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SCSL-03-01-T  
(28491-28507)



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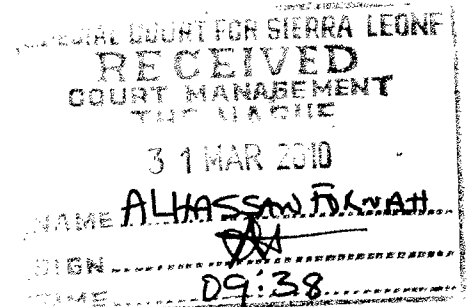
**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR**

**TRIAL CHAMBER II**

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

Registrar: Ms. Binta Mansaray

Date filed: 31 March 2010



**THE PROSECUTOR**

**Against**

**Charles Ghankay Taylor**

Case No. SCSL-03-01-T

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**PUBLIC  
PROSECUTION MOTION (WITH APPENDIX A AND B) FOR JUDICIAL NOTICE OF ADJUDICATED  
FACTS FROM THE RUF JUDGEMENT**

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## I. INTRODUCTION

1. The Prosecution files this motion for judicial notice of adjudicated facts from the trial judgment in the case of *Prosecutor v. Sesay, Kallon and Gbao* (“**RUF Trial Judgement**”) of 2 March 2009.<sup>1</sup>
2. Appendix A lists 38 facts categorized under ten themes. The proposed facts are suitable for judicial notice as they fulfil the legal criteria for judicial notice of adjudicated facts, do not go to central issues in the case, and taking judicial notice in this instance would serve the interests of justice.
3. Appendix B lists 12 facts under the theme of AFRC/RUF relations in the lead up to and during the Freetown Invasion. As argued in the Prosecution’s response to the Defence application for judicial notice of adjudicated facts from the RUF Trial Judgement (“**Response to the Defence Application for Judicial Notice of Adjudicated Facts**”)<sup>2</sup> the Prosecution views these facts as going to central issues in the case which have been extensively litigated and such category of adjudicated facts should not be judicially noticed. Should the Trial Chamber deny the Defence request that such facts be judicially noticed, the facts in Appendix B should likewise not be judicially noticed. However, should the Trial Chamber judicially notice this category of facts set out in the Defence application,<sup>3</sup> the Prosecution seeks judicial notice of the facts listed in Appendix B in order to provide a more complete and balanced picture of the RUF findings than would otherwise be presented if judicial notice were taken only of the facts put forward by the Defence.

## II. APPLICABLE LAW

4. Rule 94(B) of the Rules provides that “At the request of a party or of its own motion, a Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Special Court relating to the matter at issue in the current proceedings.” The purpose of Rule 94(B) is to promote judicial economy and contribute to the harmonization of judgements in related cases by conferring

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<sup>1</sup> *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1234, “Judgement”, 2 March 2009 (“**RUF Trial Judgement**”).

<sup>2</sup> *Prosecutor v. Taylor*, SCSL-03-1-T-930, “Prosecution Response to Defence Application for Judicial Notice of Adjudicated facts from the RUF Trial Judgement pursuant to Rule 94(B)”, (“**Response to the Defence Application for Judicial Notice of Adjudicated Facts**”), 26 March 2010.

<sup>3</sup> *Prosecutor v. Taylor*, SCSL-03-01-T-928, “Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement pursuant to Rule 94(B)”, (“**Defence Application**”), 16 March 2010.

on the Trial Chamber a discretionary power to take judicial notice of facts from other proceedings.<sup>4</sup>

