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SCSL-2004-15-PT
(5390-5516)

SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN - SIERRA LEONE

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

Registrar: Robin Vincent

Date filed: 30 April 2004

THE PROSECUTOR

Against

**ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO**
(Case No. SCSL-2004-15-PT)

**PROSECUTION'S MOTION FOR CONCURRENT HEARING OF EVIDENCE
COMMON TO CASES SCSL-2004-15-PT AND SCSL-2004-16-PT**

Office of the Prosecutor:

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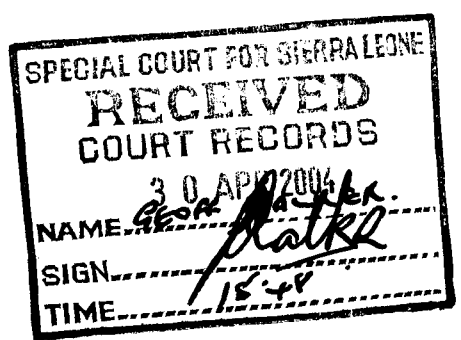
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I. INTRODUCTION

1. Pursuant Article 17 of the Statute of the Special Court, in particular paragraphs 2 and 4(c) therein, and Rules 48(C), 54 and 73 of the Special Court’s Rules of Procedure and Evidence, the Prosecution hereby files a motion for concurrent presentation of evidence common to both the case of *Prosecutor v. Sesay, Kallon and Gbao* (SCSL-2004-15-PT) and the case of *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT).

II. BACKGROUND

2. On 9 October 2003, the Prosecution filed a motion for joinder, seeking to join in one trial the six Accused individuals: Sesay, Kallon, Gbao, Brima, Kamara and Kanu.¹
3. On 27 January 2004, the Trial Chamber refused to grant the joinder in the form applied for by the Prosecution, but nonetheless ruled in favour of the principle of joinder, by ordering the holding of *two* joint trials: one trial against the indictees who were former RUF members - Accused Sesay, Kallon and Gbao; and the other trial against the indictees who were former

¹ Prosecution Motion for Joinder, filed 9 October 2003, in the following cases: *Prosecutor Against Brima*, SCSL-2003-06-PT; *Prosecutor Against Sesay*, SCSL-2003-05-PT; *Prosecutor Against Kallon*, SCSL-2003-07-PT; *Prosecutor Against Gbao*, SCSL-2003-09-PT; *Prosecutor Against Kamara*, SCSL-2003-10-PT; *Prosecutor Against Kanu*, SCSL-2003-13-PT.

AFRC members - Accused Brima, Kamara and Kanu.²

4. The Chamber held that the interest of justice and the right of the Accused persons to a fair and expeditious trial would be better protected by trying the former RUF members separately from the former AFRC members, as opposed to trying all six indictees together, in light of possible conflicts in defence strategy and potential mutual recriminations, between members of the two groups.³
5. On 3 February 2004, the Prosecution filed an application for leave to file an interlocutory appeal against the Trial Chamber's decision of 27 January 2004, pursuant to Rule 73(B).⁴
6. On 13 February 2004, the Trial Chamber refused to grant the Prosecution leave to file an interlocutory appeal, rejecting the Prosecution's application on the grounds that it only addressed the first out of two conditions stipulated in Rule 73(B), both of which must be met in order to grant such leave. It did not therefore address the Prosecution's argument of "irreparable prejudice to a party".⁵
7. On 11-14 March 2004 at the 5th Plenary the Rules of Procedure and Evidence of the Court were amended by the Learned Judges by the inclusion of a new rule 48 (c) which for the first time made provision for the concurrent hearing of witnesses.
8. On 26 April 2004, pursuant to the Trial Chamber's "Order to the Prosecution to file Disclosure materials and other materials in the preparation for the commencement of trial" dated 1 April 2004, the Prosecution filed its witness lists showing the witnesses it intends to call at the trial in this case and in the case of *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT). That although the said lists are still tentative, a comparison shows that about 56% of the witnesses in this trial are the same witnesses in the case of the *Prosecutor v.*

² *Prosecutor v. Sesay* (SCSL-2003-05) and *Prosecutor v. Brima* (SCSL-2003-06) and *Prosecutor v. Kallon* (SCSL-2003-07) and *Prosecutor v. Gbao* (SCSL-2003-09) and *Prosecutor v. Kamara* (SCSL-2003-10) and *Prosecutor v. Sesay* (SCSL-2003-05) and *Prosecutor v. Kanu* (SCSL-2003-13), Decision and Order on Prosecution Motion for Joinder, 27 Jan. 2004 ("Joinder Decision, 27 Jan. 2004"), para. 48.

³ Joinder Decision, 27 Jan. 2004, paras. 41 and 46.

⁴ Application for Leave to file an Interlocutory Appeal Against the Trial Chamber's decision of 27 January 2004, 3 February 2004, filed both in *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-2004-15-PT and in *Prosecutor v. Brima, Kamara and Kanu*, SCSL-2004-16-PT ("Application for Leave to file an Interlocutory Appeal, 3 Feb. 2004").

⁵ *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-2004-15-PT, Decision on Prosecution's Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution Motion for Joinder, 13 Feb. 2004, para. 15; *Prosecutor v. Brima, Kamara and Kanu*, SCSL-2004-16-PT, Decision on Prosecution's Application for Leave to File an Interlocutory Appeal Against the Decision on the Prosecution Motion for Joinder, 13 Feb. 2004, para. 18.

Brima, Kamara and Kanu (SCSL-2004-16-PT). The witness lists in both cases are annexed hereto.

9. On 28 April 2004 whilst arguing a related matter at the Pre-Trial Conference, the Chamber for the first time stated on record that the Chamber may be minded to commence the trial in the matter of the *Prosecutor v. Norman, Fofana and Kondewa* SCSL-2004-14-PT together with either the trial in *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT) or this trial.
10. The Chamber also indicated that it will soon issue various orders fixing the commencement dates of the said trials. The Prosecution hereby humbly urges the Trial Chamber to consider the issues raised in this motion and take a decision on this motion before it seizes itself of the matter in *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT) or this matter.

III. LEGAL PROVISIONS

11. Article 17, paragraph 2, entitles the Accused to a fair trial. Inherent to this notion is the expeditious nature of such trial. Moreover, Article 17, paragraph 4(c), specifically enshrines the right of the Accused to be tried without undue delay.
12. Rule 48(C) permits the Trial Chamber to order a concurrent hearing of witnesses common to Accused persons who were separately indicted if they are accused of crimes committed in the course of the same transaction. This rule provides:

(C) A trial Chamber may order concurrent hearing of evidence common to the trials of persons separately indicted or joined in separate trials and who are accused of the same or different crimes committed in the course of the same transaction. Such a hearing may be granted with leave of a Trial Chamber pursuant to Rule 73.

IV. ARGUMENTS

13. The Prosecution hereby submits, that by granting this motion to conduct a concurrent hearing of the testimonies of witnesses common to both the case of *Prosecutor v. Sesay, Kallon and Gbao* (SCSL-2004-15) and the case of *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16), the Trial Chamber will promote the rights of all six Accused individuals to a fair and expeditious trial, enshrined in Article 17 paragraphs 2 and 4(C). The Prosecution further

submits that granting this motion is in the interest of justice and doing so will advance judicial economy, consistency in jurisprudence and the credibility of the judicial process.

14. The Trial Chamber, in its decision of 27 January 2004, agreed that the Indictments charge all six Accused persons with crimes committed in the course of the same “transaction”, and that the factual allegations in the Indictments show a consistency between the crimes alleged therein and the Prosecution’s theory that they were committed in furtherance, or were the product, of a common criminal design.⁶
15. The Prosecution reasserts, in accordance with its submissions in the Status Conferences held on 2-3 March 2004 and 8 March 2004 that the total number of witnesses it intends to lead in both cases together, is presently estimated at 267. As many as 56% of these witnesses are common to both cases. Hence, conducting two trials involves the calling of over one hundred and fifty (150) witnesses twice, to testify before the Special Court at two different occasions.
16. The Prosecution submits that the testimonies of these common witnesses will relate to allegations pertaining to all six Accused in both cases, but will not directly implicate any of the Accused persons in the commission of crimes. These testimonies could be characterized as ‘crime base evidence’, which demonstrate the widespread and/or systematic nature of certain acts and describe the conduct of persons allegedly subordinate to, or acting in concert with, the Accused individuals.
17. The Prosecution emphasises that the measure requested in the present motion, neither implicitly nor indirectly, entails the holding of a joint trial in which all six Accused will be tried together. What is requested is merely the simultaneous presentation of evidence common to both trials, evidence which as stated above, is more of a general nature and which does not directly implicate the individual Accused persons.
18. International law acknowledges that concurrently presenting evidence pertaining to several Accused individuals does not *per se* constitute a conflict of interests.⁷ Moreover, the Trial Chamber of the Special Court, in its decision of 27 January 2004, considered this notion to be

⁶ Joinder Decision, 27 Jan. 2004, paras. 34, 37 and 38.

⁷ *Prosecutor v. Kovacevic et al*, IT-97-24-AR73, Decision on Motion for joinder of Accused and Concurrent Presentation of Evidence, 14 May 1998 (“*Kovacevic* Decision on Joinder, 14 May 1998”).

among the “*specific principles* on the question of joinder” that were established in the jurisprudence of the ICTY and ICTR, and explicitly endorsed this principle.⁸

19. It is further submitted that the concurrent presentation of evidence common to both cases would only apply to the Prosecution witnesses, and only to crime base witnesses.
20. The Prosecution submits that problems in connection with conflicting defence strategies or mutual recriminations between the two groups of indictees are not likely to arise, in light of the nature of the testimonies which will be heard in the concurrent presentation, as discussed in paragraph 12 above, and particularly in light of the absence of evidence implicating the individual Accused. The evidence presented in the concurrent hearing would merely demonstrate commission of crimes by persons allegedly subordinate or acting in concert with the Accused individuals, while any evidence which goes to prove the criminal responsibility of the Accused individuals under Article 6(1) and under Article 6(3), will be presented separately during the course of the two separate trials.
21. Moreover, the Defence has in its possession redacted statements made by Prosecution witnesses and will soon receive from the Prosecution a summary of the facts on which each witness will testify and the points in the indictment on which each witness will testify, in accordance with Rule 73 *bis*. Furthermore, the identity of, as well as the full statements made by, the Prosecution witnesses will be revealed to the Defence forty two days before the appearance of such witnesses, pursuant to the Trial Chamber’s various witness protection decisions. Hence, if in the view of the Defence, due to risks of mutual recriminations, or conflicts in defence strategies, the examination of a certain witness may adversely affect either the rights of the Accused or the interest of justice, the Defence could apply to the Chamber for a severance of the hearing of that particular witness from the concurrent presentation of common evidence.
22. The Prosecution submits that enabling the examination of Prosecution witnesses common to both cases to take place only once will not only expedite the proceedings in both cases and thereby protect the rights of the Accused under Article 17 to a fair and expeditious trial, but will also promote the credibility of the judicial process and jurisprudential consistency. This is because, if the same judges twice assess the credibility of testimony given by the same

⁸ *The Prosecutor v. Issa Hassan Sesay*, SCSL-2003-05-PT, Joinder Decision, 27 Jan. 2004, paras. 28-29.

witnesses, in two separate trials, on essentially the same evidence, their second assessment may appear to be influenced by the first assessment, thereby undermining the credibility of the judicial process, contrary to the interest of justice.⁹ If a second Trial Chamber is established and a separate bench of judges sit on the second trial, these judges will hear essentially the same evidence as the first, but may then render contradictory or inconsistent decisions regarding the credibility and weight of the same evidence adduced by the same witnesses in the first trial, thereby compromising jurisprudential consistency.

23. Furthermore, by granting this motion, the Trial Chamber will eliminate the possibility of witnesses appearing in one trial, but due to security related and other reasons, will become unable or unwilling to appear in the subsequent trial, thus hindering the ascertainment of truth and possibly prolonging the trial. Granting this motion will also operate to reduce costs, logistical undertakings and security risks to witnesses, as well as to enhance judicial economy by minimising trial days substantially.

V. RELEVANT CASE LAW

24. The Prosecution submits that there is limited case law on this issue which are factually distinguishable from this case. In *Kovacevic*, the ICTY Trial Chamber refused to grant the Prosecution's motion to join the hearing of witnesses common to three separate trials.¹⁰ In that case, a request was made to join the hearings of all the evidence relating to three different cases involving three different indictments. These indictments altogether charged four different Accused with crimes related to two different crime bases, to one of which two out of the four accused individuals had no connection. In the ICTY Chamber's view, granting this request would have effectively been equivalent to joining the trials, which was a consequence it was not prepared to approve. The ICTY Trial Chamber also found that granting the motion will lead to conflict of interests between the individuals Accused in conducting their defence, thereby causing serious prejudice to all the individuals Accused. Moreover, since the case against one of the individuals Accused had already been postponed once, the ICTY Chamber found that this individual's right to an expeditious trial would be violated by a decision to join the evidence hearings. The Chamber also opined that

⁹ *Prosecutor v. Delalic*, IT-96-21, Decision on Motions for Separate Trial Filed by the Accused Zejnil Delalic and the Accused Zdravko Mucic, 25 September 1996, para. 7

¹⁰ *Kovacevic* Decision on Joinder, 14 May 1998.

conducting two trials simultaneously is impractical since it may result in “confusion of the issues and evidence”.¹¹

25. The Prosecution submits that the present motion is distinguishable from the motion made in *Kovacevic*. First, the measure requested in the present motion enshrines the concept of two separate trials, by emphasising that only within the restricted period of time, during which the testimony of common witnesses will be heard, would the trials effectively ‘merge’ and be heard together. Secondly, the concurrent hearing requested in *Kovacevic* regarded evidence relating to four Accused persons who were *not* charged with the same crimes committed in the same locations, in contrast to the circumstances of the case at bar. Thirdly, the request in *Kovacevic* was for a concurrent hearing of *all* the evidence relating to the three cases. Not only is this an important distinguishing element from the instant case, but it also explains the fact that the ICTY Trial Chamber deemed the granting of the request equal to ordering a joinder of the trials. Lastly, in the instant case, as opposed to the situation in *Kovacevic*, the risk of a concurrent hearing resulting in “confusion of the issues and evidence” does not exist, as the two separate trials will most probably be conducted simultaneously (and even possibly before the same Trial Chamber), and since the factual allegations and the crimes charged are the same in the case of all six individuals Accused.
26. In another ICTY case, the Prosecution made a similar request which was also rejected. This request was to join the hearing of evidence common to both the case against *Brdanin and Talic* and the case against *Stakic*.¹²
27. However, in that case, in contrast to the instant case, the Indictments did not charge all the Accused individuals in both cases with the exact same crimes; nor were the two Indictments based on the precise same factual allegation.
28. The ICTY Trial Chamber refused to grant the motion since the first trial was due to commence, while the second, because of budgetary problems was not scheduled to start until a later point in time. Further, the ICTY Chamber noted that the “Office of the Prosecutor mentioned the possibility of applying for a joinder of the two cases”, a factor which may have been taken into account in refusing to grant the motion. That case is distinguished from

¹¹ *Kovacevic* Decision on Joinder, 14 May 1998, para. 10.

¹² *Prosecutor v. Brdanin (or Brdjanin), Talic and Stakic*, IT-99-36-PT& IT-97-24-PT, Decision on Prosecution’s Motion for a Joint Hearing, 11 Jan. 2002.

the instant case, in that the two trials before the Special Court may be scheduled to commence at the same time. Additionally, in the instant case, a request for a joint trial against all six Accused was already dealt with, and therefore no longer remains a consideration which the Chamber need take into account at this point in deciding on the present motion.

V. SUMMATION

29. The Prosecution respectfully submits that the Trial Chamber should grant the present motion in light of the following considerations:

- (a) all six Accused are charged with crimes which are part of the same “transaction”;
- (b) both Indictments are based on the same facts and charge all six Accused with the same crimes;
- (c) the factual allegations in the Indictments show a consistency between the crimes charged therein and the Prosecution’s theory that they were committed in furtherance, or were the product, of a common criminal design;
- (d) concurrent presentation of evidence common to both cases does not constitute a conflict of interests;
- (e) concurrent presentation of evidence common to both cases would apply only to the Prosecution witnesses;
- (f) evidence presented at the concurrent hearing would not directly implicate the Accused individuals in the commission of crimes, but rather, would only relate to acts of others than the Accused individuals;
- (g) any prejudice caused to the individual Accused persons would not be substantial and would be outweighed by the following factors:
 - (i) many Prosecution witnesses have already expressed some fear about testifying, and will most likely not be willing to testify in a subsequent trial, a factor jeopardizing the fairness of the trial and the promotion of the search for truth;
 - (ii) hearing the same witnesses twice, in two separate trials, on essentially the same evidence and by the same panel of judges will jeopardize the principle of a fair trial,

since the appearance that the judges would have already assessed the credibility of the evidence when conducting the second hearing would undermine the credibility of the judicial process as a whole and would be contrary to the interest of justice;¹³

- (iii) if a second Trial Chamber is established and a separate bench of judges sit on the second trial, these judges will hear essentially the same evidence as the first, but may then render contradictory or inconsistent decisions regarding the credibility and weight of the same evidence adduced by the same witnesses in the first trial, thereby undermining the credibility of the judicial process and compromising jurisprudential consistency;
- (iv) since calling the same Prosecution witnesses to testify twice on the same events subjects them to cross-examination twice on the same evidence, which is not the case with regards to Defence witnesses, and also since the Defence in the second trial will be provided with two opportunities to hear Prosecution witnesses in direct examination and prepare for cross-examination whilst the Prosecution will only have one opportunity with Defence witnesses, the principle of equality of arms is compromised by placing the Prosecution at a substantial disadvantage vis-à-vis the Defence in the second trial;¹⁴
- (v) since the Prosecution, in general, intends to lead against all six Accused essentially the same evidence, calling the same witnesses twice means that most of the Prosecution witnesses will testify twice to the exact same events, in contradiction to the principle of judicial economy;
- (vi) hearing the same witnesses twice in two trials will considerably increase the risk to their security and undermine the efficiency of witness protection measures; and
- (vii) appearance of the same Prosecution witnesses in two trials requires their prolonged stay in the witness protection program, presenting overwhelming financial costs and severe logistical implications for the Witness and Victims Support Unit.

30. The Prosecution also notes that plans for a second Trial Chamber are well advanced. In view

¹³ *Prosecutor v. Delalic*, IT-96-21, Decision on Motions for Separate Trial Filed by the Accused Zejnil Delalic and the Accused Zdravko Mucic, 25 September 1996, para. 7

¹⁴ *Prosecutor v. Tadic*, IT-94-01, Judgement, 15 July 1999, para. 48.

of the fact that there will be four trials, to wit, the *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT), *Prosecutor v Norman, Fofana and Kondewa* (SCSL-2004-14-PT), *Prosecutor v. Taylor* (SCSL-2003-01) and this case. It is expected that each Chamber will deal with two cases. For the reasons advanced in this motion, the Prosecution therefore urges the Trial Chamber to assign the cases of *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT) and this case to the same chamber to facilitate the common hearing of the common witnesses. For the reasons advanced in this motion, the Prosecution therefore urges the Trial Chamber not to assign the said cases without ruling on the merits of this motion.

31. Considering the representations made by Counsel for RUF and AFRC at the Pre-Trial Conference that they will not be ready for trial until the end of June or the beginning of July at the earliest, the Prosecution submits that this motion will not delay the beginning of these trials and should not hinder the Chamber from fixing a date for trial, without assigning it to a specific Chamber, in order for the Prosecution to fulfil its disclosure obligation of unredacted materials.

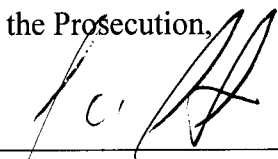
VI. CONCLUSION

32. The Prosecutor submits that for the foregoing reasons, the Trial Chamber should grant the Prosecution's present motion and order, pursuant to Rule 48(C), that one hearing be held where evidence common to both the case of *Prosecutor v. Sesay, Kallon and Gbao* (SCSL-2004-15-PT) and the case of *Prosecutor v. Brima, Kamara and Kanu* (SCSL-2004-16-PT) will be presented concurrently.

33. The Prosecution respectfully request that this motion be dealt with expeditiously.

Done in Freetown, on this 30 April 2004.

For the Prosecution,



Luc Côté, Chief of Prosecution



Robert Petit, Senior Trial Attorney

PROSECUTION INDEX OF AUTHORITIES

1. *Prosecutor v. Kovacevic et al*, IT-97-24-AR73, Decision on Motion for joinder of Accused and Concurrent Presentation of Evidence, 14 May 1998.
2. *Prosecutor v. Delalic*, IT-96-21, Decision on Motions for Separate Trial Filed by the Accused *Zejnir Delalic* and the Accused *Zdravko Mucic*, 25 September 1996, para. 7
3. *Prosecutor v. Brdanin (orse Brdjanin), Talic and Stakic*, IT-99-36-PT& IT-97-24-PT, Decision on Prosecution's Motion for a Joint Hearing, 11 Jan. 2002.
4. *Prosecutor v. Tadic*, IT-94-01, Judgement, 15 July 1999, para. 48.
5. *Witness List*

Annex 1

Prosecutor v. Kovacevic et al, IT-97-24-AR73, Decision on Motion for joinder of Accused and Concurrent Presentation of Evidence, 14 May 1998.

