



SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

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

Registrar: Binta Mansaray

Case No.: SCSL-03-1-T

Date: 26 April 2011

PROSECUTOR

v.

Charles Ghankay TAYLOR

JUDGEMENT SUMMARY

Office of the Prosecutor:

Brenda J. Hollis
Nicholas Koumjian
Mohamed Bangura
Kathryn Howarth
Leigh Lawrie
Ruth Mary Hackler
Ula Nathai-Lutchman
Nathan Quick
Maja Dimitrova
James Pace

Defence Counsel for Charles G. Taylor:

Courtenay Griffiths, Q.C.
Terry Munyard
Morris Anyah
Silas Chekera
James Supuwood
Logan Hambrick

SUMMARY JUDGEMENT

PROSECUTOR V. CHARLES GHANKAY TAYLOR

1. Trial Chamber II, composed of Justice Richard Lussick, presiding, Justice Teresa Doherty, Justice Julia Sebutinde, with alternate judge Justice El Hadji Malick Sow, today delivers its Judgement in the case of the Prosecutor v. Charles Ghankay Taylor. For the purposes of this hearing, the Chamber will briefly summarise its findings. This is a summary only. The written Judgement, which is the only authoritative version, will be made available subsequently.

Introduction

2. Charles Ghankay Taylor was elected President of Liberia and took office on 2 August 1997. On 4 June 2003, his Indictment by the Special Court and Warrant of Arrest were unsealed, and on 11 August 2003 he stepped down from the Presidency and went into exile in Nigeria. In 2003, the Accused applied to the Special Court to quash his Indictment and set aside the warrant for his arrest on the grounds that he was immune from any exercise of the jurisdiction of this Court by virtue of the fact that at the time the Indictment and Warrant of Arrest were issued he was a sitting Head of State. This application was denied by the Trial Chamber, and its decision was upheld by the Appeals Chamber on 31 May 2004, on the ground that the sovereign equality of states does not prevent a Head of State from being prosecuted before an international criminal tribunal or court. Accordingly, the Appeals Chamber held that the official position of Charles Taylor as an incumbent Head of State at the time when these criminal proceedings were initiated against him was not a bar to his prosecution by this Court. On 29 March 2006, the Accused was arrested in Nigeria by Nigerian authorities, following a request by Liberian President Johnson-Sirleaf that he be surrendered to the Special Court pursuant to the Warrant of Arrest. Shortly thereafter he was transferred into the custody of the Special Court in Freetown, Sierra Leone, and was formally arraigned on 3 April 2006, when he pleaded not guilty to all counts in the Indictment. Because of security concerns, the Accused was transferred to The Hague on 20 June 2006.

3. The armed conflict in Sierra Leone started in March 1991 when armed fighters known as the Revolutionary United Front (RUF), led by Foday Sankoh, attacked Sierra Leone from Liberia. The RUF continued their insurgency against the Government despite the Abidjan Peace Accord in November 1996. In a coup on 25 May 1997, members of the Sierra Leone Army overthrew the democratically elected Government of Ahmad Tejan Kabbah and invited the RUF to join its Junta Government, called the Armed Forces Revolutionary Council (AFRC).

4. As leader of the NPFL (National Patriotic Front of Liberia) and later as President of Liberia, the Accused is alleged to have acted in concert with members of the RUF (Revolutionary United Front), AFRC (Armed Forces Revolutionary Council), AFRC/RUF Junta or alliance and/or Liberian fighters, including members and ex-members of the NPFL (Liberian fighters). Specifically, in that capacity, the Accused is alleged to have assisted, encouraged, directed and/or controlled the above mentioned warring factions in conducting armed attacks in the territory of Sierra Leone from 30 November 1996 to 18 January 2002 (the Indictment period). The attacks included terrorizing the civilian population including burning of civilian homes, murder, sexual violence, physical violence, illegal recruitment of child soldiers, abduction and forced labour, and looting.

Procedural Background

5. The Prosecution case commenced on 4 June 2007 and closed on 27 February 2009. During the Defence case, the Prosecution was granted leave to re-open its case to call three additional witnesses who testified on 5, 9 and 10 August 2010. In sum, 94 witnesses testified for the Prosecution, including three expert witnesses. A total of 782 Prosecution exhibits were admitted into evidence including five expert reports.

6. The Defence opened its case on 13 July 2009 and closed on 12 November 2010, having called 21 witnesses, including the Accused, who testified for seven months, from 14 July 2009 until 18 February 2010. A total of 740 Defence exhibits were admitted into evidence.

7. Prosecution closing arguments were heard on 8 and 9 February 2011. Defence closing arguments were heard on 9 and 10 March 2011. Oral responses by both parties were heard on 11 March 2011.

8. After 420 trial days over the course of three years and ten months, the case was formally closed on 11 March 2011. A total of 115 witnesses testified, 1,522 exhibits were admitted into evidence, 49,622 pages of trial records were transcribed and 281 written interlocutory decisions were issued by the Trial Chamber.

Summary of the Charges

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

10. The Indictment charges that the Accused is individually criminally responsible, under Article 6(1) and 6(3) of the Statute, for the crimes referred to above.

11. The Accused pleaded not guilty to each of the counts charged in the Indictment.

Summary of the Defence Case

12. The Defence accepts that crimes against humanity and war crimes were committed during the Indictment period in the course of the armed conflict in Sierra

Leone, but denies that the Accused is responsible. The Defence submits that the burden of proof is upon the Prosecution to prove beyond reasonable doubt (i) that the crimes were actually committed; (ii) that the crimes fulfil all the legal elements of Articles 2, 3 and 4 of the Statute; and (iii) that there is a nexus between the alleged crimes and the Accused.

13. As part of its case, the Defence maintained that the Accused, through his diplomatic efforts, played a substantial role in fostering peace and security in Sierra Leone, that his contribution to the peace process was significant, and that his prosecution has from the outset been “selective and vindictive in nature...on the basis of political motives and interests.” The Defence also challenged the credibility of the Prosecution evidence. The Trial Chamber has considered a number of preliminary issues in its written Judgement, including the issue of selective prosecution and a number of fair trial issues raised by the Defence. With regard to the issue of selective prosecution, the Trial Chamber finds that the Accused was not singled out for selective prosecution.

Summary of Findings on Crimes Committed

14. The Trial Chamber finds that the Chapeau Requirements in respect of the crimes against humanity, violations of article 3 common to the Geneva Conventions and of Additional Protocol II and other serious violations of international humanitarian law charged in the Indictment, have been proved by the Prosecution beyond reasonable doubt.

15. The Trial Chamber has examined the evidence presented in relation to the crimes that members of the RUF, AFRC, the AFRC/RUF Junta or alliance, and/or Liberian fighters allegedly committed in Sierra Leone between 30 November 1996 and about 18 January 2002. The Trial Chamber finds that the crimes charged in Counts 1 to 11 were committed. The findings on each of these crimes will be summarized in turn.

**MURDER, a Crime Against Humanity, punishable under Article 2.a. of the Statute.
(Count 2) and/or**

VIOLENCE to Life, Health and Physical or Mental Well-Being of Persons, in particular MURDER, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II , punishable under Article 3.a. of the Statute (Count 3)

16. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, murdered civilians in various locations in the following districts of Sierra Leone:

17. In Kenema District between about 25 May 1997 and about 31 March 1998.

18. In Kono District between about 1 February 1998 and about 31 January 2000.

19. In Freetown and the Western Area between about 21 December 1998 and 28 February 1999.

20. In Kailahun District between about 1 February 1998 and about 30 June 1998.

**RAPE, a Crime Against Humanity, punishable under Article 2.g. of the Statute
(Count 4)**

21. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters committed widespread acts of rape against women and girls in various locations in the following districts of Sierra Leone:

22. In Kono District between about 1 February and about 31 December 1998.

23. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999.

24. In Kailahun District in 1998 and 1999 women and girls were raped in various locations which were not charged in the Indictment. The Trial Chamber makes no finding of guilt for these crimes for reasons fully set out in the written judgement.

SEXUAL SLAVERY, a Crime Against Humanity, punishable under Article 2.g. of the Statute (Count 5)

25. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between about 30 November 1996 and about 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters committed widespread acts of sexual slavery against civilian women and girls in Sierra Leone in various locations in the following districts of Sierra Leone:

26. In Kono District between about 1 February 1998 and about 31 December 1998.

27. In Kailahun District in 1998 and 1999.

28. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999.

OUTRAGES UPON PERSONAL DIGNITY, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.e. of the Statute (Count 6).

29. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters committed widespread acts of outrages upon the personal dignity of civilian women and girls by acts such as forcing them to undress in public and by raping them and committing other acts of sexual abuse sometimes in full view of the public, and in full view of family members, in various locations in the following districts of Sierra Leone:

30. In Kono District between about 1 February 1998 and about 31 December 1998;

31. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999;

32. In Kailahun District in 1998 and 1999 outrages upon personal dignity were committed against women and girls in various locations not charged in the Indictment. The Trial Chamber makes no finding of guilt for these crimes for reasons fully set out in the written judgement.

