

SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

Freetown – Sierra Leone

Before: Judge Bankole Thompson, Presiding Judge
Judge Benjamin Mutanga Itoe
Judge Pierre Boutet

Registrar: Mr. Robin Vincent

Date filed: 22 April 2004

THE PROSECUTOR**Against****SAMUEL HINGA NORMAN****And****MOININA FOFANA****And****ALLIEU KONDEWA**

CASE NO. SCSL-2004-14-PT

**PROSECUTION SUPPLEMENTAL PRE-TRIAL BRIEF
PURSUANT TO ORDER TO THE PROSECUTION TO FILE A
SUPPLEMENTAL PRE-TRIAL BRIEF
OF 1 APRIL 2004**

Office of the Prosecutor:

Luc Côté
James C. Johnson
Charles Caruso

Defence Counsel:

J.B. Jenkins-Johnson
Charles Margai
Michiel Pestman

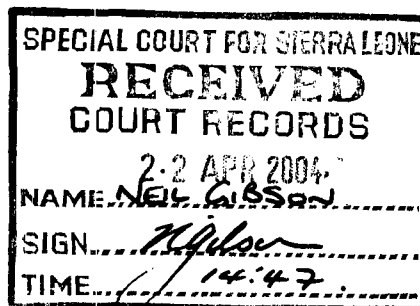


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A. INTRODUCTION

1. The Prosecutor submits this Supplemental Pre-Trial Brief in compliance with the ORDER TO THE PROSECUTION TO FILE A SUPPLEMENTAL PRE-TRIAL BRIEF dated 1 April 2004 as amended by the ORDER TO EXTEND THE TIME FOR THE FILING OF THE PROSECUTION SUPPLEMENTAL PRE-TRIAL BRIEF dated 2 April 2004.
2. Annexed to this Brief, in compliance with the order in paragraph 2.a., are two charts detailing the testimonial and documentary evidence upon which the Prosecution relies to establish the factual allegations set out in the indictment, noted in this Supplemental Pre-Trial Brief and the Prosecution Pre-Trial Brief dated 2 March 2004.
3. The section following immediately hereafter, in compliance with the order in paragraph 2.b., elaborates upon the specific case against each individual accused, with particular attention given to the alleged nexus between each accused and the crimes alleged.

B. THE SPECIFIC CASE AGAINST EACH INDIVIDUAL ACCUSED

(a) GENERAL ISSUES

4. The case against each of the three accused is analyzed separately below. Each analysis is to be read in conjunction with the general issues raised in this subsection.
5. In relation to all counts of the indictment alleged against each accused, it is the prosecution theory of the case that Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa individually or in concert with each other, and/or other superiors in the CDF forces, exercised authority, command and control over all subordinate

members of the CDF (refer to paragraph 18 of the indictment filed 5 February 2004).

6. The prosecution alleges that Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa shared a common plan, purpose or design, a joint criminal enterprise, the purpose of which was to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone. This included gaining complete control over the population of Sierra Leone and the complete elimination of the RUF/AFRC, its supporters, sympathizers, and anyone who did not actively resist the RUF/AFRC occupation of Sierra Leone. (refer to paragraph 19 of the indictment filed 5 February 2004).

7. It is the prosecution theory of the case that, in addition to the modes of liability expressly referred to in Article 6.1, of the Statute of the Special Court of Sierra Leone each of the accused is criminally responsible due to their position and the form of their participation in the joint criminal enterprise. It should be noted that often a single act imputes liability both via an express mode under article 6.1 and also as a form of participation in the joint criminal enterprise. The modes of participation for each accused in the joint criminal enterprise include:
 - a. the use of radio communications to coordinate troop and supply movements, and offer status reports;
 - b. attendance and participation in CDF leadership and War Council meetings;
 - c. the coordination or direction of various CDF troop movements;
 - d. the coordination or direction of various CDF weapons and supply distribution;
 - e. the organization of CDF recruitment, initiation and training;
 - f. the organization of financial and resource support;
 - g. the organization and/or participation in the initiation processes employed and;

- h. any action of an accused which furthered the joint criminal enterprise.
8. Accordingly, the prosecution theory of the case is that each accused is criminally responsible for the acts and omissions of each of their participating counterparts.
9. In the case analysis against each of the accused that follows, some of the evidence arising from witness testimony has been identified by count and District. It is the prosecution theory of the case that this evidence is corroborated by the evidence contained within documents referred to in Annex B. Reference to these documents and the corroborative and further evidence contained therein has not been repeated in the analysis of the counts by District. However, the Prosecution expressly relies upon this material as part of its case. It likewise should be noted that Annex A (testimonial evidence) does not contain the names of expert or overview witnesses the prosecution intends to call in support of its case. It is respectfully suggested the required procedures as they regard these witnesses will be followed when arrangements for their appearances have been finalized and in all instances in accord with Rule 94 *bis* Rules of Procedure and Evidence.

(b) MOININA FOFANA

General

10. At all times relevant to the Indictment, Moinina Fofana was the National Director of War of the Civil Defense Forces (CDF). In this position he had direct responsibility for implementing the policies and strategies employed in the prosecution of the war. Further, as National Director of War, he liaised with field commanders, supervised and monitored operations and oversaw the performance of the CDF forces in the field. In the pursuit of accomplishing these tasks he both issued orders and received reports about operations from subordinate commanders to whom he provided logistics including arms and ammunition (refer to paragraph 15 of the indictment filed 5 February 2004).

11. The prosecution imputes guilt to Moinina Fofana in relation to each count of the indictment pursuant to Article 6.1 of the Statute. Under this theory of culpability, Moinina Fofana bears individual criminal responsibility for all of those crimes he planned, instigated, ordered, committed or in whose planning, preparation or execution he otherwise aided and abetted. This theory of liability likewise inculcates Fofana for those criminal acts which were perpetrated as a part of a joint criminal enterprise in which he participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which he participated (refer to paragraph 20 of the indictment). Additionally, or alternatively, the prosecution submits that Moinina Fofana is guilty pursuant to Article 6.3 of the Statute for the criminal acts of his subordinates. This theory of liability is predicated on the fact that he knew or had reason to know that the subordinate was about to commit such acts or had done so and despite this knowledge, he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof (refer to paragraph 21 of the indictment).

Count 1-2: Unlawful Killings

12. The prosecution will adduce evidence that victims of CDF war actions were routinely shot, hacked to death and burned to death (refer to paragraph 25 of the indictment).

TONGO FIELD

13. Between about 1 November 1997 and about 30 April 1998, at or near Tongo Field, and at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembehun, the CDF attacked and unlawfully killed an unknown number of captured enemy combatants as well as civilians including Chief Aruna Konuwa, Chief Brima Conteh, and one Mohammed Mansaray alias "Joskie".

14. The evidence will demonstrate, *inter alia*, that:
 - a. on or about January 14, 1998, the CDF attacked Tongo Field; that the CDF detained civilians; that those considered to be collaborators, identified by tribe or otherwise, were systematically and brutally killed; that this attack was led by field commanders subordinate to Moinina Fofana;
 - b. on or about January 1998, the CDF arrested at gunpoint civilians fleeing Tongo; that at Talama, the civilians were made to sit on the ground and were screened according to the tribes of which they were members; that on the instructions of a CDF commander those civilians set aside were unlawfully killed;
 - c. on or about January 29, 1998, civilians fleeing Tongo for Kenema saw dozens of corpses on the roads leading from the town and in the bush following the CDF onslaught.

Article 6.1 Responsibility

15. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Tongo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that on or about January 14, 1998 the CDF captured and, over the next two weeks, held the town of Tongo; that during that period of time widespread atrocities occurred against those alleged to have supported the AFRC/RUF including unlawful killings and physical violence;
 - c. the fact that Samuel Hinga Norman made statements to members of the CDF command structure, including Moinina Fofana, to the effect that the

- civilians found in Tongo at the time of the battle were to be regarded as the enemy and should be treated as such;
- d. the fact that Samuel Hinga Norman made a public announcement ordering all civilians to leave Tongo and that anyone found in the town by CDF forces would be regarded as the enemy.
16. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time:
- a. he was the National Director of War of the CDF;
 - b. he was a member of the War Council;
 - c. he was a Battlefield Commander, 17th Battalion;
 - d. he was responsible for sending ammunition to the CDF in the field;
 - e. he was physically present and participated in the planning for the attack on Tongo.
17. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

18. It is the prosecution theory of the case that Moinina Fofana held, individually or in concert with other CDF superiors, a position superior to the CDF subordinates engaged in the unlawful killings and had effective control over those subordinates.

19. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that he was physically present and participated in the planning of attacks and was in receipt of reports about these attacks;
 - d. the announced position of the CDF with respect to civilians, in particular those civilians in Tongo;
 - e. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - g. the fact that he received regular status reports of war operations and frequently visited the CDF bases in and around Tongo.
20. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

KENEMA DISTRICT

21. On or about February 15, 1998, at or near the District Headquarters town of Kenema and at the nearby locations of SS Camp, and Blama, the CDF unlawfully killed an unknown number of civilians including one Kosia of Sumaila Street, Kenema, as well as captured enemy combatants.
22. On or about February 15, 1998, at or near Kenema, the CDF unlawfully killed an unknown number of Sierra Leonean Police Officers including Sgt. Fosonah, Momoh Samura and Cpl. Fandai and others.

23. The evidence will demonstrate, *inter alia*, that:
- a. the CDF launched an attack on Kenema Town on or about February 15, 1998, upon the directives and instructions of the CDF high command, of which Moinina Fofana was an integral member, and that an unknown number of civilians were killed;
 - b. the CDF did not take prisoners of war, i.e., whether rebels, soldiers or enemy combatants, they were summarily executed;
 - c. the CDF killed at least 5 civilians during the Kenema attack;
 - d. the CDF killed at least 3 Sierra Leone Police officers during the Kenema attack;
 - e. SS camp, taken when Kenema was taken, was used by the CDF as a place where captured rebels, soldiers and collaborators were killed.

Article 6.1 Responsibility

24. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that a systematic attack, specifically directed toward police officers occurred;
 - c. the fact that during the relevant time the CDF, responding to inquiries, answered that Samuel Hinga Norman had ordered that police officers in general were to be treated as the enemy.
25. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Kenema, by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the

participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time:

- a. he was the National Director of War of the CDF;
- b. he was a member of the War Council;
- c. he was a Battlefield Commander, 17th Battalion;
- d. he was responsible for sending ammunition to the CDF in the field;
- e. he was physically present in war planning meetings and at the issuing of directives and commands to the CDF.
- f. he was regularly present in Kenema district at times relevant to the indictment;
- g. he ordered the CDF group called 'Born Naked' to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses;
- h. he frequently visited SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility;

26. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

27. It is the prosecution theory of the case that Moinina Fofana held a position, individually or in concert with other CDF superiors, superior to that of CDF subordinates engaged in the unlawful killings and that he had effective control over those subordinates.
28. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;

- c. that he was physically present and participated in the planning of attacks and was in receipt of reports about these attacks;
- d. the announced position of the CDF with respect to civilians;
- e. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
- f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field.
- g. the fact that he received regular status reports of war operations and frequently visited the CDF bases in and around Kenema Town;
- h. the fact that he regularly received reports of police officers being targeted and took no action in relation to such reports.

29. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BO DISTRICT

30. At various times in January and February 1998, in locations in Bo District including the District Headquarters town of Bo, Kebi Town, Koribundo, Kpeyama, Fengehun and Mongere, the CDF unlawfully killed both captured enemy combatants and an unknown number of civilians including a man called Kafala Ambrose Kortu and one Abema, a CDF combatant, who was killed for refusing to operate as ordered by CDF superior commanders.
31. The evidence will demonstrate, *inter alia*, that:
- a. at a meeting and in the presence of Moinina Fofana, commands and orders were given for the attack on Koribundo in the Bo District and that such orders included instructions that 'no living thing' was to be spared in the attack;

- b. Bo District was under the control of the CDF for extended periods of time during the conflict;
- c. the CDF launched an attack on Koribundo on multiple occasions until it was taken on or about the 13th and 14th of February 1998;
- d. the CDF was present in Bo District Between about January and February 1998;
- e. an unknown number of civilians were killed that were non members of any armed faction.

Article 6.1 Responsibility

32. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the fact the CDF held the town of Bo intermittently over an extended period of time and set up a command headquarters there;
 - b. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - c. the fact that Moinina Fofana in the presence of Samuel Hinga Norman and Allieu Kondewa accosted a CDF commander of inferior rank, and rebuked him for failing to kill, as ordered, one Sheku Gbao, a captured enemy combatant.
33. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*, the fact that Moinina Fofana was:
- a. National Director of War of the CDF;
 - b. a member of the War Council;

- c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. the authority that set up a command post headquarters at 42 Mahi Boima Road to oversee and direct the war operations;
 - g. physically present at a scene when one civilian was severely beaten by the CDF of the 19th Battalion;
 - h. physically present and participated in a meeting addressed by Samuel Hinga Norman at Dassamu village, wherein it was agreed that all civilians living in Kebe were collaborators and should be killed and their houses burnt;
 - i. the authority who gave instructions for a checkpoint to be erected at Jebma Town, where civilians were separated by tribes following which the Temnes were taken to the forest and killed;
 - j. the authority, along with Samuel Hinga Norman, who gave direct instructions to the Death Squad for the Taiarna Operation in 1997 at which the Death Squad carried out atrocities resulting in a heavy toll of civilian casualties.
34. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

35. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawful killings and that he had effective control over those subordinates.

36. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians, in particular those civilians in Bo District;
 - d. the fact that he was in charge of CDF activity in the Bo District;
 - e. the fact that the commanders put in place at the checkpoints around Bo were appointed by Fofana;
 - f. the fact that the killings at these checkpoints were reported to Moinina Fofana;
 - g. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - h. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field.
 - i. the fact that he received regular status reports of war operations;
 - j. the fact that reports of CDF atrocities were brought to his knowledge with no action taken.
37. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof given that:
- a. after the CDF captured Bo (on or about March 15th, 1998) checkpoints were set up by the CDF to screen the collaborators from the civilians as they fled the town;
 - b. Fofana knew killings took place at these checkpoints but no preventative action was taken;
 - c. at the time, Fofana had an office on Mahi Boima Rd. in Bo;

- d. many meetings were held over the fact of CDF atrocities in which Fofana was present and informed of such conduct;
- e. all atrocities occurring in Bo were reported to Fofana.

MOYAMBA DISTRICT

38. Between about October 1997 and December 1999 in locations in Moyamba District, including Sembehun, Taiama, Bylago, Ribbi and Gbagbantoke, the CDF unlawfully killed an unknown number of civilians, including one Mr. Thomas, former Treasury Clerk, as well as Abubakarr “Waka” Bangura, businessman in addition to a number of captured enemy combatants.
39. The evidence will demonstrate, *inter alia*, that:
 - a. between about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of those actions the CDF continued to identify suspected “collaborators” and others suspected not to be supportive of the CDF and their activities and unlawfully killed an unknown number of civilians;
 - b. the CDF administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma; that it was the case that Gobeh was directly answerable to Moinina Fofana;
 - c. during the CDF reign, the CDF unlawfully killed an unknown number of civilians, including one Mr. Thomas, a former Treasury Clerk of the Native Administration whose head was cut off, put on a stick and displayed throughout the town as a warning to the residents as to their fate should they not support the CDF or should they not provide active resistance to the AFRC/RUF;
 - d. on or about January 26, 1998, the CDF ambushed a convoy of soldiers and civilians at Moyamba Junction resulting in a highway battle that killed a number of civilians.

Article 6.1 Responsibility

40. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that Moinina Fofana held meetings in Moyamba Town and admonished the residents that the CDF had taken over the town and that the CDF was now the lawful authority in Moyamba.

41. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Moinina Fofana, or his aiding and thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from the fact Moinina Fofana was, *inter alia*:
 - a. a member of the War Council;
 - b. a Battlefield Commander, 17th Battalion;
 - c. responsible for sending ammunition to the CDF in the field;
 - d. physically present in war planning meetings and was present at times when directives and commands were issued to the CDF field commanders and combatants;
 - e. National Director of War of the CDF and as such had direct responsibility for implementing the policy and strategy for prosecuting the war.

42. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

43. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawful killings and thus had effective control over those subordinates as witnessed by the fact that:
 - a. at a meeting that took place in Mobia Keffe, a village, Moinina Fofana declared that he had been sent by Samuel Hinga Norman in his capacity as Director of War to resolve a dispute between the CDF factions of two chiefdoms;
 - b. after Moinina Fofana's intervention there was a permanent cessation of hostilities between the two factions.

44. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
 - a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. that he received regular status reports of war operations and frequently visited CDF bases in and around Moyamba.

45. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BONTHE DISTRICT

46. Between about October 1997 and December 1999 in locations in the Bonthe District including Talia (Base Zero), Moyabeh, Makose and Bonthe Town, the CDF unlawfully killed captured enemy combatants as well as a number of civilians including Jusu Sally, Lahai Lebbie and Pa Bargie.

47. The evidence will demonstrate, *inter alia*, that:
 - a. Base Zero, the seat and meeting place of the CDF War Council, was set up near the village of Tihun and served as the CDF operational base from which operations to flush out the AFRC/RUF were staged;
 - b. it was at Base Zero that Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo, Kenema, Moyamba, Tongo and Bonthe;
 - c. on or about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bombay, and the island of town of Bonthe during which the CDF unlawfully killed an unknown number of civilians including, Kpana Manso, Abu Samuka and Kondor Bantama;
 - d. on or about the 15 of February, 1998, at a meeting held in Bellet, Bonthe Town, the CDF summoned civilians and thereafter those identified as rebel collaborators were killed.

Article 6.1 Responsibility

48. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that the CDF base headquarters was located in Talia, Bonthe District and as such served as the temporary residence of the CDF high command including Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa.
49. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan, can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:
- a. National Director of War and had direct authority over the Death Squad that was responsible for the many unlawful killings in and around Talia;
 - b. the individual who introduced the members of the Death Squad to the War Council;
 - c. the National Director of War and had direct responsibility over the Death Squad which in turn was in part responsible for implementing policy and strategy for prosecuting the war;
 - d. a commander who liaised with the field commanders and supervised and monitored operations;
 - e. a member of the War Council;
 - f. a Battlefield Commander, 17th Battalion responsible for sending ammunition to the CDF in the field;
 - g. physically present in war planning meetings and present at the issuing of directives and commands to the CDF;
 - h. the commander who in February of 1998 addressed a meeting of the CDF at Base Zero and supported directives for the attack on Bonthe Town including one that collaborators should be killed;
 - i. responsible for turning over to Allieu Kondewa a soldier captured at Dassamu for the purpose of having that soldier executed;

50. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

51. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawful killings and had effective control over those subordinates.
52. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. the fact that Fofana was in charge of all CDF activity in Bonthe District for a period of time prior to Samuel Hinga Norman's arrival;
 - e. the fact that Commanders put in place for the checkpoints around Bonthe District and in particular Base Zero, were appointed by Moinina Fofana;
 - f. the fact that the killings at these checkpoints were reported directly to Moinina Fofana;
 - g. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - h. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - i. the fact that he received regular status reports of war operations;
 - j. the fact that reports of CDF atrocities were brought to his knowledge with no action taken.

53. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BLACK DECEMBER OPERATION

54. Between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the Southern and Eastern provinces of Sierra Leone, the CDF unlawfully killed an unknown number of civilians and captured enemy combatants in road ambushes at Gerehun, Jembeh and the Bo-Matotoka Highway.
55. The evidence will demonstrate, *inter alia*, that:
- a. the CDF National Coordinator, Samuel Hinga Norman, on behalf of the CDF high command, announced that a military operation, named 'Black December' was to be launched with the objective of taking all main roads in Sierra Leone;
 - b. on or about November 14, 1997, the CDF militia attacked a bus on the Bo-Kenema Road killing nine passengers;
 - c. on or about December 30, 1997, the CDF claimed success in the militia's 'Black December' military offensive in southeastern Sierra Leone and claimed also to have blocked the Freetown-Bo, Bo-Kenema, and Bo-Pujuhun highways;
 - d. on or about January 12, 1998, the CDF announced the beginning of Phase II of Operation Black December which involved the encirclement of all major towns and cities throughout the country;
 - e. on or about January 16, 1998, travelers reaching the capital confirmed the death of 25 persons along the Bo-Freetown road;
 - f. the CDF ambushed a commercial truck near Bo, killing 6 passengers.

Article 6.1 Responsibility

56. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that:
- a. Moinina Fofana, as Director of War, and a War Council member, was present at a meeting in Base Zero, when the Black December Operation was planned, directed and approved for execution;
 - b. in December 1997, in a Press Release, the CDF warned that if Kabbah was not reinstated by the junta, the CDF would block all roads and target all those working for the junta who they consider to be enemies of the State (except health care workers);
 - c. in December 1997, Samuel Hinga Norman, on behalf of the CDF high command, issued a Press Release which stated that (a) the rebels should put down their guns and (b) that those working with rebels would be seen as enemy collaborators and killed.
57. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:
- a. National Director of War of the CDF;
 - b. a member of the War Council;
 - c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. physically present in war planning meetings and at the issuing of directives and commands to the CDF.

58. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

59. It is the prosecution theory of the case that Moinina Fofana held a position, individually or in concert with other AFRC/RUF superiors, superior to the AFRC/RUF subordinates engaged in the unlawful killings and had effective control over those subordinates.
60. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. that he was physically present and participated in the planning of attacks and was in receipt of reports about these attacks;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - g. the fact that he was present at a meeting in Base Zero when the Black December Operation was planned, directed and approved for execution.
61. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

Counts 3-4: Physical Violence and Mental Suffering

62. The Prosecution will adduce evidence that the CDF intentionally inflicted serious physical violence and mental harm or suffering on an unknown number of civilians during the course of the time and at the locations referred to in the indictment (refer to paragraph 26 of the indictment).

TONGO FIELD

63. The evidence will demonstrate, *inter alia*, that:
- a. on or about January 14, 1998, the CDF attacked Tongo Field at which time its members unlawfully arrested, detained and screened civilians in an effort to identify individuals thought to be aiding the AFRC/RUF and that those considered to be collaborators, identified by tribe or otherwise, were systematically, brutally and intentionally subjected to the infliction of physical violence and mental harm or suffering;
 - b. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians;
 - c. the CDF killed suspected collaborators in the presence of their friends and relatives, and thereafter ordered the civilians who had sought refuge at the NDMC headquarters to return home and as the crowds were leaving, the CDF opened sporadic fire thereby intentionally wounding and maiming civilians;
 - d. the CDF subjected the people of Tongo to serious mental anguish and suffering through their conduct of summary executions, beatings, mutilations and threats of death;
 - e. a process of screening arrested civilians was used whereby mainly civilians of non-Mende extraction were caught, branded as “collaborators,” and killed, some in full view of friends and family.

Article 6.1 Responsibility

64. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering during the attacks in Tongo Field, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
 - b. the fact that in December 1997 Samuel Hinga Norman said in a meeting at Base Zero, attended by all Commanders in the Tongo axis, including Moinina Fofana, that all people in Tongo should be regarded as the enemy and further that the civilians living in Tongo were enemies of the CDF because they were mining diamonds which were used by the rebels to buy weapons and therefore these individuals should be killed;
 - c. the fact that in December 1997 before the attack on Tongo Field, Samuel Hinga Norman, on behalf of the CDF high command, made an announcement on BBC radio ordering all civilians to leave the town; that following these orders and during the ensuing attack, a large number of civilians were killed, wounded or assaulted by the CDF, particularly at the NDMC compound.
65. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:
- a. National Director of War of the CDF, that as such he had direct responsibility for implementing policy and strategy for prosecuting the war;

- b. a member of the War Council;
- c. a Battlefield Commander, 17th Battalion;
- d. responsible for sending ammunition to the CDF in the field;
- e. physically present in war planning meetings and at the issuing of directives and commands to the CDF for the capture of Tongo.

66. It is further the prosecution theory of the case that the infliction of physical violence and mental harm or suffering was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

67. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and that he had effective control over those subordinates.
68. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that infliction of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians, in particular those civilians in Tongo;
 - d. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. the fact that he received regular status reports of war operations and frequently visited the CDF bases in and around Tongo.

69. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the acts that resulted in the infliction of physical violence and mental harm or suffering or to punish the perpetrators of those acts.

KENEMA DISTRICT

70. The evidence will demonstrate, *inter alia*, that:
- a. the CDF launched an attack on Kenema Town on or about February 15, 1998, which occasioned severe physical violence, and the intentional infliction of mental harm or suffering on the civilian population, upon the directives and instructions of the CDF high command, of which Moinina Fofana was the National Director of War;
 - b. SS Camp was taken when the CDF captured Kenema and was used for the most part thereafter as a place where captured rebels, soldiers and collaborators were taken, tortured and killed;
 - c. the infliction of physical violence and mental harm or suffering occurred through acts carried out by the CDF in the presence and plain view of relatives and friends of the victims of such acts;
 - d. Sierra Leone Police officers were attacked and severely injured during the CDF assault on Kenema.

Article 6.1 Responsibility

71. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering during the attacks on Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
72. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:
- a. National Director of War of the CDF;
 - b. a member of the War Council;
 - c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. responsible for ordering the CDF group called 'Born Naked' to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses;
 - g. a frequent visitor to SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility.
73. It is further the prosecution theory of the case that the infliction of physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

74. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF

subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.

75. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the acts resulting in the intentional infliction of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. the fact that he received regular status reports of war operations and frequently visited CDF bases in and around Kenema Town;
 - g. the fact that he frequently visited SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility.
76. It is further the prosecution theory of the case that, given all of these matters, it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the acts resulting in the intentional infliction of physical violence and mental harm or suffering or to punish the perpetrators thereof.

BO District

77. The evidence will demonstrate, *inter alia*, that:
- a. at a meeting and in the presence of Moinina Fofana, commands and orders were given for the attack on Koribundo in the Bo District and that those

orders included instructions that the CDF taking part in the operation were not to 'spare any living thing' during the attack;

- b. Bo District was under control of the CDF for significant periods of time during the conflict;
- c. an unknown number of civilians were physically injured that were non members of any armed faction;
- d. Moinina Fofana maintained his offices and spent a significant amount of time in Bo and was thus in proximity to the events which resulted in the infliction of physical violence and mental harm or suffering.

Article 6.1 Responsibility

78. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the acts resulting in physical violence and mental harm or suffering that occurred during the attacks in Bo District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from the fact that, *inter alia*:

- a. Moinina Fofana set up his command post headquarters at 42 Mahi Boima Road to oversee and direct the war operations;
- b. the overall conduct of the CDF, not limited to one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
- c. Moinina Fofana and Samuel Hinga Norman gave direct instructions to the Death Squad for the Taiama Operation in 1997 and that the Death Squad carried out the operation with a heavy toll of civilian casualties;
- d. Moinina Fofana gave instructions for a checkpoint to be erected at Jebma Town, where civilians were separated by tribes after which the Temnes were taken to the forest to be killed, maimed and/or physically harmed;
- e. Moinina Fofana, as well as Allieu Kondewa was physically present and participated in a meeting addressed by Samuel Hinga Norman at Dassamu

village, wherein it was agreed that all civilians living in Kebe were collaborators and should be killed and their houses burnt.

79. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering by Moinina Fofana, or his aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:
- a. National Director of War of the CDF;
 - b. a member of the War Council;
 - c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. was physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. was present, as well as Allieu Kondewa, at a meeting at Base Zero at which Samuel Hinga Norman ordered that soldiers, rebels and collaborators in Koribundo be killed.
80. It is further the prosecution theory of the case that the unlawful physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

81. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.

82. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known of the acts of physical violence and mental harm or suffering that were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians, particularly in Koribundo;
 - d. the fact that Moinina Fofana was in charge of all CDF activity in Bo District; that the Commanders put in place for the checkpoints around Bo were appointed by Moinina Fofana; that the events at these checkpoints were reported to Moinina Fofana;
 - e. the fact that during the relevant times in the indictment Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - g. the fact that he received regular status reports of war operations;
 - h. reports of CDF atrocities that were brought to his knowledge with no action taken.
83. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the acts of physical violence and mental harm or suffering or to punish the perpetrators thereof.

MOYAMBA DISTRICT

84. The evidence will demonstrate, *inter alia*, that:
- a. between about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of the actions the CDF continued to identify suspected “collaborators” and others suspected not to be supportive of the CDF and their activities and inflicted physical

violence and mental harm or suffering on an unknown number of civilians;

- b. a CDF administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma; that Gobeh was directly answerable to Moinina Fofana;
- c. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians in the Moyamba District;
- d. the CDF subjected the people of Moyamba to serious mental anguish and suffering through the conduct of summary executions, beatings, mutilations and threats of death;

Article 6.1 Responsibility

85. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts that inflicted physical violence and mental harm or suffering on civilians during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
- b. the fact that Moinina Fofana held meetings in Moyamba Town and admonished the towns people that the CDF had taken over the town and that the CDF was now the lawful authority in Moyamba.

86. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts resulting in physical violence and mental harm or suffering being perpetrated against civilians by Moinina Fofana, or his aiding and abetting thereof or that resulted from the participation of Moinina Fofana in the

common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period, Moinina Fofana was:

- a. National Director of War of the CDF and had direct responsibility for implementing policy and strategy for prosecuting the war;
- b. a member of the War Council;
- c. a Battlefield Commander, 17th Battalion;
- d. responsible for sending ammunition to the CDF in the field;
- e. physically present in war planning meetings and at the issuing of directives and commands to the CDF.

87. It is further the prosecution theory of the case that the unlawful commission of acts that inflicted physical violence and mental harm or suffering on civilians was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

88. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates as is particularly demonstrated by the fact that:
- a. at a meeting that took place in Mobia Keffe, Moinina Fofana declared that he had been sent by his boss Samuel Hinga Norman and in his capacity as Director of War was to resolve a dispute between the CDF of the two chiefdoms; that following Moinina Fofana's intervention there was a permanent cessation of hostilities between the two factions.
89. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the unlawful acts of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:

- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. that he was physically present and participated in the planning of attacks and was in receipt of reports about these attacks;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - g. the fact that he received regular status reports of war operations and frequently visited CDF bases in and around Moyamba.
90. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof.

BONTHE DISTRICT

91. The evidence will demonstrate, *inter alia*, that:
- a. on or about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bombay, and the island of town of Bonthe where the CDF unlawfully, maimed and physically injured an unknown number of civilians;
 - b. women and girls were subjected by the CDF to sexual assaults, harassment, and non-consensual sex, which resulted in the widespread proliferation of sexually transmitted diseases, unwanted pregnancies and severe mental suffering;
 - c. Base Zero, the seat of the War Council, was set up near the village of Tihun and served as the CDF base from where operations to flush out the AFRC/RUF were staged;

- d. it was at Base Zero that Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo, Tongo, Kenema and Bonthe;
- e. on or about the 15 of February, 1998, at a meeting held in the Bellet, Bonthe Town, the CDF summoned civilians and those who came and were identified as rebel collaborators were subjected to acts of physical violence and mental harm or suffering.

Article 6.1 Responsibility

- 92. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful physical violence and mental harm or suffering through sexual assaults as well as other acts during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the fact that the CDF command and control center was located in Talia, Bonthe District for a period of time and served as the residence of Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa for a portion of that time;
 - b. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment.
- 93. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts that inflicted physical violence and mental harm or suffering on civilians during the attacks in Bonthe District by Moinina Fofana, or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that Moinina Fofana was:

- a. the National Director of War of the CDF;
 - b. a member of the War Council;
 - c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. part of the direct authority over the Death Squad that was responsible for the many unlawful killings and sexual assaults and molestations in and around Talia;
 - g. directly responsible for implementing policy and strategy for the prosecution of the war, liaised with field commanders and supervised and monitored operations;
 - h. the commander who in February of 1998 addressed a meeting of the CDF at Base Zero and supported directives for the attack on Bonthe Town which ordered that collaborators be killed;
 - i. at Base Zero and together with Allieu Kondewa pronounced death sentences on captured combatants or gave orders to inflict other forms of physical violence.
94. It is further the prosecution theory of the case that acts causing physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

95. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.

96. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that acts causing physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. the fact that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. the fact that he received regular status reports of war operations and frequently visited the CDF bases in and around Bonthe;
 - g. the fact that although obvious acts of sexual violence were reported to him and were perpetrated in and around his immediate surroundings, Moinina Fofana nonetheless failed to prevent or to punish those responsible.
97. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the acts which resulted in physical violence and mental harm or suffering.

Count 5: Looting and Burning

98. The Prosecution will adduce evidence that the CDF was engaged in widespread looting and destruction by burning of civilian property (refer to paragraph 27 of the indictment).

KENEMA DISTRICT

99. The evidence will demonstrate, *inter alia*, that:
- a. the CDF launched an attack on Kenema Town on or about February 15, 1998, upon the directives and instructions of the CDF high command;

- b. the CDF launched an RPG bomb into a civilian home, looted all the properties, sprinkled petrol on the property and completely destroyed the house by burning;
- c. the CDF raided the Kenema Prisons Department and broke into the main prison, freed all the detainees and looted all the food supplies and personal belongings of officers;
- d. the CDF attacked and killed a palm oil trader, one Foday Wai, with a machete, and then proceeded to his room and looted a large cylinder containing sums of money and other personal effects;
- e. throughout their military campaign, the CDF engaged in random acts of looting and burning as a form of collective punishment, as well as a means of self-enrichment, in order to punish those they believed were collaborators and to discourage others from becoming what the CDF described as collaborators.

Article 6.1 Responsibility

100. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread looting and burning of civilian homes and properties as part of a campaign of terror and collective punishment;
101. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Kenema by Moinina Fofana, or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra

Leone, can be reasonably inferred from the fact that Moinina Fofana was, *inter alia*:

- a. National Director of War of the CDF;
- b. a member of the War Council;
- c. a Battlefield Commander, 17th Battalion;
- d. responsible for sending ammunition to the CDF in the field;
- e. physically present in war planning meetings and at the issuing of directives and commands to the CDF;
- f. the commander of the CDF group called 'Born Naked' which he ordered to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses.

102. It is further the prosecution theory of the case that looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

103. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning of civilian dwellings and property and had effective control over those subordinates as is particularly demonstrated by the fact that:
- a. Moinina Fofana was the National Director of War and as such was in a command position second only to Samuel Hinga Norman;
104. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the lootings, burning and destruction were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;

- c. the announced position of the CDF with respect to civilians;
- d. that he was regularly present in Kenema district at times relevant to the indictment;
- e. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
- f. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
- g. the fact that he received regular status reports of war operations and frequently visited CDF bases in and around Kenema Town.

105. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the looting and burning or to punish the perpetrators thereof.

BO DISTRICT:

106. The evidence will demonstrate, *inter alia*, that:
- a. at Koribundo, the CDF under the orders of their ground commander set fire to a large number of civilian houses;
 - b. in a meeting at Base Zero, Moinina Fofana was present when orders were given that all shops and pharmacies in Bo Town were to be looted and that all property in Bo Town 'belonged' to the CDF;
 - c. Moinina Fofana took possession of a vehicle looted from World Vision by the CDF and put it into private use;
 - d. during the attack on Bo Town, the CDF looted generators and stereos from the house of one civilian accused of being a collaborator and handed the looted items to Moinina Fofana;
 - e. the CDF went to the south of Kakua chiefdom, to villages including Baoma, Segbewema and Berehun, where they took people's possessions and food.

Article 6.1 Responsibility

107. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread looting and burning of civilian homes and properties as part of a campaign of terror and collective punishment.
108. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts of looting and burning during the attacks in Bo by Moinina Fofana, or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that Moinina Fofana:
- a. was present at a meeting when Samuel Hinga Norman, while addressing the CDF before an attack, ordered them to capture the town of Koribundo “at all costs”;
 - b. was also present when Samuel Hinga Norman, at a speech in Koribondo, ordered that all the houses except 4 were to be destroyed because every house had given shelter to rebels and soldiers;
 - c. was, as well as Allieu Kondewa, physically present and participated in a meeting addressed by Samuel Hinga Norman at Dassamu village, wherein it was agreed that all civilians living in Kebe were collaborators and should be killed and their houses burnt down;
 - d. was a member of the War Council;
 - e. was the Director of War of the CDF;
 - f. was a Battlefield Commander, 17th Battalion;
 - g. was responsible for sending ammunition to the CDF in the field;

- h. was physically present in war planning meetings and at the issuing of directives and commands to the CDF.

109. It is further the prosecution theory of the case that looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

110. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning of civilian dwellings and property and had effective control over those subordinates.
111. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that looting and burning were about to be committed by the CDF can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. the fact that Fofana was in charge of all CDF activity in Bo District; that the Commanders put in place for the checkpoints around Bo were appointed by Fofana; that the killings at these checkpoints were reported to Moinina Fofana;
 - e. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - f. that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - g. that he received regular status reports of war operations;
 - h. that reports of CDF atrocities were brought to his knowledge with no action taken.

112. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the lootings and burnings or to punish the perpetrators thereof.

BONTHE DISTRICT

113. The evidence will demonstrate *inter alia* :
- a. Base Zero was set up near Tihun and served as the main CDF base where operations to flush out the AFRC/RUF were staged;
 - b. on or about April 1998, the CDF had occupied all of the chiefdoms in Bonthe and the CDF from various chiefdoms looted Bonthe Town during 1998 during which time the house of chief Ndokoi Lahai was looted and burnt;
 - c. at Base Zero Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo and Tongo;
 - d. in February 1998 just before the attack on Bo, Samuel Hinga Norman, in an address at Dasamu village stated that all civilians living in Kebe were collaborating with the rebels and he gave orders that any civilian who harbored soldiers should be killed and their houses destroyed; an order in consequence of which many houses were destroyed.

Article 6.1 Responsibility

114. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Bonthe, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that:

- a. at a meeting in Base Zero, Samuel Hinga Norman, in the presence of Moinina Fofana, while addressing the CDF before the attack on Bo said that the CDF should “feed themselves”; that this statement was understood as giving a free hand to the CDF to loot property and that as a consequent effect widespread looting followed the attack on Bo;
 - b. the overall conduct of the CDF, not limited to one district, included widespread looting and burning of civilian homes and properties as part of a campaign of terror and collective punishment;
 - c. as National Director of War, Moinina Fofana had direct responsibility for implementing policy and strategy for prosecuting the war and that he liaised with field commanders, supervised and monitored operations;
 - d. a looted truck loaded with coffee and cocoa was taken to Base Zero and handed over to Moinina Fofana;
 - e. a looted Mercedes vehicle was delivered to Samuel Hinga Norman at Base Zero but was in the custody and use of Moinina Fofana.
115. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Bonthe by Moinina Fofana, or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that Moinina Fofana:
- a. had direct authority over the Death Squad that was responsible for much of the looting, burning and destruction of property in and around Talia;
 - b. was a member of the War Council;
 - c. was a Battlefield Commander, 17th Battalion;
 - d. was responsible for sending ammunition to the CDF in the field;
 - e. was physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. in February of 1998 addressed a meeting of the CDF at Base Zero and supported directives for the attack on Bonthe Town and the order that

collaborators should be killed and the property of the residents should be destroyed.

116. It is further the prosecution theory of the case that the lootings and burnings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

117. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning of civilian dwellings and property and had effective control over those subordinates as is particularly demonstrated by the fact:
- a. that he held a position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. of the announced position of the CDF with respect to civilians;
 - d. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. that he received regular status reports of war operations and frequently visited the CDF bases in and around Bonthe.
118. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the looting and burning were about to be committed can be reasonably inferred from, *inter alia*, the fact that:
- a. Moinina Fofana had control over the Death Squad and directly received reports of executions committed by the Death Squad, yet failed to take necessary disciplinary action or steps to prevent further acts of terror by the Death Squad including looting and burning.

119. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the lootings and burnings or to punish the perpetrators thereof.

MOYAMBA DISTRICT

120. The evidence will demonstrate, *inter alia*, that:
- a. by the end of 1997, the RUF/AFRC forces had no strong base in Moyamba District as they were driven away by the CDF in all the chiefdoms in the District and that at that time, the CDF were the dominant and controlling force in Moyamba district;
 - b. in October 1997, the CDF looted vehicles and other property from civilians in Sembehun;
 - c. on or about January 16, 1998, 15 villages between Sumbuya and Moyamba were completely burnt down in clashes between junta forces and the CDF militiamen;
 - d. on 19 March 1999, the CDF came to Bradford Town at night and looted the entire town and came repeatedly thereafter continuing their looting spree until March 23, 1999;
 - e. at Lungi village, in the Kayamba chiefdom, Moyamba District, the CDF attacked and looted personal property and livestock of civilians.

Article 6.1 Responsibility

121. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the fact that Moinina Fofana held meetings in Moyamba Town and admonished the residents that the CDF had taken over the town and that the CDF were now the lawful authority in Moyamba;
 - b. the overall conduct of the CDF, not limited to one district, which engaged in the widespread looting and burning of civilian homes and properties as part of a campaign of terror and collective punishment.
122. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Moyamba by Moinina Fofana, or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*, the fact that Moinina Fofana was:
- a. National Director of War of the CDF and had direct responsibility for implementing policy and strategy for prosecuting the war;
 - b. a member of the War Council;
 - c. a Battlefield Commander, 17th Battalion;
 - d. responsible for sending ammunition to the CDF in the field;
 - e. physically present in war planning meetings and at the issuing of directives and commands to the CDF.
123. It is further the prosecution theory of the case that looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

124. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning of civilian dwellings and property and had effective control over those subordinates, as is particularly demonstrated by the fact that:

- a. at a meeting that took place in a village called Mobia Keffe, Moinina Fofana declared that he has been sent by his boss Samuel Hinga Norman in his capacity as Director of War to resolve a dispute between the CDF of the two chiefdoms; that following Moinina Fofana's intervention there was a permanent cessation of hostilities between the two factions.

- 125. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that looting and burning were about to be committed can be reasonably inferred from, *inter alia*:
 - a. his position of authority within the CDF;
 - b. that he was a member of the War Council;
 - c. the announced position of the CDF with respect to civilians;
 - d. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - e. that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - f. that he received regular status reports of war operations and frequently visited the CDF bases in and around Moyamba.

- 126. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the looting and burning or to punish the perpetrators thereof, in particular:
 - a. the War Council made disciplinary recommendations to Moinina Fofana in his capacity as Director of War, but no action was taken to redress the CDF excesses.

Counts 6-7: Terrorizing the Civilian Population and Collective Punishments

127. At all times relevant to the Indictment, the CDF committed the crimes set forth in paragraphs 22 through 27 and charged in counts 1 through 5, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF, also committed these crimes to punish the civilian population for their support of, or failure to actively resist, the combined RUF/AFRC forces.

Terrorizing the Civilian Population

128. It is the prosecution theory of the case that the crimes alleged in counts 1 to 5 inclusive were done as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone and did terrorize that population (refer to paragraph 22 through 27 of the indictment).
129. The matters set out above in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Moinina Fofana and count 6.

Collective Punishments

130. It is the prosecution theory of the case that that at various locations throughout Sierra Leone during the period covered by the indictment, the CDF engaged in the crimes charged in counts 1 to 5 to punish the civilian population for allegedly supporting the AFRC/RUF, or for failing to provide sufficient support to the CDF (refer to paragraphs 22 through 27 of the indictment.)
131. The matters set out above in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Moinina Fofana and count 7, particularly:
- a. The fact that the CDF engaged the combined RUF/AFRC forces in armed conflict in various parts of Sierra Leone – to include the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas and the Districts of Moyamba and Bonthe; that civilians, including women and children, who were suspected of having supported, sympathized with, or simply failed to

actively resist the combined RUF/AFRC forces were termed “collaborators” and specifically targeted by the CDF; that once so identified, these “collaborators” and any captured enemy combatants were unlawfully killed; that victims were often shot, hacked to death, or burnt to death.

- b. the fact that the CDF forces, committed various acts of sexual violence against civilian women and girls who were abducted during a series of raids and invasions on villages in the southern and eastern provinces of Sierra Leone particularly in Bonthe and Kenema Districts; that these women and girls were often repeatedly raped, used as sex slaves by members of the CDF forces and forced to perform a range of conjugal duties, including sex, domestic services and other forms of forced labour; that the women and girls had to endure various acts of physical and mental abuse from their captors; that in many instances the putative reason given for this conduct was that the women had acted as collaborators and had aided and abetted the AFRC/RUF cause;
- c. the burning of civilian property performed as part of the attacks on many villages throughout the various Districts of Sierra Leone as ordered by Moinina Fofana as a general measure of retribution.

Count 8-Use of Child Soldiers

- 132. The Prosecution will adduce evidence that the CDF did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 years into the armed forces or groups, and in addition, or in the alternative, use them to participate actively in hostilities (refer to paragraph 29 of the indictment).
- 133. The evidence will demonstrate, *inter alia*, that:
 - a. the CDF leaders recruited many child soldiers;
 - b. many children were initiated into the Kamajor Society with the specific purpose of using them as child soldiers;
 - c. children were divided into groups with a group leader;

- d. children were placed in frontline positions during battle and actively participated in hostilities;

Article 6.1 Responsibility

134. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of boys and girls under the age of 15 or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the widespread and well known use of children to fight, carry weapons and ammunition for the CDF and otherwise actively participate in hostilities;
- b. the overall conduct of the CDF, not limited to one district, which engaged in the widespread looting and burning of civilian homes, the infliction of physical violence and mental harm or suffering and the killings of civilians as part of a campaign of terror and collective punishment, as well as the widespread and notorious use of child soldiers;
- c. the military training that many children were subjected to upon initiation into the Kamajor Society.

135. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of boys and girls under the age of 15 or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*, the fact that:

- a. he was National Director of War of the CDF, as such he had direct responsibility for implementing policy and strategy for prosecuting the war;
- b. he was a member of the War Council;
- c. he was a Battlefield Commander, 17th Battalion and present where children were being used in attacks;

- d. he was responsible for sending ammunition to the CDF in the field including children;
- e. he was physically present in war planning meetings and at the issuing of directives and commands to the CDF;
- f. Moinina Fofana was directly responsible for the Death Squad, which allowed young boys to fight alongside them on the battlefield;
- g. Moinina Fofana visited the village of Gambia twice where he expressed support and endorsed the use of child soldiers.

136. It is further the prosecution theory of the case that the conscription of children was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Moinina Fofana.

Article 6.3 Responsibility

137. It is the prosecution theory of the case that Moinina Fofana held a position individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the use of child soldiers and had effective control over those subordinates.
138. It is the prosecution theory of the case that the fact that Moinina Fofana knew or should have known that the conscription of children was to occur can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that during the relevant times in the indictment, Moinina Fofana was in regular communication with Samuel Hinga Norman;
 - c. his presence at the CDF bases, initiation ceremonies and camps where children underwent military training;
 - d. the fact that he received regular status reports of war operations.

139. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Moinina Fofana failed to take necessary and reasonable measures to prevent the conscription or use of child soldiers or to punish the perpetrators thereof.

(c) ALLIEU KONDEWA

General

140. At all times relevant to the Indictment, Allieu Kondewa was the High Priest of the Civil Defence Forces (CDF). As such he was responsible for all initiations within the CDF, including the initiation of children under the age of 15 years. Furthermore, he frequently led or directed operations and had direct command authority over units within the CDF responsible for carrying out special missions. (Refer to paragraph 16 of the indictment filed 5 February 2004).
141. The prosecution imputes guilt to Allieu Kondewa in relation to each count of the indictment pursuant to Article 6.1 of the Statute. Under this theory of culpability, Allieu Kondewa bears individual criminal responsibility for all of those crimes he planned, instigated, ordered, committed or in whose planning, preparation or execution he otherwise aided and abetted. This theory of liability likewise inculpates Kondewa for those criminal acts which were perpetrated as a part of a joint criminal enterprise in which he participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which he participated (refer to paragraph 20 of the indictment). Additionally, or alternatively, the prosecution submits that Allieu Kondewa is guilty pursuant to Article 6.3 of the Statute for the criminal acts of his subordinates. This theory of liability is predicated on the fact that he knew or had reason to know that the subordinate was about to commit such acts or had done so and despite this knowledge, he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof (refer to paragraph 21 of the indictment).

Counts 1-2: Unlawful Killings

142. The prosecution shall adduce evidence that victims were routinely shot, hacked to death and burned to death (refer to paragraph 25 of the indictment).

TONGO:

143. Between about 1 November 1997 and about 30 April 1998, at or near Tongo Field, and at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembahun, the CDF attacked and unlawfully killed an unknown number of captured enemy combatants as well as civilians including Chief Aruna Konuwa, Chief Brima Conteh, and one Mohammed Mansaray alias “Joskie.
144. The evidence will demonstrate, *inter alia*, that:
- a. on or about January 14, 1998, the CDF attacked Tongo Field; that the CDF detained civilians and that those considered to be collaborators, identified by tribe or otherwise, were systematically and brutally killed; that this attack was led by field commanders subordinate to Moinina Fofana.
 - b. on or about January 1998, the CDF arrested at gunpoint civilians fleeing Tongo; that at Talama, the civilians were made to sit on the ground and were screened according to the tribes of which they were members; that on the instructions of a CDF commander, those civilians set aside were unlawfully killed;
 - c. on or about January 29, 1998, civilians fleeing Tongo for Kenema saw dozens of corpses on the roads leading from the town and in the bush following CDF onslaught.

Article 6.1 Responsibility

145. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Tongo, or the aiding and abetting thereof, or that resulted from the common plan to use any means

necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one district, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that on or about January 14, 1998 the CDF captured and, over the next two weeks, held the town of Tongo and that during that period of time widespread atrocities occurred against those alleged to have supported the AFRC/RUF including unlawful killings and physical violence;
 - c. the fact that Samuel Hinga Norman and in the presence of Allieu Kondewa is known have made statements to the effect that the civilians found in Tongo at the time of the battle were to be regarded as the enemy and should be treated as such;
 - d. the fact that Samuel Hinga Norman made a public announcement ordering all civilians to leave Tongo and that anyone found in the town by CDF forces would be regarded as the enemy.
146. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle, in particular for battle in Tongo;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;

- e. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

- 147. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.

- 148. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
 - a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the fact of the announced position of the CDF with respect to civilians, in particular, those civilians in Tongo.

- 149. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

KENEMA DISTRICT

- 150. On or about February 15, 1998 at or near the District Headquarters town of Kenema and at the nearby locations of SS Camp, and Blama, the CDF unlawfully

killed an unknown number of civilians including one Kosia of Sumaila Street, Kenema, as well as captured enemy combatants.

151. On or about February 15, 1998, at or near Kenema, the CDF unlawfully killed an unknown number of Sierra Leonean Police Officers including Sgt. Fosonah, Momoh Samura and Cpl. Fandai and others.

152. The evidence will demonstrate, *inter alia*, :
 - a. that the CDF launched an attack on Kenema Town on or about February 15, 1998, upon the directives and instructions of the CDF high command, of which Allieu Kondewa was an integral member, and that an unknown number of civilians were killed;
 - b. that the CDF did not take prisoners of war, i.e., whether rebels or soldiers, enemy combatants were summarily executed;
 - c. that the CDF killed at least 5 civilians during the Kenema attack;
 - d. that the CDF killed at least 3 Sierra Leone Police officers during the Kenema attack;
 - e. that SS camp, captured when Kenema was taken, was used by the CDF as a place where captured rebels, soldiers and collaborators were killed.

153. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Kenema District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the overall conduct of the CDF, not limited to any one District, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that a systematic attack, specifically on police officers occurred;

- c. the fact that during the relevant time the CDF, in responding to inquiries, reported that Samuel Hinga Norman had ordered that police officers in general were to be treated as the enemy.
154. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle;
 - c. that fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the fact that the CDF killed civilians in Kenema District on the instruction of Allieu Kondewa, in addition to Samuel Hinga Norman and Moinina Fofana.
155. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

156. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.

157. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF and the fact that his subordinates engaged in the killing of civilians;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians and policemen;
 - e. the fact that as a senior member of the CDF he was regularly present in Kenema;
 - f. the fact that he was present in Kenema Town, along with Samuel Hinga Norman, shortly after the CDF took over the town in February 1998;
 - g. the fact that he was present at a meeting at the Police Barracks in Kenema Town following an attack by the CDF on Kenema Town and the dead bodies of civilians and police killed by the CDF in that attack were visibly present in the police field and the surrounding area at the time that this meeting took place;
 - h. the fact that he visited and attended meetings at SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility.
158. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BO DISTRICT

159. At various times in January and February 1998, in locations in Bo District including the District Headquarters town of Bo, Kebi Town, Koribundo, Kpeyama, Fengehun and Mongere, the CDF unlawfully killed both captured enemy combatants and an unknown number of civilians including a man called Kafala, Ambrose Kortu and, Abema a CDF combatant who was killed for refusing to operate as ordered by the CDF high command.

160. The evidence will demonstrate, *inter alia*, that:
 - a. at a meeting and in the presence of Allieu Kondewa, commands and orders were given for the attack on Koribundo in the Bo District and that such orders included instructions that no living thing was to be spared in the attack;
 - b. Bo District was under control of the CDF for long periods during the conflict;
 - c. the CDF launched an attack on Koribundo six times until it was taken on or about the 13th and 14th of February 1998;
 - d. the CDF was present in Bo District Between about January and February 1998;
 - e. an unknown number of civilians were killed that were non members of any armed faction.

Article 6.1 Responsibility:

161. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bo District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the overall conduct of the CDF, not limited to any one District, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment;

- b. the fact that the CDF held the town of Bo intermittently over a long period of time and set up a command headquarters there;
 - c. the fact that Moinina Fofana in the presence of Samuel Hinga Norman and Allieu Kondewa accosted a CDF commander, and rebuked him for failing to kill, as ordered, one Sheku Gbao, a captured enemy combatant.
162. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle, in particular before the battle in Koribundo;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the fact that he fought with the CDF in Bo Town;
 - f. the fact that Allieu Kondewa, together with Moinina Fofana, was present at a meeting at Base Zero in which Samuel Hinga Norman ordered that soldiers, rebels and collaborators in Koribundo should be killed;
 - g. the fact that Allieu Kondewa was present at a meeting at Base Zero, at which, in front of 15,000 CDF, Samuel Hinga Norman ordered that all those prominent people including the ex District Officer and Provisional Secretary who stayed in Bo Town during the rebel invasion should be killed;
 - h. the fact that Allieu Kondewa, along with Fofana was present at a meeting in Dassamu village at which Samuel Hinga Norman ordered that any civilian who had harbored a soldier should be killed.

163. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

164. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.
165. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians, in particular in Koribundo;
 - e. the fact that he was physically present in Bo at times relevant to the indictment;
 - f. the fact that he was in receipt of regular reports and communications about events in Bo District at times relevant to the indictment;
 - g. the fact that he regularly traveled to Bo Town;
 - h. the fact that he fought with the CDF in Bo Town;
 - i. the fact that he led a group called “Black December” and that this group killed civilians at a checkpoint outside Bo Town;
 - j. the fact that Allieu Kondewa, as well as Moinina Fofana, was present at meetings held in Koribundo attended by the townspeople at which Samuel

Hinga Norman explained that all the acts committed by the CDF in Koribundo, including the killing of civilians, had been committed pursuant to Samuel Hinga Norman's instructions and had been ordered on the basis that the people of Koribundo had collaborated with the enemy;

166. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

MOYAMBA DISTRICT

167. Between about October 1997 and December 1999 in locations in Moyamba District, including Sembehun, Taiama, Bylago, Ribbi and Gbagbantoke, the CDF unlawfully killed an unknown number of civilians, including Mr. Thomas, former Treasury Clerk, Abubakarr "Waka" Bangura, businessman, as well as captured enemy combatants.
168. The evidence will demonstrate, *inter alia*, that:
- a. between about 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of the actions, the CDF continued to identify suspected "collaborators" and others suspected not to be supportive of the CDF and their activities and unlawfully killed an unknown number of civilians;
 - b. a CDF administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma;
 - c. during the CDF reign, the CDF unlawfully killed an unknown number of civilians, including one Mr. Thomas, a former Treasury Clerk of the Native Administration whose head was cut off, put on a stick and displayed throughout the town as a warning to the residents as to their fate

should they not support the CDF or should they not provide active resistance to the AFRC/RUF;

- d. on or about January 26, 1998, the CDF ambushed a convoy of soldiers and civilians at Moyamba Junction resulting in a highway battle that killed a number of civilians.

Article 6.1 Responsibility

169. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
 - a. the overall conduct of the CDF, not limited to any one District, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. that Moinina Fofana held meetings in Moyamba Town and admonished the town's people that the CDF had taken over the town and that the CDF were now the lawful authority in Moyamba.

170. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
 - a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the fact that he ordered the execution of a woman;

- f. the fact that Samuel Hinga Norman appointed personnel to command positions within the CDF structure.
171. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

172. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.
173. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that Allieu Kondewa was at times relevant to the indictment physically present in Moyamba;
174. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BONTHE DISTRICT

175. Between about October 1997 and December 1999 in locations in the Bonthe District including Talia (Base Zero), Moyabeh, Makose and Bonthe Town, the CDF unlawfully killed captured enemy combatants as well as a number of civilians including Jusu Sally, Lahai Lebbie and Pa Bargie.