5. In exercising its discretion to judicially notice a proposed adjudicated fact pursuant to Rule 94(B), the Trial Chamber must determine first whether the fact fulfils a number of admissibility requirements that have become established in SCSL as well as ICTY and ICTR jurisprudence, and second whether judicial notice should nonetheless be withheld on the ground that taking judicial notice would not serve the interests of justice.<sup>5</sup>
6. The criteria that must be met in order for an adjudicated fact to be suitable for judicial notice are as follows:
  - a) The fact must be distinct, concrete and identifiable;
  - b) The fact must be relevant and pertinent to an issue in the current case;
  - c) The fact must not contain legal conclusions, nor may it constitute a legal finding;
  - d) The fact must not be based on a plea agreement or upon facts admitted voluntarily in an earlier case;
  - e) The fact clearly must not be subject to pending appeal, connected to a fact subject to pending appeal, or have been finally settled on appeal;
  - f) The fact must not go to proof of the acts, conduct, or mental state of the accused;
  - g) The fact must not be sufficient, in itself, to establish the criminal responsibility of the accused;
  - h) The fact must not have been reformulated by the party making the application in a substantially different or misleading fashion.<sup>6</sup>
7. The Trial Chamber should exercise its discretion in such a way as to ensure that taking judicial notice will “promote judicial economy while ensuring that the trial is fair, public and expeditious”.<sup>7</sup> Factors that may be taken into account in the exercise of this discretion include:
  - a) The stage of the proceedings at the time of the application;

<sup>4</sup> *Prosecutor v. Taylor*, SCSL-03-1-T-765, “Decision on Defence Application for Judicial Notice of Adjudicated Facts from the AFRC Trial Judgement pursuant to Rule 94(B)”, 23 March 2009 (“**Taylor Adjudicated Facts Decision**”), para. 30. See also *Prosecutor v. Karadžić*, IT-95-5/18-PT, “Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts”, 5 June 2009, para. 7.

<sup>5</sup> *Prosecutor v. Popović et al.*, IT-05-88-T, “Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex”, 26 September 2006 (“**Popović Adjudicated Facts Decision**”), para. 4; Taylor Adjudicated Facts Decision, paras 26 and 28.

<sup>6</sup> Taylor Adjudicated Facts Decision, para. 26.

<sup>7</sup> *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1184, “Decision on Sesay Defence Application for Judicial Notice to be taken of Adjudicated Facts under Rule 94(B)”, 23 June 2008, para. 21.

- b) The volume of evidence already led by the parties in respect of the proposed adjudicated facts;
  - c) Whether the proposed facts go to issues central to the present case;
  - d) Whether the proposed facts are too broad, tendentious, conclusory, detailed or repetitive of evidence already heard in the case, or so numerous as to place a disproportionate burden on the opposing party to rebut them.<sup>8</sup>
8. Taking judicial notice under Rule 94(B) creates a rebuttable presumption as to the accuracy of the fact.<sup>9</sup> As the ICTR Appeals Chamber explained, “judicial notice does not shift the ultimate burden of persuasion, which remains with the Prosecution. In the case of judicial notice under Rule 94(B), the effect is only to relieve the Prosecution of its initial burden to produce evidence on the point; the defence may then put the point into question by introducing reliable and credible evidence to the contrary.”<sup>10</sup> It has further been noted that “the Trial Chamber in future relevant deliberations, and particularly those relating to the final judgement, retains the obligation to assess the facts’ weight, ‘taking into consideration the evidence in the present case in its entirety’”.<sup>11</sup>

### III. THE PROPOSED ADJUDICATED FACTS AND THE CRITERIA FOR JUDICIAL NOTICE

#### Appendix A

9. Appendix A is divided into ten tables concerning the following themes:
- Intelligence reporting
  - AFRC and RUF alliance
  - The AFRC/RUF in Kono and Kailahun Districts (1998)
  - Attack against the civilian population
  - Terrorising the civilian population
  - Child soldiers
  - Looting
  - Forced labour

<sup>8</sup> *Taylor* Adjudicated Facts Decision, para. 29.

<sup>9</sup> *Taylor* Adjudicated Facts Decision, para. 27.

<sup>10</sup> *Prosecutor v. Karemera*, ICTR-98-44-AR73(C), “Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice”, 16 June 2006, para. 42. See also *Prosecutor v. Krajišnik*, IT-00-39-PT, “Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses pursuant to Rule 92bis”, 28 February 2003, para. 16.

<sup>11</sup> *Popović* Adjudicated Facts Decision, para. 21, citing *Prosecutor v. Krajišnik*, IT-00-39-T, “Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts”, 24 March 2005, para. 17.

