



## SPECIAL COURT FOR SIERRA LEONE

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### TRIAL CHAMBER I

**Before:** Hon. Justice Pierre Boutet, Presiding Judge  
Hon. Justice Benjamin Mutanga Itoe  
Hon. Justice Bankole Thompson

**Registrar:** Herman von Hebel

**Date:** 25 February 2009

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| PROSECUTOR | Against | ISSA HASSAN SESAY<br>MORRIS KALLON<br>AUGUSTINE GBAO<br>(Case No. SCSL-04-15-T) |
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### JUDGEMENT SUMMARY

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# IN THE CASE OF THE PROSECUTOR V. SESAY, KALLON, AND GBAO

## SUMMARY OF JUDGEMENT

### 1. Introduction

1. The Trial Chamber sat on 25 February 2009 to deliver its Judgement in the case of the Prosecutor versus Issa Hassan Sesay, Morris Kallon and Augustine Gbao, the three Accused in this case. Although this case is also known to the public as the “RUF case,” the Chamber emphasizes that this is a case against particular individual members of the RUF and not a trial against the RUF organization.

2. For the purposes of this hearing, the Honourable Justice Pierre G. Boutet, Presiding Judge of Trial Chamber I, on behalf of the Chamber, read out a summary of the Chamber's findings. The Chamber would like to underline that this is but a summary and that the only authoritative and authentic document and account of the Chamber's findings is the written Judgment, which was filed 2 March 2009 and made available to the parties.

### 2. Brief Procedural History

3. The proceedings in this trial commenced on 5 July 2004 and concluded on 24 June 2008. The Trial Chamber sat in trial for 308 days and admitted 437 Exhibits. It also heard evidence from 85 prosecution witnesses, 1 additional witness called during the prosecution case at the behest of the Defence, 59 witnesses for the Sesay defence, 22 witnesses for the Kallon defence and 8 witnesses for the Gbao defence. In all, the Chamber heard evidence from 171 witnesses during this trial. The case file of this case consists of thirty-two thousand and ninety-six (32,096) pages, which number does not include the pages of the transcripts recorded of the proceedings of the 308 trial days.

### 3. Charges

4. The Accused are charged with eight Counts of crimes against humanity, comprising the crimes of extermination, murder, rape, sexual slavery, forced marriages and physical violence as inhumane acts, and enslavement against civilians as part of a widespread and systematic attack against

the civilian population of Sierra Leone. The Prosecution has also charged the accused with an additional count of murder as a crime against humanity for the killing of UNAMSIL peacekeepers as part of the widespread attack against the civilian population.

5. The Prosecution has further charged the Accused with seven counts of war crimes, or more specifically serious violations of Common Article 3 and the additional Protocol II to the Geneva Conventions, comprising the crimes of murder, sexual violence and mutilations as outrages against personal dignity, and pillage committed in the context of the armed conflict in Sierra Leone and committed against persons that did not, or did not any longer, take active part in the hostilities. The Prosecution has also charged the Accused with one additional count of murder against UNAMSIL peacekeepers as a war crime.

6. Finally the Prosecution has charged the Accused with two Counts of other serious violation of international humanitarian law, namely enlistment, conscription and use of children below the age of 15 years to participate actively in hostilities, and intentionally directing attacks against personnel involved in a peacekeeping mission, specifically UNAMSIL peacekeeping personnel. In effect the Accused were tried on an eighteen (18) Count Indictment.

7. In the Indictment, the Prosecution has alleged that the RUF committed crimes in multiple locations within Sierra Leone, including Bo District, Kenema District, Kono District, Kailahun District, Koinadugu District, Bombali District, Freetown and the Western Area, and Port Loko District.

8. The Indictment alleges that all three Accused, by their acts or omissions, are individually criminally responsible pursuant to Article 6(1) of the Statute for the crimes charged under Counts 1 through 18 of the Indictment, which they are said to have planned, instigated, ordered, committed, or in which planning, preparation or execution they have aided and abetted. The Chamber has considered each of these forms of liability in full in the written Judgement.

9. The Accused are further alleged to have committed the crimes charged in the Indictment through participation in the first, or alternatively, the third category of a joint criminal enterprise, acting individually and in concert with senior members of the AFRC. The Prosecution alleges that the joint criminal enterprise involved the use of criminal means in order to take power and control of the territory of Sierra Leone, including the diamond mining area. The Chamber dismissed the objection raised by the Defence in which they argued that the Prosecution did not properly plead this mode of responsibility.

10. In addition, or alternatively, the Indictment alleges that the Accused are individually criminally responsible as Superiors, pursuant to Article 6(3) of the Statute for the crimes charged under Counts 1 through 18 of the Indictment, which are said to have been committed by their subordinates.

11. Each of the Accused pleaded NOT GUILTY to all the Counts charged in the Indictment.

#### **4. Factual and Legal Findings and Responsibility**

12. The context of the case is well known, but for ease of reference the Chamber will refer to some major historical events that occurred during the conflict which shaped the evidence and the case. The Chamber will also deal with the charges and findings as in turn, making appropriate references to those major events of the armed conflict.

13. The armed conflict started in March 1991 when the RUF attacked Sierra Leone from Liberia through the Kailahun District. The Chamber observes that this case does not deal with the first years of the conflict as the jurisdiction of the Court commenced on 30 November 1996 only.

14. The Chamber has found that throughout the Indictment period an armed conflict of a non-international character existed in Sierra Leone, and that the crimes were proved to have been committed in the context of the armed conflict, against persons not involved, or no longer taking an active part in the hostilities. The Chamber has also found that the attacks by the RUF against the civilian population were widespread and systematic during the period of the Indictment from 30 November 1996 to September 2000.

