

MURDER OR UNLAWFUL KILLINGS(a) Koidu Town(i) Killing of civilians at Yardo Road, Hill Station and Superman Ground in February/March 1998

649. Alimamy Bobson Sesay¹⁵⁶¹ testified that after the 25 May 1997 coup, he joined the AFRC and was assigned as Military Transport Officer and security to Hassan Papa Bangura (a.k.a. Bomb-Blast), a member of the AFRC Supreme Council.¹⁵⁶² Bobson Sesay stated that after the ECOMOG Intervention in February 1998, he along with Hassan Papa Bangura and the AFRC/RUF forces fled Freetown and trekked towards Kono District where they were to establish a new Junta base.¹⁵⁶³ As the AFRC/RUF forces approached Kono District around March 1998, a number of Junta commanders including Johnny Paul Koroma, the AFRC Chairman, SAJ Musa and Issa Sesay, ordered the forces to recapture Kono as it was “a diamondiferous area”, to abduct able-bodied civilians who would assist the forces and serve as recruits, to burn down all civilian houses in order to discourage civilians moving back into the area, to establish a strong Junta base in Kono against any Kamajor or ECOMOG attacks and to execute any civilians that attempted to return to the area.¹⁵⁶⁴

650. Bobson Sesay testified that after receiving the orders, he and the AFRC forces under Hassan Papa Bangura together with RUF forces under Denis Mingo (a.k.a. Superman), captured Koidu Town.¹⁵⁶⁵ Bobson Sesay told the court that in execution of the said orders, he together with Hassan Papa Bangura and the RUF forces went to Yardo Road where they met a group of civilians coming towards them. The AFRC/RUF forces opened fire on the civilians and killed all of them. Sesay testified that in order to comply with the orders given by their commanders to make the area “fearful”, the AFRC/RUF forces displayed the corpses of the civilians at the various junctions around Yardo Road in order to frighten off any other civilians that might have wanted to come to or remain in Koidu Town.¹⁵⁶⁶ Sesay did not recall how many civilians were killed at Yardo Road.¹⁵⁶⁷

¹⁵⁶¹ He is an ex-SLA soldier that joined the AFRC after the May 1997 coup.

¹⁵⁶² Alimamy Bobson Sesay, Transcript 17 April 2008, p. 7860.

¹⁵⁶³ Alimamy Bobson Sesay, Transcript 17 April 2008, pp. 7927-7949.

¹⁵⁶⁴ Alimamy Bobson Sesay, Transcript 17 April 2008, pp. 7939, 7943, 7943, 7952, 7954.

¹⁵⁶⁵ Alimamy Bobson Sesay, Transcript 17 April 2008, p. 7954.

¹⁵⁶⁶ Alimamy Bobson Sesay, Transcript 17 April 2008, pp. 7954-7955.

¹⁵⁶⁷ Alimamy Bobson Sesay, Transcript 17 April 2008, p. 7955.

MURDER OR UNLAWFUL KILLINGS

651. Another Prosecution witness, Isaac Mongor, testified about the operations of the AFRC/RUF forces in Koidu Town after the ECOMOG Intervention in February 1998.¹⁵⁶⁸ Mongor stated that he was part of the retreating RUF forces that advanced from Sewafe to Koidu Town, and that as they approached Koidu Town, they found many houses already burnt down.¹⁵⁶⁹ Mongor stated that he spoke to Morris Kallon who explained that Sam Bockarie had ordered the RUF forces "to burn down Koidu Town so that ECOMOG would not be able to enter there and occupy the town".¹⁵⁷⁰ Mongor explained that the RUF in Kono District adopted a policy of "making the area fearful" which meant that "they would kill, burn down houses so that they make sure that the people who were living in the areas when there was those things going on they would be afraid and that even the enemies against whom they were fighting would also be afraid".¹⁵⁷¹ Morris Kallon and other RUF forces that carried out this order were promoted by Sam Bockarie as a reward.¹⁵⁷² Mongor further testified that he went around Koidu Town and saw many houses that were burnt, and on looking inside the houses he saw property and an unspecified number of corpses of people that were burnt inside those houses.¹⁵⁷³

652. Mongor testified that soon after the AFRC/RUF forces captured Koidu Town, an RUF commander called Denis Mingo (a.k.a. Superman) arrested a group of 13 civilians. Mongor stated that this group was composed of men, women and children and came from the direction of the Guinea border, the same direction that the Kamajors had fled to prior to the AFRC/RUF capturing Koidu Town.¹⁵⁷⁴ The children amongst the group carried loads on their heads.¹⁵⁷⁵ Mongor stated that on seeing the civilians coming from the same direction that the Kamajors had retreated, the AFRC/RUF forces suspected the civilians of being enemy spies, and Superman shot all 13 civilians to death. Mongor was present when the executions took place at a location called Hill Station.¹⁵⁷⁶

¹⁵⁶⁸ Isaac Mongor, Transcript 31 March 2008, p. 6216.

¹⁵⁶⁹ Isaac Mongor, Transcript 31 March 2008, p. 6216.

¹⁵⁷⁰ Isaac Mongor, Transcript 31 March 2008, p. 6218.

¹⁵⁷¹ Isaac Mongor, Transcript 31 March 2008, p. 6224.

¹⁵⁷² Isaac Mongor, Transcript 31 March 2008, p. 6219.

¹⁵⁷³ Isaac Mongor, Transcript 31 March 2008, pp. 6218-6219.

¹⁵⁷⁴ Isaac Mongor, Transcript 31 March 2008, p. 6216.

¹⁵⁷⁵ Isaac Mongor, Transcript 31 March 2008, p. 6216.

¹⁵⁷⁶ Isaac Mongor, Transcript 31 March 2008, pp. 6215-6217.





MURDER OR UNLAWFUL KILLINGS

653. Prosecution Witness TF1-189 testified that after the ECOMOG Intervention in February 1998, she and her whole family along with hundreds of other civilians, fled from Yengema¹⁵⁷⁷ and sought refuge at a location in Kono District.¹⁵⁷⁸ In March 1998 while at this location, TF1-189 heard gunshots and suddenly saw the community centre on fire.¹⁵⁷⁹ AFRC/RUF rebel forces gathered all the civilians in one location at which the civilians were held prisoner for a number of days. TF1-189 testified that rebels would routinely rape the women and young girls at this location. On one occasion in early March 1998, the witness saw the rebels light a candle and put it under an old man's scrotum. The old man screamed with pain and died later that day.¹⁵⁸⁰

654. TF1-189 further testified that on 12 March 1998 the AFRC/RUF rebel forces who had captured her brought her to a location they called "Superman's compound" in Koidu Town.¹⁵⁸¹ The rebels first offered her as a "wife" to CO Superman but the latter remarked that "he did not want a wife". TF1-189 testified that she was taken into a big house or hall filled with other captured civilians.¹⁵⁸² The witness heard one of the rebels saying that "since Superman doesn't want any wife, they are going to kill all of us".¹⁵⁸³ One of the rebels took a woman from amongst the group, put her against the wall and shot her to death in the presence of the witness and the other people.¹⁵⁸⁴ TF1-189 stated that she managed to escape from captivity but that all the other civilians at Superman's compound were killed by the AFRC/RUF rebels.¹⁵⁸⁵

655. Prosecution Witness TF1-375, who was a security to RUF commander Denis Mingo (a.k.a. Superman), and who took part in the attack on Koidu Town by the AFRC/RUF forces during this period, also described the attack.¹⁵⁸⁶ According to this witness, the first junta

¹⁵⁷⁷ TF1-198 stated that in February 1998 she and her family fled because they heard bombardment and saw people running away with loads on their heads.

¹⁵⁷⁸ TF1-189, Transcript 17 September 2008, pp. 16482-16487.

¹⁵⁷⁹ TF1-189, Transcript 17 September 2008, p. 16497.

¹⁵⁸⁰ TF1-189 Transcript 17 September 2008, pp. 16497-16507.

¹⁵⁸¹ TF1-189, Transcript 17 September 2008, pp. 16512-16513.

¹⁵⁸² TF1-189, Transcript 17 September 2008, pp. 16513-16514. The witness said there were men and women in the hall.

¹⁵⁸³ TF1-189, Transcript 17 September 2008, p. 16514.

¹⁵⁸⁴ TF1-189, Transcript 17 September 2008, pp. 16513-16514.

¹⁵⁸⁵ TF1-189, Transcript 17 September 2008, p. 16520. The Witness explained in a closed session that she was told about the murder of these civilians by the rebel who had captured and enslaved her. See TF1-189, Transcript 18 September 2008, p. 16558.

¹⁵⁸⁶ Witness TF1-375, Transcript 23 June 2008, pp. 12503-12504.





MURDER OR UNLAWFUL KILLINGS

forces to attack Koidu Town led by Isaac Mongor and RUF Rambo were repelled by the Kamajors.¹⁵⁸⁷ The AFRC/RUF forces then planned a second attack led by Superman, which succeeded. AFRC Commanders involved in this joint attack included Gullit, Bazzy, Adams and Savage.¹⁵⁸⁸ After taking control of Koidu Town the AFRC/RUF forces burnt houses, looted private property and captured and raped women and girls.¹⁵⁸⁹ TF1-375 explained that the forces burnt houses where they suspected that Kamajors were hiding and stated that “when we set the houses on fire, we would hear people shouting inside, screaming, “Oh we are inside. We are inside” and sometimes the houses would burn down and we would see their skulls and their bones”.¹⁵⁹⁰

656. The Trial Chamber also considered the following documentary evidence. A Human Rights Report (Exhibit P-366) states:

[I]n March 1998, RUF forces executed 32 youths in Koidu for supporting Kamajor CDF forces that previously had taken the town”.¹⁵⁹¹

657. A report by Amnesty International (Exhibit P-078) states:

[I]n the days immediately after their removal from power by ECOMOG, AFRC and RUF forces indiscriminately killed unarmed civilians, looted and burned houses, both in Freetown and other towns. As the rebel forces were pursued eastwards by ECOMOG forces through towns such as Bo in Southern Province, Kenema and Koidu in Eastern Province, and Makeni in Northern Province during February, March and April 1998, they were responsible for widespread killings, torture and ill treatment, including rape and other forms of sexual assault and abduction. Villages and towns were burnt to the ground, destroying thousands of homes. Koidu, a major town in the diamond-rich Kono District, was almost totally destroyed by AFRC and RUF forces and villages between Njaiama-Sewafe and Koidu repeatedly attacked.¹⁵⁹²

Findings

658. Alimamy Bobson Sesay was part of the AFRC forces that fled from Freetown after the February 1998 ECOMOG Intervention who were based in Koidu Town. He not only participated in the meetings at which certain operational orders were given by senior commanders but he also participated in the carrying out of those orders. The Trial Chamber

¹⁵⁸⁷ Witness TF1-375, Transcript 23 June 2008, p. 12503.

¹⁵⁸⁸ Witness TF1-375, Transcript 23 June 2008, p. 12504.

¹⁵⁸⁹ Witness TF1-375, Transcript 23 June 2008, p. 12505.

¹⁵⁹⁰ Witness TF1-375, Transcript 23 June 2008, p. 12505.

¹⁵⁹¹ Exhibit P-366, “Sierra Leone Country Report on Human Rights Practices for 1998, US Department of State, Bureau of Democracy, Human Rights and Labor, 26 February 1999”, p. 4, ERN 25073.

¹⁵⁹² Exhibit P-078, “Sierra Leone – 1998 – A Year of Atrocities Against Civilians, Amnesty International

MURDER OR UNLAWFUL KILLINGS

finds Bobson Sesay's above evidence reliable and credible. Isaac Mongor was also part of the RUF forces that were based in Koidu Town after the ECOMOG Intervention. Like Bobson Sesay, Mongor too was privy to operational orders that were issued by senior RUF or AFRC commanders. The Trial Chamber finds his above evidence credible and reliable, and that it corroborates the account of Bobson Sesay. TF1-189 was captured by the AFRC/RUF rebels and her testimony is based on her experience in captivity and on what she saw and heard. The Trial Chamber finds her above evidence reliable and credible. The Trial Chamber also finds the evidence of TF1-375 reliable and credible. His eye-witness account is based on his participation in the operations of the AFRC/RUF forces that captured Koidu Town. Furthermore, the Trial Chamber finds that the accounts related by each of the four witnesses relating to the attacks by the AFRC/RUF on civilians in Koidu Town in the months following the ECOMOG Intervention, are consistent and accord with the documentary evidence contained in Exhibits P-366 and P-078.

659. Based on the evidence of Alimamy Bobson Sesay, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in early March 1998 at Yardo Road in Koidu Town, AFRC/RUF forces acting on the orders of SAJ Musa, Johnny Paul Koroma and Issa Sesay, intentionally shot and killed an unknown number of civilians, all of whom were not taking an active part in the hostilities.

660. Based on the evidence of Isaac Mongor, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in early March 1998 at Hill Station in Koidu Town, an RUF commander called Denis Mingo (a.k.a. Superman) intentionally shot and killed 13 civilians including men, women and children, all of whom were not taking an active part in the hostilities.

661. Based on the evidence of Prosecution Witness TF1-189, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in early March 1998 at a location named "Superman compound" in Koidu Town, AFRC/RUF forces acting under the orders of Superman, intentionally shot and killed a woman; tortured to death an elderly man, and executed an unknown number of abducted civilians, all of whom were not taking an active part in the hostilities.

Report", p. 11.



MURDER OR UNLAWFUL KILLINGS

662. Based on the evidence of TF1-375 and the documentary evidence above, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in early March 1998 AFRC/RUF forces acting under the command of Denis Mingo (a.k.a. Superman), deliberately burned to death an unknown number of civilians who were hiding in their houses and who were not taking an active part in the hostilities.

663. The above oral and documentary evidence clearly establishes that the perpetrators acting in accordance with orders given by their commanders, deliberately targeted civilians in Koidu Town in order to prevent them from staying in or returning to Koidu Town and in order to maintain the diamond-rich Kono District as a strong Junta base from which the AFRC/RUF fighters would finance and mount further attacks upon their enemies including ECOMOG and the CDF or Kamajors. In light of that evidence, the Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings to instil terror in the civilian population.

(ii) Killing of civilians in and around Koidu Town between April and May 1998

664. Witness Alex Tamba Teh, a church minister resident in Koidu Town, testified that in April 1998 fighting broke out between the Civil Defence Forces (a.k.a. Kamajors) and AFRC/RUF rebels,¹⁵⁹³ forcing the witness, his family and large numbers of civilians to flee to Tongoro bush.¹⁵⁹⁴ While in hiding, Teh, along with 250 civilians including men, women and children, were captured by a group of 5 armed AFRC/RUF rebels¹⁵⁹⁵ and taken to Sunna Mosque in Koidu Town.¹⁵⁹⁶ At Sunna Mosque three other rebels singled out one Aiah Abu amongst the civilian abductees and immediately shot him to death, remarking that the deceased had "escaped from them before".¹⁵⁹⁷

¹⁵⁹³ The witness stated that he heard that by this time (April 1998) ECOMOG had taken over control of Kono from the AFRC/RUF. Alex Tamba Teh, Transcript 8 January 2008, p. 687.

¹⁵⁹⁴ Alex Tamba Teh, Transcript 8 January 2008, pp. 680-686.

¹⁵⁹⁵ The witness described some of the rebels as wearing soldier uniforms worn by Sierra Leone army and others as plain clothed. Alex Tamba Teh, Transcript 8 January 2008, p. 687.

¹⁵⁹⁶ Alex Tamba Teh, Transcript 8 January 2008, p. 690.

¹⁵⁹⁷ Alex Tamba Teh, Transcript 8 January 2008, pp. 688-689.