VIOLENCE to life, health and physical or mental well-being of persons, in particular CRUEL TREATMENT, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.a. of the Statute (Count 7); and/or

OTHER INHUMANE ACTS, a Crime Against Humanity, punishable under Article 2.i. of the Statute (Count 8)

33. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters committed widespread acts of physical violence against civilians in various locations in the following districts of Sierra Leone:

34. In Kono District between about 1 February 1998 and about 31 December 1998, civilians were forced to endure cruel treatment including having words carved into their bodies, and amputations of limbs.

35. In Kailahun District, crimes of physical violence were committed not charged in the Indictment. The Trial Chamber makes no findings of guilt for these crimes for reasons fully set out in the written judgement.

36. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999 civilians were subjected to cruel treatment, including the amputations of limbs.

CONSCRIPTING OR ENLISTING CHILD SOLDIERS INTO THE ARMED FORCES OR USING THEM IN HOSTILITIES, *and Other Serious Violations of International Humanitarian Law, punishable under Article 4.c. of the Statute (Count 9)*

37. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between about 30 November 1996 and about 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters conscripted and enlisted children under the age of 15 into their armed groups and used them to participate actively in the hostilities in the following districts of Sierra Leone:

38. In Tonkolili District, children under the age of 15 were abducted and conscripted into the RUF at Kangari Hills from early 1996 until May 1997. Between 500 and 1000 children had “RUF” carved into their forehead or back to prevent escape.

39. In Kailahun District, children under the age of 15 were conscripted into the RUF throughout 1998 and 1999, and underwent military training at Bunumbu training base, also known as “Camp Lion”, and at Buedu Field.

40. In Kono District during the Indictment period, children under the age of 15 were conscripted into the RUF and AFRC at various locations and were used to participate actively in hostilities and to amputate limbs, guard diamond mines, go on food-finding missions, as bodyguards, to man checkpoints and in armed combat.

41. In Bombali District, children under the age of 15 were conscripted into the RUF and AFRC between 1998 and 2000, underwent military training at various locations and participated actively in hostilities.

42. In Port Loko District between January 1999 and April/May 1999, a child under the age of 15 was abducted, conscripted into the AFRC and used for active participation in hostilities in Masiaka.

43. In Kenema District during the Junta period, children under the age of 15 were used as armed guards for mining sites.

44. In Koinadugu District between March and May 1998, children under the age of 15 were used to participate actively in hostilities and at least one child under the age of 15 was used to fight against the Kamajors.

45. In Freetown and the Western Area, children under the age of 15 were used to participate actively in hostilities in Benguema from the end of January until March 1999 and during the Freetown attack in January 1999.

ENSLAVEMENT, a Crime Against Humanity, punishable under Article 2.c. of the Statute (Count 10)

46. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between 30 November 1996 and about 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters intentionally exercised powers of ownership over civilians by depriving them of their freedom and forcing them to work, thus committing the crime of enslavement in various locations in the following districts of Sierra Leone:

47. In Kenema District between about 1 July 1997 and about 28 February 1998, civilians were abducted and forced to mine for diamonds.

48. In Kono District throughout 1998 and 1999, civilians were abducted and used as forced labour to carry loads, perform domestic chores, go on food-finding missions, undergo military training, and work in diamond mines.

49. In Kailahun District between 30 November 1996 and July 2000 civilians were abducted and used as forced labour to carry loads, collect arms and ammunition, construct the Buedu airstrip, undergo military training, farm, fish, perform domestic chores and go on food-finding missions.

50. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999, civilians were abducted and used as forced labour to carry loads, perform domestic chores and destroy a bridge.

PILLAGE, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.f. of the Statute (Count 11)

51. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters, engaged in widespread and unlawful taking of civilian property in various locations in the following districts of Sierra Leone:

52. In Kono District, between about 1 February 1998 and about 31 December 1998, civilian goods were looted, money and diamonds were looted from a bank and, as part of ‘Operation Pay Yourself’, civilian homes and shops were looted.

53. In Bombali District, numerous instances of looting of civilian property occurred between 1 February 1998 and 30 April 1998. Money from a bank was also looted.

54. In Port Loko District between 1 February 1998 and 30 April 1998 there were numerous instances of looting of civilian property as part of Operation Pay Yourself.

55. In Freetown and the Western Area between about 21 December 1998 and about 28 February 1999, widespread looting of civilian property from residences and businesses occurred.

ACTS OF TERRORISM, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.d. of the Statute (Count 1)

56. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters committed acts of terrorism by committing the crimes described in counts 2 to 8 as part of a campaign to terrorize the civilian population of Sierra Leone.

57. There was evidence in the crimes described in counts 2 to 8 of public executions and amputations; people were beheaded and their heads displayed at checkpoints; during

“Operation No Living Thing,” during the Junta Period in Kenema Town, a civilian was killed in full public view and then his body was disembowelled and his intestines stretched across the road to make a “checkpoint”; women and girls were raped in public; people were burned alive in their homes. The Trial Chamber finds beyond reasonable doubt that the purpose of these atrocities charged in counts 2 to 8 was to instil terror in the civilian population.

58. However, some acts of violence, even when committed in a campaign whose primary purpose was to terrorise the civilian population, may not have been committed in furtherance of such a campaign. The Trial Chamber finds that this is the case with the acts of violence underlying the crimes of Child Soldiers (Count 9), Enslavement (Count 10), and Pillage (Count 11). The Trial Chamber therefore finds that the crime of acts of terrorism has not been established for these counts.

59. The Trial Chamber also finds that the Prosecution has proved beyond reasonable doubt that acts of terrorism were committed by the widespread burning of civilian property with the primary purpose of terrorizing the civilian population in various locations in Kono District between about 1 February 1998 and about 31 December 1998, and in various locations in Freetown and Western Area between about 21 December 1998 and February 1999.

Summary of Findings on the Role of the Accused

60. The Trial Chamber will now summarize its factual findings on the role of the Accused.

The Role of the Accused before 1996.

61. The Trial Chamber has considered evidence prior to the Indictment period only for the purposes of clarifying the context, or establishing by inference the elements of criminal conduct that occurred during the material period, or demonstrating a consistent pattern of conduct.

62. Evidence before the Trial Chamber establishes the following. At the end of the 1980s, a number of West African revolutionaries were trained in Libya, including Charles Taylor from Liberia, Ali Kabbah and Foday Sankoh from Sierra Leone and Kukoi Samba Sanyang (a.k.a. Dr. Manneh) from the Gambia. The Accused met Sankoh in Libya, although the exact circumstances of their meeting are not known. Contrary to the Prosecution's submissions, the evidence did not establish that prior to 1996, Taylor, Sankoh and Dr. Manneh participated in any common plan involving the crimes alleged in the Indictment, nor in fact, that the three men even met together. Furthermore, the evidence was that during the pre-indictment period Sankoh operated independently of the Accused, and that while he relied at times on Taylor's guidance and support, Sankoh did not take orders from the Accused.

63. During the pre-Indictment period the Accused provided the RUF with a training camp in Liberia, instructors, recruits and material support, including food and other supplies. However, again contrary to the Prosecution's submissions, the evidence did not establish that the RUF were under the superior authority of the Accused or the NPFL chain of command, or that they were instructed in NPFL terror tactics.

64. The Accused supported the invasion of Sierra Leone in March 1991. NPFL troops actively participated in the invasion, but the Prosecution failed to prove that the Accused participated in the planning of the invasion. The Prosecution also failed to prove that the support of the Accused for the invasion of Sierra Leone was undertaken pursuant to a common purpose to terrorize the civilian population of Sierra Leone. Rather, the evidence shows that the Accused and Sankoh had a common interest in fighting common enemies, namely ULIMO, a Liberian insurgency group in Sierra Leone, and the Sierra Leonean Government forces, which supported ULIMO.

65. The Accused withdrew his NPFL troops from Sierra Leone after the fallout between NPFL and RUF troops in 1992, culminating in Operations Top 20, Top 40, and Top Final. While the Defence maintains that the Accused had no further contact or cooperation with Sankoh, the leader of the RUF, after 1992 following Top Final, the Trial Chamber finds otherwise. Although the Liberia-Sierra Leone border was 'closed' by

ULIMO and the Sierra Leone government forces, it remained porous, enabling the flow of arms, ammunition and other supplies from Liberia into Sierra Leone during the remainder of the pre-Indictment period. For example, there was evidence that the Accused provided arms and ammunition to Sankoh for an attack on Kono in November 1992, and he advised Sankoh prior to and following the attack on Sierra Rutile. The Accused also asked Sankoh to send troops in 1993 to help him fight ULIMO.