15. From November 1996 the RUF continued their insurgency against the Government despite the Abidjan Peace Accord and the elections that followed through which Ahmad Tejan Kabbah became the first democratically elected President of the Republic of Sierra Leone. The Prosecution has charged crimes during this period, namely from 30 November 1996 to 25 May 1997 in Kailahun District, the crimes being the enlistment, conscription and use of children to participate actively in hostilities and the enslavement of civilians through their abduction and use as forced labour. The Chamber's findings on these allegations will be addressed in more detail later in this summary.

16. Members of the Sierra Leone Army, including Brima, Kamara, Kanu and Idriss Kamara overthrew the democratically elected Government of Kabbah in a coup on 25 May 1997 and thus invited the RUF into its newly formed Junta Government, which was called the Armed Forces

Revolutionary Council (AFRC). This short period of rule by the AFRC/RUF regime over Sierra Leone is also referred as the Junta period. The Chamber has found that a common purpose existed between high ranking members of the RUF and AFRC to maintain their power and control over the territory of Sierra Leone, in particular the diamond mining areas, and to defend their control through the commission of crimes as charged in the Indictment.

17. The Prosecution has charged the Accused that during this AFRC/RUF Junta period, that they committed crimes in the Bo District between 1 June 1997 and 30 June 1997 and Kenema District between 25 May 1997 and 19 February 1998.

18. In relation to Bo District the Chamber has found that members of the RUF and AFRC unlawfully killed civilians in June 1997 in Tikonko, Sembahun and Gerihun and that those killings amounted to crimes against humanity and war crimes. In addition the Chamber has found that the AFRC/RUF killed more than 200 civilians during the Tikonko attack and that this amounted to the crime of extermination as a crime against humanity. The Chamber has further found that the looting that took place in Sembahun constitutes pillage as charged in Count 14. Finally, the Chamber is satisfied that the perpetrators of these killings and burning of civilian homes specifically intended to spread terror amongst the civilian population, and that therefore these acts also constitute acts of terrorism as charged under Count 1 in the Indictment.

19. In Kenema District between 25 May 1997 and February 1998, members of the RUF and AFRC committed multiple offences in Kenema Town and Tongo Field. In Kenema Town, Junta forces unlawfully killed civilians and inflicted severe beatings and ill-treatments of civilians. The ill-treatment and killings were committed against civilians suspected of supporting the Kamajors.

20. The Chamber has found that at Tongo Field, up to 500 civilians were forced to mine for the Junta while guarded by armed combatants. The Chamber has found that this forced mining constitutes enslavement as charged under Count 13 of the Indictment. The Chamber has further found that the unlawful killings in Kenema District were committed with the intent to spread fear amongst the civilian population and therefore constituted an act of terrorism as charged under Count 1 of the Indictment. The Chamber has further found that the unlawful killings and physical violence in Kenema District were also perpetrated against civilians that were accused of supporting the democratically elected Government and that those crimes were committed with the specific intent to punish those civilians for acts they have not committed and therefore those acts constituted to collectively punish the civilian population as charged under Count 2. The Chamber has found that

the enslavement of the civilians at the diamond mines in Kenema District constituted an act of terrorism, as the massive scale of the enslavement and the indiscriminate manner in which civilian miners were killed demonstrate the intent of the perpetrators to evoke extreme fear in the civilian population of Tongo Field. However, the Chamber has found that this enslavement did not constitute collective punishment as the Prosecution failed to prove that this crime were committed with the specific intent to punish the population.

21. The Prosecution has alleged that the Accused committed the crimes charged in Bo and Kenema Districts through their participation in a joint criminal enterprise. The Chamber has found that during the Junta regime, high ranking AFRC and RUF members shared a common plan which was to take any action necessary to gain and exercise political power and control over the territory of Sierra Leone, and in particular, the diamond mining areas. The Chamber found that crimes were contemplated by the participants of the joint criminal enterprise to be within the common purpose. The Chamber further found that joint AFRC/RUF forces targeted civilians in a widespread and systematic attack, designed to terrorise the population into submission through collective punishment, unlawful killings and sexual and physical violence. In addition, the joint AFRC/RUF forces continued to rely on the forced labour of civilians to generate revenue, used children under the age of 15 years to participate actively in hostilities and generally sanctioned pillage as a means to motivate their fighters. The Chamber has found that senior members of the AFRC and RUF, including the three Accused, were participants in the joint criminal enterprise, Justice Bouter dissenting in relation to the participation of Gbao.

22. In relation to the participation of Sesay in the joint criminal enterprise, the Chamber has found that Sesay significantly contributed to the joint criminal enterprise through his membership and participation in Supreme Council and his attendance at its meetings; through his position and authority within the RUF; his personal acts against suspected collaborators; his engagement in and planning of diamond mining in Kenema District; and other conduct that ensured the personnel and fundraising of the AFRC/RUF alliance. The Chamber has found that Sesay intended the commission of the crimes and shared that intent with the other participants of the joint criminal enterprise.

23. In relation to Kallon the Chamber has found that Kallon significantly contributed to the joint criminal enterprise through his membership and participation in the Supreme Council; and through his personal engagement in the forced labour at diamond mines in Kenema District. The

Chamber has found that Kallon intended the commission of crimes and shared that intent with the other participants of the joint criminal enterprise.