MURDER OR UNLAWFUL KILLINGS

665. Teh further testified that at Sunna Mosque, AFRC/RUF rebels,¹⁵⁹⁸ pretending to be ECOMOG soldiers tricked the captives into “cheering and welcoming ECOMOG for saving the civilians from the rebels”.¹⁵⁹⁹ The rebels then led the civilians to a secluded place called “the Igbaleh” on Kamachende Street.¹⁶⁰⁰ On the way, Teh counted “up to 50” corpses.¹⁶⁰¹ At the Igbaleh, Emmanuel Williams (a.k.a. Rocky) ordered the rebels to separate the captured men from the women and children.¹⁶⁰² Teh heard Rocky saying to the civilians, “Today those of you who were saying thanks to us and you were saying thanks to the ECOMOG, now I want to tell you that we are not ECOMOG. We are the junta rebels, we are here....” After this, Rocky singled Teh out of the crowd because he was a pastor, and told him to pray for everybody.¹⁶⁰³ Rocky then asked one of the rebels to bring out his big gun called “Bargege” and shot all the civilian men to death.¹⁶⁰⁴ Afterwards, the deceased were all decapitated by the SBUs on orders of commander Rocky.¹⁶⁰⁵ Later, Teh was taken back to Sunna Mosque, where he heard Rocky tell Rambo that he had killed 101 men.¹⁶⁰⁶

666. Teh further testified that while at the Igbaleh, he saw a young boy who was killed by the SBUs after they amputated his arms and legs and then threw him in a pit latrine. The young boy was screaming and pleading with the SBUs asking them why they were doing this to him.¹⁶⁰⁷

667. Another Prosecution witness, Isaac Mongor testified that in April 1998 after ECOMOG pushed the AFRC/RUF forces out of Koidu Town, the latter occupied a place code-named “Superman Ground” from where they carried out their operations. One such operation was the attack on Kissy Town, behind Koidu Town on the road leading towards

¹⁵⁹⁸ The witness explained that in fact these were AFRC/RUF rebels led by Rambo the AFRC Brigade commander and an RUF commander called Emmanuel Williams a.k.a. “Rocky”. There were also a number of child soldiers or SBUs the witness describes as being 15-16 years of age and under. Alex Tamba Teh, Transcript 8 January 2008, pp. 691-698.

¹⁵⁹⁹ Alex Tamba Teh, Transcript 8 January 2008, pp. 691-696.

¹⁶⁰⁰ Alex Tamba Teh, Transcript 8 January 2008, p. 693. Teh explained that Igbaleh was about a half mile away from Sunna Mosque.

¹⁶⁰¹ Alex Tamba Teh, Transcript 8 January 2008, pp. 693-694.

¹⁶⁰² Alex Tamba Teh, Transcript 8 January 2008, p. 694.

¹⁶⁰³ Alex Tamba Teh, Transcript 8 January 2008, pp. 695-699.

¹⁶⁰⁴ Alex Tamba Teh, Transcript 8 January 2008, pp. 696-697.

¹⁶⁰⁵ Alex Tamba Teh, Transcript 8 January 2008, pp. 697-698.

¹⁶⁰⁶ Alex Tamba Teh, Transcript 8 January 2008, p. 700.

¹⁶⁰⁷ Alex Tamba Teh, Transcript 8 January 2008, pp. 699-700.





MURDER OR UNLAWFUL KILLINGS

the Guinea border.¹⁶⁰⁸ Mongor told the court that the rebel group to which he belonged went to attack the Kamajors in Kissy Town and in the process also killed all the civilians that they found there because they suspected everybody to be a Kamajor. Amongst those killed were men, women and children.¹⁶⁰⁹

668. Confidential Exhibit P-077, a report documenting rebel actions from May 1998 to January 1999 states:

[A] teenage boy described an attack close to Koidu, in early May by "junta". He had gone there with his family because they thought that ECOMOG had arrived. They were wrong and instead encountered rebels. The boy reported that he was the only survivor in a group of 50. He had a deep laceration to the foot which doctors said was a clear case of a failed amputation. The boy was taken to Makeni by ECOMOG.¹⁶¹⁰

669. Exhibit P-078, a report by Amnesty International states:

[A]n even more grotesque pattern of killing, rape and mutilation became evident in April 1998 and the numbers of victims increased dramatically. Rebel forces called their campaign of terror against civilians "Operation no living thing". As fighting continued between ECOMOG and rebel forces around Koidu, attacks on civilians in villages in the area persisted and then spread west and north....Unarmed civilians who were taking no active part in the conflict were killed, their homes burned and their villages destroyed....More than 650 bodies, many of them women and children, were reported to have been buried following fighting in the area around Koidu in mid-June 1998.¹⁶¹¹

An Amnesty international delegation which visited Sierra Leone in May 1998 met some of the victims of these atrocities at Connaught Hospital....Another victim, a 15-year-old schoolboy from Koidu who had arrived at Connaught Hospital on 10 May 1998, had suffered severe lacerations to his right ankle in an attempted amputation. He and his family - his parents and six brothers and sisters- had been hiding in the bush for more than two months after being driven from Koidu after it was attacked by rebel forces. They had no food throughout that time other than bananas. On 1 May 1998 the family had heard reports that ECOMOG had arrived in Koidu and they went to enter the eastern part of the town. They and those with them were attacked by rebel forces who accused them of supporting President Kabbah. Almost 50 people were killed. The young boy stayed for four days in a house without food or treatment of his severely injured leg".¹⁶¹²

Findings

¹⁶⁰⁸ Isaac Mongor, Transcript 31 March 2008, p. 6219.

¹⁶⁰⁹ Isaac Mongor, Transcript 31 March 2008, pp. 6219-6220.

¹⁶¹⁰ Exhibit P-077 (confidential), para. 19.

¹⁶¹¹ Exhibit P-078, "Sierra Leone – 1998 – A Year of Atrocities Against Civilians, Amnesty International Report", p. 11

¹⁶¹² Exhibit P-078, "Sierra Leone – 1998 – A Year of Atrocities Against Civilians, Amnesty International Report", p. 12. This report seems to refer to the same incident referred to in paragraph 19 of Exhibit P-077 (confidential), albeit in greater detail.





MURDER OR UNLAWFUL KILLINGS

670. Teh spent some time with the AFRC/RUF forces while in captivity and witnessed some of their activities first hand. His evidence is based on an eye-witness account of what he saw and heard. The Trial Chamber finds his evidence in relation to the killing of civilians in Koidu Town between March and April 1998, reliable and credible. His evidence of how civilians were sometimes tricked by the AFRC/RUF forces into believing that the latter were ECOMOG, only to be killed by the rebels, is corroborated by the account given in Exhibit P-078 and confidential Exhibit P-077. Based on the above evidence, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between April and May 1998 during an attack on Koidu Town: 1) AFRC/RUF forces intentionally shot and killed one Aiah Abu at Sunna Mosque in Koidu Town; 2) an RUF Commander Emmanuel Williams a.k.a. "Rocky" acting under the orders of an AFRC Brigade commander called "Rambo", intentionally executed 101 captured men and had their bodies decapitated at a place called the Igbaleh in Koidu Town, and 3) child soldiers known as SBUs acting under the orders of Commander Emmanuel Williams a.k.a. "Rocky" intentionally dismembered and killed a young boy and threw his body in a pit latrine at the Igbaleh in Koidu Town. The Trial Chamber further finds that all the victims of the above-mentioned killings were civilians not taking an active part in the hostilities.

671. However, in relation to the 50 corpses that Teh saw on his way to Igbaleh, the Prosecution did not provide evidence as to whether the victims were active combatants or civilians, nor of who had killed them. Given Teh's testimony that heavy fighting was reportedly going on between ECOMOG and the Junta forces in the area at the time,¹⁶¹³ the Trial Chamber is unable to make a conclusive finding as to who these 50 people were or how they died.

672. The above oral and documentary evidence clearly establishes that the perpetrators, acting in accordance with orders given by their commanders, deliberately targeted civilians in Koidu Town in order to prevent them from staying in or returning to Koidu Town. The deliberate tricking of civilians into showing their support for ECOMOG followed by mass execution of those civilians by the AFRC/RUF forces underlines the campaign of reprisal against the civilian population. The Trial Chamber finds beyond reasonable doubt that the

¹⁶¹³ Alex Tamba Teh, Transcript 8 January 2008, pp. 683-694.



MURDER OR UNLAWFUL KILLINGS

perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(iii) Other killings around Koidu Town between December 1999 and the disarmament¹⁶¹⁴

673. In his prior testimony,¹⁶¹⁵ Prosecution Witness TF1-077 testified that in early 1998 in a month he does not recall, the whole of Kono District was attacked and he and his family moved from Tombodu to the Guinea border for refuge. He described the attack on Kono District at that time as “Operation No Living Thing”.¹⁶¹⁶ The witness said he and his family stayed at the Guinea border “for a little while” and then they heard that ECOMOG had arrived in Kono District.¹⁶¹⁷ The witness testified that following the ECOMOG Intervention and on hearing that ECOMOG had “cleared Koidu Town”, he left the Guinea border “in the dry season”¹⁶¹⁸ in 1998 and returned to Koidu Town.¹⁶¹⁹ The witness further testified that on 16 December 1999 after he had returned to Koidu Town,¹⁶²⁰ as he was sleeping he heard heavy gunfire. The gunfire went on for a long time. He went outside and heard shouting and wailing. He ran and hid behind his house until daybreak. At dawn, he saw many corpses of people that had been killed, including three children one of whom was his own child.¹⁶²¹ The witness further told the court that an armed RUF man dressed in military uniform¹⁶²² captured the witness and other civilians totalling 50 people in number and marched them to Tombodu with loads of looted property on their heads.¹⁶²³ On the way to Tombodu, the armed captors dressed in combat uniforms told the witness “We are the RUF. You are now

¹⁶¹⁴ The disarmament in Sierra Leone was from approximately January 2001 to July 2001. See Transcript 7 February 2008, p. 3391; Transcript 5 March 2008, pp. 5368; Transcript 9 June 2008, p. 11330; Transcript 8 April 2008, p. 6883.

¹⁶¹⁵ Witness TF1-077 testified in the RUF trial and the transcript of his testimony was admitted in this trial pursuant to Rule 92*bis* as Prosecution Exhibit P-196 (“prior testimony”). In the present trial he was cross-examined on his prior testimony. See TF1-077, Transcript 14 October 2008, pp. 18232-18259.

¹⁶¹⁶ Exhibit P-196, Witness TF1-077, RUF Transcript, pp. 18641, 18651.

¹⁶¹⁷ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18642.

¹⁶¹⁸ The Court took judicial notice of the fact that the dry season in Sierra Leone was in December. Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18652.

¹⁶¹⁹ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18642.

¹⁶²⁰ Exhibit P-196, Witness TF1-077, RUF Transcript, pp. 18629-18631, 18651.

¹⁶²¹ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18629; See also Witness TF1-077 Transcript 14 October 2008, p. 18236.

¹⁶²² The witness explained that on their way to Tombodu, armed men wearing combat uniforms told the civilian captives that the RUF was now in control of Koidu Town and ECOMOG was driven out. Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18630.

¹⁶²³ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18629.





MURDER OR UNLAWFUL KILLINGS

in our control. You are no longer in ECOMOG control".¹⁶²⁴ In Tombudu Town the captives met other RUF commanders including Officer Med, Colonel Gibbo and Major Tactical who told the captives that Issa Sesay had ordered that the abductees be taken to Tombudu Bridge to mine.¹⁶²⁵ The witness testified that subsequently, he and many other civilians were forced to mine diamonds for the RUF at Tombudu Bridge "until the disarmament".¹⁶²⁶ The witness testified that throughout this period, civilians forced to mine were heavily guarded by RUF child soldiers known as SBUs, mistreated and often died from disease for lack of medical treatment or were killed for refusing to mine for the RUF.¹⁶²⁷ The witness saw one S.E. Sogbeh who was summarily executed by an SBU for refusing to work and whose body was thrown into the river with a warning from the RUF that "anybody who refused to do this work, this will be your end".¹⁶²⁸

Findings

674. The account by TF1-077 of civilian deaths, including that of one of his children, is based on circumstantial evidence. From his evidence it is clear that there was exchange of fire between ECOMOG and the RUF forces the previous night. He was fortunate enough to survive by hiding behind his house, but the presence of many corpses the next morning is proof that a lot of civilians died during this exchange. His own child was amongst the casualties. Based on this evidence however, the Trial Chamber cannot rule out the possibility that the civilians were accidentally caught in the cross fire, nor can the Trial Chamber rule out the possibility that some were killed by ECOMOG forces. The Trial Chamber however, finds the witness's evidence regarding the death of civilians forced by the RUF to mine at Tombudu Bridge, credible. Based on that evidence, the Trial Chamber finds that the Prosecution has proved that from December 1999 until the disarmament, RUF forces intentionally killed an unknown number of civilians who refused to mine for the AFRC/RUF at Tombudu Bridge or who were denied medical treatment.

¹⁶²⁴ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18630.

¹⁶²⁵ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18630.

¹⁶²⁶ Exhibit P-196, Witness TF1-077, RUF Transcript, pp. 18631-18633.

¹⁶²⁷ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18632-18634.

¹⁶²⁸ Exhibit P-196, Witness TF1-077, RUF Transcript, p. 18633.





MURDER OR UNLAWFUL KILLINGS

675. Given the slave-like conditions under which the AFRC/RUF Junta forced civilians to mine for them and forbade them from mining for personal benefit, the Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the killing of the civilians who refused to carry out forced mining at Tombodu Bridge was to instil terror in the civilian population and thereby to continue controlling the mining activities in Kono District.

(b) Bumpe(i) Killings in Bumpe between March and June 1998

676. Alimamy Bobson Sesay testified that the AFRC/RUF continued their campaign of terror against the citizens of Kono District from March right through to June 1998 when he and Commander Hassan Papa Bangura (a.k.a. Bomb Blast) withdrew from Kono. He stated that the junta forces continued routinely attacking civilian homes and burning houses in Bumpe even when there was no enemy in sight, with the aim of discouraging civilians and ECOMOG from staying in or returning to Bumpe.¹⁶²⁹ Apart from the area where the battalion occupied, the whole of Bumpe was burnt down.¹⁶³⁰ Sesay further told the court that during the attack on Bumpe in March or April 1998, the SLA battalion commander at Bumpe,¹⁶³¹ Lt. Amara Kallay and the AFRC/RUF troops that were present, decapitated several captured civilians, put their heads on sticks and fixed the sticks on guard posts.¹⁶³² The witness stated that this was done to create fear amongst the civilians and ECOMOG.¹⁶³³ Bobson Sesay also told the court that this display of human heads on sticks at checkpoints was routinely done by the AFRC/RUF forces in other locations within Kono District including Tombodu,¹⁶³⁴ Njaiama Sewafe,¹⁶³⁵ and Yengema.¹⁶³⁶

677. Bobson Sesay further testified that AFRC/RUF forces engaged in burning houses in Bumpe would lock and set houses on fire with civilians inside. Despite the cries, the Junta

¹⁶²⁹ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7984.

¹⁶³⁰ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7985.

¹⁶³¹ Alimamy Bobson Sesay, Transcript 17 April 2008, p. 7964.

¹⁶³² Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7984-7985.

¹⁶³³ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7984-7985.

¹⁶³⁴ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7984-7985.

¹⁶³⁵ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7987.

¹⁶³⁶ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7988.





MURDER OR UNLAWFUL KILLINGS

forces would guard the burning buildings at gun point to prevent anyone escaping. After the building was completely destroyed, the Junta forces “would not bother... to go and watch whether anything was in there because we knew the houses were completely burnt down”.¹⁶³⁷

678. Alimamy Bobson Sesay’s account is corroborated by the hearsay evidence of Alice Pyne, a former radio operator for the RUF forces, who testified that she heard from Foday Lansana on the radio that the AFRC/RUF forces that attacked Bumpé killed many civilians in the process.¹⁶³⁸

679. In addition Prosecution Witness TF1-375 who took part in the AFRC/RUF attack on Bumpé testified that the junta forces asked the civilians to leave Bumpé so that the junta forces would be based there and that those civilians who resisted were shot dead. The witness himself admitted that he participated in the killing of these civilians and in decapitating their heads and displaying them on sticks at various check points. He explained that this was done in accordance with the orders of their commanders to “make the area fearful” in order to scare off ECOMOG and other civilians.¹⁶³⁹ The witness also explained that the RUF slogan that “civilians have no blood” meant that the lives of civilians did not matter to the junta forces.¹⁶⁴⁰

680. Another witness who was a victim of the rebel attacks in Bumpé after the ECOMOG Intervention is TF1-218.¹⁶⁴¹ TF1-218 narrated how after the ECOMOG Intervention of February 1998,¹⁶⁴² four rebels¹⁶⁴³ dressed in combat uniforms and black boots and armed with guns and knives¹⁶⁴⁴ attacked her home in Bumpé at night. She stated that the rebels

¹⁶³⁷ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7985-7987.