176. The evidence will demonstrate, *inter alia*, that:
 - a. Base Zero was set up near the village of Tihun and served as the CDF operational base from where operations to flush out the AFRC/RUF were staged; that it was also the seat of the CDF War Council;
 - b. it was at Base Zero that Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo, Tongo, Moyamba;
 - c. on or about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bombay, and the island town of Bonthe during which the CDF unlawfully killed an unknown number of civilians including, Kpana Manso, Abu Samuka and Kondor Bantama.
 - d. on or about the 15 of February, 1998, at a meeting held in the Bellet, Bonthe Town, the CDF summoned civilians and those identified as rebel collaborators were killed.

Article 6.1 Responsibility

177. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one district, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that CDF base headquarters was located in Talia, Bonthe District and as such served as the temporary residence of the CDF high command including Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa;
178. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as the High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle, in particular the Death Squad;
 - c. the fact that he participated in attacks in Bonthe District, and also led an attack on York island;
 - d. the fact that he was a member of the War Council;
 - e. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. the fact that together with Samuel Hinga Norman he gave instructions to the Death Squad;
 - g. the fact that Allieu Kondewa at Base Zero, together with Moinina Fofana pronounced death sentences on those captured in battle;

- h. the fact that he ordered the CDF to kill civilians and policemen and that these instructions were given from Base Zero; the fact that he gave orders to kill a woman named Jestina who was then decapitated; that fact that one Lahai Lebbie was burnt to death on orders of Kondewa; the fact that a policeman, Samuel Yomah was also killed on Kondewa's orders;
 - i. the fact that he personally shot and killed two civilians at Base zero and that he participated in the killing of civilians in Bonthe District, including the killing of a pregnant woman at Gambia Village, whose fetus was cut out and placed on a large stick planted at the junction through which Samuel Hinga Norman would enter Gambia village;
179. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

180. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.
181. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians;

- e. the fact that he was present in various locations in Bonthe District; including Talia/ Base Zero, Tihun, Bonthe Town, Mattru, Dassamu Village, Gambia Village, throughout the period relevant to the indictment;
 - f. the fact that a number of civilians, including Paramount Chiefs went to Base Zero to lodge complaints about the mistreatment of civilians by the CDF and that this complaint was made to both Samuel Hinga Norman and Allieu Kondewa;
 - g. the fact that he was the top authority in Baze Zero prior to the arrival of Samuel Hinga Norman and that during this time many innocent civilians were killed there with Kondewa's full knowledge of these events as a result of his position of authority;
 - h. the fact that at a meeting held in Talia in 1997 he was instructed by Samuel Hinga Norman to stop killing civilians.
182. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BLACK DECEMBER OPERATION

183. Between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the Southern and Eastern provinces of Sierra Leone, the CDF unlawfully killed an unknown number of civilians and captured enemy combatants in road ambushes at Gerehun, Jembeh and the Bo-Matotoka Highway.
184. The evidence will demonstrate, *inter alia*, that:
- a. the CDF leader, Samuel Hinga Norman, on behalf of the CDF high command, announced that a military operation, named 'Black December' was launched with the objective to capture all main roads in Sierra Leone;
 - b. on or about November 14, 1997, the CDF militia attacked a bus on the Bo-Kenema Road killing nine passengers;

- c. on or about December 30, 1997, the CDF claimed success in the militia's 'Black December' military offensive in southeastern Sierra Leone. The militia also claimed to have blocked the Freetown-Bo, Bo-Kenema, and Bo-Pujahun highways;
- d. on or about January 12, 1998, the CDF announced the beginning of Phase II of Operation Black December which involved the encirclement of all major towns and cities throughout the country;
- e. on or about January 16, 1998, travelers reaching the capital confirmed the death of 25 persons along the Bo-Freetown road;
- f. the CDF ambushed a commercial truck near Bo, killing 6 passengers.

Article 6.1 Responsibility

185. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks of the Black December Operation, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, which engaged in widespread killing of civilians as part of a campaign of terror and collective punishment.
186. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings by Allieu Kondewa or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as the High Priest of the Kamajors;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically

present in war planning meetings and at the issuing of directives and commands to the CDF.

187. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

188. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to CDF subordinates engaged in the unlawful killing and had effective control over those subordinates.
189. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians.
190. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

Counts 3-4: Physical Violence and Mental Suffering

191. The Prosecution will adduce evidence that the CDF intentionally inflicted serious physical violence and mental harm or suffering on an unknown number of civilians during the course of the time and at the locations referred to in the indictment (refer to paragraph 26 of the indictment).

TONGO

192. The evidence will demonstrate, *inter alia*, that:

- a. on or about January 14, 1998, the CDF attacked Tongo Field at which time the CDF unlawfully arrested, detained and screened civilians in an effort to identify individuals thought to be aiding the AFRC/RUF and that those considered to be collaborators, identified by tribe or otherwise, were systematically, brutally and intentionally subjected to the infliction of physical violence and mental harm or suffering;
- b. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians;
- c. the CDF killed suspected collaborators, and thereafter ordered the civilians that had sought refuge at the NDMC headquarters to return home; that as the crowds of civilians were leaving, the CDF opened sporadic fire in the midst of the crowd thereby intentionally wounding and maiming civilians;
- d. the CDF subjected the people of Tongo to serious mental anguish and suffering through their conduct of summary executions, beatings, mutilations and threats of death;
- e. a process of screening arrested civilians was used whereby mainly civilians of non-Mende extraction were caught, branded as “collaborators,” and killed, some in full view of friends and family.

Article 6.1 Responsibility

193. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks in Tongo Field or the aiding and abetting thereof, or that resulted from the common plan to gain and exercise political power and control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*;
- a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
 - b. the fact that in December 1997 Samuel Hinga Norman said in a meeting at Base Zero, attended by all commanders in the Tongo axis, including Moinina Fofana and Allieu Kondewa, that all people in Tongo should be regarded as the enemy; that Samuel Hinga Norman further said that civilians living in Tongo were CDF enemies because they were mining for diamonds which were used by the rebels to buy weapons and that therefore they should be killed;
 - c. the fact that in December 1997, before the attack on Tongo Field, Samuel Hinga Norman on behalf of the CDF high command made an announcement on BBC radio ordering all civilians to leave the town; that following these orders, in the ensuing attack, a large number of civilians were killed, wounded or assaulted by the CDF particularly at the NDMC compound.
194. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle, in particular for battle in Tongo;

- c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF.
195. It is further the prosecution theory of the case that the infliction of physical violence and mental harm or suffering was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

196. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.
197. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the infliction of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians.
198. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and

reasonable measures to prevent the acts that resulted in the infliction of physical violence and mental harm or suffering or to punish the perpetrators thereof.

KENEMA DISTRICT

199. The evidence will demonstrate, *inter alia*, that:
- a. the CDF launched an attack on Kenema Town on February 15, 1998, which occasioned severe physical violence, intentional infliction of serious mental harm or suffering on the civilian population, upon the directives and instructions of the CDF high command, of which Allieu Kondewa was a member;
 - b. SS Camp was taken when the CDF captured Kenema; that SS camp was used by the CDF as a place where captured rebels, soldiers and collaborators were taken, tortured and killed;
 - c. the infliction of physical violence and mental harm or suffering occurred through acts carried out by the CDF in the presence and plain view of relatives and friends of the victims;
 - d. Sierra Leone Police officers were attacked and severely injured during the CDF assault on Kenema.

Article 6.1 Responsibility

200. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to gain and exercise political power and control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, including intentionally inflicting serious physical violence and mental harm and suffering on an unknown number of civilians;
 - b. the fact that a systematic attack, specifically directed against police officers occurred;

- c. the fact that during the relevant time the CDF, in responding to inquiries, reported that Samuel Hinga Norman had ordered that police officers in general were to be treated as the enemy.
201. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering during the attacks in Kenema by Allieu Kondewa, or the aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the fact that the CDF mistreated civilians in Kenema District on the instruction of Allieu Kondewa, in addition to Samuel Hinga Norman and Moinina Fofana;
 - f. the fact that he visited the SS Camp; a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility.
202. It is further the prosecution theory of the case that the infliction of physical violence and mental harm or suffering against civilians, was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

203. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.
204. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the infliction of physical violence and mental harm or suffering was about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that as a senior member of the CDF he was regularly present in Kenema;
 - f. the fact that he was present in Kenema Town, along with Samuel Hinga Norman, shortly after the CDF took over the town in February 1998;
 - g. the fact that he visited and attended meetings at the SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility.
205. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the infliction of physical violence and mental harm or suffering or to punish the perpetrators thereof.

BO DISTRICT

206. The evidence will demonstrate, *inter alia*, that:

- a. at a meeting and in the presence of Allieu Kondewa, commands and orders were given for the attack on Koribundo in the Bo District and that those orders included instructions that the CDF taking part in the operation were not to spare any living thing during the attack;
- b. Bo District was under control of the CDF for significant periods of time during the conflict;
- c. an unknown number of civilians were physically injured that were non members of any armed faction;
- d. Moinina Fofana maintained his offices and spent a significant amount of time in Bo and was thus in proximity to the events which resulted in the infliction of physical violence and mental harm or suffering.

Article 6.1 Responsibility

207. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the acts resulting in physical violence and mental harm or suffering during the attacks in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
 - b. Moinina Fofana as well as Allieu Kondewa was physically present in a meeting addressed by Samuel Hinga Norman at Dassamu village, wherein it was agreed that all civilians living in Kebe were collaborators and should be killed and their houses burnt down.
208. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts causing physical violence and mental harm or suffering by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the

participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:

- a. his position as High Priest of the Kamajors;
- b. the fact that he prepared the CDF for battle, in particular before battle in Koribundo;
- c. the fact that he was a member of the War Council;
- d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
- e. the fact that he fought with the CDF in Bo Town;
- f. the fact that Allieu Kondewa, together with Moinina Fofana, was present at a meeting at Base Zero in which Samuel Hinga Norman ordered that soldiers, rebels and collaborators in Koribundo should be killed;
- g. the fact that Allieu Kondewa was present at a meeting at Baze Zero, at which, in front of 15,000 CDF, Samuel Hinga Norman ordered that all those prominent people including the ex District Officer and Provisional Secretary who stayed in Bo Town during the rebel invasion should be killed;
- h. the fact that Allieu Kondewa, together with Moinina Fofana was present at a meeting in Dassamu village at which Samuel Hinga Norman ordered that any civilian who had harbored a soldier should be killed;
- i. that he instructed the CDF in Bo that all tribes that were not Mende should be killed;

209. It is further the prosecution theory of the case that the infliction of physical violence and mental harm or suffering against civilians, was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

210. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.

211. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the acts of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
 - a. his position of authority within the CDF and the fact that his subordinates engaged in widespread acts causing physical violence and mental harm or suffering to civilians;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to CDF;
 - d. the announced position of the CDF with respect to civilians, particularly in Koribundo;
 - e. that fact that he was physically present in Bo at times relevant to the indictment;
 - f. that fact that he was in receipt of regular reports and communications about events in Bo District;
 - g. the fact that he regularly traveled to Bo Town;
 - h. the fact that he fought with the CDF in Bo Town;
 - i. the fact that he led a group called “Black December” and that this group killed civilians at a checkpoint outside Bo Town;
 - j. the fact that Allieu Kondewa, as well as Moinina Fofana, were present at a meeting held in Koribundo attended by the townspeople at which Samuel Hinga Norman explained that all the acts committed by the CDF in Koribundo, including the acts causing the infliction of physical violence

against civilians, had been committed pursuant to Samuel Hinga Norman's instructions and had been ordered on the basis that the people of Koribundo had collaborated with the enemy.

212. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the acts of physical violence and mental harm or suffering or to punish the perpetrators thereof.

MOYAMBA DISTRICT

213. The evidence will demonstrate, *inter alia*, that:
- a. between about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of the actions the CDF continued to identify suspected "collaborators" and others suspected not to be supportive of the CDF and their activities and inflicted physical violence and mental harm or suffering on an unknown number of civilians;
 - b. a CDF administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma;
 - c. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians in the Moyamba District;
 - d. the CDF subjected the people of Moyamba to serious mental anguish and suffering through the conduct of summary executions, beatings, mutilations and threats of death.

Article 6.1 Responsibility

214. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts which caused physical violence and mental harm or suffering to civilians during the attacks in Moyamba, or the aiding and abetting

thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment;
- b. Moinina Fofana held meetings in Moyamba Town and admonished the town's people that the CDF had taken over the town and that the CDF were now the lawful authority in Moyamba.

215. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts which resulted in physical violence and mental harm or suffering being perpetrated against civilians by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:

- a. his position as High Priest of the Kamajors;
- b. the fact that he prepared the CDF for battle;
- c. the fact that he was a member of the War Council;
- d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;

216. It is further the prosecution theory of the case that the commission of acts which inflicted physical violence and mental harm or suffering against civilians was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

217. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.
218. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that unlawful acts of physical violence and mental harm or suffering were to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF and the fact that his subordinates engaged in widespread acts causing physical violence and mental harm or suffering to civilians;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that he was at times relevant to the indictment physically present in Moyamba.
219. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the unlawful acts causing physical violence and mental harm or suffering or to punish the perpetrators thereof.

BONTHE DISTRICT

220. The evidence will demonstrate, *inter alia*, that:
- a. on or about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh,

- Bembay, and the island of town of Bonthe where the CDF unlawfully, maimed and physically injured an unknown number of civilians;
- b. women and girls were subjected by the CDF to sexual assaults, harassment, and non consensual sex, which resulted in the widespread proliferation of sexually transmitted diseases, unwanted pregnancies and severe mental suffering;
 - c. Base Zero, the seat of the War Council, was set up near the village of Tihun and served as the CDF operational base from where operations to flush out the AFRC/RUF were staged;
 - d. it was at Base Zero that Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo and Tongo;
 - e. on or about the 15 of February, 1998, at a meeting held in the Bellet, Bonthe Town, the CDF summoned civilians and those identified as rebel collaborators were subjected to acts of physical violence and mental harm or suffering.

Article 6.1 Responsibility

221. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful physical violence and mental harm or suffering through sexual assaults as well as other acts during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the fact that the CDF command and control center was located in Talia, Bonthe District for a period of time and served as the residence of Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa for a portion of that time;

- b. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread infliction of physical violence and mental harm or suffering as part of a campaign of terror and collective punishment.
222. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful acts that inflicted physical violence and mental harm or suffering on civilians during the attacks in Bonthe District by Allieu Kondewa, or the aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle, in particular the Death Squad;
 - c. the fact that he participated in attacks in Bonthe District, and also led an attack on York island;
 - d. the fact that he was a member of the War Council;
 - e. the fact that Allieu Kondewa, together with Samuel Hinga Norman presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. the fact that together with Samuel Hinga Norman he gave instructions to the Death Squad;
 - g. the fact that Allieu Kondewa gave orders to the CDF to beat, molest, and harass civilians;
 - h. the fact that Allieu Kondewa instructed the CDF that they could use civilian women for sex;
 - i. the fact that Allieu Kondewa personally subjected women and girls to sexual assaults and harassment including non consensual sex;
 - j. the fact that Allieu Kondewa personally made numerous threats to kill civilians at places including Mattru, Talia, Tinhun, Hahun Village and at Base Zero;

- k. the fact that Allieu Kondewa, at Base Zero, together with Moinina Fofana, would condemn to death those captured in battle or give orders to inflict other forms of physical violence;

223. It is further the prosecution theory of the case that acts of infliction of physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

224. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the infliction of physical violence and mental harm or suffering and had effective control over those subordinates.
225. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that acts of physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF and the fact that his subordinates engaged in widespread acts causing physical violence and mental harm or suffering to civilians;
 - b. the fact that he was a member of the War Council;
 - c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - d. the announced position of the CDF with respect to civilians;
 - e. the fact that he was present in various locations in Bonthe District; including Talia/ Base Zero, Tihun, Bonthe Town, Mattru, Dassamu Village, Gambia Village, throughout the period relevant to the indictment;

- f. the fact that he instructed the CDF that they could use civilian women for sex; that “civilian women are CDF rations” and that civilian women were thus subject to sexual assaults, harassment and non-consensual sex, and that Allieu Kondewa was present at the scene of such sexual violence;
- g. the fact that a number of civilians, including Paramount Chiefs went to Base Zero to lodge complaints about the mistreatment of civilians, including the infliction of physical violence by the CDF and that complaints were made to both Samuel Hinga Norman and Allieu Kondewa;
- h. the fact that he was the top authority in Base Zero prior to the arrival of Samuel Hinga Norman and that during this time many innocent civilians were mistreated there; that Allieu Kondewa being physically present at Base Zero, in this position of authority had full knowledge of these events;
- i. the fact that he accompanied approximately 60 CDF into Talaia village where the CDF fired guns into the air and threatened to kill civilians.

226. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the acts which resulted in physical violence and mental harm or suffering or to punish the perpetrators thereof, as attested to by the fact that:

- a. reports of CDF atrocities were brought to the attention of Allieu Kondewa as disclosed above and that no action was taken.

Count 5: Looting and Burning

227. The Prosecution will adduce evidence that the CDF was engaged in widespread looting and destruction of property (refer to paragraph 27 of the indictment).

KENEMA DISTRICT

228. The evidence will demonstrate, *inter alia*, that:

- a. the CDF launched an attack on Kenema Town on February 15, 1998, upon the directives and instructions of the CDF high command;
- b. the CDF launched an RPG bomb into a civilian home, looted all the properties, sprinkled petrol on it and completely destroyed the house by burning;
- c. the CDF raided the Kenema Prisons Department and broke into the main prison, freed all detainees and looted the food supplies and personal belongings of officers;
- d. the CDF attacked and killed a palm oil trader, Foday Wai, with a machete and then proceeded to his room and looted a large cylinder containing sums of money and other personal effects;
- e. throughout their military campaign, the CDF engaged in random acts of looting and burning as a form of collective punishment, as well as a means of self-enrichment, in order to punish those they believed were collaborators and to discourage others from becoming what the CDF described as collaborators.

Article 6.1 Responsibility

229. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property during the attacks in Bo District, or the aiding and abetting thereof, or that resulted from the common plan to gain and exercise political power and control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
- b. the fact that Moinina Fofana ordered a CDF group called 'Born Naked' to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses.

230. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property by Allieu Kondewa during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. his position as High Priest of the Kamajors;
 - b. the fact that he prepared the CDF for battle;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the fact that he instructed members of the Death Squad, not limited to any one District, to steal vehicles if they required them;
231. It is further the prosecution theory of the case that the looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

232. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in looting and burning and had effective control over those subordinates.
233. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that looting and burning were to occur can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;

- b. the fact that he was a member of the War Council;
- c. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
- d. the announced position of the CDF with respect to civilians;
- e. the fact that as a senior member of the CDF he was regularly present in Kenema.

234. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent looting and burning or to punish the perpetrators thereof.

BO DISTRICT

235. The evidence will demonstrate, *inter alia*, that:
- a. at Koribundo, the CDF under the orders of their ground commander set fire to a large number of civilian houses;
 - b. in a meeting at Base Zero, orders were given that all shops and pharmacies in Bo Town were to be looted and that all property in Bo Town 'belonged' to the CDF;
 - c. Moinina Fofana took possession of a vehicle looted from World Vision by a CDF and put it into private use;
 - d. during the attack on Bo Town, the CDF looted generators and stereos from the house of one civilian accused of being a collaborator and handed the looted items to Moinina Fofana;
 - e. the CDF went to the south of Kakua chieftdom, to villages including Baoma, Segbewema and Berehun, took people's possessions and any food they could find.

Article 6.1 Responsibility

236. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the looting and burning of civilian property during the attacks in Bo District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
 - b. the overall conduct of the CDF, particularly in the Bo District, which engaged in widespread looting and burning as part of a campaign of terror and collective punishment;
 - c. the fact that Samuel Hinga Norman, while addressing the CDF before an attack, ordered them to capture the town of Koribundo “at all costs”;
 - d. the fact that Allieu Kondewa as well as Moinina Fofana was present when Samuel Hinga Norman, at a speech in Koribondo, stated that he had ordered all the houses except four were to be destroyed because every house had given shelter to rebels and soldiers;
 - e. the fact that Allieu Kondewa as well as Moinina Fofana was physically present and participated in a meeting addressed by Samuel Hinga Norman at Dassamu village, wherein it was agreed that all civilians living in Kebe were collaborators and should be killed and their houses burnt down.
237. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;

- b. his position as High Priest of the Kamajors;
 - c. the fact that he prepared the CDF for battle;
 - d. that Allieu Kondewa was a member of the War Council;
 - e. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - f. the fact that he told approximately 15,000 CDF at Base Zero to bring all captured vehicles to him;
 - g. the fact that he was the knowing recipient of items looted from drivers on the Taima-Bo Highway and Kotebehun;
 - h. the fact that when Bo was attacked Allieu Kondewa along with other the CDF occupied the houses of civilians.
 - i. the fact that he was present when Samuel Hinga Norman ordered that all houses, except four in Koribundo were to be destroyed, because every house had given shelter to the rebels;
 - j. the fact that he was present at a meeting at Base Zero at which Samuel Hinga Norman ordered 15,000 CDF that all shops and pharmacies in Bo Town were to be looted and that the CDF should feed themselves with looted food;
 - k. the fact that Allieu Kondewa, along with Moinina Fofana, was present at a meeting in Dassamu village at which Samuel Hinga Norman ordered the destruction and looting of civilian properties;
 - l. the fact that he ordered members of the Death Squad, not limited to any one District, to steal vehicles if they required them;
238. It is further the prosecution theory of the case that the looting and burning of civilian property was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

239. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in looting and burning and had effective control over those subordinates.
240. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that looting and burning were to occur can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
 - b. his position of authority within the CDF;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the announced position of the CDF with respect to civilians;
 - f. the fact that in late 1997 / early 1998 the CDF looted a store of rice from World Vision and reports of this were made to Allieu Kondewa and Samuel Hinga Norman;
 - g. the fact that he led a group called “Black December” and that this group was ordered to burn down several houses in Bo Town;
 - h. the fact that Allieu Kondewa, as well as Moinina Fofana, was present at meetings held in Koribundo attended by the townspeople at which Samuel Hinga Norman explained that all the acts committed by the CDF in Koribundo, including the burning and destruction of civilians houses, had been committed pursuant to Samuel Hinga Norman’s instructions and had been ordered on the basis that the people of Koribundo had collaborated with the enemy.

241. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent looting and burning or to punish the perpetrators thereof based on the fact:

- a. that in late 1997 / early 1998 the CDF looted a store of rice from World Vision and that reports of this were made to Allieu Kondewa and Samuel Hinga Norman but that no action was taken by either.

MOYAMBA DISTRICT

242. The evidence will demonstrate, *inter alia*, that:

- a. by the end of 1997, the RUF/AFRC forces had no strong base in the District as they were driven away by the CDF in all the chiefdoms in the District; that at that time, the CDF were the dominant and controlling force in the District;
- b. in about October 1997, the CDF looted vehicles and other property from civilians in Sembehun;
- c. on or about January 16, 1998, 15 villages between Sumbuya and Moyamba were completely burnt down in clashes between junta forces and CDF militiamen;
- d. on or about 19 March 1999, the CDF came to Bradford Town at night and looted the entire town and came repeatedly thereafter continuing their looting spree until March 23, 1999;
- e. at Lungi village, in the Kayamba chiefdom, Moyamba District, the CDF attacked and looted personal property and livestock of civilians.

Article 6.1 Responsibility

243. It is the prosecution theory of the case that the planning, instigation, ordering or committing looting and burning of civilian property during the attacks in Moyamba District, or the aiding and abetting thereof, or that resulted from the

common plan to gain and exercise political power and control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
- b. Moinina Fofana held meetings in Moyamba Town and admonished the town's people that the CDF had taken over the town and that the CDF were now the lawful authority in Moyamba.

244. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
- b. his position as High Priest of the Kamajors;
- c. the fact that he prepared the CDF for battle;
- d. the fact that Allieu Kondewa was a member of the War Council;
- e. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
- f. the fact that he gave direct orders to the CDF to steal from those who were not financially supporting the CDF and other civilians in Sembehun and that following these orders the CDF did so with respect to civilians in Sembehun;
- g. the fact that he ordered members of the Death Squad, not limited to any one District, to steal vehicles if they required them;
- h. the fact that he gave direct orders to steal a vehicle in Sebehun, that this vehicle was taken to him and that he was later seen driving this vehicle;

245. It is further the prosecution theory of the case that the looting and burning of civilian property was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise political control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

246. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in looting and burning and had effective control over those subordinates.
247. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that looting and burning were to occur can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
 - b. his position of authority within the CDF;
 - c. the fact that he was a member of the War Council;
 - d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the announced position of the CDF with respect to civilians;
 - f. the fact that Allieu Kondewa, as well as Samuel Hinga Norman, were aware of the looting of vehicles from Sembahun;
 - g. that he was at times relevant to the indictment physically present in Moyamba.

248. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent looting and burning or to punish the perpetrators thereof, in that:

- a. Allieu Kondewa, as well as Samuel Hinga Norman refused to release looted vehicles from Sembehun;

BONTHE DISTRICT

249. The evidence will demonstrate, *inter alia*, that:

- a. Base Zero was set up near Tihun and served as the main CDF base where operations to flush out the AFRC/RUF were staged;
- b. by the end of 1998, the CDF had occupied all of the chiefdoms in Bonthe and that the CDF from various chiefdoms looted Bonthe Town during 1998 during which time the house of chief Ndokoi Lahai was looted and burnt.
- c. at Base Zero Moinina Fofana, Samuel Hinga Norman and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo and Tongo.
- d. in February 1998 just before the attack on Bo, Samuel Hinga Norman, in an address at Dasamu village stated that all civilians living in Kebe were collaborating with the rebels and he gave orders that any civilian who harbors a soldier should be killed and their houses destroyed; an order in consequence of which, many houses were either destroyed or completely burnt down.

Article 6.1 Responsibility

250. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property during the attacks in Bo District, or the aiding and abetting thereof, or that resulted from the common plan

to gain and exercise political power and control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
- b. at a meeting in Base Zero, Samuel Hinga Norman, in the presence of Moinina Fofana, while addressing the CDF before the attack on Bo said that the CDF should “feed themselves”; that this statement was understood as giving a free hand to CDF to loot property and that as a consequent effect widespread looting followed the attack on Bo;
- c. the overall conduct of the CDF, not limited to one district, which engaged in the widespread looting and burning of civilian homes and properties as part of a campaign of terror and collective punishment;
- d. a looted truck loaded with coffee and cocoa was taken to Base Zero and handed over to Moinina Fofana;
- e. a looted Mercedes vehicle was delivered to Samuel Hinga Norman at Base Zero but was in the custody and use of Moinina Fofana.

251. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning of civilian property by Allieu Kondewa, or his aiding and abetting thereof, or that resulted from the participation of Allieu Kondewa in the common plan can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
- b. his position as High Priest of the Kamajors;
- c. the fact that he prepared the CDF for battle;
- d. the fact that Allieu Kondewa was a member of the War Council;
- e. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically

present in war planning meetings and at the issuing of directives and commands to the CDF;

- f. the fact that he gave orders to the CDF to steal from civilians;
 - g. the fact that he ordered members of the Death Squad, not limited to any one District, to steal vehicles if they required them;
 - h. the fact that he instructed the CDF that all food belonging to civilians in Bonthe District should be stolen by the CDF;
 - i. the fact that he personally extorted money from civilians;
 - j. the fact that he personally stole a valuable item from a civilian in Bonthe Town;
252. It is further the prosecution theory of the case that the looting and burning of civilian property was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

253. It is the prosecution theory of the case that Allieu Kondewa held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in looting and burning and had effective control over those subordinates.
254. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that looting and burning were to occur can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one District, in which food and other goods were taken from civilians and in which civilian dwellings were burned;
 - b. Allieu Kondewa's position of authority within the CDF;
 - c. the fact that he was a member of the War Council;

- d. the fact that together with Samuel Hinga Norman he presided over meetings where battle plans were made and was therefore physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. the announced position of the CDF with respect to civilians;
 - f. his presence in various locations in Bonthe District; including Talia/ Base Zero, Tihun, Bonthe Town, Mattru, Dassamu Village, Gambia Village, throughout the period relevant to the indictment;
 - g. that he had a team of special men who would loot from civilians; that this group took cases of tobacco from villagers in Gbangbatok and that villagers traveled to Base Zero and paid the CDF money to have their tobacco returned;
 - h. that complaints were registered to Allieu Kondewa at Base Zero by a number of civilians, including Paramount Chiefs, about mistreatment of civilians by the CDF, including the looting of goods belonging to civilians.
255. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent looting and burning or to punish the perpetrators thereof.

