sup> Defence Final Trial Brief, paras 820-835.

<sup>151</sup> Exhibit D-062, “How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998”, p. 4; Exhibit P-329, “Human Rights Watch Report, Sierra Leone: Getting Away with Murder, Mutilation and Rape, New Testimony from Sierra Leone, Vol. 11, No.3, Part III, July 1999”, p. 1.

<sup>152</sup> TF1-168, Transcript 22 January 2009, pp. 23265-23267 (CS).

<sup>153</sup> Exhibit D-062, “How Diamonds Fuelled the Conflict, Chronology of Sierra Leone, Sierra Leone Diamonds, Africa Confidential, April 1998”, p. 4.

Zogoda and ordered "Operation Stop Election"<sup>154</sup> during which the disgruntled RUF attacked several towns, including Bo, Magburaka and Kenema<sup>155</sup> and committed numerous atrocities against civilians, including carving "RUF" on the chests of civilians and the amputation of the fingers and/or hands of those who attempted to vote.<sup>156</sup>

40. On 15 March 1996, Ahmad Tejan Kabbah was elected President of Sierra Leone and was inaugurated two weeks later, on 29 March 1996.<sup>157</sup> Kabbah continued peace negotiations with the RUF and on 30 November 1996, the Abidjan Peace Accord was signed<sup>158</sup> wherein Foday Sankoh agreed to a ceasefire, the RUF was granted the status of a "political movement" and its members an amnesty against prosecution for their past crimes.<sup>159</sup> The temporary cessation of active hostilities brought about by the Abidjan Accord was short-lived and the civil war in Sierra Leone continued.<sup>160</sup> In November 1996, the SLA and the Kamajors attacked the RUF base in Zogoda, forcing the RUF from their stronghold and into Kailahun and Pujehun Districts.<sup>161</sup> In March 1997 while returning to Sierra Leone from Côte d'Ivoire, Sankoh was detained by Nigerian authorities for possession of arms and ammunition<sup>162</sup> and kept under house arrest. He was however, permitted to remain in contact with the RUF by radio.<sup>163</sup> Members of the RUF's External Delegation, who did not support Sankoh's lack of respect for the peace negotiations at Abidjan, took advantage of Sankoh's

<sup>154</sup> Augustine Mallah, Transcript 12 November 2008, pp. 20104-20106.

<sup>155</sup> Exhibit P-277 (confidential), p. 42; Issa Sesay, Transcript 6 July 2010, p. 43746; Transcript 17 August 2010, p. 46494; Augustine Mallah, Transcript 12 November 2008, pp. 20107-20108; Samuel Kargbo, Transcript 21 May 2008, pp. 10422-10423; Isaac Mongor, Transcript 10 March 2008, pp. 5697-5698.

<sup>156</sup> Issa Sesay, Transcript 6 July 2010, p. 43746; Transcript 17 August 2010, p. 46494; Isaac Mongor, Transcript 10 March 2008, pp. 5697-5698; Samuel Kargbo, Transcript 21 May 2008, pp. 10422-10423; Augustine Mallah, Transcript 12 November 2008, pp. 20107-20108; TF1-375, Transcript 23 June 2010, p. 12483.

<sup>157</sup> Alimamy Bobson Sesay, Transcript 28 April 2008, p. 8677; Alice Pyne, Transcript 20 June 2008, p. 12347; Exhibit P-567, "Sierra Leone Web, Sierra Leone News, March 1996".

<sup>158</sup> Fayia Musa, Transcript 14 April 2010, p. 39014; Exhibit P-277 (confidential), p. 43; Exhibit D-087, "Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front"; Decision on Judicial Notice, Annex A, Fact O; Exhibit D-199, "Special ECOWAS Report on Successful Peace Talks in Lomé, 1999", pp. 35-36; Exhibit D-087, "Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front (RUF/SL)", Articles 13 and 14.

<sup>159</sup> Exhibit D-199, "Special ECOWAS Report on Successful Peace Talks in Lomé, 1999", pp. 35-36; Exhibit D-087, "Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front (RUF/SL)", Articles 13 and 14.

<sup>160</sup> Decision on Judicial Notice, Annex A, Fact T; Admitted Facts and Law, Agreed Fact 28.

<sup>161</sup> Augustine Mallah, Transcript 12 November 2008, pp. 20108-20112; Charles Ngebeh, Transcript 23 March 2010, pp. 37842-37846; Martin George, Transcript 23 April 2010, pp. 39748-39750.

<sup>162</sup> Exhibit P-078, "Sierra Leone 1998, A Year of Atrocities Against Civilians, Amnesty International Report", p. 2; Fayia Musa, Transcript 15 April 2010, p. 39098; Issa Sesay, Transcript 6 July 2010, p. 43737.

<sup>163</sup> Fayia Musa, Transcript 15 April 2010, p. 39100.

absence to advocate for change of leadership of the RUF.<sup>164</sup> Bockarie, however, remained loyal to Sankoh and on 29 March 1997 ordered the arrest of the External Delegation, accusing them of attempting to take over control of the RUF.<sup>165</sup>

41. The Prosecution claims that Taylor convinced Sankoh to take part in the peace talks in Côte d'Ivoire in 1996, to negotiate a peace deal which would allow the RUF to end its isolation in Sierra Leone. The Prosecution further alleges that Taylor convinced the RUF to participate in the peace talks in order to ensure that the RUF would survive to continue its fight to control the Sierra Leonean people and territory and to pillage the resources of Sierra Leone.<sup>166</sup> It submits that although the plan to disrupt the elections by terrorising civilians was not devised by the Accused, the RUF leadership sought his approval and guidance before implementing Operation Stop Election, and that the Accused approved of it, telling Sankoh that the plan "was not a bad one".<sup>167</sup> The Defence denies this allegation and maintains that the Accused was not in contact with Sankoh at this time.<sup>168</sup> It submits that Foday Sankoh bears full responsibility for the failure of the Abidjan Peace Accord and for the continuation of the war thereafter.<sup>169</sup>

### C. AFRC/RUF Junta Period (1997-1998)

#### 1. AFRC Coup

42. Disillusionment grew within SLA ranks as a result of Kabbah's support for the local militias rather than the professional army and, on 25 May 1997, a group of SLA soldiers overthrew the Kabbah Government in a coup d'état.<sup>170</sup> On 28 May 1997, the group

<sup>164</sup> Issa Sesay, Transcript 6 July 2010, pp. 43707-43711; Mohamed Kabbah, Transcript 15 September 2008, pp. 16268-16269; Exhibit P-277 (confidential), pp. 18144-18148; Fayia Musa, Transcript 15 April 2010, pp. 39056-39058, 39081, 39101; TF1-168, Transcript 22 January 2009, pp. 23296-29302 (CS); Exhibit P-531, "Article, Sierraleone.org, Sierra Leone Web, Sierra Leone News, March 1997"; Exhibit D-083, "Expo Times Gazette, Vol. 1, No. 44, Kabbah Hails New RUF, 17 March 1997".