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IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding

Judge Antonio Cassese

Judge Florence Ndepele Mwachande Mumba

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 14 May 1998

PROSECUTOR

v.

**MILAN KOVACEVIC,
MIROSLAV KVOCKA, MLADEN RADIC, and ZORAN ZIGIC,
ZORAN ZIGIC a.k.a "Ziga"**

**DECISION ON MOTION FOR JOINDER OF ACCUSED AND CONCURRENT
PRESENTATION OF EVIDENCE**

The Office of the Prosecutor:

**Mr. Michael Keegan
Ms. Brenda Hollis
Ms. Ann Sutherland**

Counsel for the Accused:

**Mr. Dusan Vucicevic and Mr. Anthony D'Amato for Milan Kovacevic
Mr. Veljko Gubrina for Mladen Radic
Mr. M. Krstan Simic and Ms. Slavica Grahovac for Miroslav Kvocka
Mr. Simo Tosic for Zoran Zigic**

I. INTRODUCTION

1. Pending before this Trial Chamber of the International Criminal Tribunal for the former Yugoslavia ("the International Tribunal") is a Motion for Joinder of Accused and Concurrent Presentation of Evidence ("Motion for Joinder") filed by the Office of the Prosecutor ("Prosecution") on 22 April 1998. Defence counsel for the accused Milan Kovacevic filed a Reply and an appended Motion on 1 May 1998, seeking "bifurcation" of the trial of Milan Kovacevic. Also on 1 May 1998, Defence counsel for Mladen Radic filed a Brief in response. The Prosecution filed a Response to the Defence Motion for a

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"Bifurcated" Trial on 7 May 1998. Defence counsel for Zoran Zigic filed a Response to the Motion for Joinder on 8 May 1998, whereas Defence counsel for Miroslav Kvočka filed its response on 11 May 1998.

The Trial Chamber heard oral argument on 11 May 1998 at which time the Trial Chamber refused the Motion for Joinder in an oral decision, reserving the written decision to a later date.

THE TRIAL CHAMBER, HAVING CONSIDERED the written submissions and oral arguments of the parties,

HEREBY ISSUES ITS WRITTEN DECISION.

II. SUBMISSIONS

2. In its Motion for Joinder the Prosecution makes the following requests:

- (a) to join the trials of the accused Zoran Zigic, Miroslav Kvočka, and Mladen Radic pursuant to Article 20, paragraph 1, of the Statute of the International Tribunal and Rules 48 and 75 (A) of the Rules of Procedure and Evidence;
- (b) that there be concurrent presentation of evidence against all four accused pursuant to Rules 54 and 75 (A) (and as a practical matter, that these cases therefore be heard by the same Trial Chamber).

3. The Prosecution argues that:

- (a) each of the indictments against the accused Zoran Zigic, Miroslav Kvočka, and Mladen Radic concerns crimes committed in the Omarska camp; Milan Kovacevic as their superior is also charged with responsibility for these crimes, as well as the crimes alleged against Zoran Zigic relating to Keraterm camp, under Article 7, paragraph 3, of the Statute;
- (b) evidence against Zoran Zigic of crimes committed in the Keraterm camp and evidence against Milan Kovacevic of crimes committed in the Prijedor area prior to the establishment of the camps, constitute proof of a widespread or systematic attack against the civilian population which is relevant to charges under Article 5 of the Statute against the accused Zoran Zigic, Miroslav Kvočka, and Mladen Radic; all these crimes are part of the "same transaction" (ethnic cleansing) under Rule 48;
- (c) all the indictments are therefore based on the same facts, and as the trial process is a search for the truth, the facts revealed in the process of concurrent presentation of evidence are relevant to all the accused;
- (d) the concurrent presentation of evidence would apply only to the Prosecution case;
- (e) any prejudice caused to the accused, including the delay caused to the trial of Milan Kovacevic, would not be substantial, and would be outweighed by the following

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considerations;

(i) separate trials would have adverse consequences on the health, welfare, and

security of Prosecution witnesses, and could result in the Prosecution losing crucial witnesses for subsequent prosecutions;

(ii) separate trials would have an adverse effect on the rights of all four accused to be tried expeditiously under Article 20, paragraph 1, of the Statute;

(iii) the concurrent presentation of evidence in these trials is the most efficient use of the resources of the International Tribunal and therefore in the interest of judicial economy.

4. Defence counsel for the accused Milan Kovacevic opposes the Motion for Joinder on the following grounds:

(a) as the crime of genocide with which Milan Kovacevic is charged differs from the crimes alleged against the other accused (and the relevant evidence differs), the concurrent presentation of evidence against all four accused would lead to a conflict of interest in their defence strategies, which would substantially prejudice the accused in their right to a fair trial. Such a conflict would constitute a ground for separation of trials under Rule 82 (B);

(b) the concurrent presentation of evidence would lead to further delay in the trial of Milan Kovacevic, thus violating his right to an expeditious trial;

(c) the Prosecutor's argument that Milan Kovacevic was the superior of the other defendants and therefore bears responsibility for their crimes under Article 7, paragraph 3, is a mere assertion, unsupported by proof;

(d) the important concerns for the health, welfare and security of victims and witnesses, the rights of the accused to an expeditious trial, and judicial economy could be redressed by a "bifurcation" of the trial of Milan Kovacevic, so that witnesses could give evidence in one trial in the morning and the other in the afternoon;

(e) such a "bifurcation" would be consistent with the fact that Milan Kovacevic is not charged with any alleged atrocities that took place within the camps.

5. Defence counsel for Mladen Radic, Miroslav Kvočka, and Zoran Zigic also oppose the Motion for Joinder:

(a) Defence counsel for Mladen Radic states that he had not received all the supporting materials in the native language of the accused, and therefore cannot state his position further at this time;

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(b) Defence counsel for Miroslav Kvocka opposes the Motion for Joinder on these grounds:

- (i) this situation is not covered by Rule 48 since there is no question of joining the indictments, nor is it covered by Rule 54;
- (ii) protection of victims and witnesses is enhanced by separate trials;
- (iii) the accused Miroslav Kvocka's position is a specific one; it bears no relation to that of the accused Zoran Zigic and Milan Kovacevic;
- (iv) arguments of expediency and efficiency cannot justify the violation of the right of the accused to a fair trial;

(c) Defence counsel for Zoran Zigic also states he has not received the supporting materials, and at the hearing of 11 May 1998 commented that

- (i) joinder of trial without joinder of indictments would be an irregular procedure;
- (ii) since there is no complete overlap of witnesses, it would in fact be beneficial to have separate trials;
- (iii) judicial economy is not a valid reason to join trials.

6. The Prosecution responds by arguing:

(a) the supporting materials have all been handed over to the respective Defence counsel in English;

(b) Defence counsel for Milan Kovacevic is under a basic misapprehension of the indictment against Milan Kovacevic when stating that crimes committed in Omarska are not relevant, as the indictment charges Milan Kovacevic not just with planning genocide, but with complicity in genocide under Article 7, paragraph 1 and Article 7, paragraph 3;

(c) concerns for the protection of victims and witnesses would not be met by

the "bifurcation" of the trial of Milan Kovacevic as they would still be required to testify twice.

III. APPLICABLE LAW

7. Both sides rely on Article 20, paragraph 1, of the Statute, which states:

The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of

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victims and witnesses.

8. The Prosecution argues joinder of trial would be pursuant to Rule 54, and provided for in Rule 48 which states:

Persons accused of the same or different crimes committed in the course of the same transaction may be jointly charged and tried.

The Prosecution also relies on Article 22 in conjunction with Rule 75 (A). Article 22 provides:

The International Tribunal shall provide in its rules of procedure and evidence for the protection of victims and witnesses. . . .

Rule 75 (A) states:

A Judge or a Chamber may, *proprio motu* or at the request of either party, or of the victim or witness concerned, or of the Victims and Witnesses Unit, order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused.

9. The Defence counsel for Milan Kovacevic argues that Rule 82 (B) was drafted with this situation in mind, as it states:

The Trial Chamber may order that persons accused jointly under Rule 48 be tried separately if it considers it necessary in order to avoid a conflict of interests that might cause serious prejudice to an accused, or to protect the interests of justice.

IV. REASONS

10. At the hearing of 11 May 1998, the Trial Chamber rejected the Motion for Joinder. Its reasons for doing so are set out below.

(a) The practical effect of the course proposed by the Prosecution would be to order joint trials. At the moment the four accused appear in three indictments. Therefore to order the concurrent presentation of evidence would be to order a joint trial of all four accused. In the view of the Trial Chamber, such a course is not justified in the circumstances before it in this case, for the following reasons.

(b) The Trial Chamber recognises that some victims and witnesses called to give evidence suffer hardship thereby, and has well in mind its duty to protect witnesses. On the other hand, pursuant to Article 20, paragraph 1, the accused have the right to a fair and expeditious trial. Rule 75 (A) specifies that any measures for protection of witnesses may only be ordered if they are consistent with the rights of the accused. The Trial Chamber considers that the course requested by the Prosecution may endanger the rights of all the accused to a fair trial, because it may lead to conflict of interests between the accused in conducting their defence. Such conflict would cause serious prejudice to all the accused. Rule 82 (B) empowers a Trial Chamber to separate trials if "it considers it necessary in order to avoid a conflict of interests that might cause serious prejudice to an accused . . .".

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Had the four accused been jointly indicted in this case, the Trial Chamber would have had to consider separating their trials.

(c) Furthermore, to allow this Motion for Joinder would result in a violation of the right of the accused Milan Kovacevic to an expeditious trial (his trial already having been postponed from 11 May 1998). This violation is not justified by the argument that joinder may expedite the trials of the other accused.

(d) Since the proposed course of action might cause substantial prejudice to the accused, as well as infringing the right of the accused Milan Kovacevic to be tried without undue delay, the Trial Chamber finds that arguments of judicial economy are no longer relevant. The Trial Chamber also takes the view that it is impractical for it to conduct two trials at the same time; this would be liable to lead to confusion of the issues and evidence.

11. The Trial Chamber need not rule at this stage on the Motion for a "Bifurcated" Trial. Nothing in the present ruling is intended to discourage compromise between the parties on how to conduct the trials in a manner which will minimise the potential hardship to witnesses.

V. DISPOSITION

For the foregoing reasons

PURSUANT TO RULES 54 AND 73;

THE TRIAL CHAMBER REFUSES the Prosecution's Motion for Joinder of Accused and Concurrent Presentation of Evidence of 22 April 1998 to this extent:

1. The request for the concurrent presentation of evidence against all four accused, with the suggestion that these cases all be heard by the same Trial Chamber, is rejected.
2. The request for the two indictments against the accused Zoran Zigic, Mladen Radic, and Miroslav Kvočka to be tried together is adjourned, as it is not a matter for this Trial Chamber to determine, but for the Trial Chamber which will try those accused.

Done in English and French, the English text being authoritative.

Richard
May

Presiding

5409

Judge

Dated this 14th day of May 1998

At The Hague

The Netherlands

[Seal
of
the
Tribunal]

ANNEX 2

Prosecutor v. Delalic, IT-96-21, Decision on Motions for Separate Trial Filed by the Accused *Zejnir Delalic* and the Accused *Zdravko Mucic*, 25 September 1996, para. 7

IN THE TRIAL CHAMBER

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Before: Judge Gabrielle Kirk McDonald, Presiding

Judge Ninian Stephen

Judge Lal C. Vohrah

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 25 September 1996

PROSECUTOR

v.

**ZEJNIL DELALIC
ZDRAVKO MUCIC also known as "PAVO"
HAZIM DELIC
ESAD LANDZO also known as "ZENGA"**

**DECISION ON MOTIONS FOR SEPARATE TRIAL FILED BY THE ACCUSED ZEJNIL
DELALIC AND THE ACCUSED ZDRAVKO MUCIC**

The Office of the Prosecutor:

Mr. Eric Ostberg Ms. Teresa McHenry

Counsel for the Accused:

Ms. Edina Residovic, for Zejnil Delalic

Mr. Branislav Tapuskovic, for Zdravko Mucic

Mr. Salih Karabdic, for Hazim Delic

Mr. Mustafa Brakovic, for Esad Landzo

I. INTRODUCTION

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Pending before this Trial Chamber of the International Tribunal for the Prosecution of Persons

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Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 ("International Tribunal") is a Preliminary Motion filed pursuant to Rules 72 and 73 of the Rules of Procedure and Evidence of the International Tribunal ("Rules") on behalf of one of the accused, Zdravko Mucic, on 24 May 1996, seeking a separate trial from two of the co-accused, Hazim Delic and Esad Landzo. On 5 June 1996 the co-accused Zejnir Delalic also filed a Motion for A Separate Trial (together referred to as "the Motions"). The Office of the Prosecutor ("Prosecution") filed its Responses to the Motions on 6 and 28 June 1996. On 18 June 1996 the Trial Chamber ordered the two co-accused, Hazim Delic and Esad Landzo, to respond to the Motions and Replies were filed on 18 and 16 July 1996, respectively. The Prosecution responded to these Replies on 19 July 1996.

On 2 August 1996 the Trial Chamber heard oral argument from counsel for the four accused and for the Prosecution on the Motions. The Decision on those Motions was reserved to a later day.

THE TRIAL CHAMBER, HAVING CONSIDERED the written and oral submissions of the parties,
HEREBY ISSUES ITS DECISION.

II. DISCUSSION

1. The Rules relevant to these Motions are Rule 48, read in the light of the definition of "transaction" in Rule 2, and Rule 82, in particular, Sub-rule (B). These provisions read as follow:

Rule 48

Joinder of Accused

Persons accused of the same or different crimes committed in the course of the same transaction may be jointly charged and tried.

Rule 82

Joint and Separate Trials

...

(B) The Trial Chamber may order that persons accused jointly under Rule 48 be tried separately if it considers it necessary in order to avoid a conflict of interests that might cause serious prejudice to an accused, or to protect the interests of justice.

2. The accused properly have been jointly charged with a variety of crimes in the one indictment in accordance with Rule 48, since the acts that were alleged to have to have been committed are part of the same transaction within the meaning of Rule 2. Only if this Trial Chamber considers that under Sub-rule 82(B) it is "necessary in order to avoid a conflict of interests that might cause serious prejudice to an

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accused, or to protect the interests of justice" may it order that persons accused jointly be tried separately. There is no provision in the Rules for separate trial of distinct issues arising in the one indictment.

3. Neither in written submissions nor in oral argument has it been established that any conflict of interests such as is referred to in the first limb of Sub-rule 82(B) will arise if the accused are tried together in one joint trial, still less that, as a result of any such conflict, there might be caused serious prejudice to any accused. Before referring to the second limb in Sub-rule 82(B), the protection of the interests of justice, the submissions, written and oral, of the accused may be summarised as follow:

(a) The accused Zejnil Delalic

In his motion reliance was placed upon the principle of individual responsibility and on an accused's right to equality before the International Tribunal. It was said that the presentation at his trial of evidence against other accused charged as direct perpetrators will result in serious prejudice to him. In addition, much was said regarding the appropriateness of a separate trial of this accused concerned solely with the question of whether he was ever in a position of superior authority such as would involve him in command responsibility.

However, neither in the written motion nor in oral argument was any question of conflict of interests established, though in argument the fact that all accused would be obliged to be present when evidence that did not concern all of them was given was said to give rise to a conflict of interests. Whatever degree of inconvenience this may involve is no such matter of conflict of interests with which Sub-rule 82(B) is concerned.

As it developed in argument, what this accused was seeking was not so much a separate trial on the present indictment but rather a preliminary and separate trial confined to the sole issue of command responsibility, a procedure which, as stated above, is not contemplated in the Rules of this International Tribunal.

(b) The accused Zdravko Mucic

In his written motion no conflict of interests was alleged and in oral argument his counsel did not in fact oppose a joint trial.

(c) The accused Hazim Delic

Having initially stated that he did not seek a separate trial, this accused in his motion now seeks not one separate trial but, like the accused Zejnil Delalic, a preliminary and separate trial confined to the question of his command responsibility and a second trial concerned with acts allegedly committed by him personally.

In argument this was elaborated on and counsel added that there was no objection to this accused being jointly tried with the accused Esad Landzo in the second of the two trials proposed. Neither in argument nor in the written motion is any question of conflict of interest suggested.

(d) The accused Esad Landzo

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This accused also initially did not seek a separate trial but in his motion now does so and in argument objected to being tried jointly with Zejnil Delalic and Zdravko Mucic, though not with Hazim Delic. Neither in the motion nor in oral argument was any question of conflict of interests established.

4. In view of the foregoing and the absence of any conflict of interests, the only remaining ground upon which any separate trial might be ordered in accordance with Sub-rule 82(B) would be that of it being necessary to do so in order to protect the interests of justice.

5. In fact, to grant separate trials would be contrary to the interests of justice. Were each of the motions of Zejnil Delalic, Hazim Delic and Esad Landzo granted, the result would be at least three, perhaps more, distinct trials: one or perhaps two (depending on the outcome of the first) for Zejnil Delalic, one for Hazim Delic and perhaps a second (depending again on the outcome of the first) jointly with Esad Landzo and one for Zdravko Mucic, which could perhaps be a joint trial with some other accused.

6. It was said on behalf of the accused that there would be great delay and complexity involved in a joint trial; in fact the separate trials which have been sought would *in toto* be likely to involve much greater delay, at least for those unfortunate enough not to be the first to be tried. They would also mean considerable repetition of evidence, not only in the trials of different accused but even, according to the Prosecution, in cases where two distinct trials of the same accused became necessary as a possible outcome of the orders sought by both Zejnil Delalic and Hazim Delic. What all this would involve for witnesses, for the Prosecution and, indeed, for the functioning of the International Tribunal and the disposition of other cases, is so obvious as to need no exposition.

7. However, these considerations apart, the interests of justice are in any event clearly best served by one joint trial. The Prosecution submits that the evidence of almost all the witnesses it intends to call will be relevant to the case against each of the four accused; this may also prove to be so in the case of witnesses called by the several accused, should they chose to offer evidence. Accordingly, separate trials would involve much duplication of testimony and great hardship for already traumatised witnesses. Moreover, separate trials would, in this International Tribunal, where a bench of three Judges are triers of both fact and law, present especial difficulties. The Judges would have to hear the same witnesses giving the same testimony on at least two, and probably more, occasions and on each occasion would have to try to consider the evidence with minds unaffected by their prior conclusions regarding that evidence reached on earlier occasions. In sum, to grant the separate trials that are sought would, in the opinion of this Trial Chamber, be distinctly adverse to the interests of justice.

8. Although Sub-rule 82(B) entitles accused who have been jointly charged to separate trials upon a proper showing, and provides for no other alternative, some reference should be made to the quite different proposal urged on behalf of several of the accused that there be preliminary separate trials confined to the single issue of command responsibility. Perhaps this would result in a speedier outcome than will a joint trial, at least for the first two accused who might be tried in this way, but only if they were to succeed in establishing the absence of command responsibility. It might, however, even in that event, mean greater delay in the trial of the other accused and would certainly mean very considerably greater delay, not to mention extraordinary hardship and disruption to witnesses, were command responsibility established.

9. This apart, the arguments of the accused proceed very much upon the footing that the issues involved in command responsibility may be disposed of relatively simply and hence speedily. This the Prosecution contests. Only the outcome of such trials would determine in retrospect who was right; but if, as the Prosecution asserts, most of the intended prosecution witnesses will give evidence going to both command responsibility and to direct liability, the likelihood of speedy disposition of the command responsibility issue seems slight. It must be appreciated that the issue of command responsibility is

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unlikely to turn upon mere proof of the holding or not holding of some particular office.

10. In all the circumstances this Trial Chamber concludes that, for the foregoing reasons, it should refuse to make any orders for separate trial pursuant to Sub-rule 82(B); the accused have been properly joined and no showing of a conflict of interests has been made nor any prejudice to the interests of justice. It also concludes, for the reasons stated, that it should not make any orders for some form of preliminary determination of the issue of command responsibility.

III. DISPOSITION

FOR THE FOREGOING REASONS,

THE TRIAL CHAMBER, PURSUANT TO RULE 82,

HEREBY UNANIMOUSLY DENIES the Motions.

Done in English and French, the English text being authoritative.

Gabrielle
Kirk
McDonald

Presiding
Judge

Dated this twenty-fifth day of September 1996

At The Hague

The Netherlands

[Seal
of
the
Tribunal]

ANNEX 3

Prosecutor v. Brdanin (or Brdjanin), Talic and Stakic, IT-99-36-PT & IT-97-24-PT,
Decision on Prosecution's Motion for a Joint Hearing, 11 Jan. 2002.

UNITED
NATIONS

IT-99-36-PT
D7624-D7628
11 JANUARY 2002

~~IT-97-24-PT~~
~~D10009-D10008~~
11 JANUARY 2002

10009
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International Tribunal for the
Prosecution of Persons Responsible
For Serious Violations of International
Humanitarian Law Committed in the
Territory of the Former Yugoslavia
Since 1991

Case: IT-99-36-PT &
IT-97-24-PT

Date: 11 January 2002

Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding Judge
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr Hans Holthuis

Decision of: 11 January 2002

THE PROSECUTOR

v.