24. In relation to Gbao, the Chamber by majority, Justice Boutet dissenting, found that Gbao in his role as ideology trainer for the RUF fighters significantly contributed to the JCE, as the leadership of the RUF relied on the RUF ideology to ensure and to enforce the discipline and obedience of its forces to the RUF hierarchy and its orders, this being a factor which contributed to the furtherance of the JCE. The majority held that holding a revolutionary idea or an ideology to change a system, as the RUF and Gbao did in this case, does not, *per se*, amount to or constitute a crime. However, the Majority is of the opinion that where the evidence establishes that there is a criminal nexus between such an ideology and the crimes that have been committed and charged, and that the ideology contributed to, motivated or encouraged their commission, the perpetrators, including Gbao the Ideologist, should be held criminally accountable under the rubric of a joint criminal enterprise for the crimes so alleged in the Indictment.

25. The Chamber has therefore held Sesay and Kallon criminally responsible for the crimes committed in Bo and Kenema District. The Majority, Justice Boutet dissenting, has also held Gbao responsible in relation to those crimes.

26. The RUF and the AFRC were able to retain their control over the territory of Sierra Leone until mid-February 1998 when they were driven out of Freetown by the ECOMOG forces acting on behalf of the Economic Community of West African States. The AFRC/RUF troops retreated to Bombali District, from where they re-grouped and staged a successful joint attack on Koidu Town, capturing it on 1 March 1998.

27. The Prosecution has alleged the commission of crimes during the attack in Kono District and the subsequent period in which Joint AFRC/RUF forces controlled large parts of Kono District. The Chamber has found that the JCE continued to exist for a period of time during which AFRC and RUF forces had control over Kono District.

28. The Chamber finds that between 14 February 1998 and the end of April 1998, following their capture of Koidu, the AFRC/RUF forces committed numerous crimes, including the killing of civilians, rape, sexual slavery, forced marriages and looting and burning of property. In Tombudu, AFRC/RUF forces committed crimes against the civilian population including killings, rapes, floggings, amputations, and burning of houses. At Wendedu, AFRC/RUF forces committed crimes against the civilian population which included killings, sexual slavery, forced marriage, and

mutations. The Chamber finds that the AFRC/RUF committed many other crimes at locations throughout Kono District, including Sawao, Yardu, Kayima, Penduma, Bumpeh and Bomboafuidu.

29. In relation to these crimes, the Chamber has found that the Accused participated and significantly contributed in a joint criminal enterprise and by so doing, were responsible for the crimes committed in Kono District. Justice Boutet dissents in relation to the participation of the Accused Gbao. However, as will be explained later in this summary, the Chamber finds that the joint criminal enterprise between the senior members of the AFRC and RUF ceased to exist towards the end of April 1998.

30. The Chamber has found that crimes were committed by RUF fighters in Kono District following the dissolution of the joint criminal enterprise. The Chamber has found that civilians were killed in Wendedu, Koidu Buma and near Kissi Town; that women were forcibly married in Kissi Town; and that rebels carved the letters “RUF” into the backs and arms of civilian men in Tomandu.

31. The Chamber has further found that the RUF enslaved large numbers of civilians in labour camps at Superman Ground aka Meiyor, Wendedu, Kaidu and Kunduma during the period from February 1998 to December 1998, forcing them to work for the RUF on food finding missions, transporting goods, and/or undertaking domestic chores for rebel fighters. The Chamber has found that between December 1998 and January 2000, hundreds of civilians were enslaved in diamond mines in Kono District, including at Tombodu, and abducted civilians were enslaved at the RUF training base at Yengema, where they were forced to undergo military training.

32. The Chamber proceeded to determine whether the Accused bear responsibility for these crimes under Article 6(1) of the Statute through ordering, instigating, planning or otherwise aiding and abetting them, or under Article 6(3) of the Statute as superiors.

33. The Chamber has found Sesay liable under Article 6(1) of the Statute for planning the enslavement of civilians in the diamond mines in Kono District. Sesay was a senior Commander and he played an integral role in the design and execution of these crimes, visiting the mines, supervising the Mining Commanders, arranging for civilians to be transported there for work and collecting the proceeds of the enslavement, namely the diamonds.

34. The Chamber has also found Sesay responsible pursuant to Article 6(3) of the Statute for the enslavement committed by his subordinates in Yengema in Kono District between December 1998 and about 30 January 2000.

35. The Chamber has found Kallon responsible for instigating the killing of a female Nigerian civilian at Wendedu in 1998. The Chamber has further found him responsible pursuant to Article 6(3) of the Statute for the enslavement of civilians in labour camps in Kono District and the forced marriages of women in Kissi Town.

36. The Chamber has found that Gbao did not order, plan, instigate or otherwise aid and abet the crimes in Kono District, nor did he have any effective control over the perpetrators of these crimes.

37. The Prosecution has also charged the accused with crimes committed in Kailahun District. Unlawful killings in Kailahun District were charged as crimes committed between 14 February 1998 and 30 June 1998. The crimes of sexual slavery, forced marriage and enslavement were charged in respect of all times relevant to the Indictment.

38. The Chamber has found that 64 suspected Kamajors were killed in Kailahun Town in February 1998. The Chamber has found that members of the RUF forced women into marriages throughout Kailahun District. Civilians were forcefully abducted and used for unpaid and uncompensated labour, forced to work on farms, in mines and to carry RUF loads, while others were forced to undergo military training for conscription into the RUF forces.