<sup>165</sup> Fayia Musa, Transcript 15 April 2010, pp. 39110-39112; TF1-168, Transcript 22 January 2009, pp. 23313-23316 (CS); Issa Sesay, Transcript 7 July 2010, pp. 43881-43892; Exhibit P-067, "RUF People's Army, Situation Report to Foday Sankoh from the Black Guard Commander", pp. 9672-9681; Exhibit P-277 (confidential), pp. 18160-18161; Exhibit P-531, "Article, Sierraleone.org, Sierra Leone Web, Sierra Leone News, March 1997".

<sup>166</sup> Prosecution Final Trial Brief, para. 136.

<sup>167</sup> Prosecution Final Trial Brief, paras 130-133.

<sup>168</sup> Defence Final Trial Brief, paras 820, 836-841.

<sup>169</sup> Defence Final Trial Brief, para. 447.

<sup>170</sup> Admitted Facts and Law, Agreed Fact 17; Decision on Judicial Notice, Annex A, Fact D; *Prosecutor v Taylor*, SCSL-03-1-T-765, Decision on Defence Application for Judicial Notice of Adjudicated Facts from the AFRC Trial Judgement pursuant to Rule 94(B), 23 March 2009 [Decision on Judicial Notice of AFRC

announced that they had formed the Armed Forces Revolutionary Council ("AFRC") and that they had assumed the governance of Sierra Leone.<sup>171</sup> Koroma assumed the leadership of the AFRC, while President Kabbah went into exile in neighbouring Guinea.<sup>172</sup> While in exile, Kabbah united the local militias into a single armed force, known as the Civil Defence Forces ("CDF").<sup>173</sup>

43. Shortly after the AFRC seized power, the RUF joined the AFRC in governing Sierra Leone.<sup>174</sup> As the founders of the AFRC belonged to the Sierra Leonean Army and had therefore been fighting the RUF since 1991, the coalition between the two factions was not based on longstanding common interests; both factions officially declared that they were joining forces to bring peace and political stability to Sierra Leone. On 18 June 1997, the RUF issued an official apology for its crimes, and praised Koroma's government.<sup>175</sup>

44. The coup was widely condemned by the international community.<sup>176</sup> On 26 August 1997, members of the Economic Community of West African States ("ECOWAS") agreed to an almost total embargo against Sierra Leone and raised the possibility of using armed force.<sup>177</sup> A Ministerial Committee of Four, comprising the foreign ministers of Nigeria, Guinea, Côte d'Ivoire and Ghana, was charged with the responsibility of implementing the ECOWAS initiatives.<sup>178</sup> On 29 August 1997, the Economic Community of West African States Cease-fire Monitoring Group ("ECOMOG"), a Nigerian-led West African

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Adjudicated Facts], Annex A, Fact 1.

<sup>171</sup> Exhibit P-100, "Supplement to the Sierra Leone Gazette No. 34, 28 May 1997, Public Notice No. 3 of 1997", Proclamation Administration of Sierra Leone; Decision on Judicial Notice, Annex A, Fact D.

<sup>172</sup> Admitted Facts and Law, Agreed Fact 18; Exhibit P-329, "Human Rights Watch Report, Sierra Leone: Getting Away with Murder, Mutilation and Rape, New Testimony from Sierra Leone, Vol. 11, No.3, Part III, July 1999", p. 2.

<sup>173</sup> Exhibit D-169, "UN Security Council, Second Progress Report of the Secretary-General on the United Nations Observer Mission in Sierra Leone, S/1998/960, 16 October 1998", p. 00012371; Exhibit D-443, "Report To the United Nations Secretary General, Mr Kofi Annan, New York, From Interim Leader-RUF/SL, General Issah H. Sesay, Detail Information About The RUF and Her Position on the Ongoing Peace Process, April 6 2001", p. 00025662; Charles Ghankay Taylor, Transcript 29 July 2009, p. 25559.

<sup>174</sup> Joint Filing by the Prosecution and Defence: Admitted Facts and Law, No. 30.

<sup>175</sup> Decision on Defence Application for Judicial Notice of Adjudicated Facts from the AFRC Trial Judgement Pursuant to Rule 94(B), Fact 1.

<sup>176</sup> Exhibit D-135, "ECOWAS, Report of the Committee of Four on the Situation in Sierra Leone, Abuja, Nigeria, 26 August 1997", pp. 1-2; Exhibit P-078, "Sierra Leone 1998, A Year of Atrocities Against Civilians, Amnesty International Report", p. 2.

<sup>177</sup> Decision on Judicial Notice, Annex A, Fact AC; Exhibit D-135, "ECOWAS, Report of the Committee of Four on the Situation in Sierra Leone, Abuja, Nigeria, 26 August 1997", p. 3; Exhibit P-078, "Sierra Leone 1998, A Year of Atrocities Against Civilians, Amnesty International Report", p. 2; Exhibit P-034, "Profile: Economic Community of West African States (ECOWAS)".

<sup>178</sup> Exhibit D-135, "ECOWAS, Report of the Committee of Four on the Situation in Sierra Leone, Abuja,

intervention force that had previously fought in Liberia, had its mandate extended to cover the civil war in Sierra Leone.<sup>179</sup> In October 1997, the United Nations Security Council adopted Resolution 1132 which imposed mandatory sanctions on Sierra Leone.<sup>180</sup> The United Nations Security Council also expressed its full support for the efforts and role of the ECOWAS Committee to resolve the political crisis and restore lasting peace and stability to Sierra Leone.<sup>181</sup>

45. By this time, peace had been realised in Liberia after seven years of conflict and, on 19 July 1997, the Accused was elected as President.<sup>182</sup> ECOWAS invited the Liberian Government to join the Committee of Four for Sierra Leone, thereby transforming it into a Committee of Five.<sup>183</sup> On 23 October 1997, the Committee of Five met in Conakry and agreed to a peace plan for Sierra Leone.<sup>184</sup> The Conakry Accord called for the cessation of hostilities, humanitarian assistance for refugees and the reinstatement of President Kabbah

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Nigeria, 26 August 1997", p. 3.