RADOSLAV BRĐANIN
MOMIR TALIĆ
and
MILOMIR STAKIĆ

DECISION ON PROSECUTION'S MOTION FOR A JOINT HEARING

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Andrew Cayley
Ms. Susan Somers

Counsel for Accused Radoslav Brđanin:

Mr. John Ackerman
Ms. Milka Maglov

Counsel for Accused Momir Talić:

Mr. Xavier De Roux
Mr. Michel Pitron

Counsel for the Accused Stakić:

Mr. Branko Lukić

Case Nos. IT-99-36-PT & IT-99-24-PT

11 January 2002

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TRIAL CHAMBER II of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereafter "International Tribunal"),

BEING SEISED of the "Prosecution's Motion for a Joint Hearing of evidence common to the cases of *Prosecutor v. Brđanin and Talić* and *Prosecutor v. Milomir Stakić*", dated 8 January 2002 (hereafter "Motion");

NOTING that the Motion, pursuant to Article 20(1) of the Statute of the International Tribunal (hereafter "the Statute"), and Rules 54 and 73 of the Rules of Procedure and Evidence (hereafter "the Rules"), requests a joint hearing of evidence with regard to witnesses who are due to give evidence in both cases, relating to the same events that have taken place in the municipality of Prijedor;

NOTING that at the same time, the Office of the Prosecutor mentioned the possibility of applying for a joinder of the two cases;

NOTING the "Réponse à la Requête du procureur aux fins d'obtenir la présentation simultanée des éléments de preuve communs aux affaires *le procureur c. Brđjanin et Talić* et *le procureur c. Stakić*" filed by the accused Momir Talić arguing that the granting of the Motion would infringe upon the requirements of Article 20 (1) of the Statute and the rights of the accused;

CONSIDERING that the trial of *Prosecutor v. Brđanin and Talić* is due to commence on 21 January 2002 and that it is not in the interest of justice to delay the start of this trial;

CONSIDERING that a joinder would inevitably delay the start of the case of *Prosecutor v. Brđanin and Talić*;

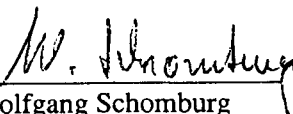
CONSIDERING FURTHER the fact that, due to budgetary problems the trial of *Prosecutor v. Milomir Stakić* cannot start according to the envisaged court schedule of the International Tribunal, there is no basis for a joint hearing;

FOR THE FOREGOING REASONS

PURSUANT TO Article 20(1) of the Statute and Rules 54 and 73 of the Rules of Procedure and Evidence of the International Tribunal;

HEREBY DISMISSES THE MOTION.

Done in both English and French, the English version being authoritative.


Wolfgang Schomburg
Presiding Judge

Done this eleventh day of January 2002
At The Hague,
The Netherlands

[Seal of the Tribunal]

ANNEX 4

Prosecutor v. Tadic, IT-94-01, Judgement, 15 July 1999, para. 48.

5420

IN THE APPEALS CHAMBER

Before:

Judge Mohamed Shahabuddeen, Presiding
Judge Antonio Cassese
Judge Wang Tieya
Judge Rafael Nieto-Navia
Judge Florence Ndepele Mwachande Mumba

Registrar:

Mrs. Dorothee de Sampayo Garrido-Nijgh

Judgement of: 15 July 1999

PROSECUTOR

v.

DUSKO TADIC

JUDGEMENT

The Office of the Prosecutor:

Mr. Upawansa Yapa
Ms. Brenda J. Hollis
Mr. William Fenrick
Mr. Michael Keegan
Ms. Ann Sutherland

Counsel for the Appellant:

Mr. William Clegg
Mr. John Livingston

I. INTRODUCTION

A. Procedural background

1. The Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("International Tribunal" or "Tribunal") is seised of three appeals in relation to the Opinion and Judgment rendered by Trial Chamber II¹ on 7 May 1997 in the case of *The Prosecutor v. Dusko Tadic*, Cass No.: IT-94-1-T ("Judgement")² and the subsequent Sentencing

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1. Applicability of Articles 20(1) and 21(4)(b) of the Statute

43. Article 20(1) of the Statute provides that "[t] he Trial Chambers shall ensure that a trial is fair and expeditious [...] ". This provision mirrors the corresponding guarantee provided for in international and regional human rights instruments: the International Covenant on Civil and Political Rights (1966) ("ICCPR"),⁷¹ the European Convention on Human Rights (1950),⁷² and the American Convention on Human Rights (1969).⁷³ The right to a fair trial is central to the rule of law: it upholds the due process of law. The Defence submits that due process includes not only formal or procedural due process but also substantive due process.⁷⁴

44. The parties do not dispute that the right to a fair trial guaranteed by the Statute covers the principle of equality of arms. This interpretation accords with findings of the Human Rights Committee ("HRC") under the ICCPR. The HRC stated in *Morael v. France*⁷⁵ that a fair hearing under Article 14(1) of the ICCPR must at a minimum include, *inter alia*, equality of arms. Similarly, in *Robinson v. Jamaica*⁷⁶ and *Wolf v. Panama*⁷⁷ the HRC found that there was inequality of arms in violation of the right to a fair trial under Article 14(1) of the ICCPR. Likewise, the case law under the ECHR cited by the Defence accepts that the principle is implicit in the fundamental right of the accused to a fair trial. The principle of equality of arms between the prosecutor and accused in a criminal trial goes to the heart of the fair trial guarantee. The Appeals Chamber finds that there is no reason to distinguish the notion of fair trial under Article 20(1) of the Statute from its equivalent in the ECHR and ICCPR, as interpreted by the relevant judicial and supervisory treaty bodies under those instruments. Consequently, the Chamber holds that the principle of equality of arms falls within the fair trial guarantee under the Statute.

45. What has to be decided in the present appeal is the scope of application of the principle. The Defence alleges that it should include not only procedural equality, but also substantive equality.⁷⁸ In its view, matters outside the control of the Trial Chamber can prejudice equality of arms if their effect is to disadvantage one party disproportionately. The Prosecution rejoins that equality of arms refers to the equality of the parties before the Trial Chamber. It argues that the obligation on the Trial Chamber is to ensure that the parties before it are accorded the same procedural rights and operate under the same procedural conditions in court. According to the Prosecution, the lack of cooperation by the authorities in the *Republika Srpska* could not imperil the equality of arms enjoyed by the Defence at trial because the Trial Chamber had no control over the actions or the lack thereof of those authorities.

46. The Defence contends that the minimum guarantee in Article 21(4)(b) of the Statute to adequate time and facilities for the preparation of defence at trial forms part of the principle of equality of arms, implicit in Article 20(1). It argues that, since the authorities in the *Republika Srpska* failed to cooperate with the Defence, the Appellant did not have adequate facilities for the preparation of his defence, thereby prejudicing his enjoyment of equality of arms.

47. The Appeals Chamber accepts the argument of the Defence that, on this point, the relationship between Article 20(1) and Article 21(4)(b) is of the general to the particular. It also agrees that, as a minimum, a fair trial must entitle the accused to adequate time and facilities for his defence.

48. In deciding on the scope of application of the principle of equality of arms, account must be taken first of the international case law. In *Kaufman v. Belgium*⁷⁹, a civil case, the Eur. Commission H. R. found that equality of arms means that each party must have a reasonable opportunity to defend its interests "under conditions which do not place him at a substantial disadvantage vis-à-vis his opponent".⁸⁰ In *Dombo Beheer B.V. v. The Netherlands*,⁸¹ another civil proceeding, the Eur. Court H. R. adopted the view expressed by the Eur. Commission H. R. on equality of arms, holding that "as

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regards litigation involving opposing private interests, 'equality of arms' implies that each party must be afforded a reasonable opportunity to present his case - including his evidence - under conditions that do not place him at a substantial disadvantage vis-à-vis his opponent".⁸² The Court decided in a criminal proceeding, *Delcourt v. Belgium*,⁸³ that the principle entitled both parties to full equality of treatment, maintaining that the conditions of trial must not "put the accused unfairly at a disadvantage."⁸⁴ It can safely be concluded from the ECHR jurisprudence, as cited by the Defence, that equality of arms obligates a judicial body to ensure that neither party is put at a disadvantage when presenting its case.

49. There is nothing in the ECHR case law that suggests that the principle is applicable to conditions, outside the control of a court, that prevented a party from securing the attendance of certain witnesses. All the cases considered applications that the judicial body had the power to grant.⁸⁵

50. The HRC has interpreted the principle as designed to provide to a party rights and guarantees that are *procedural* in nature. The HRC observed in *B.d.B. et al. v. The Netherlands*,⁸⁶ a civil case, that Article 14 of the ICCPR "guarantees procedural equality" to ensure that the conduct of judicial proceedings is fair. Where applicants were sentenced to lengthy prison terms in judicial proceedings conducted in the absence of procedural guarantees, the HRC has found a violation of the right to fair trial under Article 14(1).⁸⁷ The communications decided under the ICCPR are silent as to whether the principle extends to cover a party's inability to secure the attendance at trial of certain witnesses where fault is attributable, not to the court, but to an external, independent entity.

51. The case law mentioned so far relates to civil or criminal proceedings before domestic courts. These courts have the capacity, if not directly, at least through the extensive enforcement powers of the State, to control matters that could materially affect the fairness of a trial. It is a different matter for the International Tribunal. The dilemma faced by this Tribunal is that, to hold trials, it must rely upon the cooperation of States without having the power to compel them to cooperate through enforcement measures.⁸⁸ The Tribunal must rely on the cooperation of States because evidence is often in the custody of a State and States can impede efforts made by counsel to find that evidence. Moreover, without a police force, indictees can only be arrested or transferred to the International Tribunal through the cooperation of States or, pursuant to Sub-rule 59*bis*, through action by the Prosecution or the appropriate international bodies. Lacking independent means of enforcement, the ultimate recourse available to the International Tribunal in the event of failure by a State to cooperate, in violation of its obligations under Article 29 of the Statute, is to report the non-compliance to the Security Council.⁸⁹

52. In light of the above considerations, the Appeals Chamber is of the view that under the Statute of the International Tribunal the principle of equality of arms must be given a more liberal interpretation than that normally upheld with regard to proceedings before domestic courts. This principle means that the Prosecution and the Defence must be equal before the Trial Chamber. It follows that the Chamber shall provide every practicable facility it is capable of granting under the Rules and Statute when faced with a request by a party for assistance in presenting its case. The Trial Chambers are mindful of the difficulties encountered by the parties in tracing and gaining access to evidence in the territory of the former Yugoslavia where some States have not been forthcoming in complying with their legal obligation to cooperate with the Tribunal. Provisions under the Statute and the Rules exist to alleviate the difficulties faced by the parties so that each side may have equal access to witnesses. The Chambers are empowered to issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial. This includes the power to:

- (1) adopt witness protection measures, ranging from partial to full protection;

SA 23

- (2) take evidence by video-link or by way of deposition;
- (3) summon witnesses and order their attendance;
- (4) issue binding orders to States for, *inter alia*, the taking and production of evidence; and
- (5) issue binding orders to States to assist a party or to summon a witness and order his or her attendance under the Rules.

A further important measure available in such circumstances is:

- (6) for the President of the Tribunal to send, at the instance of the Trial Chamber, a request to the State authorities in question for their assistance in securing the attendance of a witness.

In addition, whenever the aforementioned measures have proved to be to no avail, a Chamber may, upon the request of a party or *proprio motu*:

- (7) order that proceedings be adjourned or, if the circumstances so require, that they be stayed.

53. Relying on the principle of equality of arms, the Defence is submitting that the Appellant did not receive a fair trial because relevant and admissible evidence was not presented due to lack of cooperation of the authorities in the *Republika Srpska* in securing the attendance of certain witnesses. The Defence is not complaining that the Trial Chamber was negligent in responding to a request for assistance. The Appeals Chamber finds that the Defence has not substantiated its claim that the Appellant was not given a reasonable opportunity to present his case. There is no evidence to show that the Trial Chamber failed to assist him when seised of a request to do so. Indeed, the Defence concedes that the Trial Chamber gave every assistance it could to the Defence when asked to do so, and even allowed a substantial adjournment at the close of the Prosecution's case to help Defence efforts in tracing witnesses.⁹⁰ Further, the Appellant acknowledges that the Trial Chamber did not deny the Defence attendance of any witness but, on the contrary, took virtually all steps requested and necessary within its authority to assist the Appellant in presenting witness testimony. Numerous instances of the granting of such motions and orders by the Trial Chamber, on matters such as protective measures for witnesses, approving the giving of evidence via video-conference link from Banja Luka in the *Republika Srpska*, and granting confidentiality and safe conduct to several Defence witnesses are set forth in the Judgement of the Trial Chamber.⁹¹ Indeed, the Decision on Admissibility of Additional Evidence, by which the Defence was precluded from presenting additional evidence, was based on the fact that the Defence had failed to establish that it would have been in the interests of justice to admit such evidence. This indicates that the fact that it could not present such evidence did not detract from the fairness of the trial.

54. A further example of a measure of the Trial Chamber which was designed to assist in the preparation and presentation of the Defence case is that the Trial Chamber's Presiding Judge brought to the attention of the President of the International Tribunal certain difficulties concerning the possible attendance of three witnesses who had been summoned by the Defence.⁹² She requested the President of the International Tribunal to send a letter to the Acting President of the *Republika Srpska*, Mrs. B. Plavsic, to urge her to assist the Defence in securing the presence and cooperation of these Defence witnesses. Consequently, on 19 September 1996, the President of the Tribunal sent a letter to Mrs. Plavsic. In this letter, he made reference to obstacles encountered by the Defence in securing the cooperation of these

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witnesses. In view, *inter alia*, of the accused's right to a fair trial, Mrs. Plavsic was therefore enjoined to "take whatever action is necessary immediately to resolve this matter so that the Defence may go forward with its case."⁹³

55. The Appeals Chamber can conceive of situations where a fair trial is not possible because witnesses central to the defence case do not appear due to the obstructionist efforts of a State. In such circumstances, the defence, after exhausting all the other measures mentioned above, has the option of submitting a motion for a stay of proceedings. The Defence opined during the oral hearing that the reason why such action was not taken in the present case may have been due to trial counsel's concern regarding the long period of detention on remand. The Appeals Chamber notes that the Rules envision some relief in such a situation, in the form of provisional release, which, pursuant to Sub-rule 65(B), may be granted "in exceptional circumstances". It is not hard to imagine that a stay of proceedings occasioned by the frustration of a fair trial under prevailing trial conditions would amount to exceptional circumstances under this rule. The obligation is on the complaining party to bring the difficulties to the attention of the Trial Chamber forthwith so that the latter can determine whether any assistance could be provided under the Rules or Statute to relieve the situation. The party cannot remain silent on the matter only to return on appeal to seek a trial *de novo*, as the Defence seeks to do in this case.

C. Conclusion

56. The Appeals Chamber finds that the Appellant has failed to show that the protection offered by the principle of equality of arms was not extended to him by the Trial Chamber. This ground of Appeal, accordingly, fails.

Annex 5

Witness List

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FREETOWN CRIME BASE**COMMON WITNESSES**

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TFI -169	SESAY: 11 Aug 2003; 7 Feb 2004 KALLON: 11 Aug 2003; 7 Feb 2004 GBAO: 14 October 2003; 7 Feb 2004 BRIMA: 22 Sept 2003; 6 Feb 2004 KAMARA: 6 Nov 2003; 7 Feb 2004 KANU: 26 Nov 2003; 7 Feb 2004	1, 13	90 minutes	<p>The witness is an architect and will testify that during January 1999 45 government quarters (which housed civil servants) were burned. Public buildings were also burned. These included the CID, the Ministry of Finance, the Vice President's office, the Central Police Station, the City Hall and the Ministry of Works. During the course of investigations into the burning of this property, the witness was told about the killing of civil servants and the burning of their properties.</p>
PN TF1-339	SESAY: 11 March 2004 KALLON: 11 March 2004 GBAO: 11 March 2004 BRIMA: 11 March 2004	1, 13	90 minutes	<p>This witness is an architect and will testify as to the scale of destruction caused by burning in Freetown during the January invasion and the measures taken to alleviate the problem of homelessness caused by the destruction.</p>

	<p>KAMARA: 11 March 2004 KANU: 11 March 2004</p>		60 minutes	
<p>PN TFI-021</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 2, 3, 4, 5, 13</p>	60 minutes	<p>This witness will testify that he was hiding with many other civilians in the Rogbullah mosque in Kissy on 6 January 1999. It was entered by armed men who identified themselves as the RUF and the People's Army. The group told the crowd in the mosque that they were going to kill all civilians as revenge to President Kabba. The people in the Mosque gave the rebels money. Then the group opened fire on the civilians in the mosque, killing 50 people. The witness played dead, and a rebel took money from his pocket.</p>
<p>PN TFI-278</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	90 minutes	<p>This witness will testify that he lived in Falco Street. Prior to 10 January 1999 RUF rebels arrived in the area and a few days after 10 January 1999 SLA soldiers arrived. On 21 January 1999 the witness saw houses being set on fire by the soldiers. The commander ordering the burning of houses was named "Firefirst." The witness heard the rebels say that they were going to burn all the houses. The witness saw many houses burning in Kissy from 19-22 January 1999. Along with his family and other civilians the witness tried to escape on 22 January 1999. They were captured by 5 SLA</p>

<p>PN TFI-280</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>60 minutes</p>	<p>soldiers on Parsonage Street. These soldiers killed 2 children. Then one who called himself "Captain Two Hands No Mercy" cut off both hands of another man in the group and told him to go to President Kabbah. The same man then cut off both of the witness's hands.</p>
<p>PN TFI-265</p>	<p>SESAY: 14 Nov 2003; 7 Feb 2004 KALLON: 10 Dec 2003; 7 Feb 2004 GBAO: 17 Dec</p>	<p>1, 3, 4, 5</p>	<p>60 minutes</p>	<p>This witness will testify that on 11 February 1998 in Lumpa village outside of Waterloo, 5 rebels came to the witness's house and killed her husband. The rebel who shot her husband was "Peletu." The witness's house was burned down by rebels retreating from Freetown. The rebels abducted the witness. The group</p>

This witness will testify that four days after the rebels entered Freetown on 6 January 1999 they shot and killed the witness's neighbor and burned a nearby house. The rebels also tried to kill the witness, but he ran away. On 18 January 1999 the witness was searching for food for his family near Mount Oriel Terrace when he was captured by a large group of rebels. The witness was later told by his children that they were under the command of Captain Blood. The witness saw seven dead civilians at the scene. The rebels amputated the witness's hand with an axe and told him to go to Tejan Kabbah. The witness was later told that the rebel who amputated his hand was a SLA soldier.