¹⁶³⁸ Alice Pyne, Transcript 18 June 2008, p. 12201.

¹⁶³⁹ TF1-375, Transcript 23 June 2008, p. 12511-12514.

¹⁶⁴⁰ TF1-375, Transcript 23 June 2008, p. 12513-12514.

¹⁶⁴¹ TF1-218 testified in the RUF trial and the transcript of her testimony was admitted in this trial pursuant to Rule 92*bis* as Prosecution Exhibit P-198 (“prior testimony”). In the present trial she was cross-examined on his prior testimony. See TF1-218, Transcript 14 October 2008, pp. 18346-18359.

¹⁶⁴² Although this witness was illiterate, she clearly explained in her prior testimony and in cross-examination that the rebels attacked Bumpé after ECOMOG had restored President Tejan Kabbah to power in Freetown and after the rebels had been driven away from Freetown. See Exhibit P-198, “TF1-218, RUF Transcript 1 February 2005”, pp. 18876-18887; TF1-218, Transcript 14 October 2008, pp. 18351-18352.

¹⁶⁴³ The witness described how after she was taken to the house at Cookery junction, one of the captors asked the civilians who they thought he was and when the civilians could not say he said “we are the rebels”. Exhibit P-198, “TF1-218, RUF Transcript 1 February 2005, p. 18879.

¹⁶⁴⁴ TF1-218, Transcript 14 October 2008, pp. 18353, 18355, 18358.





MURDER OR UNLAWFUL KILLINGS

captured her and locked her in a house at Cookery junction with other captured civilians.¹⁶⁴⁵ The witness described how two rebels stripped her naked and raped her.¹⁶⁴⁶ She testified that she managed to escape from the house after a rebel had threatened to kill all the civilians with an axe and shot the witness's left hand.¹⁶⁴⁷ She later returned to the house to look for her son the next morning and found her son alive but covered in blood.¹⁶⁴⁸ TF1-218 testified that her son, who was present during the attack, told her that all of the civilians she left in the house were killed in the room from which TF1-218 had escaped the night before.¹⁶⁴⁹ Her son explained to the witness that he escaped death only because "as the rebels were shooting these people, he was lying flat on the ground and most of the people who were shot fell on top of him".¹⁶⁵⁰

681. Perry Kamara, a radio operator who was based at Superman ground after the ECOMOG Intervention in 1998, told the court that sometime before June 1998,¹⁶⁵¹ the RUF forces under the command of Sam Bockarie, Morris Kallon and CO Rocky attacked Bumpo and its surrounding areas. Upon their return to Superman Ground after the operation, the RUF forces reported that they had killed civilians, amputated others and burnt most of the town in accordance with Bockarie's orders to "make the area fearful".¹⁶⁵²

Findings

682. Based on his aforesaid position within the AFRC/RUF and his participation in their operations in Kono District, the Trial Chamber finds Bobson Sesay's above evidence reliable and credible. The Trial Chamber also finds that Sesay's evidence is amply corroborated by the evidence of Alice Pyne and TF1-375. Further, the Trial Chamber finds the account given by TF1-218 credible. Although her account of the civilian deaths is based partly on her ordeal while in captivity and partly on the report by her son who witnessed the killings, the Trial Chamber finds the evidence compelling and draws the one reasonable inference that the rebels shot and killed many civilians in this house at Cookery Junction.

¹⁶⁴⁵ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", pp. 18878-18881.

¹⁶⁴⁶ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", pp. 18878-18881.

¹⁶⁴⁷ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", p. 18883.

¹⁶⁴⁸ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", pp. 18884-18885.

¹⁶⁴⁹ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", pp. 18885-18887.

¹⁶⁵⁰ Exhibit P-198, "TF1-218, RUF Transcript 1 February 2005", p. 18885.

¹⁶⁵¹ Perry Kamara, Transcript 5 February 2008, pp. 3154-3155.

¹⁶⁵² Perry Kamara, Transcript 5 February 2008, p. 3152.





MURDER OR UNLAWFUL KILLINGS

The Trial Chamber also found the evidence of Perry Kamara credible and reliable, given his position within the RUF at that time. His description of the orders by the various RUF commanders to “make Kono District fearful” is consistent with the evidence of Bobson Sesay.

683. Thus while the actual number of civilian deaths in Bumpé is unknown, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between March and June 1998, during an attack on Bumpé, the AFRC/RUF forces acting under the orders of several commanders including Lt. Amara Kallay, Hassan Papa Bangura, Superman, Sam Bockarie, Morris Kallon, CO Rocky and others, intentionally killed an unknown number of civilians, all of whom were not taking an active part in the hostilities.

684. The above evidence clearly establishes that the perpetrators acting in accordance with orders given by their commanders to “make Kono fearful”, deliberately targeted civilians in Bumpé in order to prevent them from staying in or returning to Bumpé. That campaign of terror entailed not only murders but also the burning down of homes; mass amputations and the bizarre display of human heads on sticks at various checkpoints. The Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(c) Tombodu(i) Massacre of more than 20 civilians in Tombodu around March or April 1998

685. Alimamy Bobson Sesay testified that he participated in an attack on Tombodu around March or April 1998¹⁶⁵³ along with other RUF forces and commanders Bomb Blast and Savage.¹⁶⁵⁴ The witness explained that when the AFRC/RUF forces first arrived in Tombodu, they were dressed in military uniforms and arrived in vehicles. Pretending to be government forces that had come to rescue the citizens, the AFRC/RUF forces gestured to the fleeing civilians to stop running and to approach the fighters, saying “we are government troops. We have come to reinforce and protect you”.¹⁶⁵⁵ The civilians stopped running and

¹⁶⁵³ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8002.

¹⁶⁵⁴ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7992.

¹⁶⁵⁵ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7992-7993.





MURDER OR UNLAWFUL KILLINGS

as soon as the civilians approached within firing range, the AFRC/RUF forces opened fire on the civilians, killing over 20 of them.¹⁶⁵⁶

Findings

686. The Trial Chamber finds the evidence of Alimamy Bobson Sesay, a participant in this attack, credible and reliable. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that around March or April 1998 the AFRC/RUF forces that attacked Tombodu intentionally massacred more than 20 civilians in Tombodu, all of whom were not taking an active part in the hostilities.

687. The above evidence clearly establishes that the perpetrators, acting in accordance with orders given by their commanders to “make Kono fearful”, deliberately targeted civilians in Tombodu in order to prevent them from staying in or returning to Tombodu. The deliberate tricking of civilians into showing their support for what they believed were “Government forces”, followed by mass execution of those civilians by the AFRC/RUF forces, demonstrates the Juntas’ reprisal against the civilian population. The Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(ii) Second Massacre at Tombodu involving 77-78 civilians around April 1998

688. Alimamy Bobson Sesay testified that Tombodu was attacked again one month after Savage was based there as battalion commander.¹⁶⁵⁷ After capturing about 77-78 civilians, Savage sent a message to Masingbi headquarters inviting commanders Bomb-Blast, Bazy and Alimamy Bobson Sesay to come and meet the “civilian visitors”.¹⁶⁵⁸ Savage explained to the commanders and the witness that he had tricked the civilians into believing that ECOMOG had come to save them. The civilians had rejoiced at the news only to be

¹⁶⁵⁶ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7992-7993.

¹⁶⁵⁷ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7994. From the context of the witness’s testimony, this event occurred approximately one month after the AFRC and RUF took control of Tombodu after Koidu Town had been captured. The attack was likely in March or April 1998. See Transcript 18 April 2008, pp. 7995, 8002.

¹⁶⁵⁸ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7995-7997.





MURDER OR UNLAWFUL KILLINGS

captured by Savage.¹⁶⁵⁹ The witness described how Savage assembled and paraded the 78 civilians before the commanders and the witness.¹⁶⁶⁰ Fifteen of these civilians were locked up in a building by Savage and burned alive.¹⁶⁶¹ The witness heard them scream and saw their charred skeletons afterwards. Another 15 civilians were amputated by Savage and his subordinates including Guitar Boy and Staff Alhaji and some SBUs.¹⁶⁶² The witness heard Savage telling the amputees to “go and tell ECOMOG that Savage was now the battalion commander in Tombodu”.¹⁶⁶³ The rest of the civilians were decapitated by Savage and their bodies thrown into a pit known as the “Savage pit”.¹⁶⁶⁴ Alimamy Bobson Sesay testified that after this incident, Commander Savage was nick-named “Changa Bulanga” because he was “very good at using machete. He was very good at amputating people”.¹⁶⁶⁵ Bobson Sesay further testified that Superman came to Tombodu just after this incident had taken place and that Savage showed Superman the decapitated bodies in the pit as well as the charred bodies of the civilians that he had burnt. Superman was reportedly shocked and warned Savage that what he had done amounted to crimes against humanity. However, Superman did not punish Savage and instead joined everybody in drinking palm wine to celebrate the incident.¹⁶⁶⁶

689. Prosecution Witness TF1-375, a subordinate of Superman during this period, told the court that Savage led an attack on Tombodu.¹⁶⁶⁷ The witness travelled to Tombodu shortly after this attack and accompanied Superman whom Savage had invited to drink palm wine.¹⁶⁶⁸ On arrival, Savage showed Superman and the witness a big pit where he had dumped the corpses of executed civilians.¹⁶⁶⁹ TF1-375 described the pit as a former diamond mining pit where he saw corpses of old people, young people and children and severed limbs.¹⁶⁷⁰

¹⁶⁵⁹ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7996.

¹⁶⁶⁰ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7995-7997.

¹⁶⁶¹ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7995-7997.

¹⁶⁶² Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7995-7997.

¹⁶⁶³ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7997.

¹⁶⁶⁴ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7995-7997.

¹⁶⁶⁵ Alimamy Bobson Sesay, Transcript 17 April 2008, p. 7966; Transcript 18 April 2008, p. 7999.

¹⁶⁶⁶ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7999.

¹⁶⁶⁷ TF1-375, Transcript 23 June 2008, p. 12514.

¹⁶⁶⁸ TF1-375, Transcript 23 June 2008, p. 12514.

¹⁶⁶⁹ TF1-375, Transcript 23 June 2008, pp. 12514-12515.

¹⁶⁷⁰ TF1-375, Transcript 23 June 2008, pp. 12514-12515.





MURDER OR UNLAWFUL KILLINGS

690. Perry Kamara, a radio operator with the RUF at Superman's headquarters known as Superman Ground, confirmed in his testimony that he received reports in 1998 that Savage had killed more than 30 civilians in Tombodu.¹⁶⁷¹

Findings

691. The Trial Chamber finds the evidence of Alimamy Bobson Sesay credible as he was an eye-witness to the killings. Furthermore, his evidence is corroborated by that of TF1-375, who saw the large pit containing bodies of civilians and severed limbs, and of Perry Kamara who received reports of the civilian killings. Based on the above evidence, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that around April 1998, AFRC/RUF forces led by Savage, and with the approval of commanders Superman and Bomb Blast, intentionally killed about 63 civilians in Tombodu, that were not taking an active part in the hostilities.

692. The evidence establishes that the AFRC/RUF Juntas acting in accordance with orders earlier given by their commanders to "make Kono fearful", deliberately targeted the civilian population in order to prevent them from staying in or returning to Tombodu. Furthermore, the circumstances surrounding these killings, including the deliberate tricking of civilians into believing that the rebels were ECOMOG forces that had come to their rescue only to then massacre those civilians; the indiscriminate amputations accompanied by sarcastic messages to the ruling Government; as well as the public disposal of numerous dead bodies into an open pit, demonstrate the rebel campaign of reprisal and terror against the civilian population. The Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(iii) Third Massacre of over 53 civilians in Tombodu in April 1998

693. Mustapha Mansaray and Ibrahim Fofana, two civilians that were captured by the AFRC/RUF forces and taken together to Tombodu around April 1998, testified before the Trial Chamber. Mustapha Mansaray was captured by "rebels and soldiers"¹⁶⁷² from Wordu

¹⁶⁷¹ Perry Kamara, Transcript 5 February 2008, p. 3159.

¹⁶⁷² Mustapha Mansaray, Transcript 30 October 2008, p. 19592 (where the witness describes his captors as "soldiers and rebels").





MURDER OR UNLAWFUL KILLINGS

Sandor,¹⁶⁷³ while Ibrahim Fofana was captured by soldiers wearing military uniforms in Paema.¹⁶⁷⁴ Both men walked for three days carrying looted goods belonging to the captors and were taken to Tombodu where they met 53 other civilians that were also captured by the Junta forces.¹⁶⁷⁵ Mansaray, Fofana and the other captured persons were taken to Staff Alhaji's headquarters¹⁶⁷⁶ where they were stripped naked and forced to sit on the ground.¹⁶⁷⁷ Staff Alhaji, who the witness was told was the rebel commander, asked for a mortar to be brought and amputated the hands of six men including Mansaray and Fofana.¹⁶⁷⁸ Staff Alhaji told the amputees that "now they would never be able to vote for President Kabbah again and that they should keep their hands out of politics".¹⁶⁷⁹ Mansaray told the court that four of the amputees later died from their wounds and that only he and Fofana survived.¹⁶⁸⁰

694. Mansaray testified that Staff Alhaji ordered the rebels to lock the 53 civilians in a building and to burn them alive. After locking the 53 civilians in a building, the rebels sprinkled petrol on the building and set it alight burning everyone inside to death.¹⁶⁸¹ Mansaray heard the people inside, including women and children, crying.¹⁶⁸² Mansaray explained that the people inside the building could not escape because the doors and windows were locked with nails and soldiers stood guard with guns.¹⁶⁸³ Mansaray and Fofana left before the house finished burning.¹⁶⁸⁴

695. Witness Ibrahim Fofana was captured by soldiers wearing military uniforms in Paema.¹⁶⁸⁵ He testified that he was with five persons who carried loads for the captors to Tombodu at gunpoint.¹⁶⁸⁶ All five persons reached Tombodu on 5 April 1998¹⁶⁸⁷ and were

¹⁶⁷³ Mustapha Mansaray, Transcript 30 October 2008, pp. 19592-19593.

¹⁶⁷⁴ Ibrahim Fofana, Transcript 28 October 2008, p. 19334.

¹⁶⁷⁵ Mustapha Mansaray, Transcript 30 October 2008, pp. 19597, 19599; Ibrahim Fofana, Transcript 28 October 2008, pp. 19334, 19336-19337.

¹⁶⁷⁶ Mustapha Mansaray, Transcript 30 October 2008, pp. 19601-19602.

¹⁶⁷⁷ Mustapha Mansaray, Transcript 30 October 2008, pp. 19602-19603.

¹⁶⁷⁸ Mustapha Mansaray, Transcript 30 October 2008, pp. 19603-19605.

¹⁶⁷⁹ Mustapha Mansaray, Transcript 30 October 2008, p. 19607.

¹⁶⁸⁰ Mustapha Mansaray, Transcript 30 October 2008, pp. 19606-19607.

¹⁶⁸¹ Mustapha Mansaray, Transcript 30 October 2008, p. 19609.

¹⁶⁸² Mustapha Mansaray, Transcript 30 October 2008, p. 19608.

¹⁶⁸³ Mustapha Mansaray, Transcript 30 October 2008, p. 19609.

¹⁶⁸⁴ Mustapha Mansaray, Transcript 30 October 2008, p. 19609.

¹⁶⁸⁵ Ibrahim Fofana, Transcript 28 October 2008, p. 19334.

¹⁶⁸⁶ Ibrahim Fofana, Transcript 28 October 2008, pp. 19334, 19336-19337.

¹⁶⁸⁷ Ibrahim Fofana, Transcript 28 October 2008, p. 19343.