<sup>179</sup> Decision on Judicial Notice, Annex A, Fact Z; Exhibit P-031, "Report for the Special Court for Sierra Leone – Charles Taylor and the War and Sierra Leone, Report and Corrigenda, Stephen Ellis, p. 4.

<sup>180</sup> Exhibit P-329, "Human Rights Watch Report, Sierra Leone: Getting Away with Murder, Mutilation and Rape, New Testimony from Sierra Leone, Vol. 11, No.3, Part III, July 1999", p. 2; Exhibit P-069, "United Nations Security Council Resolution 1132, S/RES/1132 (1997), 8 October 1997"; Exhibit P-305, "United Nations Security Council Resolution 1181, S/RES/1181 (1998), 13 July 1998"; Exhibit P-311, "United Nations Security Council Resolution 1231, S/RES/1231 (1999), 11 March 1999", paras 1-4, 7-12; Exhibit D-135, "ECOWAS, Report of the Committee of Four on the Situation in Sierra Leone, Abuja, Nigeria, 26 August 1997", p. 3.

<sup>181</sup> Exhibit P-069, "United Nations Security Council Resolution 1132, S/RES/1132 (1997), 8 October 1997"; Exhibit P-305, "United Nations Security Council Resolution 1181, S/RES/1181 (1998), 13 July 1998"; Exhibit P-311, "United Nations Security Council Resolution 1231, S/RES/1231 (1999), 11 March 1999", paras 1-4, 7-12.

<sup>182</sup> Decision on Judicial Notice, Annex A, Fact L; Exhibit D-127, "New African, No. 358, "Taylor's Triumph, Liberia's 100 Days, December 1997".

<sup>183</sup> Charles Ghankay Taylor, Transcript 14 July 2009, pp. 24331-24332; Transcript 27 July 2009, pp. 25299-25300; Exhibit D-136, "ECOWAS, Final Report, Sixteenth Meeting of ECOWAS Chiefs of State, Abuja, Nigeria, 26-27 August 1997", pp. 3, 10.

<sup>184</sup> Exhibit D-339, "ECOWAS, Communiqué, Sixth Meeting of the Foreign Affairs Ministers of the Committee of Five on Sierra Leone, Conakry, 22-23 October 1997"; Exhibit P-036, "ECOWAS Six-Month Peace Plan for Sierra Leone 23 October 1997 – 22 April 1998"; Exhibit D-342, "ECOWAS, Second Report of the ECOWAS Committee of Five on Sierra Leone to the United Nations Security Council Pursuant to Resolution S/RES/1132 (1997) of 8 October 1997", p. 2.

by 22 April 1998.<sup>185</sup> Hostilities continued, however, notwithstanding the signing of the Conakry Accord.<sup>186</sup>

46. The Prosecution maintains that during the Junta and throughout its existence, Taylor provided invaluable instruction, direction and guidance to the leaders of the AFRC/RUF alliance and that this was often crucial to the continued survival of the alliance as a viable entity with the ability to continue carrying out the campaign of terror against the civilian population of Sierra Leone, encompassing all the crimes alleged in the Indictment.<sup>187</sup> The Prosecution further claims that in violation of a UN arms embargo against the AFRC/RUF Junta, Taylor provided vital arms and ammunition to the Junta in exchange for diamonds.<sup>188</sup>

47. The Defence refutes the Prosecution allegations, arguing that the Accused had no communication with any members of the Junta Government nor did he provide the Junta with arms and ammunition.<sup>189</sup> The Defence argues that the Accused was not in a position to provide support for the Junta, because at the time he had neither the time nor the means to provide support as he had just assumed the Presidency and Liberia was bankrupt and subject to an arms embargo.<sup>190</sup> The Defence further argues that the Accused supported the restoration of the Kabbah Government and sought to use his position on the Committee of Five to secure peace in Sierra Leone.<sup>191</sup> The Defence denies that the Accused organised the Magburaka arms shipment and instead submits that the arms were purchased by Sankoh from Burkina Faso, prior to his arrest in Nigeria.<sup>192</sup>

## 2. ECOMOG Intervention (1998-1999)

48. On 5 February 1998, ECOMOG commenced a major offensive against the AFRC/RUF forces and, by 14 February 2008, had succeeded in expelling the Junta from

<sup>185</sup> Exhibit P-078, "Sierra Leone 1998, A Year of Atrocities Against Civilians. Amnesty International Report", p. 2; Exhibit D-339, "ECOWAS, Communiqué, Sixth Meeting of the Foreign Affairs Ministers of the Committee of Five on Sierra Leone, Conakry, 22-23 October 1997"; Exhibit D-342, "ECOWAS, Second Report of the ECOWAS Committee of Five on Sierra Leone to the United Nations Security Council Pursuant to Resolution S/RES/1132 (1997) of 8 October 1997", p. 2.

<sup>186</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 5.

<sup>187</sup> Prosecution Final Trial Brief, para. 139.

<sup>188</sup> Prosecution Final Trial Brief, paras 223-237.

<sup>189</sup> Defence Final Trial Brief, paras 842-868, 1042-1062.

<sup>190</sup> Defence Final Trial Brief, paras 461-471, 707.

<sup>191</sup> Defence Final Trial Brief, para. 87.

<sup>192</sup> Defence Final Trial Brief, para. 862.

Freetown.<sup>193</sup> On 10 March 1998, the Kabbah Government was restored to power in Sierra Leone.<sup>194</sup> By mid-March 1998, ECOMOG, acting in concert with the CDF, extended its control to Bo, Kenema and Zimmi in the south of the country; Lunsar, Makeni and Kabala in the north; and Daru in the east.<sup>195</sup>

49. Bockarie's group retreated from Kenema to Kailahun Town, while the AFRC/RUF fighters who had been based in Freetown retreated to Masiaka under the leadership of Koroma.<sup>196</sup> Unable to pay his fighters, Koroma ordered an operation known as "Operation Pay Yourself" in which his fighters engaged in extensive looting.<sup>197</sup>

50. The Prosecution submits that during this period the AFRC/RUF depended overwhelmingly on Taylor's direct provision of arms and ammunition to start repelling the ECOMOG advancement or to contain the situation,<sup>198</sup> and that in exchange for vast amounts of diamonds paid to Taylor, Sam Bockarie, as commander of the troops on the ground in Sierra Leone, received substantial amounts of arms, ammunition and other assistance from Taylor and Taylor's subordinates during Bockarie's numerous trips to Liberia.<sup>199</sup> The Prosecution claims that the arms and ammunition obtained from Taylor and his subordinates were used *inter alia*, to reinforce the RUF at their training base at Bunumbu,<sup>200</sup> to capture

<sup>193</sup> Exhibit D-155, "United Nations Security Council, Fourth Report of the Secretary-General on the Situation in Sierra Leone, S/1998/249, 18 March 1998", para. 6; Charles Ghankay Taylor, Transcript 29 July 2009, pp. 25571-25572; Decision on Judicial Notice, Annex A, Fact AD; *Prosecutor v Taylor*, SCSL-03-1-T-765, Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 5.