Counts 6-7: Terrorizing the Civilian Population and Collective Punishments

256. At all times relevant to the Indictment, the CDF, committed the crimes set forth in paragraphs 22 through 27 and charged in counts 1 through 5, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

Terrorizing the Civilian Population

257. It is the prosecution theory of the case that the crimes alleged in counts 1 to 5 inclusive were done as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone and did terrorize that population (refer to paragraphs 22 through 27 of the indictment).
258. The matters set out below in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Allieu Kondewa and count 6.

Collective Punishments

259. It is the prosecution theory of the case that that at various locations throughout Sierra Leone during the period covered by the indictment, the CDF engaged in the crimes charged in counts 1 to 5 to punish the civilian population for allegedly supporting the AFRC/RUF, or for failing to provide sufficient support to the CDF (refer to paragraphs 22 through 27 of the indictment.)
260. The matters set out below in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Allieu Kondewa and count 7, particularly that:
- a. the CDF, engaged the combined RUF/AFRC forces in armed conflict in various parts of Sierra Leone – to include the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas and the Districts of Moyamba and Bonthe; that civilians, including women and children, who were suspected to have supported, sympathized with, or simply failed to actively resist the combined RUF/AFRC forces were termed “collaborators” and specifically targeted by the CDF; that once so identified, these “collaborators” and any captured enemy combatants were unlawfully killed; that victims were often shot, hacked or burnt to death;
 - b. the CDF forces, committed various acts of sexual violence against civilian women and girls who were abducted during a series of raids and invasions on villages in the southern and eastern provinces of Sierra Leone, particularly in Bonthe and Kenema Districts; that these women and girls

were often repeatedly raped, used as sex slaves by members of the CDF forces and forced to perform a range of conjugal duties, including sex, domestic services and other forms of forced labour; that the women and girls had to endure various acts of physical and mental abuse from their captors; that in many instances the putative reason given for this conduct was that the women had acted as collaborators and had aided and abetted the AFRC/RUF cause;

- c. burning of civilian property performed as part of the attacks on many villages throughout the various Districts of Sierra Leone was ordered by the CDF leadership, including Allieu Kondewa, as a general measure of retribution.

Count 8: Use of Child Soldiers

- 261. The Prosecution will adduce evidence that the CDF did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 yrs into armed forces or groups, and in addition, or in the alternative, use them to participate actively in hostilities (refer to paragraph 29 of the indictment).
- 262. The evidence will demonstrate, *inter alia*, that:
 - a. CDF leaders recruited many child soldiers;
 - b. many children were initiated into the CDF with the specific purpose of converting them into child soldiers;
 - c. children were divided into groups with a group leader;
 - d. children were placed in frontline positions during battle and actively participated in hostilities.

Article 6.1 Responsibility

- 263. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of children under the age of 15 or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the widespread use of children by the CDF, in multiple capacities;
 - b. the widespread use of children to carry weapons and ammunition for the CDF;
 - c. the widespread recruitment of children by the CDF to fight, including to fight on the front line;
 - d. the military training that children were subjected to after initiation into the CDF.
264. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of boys and girls under the age of 15 or the aiding and abetting thereof, or that resulted from the participation of Moinina Fofana in the common plan can be reasonably inferred from, *inter alia*:
- a. his position as the High Priest of the Kamajors; specifically that as High Priest he was responsible for initiations within the CDF, including the initiation of children under the age of 15 years;
 - b. the fact that he personally initiated children under 15 years from Bo District (Bompeh Village, Njanjahun Gboko, Bo town and Kambia Village) and Moyamba (Waterloo) into the Kamajor secret society and that a number of these children fought for the CDF,
 - c. the fact that he participated in battle with children under the age of 15;
 - d. the fact that he ordered the CDF to have small boys kill captured prisoners;
 - e. the fact that he was heard to say that the children should not disarm when disarmament came in Bo District.
265. It is further the prosecution theory of the case that the conscription and use of children was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Allieu Kondewa.

Article 6.3 Responsibility

266. It is the prosecution theory of the case that Allieu Kondewa held a superior position in the CDF structure which conscripted and used children under the age of 15.
267. It is the prosecution theory of the case that the fact that Allieu Kondewa knew or should have known that the conscription or use of children was to occur, can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. his position as High Priest and initiator of the Kamajors;
 - c. the policy of the CDF with regard to children under the age of 15 and their use as soldiers;
 - d. the fact that he personally initiated children under the age of 15;
 - e. the fact that he fought alongside children under the age of 15;
 - f. the fact that the Death Squad reported to Allieu Kondewa, as well as Samuel Hinga Norman and Moinina Fofana and that children under the age of 15 fought with the Death Squad.
268. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Allieu Kondewa failed to take necessary and reasonable measures to prevent the conscription or use of children or to punish the perpetrators thereof.

(d) SAMUEL HINGA NORMAN

General

269. At all times relevant to the Indictment, Samuel Hinga Norman was the National Coordinator of the Civil Defense Forces (CDF). In this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF. Further, as Deputy Minister of Defense, he was able to enhance the capability and effectiveness of the CDF as a fighting force. He was also the leader and commander of the Kamajors and as such had *de jure*

and *de facto* command and control over the activities and operations of that group within the CDF. In the pursuit of accomplishing these tasks he both issued orders and received reports about operations from subordinate commanders (refer to paragraph 13 of the indictment filed February 5, 2004).

270. The prosecution imputes guilt to Samuel Hinga Norman in relation to each count of the indictment pursuant to Article 6.1 of the Statute. Under this theory of culpability, Samuel Hinga Norman bears individual criminal responsibility for all of those crimes he planned, instigated, ordered, committed or in whose planning, preparation or execution he otherwise aided and abetted. This theory of liability likewise inculpatates Samuel Hinga Norman for those criminal acts that were perpetrated as a part of a joint criminal enterprise in which he participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which he participated (refer to paragraph 20 of the indictment). Additionally, or alternatively, the prosecution submits that Samuel Hinga Norman is guilty pursuant to Article 6.3 of the Statute for the criminal acts of his subordinates. This theory of liability is predicated on the fact that he knew or had reason to know that the subordinate was about to commit such acts or had done so and despite this knowledge, he failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof (refer to paragraph 21 of the indictment).
271. The prosecution refers to and restates the assertions made in Section (a) General Issues as that section of this document refers to Samuel Hinga Norman.

Counts 1-2: Unlawful Killings

272. The prosecution will adduce evidence that victims were routinely shot, hacked to death and burned to death (refer to paragraph 25 of the indictment).

TONGO

273. Between about 1 November 1997 and about 30 April 1998, at or near Tongo Field, and at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembehun, the CDF attacked and unlawfully killed an unknown number of captured enemy combatants as well as civilians including Chief Aruna Konuwa, Chief Brima Conteh, and one Mohammed Mansaray alias “Joskie”.
274. The evidence will demonstrate, *inter alia*, that:
- a. on or about January 14, 1998, the CDF attacked Tongo Field; that the CDF detained civilians; that those considered to be collaborators, identified by tribe or otherwise, were systematically and brutally killed;
 - b. on or about January 1998, the CDF arrested fleeing civilians from Tongo at gunpoint; that at Talama, the civilians were made to sit on the ground and were thereafter screened by tribe; that on the instructions of a Kamajor commander those civilians set aside were unlawfully killed;
 - c. on or about January 29, 1998, civilians fleeing Tongo for Kenema saw dozens of corpses on the roads leading from the town and in the bush following the Kamajor onslaught;

Article 6.1 Responsibility

275. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Tongo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*, the fact that:
- a. the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Tongo Field;

- b. there were repeated battles for the Tongo Field area over an extended period of time;
- c. Tongo Field represented one of the most important objectives of the CDF inasmuch as it was an area rich in resources from which the AFRC/RUF was obtaining resources with which to prosecute the war;
- d. Samuel Hinga Norman had been selected as the National Coordinator of the CDF due to his training in military matters and military planning;
- e. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment.

276. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings in Tongo Field by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time:

- a. Samuel Hinga Norman was the National Coordinator of the Civil Defense Forces (CDF) and leader of the Kamajors and in this position was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF;
- b. Samuel Hinga Norman was the head of the War Council and as such reviewed and approved or disapproved all decisions made by that body;
- c. Samuel Hinga Norman was responsible for sending ammunition to the CDF in the field as well as providing other logistics to CDF commanders and combatants;
- d. Samuel Hinga Norman was physically present in war planning meetings and at the issuing of directives and commands to the CDF for the capture of Tongo;
- e. in December 1997 at a Base Zero meeting attended by all Commanders in the Tongo axis, Samuel Hinga Norman said that all people in Tongo should be regarded as the enemy and should be treated as such; that

civilians living in Tongo were Kamajor enemies because they were mining diamonds which were used by the rebels to buy weapons and that therefore all Tongo residents remaining in the town after its capture by the CDF should be regarded as enemies and should be killed;

- f. Samuel Hinga Norman provided the commanders for Tongo Field with arms and ammunition for the Tongo Field attack; that he ordered them not to attack until he had made a radio broadcast warning through the BBC;
- g. in December 1997 just before the attack on Tongo Field, Samuel Hinga Norman made an announcement on BBC radio ordering all civilians to leave the town; that he warned that any civilian found in the town when it was attacked would be regarded as a rebel and would be treated as such; that he gave orders to this effect to his commanders in Tongo Field; that following these orders in the ensuing attack, a large number of civilians were killed by CDF particularly at the NDMC compound;
- h. in January 1998 after the CDF had taken Tongo, Samuel Hinga Norman gave instructions that all those found remaining in Tongo following the capture of the area were to be killed, that no one was to be spared;
- i. in January 1998, CDF combatants fighting in Tongo spoke of a CDF order that all houses were to be searched and that anyone who had a gun or ammunition in their house were to be killed; that anyone in a uniform or who was an occupant in a house where a gun or uniform was found, was to die;
- j. after the capture of Tongo by CDF in January 1998, a Kamajor fighter was seen and clearly overheard communicating the capture of Tongo Field on a wireless radio to Samuel Hinga Norman.

277. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

278. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawfully killings and had effective control over those subordinates.
279. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF and his leadership role within the Kamajor structure;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with other commanders at the various battle fronts where the CDF and Kamajor combatants were deployed;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Tongo as well as the other areas in Sierra Leone where the war was being prosecuted.
280. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

KENEMA DISTRICT

281. On or about February 15, 1998 at or near the District Headquarters town of Kenema and at the nearby locations of SS Camp, and Blama, the CDF unlawfully killed an unknown number of civilians including one Kosia of Sumaila Street, Kenema, as well as captured enemy combatants.

282. On or about February 15, 1998, at or near Kenema, the CDF unlawfully killed an unknown number of Sierra Leonean Police Officers including Sgt. Fosonah, Momoh Samura and Cpl. Fandai.
283. The evidence will demonstrate *inter alia* :
- a. the CDF launched an attack on Kenema Town on February 15, 1998, upon the directives and instructions of the CDF high command, of which Samuel Hinga Norman was the National Coordinator and that during this attack an unknown number of civilians were killed;
 - b. in February 1998, at least 50 people, accused of having supported the AFRC/RUF and/or of being ethnic Temnes, Limbas and Lokos, were singled out and extra-judicially executed by the CDF; that many of these individuals were 'necklaced' or killed by having burning tires put around their necks;
 - c. the CDF killed at least 3 Sierra Leone Police officers during and after the Kenema attack;
 - d. SS Camp was taken when the CDF took Kenema; that the SS camp was used by the CDF as a place where captured rebels, soldiers and alleged collaborators were taken and killed.

Article 6.1 Responsibility

284. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;

- b. Samuel Hinga Norman having been selected as the National Coordinator of the CDF due to his training in military matters and military planning.

285. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings in Kenema by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time Samuel Hinga Norman:

- a. was the National Coordinator of the Civil Defense Forces (CDF) and leader of the Kamajors; that in this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF;
- b. was the head of the War Council;
- c. was physically present in war planning meetings and at the issuing of directives and commands to CDF;
- d. ordered the CDF to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses;
- e. frequently visited SS Camp, a location in Kenema used by CDF for the killing of captured rebels, collaborators and as a detention facility;
- f. following reports received at Base Zero that police were involved in the fighting on the side of the Juntas, ordered CDF to treat the police as their enemies and thereafter police officers were specifically targeted and killed at the Police Barracks in Kenema in February 1998.

286. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

287. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawfully killings and had effective control over those subordinates.
288. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF and his leadership role within the Kamajor structure;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with other commanders at the various battle fronts where the CDF and Kamajor combatants were deployed;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Kenema as well as the other areas in Sierra Leone where the war was being prosecuted.
289. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BO DISTRICT

290. At various times in January and February 1998, in locations in Bo District including the District Headquarters town of Bo, Kebi Town, Koribundo, Kpeyama, Fengehun and Mongere, the CDF unlawfully killed both captured enemy combatants and an unknown number of civilians including one Kafala, Ambrose

Kortu and, one Abema, a CDF combatant, who was killed for refusing to operate as ordered by CDF superior commanders.

291. The evidence will demonstrate, *inter alia*, that:

- a. at a meeting in which Samuel Hinga Norman participated, commands and orders were given for the attack on Koribundo in the Bo District; that those commands included orders not to 'spare any living thing' during the attack;
- b. Bo District was under control of the CDF for extended periods of time during the conflict;
- c. that the CDF launched an attack on Koribundo six times until it was taken on or about the 13th and 14th of February 1998;
- d. between February and March 1998, a large number of civilians suspected of having supported the rebels were taken by CDF to Christ the King College and executed.

Article 6.1 Responsibility

292. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from the fact that, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Bo;

- c. Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.
293. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings in Bo by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time Samuel Hinga Norman:
- a. was National Coordinator-CDF;
 - b. was a member of the War Council;
 - c. was responsible for sending ammunition to the CDF in the field;
 - d. was physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. in February 1998, before the attack on Bo, in an address to the CDF at Dassamu village stated that all civilians living in Kebe were collaborating with the rebels; that he gave orders that any civilian who harbored a soldier should be killed and their house destroyed; that he requested (a) proof of the looting and (b) of captured soldiers to be produced by Kamajor fighters involved in the attack;
 - f. in early February 1998 at Base Zero, before the attack on Bo, ordered that prominent people, including the former District Officer, Provisional Secretary, and those who stayed in Bo Town during the rebel occupation were to be executed;
 - g. between October 1997 – March 1998, gave a standing order, to include operations in Bo, that there was no food or housing for POWs; that this order was understood to mean that POWs were to be killed;
 - h. gave specific instructions to commanders during the Bo attack to kill police officers because they did not support the Kamajor cause;
 - i. in January/February 1998, after various failed attempts to capture Koribondo, while addressing the CDF before an attack on the town,

ordered them to capture Koribundo “at all costs”; that he specifically ordered the CDF to destroy Koribundo;

- j. in a speech in Koribondo, said that all the houses – except 4 – in Koribondo were to be destroyed because every house had given shelter to the rebels and soldiers; that rebels and collaborators were to be killed.

294. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

295. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawful killings and had effective control over those subordinates.

296. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:

- a. his position of authority within the CDF and his leadership role within the Kamajor structure;
- b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with other commanders at the various battle fronts where the CDF and Kamajor combatants were deployed;
- c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
- d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Bo as well as the other areas in Sierra Leone where the war was being prosecuted;

- e. the fact that reports of Kamajor atrocities were brought to his knowledge with no action taken;
- f. the fact that a few weeks after Bo Town was captured Samuel Hinga Norman, in addressing people in the town hall, said that the CDF should not be blamed for whatever they had done in the town; that what the CDF had done was his responsibility;
- g. the fact that at a public meeting held in the court barri in early March 1998 in Koribundo (after the CDF had taken the town) Samuel Hinga Norman said that the CDF soldiers should not be blamed for what the CDF did because the soldiers were only acting under his instructions.

297. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

MOYAMBA DISTRICT

298. Between about October 1997 and December 1999 in locations in Moyamba District, including Sembehun, Taiama, Bylago, Ribbi and Gbagbantoke, the CDF unlawfully killed an unknown number of civilians, including one Mr. Thomas, former Treasury Clerk and Abubakarr “Waka” Bangura, a businessman as well as captured enemy combatants.
299. The evidence will demonstrate, *inter alia*, that:
- a. between about 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of these actions the CDF continued to identify suspected “collaborators” and others suspected not to be supportive of the CDF and their activities and thereafter unlawfully killed an unknown number of civilians;

- b. a Kamajor administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma; that Gobeh was directly answerable to Moinina Fofana who in turn answered to Samuel Hinga Norman;
- c. during the Kamajor reign, the CDF unlawfully killed an unknown number of civilians, including Mr. Thomas, a former Treasury Clerk of the Native Administration whose head was cut off, put on a stick and displayed throughout the town;
- d. on or about January 26, 1998, the CDF ambushed a convoy of soldiers and civilians at Moyamba Junction resulting in a highway battle that killed at least 47 people;
- e. Abu Baworteh, a Kamajor commander in Moyamba District, killed the Chiefdom Speaker of Ribbi Chiefdom and had the hand (wrist) of the murdered speaker hung around his neck as a necklace and that he later boasted of his actions.

Article 6.1 Responsibility

300. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Moyamba;

- c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background;
 - d. the fact that Samuel Hinga Norman physically visited Moyamba to oversee Kamajor operations and activities in the district.
301. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings in Moyamba by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time Samuel Hinga Norman:
- a. was the National Coordinator-CDF;
 - b. a member of the War Council
 - c. was responsible for sending ammunition to the CDF in the field;
 - d. was physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. was in Moyamba when members of the CDF opened fire on a group of civilians in order to clear traffic from the Mbang Bridge injuring several persons.
302. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

303. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawful killings and had effective control over those subordinates.

304. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Moyamba.
305. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof as witnessed by the fact that:
- a. the War Council made disciplinary recommendations to Samuel Hinga Norman in his capacity as National Coordinator, but no action was taken to redress the CDF excesses;
 - b. a report of the killing of the Chiefdom Speaker of Ribbi was made to Samuel Hinga Norman in the expectation that he would discipline the perpetrator Abu Baworteh however Norman justified the remark by simply stating that the Speaker was a rebel.

BONTHE DISTRICT

306. Between about October 1997 and December 1999 in locations in the Bonthe District including Talia (Base Zero), Moyabeh, Makose and Bonthe Town, CDF unlawfully killed a number of civilians including Jusu Sally, Lahai Lebbie and Pa Bargie as well as captured enemy combatants.

307. The evidence will demonstrate, *inter alia*, that:

- a. Base Zero was set up near the village of Tihun and served as the Kamajor operational base from where operations to flush out the AFRC/RUF were staged; that it was also the seat of the CDF War Council;
- b. it was at Base Zero that Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa, forming a tripartite CDF leadership, together with other persons, planned, coordinated, directed, trained and commanded the attacks on Bo, Kenema, Moyamba, Bonthe, Koribundo and Tongo as well as the other locations specified in the indictment;
- c. on or about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bombay, and the island of town of Bonthe; that the CDF unlawfully killed an unknown number of civilians including, Kpana Manso, Abu Samuka and Kondor Bantama;
- d. on or about the 15 of February, 1998, at a meeting held in the Bellet, Bonthe Town, the CDF summoned civilians and those identified as rebel collaborators were killed.

Article 6.1 Responsibility

308. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks in Bonthe, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;

- b. the fact that the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Bonthe;
 - c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background;
 - d. the fact that Samuel Hinga Norman physically visited Bonthe, and actually resided there for a period of time, overseeing CDF operations and activities in the district.
309. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings in Bonthe by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from, *inter alia*, the fact that during the relevant period of time Samuel Hinga Norman was:
- a. National Coordinator -CDF;
 - b. a member of the War Council
 - c. responsible for sending ammunition to the CDF in the field;
 - d. physically present in war planning meetings and at the issuing of directives and commands to the CDF;
 - e. addressing a meeting of the CDF at Base Zero and supported directives for the attack on Bonthe Town during which collaborators were to be killed;
 - f. in January 1998 at Base Zero where he instructed the CDF to kill captured rebels and rebel collaborators or anyone who worked for the rebels or who lived in an area occupied by rebels;
 - g. in December 1997 - January 1998 present at the ritual murder of one of his own fighters Pa Alpha Kanu near Talia;
 - h. instructed Moinina Fofana to place a captured soldier and some looted property in the trunk of his car; that later at Base Zero Samuel Hinga Norman handed the soldier over to Allieu Kondewa; that at that time it

was generally understood that handing over a captured enemy to Kondewa meant instant death.

310. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

311. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the unlawfully killings and had effective control over those subordinates.
312. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Bonthe.
 - e. the fact that he told the CDF in Base Zero that he was responsible for the actions of the CDF;
 - f. the fact that the War Council often received complaints from civilians about the actions of CDF; that the War Council would pass on the complaints – with a recommendation – to Samuel Hinga Norman; that he would then tell the War Council that he would deal with the complaint; that he was never seen or heard addressing the complaints;

- g. the fact that complaints that the Death Squad had killed and looted civilians were forwarded from senior commanders to the War Council and then to Samuel Hinga Norman; that Samuel Hinga Norman overruled the War Council's decisions on disciplinary action;
 - h. the fact that an attempt at Base Zero to establish a disciplinary committee to monitor crimes committed by CDF was refused by Norman; that he threatened those attempting to establish it;
 - i. the fact that the War Council suspended some Commanders for their actions during Black December; that Samuel Hinga Norman overruled their decisions and reinstated these Commanders;
 - j. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders.
313. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

BLACK DECEMBER OPERATION

314. Between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the Southern and Eastern provinces of Sierra Leone, the CDF unlawfully killed an unknown number of civilians and captured enemy combatants in road ambushes at Gerehun, Jembah and the Bo-Matotoka Highway.
315. The evidence will demonstrate, *inter alia*, that:
- a. the Kamajor leader, Samuel Hinga Norman, on behalf of the CDF high command, announced that a military operation, named 'Black December' was launched with the objective of capturing all main roads in Sierra Leone;
 - b. on or about November 14, 1997, Kamajor militia attacked a bus on the Bo-Kenema Road killing nine passengers;

- c. on or about December 30, 1997, the CDF claimed success in the militia's 'Black December' military offensive in southeastern Sierra Leone where the militia also claimed to have blocked the Freetown-Bo, Bo-Kenema, and Bo-Pujuhun highways;
- d. on or about January 12, 1998, the CDF announced the beginning of Phase II of Operation Black December which involved the encirclement of all major towns and cities throughout the country;
- e. on or about January 16, 1998, travelers reaching the capital confirmed the death of 25 persons along the Bo-Freetown road;
- f. the CDF ambushed a commercial truck near Bo, killing 6 passengers.

Article 6.1 Responsibility

316. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful civilian killings during the attacks during the Black December operation, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the fact that the Black December Operation was planned and coordinated through the auspices of the War Council and its members;
 - b. the fact that in December 1997, in a press release, the CDF warned that if President Kabbah was not reinstated by the junta, the CDF would block all roads and target all those working for the junta who they consider to be enemies of the State (except health care workers);
 - c. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment.
317. It is the prosecution theory of the case that the planning, instigation, ordering or committing of unlawful killings during the Black December Operation by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the

participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:

- a. National Coordinator-CDF;
- b. a member of the War Council;
- c. responsible for sending ammunition to the CDF in the field;
- d. physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. as National Coordinator, and War Council member, present at a meeting in Base Zero, when the Black December Operation was planned, directed and approved for execution;
- f. the individual who issued a press release which stated that (a) the rebels should put down their guns and (b) that those working with rebels would be seen as enemy collaborators and killed;
- g. the CDF commander who in a closed meeting told subordinate commanders to kill anyone who was on the highway during the Black December Operation;
- h. the individual who made a radio announcement that no civilian should use the Highways due to this Operation; that Samuel Hinga Norman gave the order to kill anyone who was on the Highway and that anyone who ignored the warning was to be regarded as the enemy.

318. It is further the prosecution theory of the case that the unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

319. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF

subordinates engaged in the unlawfully killings and had effective control over those subordinates.

320. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the unlawful killings were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
321. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the unlawful killings or to punish the perpetrators thereof.

Counts 3-4: Physical Violence and Mental Suffering

322. The Prosecution will adduce evidence that the CDF intentionally inflicted serious physical violence and mental harm or suffering on an unknown number of civilians during the course of the time and at the locations referred to in the indictment (refer to paragraph 26 of the indictment).

TONGO FIELD:

323. The evidence will demonstrate, *inter alia*, that:
- a. on or about January 14, 1998, the CDF attacked Tongo Field; that the CDF unlawfully arrested, detained and screened civilians; that acts of physical violence causing mental harm or suffering were perpetrated upon those considered to be collaborators, identified by tribe or otherwise;

- b. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians;
- c. the CDF killed suspected collaborators, and thereafter ordered the civilians that had sought refuge at the NDMC headquarters to return home; that as the crowds of civilians were leaving, the CDF opened sporadic fire in the midst of the crowd thereby intentionally wounding and maiming civilians;
- d. the CDF subjected the people of Tongo to serious mental anguish and suffering through their conduct of summary executions, beatings, mutilations and threats of death;
- e. a process of screening arrested civilians was used whereby mainly non-Mendes were caught, branded as “collaborators,” and killed, some in full view of friends and family.

Article 6.1 Responsibility

324. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks in Tongo Field, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the fact that the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Tongo Field;
- c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background;

325. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attack on Tongo Fields by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:
- a. the National Coordinator of the CDF; that in this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF;
 - b. a member of the War Council
 - c. responsible for sending ammunition to the CDF in the field;
 - d. physically present in war planning meetings and at the issuing of directives and commands to CDF for the Black December Operation;
 - e. the commander who, in December 1997, said in a meeting at Base Zero, attended by all Commanders in the Tongo axis, that all people in Tongo should be regarded as the enemy; that he further said that civilians living in Tongo were Kamajor enemies because they were mining for diamonds which were used by the rebels to buy weapons and therefore that they should be killed;
 - f. the commander who, in December 1997, before the attack on Tongo Field, on behalf of the CDF, made an announcement on BBC radio ordering all civilians to leave Tongo Field; that following these orders in the ensuing attack, a large number of civilians were killed, wounded or assaulted by the CDF particularly at the NDMC compound.
326. It is further the prosecution theory of the case that physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

327. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the acts of physical violence and mental harm or suffering and had effective control over those subordinates.
328. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited CDF bases.
329. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof.

KENEMA DISTRICT

330. The evidence will demonstrate, *inter alia*, that:
- a. the CDF launched an attack on Kenema Town on or about February 15, 1998, which occasioned severe physical violence to life, intentional infliction of serious mental harm or suffering on the civilian population, upon the directives and instructions of the CDF high command, of which Samuel Hinga Norman was the National Coordinator;
 - b. SS Camp was taken when the CDF captured Kenema; that SS camp was used by the CDF as a place where captured rebels, and collaborators were taken, tortured and killed;

- c. unlawful killings were carried out by the CDF in the presence and plain view of relatives and friends of the victims;
- d. Sierra Leone Police officers were attacked and severely injured during the Kamajor assault on Kenema.

Article 6.1 Responsibility

331. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Kenema;
 - c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.
332. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts of physical violence resulting in mental harm or suffering which occurred during the attack on Kenema by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:
- a. National Coordinator-CDF; that in this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF;

- b. the commander who ordered the CDF to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses;
 - c. one of the commanders who visited SS Camp, a location in Kenema used by the CDF for the killing of captured rebels, collaborators and as a detention facility;
 - d. a member of the War Council;
 - e. responsible for sending ammunition to the CDF in the field;
 - f. physically present in war planning meetings and at the issuing of directives and commands to CDF;
 - g. the commander of the CDF during this period of time; that he held regular and frequent meetings with subordinate commanders ultimately charged with the taking of Kenema; that he frequently visited the Kenema area, and in some instances, the very buildings where some of the described activities took place.
333. It is further the prosecution theory of the case that physical violence to life, mental harm or suffering and unlawful civilian killings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

334. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the acts of physical violence and mental harm or suffering and as such had effective control over those subordinates.
335. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;

- b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited CDF bases.
336. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof as witnessed by the fact that:
- a. he received frequent reports of the CDF targeting Police Officers as collaborators and of the summary executions that took place; that these events were brought to Samuel Hinga Norman's knowledge with no action taken.