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	<p>2003; 7 Feb 2004 BRIMA: 19 Nov 2003; 6 Feb 2004 KAMARA: 18 Nov 2003; 7 Feb 2004 KANU: 19 Nov 2003; 7 Feb 2004</p>			<p>proceeded to Konta then Lunsar, attacked Tendakum and Nonkoba on the way. The commanders of the rebels were using radios. The witness heard the rebels talking about burning down Nonkoba.</p>
<p>PN TFI - 081</p>	<p>SESAY: 2 June 2003; 18 March 2004 KALLON: 26 May 2003; 18 March 2004 GBAO: 14 October 2003; 18 March 2004 BRIMA: 3 June 2003; 18 March 2004 KAMARA: 6 Nov 2003; 18 March 2004 KANU: 26 Nov 2003; 18 March 2004</p>	<p>1, 6, 7, 8, 12, 13</p>	<p>120 minutes</p>	<p>The witness will testify that she was working with an NGO which provided treatment and counseling for sexual and physical abuse of 1168 rebel abductees from the January 1999 Freetown invasion. The witness prepared the overall report by issued by the NGO, which states that of the 1168 abductees, most were abducted from Freetown and 58.5% were raped. The majority of the abductees were young girls. Of the abductees 23.4% were physically beaten for refusing to have sex or carry heavy goods. Most of the victims were from Freetown, specifically from Calaba Town, Wellington, Kissy.</p>

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<p>PN TFI -082</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>6, 7, 8</p>	<p>120 minutes</p>	<p>The witness will testify that she was working with an NGO which provided treatment and counseling for sexual and physical abuse of 1168 rebel abductees from the January 1999 Freetown invasion. The witness personally treated 184 cases of abductions, 85 of which were girls under age 18. Almost all of the women were used as sexual slaves. All of the women abducted were from Freetown, specifically the eastern area of Freetown. More than half were held by the rebels for over 5 months. The victims told the witness that the perpetrators were either AFRC, ex-SLA or RUF. Most of the abductees treated by the witness were taken to Lunsar, while some taken to Makeni, Port Loko and Occra Hill.</p>
<p>PN TFI -098</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 2, 9, 10, 12</p>	<p>60 minutes</p>	<p>The witness will testify that he was in the Calaba Town area of Freetown on 6 January 1999 when the rebels entered Freetown, forcing civilians to carry loads. The witness recognized some of the rebels as former SLA soldiers and many spoke "Liberian language." The witness and his family were hiding in their house when the rebels burned it. On 18 January 1999 the witness and 20 other civilians were captured by the rebels while hiding in another house on Kissy Road. The witness and 10 other men were walked to a rebel base on Fatarama street where the rebels said "we are going to give you a message for Tejan Kabbah." The rebels also</p>

				<p>said that this was "No living thing." Then the rebels proceeded to cut hands off of the men and the witness saw about 4-5 men amputated before the witness had his left hand amputated. A total of 10 men were amputated. "Tommy" who was an ex-SLA who did the cutting. The witness was later told that "Captain Blood" was in charge of this area and that he killed many people.</p>
PN TFI -233	SESAY: 14 Nov 2003 KAILON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 2, 3, 4, 5, 9, 10, 13	60 minutes	<p>The witness will testify that as the rebels were fleeing on 22 January 1999 to the Calaba Town area of Freetown, they were trying to kill as many people as possible. The witness and 10 other civilians were hiding near the big Mosque in a compound between Bangura and Tejan Streets. On 28 January 1999 two rebels with guns found the witness and the others. The rebels demanded money and harassed the group, and forcing them to give 86 bags of rice. The group was later taken to a house with an unnamed commander who ordered the group to be amputated. The first civilian begged and was chopped to the head and later died. A rebel with a machete then cut off both hands of the witness, telling him to go tell Kabbah that if police or ECOMOG come they will get same treatment.</p>
PN TFI -119	SESAY: 2 June 2003	1, 3, 4, 5, 9, 10, 12, 13	90 minutes	<p>The witness will testify that she was living in Kenema when RUF commander Sam Bockarie</p>

	<p>KALLION: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>arrived there after the May 1997 coup d'etat. While in Kenema, Sam Bockarie and his boys raped several women from the Bondu bush society. Also in Kenema Bockarie declared "Operation Pay Yourself". During this time the rebels started burning houses at night. The witness will testify that she was in Freetown living on Ross road off Kissy Road when the rebels invaded on 6 January 1999. The rebels killed her fiancé in front of her and put his head on a stick. The rebels were RUF mixed with SLAs. The witness was taken by some RUF rebels and forced to carry looted property along the Peninsula road. Upon reaching Kambia the witness, who was pregnant, started bleeding black and realized her fetus had died. The rebels, arguing whether it was a boy or girl, cut the witness open between her anus and vagina with scissors to take out the baby. The witness fainted and the rebels left her. Since this time, the witness has had 9 operations.</p>
PN TFI-226	<p>SESAY: 14 Nov 2003 KALLION: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18</p>	1, 3, 4, 5, 9	60 minutes	<p>The witness will testify that on 12 January 1999 she and her family and friends, about 20 civilians, were attacked in her family home on Blackhall road in Kissy by a group of 8 rebels. The commanding officer of the group identified himself as "Killer." Killer told the people in the house that he had just killed 11 other people in another house. He then opened fire on the group. Two people died immediately. The</p>

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	Nov 2003 KANU: 19 Nov 2003				witness and another person were injured. The witness was later told that the rebel group went into another house and killed 4 people and that prior to this event, 11 people had been killed in a house next to the witness'. The witness's arm became infected from the gun shot wound and she had to have it amputated.
PN TFI-087	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 9, 10	60 minutes	The witness will testify that on Friday 22 January 1999, he and two other men were captured near St. Patrick's church in Kissy by four rebels. One rebel with an axe amputated the witness's right hand and partially amputated his left hand. After cutting his hands, the rebels told the witness to go to President Kabbah. The witness later saw many others with their hands amputated at Summerime Clinic, including a 14 year old girl and one of the men he was with when captured. That man had both hands amputated. Prior to this incident, another rebel burned the witness's house.	
PN TFI-240	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18	1, 2, 9, 10	60 minutes	The witness will testify that on 20 January 1999 he was captured with 20 other civilians at a house in the Blackhall Road area of Kissy in Freetown. The rebel commander ordered that the men line up. The witness was called forward. The rebel said "You people are supporting Tejan Kabbah so if you want hands, go to him." The rebel then attempted to cut both hands off the witness. The cuts did not go all	

	Nov 2003 KANU: 19 Nov 2003			the way through and he still has both hands, although they are permanently damaged. Later on, the witness was told that the commanding officer of the group was called CO Sullay "Cut Hand."
PN TFI -104	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 3, 4, 5, 9, 10	60 minutes	This witness will testify that on 18 January 1999 RUF and SLA rebels entered the Good Sheppard Hospital in Kissy. The rebels took out a man whom they accused of being a Nigerian soldier and shot and killed him. The commanding officers of the group were Captain Sheppard and Captain Blood. The rebels also rounded civilians and brought them to Parliament. The rebels started shooting them and killed 15 people. The witness was wounded and taken to hospital following which he went home. Later the rebels were burning houses on Congress Road in Kissy. The witness was locked in a house which was set alight but managed to escape.
PN TFI -083	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13	90 minutes	This witness will testify that he was with his family in Kissy on 6 January 1999 when rebels harassed and looted from civilians in the area. Ten days after they arrived, the rebels started burning many houses. The witness saw many dead bodies on Samuel Street with gun shot wounds and machete marks. The people from Kissy who escaped to Thunder Hill area of Freetown told the witness that the rebels had

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	<p>Nov 2003 KANU: 26 Nov 2003</p>			<p>started amputating hands. One week later the witness was trying to escape with a group of others, including a wounded friend, to the Ferry Junction. The group was stopped by seven rebels at Low Cost Junction and forced to strip. A rebel took Le300,000 from the witness. Two of the rebels argued over who would get to have the 14 year old sister of the witness. The witness saw many dead bodies. The commander of the rebels said that these people should have their hands cut and President Kabbah would give them new hands. The witness had his hand cut off in one chop. The rebel who cut his hand told the witness to go to Kabbah for another one. Another man was amputated. A third, after having his fingers amputated, was shot to death. At and near the Rogbollah mosque, where the witness went to seek refuge, there were dead bodies of men, women and children. The witness's 14 year old sister was taken by the rebels. She later told him that she was raped by the rebels Occra Hill and had a baby.</p>
<p>PN TFI-022</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June</p>	<p>1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13</p>	<p>90 minutes</p>	<p>This witness will testify that he was with his family in Kissy on 6 January 1999 when rebels harassed and looted from civilians in the area. There were many armed children with the rebels. On 22 January 1999 the witness was traveling four other people down Low Cost Junction, attempting to bring their injured</p>

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	<p>2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>neighbor to the hospital. At the time many rebels were moving from Kissy to Wellington. Seven rebels forced the group to strip and then march to Winter road. Upon reaching the junction of Winter road and Old Road the commander of the seven rebels said that these people should be amputated. The witness saw seven corpses with their throats cut at the junction. A girl in the group, approximately 11 years old, was given to the commander as a "wife." One rebel with an axe proceeded to cut off the hand of another man and then cut the hand off the witness. Both hands were placed in a bag. A third man was called forward and shot to death after having his fingers cut. The 11 year old boy in the group was not heard from again. The 11 year old girl in the group was abducted. The witness was told she was held for several months then released from Occra Hill. At Connaught Hospital there were over 50 amputees. As the rebels were leaving Kissy the witness saw that there were three columns with abducted civilians in the middle so they would not escape.</p>
<p>PN TFI -101</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>90 minutes</p>	<p>The witness will testify that on 17 January 1999 his house was burned down by rebels. On 18 January 1999 he was hiding with about 50 other civilians in a house near the Kissy Mental Hospital. They were found by 7 rebels. 29 of the men, including the witness, were led out into</p>

	<p>BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>the street where they were ordered to sit down by the rebels. The commander of the rebels told them that because they voted for Tejan Kabbah they would be amputated. The first two picked to be amputated both refused and were shot and killed by the commanding officer. Then the commanding officer opened fire on the line, killing three more people. The commanding officer then turned to a rebel with an axe and said that he did not want to waste ammunition before shooting another 6 civilians. The rebel with the axe killed 5 more people by chopping them to the head. The rebels then amputated both of the witness's hands and the hands of another man. Colonel Rambo joined the group. The witness recognized him as one of Johnny Paul Koroma's boys. Rambo questioned his soldiers as to why they had killed and amputated. The soldiers did not respond but merely saluted him. Rambo then ordered one of the soldiers to call Captain Blood for him.</p>
<p>PN TFI -103</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>60 minutes</p>	<p>The witness will testify that he was on duty at the Connaught Hospital on 6 January 1999 when a large group of RUF soldiers under the command of Adema came into hospital. The witness was told by a friend that Sam Maskita Bockarie was visiting a white building across the street where diamond dealers lived. At least 20 patients died as a result of soldiers preventing treatment to civilians. The rebels</p>

	<p>Nov 2003 KANU: 26 Nov 2003</p>			<p>said their boss was Foday Sankoh and that Charles Taylor would be sending them help. On the same day the soldiers beat to death a boy they accused of being a Kamajor. Days later over 50 amputees arrived at the hospital including men, women (30-35%) and children. (20%) Most of the amputees were from Kissy and said that those who amputated them were rebels. Some victims described that soldiers would ask them if they wanted "long sleeve" or "short sleeve" to determine the length of the amputation.</p>
<p>PN TFI -099</p>	<p>SESAY: 2 June 2003 KALLION: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 3, 4, 5, 9, 10, 13</p>	<p>60 minutes</p>	<p>The witness will testify that on approximately 22 January 1999 she was in the Peacock Farm area of Kissy in Freetown as the rebels were withdrawing from the city. Two amputee victims ran by. One yelled that the rebels were killing people and cutting off hands. Commanders in the area who the witness heard being called included Colonel "Kill Man No Blood" and "Camra Rebel" Some rebels entered the room where the witness and others were hiding. The rebels immediately shot and killed a 60 year old man. Two other rebels proceeded to chop at a woman's head. She fell bleeding and died 7 days later. The rebels amputated one of the witness's hands and attempted to amputate the other. They looted and then set the house on fire. At Connaught hospital the witness saw many other amputees, some of whom died of</p>

PN TFI-097	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13	60 minutes	their wounds. The witness will testify that he was staying near the Kissy Mental Hospital when the rebels invaded Freetown on 6 January 1999. The big commanders were based at Ferry Junction. There were many armed children with the rebels. Some in uniform were as young as 10 years old. On 8 January 1999 the rebels set his neighbors house on fire. The rebels were stealing a lot from the civilians. On 19 January 1999 the witness saw 5 civilians, 3 men and 2 women, who had their hands amputated by the rebels. On 20 January 1999, as ECONOG was advancing, one SLA soldier named "Captain Blood," and one rebel named "the Killer" came to the witness's house. The witness was caught as he attempted to escape. They held him down and amputated his hand, telling the witness to go to Kabbah for he has many hands. The rebels also cut off both hands of the witness's nephew, who was then burned alive when the rebels set the house on fire. In the area at the time the witness also saw the rebels capture young girls, aged 13-17, and take them into houses where they would be heard screaming.
PN TFI-086	SESAY: 2 June 2003 KALLON: 26	1, 2, 3, 4, 5, 9, 10, 13	60 minutes	The witness will testify that on 14 January 1999, the rebels, who identified themselves as SLA soldiers, started looting from the witness's

	<p>May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARRA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>house in Kissy. Two days earlier the rebels killed two civilians. On 20 January 1999 the witness and other civilians attempted to reach the Kissy Mental Hospital area, which they heard was safe. The witness was captured by six rebels, one of whom he recognized as "Junior", an SLA. The rebels amputated both of the witness's hands. They told him to "Go to Tejan Kabbah, he will give you hands. You will never vote again." The witness saw many amputees at Connaught hospital including three people that he knew, all of whom said that the rebels had amputated their hands.</p>
<p>PN TF1-096</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARRA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 6, 7, 8, 9</p>	<p>60 Minutes</p>	<p>This witness will testify that the rebels looted and set fire to her house on 7 January 1999. The house at 7 Davies street was also burned. The rebels amputated the right hand of boy who lived on Rose street. During the next fortnight the rebels abducted the witness's sister and kept her for one month. The witness's sister told her grandmother that she was raped while held. On 21 January rebels took the witness out of her house, forced her to walk 1/2 a mile down Davies street before amputating both of her arms on the root of a Mango tree. On way to hospital the witness saw 5 other amputees (3 boys and 2 girls). At the hospital she saw many more amputees who were from the Kissy Wellington area.</p>

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PN TF1-105	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 4, 5, 9	60 Minutes	This witness will testify that on 6 January 1999 four rebels including Capt Blood came to the witness's house in Calaba Town. He knew Blood because he had seen him shoot and kill a civilian next door on December 24. Captain Blood stabbed the witness in the chest and cut off four of his fingers. Blood told him to go tell Kabbah that the rebels are in Calaba Town. That night the witness hid in the swamp and saw many houses burning. He later saw many amputees in Connaught Hospital.
PN TF1-287	SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 3, 4, 5	60 Minutes	This witness will testify that in January 1999 he was with his family in Wellington. The witness was told that an AFRC soldier arrested newspaper deputy editor Paul Mansaray, his wife and children and 12 other church members from church. They were then taken to a rebel base and shot.
PN TF1-084	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14	1, 3, 4, 5, 9, 10, 13	60 Minutes	This witness will testify that he was with his wife at Blackhall Road in Kissy when rebels invaded on 6 January 1999. His house was looted. Col. Akim and Collins were the COs. The witness was told about rebels killing a boy who was

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	<p>October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>wood seller on Davis Street. The witness saw COs giving orders to burn houses at the David Street and Blackhall Road intersection. On 18 January the witness and others were captured as they attempted to escape. The witness saw the rebels kill 7 people before they amputated his hand. The witness later met another amputee who told him that his hand had been chopped off by rebels.</p>
<p>PN TF1-027</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 3, 4, 5, 6, 8, 11</p>	<p>60 Minutes</p>	<p>This witness will testify that she was part of a group of 30 women hiding in the Bundu Bush when she was captured by rebels. The witness saw rebels burn a house containing 3 people and shoot 3 people, killing 2. She also saw 20 people killed by being burned alive in Peacock Farms. Small boys were used to burn the house. The witness was taken with 30 other girls to Calaba Town. There she was put in house with 6 others. They were raped every night by different groups of men. After 14 days she was taken to Waterloo where the commander was "Eat Alive". She stayed at Waterloo for 2 months. Many young girls and boys were captured on way to Waterloo. The girls were raped at Waterloo repeatedly. All newly captured girls were raped.</p>
<p>PN TF1-188</p>	<p>SESAY: 14 Nov 2003 KALLON: 10</p>	<p>1, 3, 4, 5, 6, 8</p>	<p>60 Minutes</p>	<p>The witness is a doctor who will testify that he heard about 20 cases of rape that occurred in the areas of Kissy, Wellington and Thunder Hill</p>

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	<p>Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>sometime after January 15 1999. The witness estimates that between January 6 and 15 50 civilians died because they were denied treatment on order of rebels. On January 7 2 civilians in the hospital were "stomped" to death. Also on January 7 the witness saw over 40 dead civilians brought to hospital. Between January 6 and 8 the witness saw 50 bodies mostly of women and children on the street near hospital. Between January 9 and 16 the witness saw 200 bodies mostly of women and children seen on street. The witness saw 2-3 cases of reported gang rape seen at the National Stadium.</p>
<p>PN TF1-331</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 4, 5, 6, 8, 9</p>	<p>60 Minutes</p>	<p>The witness will testify that she was in her house when she saw rebels with civilians entering Wellington. The rebels burnt two houses on Palmer street. A week later rebels told people to come out of hiding, promising that they would not be harmed. The witness and others were taken to the Looking Town area in Kissy. When the rebels started retreating they lined the civilians up. The witness saw the rebels cut a six month old baby in half with machete. The baby's grandmother told the witness that she had been raped. The rebels beat the witness's husband with a stone. He later died. The rebels amputated the witness's left hand and told her to go to Kabbah for peace.</p>

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P TF1-235.	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 2, 3, 4, 5	60 Minutes	This witness will testify that his 7 children and grandchildren were executed by SLAs who accused them of supporting ECOMOG and Kabbah. Other family members were injured. The witness's house in Wellington was later burned.
PN TF1-234	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 3, 4, 5, 9	45 Minutes	This witness will testify that he was in Kissy when rebels invaded. He saw the rebels take 4 men from their compound and later a neighbor told the witness that the men had been killed. The witness saw rebels set a neighbors house on fire. He also saw rebels shoot and kill his friend as friend tried to escape. The witness was taken to Samuels street where his arm was amputated by rebels.
PN TF1-106	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003	1, 9, 10	60 minutes	The witness will testify to the way in which the AFRC/RUF executed operations during the January 1999 invasion of Freetown that focused on amputations, including "Operation Cut Hand" and "Operation Cut Limbs". The witness will provide evidence on treatment at

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	BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003			Connaught hospital of amputees during and after the AFRC/RUF invasion of Freetown on 6 January 1999; and on the process of exhumations of civilians performed after the AFRC/RUF January 1999 invasion of Freetown.
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BO CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF 1-005	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>	1, 2, 3, 4, 5, 13	60 minutes	<p>This witness will testify that in July 1997, heavily armed SLA/Junta forces attacked the witness's village, Gerihun, looking for Kamajors. The Kamajors had earlier fought the junta about four miles away on Bo-Gerihun highway. The Kamajors lost and were pursued by the Junta to Gerihun. The Kamajors were not in Gerihun during the attack. The witness saw one man, Alhaji Mohamed Sidikie, in his house being fatally wounded. The witness fled and later, on his return, saw this victim's body and four other dead bodies in the village, including that of the Paramount Chief A.S. Demby. Some other villagers were wounded. Attackers looted possessions. The witness saw juntas in possession of a bus packed with looted properties belonging to civilian. The bus was taken to Bo town.</p>
PN TF 1-053	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003</p>	1, 2, 3, 4, 5	60 minutes	<p>This witness will testify that on the night of 26 June 1997, he saw well armed men in uniform enter Gerihun in vehicles. He saw five men enter Paramount Chief Demby's house. Shortly after, the witness heard one gun shot and a voice like that of Paramount Chief Demby cry out. He saw three soldiers coming out from the house. Afterwards he saw five dead people killed by these soldiers. He</p>

	<p>KAMARA: November 6, 2003</p> <p>KANU: November 26, 2003</p>			<p>was told of other killings and saw evidence of them. The witness identifies A. B Kamara, A. F Kamara and Mohammed as amongst those who attacked.</p>
PN TF1-006	<p>SESAY: June 2, 2003</p> <p>KALLON: May 26, 2003</p> <p>GBAO: October 14, 2003</p> <p>BRIMA: June 3, 2003</p> <p>KAMARA: November 6, 2003</p> <p>KANU: November 26, 2003</p>	1, 2, 3, 4, 5, 9, 13	60 minutes	<p>This witness will testify that about two months after the overthrow of President Kabbah, he heard heavy firing as he hid in his friend's house (PN TF1-005) in Gerihun with others. He saw a soldier dressed in full military uniform enter and shoot his companion. There were only civilians in the house. His companion was injured. When they tried to escape, his companion was shot once again by soldiers. His companion died soon thereafter from the second shooting. The witness fled. When he returned to town he saw the bodies of three others who had been shot. The witness learned from others that armed men killed Paramount Chief Sandy Demby. The attackers were identified as "junta" soldiers. They robbed and pillaged. The witness states that there were no Kamajors in the village at the time of the attack. Later, the witness saw many houses burnt.</p>
PN TF1-054	<p>SESAY: June 2, 2003</p> <p>KALLON: May 26, 2003</p> <p>GBAO: October</p>	1, 2, 3, 4, 5, 13	60 minutes	<p>This witness will testify that in 1997, the AFRC was in power under the leadership of JP Koroma. The AFRC was in control of Bo Town. On 24 July 1997 the witness's home was looted by armed soldiers in uniforms led by AF Kamara. Later on in July 1997</p>

	<p>14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>			<p>the witness was in the Paramount Chief's house when many AFRC /SLA soldiers entered Gerihun including AF Kamara, Boisy, AB Kamara and AFRC youth leader Bo Yagah. The witness saw AF Kamara instructing men to burn Vice President's house down. The witness saw soldiers shooting at the Paramount Chief twice and then heard soldiers ordered to stab him. He then heard a gunshot and the shouting of Pa Sumaila, the Paramount Chief's caretaker. The witness later discovered him dead, shot. He fled to the bush and upon returning to the village he was told of five people killed by the soldiers. He saw the dead bodies. The witness states that there were no armed Kamajors during attack.</p>
<p>PN TF1-050</p>	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>	<p>1, 2, 3, 4, 5, 13</p>	<p>60 minutes</p>	<p>This witness will testify that about a month after the overthrow of President Kabbah, the witness saw three soldiers dressed in military combat uniform entering his house in Tikonko. They found the witness, Mama Fudia, Mama Massa Mansaray, Hawa Momoh and Hawa Mansaray inside. The soldiers ordered Mama Fudia, Mama Massa Mansaray and the witness to go outside from the parlour. The soldiers demanded money from Momoh and Mansaray, threatened them and then killed them on pretext that their brothers had killed their colleagues in Sembehun.</p>