39. The Chamber is satisfied that these acts committed by the RUF in Kailahun District constitute acts of terrorism under Count 1, collective punishment under Count 2, unlawful killings under Counts 3 to 5, sexual violence under Counts 6 to 9 and enslavement under Count 13 of the Indictment. The Chamber has found that these crimes were committed by the Accused in furtherance of the joint criminal enterprise. As previously stated, the Chamber has found that the Accused have significantly contributed to the joint criminal enterprise and are therefore responsible for the crimes in Kailahun District. In particular the Chamber finds, Justice Boutet dissenting, that Gbao, as the ideology trainer, in respect of the crimes of enslavement, sexual slavery and forced marriages committed in Kailahun District, where he was primarily based, and particularly the execution in his presence in February 1998 of the 64 suspected Kamajors who were considered as collaborators of the “corrupt government” and enemies of the AFRC/RUF, significantly contributed to the crimes in Kailahun District.

40. Returning to Kono District, the Chamber has found that the relationship between the AFRC and the RUF deteriorated significantly when ECOMOG troops removed the Junta forces from Koidu Town in April 1998. Around this time, AFRC Commander Brima returned to Kono District from

the RUF Headquarters in Kailahun and informed his troops that Bockarie had arrested and mistreated him and also the AFRC leader Johnny Paul Koroma. This led to the end of their joint criminal enterprise, as the AFRC forces under the command of Brima decided to depart Kono District.

41. Throughout May to November 1998, the AFRC forces moved across Koinadugu and Bombali Districts. The Chamber has found that Superman, a senior officer of the RUF, also defected to Koinadugu around August 1998. The Prosecution has charged crimes committed in Koinadugu and Bombali District in 1998. The Chamber has however found that the crimes in those two Districts were committed by AFRC forces under the command of SAJ Musa or Gullit or by forces affiliated to Superman. The Chamber has found that these fighters and Commanders were not acting in concert with or under the command of the RUF or that of any of the Accused.

42. The Chamber accordingly finds that the Prosecution has failed to prove beyond reasonable doubt that the Accused are liable under either Article 6(1) or Article 6(3) of the Statute for any crimes committed in Bombali District during the period between 1 May 1998 and 30 November 1998 and Koinadugu District between 14 February and 30 November 1998.

43. The Chamber has found that in December 1998, the AFRC forces in Bombali District made preparations for an attack on Freetown. The RUF from its base in Kailahun also planned a major operation to retake Kono District. The AFRC forces began their attack on the capital on 6 January 1999.

44. The Prosecution has charged the Accused with crimes committed during the Freetown attack, which took place over approximately three weeks. However, the evidence has established that at the time of the attack on Freetown, only a small and insignificant proportion of RUF fighters were included in the AFRC forces. Based on the evidence of this insubstantial RUF presence, the Chamber finds that RUF forces were not engaged in the attack on the Freetown. The Chamber has found that the AFRC Commander Brima, or Gullit as he was known, was in radio contact with Bockarie prior to and during the attack and that Bockarie promised to send reinforcements to assist the AFRC. However, the Chamber has found that these reinforcements never materialised and that the relationship between the two factions remained marked by distrust and enmity.

45. The Chamber notes that many witnesses identified the rebels who carried out the Freetown attack as members of the RUF. The Chamber has found that it was difficult for civilians to

distinguish between the two groups and that the popular identification of RUF fighters as “rebels” led many civilians to identify AFRC fighters as being RUF rebels.

46. The Chamber therefore finds that the Prosecution has not proved that the Accused are criminally responsible, either personally or through a joint criminal enterprise or superior responsibility, for the commission of any of the crimes perpetrated in Freetown and the Western Area between 6 January 1999 and 28 February 1999.

47. While the evidence indicates that AFRC fighters settled in Port Loko District after the attack on Freetown, and carried out attacks against the civilian population there, the Chamber has concluded that none of the Accused ordered or was involved in these attacks, nor did they exercise command and control over the AFRC forces in Port Loko District. The Chamber therefore has chosen not to address and determine the factual and legal findings for the Port Loko crime bases, having found that the Accused were not criminally responsible, either pursuant to 6(1) or 6(3), for such crimes.

48. In relation to Count 12, the Chamber has found that throughout the Indictment period, the RUF systematically conscripted persons under the age of 15 into their armed group by abducting them and subjecting them to forced military training. The Chamber has found that this practice was institutionalised and conducted on a large scale. The RUF trained children in military tactics including the use of weapons and the preparation of ambushes at training bases at Bayama and Bunumbu in Kailahun District and Yengema in Kono District. The children were organized into Small Boys Units (or SBUs) and Small Girls Unit (or SGUs), which terms became widely known in Sierra Leone and were used by many witnesses.

49. The Chamber has found that after their military training, the children were assigned specific functions within the RUF. Certain children were retained by Commanders for domestic labour or to go on food finding missions, and the Chamber has found that this use does not constitute active participation in hostilities. However, children were also used to participate in combat operations, act as spies, participate on armed patrols, act as bodyguards to senior RUF Commanders including Sesay, commit crimes against civilians, and guard military objectives such as RUF military camps and the diamond mines. The Chamber has found that in each of these circumstances, the Accused and RUF fighters used children to participate actively in hostilities.

50. The Chamber has found that the fighters who used these children in hostilities knew or had reason to know that the children were under the age of 15 at the time. Some of the children

abducted, trained and then used in combat were as young as eight or nine years of age. In respect of other children, it may not have been obvious on the basis of their physical appearance that they were under the age of 15. The Chamber has nonetheless found that the practice of abducting and training persons under the age of 15 with a view to their ultimate use to participate actively in hostilities was so deliberate and widespread that the Accused and their RUF fighters had reason to know that the children so used were under the age of 15 years.