<sup>194</sup> Exhibit D-343, "United Nations Security Council Resolution 1156, S/RES/1156 (1998), 16 March 1998; Exhibit P-078, "Sierra Leone 1998, A Year of Atrocities Against Civilians, Amnesty International Report", pp. 1-2; Charles Ghankay Taylor, Transcript 7 September 2009, pp. 28261-28262; Decision on Judicial Notice, Annex A, Fact E.

<sup>195</sup> Exhibit D-155, "United Nations Security Council, Fourth Report of the Secretary-General on the Situation in Sierra Leone, S/1998/249, 18 March 1998"; Exhibit P-130, "United Nations Security Council, Fifth Report of the Secretary-General on the Situation in Sierra Leone, S/1998/486, 9 June 1998"; Exhibit D-191, "United Nations Security Council, Fifth Report of the Secretary-General on the United Nations Observer Mission in Sierra Leone, S/1999/237, 4 March 1999", para. 13; Exhibit P-132, "IRIN West Africa, Update 146, University of Pennsylvania African Studies Center, 16 February 1998".

<sup>196</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 5; Exhibit P-132, "IRIN West Africa, Update 146, University of Pennsylvania African Studies Center, 16 February 1998"; Exhibit D-076, "Map of Sierra Leone (marked by Dauda Aruna Fornie)"; Samuel Kargbo, Transcript 21 May 2008, pp. 10482-10486; Issa Sesay, Transcript 7 July 2010, pp. 43959-43960; Isaac Mongor, Transcript 11 March 2008, p. 5733; TF1-371, Transcript 28 January 2008, pp. 2349-2350 (CS).

<sup>197</sup> The fighters looted food, clothing and vehicles from the civilian population and broke into a bank to loot money. Issa Sesay, Transcript 7 July 2010, pp. 43963-43968; Isaac Mongor, Transcript 11 March 2008, pp. 5734-5735; TF1-371, Transcript 28 January 2008, pp. 2352-2355 (CS); TF1-375, Transcript 23 June 2008, pp. 12501-12502; Alimany Bobson Sesay, Transcript 17 April 2008, pp. 7934-7937.

<sup>198</sup> Prosecution Final Trial Brief, para. 238.

<sup>199</sup> Prosecution Final Trial Brief, paras 239-248.

<sup>200</sup> Prosecution Final Trial Brief, para. 250.



and hold on to Kono,<sup>201</sup> and during the “Fitti-Fatta” mission, in the course of which operations the RUF/AFRC forces committed crimes against the civilian population of Sierra Leone.<sup>202</sup>

51. The Defence refutes the Prosecution allegations and submits that after President Kabbah was reinstated, President Charles Taylor (as he then was) as a “point person” on the Committee of Five, played a conciliatory role between the warring factions in Sierra Leone.<sup>203</sup>

#### **D. Civil War in Sierra Leone (1998-1999)**

52. Following the ECOMOG Intervention, the RUF and AFRC forces retreated from Freetown<sup>204</sup> to Masiaka<sup>205</sup> and onto Makeni.<sup>206</sup> In late February-early March 1998, combined AFRC/RUF forces attacked and ultimately captured Koidu Town (a.k.a. Kono), the primary town in Kono District.<sup>207</sup>

53. Koroma then went to Buedu to meet Bockarie and was later arrested by him on suspicion of attempting to leave Sierra Leone with a large quantity of diamonds.<sup>208</sup> Following this incident, Bockarie assumed control of the AFRC/RUF forces.<sup>209</sup>

<sup>201</sup> Prosecution Final Trial Brief, para. 251.

<sup>202</sup> Prosecution Final Trial Brief, paras 252-254.

<sup>203</sup> Defence Final Trial Brief, paras 502-517.

<sup>204</sup> Decision on Judicial Notice, 23 March 2009, Annex A, Fact 5; Decision on the Prosecution Motion for Judicial Notice, 7 December 2007, Annex A, Fact , AD.

<sup>205</sup> *Prosecutor v Taylor*, SCSL-03-I-T, Decision on the Prosecution Motion for Judicial Notice, 7 December 2007, Annex A, Fact AD; *Prosecutor v Taylor*, SCSL-03-I-T, Decision on Judicial Notice, 23 March 2009, Annex A, Fact 5; Exhibit D-155, “UN Security Council, Fourth Report of the Secretary-General on the Situation in Sierra Leone, S/1998/249, 18 March 2008”, p. 2, para 6

<sup>206</sup> TF1-371, Transcript 28 January 2008, pp. 2353-2354 (CS); Samuel Kargbo, Transcript 21 May 2008, pp. 10495-10496; Isaac Mongor, Transcript 11 March 2008, p. 5735; Perry Kamara, Transcript 5 February 2008, p. 3095; Foday Lansana, Transcript 21 February 2008, p. 4498; TF1-375, Transcript 23 June 2008, p. 12501; TF1-539, Transcript 20 August 2008, p. 14136; Issa Sesay, Transcript 8 July 2010, pp. 43991-43995.

<sup>207</sup> Alimamy Bobson Sesay, Transcript 17 April 2008, pp. 7943, 7946-7947; TF1-371, Transcript 28 January 2008, pp. 2355, 2358-2359 (CS); Samuel Kargbo, Transcript 21 May 2008, pp. 10496-10497; Perry Kamara, Transcript 5 February 2008, pp. 3098-3099; TF1-539, Transcript 20 August 2008, pp. 14139-14140; Isaac Mongor, Transcript 11 March 2008, pp. 5737-5738; TF1-375, Transcript 23 June 2008, pp. 12503-12504.