BO DISTRICT

337. The evidence will demonstrate, *inter alia*, that:
- a. at a meeting, Samuel Hinga Norman issued commands and orders for the attack on Koribundo in the Bo District which included instructions not to spare any living thing during the attack;
 - b. at one checkpoint set up by the CDF on the way to Manguama, which lies northwest of Bo Town, after being accused of being collaborators several civilians were stripped naked and tied, after which they were physically and mentally abused;
 - c. an unknown number of civilians were physically injured that were not members of any armed faction.

Article 6.1 Responsibility

338. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks

in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to any one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Kenema;
- c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.

339. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts of physical violence resulting in mental harm or suffering which occurred during the attack on Kenema by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:

- a. the National Coordinator of the CDF; that in this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF;
- b. the commander who gave direct instructions to the Death Squad for the Taiama Operation in 1997; that the Death Squad carried out the operation with a heavy toll of civilian casualties as a result of collective punishment by the CDF;
- c. one of the CDF commanders who ordered that checkpoints be constructed in and around the district of Bo; that at the checkpoint in Jebma Town, civilians were separated by tribes; that the Temnes were then taken to the forest to be killed or maimed;

- d. at a meeting in Dassamu village where he addressed the CDF and instructed them that all civilians living in Kebe were collaborators and should be killed and their houses burnt;
- e. in January/February 1998, after various failed attempts to capture the town from Junta control, addressing the CDF before an attack where he ordered them to capture Koribundo “at all costs”; that he specifically ordered the CDF to destroy Koribundo; that in the course of executing his commands, physical violence and mental suffering were inflicted on many civilians.
- f. a member of the War Council;
- g. responsible for sending ammunition to the CDF in the field;
- h. physically present in war planning meetings and at the issuing of directives and commands to the CDF.

340. It is further the prosecution theory of the case that physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

341. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the physical violence and mental harm or suffering and had effective control over those subordinates.

342. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:

- a. his position of authority within the CDF;
- b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;

- c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited CDF bases;
 - e. the fact that reports of Kamajor atrocities were brought to his knowledge with no action taken;
 - f. the fact that a few weeks after Bo Town was captured Samuel Hinga Norman in addressing people in the town hall said that CDF should not be blamed for whatever they had done in the town. He would take responsibility for their actions.
 - g. the fact that at a public meeting held in the court barri in early March 1998 in Koribundo (after the CDF had taken the town) Samuel Hinga Norman said that the CDF soldiers should not be blamed for the burning and looting because the soldiers were acting under his instructions;
 - h. at Monghere, following a particular series of murders by CDF a complaint about the incident was made to Samuel Hinga Norman. Norman who retorted that whatever wrongs the CDF did should be "left to God".
343. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof.

MOYAMBA DISTRICT

344. The evidence will demonstrate, *inter alia*, that:
- a. between about October 1997 and December 1999, the CDF attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke; that as a result of these actions, the CDF continued to identify suspected "collaborators" and others suspected not to be supportive of the CDF and their activities and inflicted physical violence and mental suffering on an unknown number of civilians;

- b. a Kamajor administrative structure was set up for Moyamba governance under the command of one Gobeh assisted by Kinnie Torma; that Gobeh was directly answerable to Moinina Fofana who then answered to Samuel Hinga Norman.
- c. the CDF used machetes, knives, guns, sticks, and materials consistent with offensive weapons to intentionally inflict physical violence and mental harm or suffering on civilians in the Moyamba District;
- d. the CDF subjected the people of Moyamba to serious mental anguish and suffering through their conduct of summary executions, beatings, mutilations and threats of death.

Article 6.1 Responsibility

345. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks in Moyamba, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Moyamba;
 - c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.
346. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts of physical violence resulting in mental harm or suffering which occurred during the attack on Bo by Samuel Hinga Norman, or his aiding

and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:

- a. the National Coordinator of the CDF; that in this position he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF.
- b. a member of the War Council;
- c. responsible for sending ammunition to the CDF in the field;
- d. physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. the commander who visited Moyamba Town to oversee the operations and activities of the CDF in the district;
- f. at the Mabang Bridge where he instructed his bodyguards and entourage to clear the bridge where a commercial vehicle had wrecked with its civilian passengers; that the guards opened sporadic firing causing serious physical injury to many of the civilians.

347. It is further the prosecution theory of the case that the physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

348. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the acts causing the physical violence and mental harm or suffering and, had effective control over those subordinates.

349. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:

- a. his position of authority within the CDF;
 - b. that fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited CDF bases;
 - e. reports of Kamajor atrocities brought to his knowledge with no action taken.
350. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof as witnessed by the fact that:
- a. the War Council made disciplinary recommendations to Samuel Hinga Norman in his capacity as National Coordinator, but no action was taken to redress Kamajor excesses;
 - b. a report of the killing of the Chiefdom Speaker of Ribbi was made to Samuel Hinga Norman in the expectation that he would discipline the perpetrator; that no disciplinary action was ever taken.

BONTHE DISTRICT

351. The evidence will demonstrate, *inter alia*, that:
- a. on or about October 1997 and December 1999, CDF attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bombay, and the island of town of Bonthe. CDF inflicted physical violence and mental suffering on an unknown number of civilians;
 - b. women and girls were subjected by the CDF to sexual assaults, harassment, and non consensual sex, which resulted in the widespread

- proliferation of sexually transmitted diseases, unwanted pregnancies and severe mental suffering;
- c. Base Zero was set up near the village of Tihun and served as the Kamajor operational base from where operations to flush out the AFRC/RUF were staged; that it was also the seat of the Kamajor War Council;
 - d. it was at Base Zero that Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa, forming a tripartite leadership, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo, Tongo, Bonthe and Moyamba;
 - e. on or about the 15 of February, 1998, at a meeting held in the Bellet, Bonthe Town, the CDF summoned civilians; that those identified as rebel collaborators were either subject to severe physical violence and mental suffering or killed.

Article 6.1 Responsibility

352. It is the prosecution theory of the case that the planning, instigation, ordering or committing of physical violence and mental harm or suffering during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Kenema;
 - c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.

353. It is the prosecution theory of the case that the planning, instigation, ordering or committing of acts of physical violence resulting in mental harm or suffering which occurred during the attack in the Bonthe District by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman, *inter alia*:
- a. had direct authority over the Death Squad that was responsible for a great deal of the physical violence and mental suffering in and around Talia;
 - b. in January 1998 at Base Zero instructed the CDF to kill captured rebels and rebel collaborators as well as anyone who worked for the rebels or who lived in an area occupied by rebels; that these instructions resulted in the perpetration of physical violence and mental suffering on the civilian population;
 - c. was National Coordinator CDF;
 - d. was a member of the War Council;
 - e. was responsible for sending ammunition to the CDF in the field;
 - f. was physically present in war planning meetings and issuing of directives and commands to CDF;
 - g. in February of 1998 addressed a meeting of the CDF at Base Zero where he supported directives for the attack on Bonthe Town; that those orders included instructions that collaborators should be killed; that many civilians were seriously injured in the attack.
354. It is further the prosecution theory of the case that the physical violence and mental harm or suffering were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

355. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the physical violence and mental harm or suffering, and had effective control over those subordinates.
356. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that physical violence and mental harm or suffering were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. his telling the CDF in Base Zero that he was responsible for the actions of the CDF;
 - c. the fact that the War Council often received complaints from civilians about the actions of CDF; that the War Council would pass on the complaints – with a recommendation to Samuel Hinga Norman; that he would then tell the War Council that he would deal with the complaint; that he was never seen or heard addressing the complaints;
 - d. the fact that complaints that the Death Squad had killed and looted civilians were forwarded from senior commanders to the War Council and then to Samuel Hinga Norman; that Samuel Hinga Norman overruled the War Council's decisions on disciplinary action;
 - e. the fact that an attempt at Base Zero to establish a disciplinary committee to monitor crimes committed by CDF was refused by Norman; that he threatened those attempting to establish it;
 - f. the fact that the War Council suspended some commanders for their actions during Black December, however, Samuel Hinga Norman overruled their decisions and reinstated these commanders;
 - g. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - h. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;

- i. the fact that he received regular status reports of war operations;
- j. the fact that reports of Kamajor atrocities were brought to his knowledge with no action taken.

357. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the physical violence and mental harm or suffering or to punish the perpetrators thereof.

Count 5: Looting and Burning

358. The Prosecution will adduce evidence that the CDF was engaged in widespread looting and destruction of property (refer to paragraph 27 of the indictment).

KENEMA DISTRICT

359. The evidence will demonstrate, *inter alia*, that:

- a. the CDF launched an attack on Kenema Town on or about February 15, 1998, upon the directives and instructions of the CDF high command;
- b. the CDF launched an RPG bomb into a civilian home, looted all the properties, thereafter burning the house to the ground;
- c. the CDF raided the Kenema Prisons Department, broke into the main prison; freed all detainees and thereafter looted all the food supplies and personal belongings of officers;
- d. the CDF attacked and killed one palm oil trader, Foday Wai, with a machete, and then proceeded to his room and looted a large cylinder containing a sum of money and other personal effects.

Article 6.1 Responsibility

360. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Kenema, or the aiding and abetting thereof, or that resulted from the common plan to use any means

necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Kenema;
- c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.

361. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning which occurred during the attack in the Kenema District by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman was, *inter alia*:

- a. National Coordinator-CDF;
- b. a member of the War Council;
- c. responsible for sending ammunition to the CDF in the field;
- d. physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. the commander who ordered the CDF to attack Kenema Town, kill all captured rebels and collaborators and seize or burn their houses;

362. It is further the prosecution theory of the case that the looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

363. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning, and had effective control over those subordinates;
364. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that looting and burning were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Kenema Town.
365. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the looting and burning or to punish the perpetrators thereof.

BO DISTRICT

366. The evidence will demonstrate, *inter alia*, that:
- a. At Koribundo, the CDF under the orders of their ground commander set fire to approximately 100 houses;
 - b. in a meeting at Base Zero, Samuel Hinga Norman ordered that all shops and pharmacies in Bo Town were to be looted and that all property in Bo Town 'belonged' to the CDF;

- c. Samuel Hinga Norman took possession of a vehicle looted from World Vision by a Kamajor and directed it towards Moinina Fofana's private use;
- d. the CDF went to the south of Kakua chieftdom, to villages including Baoma, Segbewema and Berehun and took people's possessions and any food they could find.

Article 6.1 Responsibility

367. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Bo, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:
- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
 - b. the fact that the CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Bo;
 - c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.
368. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the looting and burning that occurred during the attack in the Kenema District by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman, *inter alia*:
- a. was National Coordinator-CDF;
 - b. was a member of the War Council;

- c. was responsible for sending ammunition to the CDF in the field;
- d. was physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. ordered the CDF to capture the town of Koribundo “at all costs”; that he specifically ordered the CDF to destroy Koribundo;
- f. ordered that all the houses – except 4 were to be destroyed because every house had given sheltered rebels and soldiers;
- g. issued a special assignment to loot the Charltown Pharmacy and bring the medicine directly to him;
- h. in a meeting at Dassamu village, ordered that all civilians living in Kebe were collaborators and should be killed and their houses burnt down.

369. It is further the prosecution theory of the case that the looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

370. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning and had effective control over those subordinates.
371. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that looting and burning were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to the CDF in the field;

- d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Kenema Town.

372. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the lootings and burnings or to punish the perpetrators thereof.

BONTHE DISTRICT

373. The evidence will demonstrate, *inter alia*, that:

- a. Base Zero was set up near Tihun and served as the main Kamajor base where operations to flush out the AFRC/RUF were planned and staged;
- b. by the end of 1998, the CDF had occupied all of the chiefdoms in Bonthe; that the CDF from various chiefdoms looted Bonthe Town during 1998; that during the course of these activities the house of chief Ndokoi Lahai was looted and burnt;
- c. it was at Base Zero that Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa, together with other persons unknown, planned, coordinated, directed, trained and commanded the attacks on Bo, Koribundo, Tongo, Moyamba, Kenema and Kenema;
- d. in February 1998, before the attack on Bo, Samuel Hinga Norman, in an address at Dasamu village stated that all civilians living in Kebe were collaborating with the rebels; that he gave orders that any civilian who harbored a soldier should be killed and their houses destroyed; that as a consequence of the order, many houses were either destroyed or completely burnt down.

Article 6.1 Responsibility

374. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the looting and burning during the attacks in Bonthe District, or the aiding and abetting thereof, or that resulted from the common plan to use any

means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Bonthe District;
- c. the fact that Samuel Hinga Norman was chosen as the National Coordinator of the CDF and as the leader of the Kamajors, in part, based upon his military training and background.

375. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the acts of looting and burning occurred during the attack in the Bonthe District by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman, *inter alia*:

- a. Was National Coordinator-CDF;
- b. was a member of the War Council
- c. was responsible for sending ammunition to the CDF in the field;
- d. was physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. at a meeting in Base Zero, while addressing the CDF before the attack on Bo, said that the CDF should feed themselves; that this statement was understood as giving a free hand to CDF to loot property and that in effect, widespread looting followed the attack on Bo and was pervasive in Bonthe District as well;
- f. received a looted truck loaded with coffee and cocoa that was taken to Base Zero;

- g. received a looted Mercedes vehicle that was delivered to him at Base Zero and was then turned over to Moinina Fofana for his use;
- h. addressed a meeting of the CDF at Base Zero and supported directives for the attack on Bonthe Town including orders that collaborators should be killed and their property burnt.

376. It is further the prosecution theory of the case that the lootings and burnings were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

377. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning and had effective control over those subordinates.

378. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that looting and burning were about to be committed can be reasonably inferred from, *inter alia*:

- a. his position of authority within the CDF;
- b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
- c. the fact that during the relevant times in the indictment he provided logistical support to CDF in the field;
- d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Bonthe;
- e. the fact that he was a resident of Talia, Bonthe District for an extended period of time;
- f. the fact that he conversed on a daily basis with members of the CDF fighting forces and with other members of the War Council.

379. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the lootings and burnings or to punish the perpetrators thereof.

MOYAMBA DISTRICT

380. The evidence will demonstrate, *inter alia*, that:
- a. by the end of 1997, the RUF/AFRC forces had no strong base in Moyamba District as they were driven away by the CDF from all of the chiefdoms in the District; that at that relevant time, the CDF was the dominant and controlling force in the District;
 - b. in about October 1997, the CDF looted vehicles and other property from civilians in Sembehun;
 - c. on or about January 16, 1998, 15 villages between Sumbuya and Moyamba were completely burnt down in clashes between junta forces and Kamajor militiamen;
 - d. on or about 19 March 1999, the CDF came to Bradford Town at night and looted the entire town; that they came repeatedly on their looting spree until March 23, 1999;
 - e. at Lungi village, in the Kayamba chiefdom, Moyamba District, the CDF attacked and looted personal property and livestock of civilians;

Article 6.1 Responsibility

381. It is the prosecution theory of the case that the planning, instigation, ordering or committing of looting and burning during the attacks in Moyamba District, or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the overall conduct of the CDF, not limited to one district, which engaged in the widespread killing of civilians as part of a campaign of terror and collective punishment;
- b. the fact that CDF high command, led by Samuel Hinga Norman, repeatedly engaged in discussions together and with each other concerning the battle plans for Moyamba District.

382. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the looting and burning that occurred during the attack in the Moyamba District by Samuel Hinga Norman, or his aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that during the relevant period of time Samuel Hinga Norman, *inter alia*:

- a. was the National Coordinator-CDF;
- b. was a member of the War Council;
- c. was responsible for sending ammunition to the CDF in the field;
- d. was physically present in war planning meetings and at the issuing of directives and commands to CDF;
- e. visited Moyamba Town to oversee the operations and activities of the CDF in the district;
- f. at the Mabang Bridge, instructed his bodyguards and entourage to clear the bridge where a commercial vehicle had wrecked with its civilian passenger; that the guards opened sporadic firing causing serious physical injury to many of the passengers and looted their properties.

383. It is further the prosecution theory of the case that the looting and burning were a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

384. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the looting and burning and had effective control over those subordinates.
385. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that looting and burning were about to be committed can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. the fact that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders;
 - c. the fact that during the relevant times in the indictment he provided logistical support to CDF in the field;
 - d. the fact that he received regular status reports of war operations and frequently visited Kamajor bases in and around Moyamba;
386. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the looting and burning or to punish the perpetrators thereof.

Counts 6-7: Terrorizing the Civilian Population and Collective Punishments

387. At all times relevant to the Indictment, the CDF committed the crimes set forth in paragraphs 22 through 27 and charged in counts 1 through 5, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF also committed these crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

Terrorizing the Civilian Population

388. It is the prosecution theory of the case that the crimes alleged in counts 1 to 5 inclusive were done as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone and did terrorize that population (refer to paragraph 22 through 27 of the indictment).
389. The matters set out above in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Samuel Hinga Norman and count 6.

Collective Punishments

390. It is the prosecution theory of the case that at various locations throughout Sierra Leone during the period covered by the indictment, the CDF engaged in the crimes charged in counts 1 to 5 to punish the civilian population for allegedly supporting the AFRC/RUF, or for failing to provide sufficient support to the CDF (refer to paragraphs 22 through 27 of the indictment.)
391. The matters set out below in relation to counts 1 to 5 inclusive are relied upon as establishing the nexus between Samuel Hinga Norman and count 7, particularly that:
- a. the CDF engaged the combined RUF/AFRC forces in armed conflict in various parts of Sierra Leone – to include the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas and the Districts of Moyamba and Bonthe; that civilians, including women and children, who were suspected to have supported, sympathized with, or simply failed to actively resist the combined RUF/AFRC forces were termed “collaborators” and specifically targeted by the CDF; that once so identified, these “collaborators” and any captured enemy combatants were unlawfully killed; that victims were often shot, hacked to death, or burnt to death.
 - b. the CDF forces, committed various acts of sexual violence against civilian women and girls who were abducted during a series of raids and invasions on villages in the southern and eastern provinces of Sierra Leone

particularly in Bonthe and Kenema Districts; that these women and girls were often repeatedly raped, used as sex slaves by members of the CDF forces and forced to perform a range of conjugal duties, including sex, domestic services and other forms of forced labour; that the women and girls had to endure various acts of physical and mental abuse from their captors.

- c. the burning of civilian property performed as part of the attacks on many villages throughout the various Districts of Sierra Leone.

Count 8: Use of Child Soldiers

392. The prosecution will adduce evidence that the CDF did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 yrs into armed forces or groups, and in addition, or in the alternative, use them to participate actively in hostilities (refer to paragraph 29 of the indictment).

393. The evidence will demonstrate, *inter alia*, that:

- a. CDF leaders recruited child soldiers;
- b. it was the practice that children were initiated into the Kamajor Society and enlisted in the CDF;
- c. children were divided into groups with a group leader;
- d. children were placed in frontline positions during battle and actively participate in hostilities;

Article 6.1 Responsibility

394. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of boys and girls under the age of 15 or the aiding and abetting thereof, or that resulted from the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, can be reasonably inferred from, *inter alia*:

- a. the military training that children were subjected to after initiation into the Kamajor Society;

- b. the widespread use of children to carry weapons and ammunition for the CDF.
395. It is the prosecution theory of the case that the planning, instigation, ordering or committing of the conscription or use of boys and girls under the age of 15 or the aiding and abetting thereof, or that resulted from the participation of Samuel Hinga Norman in the common plan can be reasonably inferred from the fact that Samuel Hinga Norman was, *inter alia*:
- a. National Coordinator-CDF;
 - b. a member of the War Council;
 - c. responsible for sending ammunition to the CDF in the field including children;
 - d. physically present in war planning meetings and the issuing of directives and commands to CDF;
 - e. was the author of statements discussing why children were to be used in a war situation;
 - f. was present at bases where children were being trained for service in the CDF forces.
396. It is further the prosecution theory of the case that the conscription and use of children was a foreseeable risk of the common plan to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone, willingly taken by Samuel Hinga Norman.

Article 6.3 Responsibility

397. It is the prosecution theory of the case that Samuel Hinga Norman held a position, individually or in concert with other CDF superiors, superior to the CDF subordinates engaged in the conscription and use of child soldiers and had effective control over those subordinates.

398. It is the prosecution theory of the case that the fact that Samuel Hinga Norman knew or should have known that the conscription or use of child soldiers was to occur can be reasonably inferred from, *inter alia*:
- a. his position of authority within the CDF;
 - b. that during the relevant times in the indictment, Samuel Hinga Norman was in regular communication with ground commanders; and
 - c. his presence at Kamajor bases, initiation ceremonies and camps where children underwent military training.
 - d. that he received regular status reports of war operations.
399. It is further the prosecution theory of the case that given all of these matters it can be reasonably inferred that Samuel Hinga Norman failed to take necessary and reasonable measures to prevent the conscription or use of children or to punish the perpetrators thereof.

ANNEX A

TESTIMONIAL EVIDENCE

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 001	1&2 5 6 7	1hr.	Witness saw two police officers being killed by Kamajors. Witness learned that 3 soldiers who were being held as prisoners were killed by Kamajors. Witness saw Kamajors looting.
TF2 – 004	6 8	1hr.	Witness joined the Kamajors in 1996 at the age of 10. Witness states that, in Zimmi, they shot an Alpha man and burned his wife alive. Witness states that there were many civilians in Zimmi and the ones that worked with the Junta were punished. Witness was initiated and received weapons training. Witness will testify that he fought in Telu Bongor, Pujehun town and Zimmi. Witness states that most of the fighters were older than he but some were younger. Witness saw HINGA NORMAN in Telu Bongor and Zimmi. Witness states that all the big bosses reported to HINGA NORMAN.
TF2 – 005	1&2 6 8 ICR	4hrs.	States that NH was in charge of everything and was a one man show; also that he commanded the death squad along with ALLIEU KONDEWA and MOININA FOFANA. Witness personally heard NH instructing Kamajors to target civilians who worked with the junta or mined for them and treat them as enemies. Witness has knowledge that child soldiers as young as 12 were used in fighting. HINGA NORMAN issued a press release stating that all those working with the RUF would be seen as collaborators and would be treated as the enemy. Witness personally heard HINGA NORMAN instructing Kamajors to target civilians found to have been working with the junta or mining for them and treat them as enemies. Witness' Commander told him that many civilians were killed in the battle for Tongo. Witness was told that HINGA NORMAN had instructed frontline commanders to kill anybody who ventured out in the highways during the Black December operations.
TF2 – 006	3&4 6 8	1hr.	Witness was fleeing Bo when Kamajors attacked. Kamajors accused Witness of being a rebel and amputated four of his fingers with a machete. Witness saw child soldiers amongst those who attacked him.
TF2 – 007	1&2 3&4 6	1hr.	Witness was in Fengehun village, Bo, in 1998 when Kamajors mutilated and killed his father. He saw his father tied up by a rope, with blood oozing from his head as a result of his ear having been cut off. Witness' father was subsequently taken to a hut in the village, tied up and burned along with the hut.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 008	6 ICR	4hrs	<p>Witness will testify that the War Council met daily to discuss complaints relative to the conduct of Kamajors during the war. Witness states that “a good number of atrocities committed by Kamajor Operational Field Commander had the blessing of HINGA NORMAN.” Witness reports that ALLIEU KONDEWA threatened to kill members of the War Council because they were checking on Kamajors.</p> <p>Witness personally heard HINGA NORMAN give instructions to do whatever was needed to capture Koribundo, including burning the town. Witness heard HINGA NORMAN say, at Base Zero during a speech: “if you see police, cut off his hand.”</p> <p>Witness will give evidence that HINGA NORMAN, at a town hall meeting in Bo, took responsibility for the killing of 2 civilians.</p>
TF2 – 009	6 8	1hr.	<p>Witness joined the Kamajors in 1996 and was initiated by Kamoh Brima. He fought for three years in Tunkia, Gbima and Kenema. HINGA NORMAN knew he was a soldier because a list of names was sent to him along with a request for food supplies. Witness was one of the several child soldiers in his unit.</p>
TF2 – 011	ICR	1hr.	<p>Witness heard HINGA NORMAN openly said at Base Zero and in Bo town in 1998, that he should be held responsible for the excesses of the Kamajors.</p>
TF2-012	ICR	1hr.	<p>Witness was present at a meeting in Koribondo Barray where HINGA NORMAN commended Kamajors and admitted that he sent them to capture Koribondo. HINGA NORMAN went further to say that he was responsible for the destruction of Koribondo and not the Kamajors. HINGA NORMAN said he was annoyed at seeing a lot of houses standing since he was only expecting to see 4 houses. He further said the Kamajors were not to be blamed for the burning of houses or looting because they were only acting under his instructions. Also present was MOININA FOFANA. Witness saw Kamajors looting and burning houses.</p>
TF2 – 013	1&2 6 8 ICR	2hr.	<p>Witness fought at Tongo (Black December Operation) and saw Kamajors bring Chief Conteh not far from his guard post and then return with only his head and organs. Witness had orders to kill persons with weapons in their home. Witness fought with a lot of small boys.</p>
TF2-014	ICR	4hrs.	<p>Witness was instructed at Base Zero to kill all captured rebels and collaborators as a result of which there were many such killings.</p> <p>Witness saw looting at several locations and heard HINGA NORMAN give direct orders that certain targets were to be looted.</p>

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 015	1&2 3&4 6	1hr.	Witness was in Tongo area when it was attacked. Kamajors gathered civilians at the NDMC HQ, segregated and removed various individuals throughout the night (particularly those in uniform) and hacked others to death. The following day, Witness fled the HQ and was traveling amongst a group of people when they were stopped at a bridge in Kamboma by Kamajors. Kamajors ‘chopped’ or shot all of these people as well as the Witness and left him for dead.
TF2 – 016	1&2 3&4 6	1hr.	Witness saw Chief Aruna Konowa, tied and paraded around town by the Kamajors and later saw the disemboweled, dead body of Chief Konuwa.
TF2 – 017	1&2 5 6 9 10 12 ICR	4hrs.	Witness was told by HINGA NORMAN that if the Kamajors succeeded in eliminating the RUF, they would run Sierra Leone for three years. Witness will testify to looting and burning, the use of child soldiers, and that HINGA NORMAN said that “rape was a part of war and civilian women were rations.” Looted items and a captured soldier were handed over to HINGA NORMAN in presence of MOININA FOFANA and ALLIEU KONDEWA. HINGA NORMAN told Witness to kill any civilian in Bo who was a collaborator. HINGA NORMAN made these statements in the presence of ALLIEU KONDEWA and MOININA FOFANA. Witness heard HINGA NORMAN (with MOININA FOFANA and ALLIEU KONDEWA present) say that Bo Town, Koribundo and Freetown Highway (which included Taiama and Kebe Town) were to be attacked, any rebels or collaborators were to be killed and no Prisoners of War were to be taken. HINGA NORMAN, in the presence of ALLIEU KONDEWA and MOININA FOFANA, told Witness to loot houses in Bo and return the loot to HINGA NORMAN. Looted items and a captured soldier were handed over to HINGA NORMAN in presence of MOININA FOFANA and ALLIEU KONDEWA.
TF2 – 020	1&2 3&4 6	1hr.	Witness was fleeing Bo after the Kamajor takeover and saw the Kamajors use machetes to hack 5 people, 4 people died as a result. Witness was threatened as part of a group of civilians.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 021	1&2 6 7 8 ICR	1hr.	<p>Witness was captured and initiated in 1996 (along with 6 others, the oldest was 11 years old). ALLIEU KONDEWA initiated Witness who says he joined because he didn't have a choice. Witness saw Kamajors kill a Fullah man and the murdering of police officers in Kenema. Witness was in Freetown for two weeks when he was brought to Freetown to fight. In Bonthe district, Witness heard HINGA NORMAN say "if you capture an enemy, kill him." Witness fought in the Masiaka-Port Loko highway, Kenema, Daru and Freetown.</p> <p>Witness will testify that HINGA NORMAN came to Bo to talk to soldiers. HINGA NORMAN used to visit all the Kamajors camps in the area. HINGA NORMAN encouraged him to fight and supplied him with arms and food.</p>
TF2 – 022	1&2 3&4 6 8 ICR	1hr.	<p>Witness was a Tongo resident when the Kamajors came. Witness saw Kamajors slaughter civilians with machetes. He saw many others shot when Kamajors opened fire on them, and he later saw the dead bodies of others. He heard Kamajors say that HINGA NORMAN told them that when he entered Tongo he didn't want to see any civilians, that they should all be killed. Witness saw Kamajors kill three civilians, based on tribal origin, at checkpoints on the road out of Tongo. Witness saw three civilians with camouflage fabric wallets murdered. Witness was amongst a crowd of people that Kamajors fired on at NDMC HQ. Witness saw child soldiers 10-12 years old fighting in Tongo.</p>
TF2 – 025	1&2 3&4 6	1hr.	<p>Witness fled Tongo in August, 1997 when the Kamajors pulled out and returned to Lalehun in early 1998. Witness saw Chief Conteh's severed head being carried away.</p>
TF2-026	1&2 5 6	1hr.	<p>Witness was a Tongo resident in January, 1998 when the Kamajors took Tongo. Witness saw a captured rebel called Cobra killed as well as others who were accused of being rebels. Witness was told to drag the bodies into the bush. He also saw another person killed.</p> <p>Witness was made to transport looted property from Tongo on the orders of the Kamajors; he also saw Kamajors loot houses.</p>
TF2 – 027	1&2 3&4 6 ICR	1hr.	<p>Witness lived in Tongo throughout the war. He was herded into NDMC HQ as Kamajors took over. Once inside, Kamajors sorted civilians by tribe and ordered civilians to point out who the rebels amongst them were. Those pointed out were led away and he never saw them again. The next day, civilians were ordered to dig graves and Witness could see bodies being carried to the grave.</p>