MURDER OR UNLAWFUL KILLINGS

taken to a person called Staff Alhaji. Fofana stated that while he and the others were tied to an orange tree in the compound, the rebel soldiers brought 53 other captives from a village called Masundu and locked them in a big house.¹⁶⁸⁸ Fofana heard a soldier report to Staff Alhaji that the 53 civilians had been captured and Staff Alhaji gave an order that they be locked up in a house and the house be set on fire.¹⁶⁸⁹ The rebels locked the 53 civilians in the house, sprinkled petrol on it and set it on fire.¹⁶⁹⁰ Fofana testified that he heard people screaming until the house burned down completely.¹⁶⁹¹

696. Fofana said that after the house had been completely burnt, that he and the others in the group of five had their hands amputated by Rambo who was dressed in a military uniform.¹⁶⁹² Fofana testified that only he and Mustapha Mansaray survived the amputations,¹⁶⁹³ as the other three were elderly and were bleeding profusely.¹⁶⁹⁴ The three fell down somewhere on the way to Lebanon and died.¹⁶⁹⁵

Findings

697. The Trial Chamber finds the evidence of both Mustapha Mansaray and Ibrahim Fofana reliable and credible. Although Mansaray's account of the events differs in a number of respects from that of Fofana,¹⁶⁹⁶ the Trial Chamber finds that their story is consistent and corroborated and is satisfied that the discrepancies in the witnesses' testimonies can be reasonably accounted for by the passage of time and the physical and emotional trauma suffered by both witnesses. Based on the evidence, the Trial Chamber finds that the Prosecution has proved beyond a reasonable doubt that in April 1998, AFRC/RUF forces under the orders of Staff Alhaji intentionally caused the deaths of 56 civilians in Tombodu, including 53 who were burned inside a building and 3 who subsequently died from amputations.

¹⁶⁸⁸ Ibrahim Fofana, Transcript 28 October 2008, p. 19338.

¹⁶⁸⁹ Ibrahim Fofana, Transcript 28 October 2008, p. 19340.

¹⁶⁹⁰ Ibrahim Fofana, Transcript 28 October 2008, p. 19340.

¹⁶⁹¹ Ibrahim Fofana, Transcript 28 October 2008, p. 19340.

¹⁶⁹² Ibrahim Fofana, Transcript 28 October 2008, p. 19341.

¹⁶⁹³ Ibrahim Fofana, Transcript 28 October 2008, p. 19341.

¹⁶⁹⁴ Ibrahim Fofana, Transcript 28 October 2008, p. 19342.

¹⁶⁹⁵ Ibrahim Fofana, Transcript 28 October 2008, pp. 19342-19343.

¹⁶⁹⁶ For example, Mansaray said they were captured on 12 April 1998 while Fofana said it was on 5 April 1998. Mansaray said he found the 53 civilians already in Tombodu while Fofana said the civilians were brought after





MURDER OR UNLAWFUL KILLINGS

698. The circumstances under which the AFRC/RUF forces captured and collected in a single place such a large number of civilians, as well as the cruel manner in which their death was executed, demonstrate the campaign of terror unleashed by the Junta forces. The Trial Chamber further finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(iv) Killings of civilians in and around Tombodu between March and May 1998

699. The Trial Chamber heard evidence of other killings of civilians in Tombodu during the period April to May 1998. Prosecution Witness TFI-064 testified that “during the dry season”,¹⁶⁹⁷ while residing in Foendor, Kono District, civilians who fled from Koidu and Tombodu came and told her that “rebels have started killing people”.¹⁶⁹⁸ The witness and her family hid in the bush outside of Foendor. While in hiding, rebels¹⁶⁹⁹ claiming to be “ECOMOG soldiers”, including one she knew before named Tamba Joe,¹⁷⁰⁰ captured a group of civilians including the witness and her family members, and took them back to Foendor Town.¹⁷⁰¹ Once in Foendor Town, the rebels killed all of the civilians including her family and her young children.¹⁷⁰² TFI-064 testified that only she and a Temne man survived. The rebels forced her and the Temne man to carry a bag containing human heads to Tombodu.¹⁷⁰³ On the way, the rebels ordered the witness to laugh as she carried the bag dripping with blood. TFI-064 testified that when they arrived at Tombodu, the bag was emptied and she saw the heads of her children.¹⁷⁰⁴ In Tombodu, TFI-064 saw a commander called Capay cut the Temne man’s throat, killing him.¹⁷⁰⁵ The Temne man’s corpse was

he had already arrived in Tombodu. Mansaray said that Staff Alhaji himself carried out the amputations while Fofana said it was an officer called Rambo.

¹⁶⁹⁷ TFI-064, Transcript 30 September 2008, pp. 17636-17638.

¹⁶⁹⁸ TFI-064, Transcript 30 September 2008, p. 17636.

¹⁶⁹⁹ The witness said at that “some of the rebels were dressed in combat fatigues while some wore civilian clothing”. TFI-064, Transcript 30 September 2008, p. 17642.

¹⁷⁰⁰ TFI-064, Transcript 30 September 2008, pp. 17641-17644.

¹⁷⁰¹ TFI-064, Transcript 30 September 2008, pp. 17647-17648.

¹⁷⁰² TFI-064, Transcript 30 September 2008, pp. 17649, 17652-17653.

¹⁷⁰³ TFI-064, Transcript 30 September 2008, pp. 17656-17657. The children were killed in Foendor and their heads were taken to Tombodu. See TFI-064, Transcript 30 September 2008, pp. 17652-17653.

¹⁷⁰⁴ TFI-064, Transcript 30 September 2008, pp. 17657.

¹⁷⁰⁵ TFI-064, Transcript 30 September 2008, pp. 17658.





MURDER OR UNLAWFUL KILLINGS

taken to a pit of water.¹⁷⁰⁶ The witness escaped from the rebels at night and went to Kokuima where ECOMOG was stationed.¹⁷⁰⁷

700. Another Prosecution witness Sahr Bindi testified that AFRC/RUF forces first came to Tombodu sometime “between the rainy and dry seasons”.¹⁷⁰⁸ After addressing the citizens and telling them that the AFRC and RUF were in Koidu and that the civilians should not be afraid, the juntas returned to Koidu.¹⁷⁰⁹ Less than a month later, the rebels returned to Tombodu amidst heavy gunfire.¹⁷¹⁰ Bindi said that some of the men had red cloth tied around their heads.¹⁷¹¹ The witness fled and hid in the bush.¹⁷¹² The shooting did not subside until almost evening.¹⁷¹³ When Bindi returned from the bush, he saw two corpses of men who had been shot.¹⁷¹⁴ One man was wearing civilian clothing.¹⁷¹⁵ The other man was known to the witness to be a civilian.¹⁷¹⁶

701. After this incident Sahr Bindi fled to Guinea with his family and only returned to Tombodu a month later when they heard on the radio that ECOMOG had come to Kono District.¹⁷¹⁷ On his way back from Guinea, Bindi was captured by RUF/AFRC fighters¹⁷¹⁸ and taken to their commander called Staff Alhaji in Tombodu.¹⁷¹⁹ Staff Alhaji ordered his men to lock up the witness and his brother saying that the group would be killed the next day.¹⁷²⁰ Towards the evening, Bindi heard people being beaten and pleading on the veranda

¹⁷⁰⁶ TF1-064, Transcript 30 September 2008, pp. 17657, 17658.

¹⁷⁰⁷ Because the witness refers to ECOMOG being stationed in Kokuima, it can be inferred that the killing of the Temne man occurred around April or May 1998. Other witnesses have testified that ECOMOG was in Koikuma in February to May 1998. See Kumba Bindi, Transcript 29 October 2008, p. 19506; Sheku Bah Kuyateh, Transcript 31 October 2008, p. 19715.

¹⁷⁰⁸ Sahr Bindi, Transcript 16 October 2008, pp. 18465-18466.

¹⁷⁰⁹ Sahr Bindi, Transcript 16 October 2008, pp. 18464-18466.

¹⁷¹⁰ Sahr Bindi, Transcript 16 October 2008, pp. 18466-18467.

¹⁷¹¹ Sahr Bindi, Transcript 16 October 2008, p. 18466.

¹⁷¹² Sahr Bindi, Transcript 16 October 2008, p. 18467.

¹⁷¹³ Sahr Bindi, Transcript 16 October 2008, p. 18467.

¹⁷¹⁴ Sahr Bindi, Transcript 16 October 2008, pp. 18467-18468.

¹⁷¹⁵ Sahr Bindi, Transcript 16 October 2008, pp. 18468-18469.

¹⁷¹⁶ Sahr Bindi, Transcript 16 October 2008, pp. 18468-18469.

¹⁷¹⁷ Sahr Bindi, Transcript 16 October 2008, pp. 18480-18481.

¹⁷¹⁸ Describing his captors the witness said that “They had military clothes and a mixed uniform. Some would have the trousers and the civilian clothes and there were others who had the full uniform”. Sahr Bindi, Transcript 16 October 2008, p. 18483.

¹⁷¹⁹ Sahr Bindi, Transcript 16 October 2008, pp. 18482-18485, 18490-18491.

¹⁷²⁰ Sahr Bindi, Transcript 16 October 2008, pp. 18491-18492.

MURDER OR UNLAWFUL KILLINGS

not to be killed¹⁷²¹ but at some point the screaming and pleading subsided.¹⁷²² When the witness came out of the cell, he saw three corpses lying on the ground with ropes tied around their waists and rocks attached to the ropes.¹⁷²³ The corpses were dressed in civilian clothing and appeared to have been beaten.¹⁷²⁴ Bindi and the others taken out of the cell were told to carry the bodies and dump them in an old mining pit that had a large quantity of water in it.¹⁷²⁵ Bindi later learnt that the pit was called "Savage pit".¹⁷²⁶ The witness managed to escape from captivity in the night.¹⁷²⁷

Findings

702. The Trial Chamber finds the evidence of both witnesses above credible and reliable as they each give an eye-witness account of what they saw and heard. Based on the evidence of TF1-064, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between April and May 1998 in Foendor near Tombodu, AFRC/RUF fighters pretending to be ECOMOG, beheaded an unknown number of civilians including two of the witnesses' children and that soon thereafter, an AFRC/RUF fighter named Capay intentionally killed a Temne man in Tombodu by slitting his throat. The Trial Chamber also finds that all the civilians murdered were not taking an active part in the hostilities. The Trial Chamber notes however, that since Foender is a location not pleaded in the Indictment, the evidence relating to the civilian deaths there can only be used to prove the chapeau requirements of the crime of murder and not for guilt.¹⁷²⁸

703. Although Bindi's account of the death of three civilians at Staff Alhaji's veranda is based on circumstantial evidence, the Trial Chamber finds, based on the screams and pleading that Bindi heard; the threats of death made against him; the state of the corpses and the method of their disposal; that the only reasonable inference is that these civilians were murdered by the AFRC/RUF forces under the command of Staff Alhaji, who as the Trial Chamber has noted above, routinely killed civilians and threw their bodies into a pit named

¹⁷²¹ Sahr Bindi, Transcript 16 October 2008, p. 18492.

¹⁷²² Sahr Bindi, Transcript 16 October 2008, p. 18492.

¹⁷²³ Sahr Bindi, Transcript 16 October 2008, pp. 18493-18497.

¹⁷²⁴ Sahr Bindi, Transcript 16 October 2008, p. 18497.

¹⁷²⁵ Sahr Bindi, Transcript 16 October 2008, pp. 18496, 18498.

¹⁷²⁶ Sahr Bindi, Transcript 16 October 2008, p. 18499.

¹⁷²⁷ Sahr Bindi, Transcript 16 October 2008, p. 18501.

¹⁷²⁸ See Preliminary Issues: Issues Relating to the Pleading in the Indictment *supra*.

MURDER OR UNLAWFUL KILLINGS

the “Savage pit”. Accordingly, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between April and May 1998 in Tombodu, AFRC/RUF forces under the command of Staff Alhaji, intentionally killed three civilians who were not taking an active part in the hostilities.

704. The above evidence further illustrates the campaign of terror waged by the AFRC/RUF forces in carrying out indiscriminate abductions and killings of innocent civilians in Kono District around this time. The bizarre practice of beheading victims and forcing civilians to carry the heads in a bag from one place to another, as well as the cruelty of forcing a mother to “laugh” at her own children’s beheading, are acts that demonstrate the brutality of the AFRC/RUF forces. The Trial Chamber finds beyond reasonable doubt that the perpetrators wilfully made the victims the object of such violence and the primary purpose of these killings was to instil terror in the civilian population.

(d) Koidu Geiya or Koidu Gieya**(i) Killings of civilians at Koidu Geiya around May to June 1998**

705. The Trial Chamber heard the evidence of several witnesses regarding the killing of civilians in Koidu Geiya around the period of May to June 1998. These witnesses include Alimamy Bobson Sesay, Alice Pyne and Prosecution Witness TF1-375.

706. Witness Alimamy Bobson Sesay testified that the AFRC/RUF forces based in Gandorhun attacked Koidu Geiya around May or June 1998 and successfully captured it from Kamajors.¹⁷²⁹ Sesay testified that these forces comprising RUF and SLA members were commanded by an RUF commander called Rambo.¹⁷³⁰ In Koidu Geiya, the AFRC/RUF forces captured two Kamajors. Sesay testified that one of the AFRC/RUF forces called Ahchebe slit open one of the Kamajor’s stomach, removed the heart and ate it raw.¹⁷³¹ Because of this, the other AFRC/RUF forces nicknamed Ahchebe “Charma-Raw”, a Krio word meaning “one who eats raw meat”. Sesay told the court that this was done in the presence of Commanders Hassan Papa Bangura, Denis Mingo (a.k.a. Superman) and two other senior commanders, none of whom reprimanded Ahchebe for the killing of the

¹⁷²⁹ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8014.

¹⁷³⁰ Alimamy Bobson Sesay, Transcript 21 April 2008, p. 8060.

¹⁷³¹ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8014.





MURDER OR UNLAWFUL KILLINGS

Kamajor. Mingo merely reprimanded Charma-raw for cannibalism but not for killing the Kamajor.¹⁷³²

707. TF1-375 confirmed that during the period May/June 1998, the AFRC/RUF forces fought against the Kamajors in Koidu Geiya and overpowered them.¹⁷³³ According to TF1-375, the AFRC/RUF forces needed to take control of Koidu Geiya from the Kamajors in order to enable Johnny Paul Koroma to cross through this area on his way to Kailahun.¹⁷³⁴ After defeating the Kamajors and taking control of the area, Superman designated an RUF commander called Rambo to be based in Koidu Geiya. TF1-375 told the court that Rambo ordered his troops to burn down civilian homes, kill civilians and amputate others in order to “make the area fearful”.¹⁷³⁵ TF1-375 was not present when the civilians were allegedly killed, but he learnt of Rambo’s orders being carried out from some of Rambo’s bodyguards including CO Bakarr and one of the AFRC commanders, who came from “Rambo’s ground”.¹⁷³⁶ Soon afterwards, Superman sent the witness to Koidu Geiya to take ammunition to Rambo and that is when TF1-375 saw corpses of civilians, burnt houses and cars and a lot of destruction in Koidu Geiya.¹⁷³⁷

708. Alice Pyne, a radio operator working for the RUF throughout the conflict testified that the RUF used to carry out attacks on civilians, especially in areas where ECOMOG troops were based and where the civilians thought they were safe. When the RUF attacked, the civilians were unable to escape as quickly as ECOMOG.¹⁷³⁸ Pyne told the court that Koidu Geiya was a location where the RUF would run such an operation in 1998 “while the witness was at PC ground and before the death of Sani Abacha”.¹⁷³⁹ Pyne further told the court that the RUF sent a message to her to the effect that they attacked Koidu Geiya, but the

¹⁷³² Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 8014-8015.

¹⁷³³ TF1-375, Transcript 23 June 2008, pp. 12518-12519.

¹⁷³⁴ TF1-375, Transcript 23 June 2008, p. 12518.

¹⁷³⁵ TF1-375, Transcript 23 June 2008, p. 12519.

¹⁷³⁶ TF1-375, Transcript 23 June 2008, pp. 12519-12520.