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PN TF1-003	<p>SESAY: June 2, 2003; 7 Feb 2004. KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004</p>	1, 2, 3, 4, 5	60 minutes	<p>This witness will testify that in July, after the overthrow of President Tejan Kabbah, soldiers entered the witness's house in Tikonko. He saw three soldiers dressed in army uniform. He recognised one SLA soldier. They questioned his wife and two women, both named Hawa. The witness heard soldiers threatened to kill Hawa Momoh. He heard gunshot and a woman cry out. He heard another gun shot. Later he entered the house. Two women were lying dead. One of them was bleeding from the vagina. He observed other dead bodies in the village that day including burnt remains of one woman. The witness saw many other burnt houses in Tikonko. The dead were civilians. There was no fighting in Tikonko between the attacking soldiers and any other force such as the Kamajors that day.</p>
PN TF1-002	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003</p>	1, 2, 3, 4, 5, 13	30 minutes	<p>This witness will testify that during the Junta period /dry season Tikonko was attacked. The witness fled to the bush leaving her sick brother. Upon return, she found that her brother had been mortally wounded. She was told by her brother that he had been shot by a soldier. Some personal property had been stolen. The witness saw more dead bodies: two Hawa women (Momoh and Santigie) and others. She was told they were killed by soldiers. She saw one Hawa shot in her vagina. There were no armed Kamajors in the village on the day of the attack. The</p>

<p>PN TF1-004</p>	<p>KANU: November 26, 2003</p> <p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>	<p>1, 2, 3, 4, 5, 13</p>	<p>60 minutes</p>	<p>witness saw that houses had been burnt down.</p> <p>This witness will testify that the witness was with soldiers as they prepared to attack the town from Tikonko junction at the end of June 1997. One Junior told the witness that soldiers were going to kill every living thing in Tikonko. When the soldiers arrived at Tikonko, the witness saw them kill five civilians and three Kamajors, the latter being distinguishable by their clothing. After the attack, the witness went into the house of a neighbour, Bangalie, and found 11 people dead. One, Mamma Bangalie, was grievously wounded (stomach spit open) but alive. Before dying she told the witness that the soldiers killed them. The witness travelled further and came across more dead bodies killed by soldiers. Nineteen people would later be buried in a mass grave. The witness saw soldiers with looted items. He describes as "soldiers" some in full uniforms and some in half uniforms with red cloth tied around their heads. He recognized three SLA soldiers: Junior Mosakpa, Brima Moisia and "Baby Daddy". Of the three Kamajors, the witness knew one was unarmed but was not certain about other two. There was no armed opposition against soldiers when they attacked.</p>
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PN TF1-001	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 2, 3, 4, 5	60 minutes	This witness will testify that after the overthrow of President Kabbah in 1997, the witness saw men in combat uniforms attacking Tikonko with RPGs. He saw men entering homes. The witness hid near the village and saw soldiers attacking the village for two hours. There was no opposing fighting force. On the following days, he saw approximately twelve corpses including three Kamajors who had been on duty at a nearby junction. The remainder of those killed were unarmed civilians.
PN TF1-047	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 2, 3, 4, 5	90 minutes	This witness will testify that after AFRC came to power, the witness was warned that AFRC would not tolerate harbouring of Kamajors. Some days later, he saw heavily armed men heading towards Tikonko accompanied by Sam Bockarie (aka Mosquito). He heard shooting coming from Tikonko. The witness was told by residents that people had been killed at his house. He went to Tikonko later, where he found eleven people dead at his house. They all had gunshot wounds. Among the people were Mamei Bangali, Adama Bangali, Victor Bangali, Joseph Bangali and Mamatoma Bangali who were all grandchildren of the witness. All of them were adults. His son was also killed in the incident. Eleven people were buried in a mass grave behind the market. The witness saw many of the people killed

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PN TF1-052	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 2, 3, 4, 5	90 minutes	<p>around the town. He saw gunshot wounds on all the dead bodies. He saw a lot of houses burnt. All the dead bodies he saw were civilians because they had civilian dresses and he did not see weapons by them. There were no Kamajors in Tikonko at that time of the killings.</p> <p>This witness will testify that he was a Kamajor soldier during the relevant period. In 1997, after the AFRC Coup, whilst hiding in the bush, he heard soldiers saying that anybody they met in Telu will be killed. Thereafter, he heard shooting for about one hour and then soldiers cheering and saying they had killed all "Kamajors" in Telu. On returning to the village, he saw one dead body and was told that two other people were killed. Telu properties were looted by the attackers. A second attack occurred 3 weeks later. Soldiers in military uniforms entered the town. The Kamajors could not fight back because they had no ammunition. The witness heard soldiers yelling "Operation Pay Yourself". He saw his village being attacked. On return, the witness counted five dead. He saw soldiers leaving village carrying looted property. He also saw soldiers launching RPG guns at thatch houses which caught fire. The next day the witness and others counted 50 houses burned down. He identified attackers as SLA Junta soldiers. One of them was Corporal Yatti.</p>
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PN TF1-107	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 2, 3, 4, 5	60 minutes	<p>This witness will testify that the SLA and RUF attacked the witness's town, Telu, during the month of July. He could tell they were SLA and RUF because of their clothing. Some were in full uniform with berets whilst others were partly dressed with bandanas. They came in six Toyota vans. The witness heard firing. He hid with his father in his house. They saw smoke coming out of one room so they tried to get out back. The witness's father had been wounded in hand by bullet while getting out. They hid behind the toilet inside the compound. However, soldiers saw bloodstains leading to the toilet. The witness hid in the bush. The soldiers found witness's father hiding behind toilet. They shot him dead. The witness also saw a house burning that day. There were no Kamajors in town during the attack.</p>
PN TF1-011	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26,	1, 2, 3, 4, 5	60 minutes	<p>This witness will testify that about six months after JP Koroma came to power, the witness's village, Telu, was attacked. He heard shooting. Then he saw a soldier dressed in full uniform. He ran away and passed by an old lady who was shot dead a moment after. The witness saw houses burnt, some still on fire. He heard of others killed and saw another dead body of an unarmed civilian. He saw a ten year old boy whose arm was wounded by a bullet. The town was attacked on other occasions. He usually ran away and came back after the attacks. During these attacks, he saw many properties looted. The witness lost a lot of property</p>

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PN TF1-010	2003 SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004	1, 2, 3, 4, 5, 13	60 minutes	<p>and so did his dependants and family. There was no fighting between the attackers and the Kamajors. The witness knew about Kamajors being in Telu but did not see anyone in town at the time. The people whom were killed were not killed in any cross fire because there was no fighting or no resistance from anybody in Telu.</p> <p>This witness will testify that his village, Telu, was attacked by lots of well-armed soldiers in uniforms. He saw soldiers looting and burning house next to his own house. He saw dead bodies of civilians after the perpetrators had left the village. He heard soldiers saying that Mosquito was waiting on them to go to new site. The witness was informed by others that Mosquito was heard saying to soldiers in Telu that "Kamajor base in Telu must be destroyed." Mosquito also said "All those who have relatives at Telu should go back and bury their dead." There were no Kamajors to fight back with the AFRC/RUF when they attacked witness's village.</p>
PN TF1-051	SESAY: June 2, 2003	1, 2, 3, 4, 5, 13	60 minutes	<p>This witness will testify that on the day of the attack in Sembeheun, the witness heard a loud gunshot</p>

	<p>KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>			<p>and ran into her house. She hid with her grandchildren under a bed in her room when attackers entered the house. Her son (also son of TF1-049) was in his own room. The attackers forced the door of her son's room and entered into his room. She heard them arguing with her son and taking his things. Then she heard shots and ran to her son's room where he was lying dead. She was informed by residents of Sembehun that the group which attacked Sembehun was led by one Mosquito but she never saw the attackers.</p>
<p>PN TF1-049</p>	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>	<p>1, 2, 3, 4, 5, 13</p>	<p>60 minutes</p>	<p>This witness will testify that on a Monday in 1997, the witness was told that the People's Army were coming to his town. Later on, he heard sporadic shooting in Sembehun. He hid in a house next to the house of his son. From the window, he saw men in full military uniforms and half uniforms with red pieces around their head entering his house and demanding from his son (also son of TF1- 051) "Where is your father, where does he keep money?" He also saw a man dressed in white giving command to armed men. He describes those men as SLA and People's Army soldiers. The commander ordered them to take property from houses. They loaded looted items on trucks. The witness returned to the house and found his son shot by soldiers. The following day, he went to Bo. He saw the commander who had been in Sebehun. He was told by a lot a people that this man was</p>

PN TF1-008	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003	1, 2, 3, 4, 5	60 minutes	<p>This witness will testify that after the coup in 1997, the witness saw Sam Bockarie (aka Mosquito) and his men entering Sembahun in several vehicles. One vehicle had an AA gun mount. The witness hid in bush as he heard Sam Bockarie's men opening fire on township. He returned to the town and found the remains of Mohamed Jabbi shot. He also saw the dead bodies of three other people. There was no</p>
PN TF1-009	SESAY: June 2, 2003; Feb 7, 2004 KALLON: May 26, 2003; Feb 7 2004 GBAO: October 14, 2003; Feb 7 2004 BRIMA: June 3, 2003; Feb 7, 2004 KAMARA: November 6, 2003; Feb 7, 2004 KANU: November 26, 2003; Feb 7, 2004	1, 2, 3, 4, 5, 13	60 minutes	<p>Mosquito.</p> <p>This witness will testify that after the coup, SLA and RUF were a combined force. The witness saw soldiers led by Sam Bockarie (aka Mosquito) entering Sembahun in an assortment of vehicles a day after a fight with Kamajors in Korobondo. Bockarie introduced himself to the witness and others. Bockarie said that they should prepare themselves to farm and he would burn the same day. The witness fled to the bush. Whilst he was running with his wife into the bush, he saw a man with white cloth around his head (plain clothes) shoot his wife who was 3 months pregnant. He recognized the man as part of Bockarie's troops and saw him with Bockarie's troops when they first arrived. Those men refer to themselves as People's Army. The witness later learnt that his brother had been killed by the rebels. He buried both his wife and brother the following day. On return to his village, he saw houses burnt.</p>

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	<p>KAMARRA: November 6, 2003 KANU: November 26, 2003</p>			<p>other fighting force present during the attack. He was told of other killings. His cousin was seriously wounded by Bockarie's troop while trying to flee. The witness saw soldiers burning several houses. He saw soldiers with small plastic petrol containers. About forty-seven houses were burnt. He was also told by an injured person that Sam Bockarie's men attacked the town.</p>
<p>PN TF1-007</p>	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARRA: November 6, 2003 KANU: November 26, 2003</p>	<p>1, 2, 3, 4, 5, 12, 13</p>	<p>60 minutes</p>	<p>This witness will testify that he saw approximately 200 men in military uniforms entering the town. He saw one Caporal Yatti (SLA) entering the house of Yatti's mother in law and forcing her and two other civilians onto veranda. Thereafter, he saw the soldiers shoot all three on the veranda. The soldiers said that they came to Mamboma to kill Kamajors but there was none there so they killed civilians instead. The witness saw the body of the victims. He says there was no force fighting the group when they arrived in Mamboma. The soldiers burned twenty-six houses. The witness saw several young men being "forced" to load looted goods in vehicles after the attack before being taken away.</p>

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KENEMA CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF -127	SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004	1, 2, 3, 4, 5, 9, 10, 13	90 Minutes	This witness will testify that at a public meeting in June 1997 the AFRC threatened anyone who did not cooperate with them. The witness, B.S.Massquoi (BSM) and others were later arrested and detained in the AFRC Secretariat. The witness was beaten and tortured. The witness saw Sam Bockarie (SB) beat BSM with his pistol. The witness saw SB give the order to beat one Fambuleh because Fambuleh was alleged to be a Kamajor. He was beaten to death with strips of outer tyres in front of the witness. On his release the witness was admitted to hospital suffering from his injuries. While in hospital he learned of BSM's re-arrest by SB and of the murder of BSM and others by the AFRC. The witness also learned that his goods and property had been looted or destroyed.
PN TF1 -120	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October	1, 2, 3, 4, 5	60 Minutes	This witness will testify that on February 2 1998, on the order of his superior, the witness went to B.S. Massaquoi's (BSM) house to re-arrest him. The witness was told that Sam Bockarie (SB) had ordered police to produce BSM on threat of burning

	<p>14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>			<p>the police station. BSM was brought to Kenema Police Station. The witness heard later that BSM was taken away and killed together with other people on orders of SB. Those who took him away signed for him and the transfer of custody was noted in the official Police Station Log book.</p>
<p>PN TF1 -124</p>	<p>SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 9, 10, 13</p>	<p>60 Minutes</p>	<p>The witness will testify that after AFRC/RUF took control in Kenema many people were killed in skirmishes between AFRC and Kamajors. The witness saw 3 dead bodies identified as Kamajors and about 13 other corpses in the area of Mambu Street. Several houses were burnt in follow up raids. The AFRC arrested B. S Massaquoi (BSM) and others. They were eventually handed over to police. At the Police Station the witness saw wounds on BSM and four others. The witness saw BSM in police custody at Kenema Police Station after he was rearrested and before he was handed over to the AFRC. On February 11 1998 the witness saw AFRC personnel shoot up Sayaiah St, Kenema and later observed SB ordering soldiers to loot shops and pay themselves. The witness was himself a victim of looting.</p>

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<p>PN TF1 -122</p>	<p>SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 2004</p>	<p>1, 2, 3, 4, 5, 9, 10, 13</p>	<p>90 Minutes</p>	<p>This witness will testify that on a day after the AFRC came to power in Kenema, he observed one "Bunny Wailer" (BW) in the cell at Kenema Police Station. He was dressed in military combat and his face was swollen. Later a group of soldiers from the AFRC Secretariat took him out of the cell and the Police Station. Sometime later the AFRC/RUF men brought three men to the Police Station together with BW, lined them up at the Police Compound and shot all four of them. The witness heard about arrest of B. S Massaquoi (BSM) and others. The witness saw BSM and others lying on floor of the AFRC secretariat, tied and bloody. Sam Bockarie (SB) was present. After the re-arrest of BSM, AFRC Military Police signed for him and 5 others. The witness saw a soldier stabbing BSM on the back. The witness later learned that the men had been killed. The witness went to Doorwailah and saw corpses with cement blocks put on their heads. He identified BSM. The witness's home was also looted by the AFRC/RUF.</p>
<p>PN TF1 -123</p>	<p>SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June</p>	<p>1, 2, 3, 4, 5, 9, 10, 13</p>	<p>90 Minutes</p>	<p>This witness will testify that in June 1997 AFRC fighters burnt down the houses of Kamajors and civilians in Kenema. B S Massaquoi (BSM), Andrew Quee and others were arrested, beaten and tortured, then transferred into police custody. They were eventually released. Almost all were rearrested and taken to the Police Station in Kenema. They were collected and signed for by AFRC Military Police. The witness saw BSM in AFRC Brigade HQ the following day. He later received information that 5 of</p>

	<p>3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004</p>			<p>them were killed. The witness attended the burial of BSM. Sam Bockarie and Eddie Kanneh were in charge of the AFRC/RUF. The witness was also present at Police Station in Kenema when 4 people were executed by the AFRC/RUF, including one Bunny Whailer. The witness saw many properties looted by the AFRC. The witness also saw Issa Sesay visit Kenema from time to time.</p>
<p>PN TF1-125</p>	<p>SESAY: June 2, 2003; 11 March 2004 KALLON: May 26, 2003; 11 March 2004 GBAO: October 14, 2003; 11 March 2004 BRIMA: June 3, 2003; 11 March 2004 KAMARA: November 6, 2003; 11 March 2004 KANU: November 26, 2003; 11 March 2004</p>	<p>1, 3, 4, 5, 9, 10</p>	<p>60 Minutes</p>	<p>This witness will testify that when the AFRC/RUF took over Kenema they attacked Kamajor residences and looted the houses. They then attacked ECOMOG. The witness saw summary executions of 4 men at the Kenema Police Station - S Cole, One Bangura, B. Whailer and one other unknown. The witness later received information that BS Massaquoi (BSM) and others were arrested by the AFRC Junta and had been detained at the AFRC Secretariat. The witness observed wounds on BSM and other detainees when they were transferred to Police Custody. After being released, BSM and others were re-arrested in February 1998. Later the suspects were handed over to the AFRC at Kenema Police Station. The six suspects included BSM, Andrew Quee, Issa Ansumana, Abdulai Bockarie, Abdulai Saidu Quee and John Swaray. The witness states that in the police compound one of the soldiers stabbed BSM on his head with a bayonet and kicked him. The witness was later informed that</p>

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PN TF1-039	SESAY: June 2, 2003; 7 Feb 2004 KALLON: May 26, 2003; 7 Feb 2004 GBAO: October 14, 2003; 7 Feb 2004 BRIMA: June 3, 2003; 6 Feb 2004 KAMARA: November 6, 2003; 7 Feb 2004 KANU: November 26, 2003; 7 Feb 2004	1, 2, 3, 4, 5	30 Minutes	<p>the six people were killed by soldiers and the bodies abandoned. The witness referred to the Police Record book evidencing the hand over.</p> <p>This witness will testify that he was informed that B S Massaquoi (BSM) was killed. The witness went to the mass grave at Dorwaila near Labayaye Stream, Kenema, to identify him. While the witness was at the mass grave he saw about nine corpses and identified one of them as BSM. The witness did not recognise any of the other corpses.</p>
PN TF1 -121	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003	1, 2, 3, 4, 5, 9, 10, 13	45 Minutes	<p>This witness will testify to being present when Sam Bockarie (aka Mosquito) arrived to arrest Andrew Quee. Mosquito identified himself on coming out from vehicle. During the arrest Mosquito threatened to shoot the witness. The witness's belongings were also seized and taken away. The witness and others</p>

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	BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003				went to the AFRC Secretariat that evening. The witness observed wounds on Andrew Quee's (AQ) body. He was bleeding. The witness never saw AQ again.
PN TF1 -126	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 3, 4, 5, 9, 10	90 Minutes		The witness will testify that he learned of arrest B S Massaquoi (BSM) and his transfer to the AFRC Secretariat. The witness went there and saw BSM and others secured in a room. BSM told him that he had been arrested by SB himself on allegations of supporting the Kamajors. The witness observed that BSM and others had been seriously tortured. BSM and the others were later released. BSM was rearrested. The witness went to CID Kenema where he was informed that BSM was transferred to the AFRC Brigade HQ. The witness was advised to move very fast to save BSM. On Sunday 8 February 1998 the witness was informed that BSM and 8 others had been killed. The witness obtained information on where BSM and others were buried. In March 1998 family members exhumed the remains of BSM.
PN TF1 -128	SESAY: June 2, 2003 KALLON: May 26, 2003	1, 2, 3, 4, 5, 9, 10	60 Minutes		This witness will testify that sometime between June 1997 and January 1998 after AFRC/RUF had taken over control in Kenema, he was informed that one Muhalem was shot by Sam Bockarie (SB). The

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	<p>GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003</p>			<p>witness went to Muhalem's house in Kenema and saw his mutilated remains. The Witness also learned of BS Massaquoi's (BSM) arrest and detention. He received information that BSM and others were inhumanely treated and than killed by AFRC/RUF. The witness also received information about the site were BSM was killed and buried. He went to the mass grave and exhumed the remains of BSM. The witness saw about nine skeletal remains. He identified BSM and even saw the rope sunk in his arm with which he had been tied.</p>
<p>PN TF1-299</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 10, 12</p>	<p>60 Minutes</p>	<p>This witness will testify that in February or March 1997 the AFRC/RUF took control in Tongo. They forced civilians to work for them, digging diamonds and clearing land. The RUF/AFRC would shoot people when they were digging diamonds in Cyborg. This happened daily. The witness believes that people were shot when they got tired of working. The witness saw them shooting more than 15 times. The RUF, who were guarding the slave laborers, did the shooting. The bodies were never buried.</p>
<p>PN TF1-060</p>	<p>SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June</p>	<p>1, 2, 3, 4, 5, 6, 8, 10, 11, 12</p>	<p>90 Minutes</p>	<p>This witness will testify that AFRC/RUF attacked and took over Tongo field from Kamajors on 11 Aug 1997. The attack was led by Sam Bockarie. The witness states that many civilians were captured and forced to work at Cyborg. Many complaints were made of atrocities committed by rebels, including the rape of 4 girls. Many people died when sands</p>

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	<p>3, 2003 KAMARRA: November 6, 2003 KANU: November 26, 2003</p>			<p>collapsed and buried them alive in the pit. The witness states hundreds died. The witness also says that many people were shot by small boys who were armed with guns. The houses of local dignitaries were burnt. The witness saw 2 dead bodies of people killed by rebels. During and after the conflict between rebels and Kamajors, the AFRC/RUF would kill any civilians found in villages. In Bumpeh 9 people were killed by rebels on suspicion of being Kamajors. The witness was held as a hostage and threatened with death if the Kamajors attacked.</p>
<p>PN TF1-062</p>	<p>SESAY: June 2, 2003; 18 March 2004 KALLON: May 26, 2003; 18 March 2004 GBAO: October 14, 2003; 18 March 2004 BRIMA: June 3, 2003; 18 March 2004 KAMARRA: November 6, 2003; 18 March 2004 KANU: November 26, 2003; 18 March</p>	<p>1, 2, 3, 4, 5, 10, 12</p>	<p>60 Minutes</p>	<p>The witness will testify that the Kamajors were mining up to August 1997 when the AFRC/RUF attacked and drove them off. The mine called Cyborg which Kamajors had mined with forced labor reopened under AFRC/RUF who did the same. People were forced to mine 2 days a week for the benefit of the government. Sometimes rebels shot into the general area. 200 civilians died in landslides caused by panicking miners running away.</p>