- Sexual slavery
  - Physical violence
10. The tables in Appendix A provide the following information: the number of each proposed adjudicated fact (column 1), the text of each adjudicated fact (column 2), and the relevant paragraph number of the RUF Trial Judgement from which the adjudicated fact is taken (column 3).
  11. The facts set out in Appendix A are distinct, concrete and identifiable. They are relevant to the issues in the current case in that they provide background information as to the RUF/AFRC alliance and military operations in Sierra Leone, and the pattern of criminal conduct in Sierra Leone prior to, and during the period of the Indictment against the Accused Taylor. Despite Defence assertions that the crime base is not disputed, the evidence that has so far been presented in the Defence case challenges, for example, the fact that child soldiers were used within the RUF. Similarly, the regularity of crimes committed by RUF members as well as the use of terror as a tactic has been raised as an issue in the Defence evidence.
  12. None of the facts contains legal conclusions or findings. Similarly, none of the proposed facts is based on facts voluntarily admitted in the RUF case. None of the facts goes to the acts, conduct or mental state of the Accused, nor is any fact sufficient in itself to establish the Accused's guilt.
  13. None of the proposed facts was included in, or affected by, any part of the Judgment of the Appeals Chamber in *Prosecutor v. Sesay, Kallon and Gbao*<sup>12</sup> ("**RUF Appeals Judgement**") and therefore all the proposed facts are finally adjudicated.
  14. With the exception of any language in square brackets, which is inserted to provide clarification as to context, time frames or location, all of the language used in Appendix A consists of direct, unaltered quotations from the RUF Trial Judgement.

#### Appendix B

15. Appendix B contains one table concerning AFRC/RUF relations in the lead up to and during the Freetown Invasion.

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<sup>12</sup> *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1321, "Judgment", Appeals Chamber, 26 October 2009.

16. The table in Appendix B provides the following information: the number of each proposed adjudicated fact (column 1), the text of each adjudicated fact (column 2), and the relevant paragraph number of the RUF Trial Judgement from which the adjudicated fact is taken (column 3).
17. The facts set out in Appendix B are distinct, concrete and identifiable. They are relevant to the issues in the current case in that they relate to the RUF/AFRC alliance and joint military operations in Sierra Leone.
18. None of the facts contains legal conclusions or findings. Similarly, none of the proposed facts is based on facts voluntarily admitted in the RUF case. None of the facts goes to the acts, conduct or mental state of the Accused, nor is any fact sufficient in itself to establish the Accused's guilt.
19. None of the proposed facts was included in, or affected by, any part of the RUF Appeals Judgement and therefore all the proposed facts are finally adjudicated.
20. With the exception of any language in square brackets, which is inserted to provide clarification as to context, time frames or location, all of the language used in Appendix B consists of direct, unaltered quotations from the RUF Trial Judgement.

#### **IV. THE EXERCISE OF THE TRIAL CHAMBER'S DISCRETION**

21. This Trial Chamber has held that Rule 94(B) is not limited in its application to a specific stage of the proceedings.<sup>13</sup> It is therefore submitted that the Prosecution is not precluded from invoking the Rule after it has completed the presentation of evidence in its case. The current motion could not have been brought prior to the delivery of the RUF Appeals Judgement on 26 October 2009. Furthermore, until the conclusion of the testimony of the Accused and the commencement of the testimony of other Defence witnesses, the utility of seeking judicial notice of adjudicated facts could not properly be assessed.

#### Appendix A

22. In view of the close connection between the Taylor case and the RUF case in terms of the crime-base evidence, the specific goal of judicial notice of adjudicated facts, namely to enhance harmonization of judgements, will be met by taking judicial notice of the proposed

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<sup>13</sup> *Taylor* Adjudicated Facts Decision, para. 32.

facts in Appendix A at this stage of the proceedings. While the Prosecution has already brought evidence in relation to the proposed adjudicated facts, taking judicial notice will promote judicial economy and ultimately serve the interests of justice as it will assist in streamlining the pertinent issues for the final judgement.

23. The proposed adjudicated facts are limited in number and presented in as concise a manner as possible while avoiding any reformulation. They are not otherwise tendentious or unduly repetitive of evidence that has already been heard. The Defence case is ongoing and since the Defence will have the opportunity to put the presumed accuracy of any judicially noticed fact into question, the right to a fair trial is safeguarded.