¹⁷³⁷ TF1-375, Transcript 23 June 2008, p. 12519.

¹⁷³⁸ Alice Pyne, Transcript 18 June 2008, p. 12198.

¹⁷³⁹ Alice Pyne, Transcript 18 June 2008, p. 12198. The Trial Chamber notes according to Agreed Fact No. 11, “In June 1998, Sani Abacha died and was succeeded by Major General Abdulsalami Abubakar”. *Prosecutor v. Taylor*, SCSL-03-1-PT-227, Joint Filing by the Prosecution and Defence Admitted Facts and Law, 26 April 2007, Agreed Fact 11. The Trial Chamber finds accordingly that Pyne’s evidence relates to the period after ECOMOG had arrived in Kono following the Intervention in February 1998 but before June 1998.

MURDER OR UNLAWFUL KILLINGS

message made no mention of any civilian deaths.¹⁷⁴⁰ Pyne told the court that the attack was led by RUF commanders Rambo and Banya because they were the commanders in Gandorhun from where the radio message came.¹⁷⁴¹ Pyne stated that later she heard from Claris, another radio operator based in Gandorhun where the attacking RUF forces had come from, that the forces had indiscriminately killed a lot of civilians in Koidu Geiya, including children.¹⁷⁴²

Findings

709. The Trial Chamber finds the testimony of Alimamy Bobson Sesay more reliable with regard to the attack on Koidu Geiya as it is based on first-hand knowledge of the attack. The testimony of TF1-375 although based partly on hearsay and partly on circumstantial evidence, is also credible and reliable given his aforesaid position in the RUF at that time. Moreover, the destruction of Koidu Geiya that he described seeing, including corpses of civilians, accords with evidence that the Trial Chamber has considered above of the campaign of terror that the AFRC/RUF routinely carried out whenever they wanted to scare off the civilian population. The irresistible inference to be drawn is that the RUF forces that had carried out the attack on Koidu Geiya had deliberately killed these civilians. Pyne's evidence although based largely on hearsay, is corroborated by that of Bobson Sesay and TF1-375. Accordingly, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that during their attack on Koidu Geiya around May/June 1998, AFRC/RUF fighters intentionally caused the deaths of an unknown number of civilians including children and one Kamajor, all of whom were not taking an active part in the hostilities.

710. The evidence establishes that consistent with the rebel Commanders' orders to "make the area fearful", the rebel perpetrators targeted civilians by burning their homes, killing many indiscriminately and amputating others in Koidu Geiya. The bizarre act by one of the rebels ("Charma-Raw") of publicly eating a raw human heart demonstrates the campaign of terror that served as a warning to the civilian population not to oppose the Junta forces. The Trial Chamber finds that the perpetrators wilfully made the victims the object of

¹⁷⁴⁰ Alice Pyne, Transcript 18 June 2008, p. 12199.

¹⁷⁴¹ Alice Pyne, Transcript 18 June 2008, p. 12199.

¹⁷⁴² Alice Pyne, Transcript 18 June 2008. pp. 12198-12200.

MURDER OR UNLAWFUL KILLINGS

such violence and the primary purpose of the killings in Koidu Geiya was to instil terror in the civilian population there.

(e) Koidu Buma(i) Killings of civilians at Koidu Buma around May to June 1998

711. Alimamy Bobson Sesay testified that in May or June 1998¹⁷⁴³ the AFRC/RUF forces in Kono District heard on the radio that ECOMOG forces were in Makeni and were coming to recapture Kono.¹⁷⁴⁴ Immediately after this the AFRC forces under the command of Hassan Papa Bangura and Bazzy travelled from Masingbi and joined Superman's RUF forces at Dabundeh Street. The combined AFRC/RUF forces took the Gandorhun route to go to Koidu Geiya to attack the town.¹⁷⁴⁵ On the way to Koidu Geiya, the group met RUF Rambo, the Deputy Commander of Operations in Koidu Buma.¹⁷⁴⁶ Alimamy Bobson Sesay testified that he saw the corpses of 15 civilians who had been "hacked to death" by RUF Rambo, but he did not witness the actual killings.¹⁷⁴⁷ The witness explained that RUF Rambo had gone ahead of the other fighters and was waiting for them at Koidu Buma.¹⁷⁴⁸ RUF Rambo explained to the witness and the other commanders including Hassan Papa Bangura and Superman, that he killed the civilians and displayed their bodies in the street in order "to create fear so that no civilians would come to that area".¹⁷⁴⁹

Findings

712. The Trial Chamber finds the evidence of Alimamy Bobson Sesay regarding the deaths of the 15 civilians in Koidu Buma, credible and reliable, as it is based on the corpses of civilians he saw and the explanation given by Rambo. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in May/June 1998, and with the approval of Commanders Hassan Papa Bangura, Bazzy and Superman, RUF Rambo intentionally caused the death of 15 civilians during an attack on Koidu Buma, all of whom were not taking an active part in the hostilities.

¹⁷⁴³ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8059.

¹⁷⁴⁴ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8012.

¹⁷⁴⁵ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 8012, 8014.

¹⁷⁴⁶ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 8012-8013.

¹⁷⁴⁷ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 8012-8013.





MURDER OR UNLAWFUL KILLINGS

713. The evidence establishes that, consistent with the rebel commanders' orders to "make the area fearful", the aim of the rebel commander known as RUF Rambo in targeting these 15 civilians and displaying their corpses in the street was "to create fear so that no civilian would come to that area". The Trial Chamber finds that the perpetrator wilfully made the victims the object of such violence and the primary purpose of the killings in Koidu Buma was to instil terror in the civilian population there.

(f) Yengema(i) Killings of civilians at Yengema around March/April 1998

714. Witness Alimamy Bobson Sesay testified that in March or April 1998¹⁷⁵⁰ AFRC/RUF forces led by a commander called Tito attacked Yengema and completely burned the town down, killed every civilian they found there, and displayed the corpses and human heads on sticks at various checkpoints.¹⁷⁵¹ Alimamy Bobson Sesay testified that he learned of the attack and killings while on patrol in Yengema with Commander Bomb Blast.¹⁷⁵² Commander Tito explained to the Witness and Bomb Blast that some civilians escaped and had their houses set on fire, while others were captured and those amongst the captives who were "not strong enough" were killed.¹⁷⁵³ The witness also told the court that whenever he would go on patrol with this commander throughout Kono District, the AFRC/RUF forces would tell them that the burning of houses and killing of civilians was "a daily affair" and "an organised command".¹⁷⁵⁴

Findings

715. Based on his aforesaid position within the AFRC/RUF forces; what he was told during the patrols and the explanation he was given by Commander Tito, the Trial Chamber finds the evidence of Alimamy Bobson Sesay credible and reliable. The Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in March/April 1998 during an attack on Yengema, AFRC/RUF forces under the command of Tito and with the approval of

¹⁷⁴⁸ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8013.

¹⁷⁴⁹ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 8013.

¹⁷⁵⁰ Alimamy Bobson Sesay, Transcript 21 April 2008, p. 8058.

¹⁷⁵¹ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7988, 7991-7992.

¹⁷⁵² Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7988.

¹⁷⁵³ Alimamy Bobson Sesay, Transcript 18 April 2008, p. 7990.





MURDER OR UNLAWFUL KILLINGS

patrol commander Hassan Papa Bangura (a.k.a. Bomb Blast), intentionally caused the death of an unknown number of civilians, all of whom were not taking an active part in the hostilities.

716. The evidence establishes that consistent with the orders of their superior commanders to “make the area fearful”, the AFRC/RUF forces routinely mounted attacks upon civilians in many towns within Kono District including Yengema, which attacks involved burning of houses and killing of civilians, and the macabre practice of displaying dead bodies and human heads on sticks was an integral part of these attacks. The Trial Chamber finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the killings in Yengema was to instil terror in the civilian population there.

(ii) Killing of civilians at the Yengema Training base between December 1998 and January 2000

717. Prosecution Witness TF1-362, testified that the more than 100 trainees at the Yengema Base comprised civilian recruits transferred from the Bunumbu base as well as civilians captured by Superman, Morris Kallon and Rambo around Koidu Town.¹⁷⁵⁵ Other commanders at the Yengema Base included Issa Sesay, Denis Mingo, Richard Cooper, David Kanneh and a “Black guard” called Mohammed.¹⁷⁵⁶ TF1-362 told the court that civilian deaths were a regular occurrence at the base and that reports of the deaths were regularly made to General Issa Sesay, usually through radio communication and written records thereof kept.¹⁷⁵⁷ Recruits of all ages died during the rigorous physical training known as “halaka”¹⁷⁵⁸ or “crawling” and other recruits who attempted to escape from the training base were captured and either killed or had the letters “RUF” carved on their foreheads or chests using a knife or broken bottle.¹⁷⁵⁹ TF1-362 explained that Issa Sesay gave the order that any civilian recruit attempting to escape should be killed in order to deter

¹⁷⁵⁴ Alimamy Bobson Sesay, Transcript 18 April 2008, pp. 7988-7989.

¹⁷⁵⁵ TF1-362, Transcript 27 February 2008, p. 4917 (CS).

¹⁷⁵⁶ TF1-362, Transcript 27 February 2008, pp. 4917-4919(CS).

¹⁷⁵⁷ TF1-362, Transcript 28 February 2008, p. 4923 (CS).

¹⁷⁵⁸ Describing the training called “halaka” the witness told the court that the trainers would shoot live bullets over the heads of the recruits as the latter crawled and that many recruits were accidentally shot to death in this way. TF1-362, Transcript 27 February 2008, p. 4846 (CS).

¹⁷⁵⁹ TF1-362, Transcript 28 February 2008, pp. 4927-4929 (CS).





MURDER OR UNLAWFUL KILLINGS

the others from escaping.¹⁷⁶⁰ She further explained that recruits were “marked” with the letters “RUF” so that wherever they went, they would be easily identified, and also to scare off others from attempting to escape.¹⁷⁶¹

718. TF1-362 testified that on one occasion when General Issa Sesay was the over all commander of the RUF, six recruits including a child soldier or SBU, were caught attempting to escape from Yengema base. Upon receiving the witness’s report of the attempted escape, Issa Sesay ordered the witness to kill all six recruits but the witness hesitated, pleading that the younger ones amongst them should be spared. The Black Guards at the training base reported the witness to Issa Sesay who took her to task for disobeying his orders. Issa Sesay’s bodyguards summarily executed three of the errant recruits and the Black Guards killed the other two. One child soldier (SBU) was spared because of his tender age. After this incident, the SBU was nicknamed “Long life”.¹⁷⁶²

719. TF1-362 also testified that the RUF forces at Yengema Training base would go on “food-finding missions” in surrounding villages whereby they would attack civilians and rob them of their food. Civilians who would resist were shot or beaten to death and their food taken.¹⁷⁶³

720. Mustapha Mansaray, a member of the Internal Defence Unit of the RUF from 1994 to 1999, testified that while serving at Ngaiya in Kono District,¹⁷⁶⁴ he heard from miners who used to go to Yengema that Issa Sesay killed recruits at the Yengema training base.¹⁷⁶⁵ Mansaray stated that his colleague, Pa Kosia, a general security officer for the RUF,¹⁷⁶⁶ investigated the allegations and asked Issa Sesay about the deaths of recruits at Yengema. Pa Kosia told Mansaray that Issa Sesay told him that if he pursued the questioning then he too would be punished.¹⁷⁶⁷ Mansaray also testified that Pa Kosia told Mansaray that the training

¹⁷⁶⁰ TF1-362, Transcript 28 February 2008, p. 4929 (CS).

¹⁷⁶¹ TF1-362, Transcript 28 February 2008, p. 4927 (CS).

¹⁷⁶² TF1-362, Transcript 28 February 2008, p. 4929 (CS).

¹⁷⁶³ TF1-362, Transcript 27 February 2008, pp. 4904-4905 (CS).

¹⁷⁶⁴ Mustapha Mansaray, Transcript 4 March 2008, p. 5235 stated that he served as RUF mining commander in Ngaiya from January to June 2001.

¹⁷⁶⁵ Mustapha Mansaray, Transcript 5 March 2008, pp. 5354-5355.

¹⁷⁶⁶ Mustapha Mansaray, Transcript 5 March 2008, p. 5356.

¹⁷⁶⁷ Mustapha Mansaray, Transcript 5 March 2008, pp. 5354-5355.

MURDER OR UNLAWFUL KILLINGS

commander at Yengema training base confirmed to Pa Kosia that Issa Sesay came to the base and killed several recruits and that his bodyguards also shot some of the recruits.¹⁷⁶⁸

Findings

721. Based on her position in the RUF and particularly at Yengema training base, the Trial Chamber finds the evidence of TF1-362 relating to the mistreatment and killing of civilians at the training base, credible and reliable. That evidence establishes that civilian recruits of all ages were regularly mistreated by the RUF trainers at the Yengema base and that many died in the course of training as a result of this mistreatment. The evidence of Mustapha Mansaray, although based on hearsay, confirms the account of TF1-362, who was present at Yengema training base when five civilian recruits were shot to death for attempting to escape. Accordingly, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between the end of 1998 and the disarmament in 2000 at Yengema training base, Issa Sesay and his body guards intentionally executed five civilians. The Trial Chamber further finds that the Prosecution has proved beyond reasonable doubt that RUF forces under the command of Issa Sesay and Sam Bockarie regularly intentionally killed civilian recruits at Yengema training base as a form of punishment for attempting to escape or during food finding missions. The Trial Chamber also finds that these civilians were not taking an active part in the hostilities.

722. Furthermore, the evidence shows that the execution of civilians caught trying to escape from the training base, or those trying to protect their food from being looted by the fighters, served as a warning to those who would dare to disobey the RUF fighters. The Trial Chamber finds that the perpetrators wilfully made the victims the object of such violence and the purpose of the killings at the Yengema Training base was to instil terror amongst the civilian population, thereby ensuring the continued loyalty of the abducted trainees.

(g) Paema or Peyima(i) Killings of civilians in Paema around March/April 1998

723. Witness Ibrahim Fofana lived with his family in Paema Town, Kono District in February 1998.¹⁷⁶⁹ Fofana testified that a "squad of soldiers"¹⁷⁷⁰ arrived in Paema Town in

¹⁷⁶⁸ Mustapha Mansaray, Transcript 5 March 2008, pp. 5355-5356.





MURDER OR UNLAWFUL KILLINGS

February 1998 and forcibly took people's property, in what the soldiers called "Operation Pay Yourself".¹⁷⁷¹ Fofana stated that the "soldiers" left Paema for Sefadu for an unspecified period of time and later returned.¹⁷⁷² When the soldiers¹⁷⁷³ returned, Fofana heard them say "Today there will not be any living thing". He heard the soldiers refer to "Operation No Living Thing".¹⁷⁷⁴ The witness stated that the soldiers killed three civilians whom he knew well, namely, Ali Bangali, Sori and Pa Janneh.¹⁷⁷⁵ Fofana testified that Ali Bangali was a farmer and that he was shot dead while making bricks for his house because he refused to give the soldier money or diamonds.¹⁷⁷⁶

724. After the burial of Ali Bangali, Fofana heard a gunshot from the market area¹⁷⁷⁷ and when he went to check, he found the body of Sori, a caterpillar operator, lying in a pool of blood.¹⁷⁷⁸ Fofana testified that as he and his family were fleeing from Paema, he saw the corpse of Pa Janneh, a security man who used to guard the caterpillar, on the road going to Sandor.¹⁷⁷⁹ Fofana helped to bury all three "useful civilians" after the assailants had left the Town.¹⁷⁸⁰

725. Fofana further told the court that after the death of the three civilians, he fled with his family towards the Guinea border where they took refuge for about a month and a half.¹⁷⁸¹ He returned with his family to Paema on hearing over the BBC that ECOMOG forces had overcome the fighters and were calling all citizens of Paema to return and to take care of their property.¹⁷⁸² Fofana stated that when they returned to Paema, they were ambushed by soldiers wearing military uniforms.¹⁷⁸³ Fofana and four other men were captured by soldiers

¹⁷⁶⁹ Ibrahim Fofana, Transcript 27 October 2008, p. 19316.

