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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN – SIERRA LEONE

Before: Judge Bankole Thompson
Judge Itoe
Judge Boutet

Registrar: Mr. Robin Vincent

Date: 5 March 2004

THE PROSECUTOR

Against

**SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA
(Case No. SCSL – 2004 – 14 – PT)**

PROSECUTOR'S REQUEST TO ADMIT

Office of the Prosecutor:

Mr. Luc Côté
Mr. James Johnson
Mr. Charles Caruso
Mr. Mohamed Bangura
Ms. Joseph Kamara
Ms. Adwoa Wiafe

Defence Counsel for Sam Hinga Norman

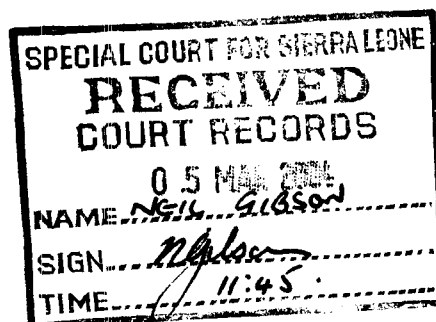
Mr. Jenkins Johnston

Defence Counsel for Monina Fofana

Mr. Michiel Pestman

Defence Counsel for Allieu Kondewa

Mr. Charles Margai



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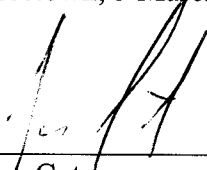
Against

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PROSECUTOR'S REQUEST TO ADMIT

1. The Prosecution submits this **REQUEST TO ADMIT (the Request)** with a view to streamlining the issues for trial.
2. The Prosecution requests the Defence of **SAM HINGA NORMAN, MONINA FOFANA** and **ALLIEU KONDEWA** to admit, deny, refuse, or admit/deny in part, each statement in Parts I – III of the Request which follows.
3. For each statement admitted/denied in part, the Prosecution requests that the Defence explain in full the partial admission/denial and/or give its own version of the facts.
4. The Prosecution requests that the Defence submits its response to this Request to Admit to the Office of the Prosecutor within 14 (fourteen) days of the service of this request.

Freetown, 5 March 2004.



Luc Cote
Chief of Prosecution



James C Johnson
Senior Trial Attorney

PART I: LEGAL ADMISSIONS

1) At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

2) A nexus existed between the armed conflict and all acts or omissions charged in the Amended Indictment as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.

ADMITTED DENIED REFUSED ADMITTED/ DENIED IN
PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

3) The Accused and all members of the CDF were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 12 August 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
PART

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4) All acts and omissions charged in the Indictment as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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- 5) The civilian or civilian population referred to in the Indictment were persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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- 6) All offences alleged in the Indictment were committed within the territory of Sierra Leone after 30 November 1996.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

PART II: FACTUAL ADMISSIONS

- 7) The CDF was an organised armed force comprising various tribally – based traditional hunters. The Kamajors were comprised mainly of persons from the Mende tribe resident in the South and East of Sierra Leone, and were the predominant group within the CDF. Other groups playing a less dominant role were the Gbethis and the Kapras, both comprising mainly of Temnes from the north; the Tamaboros, comprising mainly of

Korankos also from the North; and the Donsos, comprising mainly of Konos from the East.

ADMITTED DENIED REFUSED ADMITTED/DENIED IN PART

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- 8) The RUF was founded in about 1988 in Libya and began organized armed operations in Sierra Leone in or about March 1991. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of Sierra Leone via a coup d'etat on 25 May 1997. Soldiers of the Sierra Leone Army comprised the majority of the AFRC membership. Shortly after the AFRC seized power, the RUF joined with the AFRC.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

- 9) The CDF, largely Kamajors, 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.

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- 10) The plan purpose or design of **SAM HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA** and subordinate members of the CDF was to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone and the complete elimination of the RUF/AFRC.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
PART

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- 11) 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.

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PART

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- 12) Once so identified these "Collaborators" and any captured enemy combatants were unlawfully killed. Other practices included human sacrifices and cannibalism.

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- 13) These actions by the CDF, largely Kamajors, which also included looting, destruction of private property, personal injury and the extorting of money from civilians, were intended to threaten and terrorize the civilian population.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
PART

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- 14) Many civilians saw these crimes committed; others returned to find the results of these crimes – dead bodies, mutilated victims, looted and burnt property.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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- 15) The CDF, largely Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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- 16) At all times relevant to the Indictment, the CDF did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 years into armed forces or groups, and/or use them to participate actively in hostilities.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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PART III: THE ACCUSED

SAM HINGA NORMAN

- 17) At all times relevant to the Indictment **SAM HINGA NORMAN** (“The Accused”) was the National Coordinator of the CDF.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
PART

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- 18) As such, he was the principal force in establishing, organizing, supporting, providing logistical support and promoting the CDF

ADMITTED DENIED REFUSED ADMITTED / DENIED IN
 PART

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- 19) 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 the Kamajors.

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PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

MOININA FOFANA

- 20) At all times relevant to the Indictment, **MOININA FOFANA** (“the Accused”) was the National Director of War of the CDF.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

For partial admission/denial, please provide explanation below. Use additional page(s) as necessary.

- 21) **SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA** were seen and known as the top leaders of the CDF.

ADMITTED DENIED REFUSED ADMITTED / DENIED IN PART

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- 22) **MOININA FOFANA and ALLIEU KONDEWA** took directions and were directly answerable to **SAM HINGA NORMAN**. They took part in policy, planning and operational decisions of the CDF.

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- 23) **MOININA FOFANA** acted as leader of the CDF in the absence of **SAM HINGA NORMAN** and was regarded as second in command. He had direct responsibility for implementing policy and strategy for prosecuting the war.

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as necessary.

ALLIEU KONDEWA

- 24) **ALLIEU KONDEWA** was the High Priest of the CDF. He had supervision and control over all initiations within the CDF and was responsible for all initiations within the CDF.

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PART

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