

IN THE SPECIAL COURT FOR SIERRA LEONE**THE TRIAL CHAMBER**

**Before:** The Trial Chamber  
 Judge Benjamin Itoe, presiding  
 Judge Bankole Thompson  
 Judge Pierre Boutet

**Registrar:** Mr Robin Vincent

**Date filed:** 6<sup>th</sup> July 2004

Case No. SCSL 2004 - 15 - T

**In the matter of:**

**THE PROSECUTOR**

**Against**

**ISSA SESAY  
 MORRIS KALLON  
 AUGUSTINE BAO**

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**REVISED DEFENCE PRE-TRIAL BRIEF ON BEHALF OF AUGUSTINE BAO**

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**Office of the Prosecutor**

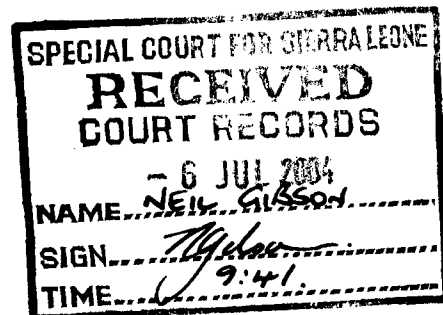
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## **REVISED DEFENCE PRE-TRIAL BRIEF**

### **A. Introduction**

1. This pre-trial brief is filed to correct certain typographical and factual errors contained in the Defence Pre-Trial Brief filed 22<sup>nd</sup> June 2004, originally filed pursuant to the Trial Chamber's Revised Order for the Filing of Defence Pre-trial briefs of 12 March 2004.
2. This pre-trial brief is filed on the premise and in the context that it is for the prosecution to prove its case against the defence and it is not for the defence to prove its innocence.
3. This pre-trial brief is further filed on the premise and in the context that it is the right of the defence to know the case against it and until it has received all disclosure from the prosecution, including un-redacted witness statements and has heard the testimony of all prosecution witnesses it is not in a position to fully appreciate the case against it.
4. All factual and legal allegations in the consolidated Indictment, the prosecution pre-trial brief of 1 March 2004 or the prosecution supplemental pre-trial brief are denied unless otherwise stated herein. No omission or failure to expressly address any aspect of these documents is to be taken as any form of admission on the part of Augustine Bao.

### **B. On issues of factual background**

5. The Defence for Augustine Bao confirms and asserts certain aspects of the factual context to the conflict in Sierra Leone. Sierra Leone became independent on 27 April 1961. The members of the Revolutionary United Front joined the organisation in response to the oppression and injustices of the present and past. The SLPP made the state monarchic. Parliamentary standing orders were introduced according to which any parliamentarian who

absented himself for more than 30 days would lose his seat. All the opposition members of Parliament were arrested and detained for more than 30 days and accordingly lost their seats. At the same time, the SLPP introduced regional and tribal politics in Sierra Leone. Division formed within the SLPP. Those disgruntled with the SLPP joined the APC. A coup and counter-coup followed until in 1968, when the APC under Siaka Stevens came to power. The APC failed the nation's hope of political reconciliation. The APC became an oppressive force. Regionalism and tribalism continued. In 1972 and 1973 many tribal chiefs were arrested. In 1977 hundreds of students demonstrated demanding their rights and an end to regionalism and tribalism. In 1978, the one-party Republican Constitution was passed. In 1985 Joseph Momoh was elected President in a one party election. The RUF, seen by its members as a vehicle to end the oppression, was led by Foday Sankoh.

6. On 30 November 1996, a peace agreement was signed in Abidjan, known as the Abidjan Peace Accord. On 25 May 1997, the government of President Kabbah lost power to the AFRC led by Johnny Paul Koroma. On 12 February 1998, ECOMOG forces attacked Freetown. In July 1999, the United Nations established the United Nations Observer Mission in Sierra Leone. In October 1998, Sankoh was sentenced to death after having been found guilty of treason. On 7<sup>th</sup> July 1999, the Lome Peace Accord was signed. The disarmament process and the Truth and Reconciliation Commission were instigated and conducted under the Lome Accord, after legitimate negotiations brokered by ECOWAS states. The war in Sierra Leone came to an end on 18<sup>th</sup> January 2002, when the disarmament process was completed, again brokered by ECOWAS states, having been implemented in line with and under the Lome Accord which the RUF was always led to believe continued to apply.

### **C. General Allegations**

7. It is denied that Augustine Bao exercised authority and control over all members of the RUF, or that all members of the RUF were subordinate to the accused as alleged in paragraph 6 of the prosecution Supplemental Pre-Trial

Brief. It therefore denies that he has command responsibility for the purposes of individual criminal responsibility in terms of the Statute. It is further denied that Augustine Bao can be held responsible under any doctrine of command responsibility in internal armed conflict.