¹⁷⁷⁰ The witness stated that the soldiers who attacked Paema were armed with guns and were dressed in the military uniform worn by the Sierra Leone Army. Ibrahim Fofana, Transcript 27 October 2008, p. 19319.

¹⁷⁷¹ Ibrahim Fofana, Transcript 27 October 2008, p. 19318.

¹⁷⁷² Ibrahim Fofana, Transcript 27 October 2008, pp. 19320-19322.

¹⁷⁷³ The witness stated that the soldiers who returned to Paema also wore military uniform and carried guns. Ibrahim Fofana, Transcript 27 October 2008, p. 19323.

¹⁷⁷⁴ Ibrahim Fofana, Transcript 27 October 2008, p. 19322.

¹⁷⁷⁵ Ibrahim Fofana, Transcript 27 October 2008, pp. 19323-19324.

¹⁷⁷⁶ Ibrahim Fofana, Transcript 27 October 2008, pp. 19324-19325.

¹⁷⁷⁷ Ibrahim Fofana, Transcript 27 October 2008, p. 19325.

¹⁷⁷⁸ Ibrahim Fofana, Transcript 27 October 2008, p. 19325.

¹⁷⁷⁹ Ibrahim Fofana, Transcript 27 October 2008, p. 19326.

¹⁷⁸⁰ Ibrahim Fofana, Transcript 27 October 2008, p. 19326.

¹⁷⁸¹ Ibrahim Fofana, Transcript 27 October 2008, p. 19328.

¹⁷⁸² Ibrahim Fofana, Transcript 27 October 2008, p. 19328.

¹⁷⁸³ Ibrahim Fofana, Transcript 28 October 2008, p. 19334.





MURDER OR UNLAWFUL KILLINGS

and taken to Tombodu.¹⁷⁸⁴ Fofana's children,¹⁷⁸⁵ his Aunt Isatu Bangura, and his mother called Mammy Isatu were also captured and burnt alive by the soldiers.¹⁷⁸⁶

726. In cross-examination, the Defence tendered into evidence a video filmed at Connaught Hospital in Freetown in 1998 wherein Ibrahim Fofana was interviewed about his experience during the war.¹⁷⁸⁷ In the interview, when asked by the interviewer what happened to his wife and children, Fofana answered that he "left them in the bush when those guys went and attacked us".¹⁷⁸⁸ He did not mention his children or his aunt having been burnt alive.¹⁷⁸⁹ Explaining this apparent inconsistency in cross-examination, Fofana stated that he forgot to mention the fate of his family because "he was not in a good state of mind when he was being interviewed for the video".¹⁷⁹⁰

727. Ibrahim Fofana was also featured in Exhibit P-014, an excerpt from the documentary "Blood Diamonds". In this second interview, Fofana did say that his wife and children were burnt alive, but indicated that he had learned this later.¹⁷⁹¹

728. The Trial Chamber has also taken into consideration the Amnesty International Report Exhibit P-078 which describes "Operation No Living Thing".¹⁷⁹²

Findings

729. Ibrahim Fofana is a witness who suffered much physical and emotional trauma during the conflict, arising from the double amputations he sustained and the loss of his mother and children, amongst others. The Trial Chamber finds his evidence credible and compelling, notwithstanding the inconsistencies therein raised by the Defence. Those inconsistencies were well explained by the witness in cross-examination. Fofana's

¹⁷⁸⁴ Ibrahim Fofana, Transcript 28 October 2008, p. 19334.

¹⁷⁸⁵ The witness stated that the children who died in the fire included a daughter Kadiatu Fofana and two sons, Mohammed Fofana and Dauda Fofana. Ibrahim Fofana, Transcript 28 October 2008, p. 19350.

¹⁷⁸⁶ Ibrahim Fofana, Transcript 28 October 2008, pp. 19334-19336.

¹⁷⁸⁷ Exhibit D-072, "Video File - Interview of TFI-216 Taken at Connaught Hospital".

¹⁷⁸⁸ Exhibit D-072B, "Witness TFI-216, 28 October 2008, English Interpretation of Exhibit D-72"; Ibrahim Fofana, Transcript 28 October 2008, p. 19359.

¹⁷⁸⁹ Exhibit D-072B, "Witness TFI-216, 28 October 2008, English Interpretation of Exhibit D-72"; Ibrahim Fofana, Transcript 28 October 2008, pp. 19358-19359.

¹⁷⁹⁰ Ibrahim Fofana, Transcript 28 October 2008, pp. 19362-19363.

¹⁷⁹¹ Exhibit P-014, "Video Clip No. 4".

¹⁷⁹² Exhibit P-078, "Sierra Leone - 1998 - A Year of Atrocities Against Civilians, Amnesty International Report", p. 11.

MURDER OR UNLAWFUL KILLINGS

description of “Operation No Living Thing” is corroborated by the account given by Amnesty International in their report cited previously. Based on that testimony, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that around March/April 1998, rebel soldiers of the AFRC/RUF who attacked Paema intentionally killed a number of civilians including Ali Bangali, Sori, Pa Janneh, Mammy Isatu, Isatu Bangura, Kadiatu Fofana, Mohammed Fofana and Dauda Fofana, all of whom were not taking an active part in the hostilities.

730. The above evidence establishes that the perpetrators went on a rampage in the villages, indiscriminately looting civilian property and killing innocent civilians, in accordance with superior orders by rebel commanders to leave “no living thing” in the area. The Trial Chamber accordingly finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the murder of civilians at Paema was to instil terror in the civilian population there.

(h) Bomboafuidu(i) Killings of civilians in Bomboa Fuidu around March/April 1998

731. Prosecution witness Musa Koroma was living in Bomboafuidu, Kono District at the start of the rainy season of 1998.¹⁷⁹³ He testified that during the remainder of the rainy season he and other civilians from Bomboafuidu hid in the bush after being warned that rebels were approaching the village.¹⁷⁹⁴ The warning was delivered by one Gbessey Sesay who had just had one of his hands amputated by the rebels.¹⁷⁹⁵ After spending two months in hiding,¹⁷⁹⁶ Koroma and about 20 other civilians went back to Bomboafuidu to “clear the road for ECOMOG”. While sleeping at night, the witness and his friend Sheku Mansaray were awakened by two armed men, one of whom wore a combat uniform and the other, native Kamajor dress. The two men described themselves as “saviours who had come to save the civilians of Bomboafuidu”.¹⁷⁹⁷ The rebels, numbering about 50, gathered a number

¹⁷⁹³ Musa Koroma, Transcript 15 February 2008, pp. 3959-3960.

¹⁷⁹⁴ Musa Koroma, Transcript 15 February 2008, pp. 3960-3963.

¹⁷⁹⁵ Musa Koroma, Transcript 15 February 2008, pp. 3961-3962.

¹⁷⁹⁶ Musa Koroma, Transcript 15 February 2008, p. 3962.

¹⁷⁹⁷ Musa Koroma, Transcript 15 February 2008, p. 3964.





MURDER OR UNLAWFUL KILLINGS

of civilians including the witness on the veranda of a house belonging to one Alhaji Tejan Cole and told the civilians that they were “going to perform a sacrifice for the civilians”.¹⁷⁹⁸

732. Koroma testified that he and the other civilians were forced to watch as three rebels laid a Limba woman on the floor, held her down and slit her throat until she died.¹⁷⁹⁹ Koroma testified that the Limba woman was “aged” and that he had known her for a long time because they had lived together in the same village.¹⁸⁰⁰ He further testified that before the rebels left, they ordered the civilians to strip naked and forced the men to have sexual intercourse with the women as the rebels watched. The rebels then flogged the women and amputated or mutilated approximately 20 civilians, including the witness. The rebels told the amputees to “go and tell President Tejan Kabbah to give them new hands and feet”.¹⁸⁰¹ The rebels also told the civilians to leave the village and that “if they come back next time and meet us in the village, they will kill all of us”.¹⁸⁰² Koroma told the court that as he and the other amputees walked on foot for several days to Njiama Sewafe to seek medical help from ECOMOG, two of the amputees died along the way from their injuries.¹⁸⁰³

733. The Trial Chamber also admitted in evidence the transcript of the testimony of Alhaji Tejan Cole from the AFRC trial.¹⁸⁰⁴ In his prior testimony Cole, who was a resident of Bomboafuidu in April 1998, confirmed that he was present during the events described by Musa Koroma. His prior testimony corroborates that of Koroma in all material respects. At the veranda of his father’s house the rebels gathered the civilians on the night of Saturday, 12 April 1998.¹⁸⁰⁵ He testified that the rebels, numbered over 200,¹⁸⁰⁶ were armed with guns and RPGs and had boxes of ammunition carried by civilians for them.¹⁸⁰⁷ Some rebels wore full combat uniform, while others wore a mixture of combat trousers and a civilian

¹⁷⁹⁸ Musa Koroma, Transcript 15 February 2008, pp. 3966-3968.

¹⁷⁹⁹ Musa Koroma, Transcript 15 February 2008, pp. 3966-3969.

¹⁸⁰⁰ Musa Koroma, Transcript 15 February 2008, p. 3967.

¹⁸⁰¹ Musa Koroma, Transcript 15 February 2008, p. 3987.

¹⁸⁰² Musa Koroma, Transcript 15 February 2008, p. 3990.

¹⁸⁰³ Musa Koroma, Transcript 15 February 2008, p. 3993.

¹⁸⁰⁴ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19663-19737 (“prior testimony”).

¹⁸⁰⁵ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, p. 19673. It should be noted that 12 April 1998 was a Sunday.

¹⁸⁰⁶ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, p. 19677.

¹⁸⁰⁷ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19673, 19677.





MURDER OR UNLAWFUL KILLINGS

“polo”.¹⁸⁰⁸ The rebels spoke in a variety of languages including Krio, Mende and “Liberian accents”.¹⁸⁰⁹ They also had several child soldiers amongst their ranks.¹⁸¹⁰

734. Alhaji Tejan Cole confirmed how the rebels killed an old Limba woman calling it “a sacrifice”.¹⁸¹¹ how the rebels forced seven civilian men to have sex with seven civilian women,¹⁸¹² and how the rebels amputated several civilians including the witness, Musa, Mohammed, Sheku, Musa Marrah, Adama, Alfa Kabia, Ibrahim, Mohamed Kanu, Abdul Kargbo, Pa Osman, Abdul Rahan, Sahr Aruna, Sahr Lebbie and Idrissa Gborie.¹⁸¹³ He also confirmed that the rebels told the amputees to “go and tell President Tejan Kabbah to give them new hands”.¹⁸¹⁴ Cole testified that when the events occurred Cole stated that during the amputations, a civilian named Pa Saiyo resisted and was immediately killed by the rebels.¹⁸¹⁵

Findings

735. The Trial Chamber finds the evidence of witnesses Musa Koroma and Alhaji Tejan Cole credible and reliable. The witnesses corroborate each other in all material respects. That evidence shows that the rebels deliberately targeted and killed a number of civilians including an old Limba woman, one Pa Saiyo and two amputees who died on their way to seek help. The Trial Chamber also finds that the victims were not taking an active part in the hostilities. Based on the evidence of the manner of dress and languages spoken by the rebels, the Trial Chamber finds that the perpetrators were a mixed group of AFRC/RUF rebels. Accordingly, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that in April 1998 during an attack on Bomboa Fuidu, AFRC/RUF rebels intentionally caused the death of several civilians including an old Limba woman, one Pa Saiyo and two amputees, all of whom were not taking an active part in hostilities.

¹⁸⁰⁸ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19674, 19677.

¹⁸⁰⁹ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19675, 19678.

¹⁸¹⁰ The witness stated that he saw more than six small boys aged 12 years, dressed in combat and armed with guns, amongst the rebels. Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, p. 19692.

¹⁸¹¹ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19679-19681.

¹⁸¹² Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19682-19684.

¹⁸¹³ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19685-19692.

¹⁸¹⁴ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, p. 19691.

¹⁸¹⁵ Exhibit P-202, “Alhaji Tejan Cole, AFRC Transcript 28 June 2005”, pp. 19688.

MURDER OR UNLAWFUL KILLINGS

736. The Trial Chamber further finds that the manner of the rebel attack, often surprising civilians at night when they were asleep in their homes; the indiscriminate killings, including the ritualistic murder of a helpless old woman; and the indiscriminate amputation of innocent civilians accompanied by sarcastic messages to “President Kabbah to give them new arms”, are all acts that demonstrate the campaign of terror waged by the rebel forces against the civilian population. The Trial Chamber finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the murders in Bomboa Fuidu was to instil terror in the civilian population there.

(i) Njaima Nimikoro or Nimikoro(i) Killing of civilians in Nimikoro between February and June 1998

737. The Trial Chamber considered the following evidence of civilian killings in Nimikoro. Witness Perry Kamara, an RUF radio operator was with the RUF forces based at “Superman ground”¹⁸¹⁶ in Kono District from where they launched an attack on Nimikoro and surrounding areas “sometime in 1998 before the death of President Sani Abacha of Nigeria”.¹⁸¹⁷ Kamara testified that while he was based at Superman ground, he attended a parade where Morris Kallon addressed the RUF forces and gave them a message from Sam Bockarie that “they should try and make Kono District fearful to ECOMOG so that they could not base there”.¹⁸¹⁸ Morris Kallon also appointed CO Rocky as commander over the attack. Kamara explained that “making the area fearful” entailed “destruction of life and property, where there will be killings, amputations, burning of houses, destruction of bridges, setting up road blocks. All those things would happen and that will have made the area fearful”.¹⁸¹⁹ He further explained that the amputated civilians were to be sent to ECOMOG with a message to “keep their hands off the war”.¹⁸²⁰ Kamara testified that the RUF forces that attacked Nimikoro and its surrounding areas reported that they had killed civilians, amputated others and burnt most of the town in accordance with Bockarie’s

¹⁸¹⁶ Perry Kamara Transcript 5 February 2008, p. 3149.

¹⁸¹⁷ Perry Kamara, Transcript 5 February 2008, pp. 3154-3155. Sani Abacha died in June 1998. *Prosecutor v. Taylor*, SCSL-03-1-PT-227, Joint Filing by the Prosecution and Defence Admitted Facts & Law, 26 April 2007, Agreed Fact 11.

¹⁸¹⁸ Perry Kamara, Transcript 5 February 2008, p. 3150.

¹⁸¹⁹ Perry Kamara, Transcript 5 February 2008, p. 3150.

¹⁸²⁰ The witness quoted a Krio expression frequently used by the rebels, namely, “Pul yu an pa di war”, meaning “take your hands off the war”. Perry Kamara, Transcript 5 February 2008, p. 3154.





MURDER OR UNLAWFUL KILLINGS

orders.¹⁸²¹ Kamara also testified that the RUF forces were based in Nimikoro “for some time”.¹⁸²²

738. In April 1998,¹⁸²³ Emmanuel Bull was abducted with other members of his family, including his father, by members of the AFRC/RUF and taken to Njaima Nimikoro where he stayed for approximately one week.¹⁸²⁴ In Njaima Nimikoro, the AFRC/RUF set up a kind of headquarters at the home of Emmanuel Bull’s grandfather¹⁸²⁵ and reported to a commander called Bai Bureh.¹⁸²⁶ One morning, the AFRC/RUF declared that they “did not want any grandpa or old person at their headquarters and that everybody around must be active”.¹⁸²⁷ The AFRC/RUF assembled the old men and women amongst the captured civilians, stating that they were going to take them to Bumpe.¹⁸²⁸ Bull learned from an AFRC/RUF member named Esther Koroma, who he had befriended, that this was a false plan and that, in reality, the AFRC/RUF forces were going to kill the older civilians including the witness’s father.¹⁸²⁹ Esther helped Bull’s father escape from the group.¹⁸³⁰ About five AFRC/RUF members, including Cobra and Bobby, took about six or seven of the older men, including Pa Mansaray, a friend of Bull’s father, away in the direction opposite to Bumpe.¹⁸³¹ After approximately three to five minutes, Bull heard two gun shots and approximately five minutes later, Bobby and Cobra returned.¹⁸³² The older men were never seen again.¹⁸³³ Later the witness heard Cobra and Bobby bragging that they had lined the old men in two straight lines and used a single bullet to shoot through each line.¹⁸³⁴

Findings

¹⁸²¹ Perry Kamara, Transcript 5 February 2008, p. 3152.