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 029	1&2 3&4 6 ICR	1hr.	Witness was resident of Tongo when the Kamajors came in late 1997. He was taken to NDMC HQ. Witness was amongst a group of civilians into which Kamajors opened fire killing several. Witness heard a Kamajor say that HINGA NORMAN had given orders to kill all Tongo residents. He witnessed a young boy taken away by the Kamajors and never saw the boy again. Witness saw many civilians dead around the HQ on the day after the attack.
TF2 – 030	1&2 3&4 6	1hr.	Witness was a Bo resident when Kamajors came in February, 1998. She watched as her husband was mutilated and killed by Kamajors. Kamajors had tried to chop off both of his hands and feet and they were hanging by flesh. When Witness went to see him the next morning he was dead.
TF2 – 032	1&2 5 6 7 ICR	1hr.	Witness will testify about Kamajors attack on Koribondo. One of their commanders gave the orders for the houses to be burnt. Another ground commander was also involved in the looting and burning of houses. Witness found out on his return that his house along with many others had been burnt. HINGA NORMAN came and had a meeting in Koribondo where he said that he sent the Kamajors to burn the town with the exception of the court barray and mosque but the Kamajors did not do well. Witness was informed that a man called Kafala was killed between Koribondo and Bendu for being a rebel collaborator. Abema, a Kamajor, was killed for not operating as a Kamajor.
TF2 – 033	1&2 6 7	1hr.	Witness was present when the Kamajors entered Kenema. Witness saw Kamajors kill four police officers.
TF2 – 034	ICR	1hr.	HINGA NORMAN gave instructions to destroy all houses in Koribondo with the exception of 4 houses because every house in Koribondo had rebels or SLA or their relations. These instructions were given at Base Zero. MOININA FOFANA and ALLIEU KONDEWA were all present. Upon entering Koribondo, Witness saw a lot of houses burning, which he says was done by Kamajors. Witness will testify that ammunition was supplied at Base Zero, but if you didn't take diamonds to HINGA NORMAN you did not get ammunition.
TF2 – 035	1&2 3&4 6	1hr.	Witness was a resident of Tongo Field and saw a twelve year old boy killed by the Kamajors along with a large number of other civilians.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2- 036	1&2 5 6 7 ICR	1hr.	Witness will give evidence about Kamajors burning houses in Koribondu, including his own. Witness saw Kamajors kill one Limba man for allegedly tapping palm wine for the soldiers. Witness will testify that collaborators were usually tried and sentenced in one house and handed over to a killer in another. Witness was present when HINGA NORMAN came to Koribondo and said that he was not expecting to see so many houses standing. He said that he had instructed the Kamajors to destroy everything except the mosque and that it was the presence of the junta in Koribondo which led to the attack on Koribondo.
TF2 – 037	1&2 3&4 6 7	1hr.	Witness, and another individual, was beaten and threatened with death for suspected of being a police officer from Bo. Witness was told that 3 of his colleagues had been killed by Kamajors. Witness heard that Kamajors were looking for police because they were “junta” police.
TF2 – 038	6 8	1hr.	Witness was forcefully conscripted by the Kamajors and taken to Guinea where he saw ALLIEU KONDEWA and HINGA NORMAN during his training and initiation. HINGA NORMAN brought food and guns. HINGA NORMAN told the troops in Guinea to treat the rebels in the same manner as the rebels treated the Kamajors. Witness saw Kamajors kill two children in Tanihun. Also saw Kamajors kill rebels captured in Segbema.
TF2 – 039	1&2 6 7	1hr.	Witness was in Kenema and was there when the Kamajors took the town. He assisted with the burying of the murdered police officers.
TF2 – 040	1&2 6 7	1hr.	Witness was in Kenema and will testify that the Kamajors killed numerous police officers. Witness helped bury the dead bodies of six officers.
TF2 – 041	1&2 3&4 6 7	1hr.	In February 1998, Witness was in Kenema and survived a Kamajor attempt to behead him. Witness’ colleague died in the same attack.
TF2 – 042	1&2 3&4 6 7	1hr.	Witness was in Kenema in February/March 1998 and she personally witnessed the killing of three police officers.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 043	ICR	4hrs.	<p>Witness was a Kamajor in Koribundo and present during all 4 attacks until it was taken on the 13th and 14th February 1998.</p> <p>Witness is aware of killing of civilians on the bus which was attacked as a result of Black December operation.</p> <p>Witness will testify that they were commanded to take Koribundo at all costs even if it meant destroying the town completely. This order was given by HINGA NORMAN. Kamajors looted everything. Witness saw some Kamajors with looted items and reports were made to HINGA NORMAN, who replied that they should be thankful that at least there were a few houses left standing.</p>
TF2 – 044	1&2 3&4 5 6 7	1hr.	<p>Witness was in Kenema when the Kamajors took the town. Witness saw dead police officers and heard Kamajors say that they were going to kill all police officers. Kamajors arrested and detained Witness, then cut and tortured him. He saw Kamajors with property looted from his home.</p>
TF2 – 047	1&2 3&4 6	1hr.	<p>Witness was in Tongo when Kamajors took over the town and told everyone to go to the NDMC HQ. Witness saw a Kamajor kill a captured soldier. The following day, Witness saw the bodies of other dead soldiers with military ID's on their chests. Witness was involved in the burial of several victims.</p>
TF2 – 048	1&2 3&4 6	1hr.	<p>Witness was in Tongo during Operation No Living Thing (“... Operation No Living Thing, whether dog or mortal man-nothing was to be spared”). Witness watched as her brother was killed by a Kamajor.</p>
TF2 – 051	1&2 6 ICR	4hrs.	<p>Witness will testify as to the structure and command responsibility of HINGA NORMAN, ALLIEU KONDEWA and MOININA FOFANA.</p> <p>Witness received reports of Kamajor atrocities, but disciplinary efforts were thwarted by HINGA NORMAN.</p> <p>Witness was aware of a truck load of Coffee and Cocoa that was captured and brought to Base Zero, and also a Merc. Benz car.</p>
TF2 – 052	1&2 3&4 6	1hr.	<p>Witness was forced to go to the NDMC HQ by the Kamajors along with many other civilians after Kamajors took Tongo. Witness watched as many people were taken by Kamajors to a field and never returned. Witness was later detained for eight days by Kamajors as he was suspected of being a collaborator.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 – 053	1&2 6	1hr.	Witness was a resident of Tongo Field who took refuge in the NDMC HQ during the two Kamajor attacks in November. While at NDMC HQ, Witness saw two men executed after being pointed out as being juntas. His son was taken away by Kamajors and he hasn't seen him since.
TF2 – 056	1&2 5 6	1hr.	Witness was the head of the Limbas in Bo in 1998 and had to go to the Kamajor commander, on several occasions, to ransom Limbas. Witness saw the killing of a Limba man by Kamajors. In the capacity as Limba Tribal Leader, he received many reports of killings of Limba civilians. In March/April 1998, Witness saw Limba tribesman taken and held for ransom by Kamajors while their houses were burnt because they were thought to be collaborators. Witness states that policemen were killed at checkpoints the Kamajors had set up and he saw the bodies of 8 policemen. Witness' house was looted and all of his property taken by Kamajors.
TF2 – 057	1&2 3&4 6	1hr.	Witness was a Bo resident during the Kamajor attacks. Witness, along with his brother, was ordered imprisoned by MOININA FOFANA and kept on water only rations for a period of 25 days. After being taken away by Kamajors, Witness' brother and 2 other detainees were never seen again. Witness will also testify to a murder he saw take place at a checkpoint he was at as well as other things he saw when passing through a series of checkpoints.
TF2 – 058	1&2 3&4 6	1hr.	Kamajors stopped the Witness and her husband and gouged out her husband's eyes. She was told that Kamajors had cut off her husband's head and danced with it on a stick. Witness also saw another individual being killed with machetes by the Kamajors and another chopped dead body.
TF2 – 059	1&2 3&4 5 6	1hr.	Witness was fleeing Bo when he witnessed Kamajors kill 6 men by hacking them with machetes. Witness was robbed, beaten and threatened with death by Kamajors during a screening for collaborators.
TF2 – 060	6 8 ICR	2hrs.	Witness was initiated when he was 9-10 years old and ALLIEU KONDEWA was present. Witness will testify to seeing the killing of many people believed to be rebels and to receiving instructions from ALLIEU KONDEWA to kill people who were not Mende. ALLIEU KONDEWA also gave order to do sacrifices and Witness saw them. Witness fought in Njanjahun Gboko, Bo and Freetown. Witness states that there were about 50 small boys in his group.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 - 062	1&2 5 6 7 ICR	2hrs.	<p>Witness was present in Bo when Kamajors entered in February 1998.</p> <p>Witness saw multiple killings, mutilations and lootings by Kamajors and he attended public meetings in Bo held by HINGA NORMAN and attended by MOININA FOFANA.</p> <p>Witness heard HINGA NORMAN say at a meeting held in Bo: "Kamajors joined the society to protect their mother land. The Temnes came to this land, this is not their land, they have to go back to their own land. Whatever you want to do to these Temnes, Limbas, do it."</p> <p>Witness saw people being tied up and their throats cut and others who had tires put on them, petrol added and then burned.</p> <p>Witness saw many lootings and heard HINGA NORMAN give orders, at public meetings held in Bo and attended by MOININA FOFANA, to burn the houses of the Temnes and Limbas. Witnesses will testify that two brother-in-laws' houses were burned and land sold by Kamajors.</p>
TF2-063	ICR	4hrs.	<p>Witness will give evidence that armed Kamajors from the 19th Battalion broke into his house, fired shots and beat up his uncle. The group included MOININA FOFANA who was the commander of the 17th Battalion which was on Mahi Boima Rd near HRS school.</p> <p>Witness will give evidence on Kamajor initiation rituals including the killing of a pregnant woman.</p> <p>Witness will testify to the initiation of small boys of the age of 5-7 years of age.</p> <p>Witness was taught how to use guns, arm and disarm, cock and fire.</p>
TF2 -064	6 8 ICR	1hr.	<p>Witness fought in Bo. He will testify that they went around from place to place for a long time killing rebels. In a village behind Tikonko village, "we killed a lot of the rebels there, only men. We left all the women. We killed the men with a knife."</p> <p>Witness will say that Kamajors taught small boys how to hide, how to cut and kill human beings and also to go 'in a group of small boys and grab the rebel and one of us would cut his throat.' Witness states that they did this one time. Witness will testify that small boys were organized in groups and there was a small boy's group leader who did the cutting of the man's throat.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -065	1&2 3&4 5 6	1hr.	Witness is a Temne who was living in Bo at the time of the Kamajor take over. Witness saw Kamajors chase a man down and kill him. Witness was beaten, suffering permanent hearing loss as a result, his possessions were looted, and he was robbed by Kamajors.
TF2 - 067	1&2 3&4 5 6 7	1hr.	Witness was a resident of Bo when Kamajors took it in February, 1998. He saw Kamajors kill men and women, Temnes in particular, as well as disembowelings and mutilations. Witness was arrested on more than once; on one occasion, he was kept in jail for 26 days. Witness saw his father and other family members arrested by Kamajors. Sometime after March 1999, Witness saw Kamajors looting his home and the home of his uncle.
TF2 -068	6 ICR	4hrs.	Witness states that HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA did not punish those who were committing atrocities. At Talia, Witness found HINGA NORMAN who, Witness states, was in charge. HINGA NORMAN appointed the director of war, Battalion commanders, Director of Operations and Platoon commanders. He appointed the High Priest, ALLIEU KONDEWA. Initiation of Kamajors and military training took place at Base Zero. HINGA NORMAN was in charge of training and sometimes came with military instructors to do training. They were training in the use of weapons. Witness will testify that he saw a looted car at Base Zero and ALLIEU KONDEWA using it. HINGA NORMAN saw the car as well. Witness also saw a truck loaded with coffee and Cacao that was seized by Kamajors and taken to Talia. The truck was turned over to the High Priest and the Director of War, MOININA FOFANA. HINGA NORMAN was informed of this seizure.
TF2 -069	3&4 5 6	1hr.	Witness lived in Bo during the Kamajor occupation. Witness was beaten and threatened by Kamajors. His home was looted and property stolen by Kamajors.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-070	7 ICR	4hrs.	<p>Witness will confirm many ethnically motivated killings that took place in and around Bo. Many Temnes were murdered, property looted, and houses burned as they were alleged to be supporters of the Junta. Witness will testify to the setting up of checkpoints in and around Bo and that people fleeing attack were screened on ethnic bases and once identified as non Mendes, were instantly labeled collaborators and killed. Those killings took place at checkpoints manned by MOININA FOFANA's boys and Witness states that he knew about the atrocities.</p> <p>Witness says that Kamajors burned house in Bo. Kamajors looted properties and shared them amongst themselves.</p> <p>Witness will state that the CDF, particularly the Kamajors, moved away from the idea of protecting people to attacking and killing them.</p>
TF2 -071	1&2 6 ICR	1hr.	<p>Witness was in Bonthe when the Kamajors took over 1998. He will testify that after September 15th 1997 an attack was launched by Kamajors on villagers from Bonthe Town and three were immediately killed and eaten by the Kamajors. The remaining were to be eaten in installments. The three victims were Bockarie Kpaka, Samuel Kamara (a Blacksmith in Bonthe Town) and one Junisa. Witness will testify that in January 1998 in Bonthe Town, a Guinean businessman was killed between Gbongoma and Molaikaika, Sitia Chiefdom, Bonthe District. Witness found Mohammed's body shot with his back cut open. Witness buried the corpse.</p> <p>Witness will give evidence that HINGA NORMAN had gone to Bonthe via helicopter and made a speech to the people saying that it was useless to complain about the Kamajors saying 'that working with the Kamajors was like working with a cutlass and it cuts you, you drop it, but later you pick it up and work with it again'.</p>
TF2 -072	ICR	4hrs.	<p>Witness will give evidence that the Kamajors received arms and ammunition from the army through HINGA NORMAN.</p> <p>Witness along with other Kamajors attacked and captured Bo from Kenema in February, 1998. Witness will testify that Kamajors were looting and burning houses. There were reports of killings at checkpoints manned by Kamajors especially the killings at Bakapu and Gbaian done by Kamajors for money and diamonds. All these incidences were reported to MOININA FOFANA.</p>
TF2 -073	1&2 6 7	1hr.	<p>Witness was a resident of Moyamba who will testify to the murdering of two traders. Kamajors looted Witness' home and took his car.</p>

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -078	1&2 3&4 5 6	1hr.	Witness was a resident of Bo when the Kamajors entered in 1998. She and her husband were beaten and tortured; Witness' husband was taken away by Kamajors and she later saw his mutilated, dead body. Witness was told that her son was also arrested and killed by Kamajors. Witness' house was looted and burned to the ground.
TF2 -079	1&2 5 6&7 ICR	4hrs.	Witness will testify that the Death Squad did everything ranging from killing to looting to vandalizing and that they were created to carry out the worst jungle justice. HINGA NORMAN created the Death Squad and allowed it to continue despite the fact that he had heard complaints about it. Witness will also say that the instructions given by HINGA NORMAN, in the presence of ALLIEU KONDEWA and MOININA FOFANA, for most towns (i.e. Black December, Tongo, Koribondu) were to attack it, occupy it, kill the collaborators and take property for the Kamajors. HINGA NORMAN gave instructions to attack juntas and collaborators in Tongo, take their property and create roadblocks so the junta can't pass with vehicles. Witness heard HINGA NORMAN say to Kamajors, on more than one occasion, "wherever you go, fight and take whatever is yours"; MOININA FOFANA and ALLIEU KONDEWA were also present.
TF2 -080	6 8	2 hrs.	Witness was initiated into the Kamajors at Bumpe Village along with many others, a mixture of initiates from ages 12 to 20 years. Witness heard some of the boys yelling: "Leave me alone, let me go!" He had to pay a registration fee for joining which he paid to ALLIEU KONDEWA's secretary. He saw and participated in killing civilians, looting and burning. In 1999, Witness fought at Mogbongo village and Mile 91. In March and April of 1999, Witness' group ambushed rebels, killed them and kept their weapons. Witness states that one time they captured three boys and a woman rebel. They tied them up, took them away and cut their throats. At Camp Charlie, ALLIEU KONDEWA's right hand man gave the order to kill everyone, so every civilian or rebel that was seen was killed. At night they started burning all houses.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -081	6 8	1hr.	Witness is a 16 year old who fought as a child soldier after being initiated by ALLIEU KONDEWA. He watched Kamajors kill his father and then felt he had to join the CDF or be killed by them. Witness had gone with his father to get food when they were intercepted by the CDF in dress garb. They accused his father of being a spy, beat him, had him dig his own grave and killed him. Witness ran away and felt he had to join the CDF or be killed by them.
TF2 -082	1&2 5 6 ICR	4hrs.	Witness was a member of the Kamajors. He states that children were made to cut throats of prisoners because ALLIEU KONDEWA did not want ammunition wasted on them. Witness says that HINGA NORMAN gave him instructions not to spare any living thing; "kill them all whether they are human beings, domestic animals, everything that had life should be killed." Witness was aware that looting was going on because he saw it happening and he made an effort to return looted goods to civilians. HINGA NORMAN gave him direct orders to destroy all of the houses in the town.
TF2 -086	1&2 3&4 6	1hr.	Witness was a Bonthe resident in 1997 after the Kamajors took the town. Witness was mutilated and left for dead in the same incident in which Witness' friend was killed.
TF2 -087	5 6 ICR	4hrs.	Witness has information as to the structure of the Kamajors and the beginnings at Base Zero. Appointments to committees were made by HINGA NORMAN & MOININA FOFANA. Orders went directly from HINGA NORMAN to the District Administrators who then passed them on to the Chiefdom Commanders. Complaints of Kamajor excesses were passed on to HINGA NORMAN but nothing came of those reports, a case in point was the looting of drugs from Matru Jong Hospital. He states that HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA had information about misdeeds in general but that nothing was done about them.
TF2 -088	1&2 3&4 5 6 ICR	1hr.	Witness is a resident of Bo District whose son was killed and his body parts used in a sacrificial manner. Witness reported the incident to HINGA NORMAN who said: "whatever a Kamajor does should be left to God". Kamajors looted and robbed Witness' house.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -091	3&4 5 6	1hr.	Witness was a Bonthe resident who was held by Kamajors. Witness saw Kamajors looting property from houses. Witness was abducted by Kamajors and forced to cook for them.
TF2 -092	3&4 5	1hr.	Witness will testify that he was taken from church by Kamajors who undressed him and left him naked. Witness will testify that Kamajors accused him of supporting the Juntas and he was levied a huge sum to save his life. The money was paid to ALLIEU KONDEWA. Kamajors burnt down his house and looted Le. 2,000,000 from him.
TF2 -096	1&2 6 ICR	1hr.	Witness was a resident of Talia when the Kamajors first arrived. Witness personally saw ALLIEU KONDEWA kill two civilians by shooting them.
TF2 -103	5 6 ICR	1hr.	Witness was resident in Bonthe when Kamajors were at Base Zero. Witness was told of the killing of a young boy named Kekuru which he reported to the Kamajor commander who did nothing about it. Witness saw Kamajors looting and burning houses in his village. ALLIEU KONDEWA came to his village and threatened them with death if they didn't contribute food.
TF2 -105	1&2 5 6	1hr.	Witness will testify that he was in Bonthe when Kamajors attacked. He saw Kamajors shoot a man just behind the Mission on Lime Street. Witness observed Kamajors looting and burning houses. Witness saw one Kamajor beating the Town Chief.
TF2 -108	1&2 3&4 5 6	1hr.	Witness was abducted from her parent's home in Bonthe District in 1998. Witness' parent's property was carried away by the Kamajors. Witness was taken to Talia where she was raped and forced to "marry" a kamajor. Witness saw the killing of 6 civilians. Killings in Talia often took place on the instruction of ALLIEU KONDEWA or Kamoh Lahai. Witness was the subject of sexual violence and she witnessed it.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -109	1&2 3&4 5 6 ICR	2 hrs.	<p>Sometime in 1998 in the Dry Season during the AFRC regime, Kamajors from Talia attacked Witness' village and she was abducted together with other people and taken to Talia. Witness saw HINGA NORMAN and ALLIEU KONDEWA in Talia.</p> <p>In Witness' presence one civilian was arrested and brought to Talia by the Kamajors. ALLIEU KONDEWA gave orders that he should be burnt to death because he was a rebel and he was killed. She also saw another man killed by Kamajors.</p> <p>In Talia village, one of the Kamajors forcefully took her to be his wife. Witness will testify that she was "virginated". Witness will testify of other young women brought to Talia who were forced to have sex with Kamajors. According to Witness, some of the young girls who refused to have sex with the Kamajors were killed. Kamajors took these women as their wives and carried them to the war front. Kamajors also brought girls and women for ALLIEU KONDEWA.</p>
TF2 -111	6 ICR	4hrs.	<p>According to Witness, HINGA NORMAN arrived in Talia within three months of the AFRC coup. HINGA NORMAN and ALLIEU KONDEWA established the Base Zero. When HINGA NORMAN came to Talia he came with a great number of Kamajors. ALLIEU KONDEWA, HINGA NORMAN, and MOININA FOFANA were all based at Talia. ALLIEU KONDEWA was in a separate house which the chiefdom people gave to him. MOININA FOFANA and HINGA NORMAN were staying another house. ALLIEU KONDEWA was the highest ranking Kamajor as he was responsible for initiations.</p>
TF2-115	ICR	2 hrs.	<p>Witness was arrested sometime in 1998 and detained at the police station in Bo on the orders of the Bo District CDF Administrator. It was alleged that Witness had knowledge of the killing by Kamajors of two civilians in his area. Witness recalled seeing the two men riding on a bike coming through the town from one check point but could not tell whether they left through the other check point. The two men subsequently went missing and were presumed killed by Kamajors in his village. Witness was released after a few days. He met HINGA NORMAN on his way out of the police station. HINGA NORMAN inquired from him and he explained what had happened. HINGA NORMAN was unhappy with the Bo District CDF Administrator.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -116	1&2 3&4 5 6	1hr.	Witness was a resident of Bonthe Island who was present when Kamajors entered in February, 1998. A Kamajor told Witness that he just killed a young boy shortly after Witness saw him leave with the boy. Witness heard shots fire and then heard Kamajors reporting to their commander that they had shot dead a tailor accused of making clothes for the Junta. Witness later saw the tailor's dead body. Witness was threatened and ordered to be killed. Witness attended a meeting where civilians complained to ALLIEU KONDEWA, but as far as Witness knows, ALLIEU KONDEWA did nothing about it.
TF2 -118	6 8	1hr.	Witness was initiated along with other small boys, who were maybe 5-6 years old. After initiation, Witness was trained in Gambia for three weeks. The trainees were not younger than 9; the 5-6 year olds were not trained. ALLIEU KONDEWA was present for the training. Witness saw MOININA FOFANA at Gambia who told him that boys his age were allowed to fight.
TF2 -119	1&2 3&4 5 6	1hr.	Witness was in Bo on February 15, 1998. Just before Kamajors attempted to kill Witness, they advised him that HINGA NORMAN had given instructions that all police officers were to be killed. Kamajors made three separate attempts to kill Witness who suffered serious injuries as a result.
TF2-121	1&2 6	1hr.	Witness was a Bonthe resident when the Kamajors took the town in 1998. Witness was present when the Kamajors shot and tortured to death a man who they accused of being a rebel collaborator.
TF2-122	1&2 6	1hr.	Witness was in Bonthe when the Kamajors took the town in 1998. Witness saw Kamajors kill 2 men.
TF2-123	1&2 6	1hr.	Witness was in Bonthe when Kamajors took the town. Witness saw Kamajors beat and then kill his friend.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -124	1&2 ICR	2hrs.	<p>Witness will testify that he, along with many others under the age of 15, was initiated by ALLIEU KONDEWA. They were trained to cock and fire, dismantle and assemble weapons.</p> <p>Witness will testify that MOININA FOFANA introduced the element of tribalism into the war. MOININA FOFANA gave orders to Witness' Commander to separate captured rebels or civilians by race and if anyone is a Mende they would let that person through but if you were from the other tribes, you had to wait. Then they would sort the people not allowed to pass through by the different tribes. They would take the Temnes into the forest and kill them. Manning a checkpoint, Witness was among other Kamajors when about fifteen Temnes, both men and women were killed.</p> <p>Witness will testify that he saw some Kamajors in the Bo area drink human blood, cut out the human heart, eat it and eat the human flesh.</p> <p>Witness will testify that once rebels were captured, they were killed in front of the other captives to terrorize them and the rest of the prisoners would be killed also.</p>
TF2 -125	3&4 5 6 ICR	1hr.	<p>Witness will testify that on Friday, 26th February, 1999, Kamajors armed with guns, sticks, and cutlasses entered her compound with one Peugeot car marked 'CDF' Koribondo's transport and put members of her household under gun point whilst the Kamajors broke into her husband's garage. Witness will testify that one of the attackers identified himself as Director for the Kamajors and that he has been instructed by HINGA NORMAN to remove two cars from her husband's garage.</p> <p>On that same morning, the same group of armed Kamajors with a new leader appeared at her compound and put them again under gunpoint and demanded the documents to the two vehicles already taken away by them. Witness submitted the documents and the entire house was ransacked. Pots, tea kettle, toaster, cooker, and perfumes were all carted away onto an awaiting vehicle.</p> <p>Various appeals were made to HINGA NORMAN to return the vehicles which he was later seen driving.</p>
TF2 -126	3&4 6	1hr.	<p>Witness was abducted from Gambia around 1996/1997 and taken to Gbap (Bonthe). Witness was confined and raped multiple times by Kamajors. She was also forced to cut wood and cook for them. Anytime the captured women resisted, they were beaten and threatened. Witness heard that MOININA FOFANA used to visit the camp and brought the Kamajors logistics.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -128	1&2 3&4 6	1hr.	Witness was captured by Kamajors when they invaded Bonthe town sometime in 1998 around the ECOMOG invasion of Freetown. Witness' daughter was accused of being a rebel and killed. Witness was captured by Kamajors and repeatedly raped. She stayed with the Kamajors for about a month and escaped. At Mopete, the Kamajors were going from house to house selecting women to marry. She met MOININA FOFANA in Goba town.
TF2 -129	1&2 3&4 6	1hr.	Witness was captured by Kamajors from Sandomie in the Pujehun District and taken to Bonthe. Witness was raped by Kamajors and kept as a wife. According to Witness, 3 pregnant women were used as a sacrifice for their Kamajor "husbands" to become members of a society headed by ALLIEU KONDEWA. The sacrifice was performed by ALLIEU KONDEWA.
TF2 -131	1&2 3&4 5 6 ICR	1hr.	Witness will give evidence that she had to hide in the bush with her parents and other villagers because Kamajors were doing things like looting and raping. Witness will testify that she was captured and taken to Talia by one Kamajor. She was held in a hut in Base Zero and was raped multiple times by Kamajors. Witness states that her parents were killed at Base Zero. She made a report about the rapes to some older women at the Base. They told her that they would inform the top commanders namely MOININA FOFANA & ALLIEU KONDEWA. MOININA FOFANA later remarked that it was part of the war. Witness will confirm that she saw MOININA FOFANA & ALLIEU KONDEWA at the camp having meetings with Kamajors.
TF2 -133	1&2 3&4 6 ICR	1hr.	Witness will give evidence that sometime in 1997, she and her parents were captured by Kamajors and taken to Soghini chiefdom. Witness will testify that she was asked to be the Kamajors wife but she and her parents refused. Witness will give evidence that one of ALLIEU KONDEWA's Kamajors raped her. Witness' mother was raped when she protested against her daughter being raped. Witness cried and her parents protested, at which point he shot and killed both of them while she watched. Witness will testify that she could not run away because when the Kamajors went to fight, they left an armed Kamajor on guard. Witness was forced to stay with a Kamajor for about two months and now has a child from that relationship.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -134	3&4 5 6 ICR	1hr.	<p>Witness will testify that in the dry season of 1997, a group of Kamajors attacked Blama and Witness was captured and abducted. She was taken to Base Zero at Talia. Witness will testify that every morning Kamajors used to rape her. Witness would scream for help but no one would respond. Witness states that at one time ALLIEU KONDEWA observed one Kamajor having sex with her. Witness screamed loudly for ALLIEU KONDEWA to rescue her but he left the scene without saying a word. Even the leaders such as ALLIEU KONDEWA use to rape captured women and girls.</p> <p>Witness will testify that every morning ALLIEU KONDEWA took out his Kamajors for morning parade and it was during this parade Witness got to know HINGA NORMAN. ALLIEU KONDEWA introduced HINGA NORMAN as his boss. Witness will give evidence that she saw HINGA NORMAN providing food and ammunition and talking to the Kamajors.</p> <p>Witness will testify that she spent six months with the Kamajors and attempted to escape but was captured by one of the Kamajors who took her to their boss in Talia. She will also testify that Kamajors went to the nearby villages to loot properties belonging to innocent civilians.</p>
TF2 -135	3&4 6 ICR	1hr.	<p>Witness will testify that some time in 1997, Kamajors accused her of being a soldier and that she was blind folded and forced into a house. Then for 1 month she was raped continuously by many men a day.</p> <p>Witness escaped and was captured again by another group. The boss man himself raped the Witness for 3 nights. When Witness was freed, she and a group of other women went to MOININA FOFANA to report this as he was the director of war. MOININA FOFANA told them to gloss over it because it was happening to many women.</p>
TF2 -136	3&4 6 ICR	1hr.	<p>Witness will testify that she was captured during the dry season of 1997 by Kamajors at Gambia and accused of being a rebel. She was made to fetch wood and subjected to beatings and other forms of mistreatment. While there, Witness states that she was raped many times by the son of one of the commanders, who took her to be his wife. When he went to the battle front, other Kamajors would rape the Witness; sometimes 2 or 3 on the same day.</p>