8. It is further denied that Augustine Bao participated in any activity individually or in concert with others, whether RUF or AFRC, which would constitute a crime under international law.
9. It is denied that Augustine Bao was involved in any joint criminal enterprise or that he can be held responsible under any alleged doctrine of joint criminal enterprise. It is therefore additionally denied that any design or plan of internationally unlawful activity was entered into between Augustine Bao and any member of the AFRC for the purposes of the application of an alleged doctrine of joint criminal enterprise.
10. It is denied that Augustine Bao is responsible for any crime against humanity. It is denied there were widespread or systematic attacks against the civilian population, that there was a nexus between any such alleged acts and the an armed conflict or that Augustine Bao committed any act which might constitute a crime against humanity.
11. It is further denied that Augustine Bao is individually responsible for any serious violation of common article 3 to the Geneva Conventions of 1949 and Additional Protocol II of 1977, including acts of terrorism; collective punishments, violence to life, health and physical or mental well-being of persons, murder of civilians, mutilation of civilians and murder of peacekeepers, outrages on personal dignity, pillage or taking of hostages, as alleged in Counts 1, 2, 5, 8, 9, 13, 16 or 17 of the Indictment or paragraph 29 of the Prosecution Pre-trial Brief of 1<sup>st</sup> March 2004.
12. It is further denied that Augustine Bao is individually responsible for acts under article 4 of the Statute, enlisting children under the age of 15 years into armed forces or intentionally directing attacks against personal involved in

humanitarian assistance or a peacekeeping mission, as alleged in Counts 11 and 14 of the Indictment and paragraph 41 of the Prosecution Pre-Trial Brief of 1<sup>st</sup> March 2004.

#### **D. On the specific counts in the Indictment**

##### **Terrorising the civilian population and collective punishments under Counts 1 and 2**

13. It is denied that Augustine Bao has committed or has command responsibility for the commission of any crime under the Statute as part of a campaign to terrorise the civilian population. It is further denied that Augustine Bao has committed or has command responsibility for the commission of any crime under the Statute done in order to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned to that government or for failing to provide sufficient support to the AFRC/RUF, as alleged in counts 1 and 2 of the consolidated Indictment and paragraph 44 of the Pre-Trial Brief.

##### **Unlawful Killings under counts 3 to 5**

14. It is not admitted that between the first of June 1997 and the 30 June 1997, AFRC and or RUF in Tikonko, Telu, Sembahun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians, as alleged in paragraph 46 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such alleged offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.

15. It is not admitted that in Kenema District, between 25 May 1997 and 19 February 1997, in locations including Kenema Town, members of the AFRC and or RUF unlawfully killed an unknown number of civilians, as alleged in paragraph 47 of the Indictment. It is further denied that Augustine Bao has individual or command responsibility for such alleged offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.
16. It is not admitted that in Kailahan District between about 14 February 1998 and 30 June 1998 in locations including Kailahan Town members of the AFRC and or RUF unlawfully killed an unknown number of civilians as alleged in paragraph 48 of the Indictment. It is further denied that Augustine Bao has individual or command responsibility for such alleged offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.
17. It is not admitted that in Koinadago District, between about 14 February 1998 and 30 September 1998, several locations including Heremakono, Kabala, Kumalu (or Kamalu), Kurubonla, Katombo, Koinadagu, Fadugu, and Kamadugu, members of the AFRC and or RUF unlawfully killed an unknown number of civilians, as alleged in paragraph 49 of the Indictment. It is further denied that Augustine Bao has individual or command responsibility for such alleged offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3

common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.

18. It is not admitted that in Bombali District, between about 1 May and 30 November 1998, in several locations in Bombali District, including Bonyoyo, Karina, Mafabo, Mateboi, Gbendubu, members of the AFRC and or RUF unlawfully killed an unknown number of civilians, as alleged in paragraph 50 of the Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.
19. It is not admitted that in the Freetown and Western Area, between 6 January 1999 and 28 February 1999, the AFRC and or RUF conducted armed attacks that included large scale unlawful killings of civilian men, women and children at locations throughout the city and the Western Area, including Kissy, Wellington, and Calaba Town, as alleged in paragraph 52 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as extermination, as a crime against humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.
20. It is not admitted that in Port Loko, between about February 1999 and April 1999, members of AFRC and or the RUF unlawfully killed an unknown number of civilians in various locations, including Manaarma, Tendakum and Nonkoba, as alleged in paragraph 53 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as extermination, as a crime against

humanity, under article 2b of the Statute, murder, as a crime against humanity, under article 2a of the Statute, or as violence to life, health and physical or mental well-being of persons, in particular murder, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3a of the Statute.