¹⁸²² Perry Kamara, Transcript 5 February 2008, p. 3152.

¹⁸²³ Emmanuel Bull, Transcript 25 September 2008, pp. 17280-17281.

¹⁸²⁴ Emmanuel Bull, Transcript 25 September 2008, p. 17289.

¹⁸²⁵ Emmanuel Bull, Transcript 25 September 2008, p. 17281.

¹⁸²⁶ Emmanuel Bull, Transcript 25 September 2008, pp. 17281-17283.

¹⁸²⁷ Emmanuel Bull, Transcript 25 September 2008, p. 17292.

¹⁸²⁸ Emmanuel Bull, Transcript 25 September 2008, pp. 17291-17292.

¹⁸²⁹ Emmanuel Bull, Transcript 25 September 2008, p. 17292.

¹⁸³⁰ Emmanuel Bull, Transcript 25 September 2008, pp. 17292-17293.

¹⁸³¹ Emmanuel Bull, Transcript 25 September 2008, pp. 17293-17294.

¹⁸³² Emmanuel Bull, Transcript 25 September 2008, p. 17295.

¹⁸³³ Emmanuel Bull, Transcript 25 September 2008, p. 17294.

¹⁸³⁴ Emmanuel Bull, Transcript 25 September 2008, p. 17295





MURDER OR UNLAWFUL KILLINGS

739. The Trial Chamber is of the view that by virtue of his position as radio operator, Perry Mohammed was in a position to receive regular reports on the activities of the RUF forces that were based in Kono District after the ECOMOG Intervention. Thus although his evidence is based on reports and messages that he received from the fighters rather than on his own participation in the RUF operations in Nimikoro, the Trial Chamber finds that evidence credible and reliable. That evidence shows that the RUF forces in Nimikoro, like their colleagues elsewhere in Kono District, carried out a terror campaign against the civilian population in Nimikoro which involved the killing of civilians. The Trial Chamber also finds the evidence of Emmanuel Bull regarding the murder of seven old persons by the AFRC/RUF forces at Njaima Nimikoro, also credible and reliable. Although essentially circumstantial, his account leads to one reasonable conclusion that the seven senior citizens were murdered. Based on this evidence, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that members of the AFRC/RUF that attacked Njaima Nimikoro around April 1998, acting in accordance with the orders of their commanders including Sam Bockarie, Morris Kallon, CO Rocky, Cobra and Bobby, intentionally killed an unknown number of civilians, including seven senior citizens, all of whom were not taking an active part in the hostilities.

740. The Trial Chamber further finds that in wantonly murdering innocent civilians, carrying out amputations and destroying civilian property in Nimikoro, the perpetrators were carrying out the orders of their superior commanders to “make the area fearful”. The Trial Chamber finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the murder of civilians at Nimikoro or Njaima Nimikoro was to instil terror in the civilian population there.

(j) Mortema(i) Killing of civilians in Mortema (or Motema) between February and June 1998

741. The Trial Chamber has considered the following evidence relating to killings in Mortema. Prosecution Witness TF1-375 estimates that it was about three months after the ECOMOG Intervention in Freetown that the AFRC/RUF forces attacked Mortema.¹⁸³⁵ The witness told the court that the attack on Mortema was led by a commander called “Short Bai

¹⁸³⁵ TF1-375, Transcript 23 June 2008, p. 12517.

MURDER OR UNLAWFUL KILLINGS

Bureh” and that before the attack he was given orders by senior officers in Kono at that time, including Superman, Gullit, Isaac Mongor and others¹⁸³⁶ to “go and make the area fearful”.¹⁸³⁷ The witness explained that to the RUF, making an area “fearful” meant “to kill civilians, burn houses and to instil fear into ECOMOG, or any other opposing troop that would want to get into that area easily”.¹⁸³⁸ The witness testified that when the AFRC/RUF attacked Mortema, there were only civilians there and no opposing force.¹⁸³⁹

742. Although he himself did not participate in the Mortema attack, TF1-375 testified that after the AFRC/RUF forces returned from Mortema, Short Bai Bureh directly called Superman over the RUF radio and gave him a report of the destruction that they had carried out on Mortema. The witness was present in the radio room with Superman and heard the report.¹⁸⁴⁰ The witness further told the court that when the RUF forces returned from Mortema, some of his friends amongst them told the witness what had happened there and even brought some girls with them as their “wives”.¹⁸⁴¹ In his testimony, TF1-375 did not specifically attest to civilian killings in Mortema.

743. Another Prosecution witness, Samuel Bull, was in Mortema on 21 April 1998 when the AFRC/RUF or “People’s Army” attacked.¹⁸⁴² The witness and his family hid in Fakoyia bush for almost two months.¹⁸⁴³ On 5 May 1998 the witness and his family returned to Mortema after hearing on the BBC Radio that ECOMOG had taken control of the area including Njaiama Nimikoro, Sewafe and Mortema. The witness found a lot of houses burnt in Mortema except one big building on the main Masingbi Highway where the witness and his family settled along with approximately 50 civilians.¹⁸⁴⁴ On the night of 12 June 1998, “rebels” attacked Mortema again.¹⁸⁴⁵ Samuel Bull observed fighting between ECOMOG troops and the rebels from the window of the house, and saw that the ECOMOG forces had

¹⁸³⁶ TF1-375, Transcript 23 June 2008, p. 12511.

¹⁸³⁷ TF1-375, Transcript 23 June 2008, p. 12510.

¹⁸³⁸ TF1-375, Transcript 23 June 2008, p. 12510.

¹⁸³⁹ TF1-375, Transcript 23 June 2008, p. 12510.

¹⁸⁴⁰ TF1-375, Transcript 23 June 2008, p. 12510.

¹⁸⁴¹ TF1-375, Transcript 23 June 2008, p. 12510.

¹⁸⁴² Samuel Bull, Transcript 24 September 2008, pp. 17062-17063.

¹⁸⁴³ Samuel Bull, Transcript 24 September 2008, p. 17064. The witness explained that Fakoyia is about 3 miles from Mortema.

¹⁸⁴⁴ Samuel Bull, Transcript 24 September 2008, pp. 17113-17114.

¹⁸⁴⁵ Samuel Bull, Transcript 24 September 2008, pp. 17113-17114.

MURDER OR UNLAWFUL KILLINGS

begun to retreat.¹⁸⁴⁶ An RUF fighter entered the house where Bull was and shot dead an old woman called Ma Gbojo.¹⁸⁴⁷ The witness escaped through the window and hid in a banana plantation approximately 45 feet from the house.¹⁸⁴⁸ From the banana plantation, Samuel Bull saw the rebels gather all the other civilians who had remained in the house, line them outside and shoot them.¹⁸⁴⁹ The witness testified that in the morning he saw the bodies of 21 civilians killed in his neighbourhood including 17 who were killed at his house.¹⁸⁵⁰ Amongst the dead were six of his family members.¹⁸⁵¹ The witness participated in burying the 21 civilians in a mass grave after ECOMOG arrived and drove away the rebels.¹⁸⁵² The witness later learned that the rebel commander who led the attack in which the 21 civilians were killed was called Lt. Col. Fixo Bio.¹⁸⁵³

744. The testimony of Samuel Bull is corroborated by that of Tamba Mondeh, one of many civilians who took refuge at Samuel Bull's house. Tamba Mondeh initially fled his home village of Mortema and hid in the bush with his family¹⁸⁵⁴ on hearing reports from various villages in Kono District that "rebels were killing and mutilating people".¹⁸⁵⁵ While in hiding he heard that "ECOMOG had gone to Freetown and they've come again to Nimikoro up to Motema and from Motema they went to Yengema and from there they also captured Koidu and were in Njaiama Nimikoro".¹⁸⁵⁶ Encouraged by these reports, the witness and his family returned to Mortema.¹⁸⁵⁷ On arrival, the witness stayed in a storeyed

¹⁸⁴⁶ Samuel Bull, Transcript 24 September 2008, p. 17115.

¹⁸⁴⁷ Samuel Bull, Transcript 24 September 2008, p. 17116.

¹⁸⁴⁸ Samuel Bull, Transcript 24 September 2008, pp. 17117, 17119.

¹⁸⁴⁹ Samuel Bull, Transcript 24 September 2008, pp. 17119-17124.

¹⁸⁵⁰ Samuel Bull, Transcript 24 September 2008, p. 17124.

¹⁸⁵¹ The witness named his family members as Aiah Sandy, Dorcos Sandy, Sia Sandy, Ma Gbojo, Komba Modeneh and Kadiatu Lebbie.

¹⁸⁵² Samuel Bull, Transcript 24 September 2008, p. 17124.

¹⁸⁵³ Samuel Bull, Transcript 24 September 2008, pp. 17126-17127.

¹⁸⁵⁴ Tamba Mondeh, Transcript 29 September 2008, pp. 17438-17445.

¹⁸⁵⁵ Tamba Mondeh, Transcript 29 September 2008, pp. 17439-17444.

¹⁸⁵⁶ Tamba Mondeh, Transcript 29 September 2008, p. 17445.

¹⁸⁵⁷ Tamba Mondeh, Transcript 29 September 2008, pp. 17447-17448.





MURDER OR UNLAWFUL KILLINGS

building that was incomplete and that belonged to one Samuel Bull.¹⁸⁵⁸ He explained that many other civilians including Samuel Bull (the owner's son) were staying in that house.¹⁸⁵⁹

745. One night while everyone was asleep, rebels wearing uniforms and carrying guns surrounded the storeyed house and told the occupants to gather outside, saying "You people do not want us. You said that you want ECOMOG. You will know what will happen to you. When our boss passes the command, we will kill all of you".¹⁸⁶⁰ The witness told the court that when he went outside he met the rebel "boss" face to face and recognised him to be Fixo Bio, a person he knew before.¹⁸⁶¹ One rebel entered the house and fired several shots in order to force out the civilians. The shots killed a man called Aiah with his daughter and injured the witness's chin.¹⁸⁶² The rebels asked the civilians to queue in front of the house and shot at them, killing several and wounding others. The witness hid in a nearby bush until ECOMOG rescued him. Mondeh later learnt from Samuel Bull that the rebels killed 25 people during this incident and that the dead were buried in mass graves.¹⁸⁶³

Findings

746. The Trial Chamber finds both Samuel Bull and Tamba Mondeh to be credible witnesses. Their accounts are consistent, although at times diverged in details based on their different vantage points. Although Mondeh was, due to illiteracy, unable to give the date of the attack on Mortema, he made it clear that it was sometime after the ECOMOG Intervention. Samuel Bull however, placed the time of this attack around at 12 June 1998. The evidence also shows that these were reprisal killings against the civilians whom the rebels perceived to support ECOMOG. Based on the evidence of these two witnesses the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that around 12 June 1998, AFRC/RUF rebels led by "Fixo Bio" intentionally executed 17-25 civilians at the Bull residence in Mortema, all of whom were not taking an active part in the hostilities.

¹⁸⁵⁸ The witness explained that the building belonged to Samuel Bull Senior and that the son, Samuel Bull Junior also took shelter in this building and was in charge of the refugees. The witness also explained that many other civilians took shelter at this house and that in the morning everybody would go to his respective place to find food. Tamba Mondeh, Transcript 29 September 2008, p. 17449.

¹⁸⁵⁹ Tamba Mondeh, Transcript 29 September 2008, pp. 17449, 17456.

¹⁸⁶⁰ Tamba Mondeh, Transcript 29 September 2008, pp. 17451-17452.

¹⁸⁶¹ Tamba Mondeh, Transcript 29 September 2008, p. 17458.

¹⁸⁶² Tamba Mondeh, Transcript 29 September 2008, pp. 17454-17455.

¹⁸⁶³ Tamba Mondeh, Transcript 29 September 2008, pp. 17463-17464.





MURDER OR UNLAWFUL KILLINGS

747. The evidence further shows that the perpetrators, in preying upon sleeping civilians at night and wantonly shooting them, were carrying out the orders of their superior commanders to “make the area fearful”. Accordingly the Trial Chamber finds that the perpetrators wilfully made the victims the object of such violence and the primary purpose of the murder of civilians in Mortema was to instil terror in the civilian population there.

(k) Alleged unlawful killings in Other Locations in Kono District not pleaded in the Indictment

748. The Trial Chamber received credible evidence of the murder of civilians in a number of locations within Kono District not specifically pleaded in the Indictment including, Baima,¹⁸⁶⁴ Goldtown,¹⁸⁶⁵ Yekeyor,¹⁸⁶⁶ Kondeya,¹⁸⁶⁷ Mambona,¹⁸⁶⁸ and others.¹⁸⁶⁹ As previously held, this evidence is only taken into account in relation to the chapeau requirements of the alleged crimes and not for proof of guilt.¹⁸⁷⁰

Conclusion

¹⁸⁶⁴ Sahr Bindi, Transcript 16 October 2008, pp. 18502-18505 (The witness stated that he saw two corpses in civilian clothing following the AFRC/RUF attack on Baima in 1998). Finda Gbamanja, Transcript 29 January 2009, pp. 23850-23857 (The witness stated that upon returning to Baima after the ECOMOG Intervention, she was captured by rebels. A rebel shot and killed the witness’s father in her presence and then forced the witness and her mother to laugh).

¹⁸⁶⁵ Perry Kamara, Transcript 5 February 2008, pp. 3155-3156: The witness participated in an ambush of vehicles in Goldtown (between Masingbi and Sewafe along the Kono-Makeni highway), in which the rebels burned vehicles and killed civilians.

¹⁸⁶⁶ Komba Sumana, Transcript 6 October 2008, pp. 17891-17894, 17900-17903 (The witness stated that rebels killed his uncle and sister and that he saw the decomposing corpses of two males in civilian clothing at a location between Yekeyor and Dewawu).

¹⁸⁶⁷ In Exhibit P-078, Sierra Leone – A Year of Atrocities Against Civilians, Amnesty International Report, p. 12 (Amnesty International reported an incident in Kondeya in Kono District on 9 April 1998 when a group of about 50 rebels captured about 120 civilians; strangled one of the civilians and threw a crying baby into a river. Also 27 of the civilians were later attacked with machetes and some were decapitated.)

¹⁸⁶⁸ Samuel Bull, Transcript 24 September 2008, pp. 17093-17108 (The witness stated that in April 1998, RUF rebels killed at least 5 civilians in Mambona including one ‘SK’ who was stabbed to death with a knife. The witness saw all of the five corpses. The witness also described how the rebels killed a Kamajor called Kai Sandy and displayed his head and private parts on a stick.)

¹⁸⁶⁹ Mustapha Mansaray, Transcript 20 October 2008, pp. 19610-19616 (The witness testified that he saw five corpses of civilians on the road between Tombodu and Lebanon); Alex Tamba Teh, Transcript 8 January 2008, pp. 688-690 (The witness testified that one man was killed by rebel forces between Kania and Koidu Town); Isaac Mongor, Transcript 31 March 2008, pp. 6220-6221 (The witness testified that the RUF attacked a village called Kissy Town, which is behind Koidu Town, in Kono District where they suspected Kamajors to be. The RUF forces killed many civilians including men, women and children whom they suspected to be Kamajors or Kamajor supporters.)

¹⁸⁷⁰ See Preliminary Issues: Issues Relating to the Pleading in the Indictment.





MURDER OR UNLAWFUL KILLINGS

749. In conclusion, the Trial Chamber finds that the Prosecution has proved beyond reasonable doubt that between about 1 February 1998 and about 31 January 2000, in various locations in Kono District including Koidu Town, Tombudu, Koidu Geiya, Koidu Buma, Yengema, Paema or Peyima, Bomboafuidu, Nimikoro or Njaiama Nimikoro and Mortema, members of the AFRC/RUF murdered an unknown number of civilians, as charged in the Indictment¹⁸⁷¹ and as shown by the evidence.