<sup>208</sup> Samuel Kargbo, Transcript 22 May 2008, pp. 10526-10542; Exhibit D-084, “Revolutionary United Front, Sierra Leone Defence Headquarters, Salute Report from Brigadier Issa Sesay, Battlefield Commander, RUF/SL, to the Leader of the Revolution, 27 September 1999”, p. 6; Issa Sesay, Transcript 8 July 2010, pp. 44018-44027.

<sup>209</sup> Perry Kamara, Transcript 5 February 2008, pp. 3109-3110; Isaac Mongor, Transcript 11 March 2008, p. 5741; Exhibit D-009, “RUF Defence Headquarters, Salute report to the Leader of the Revolution, RUF/SL, from Major General Sam Bockarie”, p. 5, ERN 9662; Exhibit D-084, “Sierra Leone, Defence Headquarters, Salute Report, from Brigadier Issa H. Sesay Battlefield Commander RUF/SL to the Leader of the Revolution, 27

54. A few weeks later, ECOMOG and the CDF regained control of Koidu Town and the AFRC/RUF forces retreated to other locations in Kono District, including an area referred to as "Superman Ground".<sup>210</sup> Following defeat of the AFRC/RUF forces at Koidu Town, Alex Tamba Brima (a.k.a. Gullit), a former SLA member of the Supreme Council, led another group of predominantly AFRC soldiers north to Koinadugu to join SAJ Musa.<sup>211</sup> By that time, SAJ Musa had based in Koinadugu District in the north of Sierra Leone, leading a breakaway group of predominantly AFRC troops, refusing to accept that AFRC soldiers be subordinate to RUF soldiers.<sup>212</sup> In mid 1998, Brima's group commenced a march through the north of Sierra Leone to Camp Rosos, where they established a base, while SAJ Musa's group remained in Koinadugu.<sup>213</sup>

55. In mid-1998, Bockarie instructed the RUF's battlefield commander for Kono District, Denis Mingo (a.k.a. Superman), to make another attempt to capture Koidu Town.<sup>214</sup> The attack on Koidu Town code-named Operation Fitti-Fatta was a failure and Bockarie's group suffered heavy casualties.<sup>215</sup> Following this attack, Superman assumed the leadership of a group of predominantly RUF fighters travelling to Koinadugu to join SAJ Musa's group.<sup>216</sup> In October 1998, however, there was a violent dispute between Superman's group and SAJ Musa's group which resulted in Musa's group relocating to Camp Rosos, while Superman's forces retreated to a place referred to as "Pumpkin Ground".<sup>217</sup> Following this

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September 1999", p. 6, ERN 7761. See also TF1-516, Transcript 8 April 2008, p. 6967; TF1-045, Transcript 13 November 2008, pp. 20202-20203; Transcript 17 November 2008, p. 20413; Issa Sesay, Transcript 8 July 2010, pp. 44028-44030, stating that Bockarie was the overall commander of the RUF at this point.

<sup>210</sup> Perry Kamara, Transcript 5 February 2008, pp. 3112, 3182-3183; Issa Sesay, Transcript 11 August 2010, p. 45973.

<sup>211</sup> Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8044; Dauda Aruna Fornie, Transcript 4 December 2008, p. 21684; Issa Sesay, Transcript 8 July 2010, p. 44053.

<sup>212</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 6; Issa Sesay, Transcript 7 July 2010, pp. 43982-43983.

<sup>213</sup> Perry Kamara, Transcript 5 February 2008, pp. 3173-3183.

<sup>214</sup> Perry Kamara, Transcript 5 February 2008, p. 3160; Alice Pyne, Transcript 18 June 2008, pp. 12209-12213; Transcript 19 June 2008, pp. 12233-12241.

<sup>215</sup> Isaac Mongor, Transcript 11 March 2008, pp. 5749-5750; Alice Pyne, Transcript 19 June 2008, pp. 12236-12240; Perry Kamara, Transcript 5 February 2008, pp. 3170-3171; Foday Lansana, Transcript 21 February 2008, pp. 4517-4519; Issa Sesay, Transcript 8 July 2010, pp. 44054-44055; Transcript 11 August 2010, p. 45972.

<sup>216</sup> Issa Sesay, Transcript 8 July 2010, pp. 44054-44055; Perry Kamara, Transcript 5 February 2008, pp. 3155-3156, 3167-31769; TF1-375, Transcript 24 June 2008, pp. 12556-12557; Foday Lansana, Transcript 22 February 2008, pp. 4524-4525.

<sup>217</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 10; Komba Sumana, Transcript 6 October 2008, pp. 17966-17968; TF1-375, Transcript 24 June 2008, pp. 12578-12579; Perry Kamara, Transcript 6 February 2008, pp. 3209-3211; Foday Lansana, Transcript 22 February 2008, pp. 4524-4528.

incident, SAJ Musa severed ties with the RUF command and created an unaffiliated SLA group of approximately 1,000 fighters at Camp Rosos, with Brima as his deputy.<sup>218</sup>

56. In late November 1998 or early December 1998, a meeting was held at Waterworks in which Bockarie ordered his group to commence an attack.<sup>219</sup> In mid-December 1998, an attack on Kono commenced under the command of Issa Sesay, with ECOMOG forces sustaining heavy casualties during their retreat.<sup>220</sup> On 23 December 1998, Sesay's forces captured Magburaka and, on the following day, took control of Makeni.<sup>221</sup>

57. In mid-December 1998, SAJ Musa's group commenced its advance on Freetown and by the end of December 1998 had reached Benguema on the outskirts of the capital.<sup>222</sup> Following the capture of Benguema, SAJ Musa was killed and Brima took over as commander of this group.<sup>223</sup>

58. The Prosecution submits that after the ECOMOG Intervention in mid-February 1998, the Accused took immediate steps to secure the diamond-mining areas by planning or being involved in a plan to take control and maintain control over Kono District. The plan was for the AFRC/RUF to hold Kono and thereafter move to the capital to restore AFRC/RUF control over Freetown. This plan resulted in the attacks on Kono in 1998. According to the Prosecution a multi-axis offensive was implemented in late 1998 which culminated in the attack on Freetown on 6 January 1999.<sup>224</sup>

<sup>218</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 10; Komba Sumana, Transcript 6 October 2008, pp. 17966-17968; TF1-375, 24 June 2008, pp. 12578-12579; Perry Kamara, Transcript 6 February 2008, pp. 3209-3211; Foday Lansana, Transcript 22 February 2008, pp. 4524-4528.