#### Appendix B

24. It has been recognized by this Trial Chamber that “[w]hether a proposed adjudicated fact goes to issues central to the present case is a relevant factor to be considered in determining whether the Trial Chamber should exercise its discretion to judicially notice such fact”.<sup>14</sup> The ICTY Trial Chamber in *Popović* noted that “some of the proposed adjudicated facts go to issues which are at the core of this case. In balancing judicial economy with the Accused’s right to a fair and public trial, the Trial Chamber is of the view that a number of these facts should be excluded in the interests of justice.”<sup>15</sup> Justice Doherty has observed that a central issue is “more than merely relevant but does not extend to the actual acts and conduct of the accused”<sup>16</sup> and that what is central depends on the circumstances of the specific case.
25. The Prosecution’s position is that all facts relating to RUF and AFRC cooperation and involvement in the military activity that culminated in the invasion of Freetown in January 1999 should be determined on the basis of the evidence in the present case. In that regard, the Prosecution adopts the arguments made in its Response to the Defence Application for Judicial Notice of Adjudicated Facts. The evidence upon which the findings in the RUF Trial Judgement were based is not part of the trial record in the present case and it is not possible to weigh these findings against the evidence before this Trial Chamber. The Trial

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<sup>14</sup> *Taylor* Adjudicated Facts Decision, para. 34.

<sup>15</sup> *Popović* Adjudicated Facts Decision, para. 19.

<sup>16</sup> *Taylor* Adjudicated Facts Decision, Separate and partly Dissenting Opinion of Justice Teresa Doherty, para. 4.

Chamber can only weigh conflicting evidence that it has itself been able to hear and evaluate in terms of its credibility and the trustworthiness of its sources.

26. However, should the Trial Chamber disagree with the Prosecution's primary position and determine that it will take judicial notice of facts from the RUF Trial Judgement concerning AFRC/RUF relations in the lead up to and during the Freetown Invasion as set out in the Defence application, it would be appropriate to include the adjudicated facts set out in Appendix B in order to ensure that a balanced picture of the findings of the RUF Trial Judgement is before this Trial Chamber.

#### V. CONCLUSION

27. For these reasons the Prosecution requests that the Trial Chamber take judicial notice of the adjudicated facts set out in Appendix A, and, subject to the qualification in paragraphs 24 to 26 above, of the adjudicated facts set out in Appendix B.

Filed in The Hague,

31 March 2010

For the Prosecution,



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Brenda J. Hollis

The Prosecutor



## LIST OF AUTHORITIES

**Prosecutor v. Taylor**

*Prosecutor v. Taylor*, SCSL-03-1-T-930, “Prosecution Response to Defence Application for Judicial Notice of Adjudicated facts from the RUF Trial Judgement pursuant to Rule 94(B)”, 26 March 2010.

*Prosecutor v. Taylor*, SCSL-03-01-T-928, “Defence Application for Judicial Notice of Adjudicated Facts from the RUF Trial Judgement pursuant to Rule 94(B)”, 16 March 2010.

*Prosecutor v. Taylor*, SCSL-03-1-T-765, “Decision on Defence Application for Judicial Notice of Adjudicated Facts from the AFRC Trial Judgement pursuant to Rule 94(B)”, 23 March 2009.

**Prosecutor v. Sesay, Kallon, Gbao**

*Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1234, “Judgement”, 2 March 2009.

*Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1184, “Decision on Sesay Defence Application for Judicial Notice to be taken of Adjudicated Facts under Rule 94(B)”, 23 June 2008.

*Prosecutor v. Sesay, Kallon, Gbao*, SCSL-04-15-T-1321, “Judgment”, Appeals Chamber, 26 October 2009.

**ICTY**

*Prosecutor v. Karadžić*, IT-95-5/18-PT, “Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts”, 5 June 2009.

<http://www.icty.org/x/cases/karadzic/tdec/en/090605b.pdf>

*Prosecutor v. Popović et al.*, IT-05-88-T, “Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex”, 26 September 2006.