51. As is apparent, the Chamber has found that there is evidence to establish that the RUF both conscripted persons under the age of 15 and used them to actively participate in hostilities. However the Chamber finds that the conscription and subsequent use of the children formed part of a single course of conduct, and it would be impermissible to hold the Accused responsible for both crimes simultaneously. The Chamber has therefore found that the RUF routinely used persons under the age of 15 to actively participate in hostilities between November 1996 and September 2000 in Kailahun, Kono and Bombali Districts, as the Chamber considers this crime to most appropriately reflect the culpability of the Accused.

52. The Chamber has also found that these systems of conscription and use required a substantial degree of planning from RUF Commanders at the highest levels. The Chamber has found that the Accused, Sesay and Kallon, made substantial contributions to the design and planning of the commission of these crimes.

53. Sesay and Kallon were senior RUF Commanders during the attack on Koidu Town in February 1998 in which children were abducted in large numbers to be sent to RUF camps for training. In June 1998, Sesay and Kallon gave orders for children to be trained at RUF camps. Kallon also brought a group of children to Bunumbu for training in 1998.

54. Sesay commanded the attack on Koidu in December 1998 in which child soldiers actively participated in hostilities and he was accompanied by SBUs bodyguards aged under 15 years at Yengema in May 2000. Sesay visited the training camp at Bunumbu and addressed the recruits, including child soldiers under the ages of 15 years.

55. On the basis of such acts, the Chamber has found Sesay and Kallon liable for planning the use of persons under the age of 15 years to actively participate in hostilities.

56. The Chamber has found that the Prosecution has failed to establish that Gbao is liable under either Article 6(1) or Article 6(3) for the conscription or use of children under the age of 15 to

actively participate in hostilities, as Gbao did not make a substantial contribution to the planning of these consistent patterns of criminal conduct, nor did he exercise effective control over those who perpetrated these crimes.

57. Count 15 pertains to the United Nations Mission in Sierra Leone, or UNAMSIL, a peacekeeping force established by the United Nations Security Council in Resolution 1270 of October 1999. The Chamber has found that between 1 May 2000 and about June 2000, RUF fighters intentionally directed fourteen attacks UNAMSIL peacekeepers, who were personnel involved in a peacekeeping mission conducted in accordance with the Charter of the United Nations. UNAMSIL peacekeepers were deployed throughout Sierra Leone at that time and their mandate was to assist in the disarmament, demobilisation and reintegration of fighters from all parties to the armed conflict.

58. The first and second of these attacks took place at the Makump disarmament camp on 1 May 2000. The Chamber has found that Gbao travelled to the camp accompanied by 30 to 40 armed fighters and threatened the peacekeepers at the camp. Kallon subsequently arrived and physically assaulted one peacekeeper and ordered RUF fighters under his command to abduct another peacekeeper. These attacks took place in Gbao's presence. The Chamber has found that Kallon committed the first attack and ordered the second attack, and that Gbao aided and abetted both attacks.

59. The Chamber has found that subsequently on 1 May 2000, RUF fighters forcibly disarmed and abducted three separate groups of peacekeepers in Makeni and one group of peacekeepers in Magburaka. These peacekeepers were attempting to peacefully negotiate with the RUF at the time. These peacekeepers were held captive by the RUF in Makeni and subsequently in Kono District and released in late May or early June 2000. The Chamber finds that the attacks directed against them continued until such time as their release.

60. The Chamber has also found that Kallon ordered two of the attacks on 1 May 2000.

61. On 2 May 2000, RUF fighters staged three attacks on UNAMSIL peacekeepers at Makump disarmament camp, the Waterworks disarmament camp, and the UNAMSIL base at the Magburaka Islamic Centre. In the course of these attacks, four UNAMSIL peacekeepers were killed and several were injured.

62. On 3 May 2000, RUF fighters abducted two further groups of peacekeepers on the road between Lunsar and Makeni. These peacekeepers were held captive by the RUF in Makeni and subsequently transferred to Kono District. They were released in late May or early June 2000. The Chamber finds that Kallon was the RUF Commander who ordered the abductions of these two groups of peacekeepers.

63. Kallon has raised the defence of alibi in relation to the aforementioned attacks on the peacekeepers. The Chamber has carefully considered the alibi, but dismissed it as unfounded.

64. The following day, 4 May 2000, RUF fighters attacked a UNAMSIL contingent at Lunsar, using weapons captured from the abducted peacekeepers.

65. Two further attacks were staged. On 7 May 2000, RUF fighters attacked a helicopter attempting to evacuate injured UNAMSIL personnel and on 9 May 2000, RUF fighters pursued and attacked a contingent of UNAMSIL peacekeepers between Mile 91 and Magburaka.

66. The UNAMSIL personnel who were subjected to these attacks were deployed on a peacekeeping mission and their mandate did not authorise them to directly participate in hostilities. Although the UNAMSIL personnel used force in response to several of the attacks, the Chamber has found that this use of force was in self-defence only and therefore did not constitute participation in hostilities.

67. The Chamber has found that in May 2000, Sesay as the Battle Field Commander and the most senior RUF Military Commander exercised effective control over the perpetrators of the UNAMSIL attacks and that he knew of their commission yet failed to prevent or punish the attacks or to punish their RUF perpetrators like Kallon or Komba Gbundema to mention just these. The Chamber has therefore found Sesay liable under Article 6(3) of the Statute for these attacks.