The Role of the Accused during the Indictment Period

Military Operations

66. In February 1998, ECOMOG forces intervened in Sierra Leone and expelled the RUF/AFRC Junta from Freetown, reinstating Tejan Kabbah's SLPP Government to power in March 1998. Although ECOMOG initially forced RUF and AFRC forces to withdraw from Kono, under the orders of AFRC leader Johnny Paul Koroma, these forces managed to recapture Koidu Town in late February-early March 1998. A few weeks later, ECOMOG forces regained control of Koidu Town. In mid-June 1998, forces under the ultimate direction of Sam Bockarie, who had by then assumed leadership of the renegade RUF/AFRC Junta forces, made another attempt to re-take Koidu Town, code-named Operation Fitti-Fatta. The Fitti-Fatta attack was unsuccessful, and in late November-early December 1998, after a trip by Bockarie to Liberia where he met with the Accused, a meeting was held at Waterworks in which Bockarie ordered RUF/AFRC troops under his command to carry out a two pronged attack on Kono and Kenema, with Freetown as the ultimate target. The attacks on Kenema and Kono were launched in mid-December 1998. While the former was unsuccessful, the latter attack succeeded, and the RUF/AFRC troops continued towards Freetown. On 6 January 1999, a group of predominantly AFRC troops led by Alex Tamba Brima (a.k.a. Gullit) launched an assault on Freetown.

67. The Trial Chamber will now summarize its findings on the assistance provided by the Accused in these military operations.

68. From the time of the ECOMOG Intervention, the Accused and his subordinates communicated to the AFRC/RUF forces the imperative to maintain control over Kono, a

diamondiferous area. When the AFRC/RUF forces were pulling out of Kono during the Intervention, the radio station of Benjamin Yeaten, Director of the Accused's Special Security Service, intercepted a radio transmission between AFRC/RUF radio stations about the withdrawal and intervened to ask why the forces were withdrawing. Then, in several satellite phone conversations with Johnny Paul Koroma, who was trying to make arrangements to get to Liberia by helicopter, the Accused told Koroma to capture Kono. After a first failed attempt, the Accused gave instructions for a second attack, which led to the ultimate recapture of Koidu Town in Kono District in late February-early March 1998. Once Kono had been recaptured, the Accused told Bockarie to be sure to maintain control of Kono for the purpose of trading diamonds with him for arms and ammunition.

69. The Accused advised Bockarie to recapture Kono following its loss to ECOMOG, again so that the diamonds there could be used to purchase arms and ammunition. Such advice was transmitted to RUF commanders both through Bockarie and Liberian emissaries Daniel Tamba (a.k.a Jungle) and/or Ibrahim Bah and resulted in the Fitti-Fatta attack in mid-June 1998.

70. In addition to urging the RUF and AFRC to capture and hold Kono, the Accused supplied arms and ammunition for the operations in the Kono District in early 1998 and for Operation Fitti-Fatta.

71. In November/December 1998, when Bockarie met with the Accused in Monrovia, the Accused jointly designed with Bockarie the two-pronged attack on Kono, Kenema and Freetown outlined by Bockarie to his commanders in a meeting at Waterworks on his return to Sierra Leone. Although the idea to advance towards Freetown was already in discussion when Bockarie went to Monrovia, the Accused emphasised to Bockarie the need to first attack Kono District and told Bockarie to make the operation "fearful" in order to pressure the Government of Sierra Leone into negotiations on the release of Foday Sankoh from prison, as well as to use "all means" to get to Freetown. Subsequently, Bockarie named the operation "Operation No Living Thing," implying that anything that stood in their way should be eliminated.

72. At this time there were two plans to attack Freetown, one made by Bockarie with the Accused, and one made by breakaway AFRC commander Solomon Anthony Joseph Musa (a.k.a. SAJ Musa), whose troops had started an advance towards Freetown at the end of June/beginning of July 1998. Consistent with his discussions with the Accused, Bockarie invited SAJ Musa after the Waterworks meeting to join his efforts to attack Freetown but Musa refused. However, with SAJ Musa's death in or around 23 December 1998, when Gullit took over the leadership of the troops at Benguema and resumed contact with Bockarie, Bockarie and Gullit coordinated in their efforts to capture Freetown. From that point onwards, SAJ Musa's original plan was abandoned, and Gullit followed the Bockarie/Taylor plan, as had been contemplated by Bockarie and the Accused. During the operation, Bockarie exercised effective command and control over Gullit, issuing a number of instructions to Gullit, including the order to use terror tactics against the civilian population on the retreat from Freetown. The Trial Chamber did not make a finding as to how SAJ Musa was killed, but noted that the possibility of his death had been mentioned by Bockarie at the time of the Waterworks meeting.

73. The Accused gave advice to Bockarie and received updates in relation to the progress of the operations in Kono and Freetown in the implementation of their plan. Bockarie was in frequent contact via radio or satellite phone with the Accused in December 1998 and January 1999, either directly or through Benjamin Yeaten. Yeaten also travelled to Sierra Leone to meet with Bockarie in Buedu during this period. However, it is not clear that the Accused had any level of control over the conduct of these operations. Of the instructions allegedly given to Bockarie by the Accused during this period, only one was proved beyond reasonable doubt, that being that the Accused instructed Bockarie to transfer some of the Pademba Road prisoners to Buedu. This finding is insufficient to establish, as the Prosecution has alleged, that the Accused directed or had control over the Kono and Freetown operations in December 1998 and January 1999.

74. In addition to planning and advising on the Kono-Freetown operation, the Accused also provided military and other support. He facilitated the purchase and transport of a large shipment of arms and ammunition from Burkina Faso in around

November 1998 which was used in the attacks on Kono and Kenema in December 1998, where further arms and ammunition were captured. These arms and ammunition were in turn sent to the troops in Freetown in January 1999 and also used by the RUF and AFRC in joint attacks on the outskirts of Freetown. The Accused also sent personnel in the form of at least four former Sierra Leone Army (SLA) fighters who participated in the attack on Kono, as well as 20 former NPFL fighters who were part of the forces under the command of Gullit that entered Freetown, and a group of 150 fighters with Abu Keita (a former ULIMO member), known as the Scorpion Unit, who participated in the attack on Kenema.

75. During the Freetown operation, the Accused's subordinates in Liberia also transmitted "448 messages" to RUF forces to warn them of impending ECOMOG jet attacks. These messages originated in both Sierra Leone and Liberia.

Operational Support

76. In addition to support for specific military operations, the Accused provided to the RUF, and the RUF/AFRC alliance, communications support, financial support, military training, technical support and other operational support. Of these, communications support, facilitation and transport of materiel and personnel and the provision of a guesthouse to the RUF were sustained and significant.

77. Concerning communications assistance, following the invasion of Sierra Leone in 1991, the NPFL provided radio operators and equipment to the RUF with the knowledge of the Accused. NPFL radio operators were sent to Sierra Leone and trained RUF fighters in radio communication. Some of these radio operators stayed in Sierra Leone following the break with the NPFL in Operation Top Final, and the RUF continued to benefit from the training and equipment provided by the NPFL throughout the conflict in Sierra Leone and during the Indictment period.

78. The Accused gave Sam Bockarie a satellite phone in October 1998. Bockarie also received "top up cards" for phone credit from Benjamin Yeaten. The Accused also gave a satellite phone to Issa Sesay in 2000, albeit with full knowledge of the ECOWAS leaders. The supply of such satellite phones enhanced the communications capability of both

Bockarie and Sesay, which they used in furtherance of RUF and RUF/AFRC military activities. Sesay, for example, used a satellite phone to report to Bockarie that Kono was under RUF control. While Foday Sankoh was also given a satellite phone, the Prosecution failed to prove that the phone came from the Accused.

79. In addition to providing communications training and equipment to the RUF, the Accused and his subordinates facilitated communications for the RUF through their own communications network. The RUF/AFRC was provided access to radio communications equipment in Liberia by the Accused or his subordinates. This equipment was used by RUF radio operators to communicate with the RUF, in one instance concerning supplies of military equipment, and in another to update Bockarie on events in Sierra Leone when he was in Liberia. A radio was provided by the Accused to Johnny Paul Koroma. However, this radio was used specifically for the purpose of enabling Koroma to communicate with the West Side Boys about the UN peacekeepers that they had taken hostage. The evidence did not establish that the Accused and Yeaten received updates during the Freetown invasion from an RUF operator stationed in Liberia.

80. Although the establishment of the infrastructure and the training of RUF radio operators occurred prior to the Indictment period, the ongoing support from the Accused and his subordinates through the provision of satellite phones, the use of the NPFL communications infrastructure, and the transmission of “448” messages alerting the RUF to imminent ECOMOG attack, collectively enhanced the communications capacity of the RUF/AFRC during the Indictment period, and its capacity to carry out military operations in which crimes were committed.

81. In relation to the guesthouse, the Trial Chamber finds that from 1998 to 2001 the Accused provided a base for the RUF in Monrovia, equipped with a long-range radio and telephone, RUF radio operators, SSS security supervised by Benjamin Yeaten, cooks and a caretaker. Although the guesthouse was used by RUF members partly for matters relevant to the peace process or for diplomatic purposes, it was also used to facilitate the transfer of arms, ammunition and funds directly from the Accused to the RUF, and the delivery of diamonds from the RUF directly to the Accused, belying his testimony that he

was entirely unaware of what occurred at the guesthouse. The RUF guesthouse provided a base for the RUF in Monrovia, which facilitated the regular transfers of arms and ammunition from the Accused to the RUF, as well as diamonds from the RUF to the Accused, transactions which played a vital role in the military operations of the RUF in which crimes were committed.