<http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Decision/NotIndexable/IT-05-88/MRA12219R0000170873.TIF>

*Prosecutor v. Krajišnik*, IT-00-39-PT, “Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses pursuant to Rule 92bis”, 28 February 2003.

<http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Decision/NotIndexable/IT-00-39/MRA787R0000188170.tif>

*Prosecutor v. Krajišnik*, IT-00-39-T, “Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts”, 24 March 2005.

<http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Decision/NotIndexable/IT-00-39/MRA9525R0000116462.TIF>

ICTR

*Prosecutor v. Karemera*, ICTR-98-44-AR73(C), “Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice”, 16 June 2006.

<http://69.94.11.53/ENGLISH/cases/Karemera/decisions/160606.htm>

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**APPENDIX A**

<b>Section 1: Intelligence reporting</b>		
1.1	The Intelligence Office (IO), along with the Black Guards, was responsible for reporting intelligence from the front lines regarding RUF fighters who had broken RUF rules. IO agents also sent situation reports about the progress of military activity, including the capture of territory, civilians, arms and ammunition and the numbers of casualties during battle.	688
1.2	Agents reported to the Overall IO Commander, who would forward their reports to the High Command. The agents would also copy their reports to the Battalion Commander or Area Commander.	689

<b>Section 2: AFRC and RUF alliance</b>		
2.1	Sankoh [...] stated that he would issue subsequent orders to Commanders through Koroma. Sankoh also contacted Colonel Jungle, Charles Taylor's Liberian bodyguard and instructed him to send a radio message to Bockarie in Buedu ordering the RUF to work with Koroma's government.	748
2.2	The Chairman of the AFRC Supreme Council was Johnny Paul Koroma and the Deputy Chairman was Sankoh. In Sankoh's absence, former SLA SAJ Musa was the Deputy Chairman. Under the authority of the Chairman and Deputy Chairman were three Political Liaison Officers, Zagalo (PLO 1), Gullit (PLO 2) and Bazy (PLO 3), all former SLA soldiers. The former SLA members of the Supreme Council were generally known as "Honourables." The RUF members included Bockarie, Sesay, Kallon, Gibril Massaquoi, Mike Lamin, Eldred Collins, Isaac Mongor and Superman, these last three being Liberian nationals.	755

<b>Section 3: The AFRC/RUF in Kono and Kailahun Districts (1998)</b>		
3.1	In the second half of February 1998, a group of AFRC and RUF fighters launched the attack on Kono District.	794
3.2	Although Sesay as BGC was second-in-command to Bockarie, Superman commanded the AFRC/RUF troops in the attack on Koidu Town as Sesay had not yet recovered from the injuries he sustained in Bo District. Bazy was second-in-command to Superman while AFRC Commander Staff Alhaji led an attack on nearby Penduma. The other senior RUF Commanders present included Kallon, Mike Lamin and RUF Rambo. The fighters were followed by a convoy that included Koroma and Sesay.	795
3.3	The attack on Kono was successful and the AFRC/RUF troops captured Koidu on or about 1 March 1998.	796
3.4	In early April 1998, the RUF and AFRC were forced to retreat from Koidu under heavy attack from ECOMOG forces. [...] Although Koidu Town was ceded to ECOMOG, the AFRC/RUF troops managed to maintain control over much of Kono District.	813- 814

<b>Section 4: Attack against the civilian population</b>		
4.1	[T]he AFRC/RUF waged an attack encompassing horrific violence and mistreatment against the civilian population of Sierra Leone, which evolved through three distinct stages [...].	944
4.2	The first stage dates from November 1996 until the formation of the AFRC/RUF Junta “government” in May 1997. The mistreatment of civilians was particularly frequent and endemic in Kailahun District, where the RUF forced them to labour on communal farms, mine diamonds and undergo military training and subjected women and young girls to rapes and ‘forced marriages’.	945
4.3	The second stage, which comprised the period from May 1997 until the ECOMOG Intervention of February 1998, was characterised by the joint AFRC/RUF campaign to strengthen their “government” through brutal suppression of perceived opposition by killing and beating civilians, not only in the capital but throughout Districts including Bo, Kenema and Kailahun. The AFRC/RUF also increased “government” revenues and the personal wealth of individual Commanders through forced mining in Kenema and Kono Districts.	946