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PN TF1 - 034	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June 3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003	1, 4, 5, 9, 10, 11, 12	90 Minutes	<p>This witness will testify that between August 1997 and January 1998 the AFRC/RUF forced people to mine for them. Those who refused were killed. Others were killed for no cause. The witness saw a friend shot to death. Civilians were taken in large numbers to mine on the outskirts of Tongo and around Cyborg. Diamonds were taken to Kenema and given Sam Bockarie aka Mosquito to bring back arms and ammunition. Rebels shot at civilians engaged in mining at Cyborg randomly with their weapons. They did this to terrorize civilians into submission. The witness was forced to mine for the Junta's almost everyday and received no pay. From August to December 1997 Mosquito came about four times per month to collect diamonds. Mosquito would order the execution of any AFRC/RUF who tried to hide or conceal a diamond. During that time, the raping of girls and women was rampant. Although the RUF and SLA were present together, the RUF was clearly in charge. The witness heard from others that Issa Sesay came to Tongo Field.</p>
PN TF1-061	SESAY: June 2, 2003 KALLON: May 26, 2003 GBAO: October 14, 2003 BRIMA: June	3, 4, 5, 9, 10, 11, 12	90 Minutes	<p>The witness was the chairman at Cyborg Mining Pit. He saw child soldiers, called SBU's brought by Sam Bockarie (SB). The boys were around 10 years and armed with guns. They had to guard Cyborg Pit and shoot anybody who went there without authorization. The witness was beaten with sticks, rubbers and wires. SB threatened to kill him if Kamajors attacked.</p>

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	3, 2003 KAMARA: November 6, 2003 KANU: November 26, 2003			Many people were killed when guns were fired and grenades thrown at miners. People were subjected to threats molestations and punishment from SB and his men.
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KONO CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF-222	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	3, 4, 5	30 minutes	<p>This witness will testify that in 2001 he discovered many human bones and skulls in his compound at Gborie Street, behind Kamachende Street, Koidu and buried them in an old well in the compound. Later he heard that rebels had killed people in the compound.</p>
PN TF1-303	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb</p>	1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13	75 Minutes	<p>This witness will testify that shortly after Kabbah was overthrown the rebels started killing, looting and burning houses in the Koidu Area. The witness was captured along with three other females and brought to Koidu. The Witness was held at gun point and raped each night for a week. She became a rebel's "woman". The witness fled from ECOMOG along with rebels to rebel camps. At the camps she heard the rebels talk about the number of people they killed and raped, and the number of houses burnt. She heard that Sam Bockarie aka Mosquito had sent</p>

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<p>PN TF1-217</p>	<p>2004</p> <p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</p>	<p>90 Minutes</p>	<p>instructions that instead of killing, the rebels were to start chopping off hands and feet and putting padlocks on the mouth of victims. Following subsequent raids the rebels would talk about the number of people whose hands they had chopped off, or whose feet they had chopped off.</p> <p>This witness will testify that after the February 1998 ECMOG Intervention, AFRC and RUF forces occupied Koidu. Rape became frequent. The Kamajors expelled the rebels but shortly afterwards AFRC/RUF recaptured the town. After re-entry the rebels burnt the town. The rebels captured and abducted 10 girls including the witness's sister. The witness and others were later captured by mixture of AFRC and RUF rebels. The civilians were divided into 4 groups (one for young children, one for young girls, the third and fourth for men and boys). The witness saw 20 dead bodies of civilians. The witness also found the beheaded bodies of captives killed by rebels from Tombudu. The rebels put 26 people from the witness's group in house and set it on fire. The Rebel commander authorised the rape of any of the women and girls left in the groups. The witness was forced to watch his wife raped by 8 men. She and other women who had been raped were later stabbed to death. The witness then had an arm amputated after 11 strikes and was told to go to Kabbah with a message. Others were shot dead. The witness was also wounded on his back when a rebel struck him with a bayonet. The rebels identified</p>
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PN TF1-270	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 2, 3, 4, 5, 12	45 Minutes	<p>themselves as "Juntas". The witness saw at least 4 others amputated.</p> <p>This witness will testify that she was abducted from Sulukundu by the rebels sometimes in 1996 just after "Operation Pay Yourself". Prior to her capture the witness saw rebels burning houses and people being killed. The witness was taken to Koidu. As the group proceeded they captured many civilians. The girls were given to rebels as wives and as domestic labor. The witness was told that as long as Sankoh was imprisoned she would remain captive. The witness had to perform domestic chores together with captive children. The witness was eventually taken to Borbu where she stayed for 5 years. During this time the witness saw Col. Issa and Sam Bockarie aka Mosquito visit. The witness was eventually released. The witness heard the term "Operation Pay Yourself" from other civilians. It was used in reference to the looting and burning carried out by rebels when they attacked Kono during the time witness was abducted.</p>
PN TF1-195	SESAY: 14 Nov 2003; 18 March 2004 KALLON: 10 Dec 2003; 18 March 2004 GBAO: 17 Dec 2003; 18 March 2004	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13	90 Minutes	<p>This witness will testify that she was captured with 13 others by rebels. The Commander of the rebels ordered the civilians to be killed. One soldier stole money and some other small items from the witness. She and the other women were raped. The witness saw the amputation of six of the captured men. The rebels made the women clap and laugh at the amputations. They were beaten by the rebels if they did not. The rebels tried to amputate the witness's</p>

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	<p>BRIMA: 19 Nov 2003; 18 March 2004 KAMARA: 18 Nov 2003; 18 March 2004 KANU: 19 Nov 2003; 18 March 2004</p>			<p>arm. A child combatant did all the amputations. She and the six other women were taken to the main road, forced to strip naked and raped. Women were raped with foreign objects (sticks). The witness was raped by two rebels and beaten all over her body with gun butts. Of the seven women, five women were beaten to death. The witness said that she saw John Paul Koroma (JPK) at Komende. Three houses were burnt by JPK's men. She was told by the rebels that the operation was Operation No Living Thing.</p>
<p>PN TFI-074</p>	<p>SESAY: 2 June 2003; 18 March 2004 KALLON: 26 May 2003; 18 March 2004 GBAO: 14 October 2003; 18 March 2004 BRIMA: 3 June 2003; 18 March 2004 KAMARA: 6 Nov 2003; 18 March 2004 KANU: 26 Nov 2003; 18 March 2004</p>	<p>1, 2, 9, 10, 12</p>	<p>45 Minutes</p>	<p>This witness will testify that in May 1998 he was with his family when captured by the RUF in Yomandu. His father was beaten then released. The witness and his younger brother were taken to Kaima. Thirteen more captives were brought by the rebels. The captives were invited to join rebels. An AFRC man arrived. The witness and other captives were marked. Sword blades were used to disfigure the witness and others with the symbols RUF and AFRC. The witness was given to Captain Barry. He saw Barry in possession of amputation tools and 7 amputated hands. The witness was used for domestic work for the RUF men. Some of the others were trained as rebels. They were trained to fight and were given weapons. The witness was held by RUF until disarmament in 2001.</p>
<p>PN TFI-202</p>	<p>SESAY: 14</p>	<p>1, 2, 3, 4, 5, 6, 8, 9</p>	<p>60 Minutes</p>	<p>This witness will testify that in 1997 in Koidu Town</p>

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	<p>Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>12, 13</p>		<p>she saw armed soldiers wearing full combat looting 3 stores in the Opera area. This was during Operation Pay Yourself. The witness and her family fled to Farandu village. There was also looting by soldiers in Farandu. The witness was hiding in the bush with family when they were surrounded by rebels. The rebels abducted over 20 young children aged from 7 years up. The rebels forced the abducted children to carry looted items. The rebels killed one person. Later the witness was captured again with family near Mansofinia in Koindugu District. The rebels managed to capture 16 civilians. The Rebel commander read out a letter which stated that one man should be killed and the rest should be amputated. The rebels later killed 2 and amputated 7 people. The witness said her husband's second wife, was raped by 2 rebels. She had given birth 23 days previously. After she was raped, she was released.</p>
<p>PN TF1-067</p>	<p>SESAY: 2 June 2003; 18 March 2004 KALLON: 26 May 2003; 18 March 2004 GBAO: 14 October 2003; 18 March 2004 BRIMA: 3 June 2003; 18 March 2004</p>	<p>1, 3, 4, 5</p>	<p>60 Minutes</p>	<p>This witness will testify to an incident occurring during the dry season of 1998 where rebels captured and killed many of his family members at Foendor. The heads of the victims were reportedly put in a bag to be given by the rebels to their boss in Tombodu. The witness heard the killings take place as his relatives and others pleaded for their lives. Later he saw many dead bodies, some beheaded, including some dead family members but did not get a chance to confirm identification except for 2. The witness's wife confirmed killings to him. She carried severed heads in a bag to Tombodu. The</p>

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	<p>KAMARA: 6 Nov 2003; 18 March 2004 KANU: 26 Nov 2003; 18 March 2004</p>			<p>Commanders were Savage, CO Staff Alhaji and CO Jbonda.</p>
<p>PN TF1-064</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 3, 4, 5, 10</p>	<p>60 Minutes</p>	<p>This witness will testify that during the dry season of 1998 17 people (men women and children) were hacked to death with machetes in Foendor. The victims included 2 of the witness's children. The perpetrators beheaded the victims. The heads of the deceased were placed in a bag. The witness was ordered to carry the heads to Tombodu. At Tombodu, the leader of the perpetrators reported the killings to his superior who was dressed in full military uniform and surrounded by many soldiers in uniform. The witness saw body of another victim who had been beheaded</p>
<p>PN TF1-076</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov</p>	<p>1, 6, 8</p>	<p>30 Minutes</p>	<p>This witness will testify that during the dry season after Kabbah was overthrown she was raped by rebels wearing mixed combat/civilian clothing in bush near Foender. The witness was raped near the location where her uncle and others were hiding on Saturday. One rebel forced her to strip, tearing her lappa off and threatening to shoot her if refused or if she moved. The rebel virginated her. The witness screamed and cried in pain. The rebel again threatened to kill her if she continued to cry. The witness found by a neighbor.</p>

	2003				This witness will testify that while in bush near Foender he was accosted and captured with his son, uncle and sister in law by armed men. He was beaten severely with a weapon and forced to give up his property. The witness saw his wife's sister being raped at gun point.
PN TFI-066	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 6, 8, 9, 13		45 Minutes	
PN TFI-306	SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 6, 8, 9, 13		45 Minutes	This witness will testify that in March 1998 after attack on Koidu and Foendor he fled to the bush with his family. He was confronted in the bush by 2 rebel soldiers. They were held at gunpoint. The witness sustained a severe beating from the rebels, as result of which he is suffering sequelae. One of the rebel soldiers raped his niece under threat of death in front of the witness. The soldiers then robbed him. The witness saw his nephew being escorted under gun point by a man in plain clothes. His nephew had a deep wound on his head with blood running all over his body. He told the witness that the same man wounded him with a gun.
PN TFI-068	SESAY: 2 June 2003	1, 2, 3, 4, 5, 13		60 Minutes	This witness will testify that on 16 June 1998 a group of men arrived and attacked his house. They rushed

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	<p>KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARRA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>into the house shooting. Some went upstairs and some entered the house from downstairs. The witness's sister was killed upstairs. The witness heard one of the attackers giving instructions to line people up against the wall and to chop off their hands. He heard the voice of the same person yell "Operation No Living Thing". The commander said all of them must be killed. The witness then heard gun shots being fired. Many rounds were fired. While the attackers were on this rampage, an armored vehicle containing ECOMOG officers arrived. The attackers fled. There were wounded and dead people outside the house. The witness counted twenty one corpses, six of which were of his family members. Prior to this incident the rebels burned down the witness's house, took his property and abducted his 13-year old daughter whom he has never seen again.</p>
<p>PN TFI-308</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARRA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5</p>	<p>60 Minutes</p>	<p>This witness will testify that she was in Mortema when rebels attacked Kono on 6 June 1998. The witness was with about 50 people in a house when "rebels" attacked it. The witness heard name of Col. Issa amongst them. This was time of "Operation No Living Thing." The rebels entered the house and asked if people were Kamajors. The rebels opened fire. The witness was wounded. Of 50 people in the in house, 32 were killed. The witness was told this by her younger brother who helped in bury the dead in a mass grave at Mortema.</p>

PN TF1 307	SESAY: 7 Feb 2004 KAILON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 2, 3, 4, 5, 9	60 Minutes	<p>This witness will testify that in 1998 she was in a house in Mortema, Kono when rebels attacked it. The Rebels entered the house and Col. Issa said that civilians would pay the price since they had refused AFRC rule. The witness heard that people were burned alive in houses in Koidu, including her parents, and that Col. Issa had given order for "Operation No Living Thing." The Witness was shot in the legs and arms while in the house. Lots of people were killed in this house in Mortema.</p>
PN TF1-216	SESAY: 14 Nov 2003 KAILON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 2, 3, 4, 5, 8, 9, 10, 13	60 Minutes	<p>This witness will testify that rebels came to Paema after the ECOMOG Intervention and commenced "Operation Pay Yourself". They looted properties and shot civilians. Later the witness was taken captive by rebels in his home village of Paema, near Tombudu. The witness was tied up at his house and his children were burned alive in his presence. In April 1998 the witness was taken with 5 others to Tombudu. There the 5 were amputated. Three died almost immediately. After the amputation the witness was told to go to Kabbah and get hands back since they voted for him. The amputation occurred on 14 April 1998. Before this time the witness saw JPK and other senior figures in Paema during Operation Pay Yourself.</p>

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PN TF1 -302	SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 2, 3, 4, 5, 6, 8, 9, 12, 13	75 Minutes	<p>This witness will testify that she was captured by the RUF in Waterloo and taken to Tombodu. There were over 200-300 civilians there. Some civilians, including women, had been killed because they had tried to escape. They had been beheaded and their heads were impaled on a stick as a warning against attempts to escape. The witness saw three children being thrown into the latrines for crying. The witness was publicly raped by three rebels. The witness knows of 2 others raped. On some days up to 10 civilians would be killed by Savage or on his orders. The witness saw a house full of captured civilians burnt to death. The witness said that no one survived the incident. In Tombodu, the order was given to mark civilians who tried to escape with "RUF". They were marked with a razor blade. Witness saw about 10-15 women, men and children who had been marked.</p>
PN TF1-014	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5	45 minutes	<p>This witness will testify that sometime in 1998 during the AFRC/RUF period the witness saw a group of AFRC/RUF captives brought to Tombodu. The witness identified Staff Alhaji. The witness counted twenty seven people who were all men in their thirties and forties and one boy of about eleven (11) years old who was later released. Staff Alhaji ordered their hands to be tied at their back and ordered more than ten armed AFRC/RUF men to put them in a house. The house was burnt and all in house perished.</p>

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PN TFI-198	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13	60 Minutes	<p>This witness will testify that rebels attacked villages at the end of the 1998 dry season. The rebels robbed, looted and generally mistreated civilians for supporting President Kabbah. The rebel commander was a boy of 15. The rebels forced civilians to carry looted items. The witness and her husband were captured in the bush by rebels who stole their belongings. The witness was stripped naked and after refusing to have sex, a rebel inserted a stick in her vagina. This was witnessed by a neighbour. In turn another civilian was forced to rape that neighbor. The Rebel beat the witness and stabbed her on her right shoulder blade. The witness's husband and other men were abducted and forced to carry looted items. She learnt later that her husband was taken to Yardu where he was amputated. Her husband told her that he witnessed the killing of five men who were cut in the back of their neck by the rebels. The witness also saw people arrested and burnt</p>
PN TFI-197	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13	60 Minutes	<p>This witness will testify that he saw AFRC/RUF rebels kill 2 civilians in Tombodu after the ECOMOG intervention in Freetown. The witness was captured in the bush. He was beaten and had his valuables stolen. Rebels later captured the witness again and took him to Tombodu. The witness saw rebels rape a woman and the witness and 2 other men were beaten. The witness and 5 other men taken to the</p>

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	<p>KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>parking ground in Tombodu where the witness saw 3 dead bodies. The witness escaped. Later he saw injuries sustained by friends/neighbors, one whose hand had been amputated and the other who was burnt by the rebels who poured kerosene over him. The witness was captured a third time and taken to Yardu. The rebel commander ordered his amputation. The witness's left hand was amputated. Rebels beat, cut and shot to death 6 other men. The witness given letter for Kabbah. Witness later saw 5 amputees in Koaquima whom he knew.</p>
<p>PN TF1- 072</p>	<p>SESAY: 2 June 2003; 18 March 2004 KALLON: 26 May 2003; 18 March 2004 GBAO: 14 October 2003; 18 March 2004 BRIMA: 3 June 2003; 18 March 2004 KAMARA: 6 Nov 2003; 18 March 2004 KANU: 26 Nov 2003; 18 March 2004</p>	<p>1, 2, 3, 4, 5, 9, 12</p>	<p>60 Minutes</p>	<p>This witness will testify that he was captured by armed men dressed in military uniform on 8 March 1998. The witness was tied up and brought to Tombodu where there were fourteen captives. The witness was beaten by rebel commander Savage with an iron rod. Savage slashed his right leg with a machete and stabbed him with his bayonet on his side. He also cut the witness's hand because he had supported the Kabbah Government. When Savage cut the witness's hand, he said, "We are cutting off your hand because we want to attack your government, and because you voted for Tejan Kabbah." At that point the other people got up and started to run. Savage gave orders that they be shot and they were. Only two people including the witness survived. Eleven people were killed. The witness later escaped. The witness heard from others in Tombodu that Johnny Paul Koroma and his men were occupying Kwidadu, 33 miles from Kono.</p>

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PN TF1 -018	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov	1, 6, 7, 8, 13	60 Minutes	<p>This witness will testify that while in Koidu during the Junta period he witnessed looting by the RUF/SLA. The witness was captured during Operation No Living thing by 10 armed rebels. He was taken to Tomandu where rebels had 10 abducted women and 7 men. The rebels sexually abused the women who were taken one by one to a house. Along the way to Kissi Town, in Komendeh, the rebel Commander ordered the women to be divided amongst men as wives. Each armed men took possession of a woman. The witness escaped before reaching Kissi</p>
PN TF1 -019	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5, 6, 7, 8, 13	60 Minutes	<p>This witness will testify that in 1997, shortly after the take over of the AFRC/RUF a group of soldiers and RUF men captured him and raped his wife. The perpetrators were identified as AFRC. He witnessed the rape. The men then went into house and stole the witness's goods. Afterwards he moved to Yardu On 16 April 1998 AFRC/RUF men came to the village at night and burnt houses. In a village of about one hundred houses only a few remained. The witness's grandmother was captured by the rebels who cut her throat with a knife. One other man was also killed. The witness was told that fifty or sixty people were abducted from Somoya, in the Sando Chiefdom, and brought to Tombodu. The witness heard that all of them were put into a house and burnt alive. The witness was told that the man who did this was Staff Alhaji, a soldier with the AFRC.</p>

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	2003			Town. All these events happened after ECOMOG intervention in Kono.
PN TF1-016	SESAY: 2 June 2003; 18 March 2004 KALLON: 26 May 2003; 18 March 2004 GBAO: 14 October 2003; 18 March 2004 BRIMA: 3 June 2003; 18 March 2004 KAMARA: 6 Nov 2003; 18 March 2004 KANU: 26 Nov 2003; 18 March 2004	1, 6, 7, 8, 9, 12	60 Minutes	This witness will testify that she was captured in Tomandu. The witness saw captured men being marked with letters RUF. There were thirteen captives all together, seven women and six men. The captives were forced to carry food for the rebels to Tomandu. The witness taken to Kissy town where RUF distributed the women as wives for the rebel men. A rebel leader took witness's eleven year old daughter to a house and raped her. The witness could hear her screaming. The witness was given to a rebel as his wife. Along with the other captured women she was forced to find food and cook, wash clothes for the rebels. If they refused they were beaten. At three different times rebels tried to force the witness under threat of death to have sex.
PN TF1-218	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003	1, 2, 3, 4, 5, 6, 7, 8, 9, 13	75 Minutes	This witness will testify that he was in Bumpah in Kono district when rebels attacked. He was captured, beaten and taken to Cookery junction with 9 other civilians. The Rebels were looting villages at that time. The rebels said that civilians were responsible for ECOMOG and therefore all villagers except one would be killed to deliver a message to Kabbah. The rebels forced a couple to have sex in public and abused the couple's 10 year old daughter. The rebels then raped the witness