<sup>219</sup> Isaac Mongor, Transcript 11 March 2008, pp. 5789-5794; Karmoh Kanneh, Transcript 9 May 2008, pp. 9418-9427; TF1-371, Transcript 28 January 2008, pp. 2410-2411 (CS); Transcript 30 January 2008, pp. 2640-2642 (CS); Issa Sesay, Transcript 9 July 2010, pp. 44127-44129, 44138, 44160-44161.

<sup>220</sup> Exhibit D-178, "United Nations Security Council, Second Report of the Secretary General on the United Nations Observer Mission in Sierra Leone, S/1999/20, 7 January 1999", p. 1.

<sup>221</sup> Exhibit P-093, "Restricted RUF/SL Comprehensive Report to Major Sam Bockarie from Brigadier Issa Sesay on the Take Over of Koidu, 26 January 1999"; Issa Sesay, Transcript 8 July 2010, pp. 44082-44083; Charles Ngebeh, Transcript 23 March 2010, pp. 37918-37919; Alice Pyne, Transcript 19 June 2008, pp. 12269-12272.

<sup>222</sup> Perry Kamara, Transcript 6 February 2008, pp. 3211-3213; Exhibit D-178, "United Nations Security Council, Second Report of the Secretary General on the United Nations Observer Mission in Sierra Leone, S/1999/20, 7 January 1999", p. 2.

<sup>223</sup> Alimamy Bobson Sesay, Transcript 22 April 2008, pp. 8243-8246; Perry Kamara, Transcript 6 February 2008, pp. 3214-3216; Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 13.

<sup>224</sup> Prosecution Final Trial Brief, paras 147-175.





59. The Prosecution claims that during the Freetown Invasion Bockarie went to Monrovia to take instructions from the Accused<sup>225</sup> and that during the second half of 1998 the Accused held clandestine meetings with Bockarie aimed at refining and implementing the plan after the failed Fitti-Fatta mission.<sup>226</sup> Furthermore, according to the Prosecution, the Accused was instrumental in procuring and organising a major shipment of arms and ammunition Burkina Faso that was supplied to the AFRC/RUF forces as part of this plan.<sup>227</sup>

60. The Defence denies that the Accused ever planned or ordered such offensives and instead submits that the plan to capture Kono District was made by Bockarie and Superman in May 1998.<sup>228</sup> The Defence contests the allegation that the Accused provided Bockarie with arms and ammunition and argues that there is credible evidence that suggests that this materiel was obtained from a variety of alternative sources.<sup>229</sup> The Defence claims that the Accused had never met Bockarie before his visit to Monrovia in September 1998<sup>230</sup> but accepts that the Accused met with Bockarie on three occasions in late 1998 and maintains that all meetings were open, transparent and arranged for the purpose of discussing arrangements for facilitating peace in Sierra Leone.<sup>231</sup>

## **E. Civil War in Sierra Leone (1999-2002)**

### **1. Freetown Attack**

61. It is an adjudicated fact from the AFRC Trial Judgement that: "following the death of SAJ Musa, the troops reorganised. On 5 January 1999, the Accused Brima gathered the troops in Allen Town and told them the time had come to attack Freetown. On 6 January 1999, they invaded Freetown".<sup>232</sup> During the operation, between 3,000 and 5,000 persons were killed, including at least 2,000 civilians.<sup>233</sup> Brima's forces held central Freetown for four days, until a counter-attack by ECOMOG forces weakened their position.<sup>234</sup> While the

<sup>225</sup> Prosecution Final Trial Brief, para. 173.

<sup>226</sup> Prosecution Final Trial Brief, paras 158-175, 1201.

<sup>227</sup> Prosecution Final Trial Brief, paras 257-264.

<sup>228</sup> Defence Final Trial Brief, para. 606.

<sup>229</sup> Defence Final Trial Brief, para. 926.

<sup>230</sup> Defence Final Trial Brief, para. 530.

<sup>231</sup> Defence Final Trial Brief, paras 516-531, 920.

<sup>232</sup> Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 14.

<sup>233</sup> Exhibit D-191, "United Nations Security Council, Fifth Report of the Secretary General on the United Nations Observer Mission in Sierra Leone, S/1999/237, 4 March 1999", para. 21.

<sup>234</sup> Exhibit D-191, "United Nations Security Council, Fifth Report of the Secretary General on the United

AFRC managed a controlled retreat, RUF reinforcements arrived in Waterloo. On 24 February 1999, ECOMOG forces succeeded in expelling the rebels from Waterloo.<sup>235</sup>

62. The Prosecution submits that the Freetown invasion was a joint RUF and AFRC operation.<sup>236</sup> Brima commanded the AFRC troops inside the city while the RUF provided critical support by: (i) leading the nationwide offensive that altered the military balance in Sierra Leone and made it possible for Brima's troops to enter Freetown;<sup>237</sup> (ii) providing communications, manpower and jet warnings;<sup>238</sup> (iii) attacking ECOMOG forces at strategic locations outside the city, which affected the battle inside;<sup>239</sup> and (iv) giving orders from Bockarie to be implemented during the attack.<sup>240</sup>

63. The Defence submits that it was the AFRC, not the RUF, which planned and executed the invasion and that the evidence that the Accused planned the attack with Bockarie is contradictory and vague and does not show that the Accused "planned the commission of crimes or was aware of the substantial likelihood of crimes as charged in the Indictment as part of the January 6 invasion".<sup>241</sup> Furthermore, the Defence maintains that the arms and ammunition used by the AFRC to attack Freetown were not supplied by the Accused, but rather captured by the AFRC during their approach to the capital.<sup>242</sup>

## 2. Lomé Peace Accord and Disarmament (1999)

64. On 7 January 1999, with the attack on Freetown ongoing, President Kabbah and Foday Sankoh agreed to a ceasefire which was announced over the radio, but was disregarded by the AFRC and RUF fighters. Further peace talks were facilitated by the Accused and the other members of the Committee of Five and, on 18 May 1999, another ceasefire agreement was signed in Lomé.<sup>243</sup> This ceasefire agreement, however, failed to

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Nations Observer Mission in Sierra Leone, S/1999/237, 4 March 1999", para. 2; Decision on Judicial Notice of AFRC Adjudicated Facts, Annex A, Fact 15.

<sup>235</sup> Exhibit D-191, "United Nations Security Council, Fifth Report of the Secretary General on the United Nations Observer Mission in Sierra Leone, S/1999/237, 4 March 1999", para. 3.

<sup>236</sup> Prosecution Final Trial Brief, para. 513.

<sup>237</sup> Prosecution Final Trial Brief, para. 514.