82. The Trial Chamber further finds that during the Indictment period, the Accused provided much needed road and air transportation to the RUF of arms and ammunition into RUF territory. Materiel was also escorted across military checkpoints by security personnel working for the Accused, including Daniel Tamba (a.k.a. Jungle), Joseph Marzah (a.k.a. Zigzag), and Sampson Weah. This facilitation of road and air transportation of materiel, as well as security escorts, played a vital role in the operations of the RUF/AFRC during a period when an international arms embargo was in force.

83. The Accused also provided financial support, military training, technical support and other operational support to the RUF, including medical support. In most instances in which the Accused provided financial support, the funds given by the Accused to various individuals were for unspecified or personal use. The evidence failed to establish that the 10 million CFA francs given by the Accused to the RUF in Côte d'Ivoire, or the \$USD 15,000 given by him to Sesay to support the RUF, were used to facilitate arms and diamond deals. However, the Accused did give funds to Bockarie, in the tens of thousands of dollars, to buy arms and ammunition from ULIMO. The RUF received financial support for arms and ammunition from sources other than the Accused as well.

84. Similarly, while the Accused provided other forms of support to the RUF, including medical support, and he acknowledged that he permitted injured RUF fighters to get treatment in Liberia, it is not clear how continuous or substantial the provision of medical care was throughout the Indictment period. In preparation for the Fitti-Fatta mission in mid-1998, the Accused sent 'herbalists' who marked fighters in Buedu and in Kono in order to bolster their confidence for the mission to recapture Kono. Other support included the provision of goods such as food, clothing, cigarettes, alcohol and other supplies to the RUF by the Accused. The evidence is insufficient to enable the Trial

Chamber to judge the quantity of supplies provided. Other supplies for the RUF came from Liberia through other channels unrelated to the Accused.

85. With regard to military training and technical support, the Accused instructed Bockarie in 1998 to open a training base in Bunumbu, Kailahun District, and told him also in 1998 that the RUF should construct or re-prepare an airfield in Buedu. However, the Prosecution failed to prove that the Accused sent Martina Johnson, a former NPFL artillery commander, to Buedu to train RUF fighters to use a 40-barrel missile gun.

86. The Accused provided safe haven to RUF fighters, including Mike Lamin, when they crossed into Liberia after the retreat from Zogoda in 1996, but the Accused was not found to have ordered the RUF combatants to cross into Liberia. He had not yet taken office as President at that time, however, and the Prosecution failed to prove that he facilitated documentation to enable Lamin to travel to Côte d'Ivoire.

Arms and Ammunition

87. Turning to the allegations of the Prosecution relating to the role of the Accused in providing military support to the RUF/AFRC, the Trial Chamber first considered two preliminary issues raised by the Defence, one relating to the status of the border between Sierra Leone and Liberia, and the other relating to disarmament in Liberia. The Trial Chamber finds that at no relevant time in the Indictment period was the ECOMOG presence on the Liberia/Sierra Leone border, or the official closure of the border by the Liberian government, sufficient to prevent the cross-border movement of arms and ammunition. With regard to the claim that as a result of disarmament and the destruction of arms, as well as the arms embargo, Liberia had insufficient arms and ammunition to supply Sierra Leone, the Trial Chamber finds that despite these measures, the Accused was able to obtain arms and had the capacity to supply arms and ammunitions from Liberia to the rebel groups in Sierra Leone. Moreover, he had the capacity to facilitate larger arms shipments through third countries. Of the arms shipments to the RUF and AFRC linked to the Accused during the Indictment period, the largest arrived not from Liberia, but through Liberia from third party states, primarily Burkina Faso.

88. The Accused directly supplied arms and ammunition to the RUF/AFRC, as well as facilitating the supply of arms and ammunition to the RUF/AFRC from outside Liberia. During the Junta period, the Accused sent ammunition to Bockarie via Daniel Tamba (a.k.a. Jungle) in 1997. The Accused was the source of the materiel delivered by Tamba, Joseph (a.k.a. Zizgag) Marzah and Sampson Weah, among others, to Sierra Leone throughout 1998 and 1999, such supplies consisting of both arms and ammunition. Bockarie himself made trips to Liberia in 1998 and 1999 during which he obtained arms and ammunition from the Accused. During Issa Sesay's leadership of the RUF, the Accused continued to deliver arms and ammunition to the RUF in 2000 and 2001 via Tamba, Marzah, Weah and others. Sesay himself made trips to Liberia, including a trip in May 2000 and at least two trips in the second half of 2000 and early 2001, during which he obtained arms and ammunition from the Accused.

89. Although the materiel delivered through, *inter alia*, Tamba, Weah and Marzah was limited in quantity, certain shipments provided by the Accused on Bockarie's trips to Liberia in 1998 and 1999 did contain sizeable amounts of materiel.

90. After 14 February 1998, the Accused sent Varmuyan Sherif to open a corridor between Lofa County and RUF-held territories to facilitate the trade of arms and ammunition between the RUF/AFRC and ULIMO. As a result, members of ULIMO who were supposed to disarm and surrender their arms to the UN, instead sold or bartered them to the RUF. The Accused also provided financial support to the RUF/AFRC in order to facilitate their purchases of arms and ammunition from ex-ULIMO combatants. However, the evidence was insufficient to establish that the Accused attempted to help the RUF purchase arms and ammunition from ECOMOG and ULIMO prior to the Junta period.

91. The Accused facilitated two large shipments of ammunition. The first occurred in late 1997. In around September 1997, the Accused sent Ibrahim Bah to Freetown to meet with Sam Bockarie and Johnny Paul Koroma to make arrangements for the procurement of arms and ammunition. Bah was given 90 carats of diamonds and \$USD 90,000 to pay for the shipment. This shipment of arms and ammunition was delivered by plane to

Magburaka in Sierra Leone sometime between September and December 1997 and was distributed amongst members of the AFRC/RUF Junta. Materiel from this shipment was used by the AFRC/RUF forces in fighting ECOMOG and SLPP forces in Freetown before, during and after the Intervention, in the Junta mining operations at Tongo Fields prior to the ECOMOG Intervention, in “Operation Pay Yourself” and subsequent offensives on Kono, as well as in the commission of crimes during those operations.

92. The Accused also facilitated a shipment of materiel around November 1998 from Burkina Faso. Ibrahim Bah and Musa Cissé, Charles Taylor’s Chief of Protocol, accompanied a delegation led by Bockarie to Burkina Faso where a shipment of arms and ammunition was arranged and brought back by plane to Liberia, and then transported by trucks provided by the Accused to Sierra Leone. The Trial Chamber finds that the Accused was instrumental in procuring and transporting this large quantity of arms and ammunition for the RUF, that he was paid for it with diamonds, and that he kept some of the shipment for his own purposes. The shipment from Burkina Faso was unprecedented in volume and, as noted previously, was critical in the December 1998 and January 1999 offensives.

93. The Trial Chamber considered the Defence submission that other sources of military equipment for the RUF and AFRC far outweighed supplies allegedly provided by the Accused. In addition to receiving arms and ammunition from the Accused, the RUF and the AFRC also obtained supplies from the existing stockpiles of the former government when they took over power in May 1997, by capturing them from ECOMOG and UN peacekeepers, and through trade with ULIMO, AFL and ECOMOG commanders. However, these sources of materiel were of minor importance in comparison to those supplied or facilitated by the Accused. Significantly, the RUF/AFRC in fact heavily and frequently relied on the materiel supplied and facilitated by the Accused; the Accused’s support often satisfied a need or request for materiel at a particular time; and shipments of materiel supplied by or facilitated by the Accused often contributed to and were causally linked to the capture of further supplies by the RUF and AFRC. Although there were instances in which the materiel that the Accused gave to the RUF/AFRC was more limited in quantity, on a number of occasions the arms and

ammunition which he supplied or facilitated were indispensable for the RUF/AFRC military offensives. The materiel provided or facilitated by the Accused was critical in enabling the operational strategy of the RUF and the AFRC during the Indictment period.

94. On the basis of its findings, more detailed in the written Judgement, the Trial Chamber rejects the Defence argument that Benjamin Yeaten, the Director of the Accused's Special Security Service, to whom the arms couriers reported, was engaged in the trade of arms and ammunition for the RUF independently and without the knowledge of the Accused.

Military Personnel

95. As previously noted, approximately 20 former NPFL fighters who had been integrated into the Armed Forces of Liberia formed part of a group of approximately 200 fighters led by O-Five who attacked and committed crimes in Karina and Kamalo in Bombali District on or about August/September 1998. Subsequently, this group of 20 fighters was incorporated into the Red Lion Battalion, which was comprised of 200 fighters and was part of a larger group of up to approximately 1,000 fighters who attacked and committed crimes in Waterloo, Fisher Lane, Hastings, Freetown Eastern Police, Pademba Road Prison, Kingtom, Fourah Bay and Ugun in Freetown and the Western Area, on or about December 1998/January 1999. These 20 fighters were sent by the Accused from Liberia to Sierra Leone where they joined the RUF/AFRC forces in Sierra Leone and participated in attacks in which crimes were committed.