<b>Section 5: Terrorising the civilian population</b>		
5.1	[The terms Operation No Living Thing or Operation Spare No Soul] were employed by Commanders to embolden their fighters prior to combat. [...] [T]hese terms did not refer exclusively to a particular military campaign but rather described a set of brutal and merciless tactics which AFRC/RUF fighters were encouraged to adopt in combat. [...] [T]he terms acquired notoriety among the civilian population and took on a pejorative connotation. The [...] fighters used such terms deliberately to terrorise civilians.	865-866
5.2	[P]olicies [of targeting of civilians and destruction of property] instilled in the rebel fighters a sense of revenge against the civilian population, ECOMOG forces and the Kabbah Government that led directly to widespread violence, chaos and terror during the attack on Freetown.	1597
5.3	TF1-093 [was a former RUF fighter who, while in Cline Town during the Freetown Invasion, was given command of a group of over 50 men, women and children armed with knives.] [She] and the fighters under her command burned houses and killed and raped civilians in the Uppun and Fourah Bay Road areas and around the Eastern Police Station. They killed more than 20 people, not including those that were caught inside burning houses.	1528-1529
5.4	TF1-097 was forced to flee to Kissy after his house in Tumbo was burned by Captain Blood in December 1998.	1555

<b>Section 6: Child soldiers</b>		
6.1	It was common practice for the RUF, upon capturing a village, to conscript its civilians, including children, into the ranks of the fighting forces.	654
6.2	The military training of children by the RUF dates from its inception as an armed movement. Between 1991 and 1992, children between the ages of eight and 15 were trained at Camp Naama in Liberia and Matru	1615

	Jong and Pendembu in Sierra Leone. Prior to 1996, the RUF also trained children in military techniques at their Headquarters at Camp Zogoda. Kallon was seen there with child fighters in 1994.	
6.3	Children were of great importance to the RUF organisation. As the RUF had no formal means of recruitment, it relied heavily on abducted children to increase the number of fighters within the RUF.	1616
6.4	Throughout the armed conflict in Sierra Leone, the RUF and AFRC/RUF forces engaged in abduction campaigns in which thousands of children of varying ages were forcibly separated from their families.	1617
6.5	Following their abduction, children were screened to ascertain their suitability for combat operations.	1618
6.6	Children who were deemed unfit for combat were obliged to undertake tasks of logistical importance to the AFRC/RUF forces, such as cooking, conducting food foraging missions and carrying loads including weapons, looted property and food.	1618
6.7	Those children that were identified as capable of fighting were sent for military training.	1619
6.8	On completion of their military training, the young boys were assigned into units known as Small Boys Units (“SBUs”).	1621
6.9	Abducted female children, including girls of less than 15 years of age were forced into sexual partnerships with fighters. Those who resisted were liable to physical or sexual abuse or execution. Small Girls Units (“SGUs”), similar to the SBUs, also existed and their members underwent training. On completion of their training, these young girls typically remained with the Commanders or their wives, undertaking cleaning, laundry and kitchen duties.	1622
6.10	The RUF habitually gave alcohol or drugs such as marijuana, amphetamines, and cocaine to child fighters before and during combat operations.	1623

#### Section 7: Looting

7.1	As many fighters among the AFRC and RUF rank-and-file had personal radios, word of [Operation Pay Yourself] spread rapidly. Bockarie reiterated Koroma’s order for Operation Pay Yourself prior to fleeing Kenema Town and his troops began looting cars, bicycles, food and money from the civilian population. [...] [F]rom this point onwards, looting was a systemic feature of AFRC and RUF operations.	784
7.2	The arrival of the AFRC/RUF forces in Makeni was marked by mass looting and chaos as the fighters aggressively conducted Operation Pay Yourself as ordered. Even with the presence of many Senior Commanders, no fighters were punished for their transgressions against civilians.	788
7.3	Upon their arrival in Koidu, the AFRC/RUF forces occupied the entire township and started searching for money, ammunition and vehicles. They looted property and burned down houses. [...] The RUF officially approved looting, as they used the looted “government properties” to finance the war, including the purchase of ammunition.	1140