68. The Chamber has found Kallon, who was also a senior RUF Commander who had effective control over troops in the Makeni and Magburaka areas, liable under Article 6(3) of the Statute for the eight attacks which he did not commit or order himself. Kallon has presented an alibi in relation to these events which the Chamber has dismissed.

69. The Chamber has found that it has not been established beyond reasonable doubt that Gbao was able to exercise effective control over the perpetrators of these attacks and therefore that he is not liable under Article 6(3) for their commission.

70. In relation to Count 16, the Chamber has found that the Prosecution has failed to establish the general requirement that the killing of the four UNAMSIL peacekeepers formed part of the widespread or systematic attack against the civilian population of Sierra Leone.

71. However, the Chamber has found that the killings of the four UNAMSIL peacekeepers constitute the crime of violence to life, health, and physical or mental well-being of persons, in particular murder as charged under Count 17. The Chamber has found that UNAMSIL soldiers were not taking any active part in the hostilities and were thus protected.

72. In relation to Count 18, the Chamber has found that the Prosecution has failed to establish an essential element of the crime of hostage-taking, as the Prosecution has not proved that RUF fighters communicated threats in relation to the UNAMSIL captives to a third party, with the intent of compelling the third party to act or refrain from acting as a condition for the safety or the release of the captives.

73. In the course of the trial the Chamber has heard extensive evidence on the RUF ideology and the part, if any, it played in the conflict culminating in the commission of the crimes that form the bases of the Indictment. In this regard the Chamber is of the view that the launching of the RUF movement was done with an ideology. The ideology consisted inter alia, in “the use of weapons to seek total redemption” and to “procure arms for a broad-based struggle so that the rotten and selfish government is toppled.” This ideology was taught to all RUF military trainees.

74. Indeed, the Chamber takes the view that it is the objectives spelt in the ideology that guided and spirited the leadership of the RUF, the Accused Persons, the Commanders and their fighters, and reinforced their commitment to the movement and their steadfastness in combat in the pursuit of achieving the identified ideological goals of the RUF.

75. Gbao singles himself out, the Chamber finds, Justice Boutet dissenting, as a very knowledgeable and competent Commander in the RUF ideology. He taught it in the RUF military training bases in Sierra Leone. For instance, the Chamber has found that the killing by Bockarie of 64 alleged Kamajors in Kailahun in the presence of Gbao and the killing by Major Rocky in Kono of about 40 innocent civilians who were innocently jubilating and publicly manifesting their support for ECOMOG for coming to save them from the RUF, had a nexus with the RUF ideological objective of toppling the “selfish and corrupt” regime by eliminating all those who supported that regime and who, a fortiori, were considered as enemies to the AFRC/RUF Junta alliance

76. In fact, the Chamber has further found that the crimes of widespread killings, rape, sexual violence, widespread “short sleeved and long sleeved” amputations, extermination and acts of terrorism committed by the Accused and RUF fighters and for which they are charged, were in application and furtherance of the goals stipulated in the ideology of taking power and control over the territory of Sierra Leone. This, the Chamber finds, involved terrorising the civilian population by massively killing innocent civilians, pillaging and burning the houses of those they considered and branded as supporters of the “corrupt government” and enemies to the AFRC/RUF junta.

77. It is the Chamber’s view that the objectives stipulated in the RUF ideology remained the same and that they dictated the commission of the acts and crimes that are alleged even after the AFRC coup of the 25 May 2007 and for which the Accused are indicted.

78. It is therefore, the Chamber’s view and in light of the foregoing, undeniable that the ideology played a key and central role in pursuing the objectives of the RUF and that it was a motivating and propelling dynamic behind the commission and perpetration of the several crimes charged in the Indictment and in respect of which the Accused stand indicted.

## DISPOSITION

### 1. Sesay

**FOR THE FOREGOING REASONS**, having considered all the evidence adduced in this trial together with the submissions of the Parties, the Chamber finds with respect to the Accused, **Issa Hassan Sesay**, as follows:

**Count 1:** Acts of Terrorism, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(d) of the Statute: **GUILTY**, of committing Acts of Terrorism by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3 to 11 and Count 13, as set out below, in relation to events in Tikonko, Gerihun and Sembahun in Bo District; Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Yardu, Penduma, Bumpeh, Bomboafuidu, Sawao, Wendedu and Kayima in Kono District; and in Kailahun Town in Kailahun District;

**Count 2:** Collective Punishments, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(b) of the Statute: **GUILTY**, of committing Collective Punishments by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3 to 5 and Counts 10 to 11, as set out below, in relation to events in Kenema Town in Kenema District; Tombodu, Penduma and Yardu in Kono District, and Kailahun Town in Kailahun District;

**Count 3:** Extermination, a Crime Against Humanity, punishable under Article 2(b) of the Statute: **GUILTY**, of committing Extermination by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko in Bo District; Tongo Field in Kenema District; Tombodu and Koidu Town in Kono District; and Kailahun Town in Kailahun District;

**Count 4:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **GUILTY**, of committing Murder by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko, Sembahun and Gerihun in Bo District; Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun District;

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of committing Murder by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko, Sembahun and Gerihun in Bo District; in Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun District;

**Count 6:** Rape, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, of committing Rape by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wendedu in Kono District;

**Count 7:** Sexual slavery, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, of committing Sexual Slavery by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wendedu in Kono District and in locations in Kailahun District;

**Count 8:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, of committing other inhumane acts (forced marriage) by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wendedu in Kono District and in locations in Kailahun District;

**Count 9:** Outrages upon personal dignity, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(e) of the Statute: **GUILTY**, of committing outrages against personal dignity by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wendedu in Kono District and in locations in Kailahun District;