96. The Trial Chamber finds that Abu Keita and the reinforcements known as the Scorpion Unit were sent by the Accused to Sierra Leone and participated in the attack on Kenema, in which Abu Keita committed crimes. The Kenema attack was part of the attack on Kono and Freetown. Although the evidence did not establish beyond reasonable doubt that the Scorpion Unit was sent for the purpose of fighting in the Kono and Freetown military operations, which included Kenema, Daniel Tamba, on behalf of the Accused, approved Bockarie's decision to integrate the Scorpion Unit under his command.

97. The Accused sent former SLA soldiers to the Bunumbu training camp soon after the Intervention, although their subsequent deployment was not established. The Accused later sent a group of former SLA soldiers from Liberia back to Sierra Leone to support the attack on Freetown. These men arrived in Kailahun in or around late November 1998, and they participated in the attack on Kono in December 1998, although they were unable to reach Freetown and did not participate in the Freetown attack.

98. Liberian government authorities and RUF/AFRC members recruited and forced Sierra Leonean refugees residing in Liberia to return to Sierra Leone to fight. However, the evidence did not establish that these civilian refugees participated in attacks in Sierra Leone.

99. The Trial Chamber considered the allegation by the Prosecution that the Accused assisted the AFRC/RUF by capturing and returning AFRC/RUF deserters to Sierra Leone. The Trial Chamber finds that the Liberian police authorities detained two RUF/AFRC members Fonti Kanu, and Dauda Aruna Fornie, and handed them over to RUF personnel in late 1998 and late 1999, respectively. In evidence about his own arrest and torture in Sierra Leone, Mohammed Kabbah described as common knowledge the cooperation of Liberian authorities and the RUF on the return of wanted Sierra Leoneans who escaped to Liberia.

Diamonds

100. The Trial Chamber finds that there was a continuous supply by the AFRC/RUF of diamonds mined from areas in Sierra Leone to the Accused, often in exchange for arms and ammunition.

101. During the period May 1997 to February 1998 diamonds mined in Kono and Tongo Fields were delivered from the AFRC/RUF to the Accused by Daniel Tamba (a.k.a. Jungle) in exchange for arms and ammunition.

102. Following the ECOMOG Intervention, from February 1998 to July 1999, the diamonds delivered to the Accused by Sam Bockarie directly, as well as indirectly through intermediaries such as Eddie Kanneh and Daniel Tamba, were given to him in

order to get arms and ammunition from him, or sometimes for “safekeeping” on behalf of the RUF.

103. From February 1998 to July 1999, diamonds were delivered to the Accused by Sam Bockarie directly. These diamonds were delivered to the Accused for the purpose of obtaining arms and ammunitions from him. During this period, diamonds were also delivered through intermediaries such as Eddie Kanneh and Daniel Tamba.

104. The RUF also traded diamonds with entities and individuals other than the Accused or his government. Testimonial evidence of specific involvement of the Accused in the trade of diamonds supported the findings of a United Nations report of a panel of experts that diamond smuggling from Sierra Leone to Liberia was “the bulk of the RUF trade in diamonds” and while difficult to quantify was nevertheless the “primary source of income to the RUF”. This report concluded that the trade of diamonds between Liberia and Sierra Leone could not be conducted in Liberia “without the permission and the involvement of government officials at the highest level.”

105. From July 1999 to May 2000, Foday Sankoh delivered diamonds to the Accused, and diamonds were delivered to the Accused on his behalf in or before 1999 while he was in detention. In March 2000, Foday Sankoh visited South Africa and travelled through Monrovia on his way back to Sierra Leone, meeting with the Accused in Monrovia. According to one witness, among the diamonds delivered to the Accused during this meeting were a 45 carat diamond and two 25 carat diamonds.

106. From June 2000 until the end of hostilities in 2002, Issa Sesay delivered diamonds to the Accused, including on one occasion a 36 carat diamond. Eddie Kanneh also delivered diamonds to the Accused on Sesay’s behalf. Sometimes the diamonds were delivered to the Accused supposedly for “safekeeping” until Sankoh’s release from detention and, at other times, in exchange for supplies and/or arms and ammunition. During this period, diamond trading between the RUF and persons other than the Accused also took place.

107. As detailed in documentary evidence before the Trial Chamber, Liberian diamonds are generally known to be of a significantly lower quality than diamonds from Sierra Leone, refuting the claim made by the Accused that he would have had no reason to trade in diamonds from Sierra Leone because Liberia had its own diamonds. Moreover, the documentary evidence indicates that export of diamonds from Liberia was far greater than Liberian diamond production, attributing the difference to diamonds from Sierra Leone smuggled through Liberia.

108. The Trial Chamber finds that the Accused also facilitated a relationship between the RUF and a Belgian known as Alpha Bravo for the purpose of diamond transactions. However, there was insufficient evidence to establish that the Accused facilitated a relationship between the RUF and other diamond dealers.

109. The Accused also provided diesel fuel for the Caterpillars at the diamond mining sites in Sierra Leone, and equipment for use in mining diamonds to the RUF on at least one occasion between 1998 and 2002. While there may have been multiple sources of mining equipment and fuel entering Sierra Leone during the Indictment period, the Accused was among them. The Trial Chamber has also found that men sent by the Accused visited at least one mining site and assessed mining operations.

110. While there was evidence of occasional inquiries from Benjamin Yeaten and reports to him about the activity at the mining sites in Sierra Leone, the evidence did not establish that regular updates were sent to the Accused about mining activity.

The Peace Process

111. The Trial Chamber will now summarize its findings relating to the role of the Accused in the peace process and the Defence contention that his involvement with the RUF/AFRC was solely for the purpose of promoting peace.

112. During a radio conversation with Foday Sankoh, following the attack on Sierra Rutile in 1994, the Accused advised the RUF leader to send an External Delegation to Côte d'Ivoire. In Côte d'Ivoire, the delegates met Musa Cissé, an NPFL representative, who allowed them to use his radio for communications with Sankoh. The Accused,

through contact with Musa Cissé, invited members of the External Delegation to Liberia, where he met them twice in 1995. In December 1995 the Accused met members of the External Delegation in Cote d'Ivoire on the occasion of the publication of "Footpaths to Democracy", at which time he gave them CFA 10 million francs for their maintenance.

113. The Accused instructed Foday Sankoh to participate in the Abidjan peace talks from March to November 1996 in order to obtain ammunition and materiel for the RUF. The evidence established that while in Abidjan, Sankoh obtained arms and ammunition for the RUF using funds from Libya. However, the evidence was insufficient to establish that Sankoh used contacts of the Accused to obtain arms and ammunition in Abidjan.

114. The Accused played an active role in the Lomé peace negotiations, which role the Prosecution alleged to be subversive, suggesting that the Accused improperly assisted and advised the RUF delegation before and during the negotiations so as to procure the most favourable outcome for RUF/AFRC and himself. The Trial Chamber did not find this to be the case, in the absence of evidence that the Accused controlled the RUF delegation or dictated the outcome of the negotiations. However, the evidence established that the Accused was engaged in arms transactions at the same time that he was involved in the peace negotiations in Lomé, publicly promoting peace at the Lomé negotiations while privately providing arms and ammunition to the RUF.

115. Following the Lomé Peace Accord, the so-called West Side Boys, discontent with the apparent exclusion of the AFRC from the peace process, kidnapped UN peacekeepers and others in Sierra Leone and demanded to talk to, and then see, Johnny Paul Koroma, their leader. The Accused officially and publicly made arrangements to bring Koroma to Monrovia, including negotiating a waiver of the UN travel ban, and facilitating several meetings, thereby playing a central role in bringing Koroma and Sankoh together and achieving a reduction in the tension between the RUF and the AFRC. The evidence establishes, as the Accused contends, that the UN and ECOWAS Heads of State knew about his public role in the negotiations. Taylor's influence with both Koroma and Sankoh evidently made him a significant actor in the process and helped to facilitate the

release of the UN peacekeepers and others who had been taken captive by the West Side Boys.

116. The Trial Chamber accepts that as President of Liberia, as a member of the ECOWAS Committee of Five (later Committee of Six), the Accused wielded considerable influence over the warring factions in Sierra Leone and that the ECOWAS heads of state played a substantial role in the Sierra Leone peace process. However, there is strong evidence showing that while publicly participating in regional efforts to broker peace in Sierra Leone, the Accused was secretly fuelling hostilities between the AFRC/RUF and the democratically elected authorities in Sierra Leone. This clandestine undermining of the peace process by the Accused occurred even when he knew that an arms embargo by the UN and ECOWAS was in force in the region.