<sup>238</sup> Prosecution Final Trial Brief, para. 515.

<sup>239</sup> Prosecution Final Trial Brief, para. 516.

<sup>240</sup> Prosecution Final Trial Brief, para. 517.

<sup>241</sup> Defence Final Trial Brief, para. 1345.

<sup>242</sup> Defence Final Trial Brief, paras 1112-1113.

<sup>243</sup> Exhibit D-199, "Special ECOWAS Report on Successful Peace Talks in Lomé, 1999", pp. 3, 9, 11.

bring about the end of hostilities.<sup>244</sup> On 7 July 1999, the Lomé Peace Accord was signed by President Kabbah and Foday Sankoh.<sup>245</sup> The Government of Sierra Leone and the RUF agreed to the immediate release of Sankoh, the transformation of the RUF into a political party that would become part of the Government of Sierra Leone and amnesty for all warring factions, including RUF members.<sup>246</sup> Sankoh received a formal position within the Sierra Leonean Government as Chairman of the Commission for the Management of Strategic Resources, National Reconstruction and Development, a position with the status of Vice-President of Sierra Leone.<sup>247</sup>

65. Despite the signing of the Lomé Peace Accord, hostilities continued.<sup>248</sup> A splinter group of AFRC fighters loyal to Koroma and known as the "West Side Boys" continued to attack ECOMOG forces and the civilian population in Port Loko District.<sup>249</sup> In September 1999, Koroma and 13 of his subordinates issued a document claiming that the AFRC had been unrepresented, unrecognised and marginalised in the Lomé Peace Agreement.<sup>250</sup> On 28 September 1999, Sankoh travelled to Monrovia to participate in two days of peace talks with Koroma that were mediated by the Accused.<sup>251</sup> Subsequently, the AFRC was included

<sup>244</sup> Exhibit P-264, "Radio Log-Book 0008636-0008726", pp. 8653, 8656, 8658, 8660, 8662, 8665, 8668A, 8672; Exhibit D-022, "Sierra Leone News Archives, September 1999, Sierra Leone Web, 30 September 1999"; Exhibit D-206, "Outgoing Code Cable, Urgent Issues, President Taylor's Request for Teleconference with the Secretary General, to Riza for Secretary General, United Nations, New York, from Downes-Thomas, RSG, UNOL, Monrovia, 6 August 1999;" Charles Ghankay Taylor, Transcript 12 August 2009, pp. 26668-26669; Issa Sesay, Transcript 12 July 2010, pp. 44201-44203; Corinne Dufka, Transcript 22 January 2008, p. 1930; Isaac Mongor, Transcript 31 March 2008, pp. 6178-6180.

<sup>245</sup> Exhibit D-224, "Letter to the President of Sierra Leone, Dr Alhaji Ahmad Tejan Kabbah, from Foday Saybana Sankoh, 29 October 1999", para. 3; Stephen Ellis, Transcript 17 January 2008, pp. 1482-1483.

<sup>246</sup> Exhibit D-199, "Special ECOWAS Report on Successful Peace Talks in Lomé, 1999", pp. 35-36.

<sup>247</sup> Exhibit D-199, "Special ECOWAS Report on Successful Peace Talks in Lomé, 1999", pp. 35-36.

<sup>248</sup> Exhibit P-264, "Radio Log-Book 0008636-0008726", pp. 8680-8681, 8687, 8701; Exhibit D-022, "Sierra Leone News Archives, September 1999, Sierra Leone Web, 30 September 1999"; Exhibit D-206, "Outgoing Code Cable, Urgent Issues, President Taylor's Request for Teleconference with the Secretary General, to Riza for Secretary General, United Nations, New York, from Downes-Thomas, RSG, UNOL, Monrovia, 6 August 1999"; Charles Ghankay Taylor, Transcript 12 August 2009, pp. 26668-26669; Issa Sesay, Transcript 12 July 2010, pp. 44201-44203; Corinne Dufka, Transcript 22 January 2008, p. 1930; Isaac Mongor, Transcript 31 March 2008, pp. 6178-6180.

<sup>249</sup> Issa Sesay, Transcript 12 July 2010, pp. 44201-44203; Corinne Dufka, Transcript 22 January 2008, p. 1930; Isaac Mongor, Transcript 31 March 2008, pp. 6178-6180; Alimamy Bobson Sesay, Transcript 23 April 2008, pp. 8416-8419; Transcript 24 April, pp. 8447-8760.

<sup>250</sup> Exhibit D-022, "Sierra Leone News Archives, September 1999, Sierra Leone Web, 30 September 1999".

<sup>251</sup> Exhibit D-217, "Itinerary for the Visit of Hon. Foday Sankoh and Delegation Visit to Liberia, 8-30 September 1999"; Exhibit P-530, "Article, Sierra Leone News Archives, Sierra Leone Web, October 1999"; Issa Sesay, Transcript 14 July 2010, pp. 44430-44431; Exhibit D-022, "Sierra Leone News Archives, September 1999, Sierra Leone Web, 30 September 1999"; Exhibit D-217, "Itinerary for the Visit of Hon. Foday Sankoh and Delegation Visit to Liberia, 8-30 September 1999".

within the power-sharing government, with Koroma appointed as the Chairman of the Commission for the Consolidation of Peace ("CCP").<sup>252</sup>

66. The Prosecution submits that the Accused's involvement in the Lomé negotiations were calculated to allow the Accused to give the appearance of a peacemaker, while continuing his clandestine support for the RUF and AFRC.<sup>253</sup> The Defence, however, denies this allegation, and submits that the Accused's efforts towards achieving peace in Sierra Leone were genuine.<sup>254</sup> The disarmament process in Sierra Leone took time to eventuate.<sup>255</sup> Bockarie strongly opposed RUF disarmament.<sup>256</sup> On 14 December 1999 Bockarie resigned from the RUF<sup>257</sup> and in the same month left Sierra Leone with a group of men and relocated to Monrovia.<sup>258</sup> Some of the men who moved with Bockarie to Liberia were incorporated in the Accused's ATU.<sup>259</sup> The parties agree that Bockarie left Sierra Leone to Monrovia upon the Accused's invitation, but while the Prosecution alleges that the Accused ordered Bockarie to do so and that Bockarie's arrival in Liberia was kept secret,<sup>260</sup> the Defence submits that the Accused's actions were carried out under the auspices of ECOWAS as part of the peace process.<sup>261</sup>

### 3. RUF Capture of UNAMSIL Peacekeepers and Appointment of Issa Sesay as Interim Leader (2000)

67. In May 2000, the RUF captured between 400 and 500 UN peacekeepers in the area between Lunsar and Makeni in Sierra Leone.<sup>262</sup> Shortly after this, on 8 May 2000, Sankoh was arrested by the Government of Sierra Leone and incarcerated in Freetown.<sup>263</sup> Thereafter,

<sup>252</sup> Alimamy Bobson Sesay, Transcript 24 April 2008, pp. 8501-8503; Transcript 25 April 2008, p. 8644; Issa Sesay, Transcript 26 August 2010, pp. 47190-47191.