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-140	6 8	1hr.	Witness will testify that when he was under the age of 15 he took part in 3 attacks on Koribundu.
TF2-142	5 6	1hr.	Witness was a member of the CDF during the Freetown invasion. He will testify that he saw looted property being carted away from a compound by Kamajors.
TF2 - 144	1&2 3&4 5 6	1hr.	Witness was in Tongo when Kamajors ordered everyone into NDMC HQ where he saw Kamajors hack people to death. He also saw the killing of civilians at a checkpoint in Kenema. Witness' children were attacked and beaten by Kamajors, his houses burned to the foundation and a third house looted.
TF2 -145	1&2 6 7 ICR	2hrs.	Witness will confirm that he was told by some people that they had received an instruction from HINGA NORMAN that they should kill all police officers because the police were not in support of them (Kamajors). Witness said he had to advise them not to kill any policeman because that was not the reason why Kamajor society was formed. Witness confirmed that Kamajors committed many atrocities in Bo town. He confirmed the burning of houses of the Northerners by Kamajors. Witness will testify that HINGA NORMAN was aware of atrocities committed.
TF2-147	1&2 5 6	1hr.	Witness was in Bonthe during the Kamajor taking of the town in mid February, 1998. He will testify to the ransoming of hostages and killings that went on there.
TF2-148	1&2 5 6 8 ICR	1hr.	Witness was a Kamajor who fought in Kenema and Tongo. Witness' Commander said that MOININA FOFANA ordered that they proceed to attack Kenema and the instructions were to kill all captured combatants and their collaborators, burn their houses, and seize their property. In the battle for Tongo, Witness states that many individuals were executed for being collaborators, rebels or soldiers and for tribal reasons. Witness fought with child soldiers.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-149	3&4 7 ICR	2hrs.	<p>Witness will testify that HINGA NORMAN was aware that there was a lockup in the CDF office. HINGA NORMAN used to visit the CDF office, and he used to talk to all heads of office. HINGA NORMAN came to Kenema about once every two months.</p> <p>Witness will give evidence that there was a general policy of understanding within the ranks of the CDF that collaborators should be punished. Witness heard of people being burned on tires, of people being beaten at the task force command office, and of arbitrary arrests, in the context as punishment for collaboration.</p>
TF2-150	1&2 6 ICR	1hr.	<p>Witness was a Kamajor who went to the SS Camp when the Kamajors captured it from the rebels. Witness has information relative to the killing of collaborators and POW's.</p>
TF2-151	1&2 3&4 5 6	1hr.	<p>Witness returned to Kenema after the Kamajor intervention in February 1998. Witness observed three separate incidents of Kamajors killing civilians. On more than one occasion, Witness was arrested, beaten and threatened to be killed while detained.</p>
TF2-152	1&2 3&4 5 6	1hr.	<p>Witness watched as Kamajors launched a RPG bomb into the front of their house, looted and vandalized it. Kamajors found two tenants in the home who they hacked and killed.</p> <p>In a separate incident, Witness was arrested, detained and watched as Kamajors killed another detainee. Witness was threatened to be killed and cut in the neck by a Kamajor.</p>
TF2-153	1&2 5 6	1hr.	<p>Witness was a victim in Kenema Town of Kamajor looting and burning. Witness also saw Kamajors kill an individual.</p>
TF2-154	1&2 3&4 5 6	1hr.	<p>Kamajors came looking for the Witness' father at their home in Kenema in February/March 1998. Witness watched as Kamajors launched a RPG bomb into the front of their home, looted and vandalized it. Kamajors found two tenants in the Witness' home who they hacked and killed. In a separate incident, Witness was arrested, subjected to screening based on tribe, and then watched as Kamajors killed two more civilians.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-156	1&2 3&4 5 6	1hr.	Witness was in Bo when the Kamajors took over. Witness was the only survivor of the group of 4 men who were killed at time Witness #11 lost her husband. Witness suffered serious physical injuries. Witness also saw a Temne man be killed by Kamajors. Witness' property was looted and he saw other civilians property being looted and burned.
TF2-157 2	1&2 5 6 7 ICR	1hr.	Witness was in Koribundo when Kamajors attacked in February, 1998 and when HINGA NORMAN made a speech at the town barrie. Witness heard HINGA NORMAN say the Kamajors did not do well as there were still houses left standing and everyone in Koribundo should have been killed (even the ants) because they were here with the soldiers. Witness saw Kamajors kill several residents of Koribundo.
TF2-158	1&2 3&4 6 7	1hr.	Witness' father was tortured and killed by the Kamajors when they took Koribundo in February, 1998. Witness attended a meeting at the town barrie presided over by HINGA NORMAN. At this meeting HINGA NORMAN told the townspeople: that he was the party responsible for ordering the Kamajors to conduct themselves as they had; inasmuch as the people of Koribundo had supported the SLA they were being subjected to the treatment being meted out by the Kamajors; he was in fact disappointed in the Kamajors due to the fact that while he had instructed them to kill every living thing in the village and to destroy all but three of the buildings located in Koribundo and they had not followed his orders completely.
TF2-159	1&2 3&4 5 6 7 ICR	1hr.	Witness will testify that on a Friday in February 1998, Kamajors attacked Koribondo. Witness heard Kamajors say that they were acting on instructions from HINGA NORMAN. Witness will testify that the following Saturday, he saw Kamajors kill 5 Limba people along Blama Road; two were shot and three were beaten to death. Witness says that at 7:00 that same night, he saw Kamajors burn 10 houses on Blama Road. Witness states that women were killed because they were accused of being Junta wives. Their heads were displayed at checkpoints and bodies dumped into a well.
TF2-160	3&4 5 6 7 ICR	1hr.	Witness was a resident of Koribundo when the Kamajors entered in February, 1998. He heard the Kamajors were looking for him as a collaborator so he fled to Bo. Upon his return, he was beaten on two occasions by Kamajors. Witness attended a meeting where HINGA NORMAN stated that he was responsible for what the Kamajors did.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-162	1&2 5 6 7	1hr.	Witness was a resident of Koribundo during the Kamajor takeover in February of 1998. Witness saw the Kamajors kill two civilians by beating them to death with sticks. Witness was also present when the Kamajors began burning and looting the homes of townspeople.
TF2-163	1&2 6	1hr.	Witness will give evidence that he was informed about three graves containing the bodies of three people from Koribundo that the Kamajors had killed. The Witness was also informed that the chief of Goambu named Kafalla was killed by the Kamajors during this attack.
TF2-164	1&2 3&4 5 6 7	1hr.	Witness will give evidence that after the Kamajors captured Koribondo, he was arrested and whisked off to their HQ. While enroute Witness saw another group of Kamajors beating a Limba man who was killed and decapitated. Witness will testify that the commander ordered his Kamajors to burn his house. They looted his properties before burning the house.
TF2-165	1&2 6	1hr.	Witness was a resident of Moyamba in July of 1997 when Kamajors took over. Witness was present when Kamajors killed and decapitated one man for being a collaborator. Witness also saw Kamajors burn to death another person.
TF2-166	1&2 3&4 5 6	1hr.	Witness was a resident of Moyamba in 1998 when her father was mutilated by Kamajors and later died. Witness' home was looted and Witness was beaten with a cable by Kamajors.
TF2-167	1&2 3&4 6	1hr.	Witness was a resident of Moyamba on February 5, 1998 when Kamajors took over the town. Witness saw Kamajors kill numerous civilians; including his 3½ year old grandson. His daughters were captured and his son was shot.
TF2-168	1&2 3&4 6	1hr.	Witness was a resident of Moyamba on February 5, 1998 when Kamajors took the town. Witness watched as Kamajors killed his wife and looted from his home.
TF2-169	1&2 6	1hr.	Witness was a resident of Moyamba Town when Kamajors took over in 1998. Witness saw the head of a victim paraded around town.
TF2-170	1&2 5 6	1hr.	Witness was a resident of Bradford in March of 1998. He saw Kamajors kill a civilian by first chopping him and then shooting him in the face. Witness also saw Kamajors looting.

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PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-171	3&4 5 6	1hr.	Witness was in Moyamba in February/March of 1998 when a letter was received by the townspeople telling them that HINGA NORMAN had not paid the Kamajors and that therefore the Kamajors were to engage in Operation Pay Yourself. Witness fled the town but was captured by Kamajors who recruited him to carry looted property. Witness fled to avoid the task and was shot by the Kamajors sustaining permanent injury.
TF2-172	1&2 5 6	1hr.	Witness was in Bradford, Moyamba in April, May, 1998. Kamajors caught Witness' brother and proceeded to torture him. Witness heard gunshots and his brother moaning and crying in pain; he later discovered his brother. Witness tried to save his brother by taking him to a hospital, but he died en route. His farm was looted.
TF2-173	1&2 3&4 5 6 ICR	1hr.	Witness will give evidence that he saw Kamajors shoot and kill his aunt and loot his aunt's property. Witness was shot in the arm. Witness saw HINGA NORMAN get stuck behind a broken down vehicle on the Mabang bridge in Moyamba. HINGA NORMAN got out of his vehicle and started yelling and then his bodyguards starting shooting indiscriminately. Witness saw two people get shot.
TF2-174	1&2 6 8	1hr.	Witness was appointed a member of the Kamajors in Moyamba after the ECOMOG intervention. He's aware of the command structure in Moyamba District. He attended many meetings at which HINGA NORMAN was present. Witness confirms that he also saw ALLIEU KONDEWA and MOININA FOFANA in Moyamba. Witness states that there were many Kamajor child soldiers.
TF2-175	6 8	1hr.	Witness was a Kamajor who served in Moyamba after the coup in 1997. Witness' son was initiated into the Kamajors and used as a soldier; Witness is aware that many children under the age of 15 were used as soldiers.
TF2-176	1&2 3&4 6 7 ICR	1hr.	Witness heard HINGA NORMAN'S speech wherein he said that he had given orders that no living thing should survive in Koribundo and that the civilians were not to blame the Kamajors for the burnings and atrocities but should blame him. He also heard HINGA NORMAN say that the people of Koribundo were being punished because they were collaborators. Kamajors tied Witness' hands and beat him.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -179	ICR	1 hr.	Witness' statement relates to an incident in late 1998 in Mabonda Village, Shenge in Moyamba District. Witness recalls fighting between Kamajors in Kagboro Chiefdom and those in Bumpe Chiefdom which led to some Kamajors being arrested and taken to the District Officer's office in Moyamba. While there, Witness and others saw the corpse of a woman brought in who was said to have been killed in the fighting. Witness and others were also informed that her son had been thrown into a fire by Kamajors. Witness gives the chain of command of the Kamajors in his area which runs up to MOININA FOFANA and HINGA NORMAN.
TF2-180	1&2 3&4 5 6	1hr.	Witness was a Moyamba resident. Witness' husband was beaten by the Kamajors as Witness watched and her husband later died. Their property was looted and Witness and her children were forced to carry it for the Kamajors.
TF2-181	3&4 6	1hr.	Witness will testify that she was arrested and detained by Kamajors around Christmas 1997 on allegation that she was a junta collaborator. During the arrest she was mercilessly beaten all over her body and face. She heard Kamajors mentioning the names of HINGA NORMAN and MOININA FOFANA as their bosses. Witness was informed that there were instructions from the Kamajor high command to have her killed. Witness heard from her brother how her husband was killed and his head hung on a stick by the Kamajors.
TF2-182	8	1hr.	Witness served as a child soldier for the Kamajors.
TF2-183	1&2 3&4 6	1hr.	Witness was a Bradford Town resident in Moyamba District in 1998. Witness was with her brother and son when the Kamajors arrested them and shot her 5 year-old son, killing him. Her brother was also shot. Witness also saw the killing of two other civilians by Kamajors.
TF2-184	3&4 6 ICR	1hr.	Witness was present at a bridge that was blocked when HINGA NORMAN arrived and Kamajors started shooting randomly. Two people were injured by gunshot wounds. HINGA NORMAN was shown the injured but he merely walked away without saying a word.
TF2-186	1&2 6 ICR	1hr.	Witness will give evidence as to the killing of Mr. Thomas by the Kamajors in Moyamba. Witness will testify that MOININA FOFANA came to Moyamba and made a speech at the Court Barrie, whilst Witness and others were forced to listen.

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2 -187 7	1&2 3&4 6 ICR	1hr.	<p>Witness will give evidence that in November 1998, she and three pregnant women were captured by Kamajors. One of the Kamajors took Witness and made her one of his three wives.</p> <p>Human sacrifices were done by ALLIEU KONDEWA and his Kamajors. ALLIEU KONDEWA would rub the blood of the victim on their faces. Witness will testify that she saw five pregnant women in all being sacrificed.</p> <p>Witness will testify that ALLIEU KONDEWA met her at a junction and forced her into the bush by the water side and threatened to kill her if she resisted, and then raped her, at that time she was pregnant with child.</p>
TF2 -188	1&2 3&4 6 ICR	1hr.	<p>Witness will give evidence that she was abducted by Kamajors. Witness was ordered to carry loads or threatened with death. She carried the loads to Tihun. At Tihun, Witness was told that she was going to be taken as a wife by one of them, she refused and he threatened to kill her, so she agreed. She did not try to escape because she was threatened to be killed if she tried to escape.</p> <p>Witness will give evidence that while at Talia she met ALLIEU KONDEWA, the Chief initiator who said he was going to kill her mother for attempting to escape. Witness begged for her mother's life. ALLIEU KONDEWA took her into his room and raped her all night.</p>
TF2 -189	1&2 3&4 6	1hr.	<p>Witness was captured by Kamajors. Witness' husband was killed by a Kamajor. Witness was taken to Talia where she was forced to "marry" a Kamajor. Women from neighbouring villages were also taken to Talia as "wives" for the Kamajors. In Talia, Witness saw ALLIEU KONDEWA and HINGA NORMAN.</p>
TF2-190	ICR		<p>MOININA FOFANA and HINGA NORMAN came to Talia in a helicopter together with an unknown number of persons and soon thereafter a lot of Kamajors started coming to Talia. A Death Squad was formed for the security of Base Zero and posted at the border; they had one gray helux vehicle.</p> <p>The Death Squad reported to the War Council through a member of the War Council who was very close to HINGA NORMAN. He provided the Death Squad with food supplies. Witness was responsible for taking instructions from the base to the various commanders at the war front.</p> <p>Witness heard about complaints made against the Death Squad to HINGA NORMAN.</p> <p>HINGA NORMAN brought arms and ammunitions to Base Zero for the Kamajors.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-191	ICR	4 hrs.	<p>Witness will give evidence that he was taken prisoner, along with many women and children, and physically beaten repeatedly for one month by Kamajors because they accused him of being a collaborator who had mined diamonds for the RUF. Was told by captors that HN had to be consulted before they could release him.</p> <p>Witness will testify that he saw three accused collaborators executed and tortured in 1998 by the Kamajors.</p> <p>Witness was present when the Kamajors looted his house.</p>
TF2-193	6	1 hr.	Witness will provide evidence as to the command structure of the CDF in terms of national office as well as local commanders in the Southern and Eastern provinces.
TF2-195	3&4 6	1hr.	Witness was a Moyamba resident during the Kamajor takeover in the dry season of 1998. Witness was beaten and suffered physical injuries as a result of Kamajors believing he was a rebel collaborator.
TF2-198	1&2 3&4 5 6 7 ICR	1hr.	<p>Witness was a resident of Koribundo on February 13, 1998 when the Kamajors attacked the town. Following the first attack, Witness fled to Bo where the Kamajors arrested him as a collaborator and beat him severely. Witness' brother came to his defense and was tortured and killed by Kamajors who forced him to witness the killing. Witness returned to Koribundo and attended a speech at the town barrie delivered by HINGA NORMAN where he took responsibility for the actions in the town as well as the killings as a collective punishment. Witness saw the houses which had been burnt by the Kamajors.</p>
TF2-200	ICR	4hrs.	<p>Witness says Kamajors would come to the court barrie and say they were above the law and had orders from HINGA NORMAN & ALLIEU KONDEWA. Complaints about the Kamajors were made to Witness 2-3 days a week. Some were channeled through the court clerk, or to the court chairman. This happened in 1997, 1998, 1999, until 2000 when they finally disarmed. A letter of complaint that Kamajors were harassing civilians, looting property, etc. was directed to HINGA NORMAN.</p> <p>Kamajors were killing innocent civilians, looting people's properties, raping women and young girls, and beating people all over the chiefdom. If reports by Witness, Kamajors they would say that their actions were instructions directly from ALLIEU KONDEWA and HINGA NORMAN.</p>

PSEUDONYM	COUNT(S)	TIME	SUMMARY OF TESTIMONY
TF2-201	ICR	4hrs.	<p>Witness will testify that HINGA NORMAN held a meeting in Talia in October 1997 to decide what the command structure should be. In that meeting, HINGA NORMAN named the posts that were available, and he asked Kamajors to choose. HINGA NORMAN announced that the war council would be appointed and explained what their role would be. It was MOININA FOFANA who was directing and commanding the Death Squad. HINGA NORMAN later gave commands to the Death Squad, as did MOININA FOFANA.</p> <p>HINGA NORMAN gave instructions to the commanders not to come back until they capture Koribundo. In the case of both Koribundu and Tongo, ALLIEU KONDEWA had been instructed to prepare charms for those attacks. HINGA NORMAN gave instructions that they should capture Bo and Kenema. Witness will give evidence that he heard HINGA NORMAN say that they should take police as their enemy. Witness says that in a war situation someone declared your enemy is like any other enemy in war. Witness will give evidence that HINGA NORMAN visited Kenema from 1998 through 2001 at least once every two weeks, sometimes staying for days.</p>
TF2-210	1&2 3&4 5 6	1hr.	<p>Witness was at Bradford Town in Moyamba in late 1998. He watched as his aunt was shot and killed by Kamajors and as his property was looted by them.</p>

ANNEX B

DOCUMENTARY EVIDENCE

Number	Item	Content	Relevance (by paragraph number)
1	Letter	One page letter from Regional Secretary (East) and Regional Co-ordinator (East), dated the 22 nd March 1998.	13, 18,19,21,
2	Letter	Two page letter to Hinga Norman from Allieu Kondewa dated 29 th June 2000.	13, 18, 19, 20, 21
3	Note	Note book seized from one of the locations used by Hinga Norman.	13, 20
4	Map	One page hand-drawn map with the title "Air Line Direction to Sierra Leone, Lower Bambara and Dodo Chiefdom, Kenema District Root "A" (SIC).	20, 21, 23, 24
5	Map	One page hand-drawn map with the title "Air Line Direction to Sierra Leone, Lower Bambia and Dodo Chiefdom, Kenema District. Root "B" Direction (SIC).	20, 21, 23, 24
6	Memo	1 page CDF Internal Memo from "National Director of War and Operations, Moinina Fofana to National Coordinator CDF dated 19 th March 2001.	13, 14, 15, 18, 20, 21
7	Letter	2 page letter from Wellington, J.O., Permanent Secretary, Office of the President, to the "Head of CDF" dated 30 th October 2000.	20, 21, 23, 24
8	Statement	2 page statement by Raffieu Bendu concerning alleged crimes committed by Kamajors.	21, 23, 24, 28
9	Statement	Four page statement dated 23/7/98 by Salaymatu Bendu concerning alleged crimes committed by Kamajors.	21, 23, 24, 28
10	Statement	Four page statement dated 23/7/98 by Turay Mohamed concerning alleged crimes committed by Kamajors.	21, 23, 24, 28
11	Statement	Two page statement dated 16/04/99 by Turay Idrissa concerning an incident involving alleged crimes committed by Kamajors.	21, 23, 24, 28

Number	Item	Content	Relevance (by paragraph number)
12	Statement	First two pages of a statement by Will Junisa regarding allegations of crimes committed by Kamajors	21, 23, 24, 28
13	Statement	4 page statement by Konnie Donald Tom, CDF Chiefdom Ground Commander, about the alleged attacks by Kamajors.	21, 23, 24, 28
14	Statements	Collection of four statements (8 pages in total) made by Turay Issa; Conteh Boizy; Turay Imurana (Murana); Kelfala Woodie respectively.	21, 23, 24, 28
15	Statement	2 page statement of Bendu Brima. He alleges attacks by Kamajors on him and his family in July 1998.	21, 23, 24, 28
16	List	2 page distribution list for initiators for the month of July 1998.	13, 14, 16, 18, 21
17	Letter	One page letter written by Charles S.E. MOIWO, National P.R.O. CDF/SL, to authorities including KONDEWA, dated 13/07/00.	21, 23, 24, 27, 28
18	Message	Paraphrase of coded message (2 pages) from District Administrator CDF Moyamba, dated 12/05/00 Regarding the capture of Songo area and request for supplies. Contains handwritten notation from Hinga Norman that arrangements for supplies should be made.	13, 21, 24(d)
19	Letter	Eugene Cowan's "Petition for Assistance to Retrieve Land Cruiser Vehicle Registration No. EL 15168" (2 pages). Sent to CDS, dated 2 March 1999	13, 21
20	Letter	2 page petition sent by Mrs. Annie Campbell to Chief of Defence staff, dated 28/02/1999. The petition was forwarded to Deputy Defense Minister Hinga Norman with a 2 page cover letter by OC Medani, Commander for Chief of Defense Staff, 03/03/99.	13, 20, 24

Number	Item	Content	Relevance (by paragraph number)
21	Document	One page document signed by Mohamed Jalloh's titled "Kamajors Loot Private Dwelling House and shop at Portee".	20, 24
22	Documents	Four documents (5 pages in total) related to the beating of Emmanuel Fillie, British High Commissioner's Driver, on 05/03/1999 by CDF Combatants.	20, 24, 26, 28
23	Document	Curriculum Vitae of Samuel Hinga Norman (2 pages). Contains biodata and other information about career of Hinga Norman.	1, 13
24	Newsletter	Sierra Leonean Newsletter published by the Movement for Restoration of Democracy in Sierra Leone (MORDSIL), dated 11 August 1997 (2 pages).	4, 5, 6, 7
25	Letter	A letter written by J.S. Keifala, Secretary Eastern Union, signed both by Keifala and Hinga Norman, dated 17 March 1999.	13, 14, 17, 18
26	Radio Message	Text of 3 radio messages sent from District Admin, CDF, Bo June 1999 (2 pages in total).	20, 24, 27
27	Situation Report	Copy of the text of a radio message (Situation Report) sent Dist Admin CDF (SL) Headquarters Pujehun in Zimmi to National Coordinator (Hinga Norman) - October 1999.	21,
28	Radio Message	Copy of the text of a radio message (1 page) sent out by National Director of Transport CDF (SL)-23 June 1999.	21, 24, 27
29	Radio Message	Text (1 page) of a radio message sent from CDF Headquarters Kenema to the national CDF Headquarters, Freetown - attention National Director of War-02/04/99.	14, 21, 24
30	Radio Message	Text (2 pages) of a radio message sent from CDF Headquarters Bo- to the National Co-ordinator and info to Moinina Fofana. Dated 19 April 1999.	13, 14, 15, 17, 18, 19, 20, 21

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Number	Item	Content	Relevance (by paragraph number)
31	Radio Message	One page text of a radio message sent by Hinga Norman to Dist Admin CDF (SL) Bo; dated 15 April 1999 regarding the raising of manpower.	13, 17, 18, 19, 20, 21
32	Radio Message	2 page text of a radio message sent by Dist Admin Pujehun CDF (SL) at Kenema sent to Dist. Admin Bo; dated 15 April 1999 asking for urgent provision of 500 men for operational purposes.	4, 5, 13, 20, 21, 24
33	Letter	2 page letter written by Allieu Kondewa, sent from Civil Defence HQ, Tihun Sogbini Chiefdom, Bonthe District, dated 31 July 1997.	13, 16, 18
34	Investigation Report	A 5 page investigation report by 15 ECOMOG Brigade Kenema authored by Captain A. ABUKAKAR and dated 20 December 1998. The report was forwarded to Vice President, Republic of Sierra Leone, Kenema under a cover letter signed by Major A. N. NWADIARO on 26 December 1998.	13, 14, 15, 18, 20, 21 23, 24.
35	Letter	A 2 page letter addressed to Allieu Kondewa from Sumaila Turay-Jabbie of CDF, Bumpe Ngao Chiefdom dated 13 December 1997.	13, 14, 16, 20, 21
36	Letter	One page unsigned, undated letter titled "From High Priest Dr. Allieu Kondewa to Deputy Minister of Defences."	13, 14, 16, 18, 20, 21, 27
37	Letter	2 page letter sent from "Death Squad Unit, Tisana", signed by Bob Tucker and addressed to Dear Chief.	13, 20, 21, 24
38	Passport	Sierra Leone Passport (34 pages) Number S005865, issued in the name of Samuel Hinga Norman.	1, 13

Number	Item	Content	Relevance (by paragraph number)
39	Memo	4 page memo from the Commander in Chief (SLCDF) to the Honourable Chief Sam Hinga Norman dated 23 rd November 1997 titled "enlistment of executive members of zone II front line, assault rifles and shot-guns in possession."	13, 18, 19, 21, 23, 24
40	Memo	Eight page memo from the Secretary General SLCDF, Abu Konuwa, to Hinga Norman dated 16 November 1997, titled "Situation Reports as at 16 th November 1997, and the violation of the Conakry Peace Accord by Both the AFRC and the RUF".	13, 18, 19, 21, 23, 24, 25, 26, 27, 28
41	Letter	1 page letter from the Administrative Officer, South/Western region, Bonthe Moyamba District dated the 18 November 1997 titled "Administrative and War Report on the A trip to Mano Dasse."	13, 18, 19, 21, 23, 24, 25, 26, 27, 28
42	Letter	6 page letter from Mustapha S. Sankoh, Deputy Director and Admin Officer War Council, from the SLCDF South/Western Region, Bonthe Moyamba District dated 22 November 1997 to the Head Office, Talia Town Bonthe District, titled "Administrative and War Report within Bonthe and Moyamba District."	13, 18, 19, 21, 23, 24, 25, 26, 27, 28
43	Photograph	Photograph of what appears to be a dead body of a male of African extract found inside a Sierra Leone Service Passport Number S005865, issued in the name of Samuel Hinga Norman.	23, 24, 25
44	Photograph	Photograph of King Dr. Allieu Kondewa together with another person.	3, 14, 16, 17, 18
45	Photograph	Photograph of what appears to be a child soldier by the name of Saidu Duaivian.	17, 29