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	KANU: 19 Nov 2003			<p>vaginally and anally. The witness afterwards escaped. The witness's son later told her that others were shot and that he faked death and had slept with dead bodies. The witness heard that villagers were burned alive in Bumpah. The witness's uncle was amputated in this attack. One of the witness's brothers almost had his hand amputated by the rebels. The witness heard that the rebels abducted many villagers.</p>
PN TF1 -192	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	1, 2, 3, 4, 5, 6, 7, 8, 9, 12	60 Minutes	<p>This witness will testify that he was captured in April/May 1998 by rebels in Boimatoidu. 30 Civilians were captured. The witness saw the murder of a 60 year old woman. He was forced with 12 others to strip and have sex with captured girls. He saw the sexual mutilation of one girl for failing to arouse a man. The captured women were taken to nearby farm house and he saw rebel who inserted a stick into the vagina of one girl. The rebels then commenced to amputate arms of men. The witness was first. His arm severely injured but not severed. The witness and others were told to go to President Kabbah for new limbs. The witness also saw the abduction of 2 boys by rebels.</p>
PN TF1-206	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003</p>	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13	60 Minutes	<p>This witness will testify that during mid April 1998 his village was attacked by 100-200 rebels pretending to be Kamajors. The houses were looted and civilians forced out at gunpoint. There were many small boys, some as young as 10 years old. The witness saw rebels cut an old woman's throat. There were 45</p>

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	<p>BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>captive civilians. Men and women were segregated and forced to strip. The rebels then forced people to have sex. The witness was forced to have sex with a neighbor's sister. One boy was cut on the back for refusing to have sex. The rebels then started to perform amputations. Five people who protested were killed outright with machetes. The witness's left hand was amputated and rebels then cut the right hand of the witness's small brother, but he didn't lose his hand. The rebels claimed that civilians supported Tejan Kabbah. The witness knows of 14 people who had either limbs amputated or were the subject of attempted amputations. The witness heard that hands were collected and that the rebels threatened to wear them as necklaces.</p>
<p>PN TFI - 305</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 6, 7, 8, 11, 13</p>	<p>60 Minutes</p>	<p>This witness will testify that during the 1998 dry season AFRC rebels captured and abducted her. There were several child combatants. The rebels stripped the witness and told her to lie on the ground. They threatened to kill her if she refused to have sex. The witness had just been initiated and was a virgin. Eight rebels raped her one after the other. The witness bled profusely. The rebels left with items that they had looted. They stole fine clothes but left the other ones. The rebels threatened to kill the witness if they ever saw her again.</p>

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BOMBALI CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-055	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5, 8, 13	60 minutes	This witness will testify that Karina Was attacked in February some time after President Kabbah's restoration to power. The witness saw attackers assembling people they had captured, both from Karina and other towns, and heard orders being given to kill them and cut them. The witness saw people being killed with machetes. People were also killed when the attackers invaded the mosque. The witness saw people being abducted, including women who were stripped naked. Prior to the attack soldiers had come frequently to rob and loot from Karina.
PN TF1-156	SESAY: 11 August 2003 KALLON: 11 August 2003 GBAO: 14 October 2003 BRIMA: 22 Sept 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov	1, 2, 3, 4, 5	45 minutes	The witness will testify that Bornoya was attacked. The witness stayed in his house. He heard noises and saw flames. When the attackers left, around 7:00 a.m., the witness saw the dead bodies of about 9 people. He recalls that about 15 people had been cut with machetes or knives and were taken for treatment. The witness's brother was abducted. His dead body was found in Karina later on the same day. Three of the witness's children were abducted and taken to Mandaha. Around the same time that morning, the witness was told that the attackers also

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	2003			launched attacks on the surrounding villages of Mayombo, Karina and Dariya. The witness saw smoke and flames coming from the direction of these surrounding villages.
PN TF1-056	<p>SESAY: 2 June 2003</p> <p>KALLON: 26 May 2003</p> <p>GBAO: 14 October 2003</p> <p>BRIMA: 3 June 2003</p> <p>KAMARA: 6 Nov 2003</p> <p>KANJU: 26 Nov 2003</p>	1, 2, 3, 4, 5, 12	45 minutes	<p>This witness will testify that Daraya Village, Karina was invaded by SLA soldiers after the ECOMOG intervention. The soldiers set fire to 5 houses. When the witness asked why they were doing so, he was stabbed with a machete. The witness saw the soldiers cut the throats of a mother and son. The witness also saw abducted people, including the witness's wife and twin 5 month old babies and his 19 year old son. His son was made to carry a bag on his head. The witness later found his wife's body near a bridge with knife wounds with the 2 suckling babies, and his son's body in Manyain village.</p>
PN TF1-059	<p>SESAY: 2 June 2003</p> <p>KALLON: 26 May 2003</p> <p>GBAO: 14 October 2003</p> <p>BRIMA: 3 June 2003</p> <p>KAMARA: 6 Nov 2003</p> <p>KANJU: 26 Nov 2003</p>	1, 2, 3, 4, 5, 13	45 minutes	<p>This witness will testify that 1998 during the dry season he was in the mosque at 5am when Karina was attacked by armed men. Some of the men wore military uniforms and others civilian clothes. The witness saw armed men strike a villager with an axe in the face. Then witness heard the brother of victim cry out before hearing an instruction that he too should be killed. The witness ran from the village. Upon returning the witness saw the bodies of both brothers near the mosque. The witness also saw 3 other dead bodies. 5 houses in the town were also burnt.</p>

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PN TF1-149	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5, 89, 11, 12	45 minutes	<p>This witness will testify that during May 1998 he heard of many villages being attacked and civilians killed by rebels. These included Bonoya, Mayumbo, Mandah, Kathantha. The witness saw two houses burning in Bonoya and met a woman who had had her arm amputated in Mayumbo. The rebels burnt most houses on 11 May in Kabunbo, Maforey, Malokoko and Kakola where they also killed 1 old man. After rebels captured Makeni on December 23 1998 they came to Kamabai. The witness was told that Savage was the overall commander in the Kamabai area. The rebels had about 100 abducted civilians with them. The witness saw more than 20 child soldiers who were aged from 10 up. Savage moved to Fadugu. He took civilians from Kamabai including a 15 year old girl who was pregnant. The witness was told by her relatives that she died along the way.</p>
PN TF1-0155	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 4, 5, 6, 8	60 minutes	<p>This witness will testify that a large group of armed rebels wearing uniforms invaded Mandaha. She was captured along with 3 other women. The witness was stripped naked and forced to lie down. She was threatened with amputation and death if she resisted. The one rebel who inserted his penis into her mouth. The act was witnessed by other rebels. The rebel beat her with a stick afterwards. 5 or 6 days later the witness saw her son. His son told her that he had had his neck sliced and penis being chopped off by soldiers at Manhaha who had captured him. Her son died shortly afterwards.</p>

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PN TF1-207	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 2, 9	60 minutes	<p>The witness will testify that following reports of rebels approaching he fled with his family to Lohindi village. On the night of the 10th May 1998 between 10:00 P.M. and 11: P.M. Rebels attacked the village and he was captured. The rebels were dressed in military combat uniforms. He was taken to the back of one house where he saw 2 adult males whose arms had already been amputated. The witness was interrogated by rebels who then amputated his right hand with a cutlass. After they had cut his hand off, one of the rebels told him that let him go to Tejan Kabbah to give him a new hand. The witness said from that point he left the scene with heavy pain and bleeding from the affected hand.</p>
PN TF1-204	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 9, 10	30 minutes	<p>This witness will testify that on 23 December 1998 he went to Makombi village and stayed there for the safety of himself and family. On the 10 February 1999 armed men identified as RUF fighters entered the village. One of men identified him as serving member of the Sierra Leone Police Force. The witness was arrested and taken to Makeni On arrival at Makeni the rebels interviewed him about his identity and he was taken to the RUF/AFRC Military Police Following further questioning he was then taken to Makeni prison, stripped naked and given two hundred (200) lashes with a rubber called "Cobra".</p>
PN TF1-290	SESAY: 7 Feb 2004 KALLON: 7	1, 3, 4, 5	30 minutes	<p>The witness will testify that the rebels attacked Gbendembu town at the end of 1998. At about 1am the witness was in his house and heard firing. He hid</p>

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	<p>Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>			<p>under the bed with children till morning. When he came outside ECOMOG soldiers told him that the rebels had killed a lot of soldiers and civilians. The witness saw the dead bodies of soldiers and civilians. There were 21 dead soldiers and 11 dead civilians. There were also dead rebels. The Witness assisted in the burial of the 11 civilians in a mass grave.</p>
<p>PN TF1-286</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>45 minutes</p>	<p>The witness will testify that around May 1998 he others were stopped by rebels. At gun point the rebels took Le70,000, jeans and a bicycle from him. The rebels cut off the lower left arm of the witness, the hands of 2 others and the fingers of a fourth. The amputees were then told to go tell President Kabbah Kabbah to give them limbs and that the rebels were coming. One of the men in witness's group died after being amputated. The witness also saw one of the rebels kill 2 civilians who were in the witness's group with a bayonet.</p>
<p>PN TF1-179</p>	<p>SESAY: 14 Nov 2003; 24 Feb 2004 KALLON: 10 Dec 2003; 24 Feb 2004 GBAO: 17 Dec 2003; 24 Feb</p>	<p>1, 2, 4, 5, 9, 10</p>	<p>60 minutes</p>	<p>This witness will testify that he saw the killing of one companion and the wounding of another at Batkanu village. The witness saw that the village had been burnt. On 10 May 1998 the witness and his family were traveling to Makeni. They were stopped by rebels. The rebels struck the witness's father on his right arm with a machete. They then amputated his uncle, brother in law and the witness. The witness lost</p>

	<p>2004 BRIMA: 19 Nov 2003; 24 Feb 2004 KAMARA: 18 Nov 2003; 24 Feb 2004 KANU: 19 Nov 2003; 24 Feb 2004</p>			<p>his right hand. The rebels told them to tell the ECOMOG forces that they are coming and to ask President Kabbah to give them hands as it was him they had voted for in the 1996 elections. One of the rebels then stabbed his unconscious father to death. The witness's grandmother could not walk and stayed behind with the rebels. The witness was later informed that she was also killed by the rebels. The witness's uncle could not stand the pain and died shortly after reaching Mabenji village. The witness eventually reached Makeni town and was admitted to the government hospital.</p>
<p>PN TF1-196</p>	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 4, 5, 6, 8, 9, 10, 12</p>	<p>60 minutes</p>	<p>This witness will testify that she was hiding in the bush near Malama when rebels attacked villages nearby. She and other civilians were captured. One of the rebels told the witness she would be raped until she was helpless. The rebel then raped her after threatening to kill her if she refused. The rebels brought them to Batris. The witness saw armed child soldiers. The captured civilians were given rice to pound. Some civilians escaped when sent to fetch water. The leader Mosquito ordered the amputations of others as a punishment. He also ordered the witness's husband to be killed. The witness saw her husband was killed with a cutlass before both her hands were amputated. The rebels told her that she should go to Kabbah who would give her back her hands. The witness saw rebels raping young suckling mothers in public. The witness saw other civilians being killed. The witness heard the rebels say that</p>

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				ten rebels had raped a woman in another village. She also heard the rebels threaten to rape women and virginate young girls.
PN TF1-343	March 31, 2004. To all six accused	1, 2, 9, 10	30 minutes	This witness will testify that in 1998 villagers would from time to time flee to the bush because of rebel activity. During 1998 while on the way to Makeni from Mateboi he and others were ambushed by armed men. They were taken before the leader of the armed men. The witness saw the double amputation of another man. The witness was ordered to stretch out his hands. The rebel told him that he would be free after having his hands cut and he should tell Tejan Kabba and ECOMOG that they were coming. Both of his hands were cut of by a man wielding and axe. The witness fainted afterwards. Upon recovering consciousness he saw the body of the other amputee.
PN TF1-267	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 6, 8	45 minutes	The witness will testify that in 1998, at the time of rice planting, Rosors was invaded by armed men. Some were in combat uniform and some in ordinary clothes. A group of them gave chase to the witness and others. The witness was raped by 4 men from this group. A few hours later the witness's daughter showed up and reported that she also had been raped by men from the same group who had chased them. The witness saw blood stains on her daughter's clothing. Prior to the rape, her daughter was a virgin.

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PN TF1-269	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 6, 8, 9	45 minutes	<p>This witness will testify that rebels invaded Rosors. Some of them were dressed in combat uniform. The witness was captured by 5 men in the bush. The witness was vaginally raped by 4 of the men. The fifth inserted his penis into her mouth. One of the men then cut her on the back of her neck with a knife. Another hit her on the left foot.</p>
PN TF1-058	SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003	1, 2, 3, 4, 5, 9, 10, 13	60 minutes	<p>The witness will testify that on 7 May 1998 he heard gun shots from a neighbouring village. Armed rebels then entered Karina. The witness and over 50 men and women were captured. The women were taken away and another group of strong men were given loads to carry. The remaining captives were lined up on the ground, accused of being Tejan Kabbah supporters and chopped with machetes. The witness was struck with a machete many times and was the only survivor of this group of 7. The witness saw as many as 200 armed men pass by. After attackers left, the witness saw many burnt houses in Karina and heard of others who sustained cuts and who were killed. The witness saw many dead bodies in Karina, Mayongbo, Daraya and Bomoya the following day.</p>
PN TF1-289	SESAY: 7 Feb 2004	1, 3, 4, 5,	30 minutes	<p>This witness will testify that she was in Gbendembu when it was attacked. She saw 11 people shot.</p>

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	KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004				
PN TF1-232	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003	1, 3, 4, 5, 12	30 minutes	This witness will testify that she was in Gbendembu when it was attacked at night some years ago. The witness saw about 11 people shot after having been lined up. When it was the witness's turn to be shot, she was asked to turn her back. She had her baby girl on her back. The bullet hit her baby girl on her right foot. The witness fell to the ground over her baby. Four of the witness's children were abducted.	
PN TF1-266	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19	1, 6, 8	45 minutes	This witness will testify that during the 1998 dry season, when ploughing in the swamps had already started and brushing of farms had been completed, armed men invaded Rosors. The witness was captured and raped by 5 of them. They told her they were soldiers. One of the men hit her finger with a gun butt and stabbed the side of her neck when she	

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	<p>Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>began to cry. The witness also heard another woman being raped.</p>
<p>PN TF1-159</p>	<p>SESAY: 11 Aug 2003; KALLON: 11 Aug 2003; GBAO: 14 October 2003; BRIMA: 22 Sept 2003; KAMARA: 6 Nov 2003; KANU: 26 Nov 2003;</p>	<p>1, 2, 3, 4, 5, 11, 12</p>	<p>60 minutes</p>	<p>This witness will testify that he was captured when a group of armed men, women and children invaded his village of Mafabu. The witness later learned that they were "junta". The junta killed people and burnt down the entire village. The witness was taken from Mafabu to Malama and Rosors. At Malama the group also killed people and burnt houses. At Rosors the soldiers and rebels operated a military training camp where the witness observed adults and children, all boys, being trained in military tactics and weaponry. The witness estimates that there were over 30 boys of varying ages. At Rosos the witness was forced to work for the rebels and soldiers.</p>

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KOINADUGU CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-147	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13	60 Minutes	<p>This witness will testify that after ECOMOG entered Kabala the AFRC/RUF left, but had looted many homes, market stores and NGO premises (household properties, food stuffs and vehicles). Kabala Town was constantly attacked and on 27 July 1998 the AFRC/RUF entered the town, abducted men, women and children, and burnt homes. They forced captives to carry looted properties. Many people were abducted and some captives were trained at Krubola. The witness heard that amputations were done at Bafodia. The witness also heard of rapes through hospital staff in Kabala. During the 17 September 1998 attack on Kabala, the witness saw many dead bodies and over 200 burnt houses. The witness was told that houses were deliberately set on fire after they had been doused with petrol. In an attack on Malaforia houses with people inside were burnt. During these attacks, many boys and girls from 5 years old were abducted.</p>
PN TF1-177	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003</p>	1, 2, 3, 4, 5, 9	60 Minutes	<p>This witness will testify that she was in Kabala on 25 July 1998. She heard about the attack in Kabala and decided to go to Makeni with others. While on their way, they got caught in an ambush. 100 people were</p>

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	<p>GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>on the bus. Many were killed. The attackers were shouting for Superman leading the RUF. The witness was shot in the stomach. Her brother was also shot together and another person she knows was shot in the leg.</p>
<p>PN TF1-134</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	<p>1, 2, 3, 4, 5, 8, 9, 12</p>	<p>60 Minutes</p>	<p>This witness will testify to an attack on Katombo II on 27 July 1998. Two hundred rebels came from Makakura direction (2 miles from Kabala). The witness was captured, beaten and mistreated. He recognized officers such as Savage, SAJ Musa and one Major Foday. Two policemen were murdered and their bodies split by an axe and a sword, their guts taken out and intestines pulled across the road as a checkpoint. The witness denied being a police officer and his 2 children were killed by having their throats cut. The witness saw other people killed in cold blood. The witness also saw many captives with loads and he did not know what was inside. The witness escaped and on returning to Kabala saw 4 houses burnt. In August, the witness saw the graves of 2 children in Katombo II buried in a mass grave with others killed in Katombo.</p>
<p>PN TF1-135</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003</p>	<p>1, 2, 6, 7, 8, 9, 11, 12, 13</p>	<p>60 Minutes</p>	<p>This witness will testify that during the 2000 dry season he encountered Savage and his troops near Kasimbeck village. There followed a period where rebels raided food and forced civilians to carry it for</p>

	<p>GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>them. Civilians were forced to pound rice, and cattle were killed and looted. Women were stripped naked and beaten and the witness heard of rapes. Child soldiers between age 10 and 14 were used by the rebels at Kataoya.</p>
<p>PN TF1-212</p>	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13</p>	<p>75 Minutes</p>	<p>This witness will testify as to seeing multiple killings and raping in Koinadugu by rebels commanded by "Superman". She saw houses burnt in villages and towns and people thrown into them alive. Sometime in October 1998 Superman ordered his men to kill in accordance with Operation No Living Thing. Koinadugu was burnt down by rebels apart from the mosque. Houses were looted. The witness saw a woman being kicked in the stomach following which she died. The witness's son was killed after the launch of Operation No Living Thing. She witnessed a baby being dumped over a bridge. She saw people burnt to death in houses. She also saw 48 people captured and put in burning house and 130 boys and girls aged 12-15 years taken away. Some captives had to carry loads. The witness saw 3 women raped in Kambasafe. The witness saw 5 villages burnt down by rebels. There were child soldiers among the rebels.</p>
<p>PN TF1-172</p>	<p>SESAY: 14 Nov 2003</p>	<p>1, 2, 3, 4, 5, 6, 8, 9</p>	<p>60 minutes</p>	<p>This witness will testify that on May 18 1998 he was captured by rebels together with three other men.</p>

	<p>KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>		<p>The attackers identified themselves as Foday Sankoh rebels. They took the witness's shirt and money. The rebels beat the men and took the four captured men into Seradya. The rebels thought witness was a Kamajor and they tried to stab him with a bayonet. They amputated his right hand and either the right or left hands of others. When they reached Seradya, the witness saw one dead body. After the witness' hand was amputated, rebels originally wanted to give him a letter to take to Kabbah and ECOMOG in Alikalia but changed their minds. After the amputations the rebels let the four men go, telling them to go Alikalia to inform ECOMOG that the rebels are coming. The witness and others were taken away to Freetown by helicopter. There were war-wounded on the helicopter. Five of the fifteen were amputees. One was a double amputee from Bumbuna. The witness learned that rebels attacked Seradya when he was in Freetown. The rebels locked the Town Chief and his family members in his farm house and burnt them to death. The witness was told that many civilians were killed during this attack. The witness's wife told him that she was abducted by rebels during this attack and spent one day and one night with them. The witness said his wife was captured and raped by two rebels. The witness said that when his hand was amputated, the rebels burnt most of the remaining houses.</p>
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<p>PN TF1-329</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13</p>	<p>60 minutes</p>	<p>This witness will testify that in late February 1998, the rebels arrived in Fadugu after they were kicked out of Freetown. They stayed for about 10 days. They wore mixed clothing. Most villagers hid in bush. Different groups of rebels passed through Fadugu. Some identified themselves as RUF. Others were AFRC. AFRC rebels stayed in Fadugu. At this time they did not harm civilians but looted. In May 1998 civilians fleeing from a rebel attack on Kafoko village arrived in Fadugu. The witness saw the rebels arrive. As the witness attempted to flee the rebels shot her and she crawled into a house. In this house, her son and two other boys were hiding. Then two rebels entered. They looted. As rebels left they set fire to house. The witness and boys escaped and hid. The witness states that in this attack rebels killed 6 civilians (men and women). About 150 houses were burnt by rebels. The rebels amputated four fingers of a woman and abducted 2-3 girls who stayed with rebels for 2-3 years. They also forced many women to marry them and forced civilians to work for them. The witness had her lower leg surgically amputated from her wound.</p>
<p>PN TF1-136</p>	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June</p>	<p>1, 2, 3, 4, 5, 12, 13, 14, 17.</p>	<p>75 minutes</p>	<p>This witness will testify that in June 2000 he was at Karamadugu Sokurala village 12 miles from Kabala. Many armed RUF men entered village with civilians (about 40 men with loads on their heads). The witness was captured with 6 other men and 3 women. The women were later released. The witness and other men were taken away. One</p>