117. In late April or early May 2000, the RUF forcibly disarmed and detained a group of approximately 500 UNAMSIL peacekeepers in Sierra Leone. The Accused was asked by ECOWAS to become involved in negotiations for the release of these hostages, and his mandate was endorsed by the United Nations. Thereafter, the Accused invited Issa Sesay, RUF interim leader, to Monrovia to discuss the matter of their release. After this meeting, from about the middle to the end of May 2000, the RUF released the captured UNAMSIL peacekeepers into Liberian territory in stages. The Trial Chamber found that the Accused had significant influence over the RUF decision to release the UN peacekeepers, and that in his meeting with Issa Sesay, Taylor promised him assistance “in the struggle”. While the Trial Chamber found that Issa Sesay made a trip to Liberia in May 2000 in which he obtained arms and ammunition from the Accused, the evidence was insufficient to establish that this materiel was provided in exchange for Issa Sesay agreeing to release the UNAMSIL peacekeepers.

118. In July 2000, a meeting was convened in Monrovia to discuss the selection of new leadership for the RUF following Sankoh’s imprisonment. The meeting was attended by all of the ECOWAS heads of state and an RUF delegation led by Issa Sesay where it was proposed that Sesay take over as Interim Leader of the RUF. In another meeting late that night, the Accused privately advised Issa Sesay to say that he would disarm but “not do it

in reality”. At that time, the Accused was supplying Sesay with arms and ammunition, and also calling on the RUF to send forces to help him fight his own enemies together with the AFL in Liberia and in Guinea.

119. The Trial Chamber accordingly finds that while the Accused publicly played a substantial role in the Sierra Leone peace process, including as a member of the ECOWAS Committee of Five (later Committee of Six), secretly he was fuelling hostilities between the AFRC/RUF and the democratically elected authorities in Sierra Leone, by urging the former not to disarm and actively providing them with arms and ammunition, acting, as the Prosecution described, as “a two-headed Janus”.

Leadership and Command Structure

120. The Trial Chamber has considered the leadership and command structure of the RUF, and the role of the Accused, if any, in relation to that structure. The Trial Chamber has found that Foday Sankoh and the Accused met in Libya in the early 1990s and pursued parallel goals and aspirations, but not in a chain of command. Following Operation Top Final in 1992 and the withdrawal of NPFL troops from Sierra Leone, contacts and cooperation between the Accused and Sankoh continued, but to a lesser extent. The Accused asked Sankoh to send troops in 1993 to help him fight ULIMO. He advised Sankoh prior to and following the RUF attack on Sierra Rutile, and he advised Sankoh to send an External Delegation to Cote d’Ivoire.

121. When Foday Sankoh was arrested in Nigeria in March 1997, he instructed Sam Bockarie to take orders from the Accused. While much evidence was adduced relating to the trade of arms and diamonds between Sam Bockarie and the Accused, the evidence did not establish that Bockarie took orders from the Accused. The instructions given to Bockarie by the Accused were given with the inherent authority the Accused had by virtue of his position. Bockarie was deferential to the Accused and generally followed his instruction. However, the Trial Chamber considers that the role Sankoh envisioned for the Accused while he was in detention was that he would guide Bockarie, and that Bockarie should look to his guidance, not that the Accused should take over Sankoh’s role as the leader of the RUF with effective control over its actions.

122. Sometime around March 1998, Sam Bockarie was promoted. The Prosecution alleged that this promotion was made by the Accused directly, or through a joint decision between himself and Johnny Paul Koroma. Bockarie had just returned from Monrovia. The Trial Chamber finds that the Accused may well have been consulted by Koroma, or talked directly with Bockarie about the promotion while he was in Monrovia, but not that Bockarie was promoted by the Accused. Like Sankoh, Koroma turned to the Accused for advice and support, and the Trial Chamber accepts that he would have consulted the Accused. Nevertheless, the Accused was not part of the command structure.

123. In December 1999, Sam Bockarie left Sierra Leone and went to Liberia, amidst violent clashes between RUF fighters loyal to Foday Sankoh and RUF fighters loyal to him. He was told to leave Sierra Leone by the Accused, but the Trial Chamber finds that in summoning Bockarie to Liberia, the Accused relied on the authority of ECOWAS and sought the help of President Obasanjo, organizing a meeting at Roberts International Airport between Foday Sankoh, Sam Bockarie, President Obasanjo and himself, as a result of which a decision was made that Bockarie would not return to Sierra Leone until the disarmament process had been completed.

124. On 26 July 2000 a meeting took place at the Executive Mansion in Monrovia between the heads of state of ECOWAS and an RUF delegation led by Issa Sesay, where the suggestion was made that Issa Sesay should become the Interim Leader of the RUF. Sesay would not accept the appointment without it first being approved by the RUF and Foday Sankoh. A meeting of RUF commanders was held, and a letter was also delivered to Foday Sankoh by President Obasanjo seeking Sankoh's consent to the appointment. At a follow up meeting in August 2000, Sesay was confirmed as the RUF Interim Leader. Presidents Obasanjo and Konare both met with Sankoh in Freetown, without the Accused present, and the Trial Chamber finds that this process was undertaken by ECOWAS heads of state collectively, rather than the Accused unilaterally.

125. The Accused called on the AFRC/RUF to assist him in fighting outside Sierra Leone. In 1999, the Accused ordered Bockarie to send AFRC/RUF forces to assist him in his fight against Mosquito Spray and the LURD forces that had attacked his forces. In

2000 and 2001 the Accused instructed Issa Sesay to send RUF forces. The RUF forces sent in response to these requests fought alongside AFL forces in Liberia and Guinea under the command of the Accused's subordinates. The evidence was insufficient to establish that in 2001, Bockarie left Liberia to fight for Taylor's allies in Cote d'Ivoire, as alleged by the Prosecution.

Knowledge of the Accused of Crimes Committed in Sierra Leone.

126. The Accused testified that prior to becoming President, he was not following whether crimes were committed by the RUF in Sierra Leone. The Trial Chamber found that the relationship of the Accused with the RUF from 1989 until he became President was much closer than he admitted. The Accused knew that during the early war years in Sierra Leone, RUF soldiers, under the command of NPFL officers, abducted civilians including children, forcing them to fight within the NPFL/RUF forces against the Sierra Leonean forces and ULIMO. Moreover, the Accused was aware that the RUF captured civilians and looted money during the attack on Sierra Rutile, and he advised Sankoh on the use of the hostages and the money.

127. The Accused testified that, upon becoming President, he received a daily briefing from his national security advisor, which would include press and intelligence reports. Also, following his election, the Accused joined the ECOWAS Committee of Five and would therefore have received and read ECOWAS reports. The numerous reports prepared in 1997 by ECOWAS and the United Nations agencies establish that, as early as May 1997, the crimes committed by the Junta were significantly reported by these international organisations. In a report of June 1997, the United Nations Department of Humanitarian Affairs reported killings of civilians, amputations and looting in Sierra Leone. An ECOWAS report of the Committee of Four on the situation in Sierra Leone, in August 1997, described the "massive looting of property, murder and rapes" following the coup on 25 May 1997. The final report of the sixteenth meeting of ECOWAS Chiefs of State in Abuja, Nigeria, in August 1997, a meeting in which the Liberian representative participated, also described "a very bloody coup, followed by massive looting and vandalism of public and private properties and the opening of the prisons by the junta". In a speech to the Nation on 18 June 1997, the RUF forces themselves

apologised for the atrocities they had committed in Sierra Leone, including killings and rapes.

128. Following the coup, on 29 August 1997 ECOWAS decided to place a total embargo on all supplies of petroleum products, arms and military equipment to Sierra Leone. Similarly, on 8 October 1997, the United Nations Security Council decided to impose an embargo on arms and ammunitions to Sierra Leone. These embargos clearly indicate that, at the very latest by August 1997, the Junta was perceived by the international community as a threat to peace and it was recognized that military support could facilitate the commission of the crimes described above.

129. The Accused was evasive in his testimony as to what and when he knew about the crimes being committed in Sierra Leone. In light of these contemporary reports, and considering the fact that the Accused received daily briefings from his national security advisor about the international situation and was a member of the ECOWAS Committee of Five, the Trial Chamber finds that as early as August 1997, Charles Taylor was informed in detail of the crimes committed during the Junta period including murder, abduction of civilians including children, rape, amputation and looting.

130. After 1997, the media coverage of the AFRC/RUF's crimes and terror campaign against the Sierra Leonean civilian population increased. Many reports and articles by International Organisations, Non Governmental Organisations and newspapers admitted into evidence describe the atrocities committed by the AFRC/RUF troops after the ECOMOG Intervention and the end of the Junta Government. These public reports demonstrate that at that time, it was public knowledge that AFRC/RUF forces committed the following crimes: unlawful killings, sexual violence, physical violence, looting, conscription and use of child soldiers, abduction, terrorism, and other atrocities.

131. The Accused himself admitted that by April 1998 if "someone was providing support to the AFRC/RUF", he "would be supporting a group engaged in a campaign of atrocities against the civilian population of Sierra Leone". At that time, as the Accused testified, there were news reports of a "horrific campaign being waged against the civilian population in Sierra Leone." In a statement dated July 1998, the Accused "strongly

condemned the continuing rebel activities in Sierra Leone, as well as the horrendous atrocities that had been committed there.”