Number	Item	Content	Relevance (by paragraph number)
46	Photograph	Photograph of what appears to be a child soldier by the name of Joseph Abdulai.	17, 29
47	Photograph	Photograph of what appears to be a child soldier by the name of Robert Sevalie.	17, 29
48	Photograph	Photograph of what appears to be a child soldier by the name of Musa Share.	17, 29
49	Photograph	Photograph of what appears to be a child soldier by the name of Foday Lasana.	17, 29
50	Letter	Letter from Allieu Kondewa to Chairman of Bo District CDF dated 04 September 1998.	14, 18, 20, 21
51	Personal note book	-Reports a number of killings committed by kamajors ie. victim, perpetrator. -reference made to a meeting in Base Zero where Hinga Norman said that he was to blame for everything that kamajors are doing. -reference made of a meeting of some executive members of the CDF where it was discussed that in order to win the war a human being should be sacrificed.	20, 21, 23, 24, 25, 28
52	Report (Personal)	Report of War Council meeting held in Kenema on the 20 and 21 April 1998 submitted by TF2-068	21, 23, 24, 25, 27, 28
53	Letter	Letter from TF2-005 to Hinga Norman dated 20 March 1998.	13,18,19, 21
54	Letter	Letter from the Commander of the Fifth Battalion Koribondu to the 38 Battallion HQ dated 11 October 1995.	13,18,19,21
55	Report	Undated report from TF2-073	21, 27

Number	Item	Content	Relevance (by paragraph number)
56	Letter	Letter from the Permanent Secretary Ministry of Agriculture & Forestry in Freetown, signed by P.A. Gaima to the Commissioner of Police in BO, dated 16 March 1998.	27
57	Letter	Letter dated 16 March 1998, sent by Ambrose Kamara to the National Director of Operations Civil Defense Force (CDF) Southern Province, BO. Copied to the Ecomog Commander Southern Province Bo, the Chairman of the Civil Defense Force, Southern Province, Bo, and Mr. M.B.Kamara Deputy Chief Conservator of Forest, Ministry of Agriculture and Forestry in Freetown.	27
58	Letter	Letter from the Permanent Secretary, Ministry of Agriculture signed by B.M. Kamara to the Deputy Minister of Defense, Freetown, dated 14 August 1998.	13, 21, 27
59	Letter	Letter dated 11 August 1998 addressed to the Acting Chairman NCC/CDF Defence Headquarter's in Freetown from the Chief Conservator of Forests in Freetown signed by E.K. Alieu.	21, 27
60	Report	Witness' report on atrocities committed by kamajors implicating Hinga Norman.	18,19, 21, 23,24,25,26,27,28,29
61	Report	Report from Hassan Sherif, commander, 4 th Batallion CDF to Deputy Defence Minister dated 31 October 1998.	27
62	Letter	Letter from Witness to Officer in charge-Moyamba Police station, date 08 March 1999, reporting general incidents of armed robbery and murders by unspecified perpetrators.	21, 25, 27, 28
63	Report	Report submitted by CDF National HQ to Chairman of national Co-ordinating Committee-CDF for the attention of President Kabbah.	13, 18

Number	Item	Content	Relevance (by paragraph number)
64	Report	Report addressed to SCSL about atrocities and human rights violations committed by Co Julius Squire and other commanders.	21, 23, 24, 25, 26, 27, 28
65	Letter	Letter of appointment from Hinga Norman to Witness dated 11 February 1998.	13, 18, 19
66	Letter	Letter of appointment from Hinga Norman to Witness dated 11 February 1998.	13, 18, 19
67	Letter	Letter of appointment for CDF regional representatives on the ceasefire monitoring committee approved by Hinga Norman.	13, 18, 19
68	Letter	Letter of appointment for CDF district representatives on the ceasefire monitoring committee approved by Hinga Norman.	13, 18, 19
69	Letter	Letter makes reference to the suspension of some personnel of the Special Forces High Command on charges of gross insubordination to the Chairman and mutiny.	13, 18, 19
70	Letter	Letter from Mohamed Tarawally to Hinga Norman dated 10 July 1998.	13, 18, 19, 21
71	Letter	The last page of an apparently 5 page letter written by Moinina Fofana (sic), Director of War/ Ops, Base Zero, Sierra Leone request to the addressee for supplies and ammunition.	14, 22, 23, 24, 25, 26, 27, 28
72	Letter.	Letter dated 29 September 1997 addressed to "Chief Norman" written by Dixon S. KOSIA, Deputy Coordinator, Lugbu CDF, Upper Saama, Lugbu Chiefdom, Bo District re: Request for arms and ammunitions for laying an ambush on Bo, Pujehun, and Sumbuya Highways".	13, 20, 23, 24

Number	Item	Content	Relevance (by paragraph number)
73	Document	A one-page "Travelling Pass" dated 16/12/1996 (sic, should be 1998) issued by Civil Defence Southern Region - Bo, 14 th Battalion – Koribondo.	23, 24, 25, 26, 27, 28
74	Letter	A two-page letter written circa June 1998, by "Representatives of the Bo District Kamajors Southern Province, Bo". The letter is addressed to "CDF/SL National Office, Freetown" through "National Coordinator, Hon, Sam Hinga Norman, Freetown".	15, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29
75	Document	A one-page document titled "Civil Defence Force, Bo, Sierra Leone, List of Security Personnel Attached to the National Co-ordinator CDF Sierra Leone, Bo Headquarters, 12 New Gerihun Road, Bo".	15, 19, 21, 22
76	Document	A one-page document titled "CDF / SL Northern Region Structure" showing how many District Commanders, Battalion Commanders and Company Commanders exist in each of the Districts of Bombali, Port Loko, Tonkolili and Koinadagu.	4, 15, 19, 21,
77	Document	A one-page document titled "Bo District Battalion Commanders". This document contains a list of CDF company commanders in Bo District.	4, 5, 15, 19, 21,
78	Document	A one-page document titled "Bo District Company Commanders". This document contains a list of CDF company commanders in Bo District.	4, 5, 15, 19, 21,
79	Document	A single sheet document titled "Moyamba District BNS, BN/Commanders, Cdoms". This document contains a list of 7 CDF Battalions, Battalion Commanders and respective Chiefdoms in Moyamba District.	4, 5, 15, 19, 21,

Number	Item	Content	Relevance (by paragraph number)
80	Document	A single sheet document titled "Official Postings" addressed to The Chairman, Committee for Identification, Documentation, Recovery and Release of Looted Properties".	27
81	Document	A single sheet document titled "Civil Defence Forces Sierra Leone, Monthly Logistics Supply Returns". This document relates to April 2001 and is dated 7 May 2001. It was "Signed and Collected for Distribution By: Moinina Fofanah, Director or (sic) War CDF (SL)".	13, 14, 15, 18, 21
82	Document	A two page document dated 23/09/1997 addressed to Sam H. Norman, Dept. Defence Minister.	4, 5, 13, 14, 17, 18, 20
83	Letter	A letter consisting of a single sheet dated 15 October 1997 written by Andrew Harding and addressed to Sam H. Norman, Deputy Defence Minister.	15, 19, 21,
84	Letter	A letter consisting of a single sheet dated 15/10/1997 written by Andrew Harding and addressed to Sam H. Norman, Deputy Defence Minister.	13,19,21
85	Report	A 3-page Daily Front Line Report dated 02/10/1997 from Alpha K. Siaka, Secretary General. The report is addressed to "S.H. Norman, Deputy Minister of Defence".	13, 18, 19, 21, 23, 24
86	Letter	A one-page handwritten letter dated 18 November 2000 from High Priest Dr. Allieu Kondewa (sic).	13, 14, 16, 17, 18, 19, 21
87	Documents	A set of two documents comprising complaints against CDF by Madam Miata Fofanah for looting of her family property.	27.

Number	Item	Content	Relevance (by paragraph number)
88	Document	An incomplete fax or a copy of a fax which appears to be the last page of a complaint lodged against CDF by Joseph Sinnah for looting his property at 9 Willoughby Lane, Brookfields, Freetown on 17 July 2000.	27.
89	Documents	A set of two documents stapled together. The first document is a 3-page typed document titled "Summary of Decisions taken at the Workshop on CDF / Community Relationships – 17 June 1999 and 18 June 1999".	20, 21, 23, 24
90	Letter	A photocopy of a one page letter dated 16/08/1999 written by the National High Priest Dr. Allieu Kunduwa (sic, Kondewa) and his Deputy Dr. Jibao Amara to Dr. Mosses M. Hakawa.	14, 16, 17, 18, 19, 21, 23, 24
91	Letter	One page letter dated 16 August 1999 written by the National High Priest Dr. Allieu Kunduwa (sic, Kondewa) and his Deputy Dr. Jibao Amara to Dr. Mosses M. Hakawa.	14
92	Letter	One page letter dated 20 June 2000 written by the National High Priest Dr. Allieu Kunduwa (sic, Kondewa) to National Coordinator, Civil Defence Forces (Hinga Norman).	13, 14, 16, 17, 18, 19, 20, 21
93	Document	A one page document dated 08 January 2001 and titled "Ruthless Behaviour of Kamajors in and around Rokel village" written by Amadu Mannah, Chief Police Officer, Western "D" Division, and addressed to The Regional Commissioner (West) with a copy to the CDF representative Joint Coordination Centre (JCC).	21, 23, 24

Number	Item	Content	Relevance (by paragraph number)
94	Letter	A one page letter dated 10 January 2000 from National High Priest, Dr. Allieu Kundewa (sic, Kondewa) addressed to The Director of Personal (sic, Personnel) CDF /SL arguing against the possible disbanding of the National Task Force Office.	14, 16, 17 & 18.
95	Letter	A one page letter dated 10/01/2000 from National High Priest, Dr. Allieu Kundewa (sic, Kondewa) addressed to The National Public Relations Officer CDF / SL recommending the Mohamed Mansaray and Samuel Lahai as persons responsible for collecting all supplies and condiments meant for all CDF / SL Initiators.	14, 16, 17, 18, 19, 21, 23, 24,
96	Documents	The first document is a letter dated 06 August 2001 from the CDF Director of Personnel, Andrew N.K. Harding addressed to The Director of Logistics CDF, titled: "Reminding you for Unsettled Outstanding Bills". There is one copy of a bill for ID Cards and 4 sheets containing various lists including some child combatants.	17, 29
97	Letter	A one page letter dated 24/04/2001 written by the Moinina Fofanah, National War Office, Bo, addressed to National Coordinator, Civil Defence Forces (Hinga Norman).	13, 17, 18, 19, 21
98	Certificate	A "Certificate of Training" issued by The Civil Defence Force of Sierra Leone to "Francis Kpanabom 0798". The certificate is dated 10/02/1998 but bears no signature.	4, 5, 17, 19 21, 23, 24, 29
99	Certificate	A "Certificate of Training" issued by The Civil Defence Force of Sierra Leone to "Soloman Maoah??? 0799". The certificate is dated 10 February 1998 but bears no signature.	17, 19

Number	Item	Content	Relevance (by paragraph number)
100	Document	A two-page typed document titled: "Battle Front Report Pujehun District, Date: 18/06/1997, Time: 1045 PM". The document is signed by Sam Hinga Norman and one other person whose name or title cannot be discerned.	13, 18, 19, 21
101	Document	A two-page typed document titled: "Front Line Report, Pujehun District, Date: 19/06/1997, Time: 1030 PM".	13, 18, 19, 21, 23, 24
102	Document	A one-page typed document titled: "Front Line Reports, Pujehun District, Date: 20/06/1997, Time: 7 AM".	13, 18, 19, 21
103	Document	A one-page typed document titled: "Front Line Report, Pujehun District, 21 June 1997, Time: 1145 AM".	13, 18, 19, 21
104	Document	A three-page typed document titled: "Report From Front Line, Points to Ponder".	13, 18, 19, 21
105	Document	A 4-page typed document titled: "Report From Front Line, Points to Ponder".	13, 18, 19, 21
106	Document	A 3-page typed document titled: "Reports From Front Line, Covering (sic Covering) Period 13 July 1997 – 19 July 1997, Date: 18 July 1997, Attention: COS"	13, 18, 19,
107	Document	A 2-page typed document titled: "Minutes of Meeting held between Chief Norman and the Delegation of Kamajors From Bo District on the 26 July 1997 at Gendema – Bo Water Side Mano River Bridge.	13, 21
108	Document	A 3-page typed document first page of which is a letter dated 12/08/1997 written by Hinga Norman and addressed to The Chief of Staff, ECOMOG, Monrovia.	13, 18, 19, 21, 23, 24
109	Document	A 1-page typed document dated 27/08/1997 titled "Very Urgent Front Line Request". It is written by Hinga Norman and addressed to The Chief of Staff, ECOMOG, ECOMOG Headquarters, Monrovia, Liberia. The document is not signed.	13, 18, 19, 21, 23, 24

Number	Item	Content	Relevance (by paragraph number)
110	Documents	A set of two documents, the first of which is a letter written and signed by Sam Hinga Norman dated 08 September 1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
111	Document	A 2-page typed document dated 26 September 1997 the first page of which is a letter written by Sam Hinga Norman, and addressed to Commander, Nigerian Contingent, ECOMOG, Monrovia, Liberia.	13, 18, 19, 21, 23, 24
112	Documents	A set of documents the first of which is dated 26 September 1997, written and signed by Sam Hinga Norman, and is addressed to The Chief of Staff, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21-29.
113	Documents	A set of two documents, the first of which is a letter written and signed by Sam Hinga Norman dated 17 September 1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
114	Documents	A set of two documents, the first of which is a letter written and signed for by Sam Hinga Norman dated 29 September 1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
115	Document	A three page document titled "Very Urgent Request for Special Operations". It is written and signed for by Sam Hinga Norman dated 06 October 1997 and is addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters.	13, 18, 19, 21

Number	Item	Content	Relevance (by paragraph number)
116	Document	A 2-page document titled "Progress Report / Request". It is written and signed for by Sam Hinga Norman dated 06 October 1997 and is addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
117	Documents	A set of two documents, the first of which is a letter written and signed for by Sam Hinga Norman dated 03 November 1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
118	Documents	A set of two documents, the first of which is a letter written and signed by Sam Hinga Norman dated 14/11/1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
119	Documents	A set of two documents, the first of which is a letter written and signed for by Sam Hinga Norman dated 03/11/1997 and addressed to The Commander, Nigerian Contingent, ECOMOG Headquarters, Monrovia, Liberia.	13, 18, 19, 21
120	Documents	A set of two documents, the first of which is a letter written and signed for by Sam Hinga Norman dated 17/12/1997 and addressed to The Commander, Nigerian Contingent, ECOMOG, Monrovia, Liberia. This damaged has a part of the page torn off near the place for signature.	13, 18, 19, 21, 23, 24
121	Letter	A letter of Appointment dated 20 February 1998. The Letter is signed by Sam Hinga Norman and copied to the War Council.	13, 17, 18, 19

Number	Item	Content	Relevance (by paragraph number)
122	Letter	Letter dated 24 February /98 from The Director of War, 17 th Battalion Commander- Koribondo at Base Zero. The letter is signed by Moinina Fofanah and copied to the Coordinator, The Director of Intelligence and The Chairman – War Council.	14, 15, 18, 19, 21, 27
123	Letter	A handwritten letter from the Civil Defence Force, dated 12 November 1997. The letter is signed by King Dr Allieu Kondewa and approved by Moinina Fofanah.	14, 15, 16, 17, 18, 19, 20, 21
124	Letter	A handwritten letter from the Civil Defence Unit Madina H/Q dated 16 October 1997. The letter is passing on information about the arrival of Hinga Norman at Talia Yawbeko with ammunitions for operations.	13, 17, 18, 19, 20
125	Pass	Bonthe District Civil Defence Kamajors HQ, Tihun, Sogbeni Chiedom pass. The pass is issued to Mustapha Senesi and signed by King Dr Allieu Kondewa, dated 14 November 1997. The pass certifies that the holder is an initiate of King Dr Allieu Kondewa, the High Priest and requests that all privileges be accorded the holder.	14, 15, 16, 17, 18, 19, 20, 21, 29
126	Document	A page handwritten document bearing the caption” Guidelines to operate on after the capture of B.” dated 20 February 1998.	4, 5, 24
127	Letter	A handwritten letter from Mohamed Sesay, Madina Town, Bum Chiefdom to Mr Taemiday, Torma Bum, dated 13 July 1997	18, 19, 21, 26, 28.
128	Letter	Letter from Moinina Fofana, Director of War, Civil Defence Force, Sierra Leone to All Battalion Commanders CDF SL dated 15 May 1998, signed by Fofana titled “request for troops” from all CDF commanders.	14, 15, 18, 19, 20, 21, 23, 24

Number	Item	Content	Relevance (by paragraph number)
129	Letter	A handwritten Letter from the representatives of the War Council Now resident in Dassamu Village , Bumpeh-Ngao Chiefdom to Commander for the Special Operation – Koribondo dated 18 February 1998.	20, 21, 23, 24
130	Document	2 loose leaf handwritten pages containing a list of looted items from Addala – Tikonko.	18, 19, 21, 27
131	Letter	A handwritten letter from Witness TF2-087 to Joe, dated 04 May 1999.	18, 19, 21, 27
132	Letter	An unsigned letter from Civil Defence Force Sierra Leone – Koribondo addressed to the Director of War, Camp Zero, Gola Forest, Sierra Leone dated 18 February 1998.	14, 15, 18, 19, 20, 21, 23, 24
133	Letter	A letter from The Battalion Commander 5th Battalion Koribondo to the Regional Coordinator, CDF Forces Southern Region, Bo dated 17 April 1998	18, 19, 21, 27
134	document	A handwritten note from Moyia Base addressed to Torma Bum, dated 15 August 1997 and signed by Joseph F. O. Abdulai (Asst Chief Kamajor).	13, 17, 18, 19, 20.
135	Letter	Letter from the Regional Coordinator CDF/SL Bo to The Battalion Commander 4 th Battalion Koribondo dated 17 April 1998	18, 19, 21, 27
136	Letter	Letter from C.O. Brima Vonu, Gondama Base to Pa Joe Timede, the Zone Commander 17th Battalion Koribondo dated 12 March 1998	18, 19, 21, 26, 28.
137	Document	A short handwritten note from C.O. Gbassay Ansumana dated 3 November 1998.	18, 19, 21, 23, 24, 28
138	Letter	Letter from C.O. Agbekeh to The War Commander dated 15 January 1998 requesting arms and ammunition.	4, 18, 19, 21, 23, 24

Number	Item	Content	Relevance (by paragraph number)
139	Letter	Letter from the Director of Operations – South to The Battalion Commanders dated 04/03/98 and copied to The Chairman War council and The National Director of Operations. The letter is signed by A.S. Ngaoujia.	19, 20, 21
140	Letter	A letter from Kamajors in Hoya, Kwamebai Krim Chiefdom to Mr Joe Timede The Chief Kamajor Kwamebai krim Chiefdom dated 18 August 1997 signed by the Regent Chief, J.S. Macauley.	22,23,24,25,26,27,28
141	Letter	Letter from CDF Bagbo Branch-Ngolapon, Southern Province to an unknown addressee dated 07 August 1997, signed by the General Secretary and Adviser.	13,18,19, 21
142	Letter	A letter from W.S. Kalil of Fulawahun to Yeiwa Turay of Koribondo dated 04 March 1998	18,19, 21, 27
143	Letter	Letter from The Director of Operations – J. A.S. Koroma to The Acting Battalion Commander, all in Bo. The letter is dated 31 August 2000 and is copied to amongst other persons, The National Coordinator CDF/SL The Director of War CDF/SL and The High Priest Dr Kondewa.	13,18,19,21,
144	Letter	Letter from TF2-011 in Kenema to Commander TF2-082 dated 19 April 1998.	13, 81, 19, 21
145	Pass	A Pass from The Battalion Commander CDF/SL 5 th Battalion Headquarters Koribondo to “Those it may concern at Highway Gates” dated 23 March 1998	23,24,25
146	Letter	Letter from The Deputy Director of War, to The Battalion Commander CDF/SL Koribondo dated 28 February 1998.	18, 19, 21, 27.
147	Letter	Letter from the General Spokesman for the CDF/SL Sumbuya Base to Mr Joe Timede 4th Battalion Commmander Koribondo dated 11 March 1998	23,24,25

Number	Item	Content	Relevance (by paragraph number)
148	Letter	Handwritten note from Alhaji Daramy Rogers -- War Council Representative inviting Commander Timede to a meeting with Sam Hinga Norman during an impending visit to Bo.	20, 21, 23, 24
149	Letter	Letter from the Chairman War Council, Bo to the Commander 17th Battalion, Mr Joe Gassimu dated 4 March 1998.	18,19,21
150	Letter	Letter from the Deputy Coordinator CDF/SL Sumbuya (Bum Branch) Base to Mr Joe Timede 5 Battalion Koribondo dated 30 May 1998	18,19,21
151	Letter	Letter from the Base Commander Sierra Leone CDF Bun Chiefdom Bonthe District Torma Base to CO Timede 5th Battalion Koribondo	18, 19, 21, 23, 28
152	Letter	Letter of appointment from The National Coordinator Civil Defence Forces HQ in Base Zero to Mr Abubakar Konuwa dated 11 February 1998	13, 17, 18, 19.
153	Distribution List	A list showing distribution of logistics to CDF personnel in Kenema District	4, 13, 14, 15, 16, 18, 19 21
154	Distribution List	A list showing distribution of logistics to CDF commanders in Kenema District for the month of September 1998	4, 13, 14, 15, 16, 18, 19 21
155	Letter	Letter from the Madam Munda Fortune Kasilla II Battalion Bo to The Deputy Minister of Defence (National Coordinator-CDF) dated 27 September 1998	13, 18, 19.
156	Letter	of Appointment from The High Priest of The Civil Defence Forces Sierra Leone to Mr Mualim Allie Sesay dated 04 November 1998	14, 16, 18

Number	Item	Content	Relevance (by paragraph number)
157	Letter	Letter of Recommendation from The High Priest of The Civil Defence Forces Sierra Leone to The National Coordinator in respect of Mualim Allie Sesay dated 26 July 2000	14, 16, 18
158	Letter	Letter of "Recommendation" from The High Priest of The Civil Defence Forces Sierra Leone to The National Public Relations Officer (PRO) in respect of Dr Mohamed Mansaray (Initiator) and Mr Samuel Lahai (Secretary) dated 10 January 2000	14, 16, 18.
159	Letter	Letter of "Recommendation" from The High Priest of The Civil Defence Forces Sierra Leone to The National Public Relations Officer (PRO) in respect of Dr Mohamed Mansaray (Initiator) and Mr Samuel Lahai (Secretary) dated 13 January 2000	14, 16, 18
160	Declaration	Declaration of commitment signed by Samuel Hinga Norman, to the Release of Child Combatants and Child Abductees by various Factions, March 2000.	13, 17, 29
161	Calendar	CDF Calendar for the year 2001 depicting photos of senior figures of the CDF	1, 2, 3, 6, 13, 14, 15, 16, 18, 19.
162	Report by the Regional Reconciliation Committee (RRC) Southern Region	Report on unacceptable behaviour of CDF in the Southern Region, August 2000	22, 23, 24, 26, 27, 28, 29
163	Letter	Letter to the Commissioner of Police, Sierra Leone Police Force East, Kenema referring to a "list of suspects in Kenema Prison accused of Junta collaboration" dated 13 July 1998	23, 24, 26, 27, 28, 29
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176	United Nations Document	Fifth Report of the UN Secretary General on the Situation in Sierra Leone, 9 June 1998 (S/1998/486)	4, 5, 6, 10, 17, 21, 23, 24, 28, 29
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182	United Nations Document	Seventh Report of the UN Secretary General on the Situation in Sierra Leone, 30 July 1999 (S/1999/836).	4, 5, 23, 24
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191	Accord	The Abidjan Peace Accord, 30 November 1996, The Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL)	4, 5
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197	Treaty	Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977.	5, 8, 10, 11
198	Report of Non-Governmental Organization	Human Rights Watch, "Getting Away with Murder, Mutilation and Rape" Vol. 11, No. 3 (A) June 1999.	4, 5, 10, 23, 24, 27, 28
199	Report of Non-Governmental Organization	Human Rights Watch, "Sowing Terror, Atrocities against civilians in Sierra Leone," Vol. 10, No. 3 (A) July 1998.	4, 5, 6, 7, 10, 17, 23, 24, 25, 26, 28, 29
200	Report of Non-Governmental Organization	Human Rights Watch, "We'll kill you if you Cry, Sexual violence in the Sierra Leone Conflict" Vol. 15 No. 1 (A), January 2003.	23, 24, 26, 28

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201	Report of Non-Governmental Organization	Amnesty International, "Sierra Leone 1998 – a year of atrocities against civilians".	5, 6, 7, 10, 17, 23, 24, 28, 29
202	Report of Non-Governmental Organization	Amnesty International, "Sierra Leone – Childhood – a casualty of conflict," AFR 51/69/00, 31 August 2000.	17, 29
203	Report of Non-Governmental Organization	Amnesty International Annual Report 1999, "AI Report 1999: Sierra Leone".	17, 23, 24, 29
204	Report of Non-Governmental Organization	Human Rights Practices for 1998, "Sierra Leone Country Report", released by the Bureau of Democracy, Human Rights, and Labor US Dept of State Bureau of Democracy, February 1999.	4, 6, 17, 23, 24, 28, 29
205	Report of Non-Governmental Organization	Amnesty International "Annual Report 2000, Sierra Leone".	17, 23, 24, 29
206	Report of Non-Governmental Organization	Amnesty International Press Release, "Sierra Leone: Action Needed to End use of Child Combatants", 31 August 2000.	17, 29
207	Report of Non-Governmental Organization	Human Rights Watch, "World Report 1999: Sierra Leone, Human Rights Developments".	6, 17, 23, 24, 28, 29

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208	Report of Non-Governmental Organization	Human Rights Watch Report 2001: Sierra Leone, "Sierra Leone: Most Serious Attacks in Months. Human Rights Watch Interviews: Victims and Witnesses," 24 July 2001.	23, 24, 28
209	Report of Non-Governmental Organization	Human Rights Watch, "Recent Abuses Documented by Human Rights Watch," 30 November 2000.	17, 23, 24, 28, 29
210	Report of Non-Governmental Organization	Human Rights Watch, "Sierra Leone Government Bombing Causes Civilian Deaths," 12 July 2000.	23, 24, 28
211	Report of Non-Governmental Organization	International Crisis Group Africa Report No. 28 "Sierra Leone: Time for a New Military & Political Strategy," 11 April 2001.	4, 5, 6, 7, 13, 15, 18, 19, 23, 24, 28
212	Report of Non-Governmental Organization	International Crisis Group Sierra Leone Project, "Sierra Leone Situation Analysis," 9 February 1998.	13, 19, 23, 24, 28
213	Report of Non-Governmental Organization	Physicians for Human Rights "War-Related Sexual Violence in Sierra Leone," published 2002 ISBN: 1-879707-37-3.	5, 23, 24, 28
214	Report of Non-Governmental Organization	Mazurana, Dyan and Khristopher Carlson, "From Combat to Community: Women and Girls of Sierra Leone" January, 2004	6, 13, 17, 23, 24, 29

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217	Speech	Address by Major Johnny Paul Koroma, Head of State and Chairman of the Armed Forces Revolutionary Council, Freetown, 1 June 1997	7
218	Press Release - Radio Broadcast Statement	CDF Statement of FM 98.1, 22 December 1997 from the movement for the restoration of democracy, MRD, civil defence secretariat, Freetown.	19, 20, 23, 24, 25(f), 28
219	Press Release	Kamajor Press Release issued by Samuel Hinga Norman, 23 December 1997	13, 18, 19, 20, 23, 24, 25(f), 28
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221	Statement	Ministry of Information and Broadcasting, "Government Statement", 24 May 2000.	17, 29
222	News Report	Inter Press Service, "Children – Sierra Leone: Militia Admits Recruiting Child Soldiers," Lansana Fofana, 29 June 1998.	17, 20, 29
223	News Report	BBC News, "Sierra Leone diamond town besieged", 20 November 1997.	24(a)
224	News Report	BBC News, "Sierra Leone clashes with Kamajor militia", 17 December 1997.	4
225	News Report	BBC News, "Despatches" by Mark Doyle, 18 January 1998.	4, 24(a)

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253	News Report	Article from SL News Archives, 26 January 1998, published on the Sierra Leone Web	21, 24(f), 25(f)

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254	News Report	Article from SL News Archives, 29 January 1998, published on the Sierra Leone Web	4, 5, 20, 24(a)
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262	News Report	Newswave, "To Die or To Live? The Verdict on Sierra Leone's plotters", October 1998.	4, 5, 6, 13, 18, 19, 21