**Count 10:** Violence to life, health and physical or mental well-being of persons, in particular mutilation, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of committing mutilations by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tombodu, Wendedu, Penduma, Yardu, Kayima and Sawao in Kono District;

**Count 11:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, of committing other inhumane acts (physical violence) by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Kenema Town in Kenema District; and in Tombodu, Wendedu, Penduma, Yardu, Kayima, and Sawao in Kono District;

**Count 12:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an Other Serious Violation of International Humanitarian Law, punishable under Article 4(c) of the Statute: **GUILTY**, of planning the use of children to actively participate in hostilities, pursuant to Article 6(1) of the Statute in relation to events in Kenema, Kailahun, Kono and Bombali Districts;

**Count 13:** Enslavement, a Crime Against Humanity, punishable under Article 2(c) of the Statute: **GUILTY**, of committing Enslavement by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tongo Field in Kenema District; in Kono District; and in Kailahun District; of planning Enslavement pursuant to Article 6(1) of the Statute in relation

to events in Tombodu and throughout Kono District; and pursuant to Article 6(3) of the Statute in relation to events in Yengema in Kono District;<sup>1</sup>

**Count 14:** Pillage, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(f) of the Statute: **GUILTY**, of committing Pillage by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Sembehun in Bo District; and in Koidu Town and Tombodu in Kono District;

**Count 15:** Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, an Other Serious Violation of International Humanitarian Law, punishable under Article 4(b) of the Statute: **GUILTY**, of intentionally directing attacks against the UNAMSIL peacekeeping mission pursuant to Article 6(3) of the Statute, in relation to events in Bombali, Port Loko, Kono and Tonkolili Districts;

**Count 16:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **NOT GUILTY**;

**Count 17:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of Murder pursuant to Article 6(3) of the Statute in relation to events in Bombali and Tonkolili Districts; and

**Count 18:** Taking of hostages, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(c) of the Statute: **NOT GUILTY**.

## 2. Kallon

**WITH RESPECT** to the Accused **Morris Kallon**, having considered all the evidence along with the arguments of the Parties, the Chamber finds as follows:

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<sup>1</sup> In this, and in other counts, the Accused have been convicted under both Article 6(1) and Article 6(3) of the Statute in relation to the same count. However, the Chamber notes that in each such case, the conduct for which the Accused have been held liable under Article 6(1) is distinct from that for which they have been held liable under Article 6(3). As noted previously in the Cumulative Convictions Section, the Chamber considers that convictions may be entered under Article 6(1) and 6(3) in relation to the same count if the convictions under each mode of liability are based on different sets of conduct. In cases in which the Accused have been convicted under both Article 6(1) and Article 6(3) in relation to the same count, the Chamber has clearly specified the incidents for which they have been held liable under each mode of liability.

**Count 1:** Acts of Terrorism, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(d) of the Statute: **GUILTY**, of committing Acts of Terrorism by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3-11 and Count 13, as set out below, in relation to events in Tikonko, Sembehun and Gerihun in Bo District; Kenema Town and Tongo Field in Kenema District; Koidu Town, Tombodu, Yardu, Penduma, Bumpeh, Bomboafuidu, Sawao, Wendedu and Kayima in Kono District; and in Kailahun Town in Kailahun District; and pursuant to Article 6(3) of the Statute for a crime under Count 7 in Kissi Town in Kono District;

**Count 2:** Collective Punishments, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(b) of the Statute: **GUILTY**, of committing Collective Punishments by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3 to 5 and Counts 10 to 11 as set out below in relation to events in Kenema Town in Kenema District, Tombodu, Penduma and Yardu in Kono District, and Kailahun Town in Kailahun District;

**Count 3:** Extermination, a Crime Against Humanity, punishable under Article 2(b) of the Statute, **GUILTY**, of committing Extermination by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko in Bo District; in Tongo Field in Kenema District; in Tombodu and Koidu Town in Kono District; and in Kailahun Town in Kailahun District;

**Count 4:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **GUILTY**, of committing Murder by participating in a joint criminal enterprise, pursuant to Article 6(1), in relation to events in Tikonko, Sembehun and Gerihun in Bo District; Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun District; and of instigating Murder pursuant to Article 6(1) in relation to an event in Wendedu in Kono District;

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of committing Murder by participating in a joint criminal enterprise pursuant to Article 6(1) of the Statute in relation to events in Tikonko, Sembehun and Gerihun in Bo District; in Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun

District; of instigating Murder pursuant to Article 6(1) of the Statute in relation to an event in Wenedu in Kono District;

**Count 6:** Rape, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, of committing Rape by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wenedu in Kono District;

**Count 7:** Sexual slavery, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, of committing Sexual Slavery by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wenedu in Kono District and locations in Kailahun District; and pursuant to Article 6(3) of the Statute in relation to an event in Kissi Town in Kono District;

**Count 8:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, of committing other inhumane acts (forced marriage) by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wenedu in Kono District and locations in Kailahun District; and pursuant to Article 6(3) of the Statute in relation to an event in Kissi Town in Kono District;

**Count 9:** Outrages upon personal dignity, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(e) of the Statute: **GUILTY**, of committing outrages against personal dignity pursuant to Article 6(1) of the Statute by participating in a joint criminal enterprise in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wenedu in Kono District and in locations in Kailahun District; and pursuant to Article 6(3) of the Statute in relation to an event in Kissi Town in Kono District;