132. Based on this evidence, and the testimony of the Accused himself, the Trial Chamber finds that the Accused was aware of the crimes committed by RUF/AFRC forces against civilians, including murder, abduction of civilian including children, rape, amputation and looting, as early as August 1997 when he became President of Liberia.

Summary of Legal Findings

133. The Indictment charges the Accused with individual criminal responsibility pursuant to Article 6.1 of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute alleged in the Indictment. The Trial Chamber has found that the crimes charged under Counts 1 to 11 of the Indictment were committed and now turns to the responsibility of the Accused for these crimes.

Responsibility Pursuant to Article 6(3) of the Statute

134. The Indictment charges that the Accused is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in the Indictment by virtue of holding positions of superior responsibility and exercising command and control over subordinate members of the RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters. It is alleged that the Accused is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the Accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

135. The Accused denies criminal responsibility based on a superior/subordinate relationship with the perpetrators of the crimes.

136. Article 6(3) holds a superior criminally responsible if the superior knew or had reason to know that his or her subordinate was about to commit crimes prohibited by the Statute or had done so, and the superior failed to take the necessary and reasonable measures to prevent or punish the perpetrators. It must thus be demonstrated that the

superior had effective “command and control” over his subordinates – i.e. the material ability to prevent or punish the commission of the offence.

137. The Trial Chamber is of the view that the Accused had substantial influence over the leadership of the RUF, and to a lesser extent that of the AFRC. However, that substantial influence over the conduct of others fell short of “effective command and control” as demonstrated by the evidence.

138. The evidence establishes that from 1990 to March 1997 Sankoh was the sole leader of the RUF and that he did not take orders from the Accused. When Sankoh was arrested in March 1997 he appointed Bockarie to lead the RUF and instructed him to take direction from the Accused.

139. The Trial Chamber finds that the Accused gave guidance, advice and direction to Bockarie and to his successor, Issa Sesay, but that the evidence does not establish that either of them was a subordinate of the Accused, nor that the Accused had effective command and control over the RUF during their respective tenures. Similarly, the Trial Chamber finds that the Accused gave guidance, advice and direction to Johnny Paul Koroma when he was leader of the AFRC/RUF Junta, but the evidence does not establish that he was a subordinate of the Accused, nor that the Accused had effective command and control over the AFRC/RUF Junta.

140. With regard to Liberian fighters who were found to have participated in the commission of crimes, the Trial Chamber finds that even if they were sent to Sierra Leone by the Accused, there is insufficient evidence to find beyond a reasonable doubt that they remained under the effective command and control of the Accused once in Sierra Leone.

141. The Trial Chamber accordingly finds that the Prosecution failed to prove beyond reasonable doubt that the Accused is individually criminally responsible under Article 6(3) for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in the Indictment.

Joint Criminal Enterprise

142. The Indictment charges the Accused with the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in the Indictment, which crimes amounted to or were involved within a common plan, design or purpose in which the Accused participated, or were a reasonably foreseeable consequence of such common plan, design or purpose.

143. As discussed earlier, the Trial Chamber found that the Prosecution failed to prove that any of the three alleged meetings in Libya, Burkina Faso and Voinjama, where the common plan is said to have been established, took place. Furthermore, while the Trial Chamber found that the Accused provided significant operational and military support to the RUF, particularly after he became President of Liberia, the evidence does not establish that this support was provided pursuant to a common plan in the context of a joint criminal enterprise.

144. Accordingly, the Trial Chamber finds that the Prosecution has failed to prove beyond a reasonable doubt that the Accused is criminally responsible by virtue of having participated in a common plan, design or purpose to commit the crimes alleged in the Indictment.

Responsibility under Article 6(1) for Aiding and Abetting

145. The Indictment charges that the Accused, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1 of the Statute for (inter alia) aiding and abetting the planning, preparation or execution of the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in the Indictment.

146. The Prosecution submits that in providing practical assistance, encouragement, or moral support, the Accused's acts had a substantial effect on the perpetration of the crimes charged in the Indictment, and that he had a clear intent to act in support of those crimes.

147. The Defence denies that the Accused is responsible for aiding and abetting the commission of any of the crimes charged in the Indictment.

148. “Aiding and abetting” requires that the accused gave practical assistance, encouragement, or moral support which had a substantial effect on the perpetration of a crime.

149. The Trial Chamber finds beyond reasonable doubt that the Accused provided arms and ammunition, military personnel, operational support, moral support and ongoing guidance to the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters for military operations during the Indictment period.

Commission of crimes intrinsic to the RUF/AFRC’s war strategy.

150. Before turning to the various forms of assistance provided by the Accused, the Trial Chamber considered the RUF/AFRC’s war strategy. Throughout the Indictment period, the operational strategy of the RUF and AFRC was characterised by a campaign of crimes against the Sierra Leonean civilian population, including murders, rapes, sexual slavery, looting, abductions, forced labor, conscription of child soldiers, amputations and other forms of physical violence and acts of terror. These crimes were inextricably linked to how the RUF and AFRC achieved their political and military objectives. In particular, under the leadership of Sam Bockarie, the RUF and AFRC pursued a policy of committing crimes in order to achieve military gains at any civilian cost, and also politically in order to attract the attention of the international community and to heighten their negotiating stance with the Sierra Leonean government. That their operations were given titles such as “Operation No Living Thing”, and “Operation Spare No Soul” made explicit the intent of the RUF and AFRC to wage a campaign of terror against civilians as part of their war strategy.

151. The findings of the Trial Chamber as to the various forms of assistance provided by the Accused are as follows.

Arms and Ammunition

152. During the Indictment period, the Accused directly or through intermediaries supplied or facilitated the supply of arms and ammunition to the RUF/AFRC. The Accused sent small but regular supplies of arms and ammunition and other supplies to the

RUF from late 1997 to 1998 via his subordinates, and substantial amounts of arms and ammunition to the AFRC/RUF from 1998 to 2001. The Accused facilitated much larger shipments of arms and ammunition from third party states to the AFRC/RUF, including the Magburaka shipment of October 1997 and the Burkina Faso shipment of November/December 1998.

153. Also during the Indictment period, these arms and ammunition were used by the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters in military operations, including the Junta mining operations at Tongo Fields prior to the ECOMOG Intervention, “Operation Pay Yourself” and subsequent offensives in Kono District in 1998, and in the Freetown invasion in January 1999, and attacks on the outskirts of Freetown and the Western Area in late January to early February 1999. These operations involved widespread or systematic attacks on the civilian population and the commission of crimes. The Trial Chamber finds that the provision and facilitation of these arms and ammunition constituted practical assistance which had a substantial effect on the perpetration of crimes by the RUF and RUF/AFRC during the Indictment period.

Military Personnel

154. The Accused also provided military personnel to the RUF/AFRC. The Accused provided a group of 20 ex-NPFL fighters who had been integrated into the AFL. These 20 fighters fought in Karina and Kamalo in Bombali District in August/September 1998 as part of a group of 200 fighters. These 20 fighters were later on incorporated into the Red Lion Battalion, which comprised of 200 fighters. The Red Lion Battalion was part of a group of 1,000 fighters who participated in the invasion of Freetown and committed crimes during the course of military operations in December 1998/January 1999.

155. The Accused reorganized, armed and sent former SLA fighters and Sierra Leonean civilians who had retreated to Liberia back to Sierra Leone to fight in the Kono and Freetown operation, and these men fought in the Kono operation in December 1998.

156. Moreover, the Accused sent Abu Keita and 150 fighters as reinforcements known as the Scorpion Unit, who participated in the attack on Kono and Kenema Districts in late 1998/early 1999.

157. The Trial Chamber finds that the practical assistance provided by these military personnel sent by the Accused had a substantial effect on the commission of crimes by the RUF/AFRC during the course of military operations.

Operational Support

158. In the pre-Indictment period, NPFL radio operators and equipment were sent to Sierra Leone, and RUF fighters were trained by the NPFL radio operators in radio communications, with the knowledge of the Accused. The RUF continued to benefit into the Indictment period from the enhanced communications capacity that resulted from this assistance. However, as the acts of the Accused took place prior to the Indictment period, the Trial Chamber has not taken them into account in determining criminal responsibility.

159. The Trial Chamber found that the Accused also provided operational support to the RUF/AFRC during the Indictment period, including giving Sam Bockarie and Issa Sesay satellite phones, and facilitating communications for the RUF through the NPFL's own communications network; providing the RUF/AFRC access to radio communications equipment in Liberia; allowing the use of the radio station at Benjamin Yeaten's home for communications with Bockarie and later Sesay; and the transmission of "448 messages" to RUF forces warning them of impending ECOMOG jet attacks, which the Accused must have known about. This communications support provided practical assistance to the RUF/AFRC for the crimes committed during the course of their military operations throughout the Indictment period.

160. The Accused also provided financial support to the RUF/AFRC, including funds to Bockarie of \$10,000 to \$20,000 at a time, on multiple occasions for the purchase of arms from ULIMO. The Accused also kept diamonds and money in "safekeeping" for the RUF/AFRC.