### **Sexual Violence under counts 6-8**

21. It is not admitted that in Kono District between about 14 February 1998 and 30 June 1998, members of the AFRC and or RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh, Fokoïya, Wonedu and AFRC and or RUF camps, as alleged in paragraph 55 to the consolidated Indictment. Neither is it admitted that an unknown number of women and girls were abducted from various locations within the District and used as sex slaves, as alleged in the same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute, or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.
  
22. It is not admitted that in Koinadugu District between 14 February 1998 and 30 September 1998, members of the AFRC and or RUF raped an unknown number of women and girls in locations in Koinadugu District, such as Kabala, Koinadugu, Heremakono and Fadugu, as alleged in paragraph 56 of the consolidated Indictment. Neither is it admitted that an unknown number of women and girls were abducted and used as sex slaves as alleged in the same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute,



or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.

23. It is not admitted that, in Bombali District in locations including Mandaha and Moses, between about 1<sup>st</sup> May 1998 and 31 November 1998, members of the AFRC and or RUF raped an unknown number of women and girls, as alleged in paragraph 57 of the consolidated Indictment. Neither is it admitted that an unknown number of women and girls were abducted and used as sex slaves as alleged in the same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute, or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.
24. It is not admitted that, in Kailahan District, at all material times relevant to the consolidated Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence, as alleged in paragraph 58 of the consolidated Indictment. Neither is it admitted that many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC and or RUF camps and used as sex slaves, as alleged in the same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute, or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.
25. It is not admitted that, in Freetown and the Western area, between 6<sup>th</sup> January 1999 and 28 February 1999, members of the AFRC and or RUF raped hundreds of women and girls, as alleged in paragraph 59 of the consolidated

Indictment. Neither is it admitted that hundreds of women and girls were abducted, used as sex slaves and subjected to other forms of sexual violence, as alleged in the same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute, or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.

26. It is not admitted that, in Port Loko District in various locations, about the month of February 1999, the AFRC and or the RUF subjected an unknown number of women and girls to other forms of sexual violence, as alleged in paragraph 60 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as rape, as a crime against humanity, under Article 2g of the Statute, sexual slavery or any other form of sexual violence, as a crime against humanity, under Article 2g of the Statute, or as outrages upon personal dignity, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3e of the Statute.

#### **Physical violence under counts 9 and 10**

27. It is not admitted that, in Kono District in various locations including Tomboda, Kaima (or Kayima) and Wonedu, between about 14 February 1998 and 30 June 1998, AFRC and or RUF mutilated an unknown number of civilians, as alleged in paragraph 62 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.

28. It is not admitted that, in Kenema District in locations including Kenema Town, between 25 May 1997 and 19 February 1998, AFRC and or RUF carried out beatings and ill-treatment of a number of civilians who were in custody, as alleged in paragraph 63 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.
29. It is not admitted that, in Koinadugu in various locations including Kabala and Konkoba (or Kontoba), between 14 February 1998 and 30 September 1998, members of the AFRC and or RUF mutilated an unknown number of civilians, as alleged in paragraph 64 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.
30. It is not admitted that, in Bombali District in various locations including Lohondi, Malama, Mamaka and Rosos, between 14 February 1998 and 30 September 1998, members of the AFRC and or RUF mutilated an unknown number of civilians, as alleged in paragraph 65 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.

31. It is not admitted that, in Freetown and the Western Area in various locations including Kissy, Wellington and Calaba Town, between 6 January 1999 and 28 February 1999, members of the AFRC and or RUF mutilated an unknown number of civilian men, women and children, as alleged in paragraph 66 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.
32. It is not admitted that, in Port Loko in various locations, about the month of February 1999, members of the AFRC and or RUF mutilated an unknown number of civilians, as alleged in paragraph 67 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such offences, whether framed as violence to life, health and physical or mental well-being of persons, in particular mutilation, a violation of article 3 common to the Geneva Conventions and of Additional Protocol II, under 3a of the Statute, or as other inhumane acts, as a crime against humanity, under article 2i of the Statute.

#### **Use of Child Soldiers under count 11**

33. It is not admitted that, at all times relevant to the consolidated Indictment, throughout the Republic of Sierra Leone, AFRC and or RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities, as alleged in paragraph 68 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as other serious violations of international humanitarian law, under Article 4c of the Statute.