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	<p>2003 KAMARRA: 6 Nov 2003 KANU: 26 Nov 2003</p>			<p>civilian was killed when group entered village as they were firing. The witness heard a communication with the RUF in Makeni. He was sitting near commanders and heard Bai Bureh say on the set that they had captured Komadugu Sokurala, had no problems, did not meet enemy, no RUF killed, and that they were heading for Koinadugu to Bendugu and finally Kabala. The witness heard another person praising Bai Bureh and his men, saying he knows they are hard men and he had no doubt in whatever they do. The other side also said that right now they have captured a number of UNAMSIL personnel at Makeni and have them in their custody and that once they have captured UNAMSIL personnel, "nobody can try them again because UNAMSIL represents the whole world". Bureh was speaking to Gibril Massaquoi. Properties in the village were looted by rebels. The witness's brother and a small child were killed in front of him by RUF. During the last attack on Kabala by RUF, the town was looted and houses burnt.</p>
<p>PN TF1-205</p>	<p>SESAY: 14 Nov 2003; 18 March 2004 KALLON: 10 Dec 2003; 18 March 2004 GBAO: 17 Dec 2003; 18 March 2004</p>	<p>1, 2, 6, 8, 9</p>	<p>60 minutes</p>	<p>This witness will testify that she was walking from Serenkolia to Benikoro when she met the rebels along the road. Witness said she was amputated on a Friday. A rebel forced the witness to put her hand in a hole in a tree and then proceeded to chop her right hand and her left hand with a cutlass. The rebel did not succeed in cutting off her left hand. The rebel gave the witness a letter and said to her "Go to Kabbah and let him fix your hand". The rebels told</p>

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	<p>BRIMA: 19 Nov 2003; 18 March 2004 KAMARA: 18 Nov 2003; 18 March 2004 KANU: 19 Nov 2003; 18 March 2004</p>			<p>the witness that they were rebels. After being amputated, the witness was raped by the same rebel who amputated her. Before raping her, the rebel beat her with his gun butt on her back and head. He hit her as she refused at first to have sex with him. He was wearing mixed combat. The witness was captured together with B.F. who was from Benikoro. The witness saw B.F. was also bleeding from both hands. The witness said both of B.F.'s hands were injured but not amputated. She also saw M.F. and M.F.'s younger brother, Y. F. who had also been captured by the rebels. The witness saw that rebels had tried to amputate both of M.F.'s hands.</p>
<p>PN TF1-213</p>	<p>SESAY: 14 Nov 2003 KAILON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 3, 4, 5, 6, 7, 8, 9, 11, 12</p>	<p>60 minutes</p>	<p>This witness will testify that in 1998 she was 13 years old when rebels attacked Kabala. She was captured by rebel who took her to Langehkoror. The rebel told her she would be his woman. She was raped before getting to Langehkoror. When she arrived rebels argued who would have her. Two groups of rebels were present: one was Musa's group, one was Superman's group. One "Yellowman", part of Superman's group, told the witness that since no one could decide he advised that she should be killed or amputated. At this point the witness's hands tied and then struck with machete. The witness had a letter stuck to the "tail" of her cloth and was told to go deliver it to Kabbah. She walked three miles and then collapsed by a stream before being rescued by ECOMOG. She saw a man named Sheriff struck and killed with machete</p>

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				<p>by "Yellowman." The witness saw one man have his penis cut off by rebel. The witness saw lots of child combatants with the rebels.</p>
<p>PN TF1-311</p>	<p>SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5</p>	<p>60 minutes</p>	<p>This witness will testify that on 27 April 1998 rebels had attacked Yifin and burnt houses. The witness saw smoke coming from Yifin. He went in search of family members. He was forced into a house by armed men wearing ECOMOG clothing. The witness saw men firing into the house. He recognized Superman who gave command and shot into the house, and Mamburu who also shot into the house. He had known Mamburu and Superman as rebels. Mamburu wore ECOMOG clothes during attack. Others had mixed clothes. Some people escaped through the window out into the bush. Whilst in the house the witness saw Superman enter with one other and shoot people. The witness heard Superman giving instructions for the house to be burnt because of the support Sierra Leoneans were giving ECOMOG. Only the witness and one other survived. The witness then found out that his father was burnt in his house. On 29 April 1998 the witness buried his remains at the back of the burnt house. About forty (41) people were killed at the house, including men, women and children. A lot of other people were killed in the town. The witness states that the people who held them and put them into the house were rebels.</p>

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PN TF1-310	SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 2, 3, 4, 5	60 minutes	This witness will testify that in 1997 or 1998 Yifin was attacked. Men in uniforms directed the witness and others, about a hundred in total, to a house. Men started firing at them through the windows and the door. The witness was shot on the breast. Almost everybody else died. The house was burnt while the witness was inside. The attackers thought their victims were the family of the Paramount Chief, who had called ECOMOG. The witness managed to get out of house and into the bush.
PN TF1-312	SESAY: 7 Feb 2004 KALLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004	1, 2, 3, 4, 5, 6, 8, 13	60 minutes	This witness will testify that he was in Yifin when the RUF attacked on 27 April 1998. The witness's father, an ex SLA, was threatened with death for supporting Tejan Kabbah, but eventually released. The witness's house was looted and burnt down. The RUF killed people, about a hundred. He was told that rebels burned a house with people in it in Yifin. The witness escaped in bush and stayed there for 1 ½ year. During that time, rebels attacked other villages and looted. The witness was captured and flogged on suspicion of being Kamajor. The witness saw the rape of woman in bush by 2 rebels.
PN TF1-214	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec	1, 2, 3, 4, 5, 9, 12	60 minutes	This witness will testify that Koneibaia was attacked twice. The first attack occurred after the rebels had been kicked out of Freetown by ECOMOG. One man had both hands amputated and 10 houses were burned by rebels. Some civilians were forced to

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<p>PN TF1-215</p>	<p>2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 9, 12, 13</p>	<p>90 minutes</p>	<p>push rebels' cars toward Kono. During the second attack, ECOMOG troops guarding village fled as over 300 rebels attacked. The rebels captured many villagers, including the witness, and brought them to the cotton tree in the centre of Koneibaia. The commander said "You want a civilian government, you want Tejan Kabbah. This is Operation No Living Thing." The commander then ordered a rebel to bring cutlass and amputate. The rebel amputated the witness's 6 years old daughter and then amputated the witness's hand. The rebel proceeded to amputate the hands of three other women and three men. One woman, 8 months pregnant, later died. Some men also died. The rebels also killed several villagers and burned remaining houses. The rebels abducted two women and stated that they were going to attack Fadugu. The witness heard about amputations and burning of house by rebels in Kono area.</p>
<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov</p>				<p>This witness will testify that he was in Koneibaia (Koinadugu) when "rebels" came in March 1998 after being kicked out of Freetown. They stayed for 3 weeks during which they stole properties during "Operation Pay Yourself." They wore a mix of civilian and military clothes. The witness is not sure if they were AFRC or RUF. They forced the civilian population, including the witness, to carry food and other items for them. On leaving in April 1998 they abducted several male and female civilians. The witness heard about killings, amputations and</p>

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	2003		<p>burning of houses in Yifin. When the witness returned to Koneibaia, he heard about amputations. The rebels captured three male civilians and forced them to carry loads and shot another civilian dead who refused to join them when they were all drinking palm wine. The witness says then that rebels took three men and wrote "RUF" with razor blade on their foreheads. One day the witness heard firing from Lekekoro. Three civilians were cut up in attempted amputations. The witness was then told that rebels had attacked Koneibaia. The witness returned to Koneibaia that evening and saw amputations. The rebels also abducted several men and women. On 19 May the rebels returned. The witness saw these rebels shoot 8 civilians. The rebels also burned many houses at this point. There were about 200 rebels. The commander ordered amputations of civilians. There were two rebel groups: the first was SAJ Musa's who traveled through Bafodia to Kamakwei and the other was Superman's group who traveled from Ferewa to Koneibaia to Faduga. The civilians begged but Commander said to stop begging and also said "There is no God here today." The rebels then started amputations taking "smallest hands first." They told witness that he would never be able to vote for a civilian government and to go to Kabbah. The witness had his right hand amputated. Amputations took place near the cotton tree.</p>
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KAILAHUN CRIME BASE

1. COMMONWITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-111	<p>SESAY: 2 June 2003 KALLON: 26 May 2003 GBAO: 14 October 2003 BRIMA: 3 June 2003 KAMARA: 6 Nov 2003 KANU: 26 Nov 2003</p>	1, 2, 6, 7, 8, 12	60 Minutes	<p>This witness will testify that he was abducted on 1 June 1991 by the RUF. He was initially held for 1½ years in Bunumbu in Kailahun. The witness was again captured on 30 December 1998 in Pendembu in Kailahun together with over 200 civilians, including his family. One of his wives told him she was raped during her captivity. The witness was forced to work. He was told that the rebels took captive women as wives.</p>
PN TF1-247	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	1, 9, 12, 13	60 Minutes	<p>This witness will testify that in December 1998 the AFRC/RUF attacked Segbwema and captured civilians. Men and women were beaten by the rebels. The witness saw a group of SLA/RUF rebels carrying loads. The soldiers said they took orders from Capt. Bakar. The witness and others were tortured and beaten. The witness saw rebels looting properties in an operation they described as "Operation Pay Yourself".</p>

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PORT LOKO CRIME BASE

COMMON WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-253	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	1, 2, 3, 4, 5, 9, 10	90 minutes	<p>This witness will testify that the rebels interrogated them about the location of a Gbenti base and the location of ECOMOG. The witness was captured in the village of Makambisa along with 5 other people. He saw the rebels kill these 5 people. The witness was then taken to Marmarra. The rebels there told the witness that they were the men of Superman. The witness heard talk of Operation No Living Thing. The witness saw rebels kill one man and saw many people in a house in the village. They were begging for water. The house was locked from the outside. He saw the rebels burn house with petrol. After the attack the witness and other villagers counted 73 people dead in house. The witness saw the rebels in mixed civilian and military clothing perform two amputations and tell the victims to "go to Tejan Kabbah and tell him who did this." The witness was taken the by rebels to Port Loko but escaped on the third day in Port Loko. He saw many bodies in Port Loko.</p>
PN TF1-250	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec</p>	1, 2, 3, 4, 5, 9, 10	60 minutes	<p>This witness will testify that sometime before Peace Accord he was in the village of Magboru when it was attacked by rebels. He and his family were captured by the rebels along with many others and taken to village of Manarrrma. The witness saw over 100</p>

	<p>2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>			<p>rebels present in Manarrra. In Manarrra, the witness was ordered to sit on ground with 4 other family members. The witness saw the rebels put five family members in a house that was later set ablaze. There were many other people in the house. The witness personally heard the CO give order to burn the house. The witness also heard people screaming from the house. The rebels then took the witness and two others, Mohamed Tarawa, Brima Koroma, and performed double amputations. The witness was told to go to Kabbah and tell him what had happened and then told to go to the people of Port Loko to tell them the rebels are coming.</p>
<p>PN TF1-254</p>	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>60 minutes</p>	<p>This witness will testify that Manarrra was attacked in the dry season after the Freetown invasion. He saw 3 of his wives and 4 of his children ordered to sit on the ground. He saw a son and a daughter killed, one by an axe and the other by a cutlass by rebels in underpants. The witness later saw the rebels lead his three wives and two children into a house that they later set on fire. It was late in the afternoon when they burnt the house. They burnt a total of 25 houses. After the rebels left the witness and other villagers counted 73 skulls of people who were burned in this house. In total the witness lost 16 of his relatives in this attack. The witness also says that another 6 of his children were killed in Makamisa.</p>
<p>PM TF1-320</p>	<p>SESAY: 7 Feb 2004</p>	<p>1, 2, 3, 4, 5, 9, 10</p>	<p>60 minutes</p>	<p>This witness will testify that after the Lome Peace Accord he and his family and other people from</p>

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	<p>KAILLON: 7 Feb 2004 GBAO: 7 Feb 2004 BRIMA: 6 Feb 2004 KAMARA: 7 Feb 2004 KANU: 7 Feb 2004</p>			<p>Rotombo (nearby Manarrra) were captured and taken to Manarrra. There he saw a lot of dead bodies and a man giving commands for the killing, burning and the amputation of civilians. The witness also saw armed men dressed only in under pants with red pieces tied round their head. Women who had been captured were taken into a house at the centre of the town. 70 women were detained in the house. Rebels later opened fire on house. The witness heard the women crying. Rebels with cutlasses and axes then entered the house and the butchered those who were still wailing. The house was then burnt.</p>
<p>PN TF1-257</p>	<p>SESAY: 14 Nov 2003 KAILLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 6, 7, 8, 12</p>	<p>90 minutes</p>	<p>This witness will testify that she was captured in the bush by rebels and taken to "a garden." The rebels were dressed in civilian clothes and many had red cloth wrapped around their head and legs. They were armed with cutlasses and axes. Some had guns. The witness says that she observed that a good number of the rebels were young boys. In the garden, a list of the captured villagers from Tendakum was prepared. The witness is unsure how many people were put onto the list. When the rebels arrived in Tendakum, they burned down the village on the day they entered and also raped many women. The witness says that she was not raped. After the list of villagers was completed, one of the rebels said to the other rebels to take whomever they wanted, women for wives and men and children for labour. The witness said that she was taken by a</p>

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				<p>rebel woman named Hawa Conteh. The witness attempted to look for her family in their hut and was told by one of the small boys that the people in the hut were killed by the rebels. A few days later the witness was told by another rebel who was in Tendakum that her father was killed. The witness later learned that 47 people from Tendakum were killed in these incidents and most were relatives of the witness. The witness was taken to Lunsar where Superman was in charge.</p>
<p>PN TF1-256</p>	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARRA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 6, 7, 8, 12</p>	<p>90 minutes</p>	<p>This witness will testify that in April 1999 he was captured with many other civilians. The witness was taken to the garden of another villager, Mohamed Sankoh. The rebel group that captured the witness registered him and 66 other civilians into a notebook. On the third day of capture, the witness states that he saw a group of about 50 rebels leading away some of the captives who were from Tendakum, including the witness's son and brothers. The witness did not see what happened to these civilians but was told shortly thereafter by the rebels that those civilians had been killed. Later that day the witness saw 7 dead bodies of those among this group that were hacked to death with machetes. The witness also saw that the rebels who had led the civilians away had blood on their machetes when they returned. The witness believes that 47 people were led away and killed based on the number of people missing from the village. The witness saw that when the rebels initially arrived they took about</p>

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				<p>15 women to their "booths" (make shift housing for rebels) in the garden where they were raped nightly. The witness also saw that the rebels burned the entirety of Tendakum and Nonkoba. The witness arrived after the actual burning but saw the smoke. On the 5th day of capture the witness was taken to Nonkoba along with 4 others where he was interrogated before being placed in a rice box. The following morning the witness was released from the rice box and sent to different commanders to work for them. He was forced to work mostly on domestic chores and says that he worked out of fear. While at Nonkoba Superman, who was in charge of Lunsar, sent a letter to the commander which was read out in the presence of the witness. The letter detailed that certain villagers, including the witness, were not to be killed. Superman issued orders more than once that killing should stop.</p>
<p>PN TF1-261</p>	<p>SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19 Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003</p>	<p>1, 2, 3, 4, 5, 9, 10, 12</p>	<p>90 minutes</p>	<p>This witness will testify that he was captured by rebels who brought them into "the garden" where they were registered in a book. There were children among the rebels. On the 4th day of captivity the witness saw 8 dead bodies, including those of his children and mother. The bodies had been hacked with machetes. A rebel named Malaria told the witness "See what we did here, this is an example." Malaria also said that he was an SLA. Later, in Lunsar, the witness learned that Malaria's boss was Major Cole. The witness and others were taken to Captain Richie who instructed the rebels to "knock</p>

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<p>PN TF1-252</p>	<p>SESAY: 14 Nov 2003 KAILLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19</p>	<p>1, 2, 3, 4, 5</p>	<p>60 minutes</p>	<p>them down". A rebel named Tyler then told the rebels to leave the witness and 3 others alive since they had already killed a good number of people. The witness was returned to the village of Tendakum and instructed by Malaria to build a "booth" – a small thatched hut with no walls. While building it Malaria told the witness and others that he wanted to take them to Kailahun to do mining. When it was discovered that his whole family had been killed the witness was put into labour for Malaria instead. While the witness was in Tendakum he heard that many of the women of Tendakum were raped by the attacking rebels. The rebels burned down all of the houses in Tendakum. The witness and three others were made to carry loads to Cucoona. Before they left, Malaria cut the marking RUF into the witness' chest. On the way, a larger group of rebels joined with them saying that they had been attacked. The group all proceeded to Lunsar. The civilians were lodged at the police barracks by Captain Richie. Superman was the commander of Lunsar and he gave an order to not kill the civilians. The witness was in Lunsar about one month before escaping.</p> <p>This witness will testify that she was captured by rebels. While in Nokoba, the witness saw several child rebels beating an old man. They took him into the bush and returned with his cut up his body in a bowl. The cooked and ate the body parts. The rebels threatened the witness that she would be killed if she did not eat some. Other civilians were also forced to</p>
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	Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003			eat the flesh. Around the same time the witness saw the rebels kill a woman. She also saw the same rebels take a baby, put it in the rice pounding bowl and then pound it to death. The rebels said that their boss was Foday Sankoh. While she was in Nokoba the witness says that CO Superman came there.
PN TF1-344	March 31, 2004. To all six accused.	1, 12		This witness will testify that she was in Nonkoba when she, her mother, second mother and siblings were captured by rebels. The witness was taken away by one rebel. Upon seeing her mother again, the witness was told that she would never see her brothers and sisters again. The witness believes that the order for the people to be killed was given by Mohamed Kanu as she could tell by his behavior as he was in charge. The witness was then taken to Lunsar by Jibbo. There she heard of Superman.
PN TF1-346	March 31, 2004. To all six accused.	9, 10	30 minutes	This witness will testify that she was only an infant when the rebels came to Nonkoba. They put her into a fire where they normally cook food. The fire was right on the side of the main street near her house in the village. Her legs and feet were disfigured.
PN TF1-259	SESAY: 14 Nov 2003 KALLON: 10 Dec 2003 GBAO: 17 Dec 2003 BRIMA: 19	1, 2, 3, 4, 5, 6, 7, 8, 12	60 minutes	This witness will testify that she was hiding when the rebels who attacked her village, Tendakum, found her and others hiding in bush near the village. The rebels were dressed in combat uniforms and armed with guns, knives, cutlasses and axes. She and the others were abducted and forced to pound rice for the rebels. She was captured by a rebel named

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	Nov 2003 KAMARA: 18 Nov 2003 KANU: 19 Nov 2003			Dipolis who raped her. The witness says that the rebels killed 40 people when they attacked. The witness did not personally see the killings, but could hear the people crying as they were being killed and heard the sound of cutlasses striking the people and then later saw the dead bodies. The witness was eventually taken to Lunsar and then to Makeni. In Makeni she heard that Superman was in charge but did not see him.
PN TF1-345	March 31, 2004. To all six accused.	1, 2, 3, 4, 5, 12	60 minutes	This witness will testify that sometime in April or May many rebels armed with weapons passed through Nonkoba. It was after the January 6 invasion of Freetown. She hid into the bush near Tendakum. The next morning, rebels captured her along with many other civilians. The rebels forced them to pound rice and to build huts. The witness was whipped by a rebel. A few days later the witness escaped into the bush. From there, she heard rounds of hitting and women and children crying. During the night the wife of a rebel told the witness that her four children had been killed by rebels. Thereafter, the witness went to Lunsar and stayed there for two weeks. Superman was the commander in Lunsar.

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EXPERT AND OVERVIEW WITNESSES

PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-150	To be disclosed	1,2,3,4,5,6,7,8,9,1,0,11,12, 13	1/2 Day(s)	This witness is an expert / overview witness who will testify to as to widespread abuses committed throughout the territory of Sierra Leone during the crucial COMMONperiod with particular focus on the Freetown Invasion of 1999, Human Rights violations, use of child soldiers and relationships between different factions.
PN TFI-272	7 Feb 2004 to IS, MK, AG, BK & SK 6 Feb 2004 to ATB	9, 10	2 Days	This witness is an expert witness and will testify as to the degree of physical violence, in particular about the amputations carried out against the civilian population during the relevant COMMONperiods.
PN TF1-296	To be disclosed	11	2 Days	This witness is an expert witness and will testify as to the use of child soldiers by all factions throughout the conflict and its physical and psychological effect on the child combatants.
PN TF1-301	To be disclosed	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13	2 Day	This witness is an military expert who will outline the military structure of the AFRC and RUF, its various chains of command and their targeting methods.
PN TF1-332	To be disclosed	6-8	2 Days	This witness is an expert on sexual/gender related violence program monitoring and evaluation. She will testify as to the degree and extent of sexual violence and gender related

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PSEUDONYM	DISCLOSED	COUNTS	TIME	SUMMARY
PN TF1-348	To be disclosed	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13	75 Mins	crimes committed against the population of Sierra Leone throughout the conflict. This witness will give evidence about the TRC operations and methodology.
PN TF1-351	To be disclosed	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13	75 mins	This witness will give evidence about the investigations of, evidence gathered and reports written by various NGOs in Sierra Leone.