<sup>253</sup> Prosecution Final Trial Brief, paras 1, 38.

<sup>254</sup> Defence Final Trial Brief, paras 965, 1011.

<sup>255</sup> Charles Ghankay Taylor, Transcript 26 November 2009, pp. 32562-32566.

<sup>256</sup> TF1-371, Transcript 29 January 2008, pp. 2448-2450 (CS); Stephen Ellis, Transcript 18 January 2008 pp. 1595-1596; Charles Ghankay Taylor, Transcript 10 September 2009, pp. 28556-28557.

<sup>257</sup> Exhibit D-003, "Radio Log-Book", ERN 8764.

<sup>258</sup> TF1-371, Transcript 29 January 2008, pp. 2449-2451 (CS); Varmuyan Sherif, Transcript 9 January 2008, pp. 882-883; Foday Lansana, Transcript 22 February 2008, pp. 4571, 4573-4574; TF1-516, Transcript 9 April 2008, pp. 7037-7038; Charles Ghankay Taylor, Transcript 17 August 2009, p. 26859.

<sup>259</sup> Charles Ghankay Taylor, Transcript 26 October 2009, pp. 30202-30203.

<sup>260</sup> Prosecution Final Trial Brief, paras 204, 334, 388.

<sup>261</sup> Defence Final Trial Brief, paras 663, 933, 1297.

<sup>262</sup> Issa Sesay, Transcript 14 July 2010, pp. 44505-44513; Abu Keita, Transcript 23 January 2008, pp. 2030-2032; Admitted Facts and Law, Agreed Fact 36.

<sup>263</sup> Issa Sesay, Transcript 14 July 2010, pp. 44504-44505; Perry Kamara, Transcript 6 February 2008, p.

the UN peacekeepers were taken to Liberia and released after having been held hostage for approximately three weeks.<sup>264</sup> Subsequently, and due to the arrest of Foday Sankoh, Issa Sesay was appointed as interim leader of the RUF.<sup>265</sup> From mid-2000 fighting between the Government of Sierra Leone and the RUF ceased almost entirely<sup>266</sup> and the RUF began to take their commitment to disarm more seriously.<sup>267</sup>

68. The Prosecution submits that the Accused, as leader of the RUF, appointed Sesay as the interim leader during an ECOWAS Heads of State meeting held in Monrovia on 26 July 2000.<sup>268</sup> According to the Prosecution, the Accused ordered Sesay to release the hostages so that the Accused could improve his standing in the international community and protect his financial interests in Sierra Leone's diamond resources.<sup>269</sup> The Defence, however, denies that the Accused appointed Sesay as interim leader, and instead maintains that this appointment was made by the ECOWAS Heads of State.<sup>270</sup> The Defence submits that the Accused earnestly negotiated for the unconditional release of the UN peacekeepers in fulfilment of his responsibilities to ECOWAS and the international community.<sup>271</sup>

3269; Charles Ghankay Taylor, Transcript 16 November 2009, p. 31656 (the Accused agreed that an incident occurred at Foday Sankoh's residence in Freetown); TF1-338, Transcript 1 September 2008, pp. 15120-15121.

<sup>264</sup> Issa Sesay, Transcript 14 July 2010, pp. 44515, 44538-44539; Perry Kamara, Transcript 6 February 2008, pp. 3269-3270; Exhibit D-245, "Press Release, Secretary General Acknowledges Liberian President's Role in Peacekeepers Release, SG/SM7396, Secretary General, Department of Public Information, New York, 15 May 2000"; Exhibit D-246, "Press release by the President of Liberia, Ministry of State for Presidential Affairs, Liberia, 16 May 2000"; Exhibit D-244, "Press release by the President of Liberia, Ministry of State for Presidential Affairs, Liberia, 13 May 2000"; Exhibit D-247, "Press release by the President of Liberia, Ministry of State for Presidential Affairs, Liberia, 22 May 2000"; Exhibit D-250, "Fax-Letter, from the President of Sierra Leone, Ahmad Tejan Kabbah, to the Special Representative of the United Nations Secretary General, Oluyemi Adeniji, Government Statement, 23 May 2000"; Exhibit D-253, "Letter from President of Liberia, Dankpannah Dr Charles Ghankay Taylor to President of Sierra Leone, Alhaji Dr Ahmad Tejan Kabbah, 5 June 2000"; Stephen Ellis, Transcript 17 January 2008, p. 1482; Exhibit D-243, "Letter from General Issa Sesay, RUF Field Commander, to the President of Liberia, Dankpannah Dr Charles Ghankay Taylor, 11 May 2000".

<sup>265</sup> Prosecution Final Trial Brief, para. 180; Defence Final Trial Brief, paras 686-689.

<sup>266</sup> Issa Sesay, Transcript 26 July 2010, pp. 44570-44571.

<sup>267</sup> Exhibit D-441A, "Witness Statement of Alpha Konaré, AU Headquarters, Addis Ababa, 13 March 2007"; Exhibit D-441B, "Witness Statement of Oluyemi Adeniji (Issa Sesay), Freetown/Nairobi (Telephone), 2 March 2008"; Exhibit D-441C, "Witness Statement of Daniel Opande, 7 March 2008"; Exhibit D-441D, "Witness Statement of Ali Hassan, 10 March 2008; Exhibit D-441E, "Witness Statement of Ahmad Tejan Kabbah (Issa Sesay), Juba Hill, 12 May 2008".

<sup>268</sup> TF1-338, Transcript 2 September 2008, pp. 15145-15146, 15155-15156; Prosecution Final Trial Brief, paras 180-181.

<sup>269</sup> Prosecution Final Trial Brief, paras 178-179.

<sup>270</sup> Issa Sesay, Transcript 26 July 2010, pp. 44548-44552; Admitted Facts and Law, Agreed Fact 34.

<sup>271</sup> Defence Final Trial Brief, paras 93, 672-674.