<b>Section 8: Forced labour</b>		
8.1	[H]undreds of civilians were detained in RUF camps throughout Kono District between February and December 1998. The [...] RUF had a planned and organised system in which civilians were intentionally forced to engage in various forms of forced labour throughout the District. Civilians were confined in ‘camps’ and used to mobilise arms, ammunition, food or any other loads according to the necessities and orders of the RUF, both within Kono District and between Kono and Kailahun Districts. The civilians were also forced into domestic labour or any work that was required by the rebels at their behest. Any produce from that labour would, in turn, become the property of the RUF and for their exclusive use.	1324
8.2	Kailahun was [...] a major farming area, considered the “bread basket” of Sierra Leone, making it an important source of food for the RUF troops during the conflict.	1381
8.3	Following the May 1997 coup, civilians were captured at Nimikoro, Sewafe, Guinea, Kombayende and sent to Kailahun District to mine diamonds and cultivate farms.	1415
8.4	The RUF established “government” farms which were organised to support the fighters and civilians. The Army Agricultural Unit, which operated under the auspices of the G5, was responsible for organising civilians to farm for the RUF and managing their contributions. The G5 gave orders relating to civilians farming for the RUF administered farms and for the individual farms run by RUF Commanders. Approximately, 100 to 500 people from all over Kailahun District were forced to work in various RUF-controlled farms.	1417
8.5	The working conditions at the “government” farms for the civilians were difficult. Many of the civilians walked many miles from their homes to work on the farm, and walked back home in the evening. Their work consisted of brushing roads, weeding, cutting trees, cultivating crops and carrying the crops to trading posts or to the G5 Commanders for re-distribution. Although civilians had carried out these tasks prior to the conflict, under the RUF they were forced to take part in organised work expeditions in which they were ordered when, where and how to brush a particular road or town. During times of war, civilians were not allowed to have personal crops and civilian work was used exclusively for the war effort, and they worked without receiving any pay or food supply. Their exploitation led in some cases to injuries, starvation and death.	1418
8.6	From 1996 to 2001, farming occurred at RUF farms located in Giema, Talia, Sembehun, Bandajuma and Sandialu. In 1996 and 1998, there were two big “government” farms in Giema which were organised and managed by the RUF. Approximately 300 civilians were forced to work on these farms. The civilians could not refuse to farm because armed	1422

	men were observing and supervising them while they were working.	
8.7	There was an RUF “government” farm located between Benduma and Buedu that operated after the end of the Junta period in February 1998. Civilians, including older men and women, were captured and forced to work on this farm. The civilians stayed in Benduma and between 5am and 6am they walked to the farm where they weeded, “brushed” and engaged in any other farm-related work that needed to be done. The civilians were guarded by armed fighters who ordered them to work. The fighters checked the rice on the farm and if any was missing the civilians were beaten. Rebels stayed at the farms for security reasons and to ensure that the work was done properly.	1423
8.8	Another such farm existed at Pendembu from December 1999 to 2001 and operated under the supervision of the Pendembu G5. Civilians were captured and brought from various areas in Kailahun District in order to work on the farm. Civilians who had been abducted from surrounding towns worked on this farm near Giehun. In the mornings, civilians were rounded up by the G5 Commander and they ordinarily were allowed to return home at the end of the day. However, in some cases the civilians spent whole days in the farm, at times up to a week, without being provided with food and accommodation. The food from these farms was designated exclusively for RUF Commanders.	1424

#### Section 9: Sexual slavery

9.1	[In] Koidu and Wenedu [...] a consistent pattern of conduct existed towards women who were forced into conjugal relationships. These “wives” were “married” against their will, forced to engage in sexual intercourse and perform domestic chores, and were unable to leave their “husbands” for fear of violent retribution. [...] [T]he “husbands” were aware of the power exercised over their “wives” and therefore were aware that their “wives” did not genuinely consent to the “marriage” or perform conjugal “duties” including sexual intercourse and domestic labour of their own free volition.	1293
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#### Section 10: Physical violence