**Count 10:** Violence to life, health and physical or mental well-being of persons, in particular mutilation, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of committing mutilations by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tombodu, Wenedu, Penduma, Yardu, Kayima and Sawao in Kono District;

**Count 11:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, of other inhumane acts (physical violence) by participating in a joint criminal

enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Kenema Town in Kenema District; in Tombodu, Wendedu, Penduma, Yardu, Kayima and Sawao in Kono District;

**Count 12:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an other serious Violation of International Humanitarian Law, punishable under Article 4(c) of the Statute: **GUILTY**, of planning the use of children under the age of 15 years to actively participate in hostilities pursuant to Article 6(1) of the Statute in relation to events in Kenema, Kailahun, Kono and Bombali Districts;

**Count 13:** Enslavement, a Crime Against Humanity, punishable under Article 2(c) of the Statute: **GUILTY**, of committing Enslavement by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tongo Field in Kenema District; in Kono District; and in Kailahun District; and pursuant to Article 6(3) in relation to events throughout Kono District;

**Count 14:** Pillage, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(f) of the Statute: **GUILTY**, of Pillage, by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Sembehun in Bo District; and Koidu Town and Tombodu in Kono District;

**Count 15:** Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, an Other Serious Violation of International Humanitarian Law, punishable under Article 4(b) of the Statute: **GUILTY**, of committing and ordering attacks on peacekeepers pursuant to Article 6(1) in Bombali District; and pursuant to Article 6(3) of the Statute in relation to events committed in Bombali, Port Loko, Kono and Tonkolili Districts;

**Count 16:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **NOT GUILTY**;

**Count 17:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, of Murder pursuant to Article 6(3) of the Statute in relation to events in Bombali and Tonkolili Districts; and

**Count 18:** Taking of hostages, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(c) of the Statute: **NOT GUILTY**.

### 3. Gbao

**WITH RESPECT** to the Accused **Augustine Gbao**, having considered all the evidence along with the arguments of the Parties, the Chamber finds as follows:

**Count 1:** Acts of Terrorism, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(d) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Acts of Terrorism by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3 to 5 and Counts 6 to 9, as set out below, in relation to events in Kailahun Town and throughout Kailahun District;

**Count 2:** Collective Punishments, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(b) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Collective Punishments by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, for crimes set forth in Counts 3 to 5, as set out below, in relation to events in Kailahun Town in Kailahun District;

**Count 3:** Extermination, a Crime Against Humanity, punishable under Article 2(b) of the Statute,: **GUILTY**, *Justice Boutet Dissenting*, of committing Extermination by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko in Bo District; in Tongo Field in Kenema District; in Tombodu and Koidu Town in Kono District; and in Kailahun Town in Kailahun District;

**Count 4:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Murder by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko, Sembehun and Gerihun in Bo District; Kenema Town and Tongo Field in Kenema District; in Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun District;

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Murder by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tikonko, Sembehun and Gerihun in Bo District; Kenema Town and Tongo Field in Kenema District; Koidu Town, Tombodu, Penduma and Yardu in Kono District; and in Kailahun Town in Kailahun District;

**Count 6:** Rape, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Rape by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wendedu in Kono District;

**Count 7:** Sexual slavery, a Crime Against Humanity, punishable under Article 2(g) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Sexual Slavery by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wendedu in Kono District and locations in Kailahun District;

**Count 8:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing other inhumane acts by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town and Wendedu in Kono District and locations in Kailahun District;

**Count 9:** Outrages upon personal dignity, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(e) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing outrages against personal dignity by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Koidu Town, Bumpeh, Tombodu, Penduma, Bomboafuidu, Sawao and Wendedu in Kono District and in locations in Kailahun District;

**Count 10:** Violence to life, health and physical or mental well-being of persons, in particular mutilation, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing mutilations by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tombodu, Wendedu, Penduma, Yardu, Kayima and Sawao in Kono District;

**Count 11:** Other inhumane acts, a Crime Against Humanity, punishable under Article 2(i) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of other inhumane acts (physical violence) pursuant to Article 6(1) of the Statute in relation to events in Kenema Town in Kenema District; and in Tombodu, Wendedu, Penduma, Yardu, Kayima and Sawao in Kono District;

**Count 12:** Conscription or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an Other Serious Violation of International Humanitarian Law, punishable under Article 4(c) of the Statute: **NOT GUILTY**;

**Count 13:** Enslavement, a Crime Against Humanity, punishable under Article 2(c) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Enslavement by participating in a joint criminal enterprise, pursuant to Article 6(1) of the Statute, in relation to events in Tongo Field in Kenema District; in Kono District; and in Kailahun District;

**Count 14:** Pillage, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(f) of the Statute: **GUILTY**, *Justice Boutet dissenting*, of committing Pillage pursuant to Article 6(1) of the Statute in relation to events in Sembahun in Bo District; and Koidu Town and Tombodu in Kono District;

**Count 15:** Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, an Other Serious Violation of International Humanitarian Law, punishable under Article 4(b) of the Statute: **GUILTY**, of aiding and abetting attacks on peacekeepers pursuant to Article 6(1) in Bombali District;

**Count 16:** Murder, a Crime Against Humanity, punishable under Article 2(a) of the Statute: **NOT GUILTY**;

**Count 17:** Violence to life, health and physical or mental well-being of persons, in particular murder, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(a) of the Statute: **NOT GUILTY**; and

**Count 18:** Taking of hostages, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(c) of the Statute: **NOT GUILTY**.

Justice Boutet appends a Dissenting Opinion; and

Justice Thompson appends a Separate and Concurring Opinion.