#### **Abductions and forced labour under count 11**

34. It is not admitted that, in Kenema District, about 1 August 1997 and about 31 January 1998, AFRC and or RUF forced an unknown number of civilians living in the District to mine for diamonds at Cyborg Pit in Tongo field, as alleged in paragraph 70 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.
35. It is not admitted that, in Kono District, between about 14 February 1998 and about 30 June 1998, AFRC and or RUF forces abducted hundreds of civilian men women and children, and took them to various locations outside the district, or to locations within the district such as AFRC and or RUF camps, Tombodu, Koidu, Wonedu, Tomendeh, as alleged in paragraph 71 of the consolidated Indictment. It is further not admitted that at these locations civilians were used as forced labour and as diamond miners in the Tomboda area, as alleged in same paragraph. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.
36. It is not admitted that, in Koinadugu District at various locations including Heremakono, Kabala, Kumala (or Kamalu), Koinadugu, Kamadugu and Fadugu, between about 14 February 1998 and 30 September 1998, members of the AFRC and or RUF abducted an unknown number of men, women and children and used them as forced labour, as alleged in paragraph 72 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.
37. It is not admitted that, in Bombali District, between about 1 May 1998 and about 31 November 1998, members of the AFRC and or RUF abducted an unknown number of civilians and used them as forced labour, as alleged in paragraph 73 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.

38. It is not admitted that, in Kailahun District, at all times relevant to the consolidated Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour, as alleged in paragraph 74 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.
39. It is not admitted that, in Freetown and the Western Area, between 6 January 1999 and 28 February 1999, in particular as, it being said, the AFRC and or RUF were being driven out of Freetown and the Western Area, members of the AFRC and or RUF abducted hundreds of civilians, including a large number of children, from various areas in Freetown and the Western Area, including Peacock Farm, Kissy, and Calaba Town, as alleged in paragraph 70 of the consolidated Indictment. It is further not admitted that the alleged abducted civilians were used as forced labour. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.
40. It is not admitted that, in Port Loko in various locations including Port Loko, Lunsar and Masiaka, about the month of February 1999, members of the AFRC and or RUF used civilians, including those allegedly abducted from Freetown and the Western Area, as forced labour, as alleged in paragraph 76 of the consolidated Indictment. Neither is it admitted that AFRC and or RUF forces also abducted and used as forced labour civilians from various locations including Tendacum and Nonkoba. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as enslavement, as a crime against humanity, under Article 2c of the Statute.

#### **Looting and burning under count 13**

41. It is not admitted that, in Bo District in Telu, Sembahun, Mambona and Tibonko, between 1 June 1997 and 30 June 1997, the AFRC and or RUF

forces looted and burned an unknown number of civilian houses, as alleged in paragraph 78 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as pillage, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3f of the Statute.

42. It is not admitted that, in Koinadugu District in various locations including Heremakono, Kabala, Kamadugu and Fadugu, between about 14 February 1998 and 30 September 1998, AFRC and or RUF forces engaged in widespread looting and burning of civilian homes, as alleged in paragraph 79 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as pillage, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3f of the Statute.

43. It is not admitted that, in Kono District in various locations including Tombodu, Foindu and Yardu Sando, between about 14 February 1998 and 30 June 1998, AFRC and or RUF forces engaged in widespread looting and burning, as alleged in paragraph 80 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as pillage, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3f of the Statute.

44. It is not admitted that, in Bombali District in locations such as Karina and Mateboi, between about 1 March 1998 and 31 November 1998, AFRC and or RUF forces burnt an unknown number of civilian buildings, as alleged in paragraph 81 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as pillage, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3f of the Statute.

45. It is not admitted that, in Freetown and the Western Area in the areas of Kissy Wellington, Calaba town, Fourah Bay, Upgun, State House and Pademba Road, between about 9 January 1999 and 28 February 1999, AFRC and or

RUF forces engaged in widespread looting and burning throughout that area, as alleged in paragraph 82 of the consolidated Indictment. It is further denied that Augustine Bao has individual or command responsibility for such acts framed as pillage, as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, under Article 3f of the Statute.

#### **Attacks on UNAMSIL personnel**

46. It is denied that Augustine Bao has individual or command responsibility for any alleged widespread attacks involving unlawful killings against UNAMSIL peacekeepers and humanitarian assistance workers between about 15 April 2000 and about 15 September 2000, whether framed as intentionally directing attacks against personnel involved in a humanitarian or peacekeeping mission, as an other serious violation of international humanitarian law, under Article 4b of the Statute, or as unlawful killings, murder, as a crime against humanity, under article 2a of the Statute.

Girish Thanki

Andreas O'Shea

John Cammegh



~~22<sup>nd</sup> June 2004~~

6<sup>th</sup> July 2004