10.1	TF1-015 was a civilian captured by rebels near Koidu in March 1998 and taken to the Wenedu camp by Major Rocky, an RUF Commander. On one occasion during the period from February to June 1998, Captain Banya shoved a board into TF1-015’s mouth and knocked out some of his teeth. He also hammered on the board with the butt of his gun while the board was in TF1-015’s mouth. As a result, TF1-015 still feels pain and is unable to chew food.	1177
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## APPENDIX B

<b>AFRC/RUF relations in the lead up to and during the Freetown Invasion</b>		
1.1	The AFRC, RUF and STF fighters in Koinadugu established a joint training base and coordinated operations such as the attack on Kabala staged by SAJ Musa and Superman.	852
1.2	Bockarie proposed to attack on two fronts: one group of fighters would recapture Kono, Makeni and Masiaka while a second group would capture Segbwema, Kenema and Bo. The two groups would then unite to attack Freetown.	862
1.3	Bockarie supplied Sesay with a massive quantity of ammunition and ordered him to lead the attack [on Koidu Town], appointing Kallon as his deputy. Bockarie also promoted Kallon from Major to Colonel and assigned him as BFI. Pursuant to these assignments, Bockarie sent orders to Sesay and Kallon took orders from Sesay.	864
1.4	The attack [on Koidu Town] was carried out successfully on 16 December 1998 and by the following day, Koidu Town was completely under RUF control.	868
1.5	On 24 December 1998, Superman and his fighters joined with Sesay in a combined attack on Makeni, commanded by Sesay. The attack was successful and the RUF fighters assumed control of the town.	869-870
1.6	[After the death of SAJ Musa] Gullit assumed overall command of the AFRC forces.	875
1.7	Gullit contacted Bockarie from State House [after the invasion of Freetown on 6 January 1999] and informed him that his troops were in control of Freetown. In the afternoon of 6 January 1999, Bockarie made an announcement on Radio France International that Gullit's troops had captured Freetown and would continue to defend it. While the AFRC were at State House, Bockarie also announced over BBC Radio that he was reinforcing the troops in Freetown and that he had ordered that strategic positions, including Government buildings, be burned.	881
1.8	On the afternoon of 7 January 1999, Gullit sent a radio message to Bockarie to inform him that the AFRC were pulling back to State House and were unable to advance further. Bockarie advised Gullit that if ECOMOG forced them to retreat further, the troops should burn the central part of Freetown, including all key buildings, to the ground. Gullit ordered that petrol be distributed to the Commanders at State House and troops were dispatched to burn buildings.	883
1.9	The AFRC based themselves at the Shankaras building at Ferry Junction for approximately one week after leaving State House. Gullit radioed Bockarie from there and informed him that the AFRC were retreating from Freetown. When Gullit told him that Kabbah had publicly requested a ceasefire over BBC radio, Bockarie told Gullit that he should not accept the request. The AFRC forces subsequently lost control of Ferry Junction to ECOMOG.	886
1.10	Over the next two days, the AFRC retreated to Kissy Mental Home. In a further radio communication, Bockarie told Gullit that all high profile politicians including former President Momoh, Victor Foh and Steve	887



	Bioh should be handed into Sesay's custody at Waterloo. [Gullit complied with this order].	
1.11	After two days at Kissy Mental Home, the AFRC retreated through Calaba Town to Orugu Village near Allen Town, where Gullit contacted Bockarie and informed him that the AFRC had lost control of Freetown, that as yet no reinforcements had arrived from the RUF and that they were trying to retreat to Waterloo. Bockarie told Gullit to retreat as quickly as possible to avoid further casualties and join the RUF at Waterloo. Approximately four days later, the AFRC troops arrived in Benguema where they established a base. Gullit and other senior Commanders travelled from Benguema to Waterloo to meet the RUF. The AFRC and RUF met in Waterloo about three weeks after the AFRC had first entered Freetown.	888
1.12	[T]he capture of Freetown in order to ensure political and <i>de facto</i> control over Sierra Leone was a stated goal for both the AFRC and the RUF.	1510