161. The Accused also provided a guesthouse to the RUF in Monrovia, which was used by the RUF to facilitate the transfer of arms and funds from the Accused to the RUF and the delivery of diamonds from the RUF to the Accused. The Trial Chamber considers that the provision of the RUF guesthouse by the Accused, as a base of operation for procurement and a way station for the transport of arms and ammunition, provided practical assistance to the RUF/AFRC for the commission of crimes committed during the course of military operations.

162. The Accused provided other forms of support to the RUF/AFRC, including the provision of security escorts, facilitation of access through checkpoints, assistance with transport of arms and ammunition by road and by air, safe haven and medical support for treatment of wounded RUF fighters in Liberia, as well as provision of goods such as food, clothing, cigarettes, alcohol and other supplies to the RUF. The Accused also sent “herbalists” who marked fighters in Buedu and Kono to “protect” them against bullets and bolster their confidence. Liberian forces also assisted the RUF/AFRC with the capture and return of deserters to Sierra Leone.

163. The provision of such support, in addition to the military support provided, constituted practical assistance to the RUF/AFRC which had a substantial effect on the commission of crimes committed during the course of military operations.

Encouragement and Moral Support

164. The Trial Chamber has considered the ongoing communication and consultation between the Accused and the RUF/AFRC leadership, and the ongoing advice and encouragement that the Accused provided to the RUF/AFRC. He advised Sankoh to participate in the Abidjan peace talks in 1996 in order to obtain arms and ammunition for the RUF. He instructed the RUF to open a training base in Bunumbu in 1998, and to construct an airfield in Buedu. He instructed the AFRC/RUF to capture Kono, and subsequently advised them to hold and re-capture it, as a source of revenue through diamonds that could be used to secure arms and ammunition. The Trial Chamber has taken into account the position of authority of the Accused as an elder statesman and as President of Liberia, the deference that was accorded to him by the RUF/AFRC

leadership and their reliance on his guidance, and the fact that his advice was generally heeded by them.

165. Taken cumulatively, and having regard to the military support provided by the Accused to the RUF/AFRC, the Trial Chamber finds that the practical assistance, encouragement and moral support provided by the Accused had a substantial effect on the commission of crimes by the RUF/AFRC during the course of military operations in Sierra Leone.

The Accused

166. The essential mental element required for aiding and abetting is that the accused knew that his acts would assist the commission of the crime by the perpetrator or that he was aware of the substantial likelihood that his acts would assist the commission of a crime by the perpetrator. In cases of specific intent crimes, such as acts of terrorism, the accused must also be aware of the specific intent of the perpetrator.

167. As discussed earlier, the Trial Chamber is satisfied that as of August 1997, the Accused knew of the atrocities being committed against civilians in Sierra Leone by the RUF/AFRC forces and of their propensity to commit crimes. Notwithstanding such knowledge, the Accused continued to provide support to the RUF and RUF/AFRC forces during the period that crimes were being committed in Sierra Leone. The Trial Chamber therefore finds beyond reasonable doubt that the Accused knew that his support to the RUF/AFRC would provide practical assistance, encouragement or moral support to them in the commission of crimes during the course of their military operations in Sierra Leone.

Conclusion

168. For the foregoing reasons, the Trial Chamber finds beyond reasonable doubt that the Accused is criminally responsible pursuant to Article 6(1) of the Statute for aiding and abetting the commission of the crimes set forth in Counts 1 to 11 of the Indictment.

Planning

The Accused is charged with individual criminal responsibility pursuant to Article 6.1 of the Statute for (inter alia) planning the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in the Indictment.

169. The Prosecution submits that the Accused, acting jointly with RUF, AFRC and Liberian subordinates, designed or organised the commission of crimes, at both the preparatory and execution phases, by designing a strategy for the AFRC Junta, the RUF and AFRC forces, including selecting strategic areas to attack and control, such as Kono and the capital Freetown, and organizing the delivery of arms and ammunition needed to carry out the attacks.

170. The Defence submits that the evidence put forward by the Prosecution does not show that the Accused planned the commission of crimes or was aware of the substantial likelihood of crimes as charged in the Indictment as part of the January 6 invasion of Freetown, asserting that it was the AFRC, not the RUF, who executed and planned the attack.

171. Criminal responsibility for planning requires that the accused, alone or with others, intentionally planned the criminal conduct constituting the crimes charged, with the intent that a crime be committed in the execution of that plan, or with the awareness of the substantial likelihood that a crime would be committed in the execution of that plan.

172. The Trial Chamber found that in November 1998, Sam Bockarie and the Accused designed a two-pronged attack on Kono and Kenema, with Freetown as the ultimate destination. This plan was conveyed to RUF and AFRC commanders in December 1998 at Waterworks in Kailahun District.

173. The plan designed by Bockarie and the Accused led to the attacks on Kono and Makeni. In the course of the implementation of this plan, a small contingent of troops led by Idrissa Kamara (a.k.a. Rambo Red Goat) reached Freetown and Bockarie's forces got to the outskirts of Freetown, where they met up with the forces led by Gullit. During the

course of the implementation of this plan, these forces committed the crimes charged in the Indictment. These crimes resulted directly from the plan made by Bockarie and the Accused in Monrovia. There was evidence that while in Monrovia, the Accused instructed Bockarie to make the operation “fearful” in order to pressure the Government of Sierra Leone into negotiations. Moreover, following the Waterworks meeting, the Accused told Bockarie during a satellite phone conversation to use “all means” to get to Freetown.

174. The Trial Chamber found that following the Waterworks meeting Bockarie told SAJ Musa to attack Freetown but SAJ Musa refused to take orders from Bockarie and continued on his own advance pursuant to a separate plan. The Trial Chamber found that Gullit took over the leadership of the troops at Benguema following the death of SAJ Musa. Bockarie then assumed effective control over Gullit and SAJ Musa’s plan was abandoned for the Bockarie/Taylor plan, as conveyed by Bockarie at Waterworks. Further execution of the plan was carried out with close coordination between Bockarie and Gullit, with Gullit in frequent communication with Bockarie and with Gullit taking orders from Bockarie. In these circumstances, the Trial Chamber finds that the Bockarie/Taylor plan substantially contributed to the commission of crimes committed by Gullit’s forces while Gullit was operating under Bockarie’s command.

175. The Accused, having drawn up the plan with Bockarie, and having followed its implementation closely via daily communication with Bockarie, either directly or through Yeaten, was aware of its continuing evolution.

176. As mentioned previously, the Accused was well aware of the crimes committed by the AFRC/RUF forces in the course of their military operations, and that their war strategy was explicitly based on a widespread or systematic campaign of crimes against civilians. Moreover, by his instruction to make the operation “fearful”, which was repeated many times by Bockarie during the course of the Freetown invasion, and by his instruction to use “all means”, the Accused demonstrated his awareness of the substantial likelihood that crimes would be committed in the execution of the plan.

177. For the foregoing reasons the Trial Chamber finds beyond reasonable doubt that the Accused is criminally responsible pursuant to Article 6(1) for planning the crimes

committed by members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters in the attacks on Kono and Makeni, in the invasion of Freetown and during the retreat from Freetown.

Ordering

178. The Trial Chamber has found that while the Accused held a position of authority amongst the RUF and RUF/AFRC, the instructions and guidance which he gave to the RUF and RUF/AFRC were generally of an advisory nature and at times were in fact not followed by the RUF/AFRC leadership. For these reasons, the Trial Chamber finds that the Accused cannot be held responsible for ordering the commission of crimes.

Instigating

179. The Trial Chamber, having already found that the Accused is criminally responsible for aiding and abetting the commission of the crimes in Counts 1-11 of the Indictment, does not find that the Accused also instigated those crimes.

DISPOSITION

180. This brings me to the verdict. I will ask the Accused, Charles Ghankay Taylor, to please stand.

181. Having considered all the evidence and the arguments of the parties, the Statute and the Rules, and based upon the findings as determined by the Trial Chamber in its Judgement, the Trial Chamber unanimously finds you guilty of **aiding and abetting** the commission of the following crimes pursuant to Article 6.1 of the Statute during the Indictment period, and **planning** the commission of the following crimes in the attacks on Kono and Makeni in December 1998, and in the invasion of and retreat from Freetown between December 1998 and February 1999:

Count 1: Acts of terrorism, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 3(d) of the Statute.

Count 2: Murder, a crime against humanity pursuant to Article 2(a) of the Statute.

Count 3: Violence to life, health and physical or mental well-being of persons, in particular murder, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 3(a) of the Statute.

Count 4: Rape, a crime against humanity, punishable under Article 2(g) of the Statute.

Count 5: Sexual slavery, a crime against humanity, punishable under Article 2(g) of the Statute.

Count 6: Outrages upon personal dignity, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 3(e) of the Statute.

Count 7: Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 3(a) of the Statute

Count 8: Other inhumane acts, a crime against humanity pursuant to Article 2(i) of the Statute.

Count 9: Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, another serious violation of international humanitarian law pursuant to Article 4(c) of the Statute.

Count 10: Enslavement, a crime against humanity pursuant to Article 2 (c) of the Statute.

Count 11: Pillage, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 3(f) of the Statute.