

SPECIAL COURT FOR SIERRA LEONE

In Trial Chamber I

Before: Justice Pierre Boutet, Presiding Judge  
Justice Bankole Thompson  
Justice Benjamin Mutanga Itoe  
Registrar: Mr Lovemore Munlo, SC  
Date: 25 April 2006

THE PROSECUTOR

-against-

SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA

SCSL-2004-14-T

PUBLIC FOFANA ADMISSIONS OF FACT AND  
STATEMENT OF MATTERS NOT IN DISPUTE

**For the Office of the Prosecutor:**

Mr Desmond de Silva, QC  
Mr James C. Johnson  
Mr Kevin Tavener  
Mr Joseph Kamara  
Ms Nina Jørgensen

**For Moinina Fofana:**

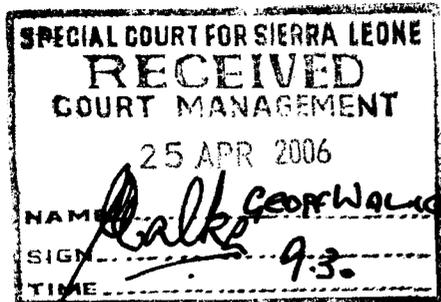
Mr Victor Koppe  
Mr Arrow Bockarie  
Mr Michiel Pestman  
Mr Andrew Ianuzzi

**For Samuel Hinga Norman:**

Mr John Wesley Hall Jr  
Dr Bu-Buakei Jabbi  
Mr Alusine Sani Sesay  
Ms Clare DaSilva  
Mr Kingsley Belle

**For Allieu Kondewa:**

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Ms Susan Wright  
Mr Martin Michael



## INTRODUCTION

1. Counsel for the Second Accused, Mr Moinina Fofana, (the “Defence”) hereby submits its admissions of fact and statement of matters not in dispute, pursuant to the ‘Consequential Order to the Status Conference of 22 March 2006’<sup>1</sup> and the ‘Order for Extension of Time to the Second Accused to File Admissions of Fact and Statement of Matters Not in Dispute’<sup>2</sup>.

## ADMISSIONS OF FACT

2. Upon discussion with the Office of the Prosecutor (the “Prosecution”) and review of its proposals<sup>3</sup>, the Defence is prepared, at this time, to make the following admissions of fact<sup>4</sup>:
  - (a) The Kamajors (variously referred to as the Kamajoisia, the Kamajor Movement, and the Kamajor Society)—indigenous, tribally-based hunters associated with the Mende tribe—were in existence in the Southern and Eastern Provinces of Sierra Leone before the AFRC coup of 25 May 1997.
  - (b) Some members of the Kamajor Society fought alongside the soldiers of the Sierra Leone Army before the AFRC coup of 25 May 1997.
  - (c) The RUF was engaged in armed insurgency in the Southern and Eastern Provinces of Sierra Leone before the AFRC coup of 25 May 1997.
  - (d) Some members of the Kamajor Society, under ECOMOG authority and command, attacked the town of Koribondo sometime in February 1998.

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<sup>1</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-575, Trial Chamber I, 23 March 2006 (hereafter, the “Consequential Order”), ¶ 8.

<sup>2</sup> *Ibid.*, SCSL-2004-14-T-580, Trial Chamber I, 31 March 2006.

<sup>3</sup> Shortly after the close of the Sixth Trial Session, a document entitled ‘Proposed Points of Fact for Agreement between the Prosecutor and Moinina Fofana’ was submitted informally by the Prosecution to the Defence. N.B. the admissions contained herein are modified versions of the proposals submitted by the Prosecution.

<sup>4</sup> The Defence is not, at this point, prepared to make any admissions of law.

- (e) Some members of the Kamajor Society, under ECOMOG authority and command, attacked the town of Bo sometime in February 1998.
- (f) Some members of the Kamajor Society, under ECOMOG authority and command, attacked the town of Kenema sometime in February 1998.
- (g) Some members of the Kamajor Society, under ECOMOG authority and command, attacked the town of Tongo sometime in November 1997 and again sometime in April 1998.
- (h) Some members of the Kamajor Society underwent training in the use of certain weapons at Base Zero (Talia, Yawbeko) between August 1997 and March 1998.

#### MATTERS NOT IN DISPUTE

3. Further, the Defence is prepared to acknowledge that it does not dispute the following allegations set forth in the Indictment<sup>5</sup>:
  - (a) under the heading “The Accused”: paragraphs 1–3 in their entirety;
  - (b) under the heading “General Allegations”: paragraph 4 in its entirety<sup>6</sup>, the second and third sentences of paragraph 6, and paragraph 7 in its entirety<sup>7</sup>;
  - (c) under the heading “Charges”: the first sentence of paragraph 23.
4. The remaining portions of the Indictment, not specifically mentioned above, are considered by the Defence to be matters in dispute subject to proof beyond reasonable doubt by the Prosecution.

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<sup>5</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-PT-003, 5 February 2004.

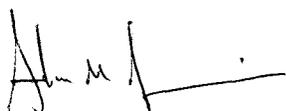
<sup>6</sup> N.B. Judicial notice has already been taken of this paragraph in its entirety.

<sup>7</sup> N.B. Judicial notice has already been taken of the first and second sentences of this paragraph.

CONCLUSION

5. As the trial progresses, the Defence is prepared to consider further admissions of fact and law proposed by the Prosecution in accordance with the Chamber's recent directive<sup>8</sup>.

COUNSEL FOR MOININA FOFANA



Victor Koppe



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<sup>8</sup> Consequential Order, ¶ 9.