750. The Trial Chamber recalls that the Prosecution has established beyond reasonable doubt that at all times relevant to the Indictment, the RUF and/or AFRC forces directed a widespread or systematic attack against the civilian population of Sierra Leone.¹⁸⁷² The Trial Chamber is satisfied that each of the killings proved by the Prosecution in respect of Kono District formed part of the said attack and that the perpetrators were aware of this fact. The Trial Chamber also recalls that the Prosecution has proved beyond reasonable doubt that there was an armed conflict in Sierra Leone at all times relevant to the Indictment, involving among others, members of the RUF, AFRC and CDF.¹⁸⁷³ The Trial Chamber is satisfied that for all of the aforementioned killings in Kono District there was a nexus between the killings and the armed conflict, that each of the victims was not taking an active part in the hostilities at the time of death, and that the perpetrators knew this fact. Therefore, the Trial Chamber is satisfied that the aforementioned killings in Kono District constitute murder as both a crime against humanity under Article 2 of the Statute and a war crime under Article 3 of the Statute.

3. Alleged unlawful killings in Kailahun District (between about 1 February 1998 and about 30 June 1998)

751. The Trial Chamber has considered the evidence of Prosecution witnesses Varmuyan Sherif, Mohamed Kabbah, Augustine Mallah and TF1-168; Defence witnesses Fayia Musa, Issa Sesay, DCT-292 and DCT-068 as well as Exhibits P-277 and P-601B.

(a) Kailahun Town

(i) Massacre of around 60-65 civilians in Kailahun Town in February 1998

¹⁸⁷¹ Indictment, para. 11.

¹⁸⁷² See Law and Findings on the General Requirements: Article 2: Crimes Against Humanity, para. 559 *supra*.

¹⁸⁷³ See Law and Findings on the General Requirements: Article 3: War Crimes, para. 573 *supra*.

MURDER OR UNLAWFUL KILLINGS

752. Augustine Mallah a member of the RUF¹⁸⁷⁴ testified that in February 1998, after ECOMOG had dislodged the AFRC/RUF Juntas from Freetown, Sam Bockarie (a.k.a. Mosquito) the RUF leader, assembled most of the RUF commanders in Daru and told them, "This is Kailahun District, we are not going to let it be occupied by anybody else, be you ECOMOG or Kamajors. You might resort to killing all of us, but we will not leave Kailahun for anybody. We had been in Kailahun here when the soldiers plotted a coup against Kabbah. They invited us, we went and joined them. Being that we have now returned to Kailahun, we should defend the place".¹⁸⁷⁵ Mallah stated that after this speech he travelled from Daru to Kailahun Town with Mosquito and over 100 ARFC and RUF soldiers whom Bockarie had instructed to "go and defend Kailahun District".¹⁸⁷⁶

753. On their arrival in Kailahun Town, Mosquito went to Augustine Gbao¹⁸⁷⁷ to check on the fate of 65 civilians who Mosquito had arrested and sent to Gbao for "investigation" because he suspected them of betraying the RUF by surrendering to the Government.¹⁸⁷⁸ On arrival in Kailahun Town, Mosquito asked Gbao how the investigations went. Mallah heard Gbao report to Mosquito that "Those people are all in the cell. They were about 65 in number. With all the investigations we have conducted we have realised that these people are Kamajors. They are not fit to live amongst us here as long as we are not satisfied with them and with the present circumstances".¹⁸⁷⁹ On hearing Gbao's report, Mosquito ordered Joe Fatoma¹⁸⁸⁰ to bring out the 65 civilians. Mosquito personally shot three of the civilians, remarking that "We need to kill these people". Mallah told the court that up to 100 AFRC and RUF including Mallah himself, participated in the summary execution of those civilians and that he counted 45 bodies.¹⁸⁸¹ Mallah also told the court that after the killing had started, he saw "a Liberian commander" talking to Mosquito. Mallah explained that he met this commander and his three bodyguards in Kailahun and that the commander did not

¹⁸⁷⁴ Augustine Mallah, Transcript 12 November 2008, pp. 20057-20060 (stating that he was abducted and forcibly conscripted into the RUF at a very early age).

¹⁸⁷⁵ Augustine Mallah, Transcript 13 November 2008, pp. 20185-20186.

¹⁸⁷⁶ Augustine Mallah, Transcript 13 November 2008, p. 20177. The witness also stated that the AFRC/RUF forces took more than 400 civilians with them to Kailahun as "manpower". Augustine Mallah, Transcript 13 November 2008, p. 20172.

¹⁸⁷⁷ Mallah explained that Augustine Gbao was an RUF Vanguard who also served as the G5 (in charge of civilians travelling with the RUF), the Agricultural Unit and the Intelligence Unit within the RUF.

¹⁸⁷⁸ Augustine Mallah, Transcript 13 November 2008, p. 20177.

¹⁸⁷⁹ Augustine Mallah, Transcript 13 November 2008, p. 20177.

¹⁸⁸⁰ Mallah explained that Fatoma was an RUF Junior Commando and a MP (Military Police) within the RUF.

¹⁸⁸¹ Augustine Mallah, Transcript 13 November 2008, pp. 20178-20180.





MURDER OR UNLAWFUL KILLINGS

participate in the killing of the Kamajors.¹⁸⁸² The Liberian commander left for Buedu in a convoy with Sam Bockarie.¹⁸⁸³

754. Augustine Mallah further told the court that after the massacre of the 65 civilians, he travelled with Sam Bockarie from Buedu to Daru, and they passed through Kailahun Town again because “Mosquito wanted to ensure whether the order that he had given was complied with”.¹⁸⁸⁴ Describing the atmosphere as they drove through Kailahun Town, Mallah told the court that it was obvious that people had been killed in the town because there were several human heads and skulls displayed on sticks on both sides of the road to Pendembu.¹⁸⁸⁵ Mallah told the court that on this occasion, Augustine Gbao and Joe Fatoma told Bockarie that they had accomplished the mission by killing all the civilians as Bockarie had ordered.¹⁸⁸⁶

755. Witness Varmuyan Sherif testified that he arrived in Kailahun Town in February 1998 bearing a message for Mosquito “then leader of the RUF”¹⁸⁸⁷ from President Charles Taylor.¹⁸⁸⁸ On arrival in Kailahun Town, Sherif spoke to Bockarie’s bodyguards who pointed out Sam Bockarie and asked Sherif to wait until Bockarie had finished “talking to some Kamajors”.¹⁸⁸⁹ Sherif testified that he saw Sam Bockarie taking people out of a building and heard him saying “these people are Kamajors and we are going to finish them”. Sherif testified that he saw Bockarie personally shoot five of the men with a gun.¹⁸⁹⁰ Sherif further told the court that after executing the five people, Sam Bockarie said “I am moving now. Before I come back, the remaining people, I want all of them dead”,¹⁸⁹¹ whereupon Bockarie drove away to Buedu in a convoy of three cars. Sherif followed the convoy to Kailahun and did not see what happened to the remaining people.¹⁸⁹²

¹⁸⁸² Augustine Mallah, Transcript 13 November 2008, p. 20178.

¹⁸⁸³ Augustine Mallah, Transcript 13 November 2008, p. 20179.

¹⁸⁸⁴ Augustine Mallah, Transcript 13 November 2008, p. 20184.

¹⁸⁸⁵ Augustine Mallah, Transcript 13 November 2008, pp. 20183-20184.

¹⁸⁸⁶ Augustine Mallah, Transcript 13 November 2008, p. 20184.

¹⁸⁸⁷ The witness explained that he did not personally know Sam Bockarie beforehand, but that he used to hear that Foday Sankoh was detained in Nigeria and that Sam Bockarie was the leader of the RUF. Varmuyan Sherif, Transcript 10 January 2008, pp. 985-987.

¹⁸⁸⁸ Varmuyan Sherif, Transcript 9 January 2008, pp. 828-829.

¹⁸⁸⁹ Varmuyan Sherif, Transcript 9 January 2008, pp. 831-832.

¹⁸⁹⁰ Varmuyan Sherif, Transcript 9 January 2008, pp. 832-833.

¹⁸⁹¹ Varmuyan Sherif, Transcript 9 January 2008, pp. 832-833.

¹⁸⁹² Varmuyan Sherif, Transcript 9 January 2008, p. 833.





MURDER OR UNLAWFUL KILLINGS

756. In cross-examination, the Defence confronted Sherif with a record of his first interview with members of the Prosecution on 23 February 2005 in which he did not mention Bockarie's execution of civilians. In this interview, Sherif is recorded as stating that when he went to Kailahun Town, he arrived at night after Sam Bockarie had already left and proceeded to Buedu.¹⁸⁹³ Sherif explained that the incident described in the interview took place in Pendembu and that in this first interview, he was afraid and did not trust the investigators.¹⁸⁹⁴ Sherif insisted however, that in subsequent interviews with the Prosecution investigators, he did talk about Bockarie executing five persons.¹⁸⁹⁵ The Defence also confronted Sherif with a second interview with Prosecution investigators which took place on 29 and 30 November 2006 and 4 December 2006.¹⁸⁹⁶ In this interview Sherif is recorded as meeting Sam Bockarie in Kailahun Town upon the instruction of Charles Taylor and seeing Sam Bockarie shoot prisoners one at a time.¹⁸⁹⁷

757. Witness Mohamed Kabbah¹⁸⁹⁸ was the RUF regional commander in charge of communications in Kailahun from the AFRC coup in May 1997 to the ECOMOG Intervention in February 1998.¹⁸⁹⁹ Part of his duties entailed receiving and dispatching radio messages between the front lines and other assignment areas and Sam Bockarie, the overall commander.¹⁹⁰⁰ Kabbah testified that he was present in Kailahun Town on the day of the killings.¹⁹⁰¹ He testified that ECOMOG had pushed RUF fighters out of Daru and that they had regrouped in Kailahun Town.¹⁹⁰² Sam Bockarie arrived in Kailahun Town with his bodyguards including a tall Liberian called Senegalese.¹⁹⁰³ On the evening of their arrival, an ECOMOG jet flew over Kailahun Town and caused damage.¹⁹⁰⁴ Kabbah testified that at

¹⁸⁹³ Varmuyan Sherif, Transcript 11 January 2008, pp. 1087-1088.

¹⁸⁹⁴ Varmuyan Sherif, Transcript 14 January 2008, pp. 1155-1158.

¹⁸⁹⁵ Varmuyan Sherif, Transcript 11 January 2008, pp. 1087-1091.

¹⁸⁹⁶ Varmuyan Sherif, Transcript 14 January 2008, p. 1155.

¹⁸⁹⁷ Varmuyan Sherif, Transcript 14 January 2008, pp. 1155-1158.

¹⁸⁹⁸ Mohamed Kabbah, Transcript 12 September 2008, pp. 16088-16093. The witness stated that he was captured by RUF rebels and conscripted into their fighting forces in 1991. He was trained by various "Liberian commanders".

¹⁸⁹⁹ Mohamed Kabbah, Transcript 12 September 2008, pp. 16099-16100, 16105, 16111.

¹⁹⁰⁰ Mohamed Kabbah, Transcript 12 September 2008, p. 16111.

¹⁹⁰¹ Mohamed Kabbah, Transcript 12 September 2008, p. 16112.

¹⁹⁰² Mohamed Kabbah, Transcript 12 September 2008, p. 16112.

¹⁹⁰³ Mohamed Kabbah, Transcript 12 September 2008, p. 16113.

¹⁹⁰⁴ Mohamed Kabbah, Transcript 12 September 2008, p. 16112.

MURDER OR UNLAWFUL KILLINGS

this time, 60 male “civilians who were Kamajors but who were not carrying arms” were held in custody by the RUF at the MP prison in Kailahun Town.¹⁹⁰⁵

758. Kabbah testified that after the jet passed, Sam Bockarie ordered five of the Kamajor prisoners to be brought to the roundabout so that “he may set an example of them”.¹⁹⁰⁶ A visibly distressed Kabbah told the court that when the prisoners were brought to the roundabout in the centre of Kailahun Town, Bockarie shot two of the prisoners in the forehead and ordered Issa to execute the remaining three, and that Issa shot the remaining three prisoners with his pistol.¹⁹⁰⁷ Kabbah was approximately 7 to 8 metres away when he saw the prisoners killed.¹⁹⁰⁸ Kabbah stated that after the first five prisoners were killed, Issa, his bodyguards and Bockarie’s bodyguards went behind the police station and executed the remaining 55 prisoners.¹⁹⁰⁹ Kabbah did not see these persons killed, but heard about it from “some boys”¹⁹¹⁰

759. Explaining how the 60 civilians had come to be detained by the RUF, Kabbah told the court that before the Intervention, Kamajors used to attack some of the RUF positions and this created panic within the RUF controlled areas. During that period, the RUF interrogated a civilian from Jojoima whom they said was sent to spy on RUF positions. Based on that information, Bockarie had sent a radio message to all military police within the Kailahun District to escort all those civilians that entered the RUF-controlled territory to Kailahun Town and to assemble them in Kailahun Town “so that they could be screened in order for the RUF to know who was a Kamajor or who was a genuine civilian”.¹⁹¹¹ This is how these 60 civilians came to be detained and later executed by the RUF in Kailahun Town. Kabbah told the court however, that the Kamajor suspects fell into two categories, namely, those who confessed to having been Kamajors in the past but had disarmed; and

¹⁹⁰⁵ Mohamed Kabbah, Transcript 12 September 2008, pp. 16112, 16125. See also Mohamed Kabbah, Transcript 12 September 2008, pp. 16113-16120 (describing that the prisoners had been investigated and that some had Kamajor markings on their bodies).

¹⁹⁰⁶ Mohamed Kabbah, Transcript 12 September 2008, p. 16114.

¹⁹⁰⁷ Mohamed Kabbah, Transcript 12 September 2008, p. 16112.

¹⁹⁰⁸ Mohamed Kabbah, Transcript 12 September 2008, pp. 16122, 16124.

¹⁹⁰⁹ Mohamed Kabbah, Transcript 12 September 2008, pp. 16112-16113.

¹⁹¹⁰ Mohamed Kabbah, Transcript 12 September 2008, p. 16124.

¹⁹¹¹ Mohamed Kabbah, Transcript 12 September 2008, p. 16114.





MURDER OR UNLAWFUL KILLINGS

those that bore Kamajor markings on their bodies. Kabbah stated however, that none of the 60 suspects were armed or actively fighting when they were arrested.¹⁹¹²

760. Prosecution Witness TF1-168, a prominent member of the RUF, gave a vivid account of the Kailahun massacre. TF1-168 testified that he and six other colleagues were held in detention by senior RUF commanders¹⁹¹³ for 30 months¹⁹¹⁴ on suspicion of “betraying Foday Sankoh to the Nigerians”, and that while in detention they were tortured and moved around several prisons within Kailahun District.¹⁹¹⁵ TF1-168 testified that he and his fellow-detainees were moved to a detention facility in the centre of Kailahun Town around the end of December 1997, and that on 19 February 1998 they were transferred to the town police station in Kailahun Town.¹⁹¹⁶ At the police station the detainees were guarded by RUF MP John Duawo and his deputy Joe Fatoma. Augustine Gbao was the overall commander in charge of Kailahun Town.¹⁹¹⁷ TF1-168 told the court that there were 65 other civilian detainees in detention at the police station who told him that they were citizens of Luawa Chiefdom in Kailahun District who were being held by the RUF leadership.¹⁹¹⁸ The detainees had fled Kailahun District before the 25 May 1997 coup d’etat but after the coup had been persuaded by Sam Bockarie to return to their homes. Upon their return to Kailahun District, these civilians had been arrested and detained by the RUF on suspicion of being Kamajors.¹⁹¹⁹

761. TF1-168 told the court that on the afternoon of 19 February 1998 John Duawo told all the detainees to go back inside their cells because Sam Bockarie had arrived and did not want to see anyone outside their cells. The witness returned to his cell from where he observed through a window what was going on outside. The witness told the court that he saw Duawo remove 10 of the Kamajor prisoners from their cells and take them outside towards the roundabout.¹⁹²⁰ TF1-168 testified that the prisoners were brought outside

¹⁹¹² Mohamed Kabbah, Transcript 12 September 2008, pp. 16115-16116.

¹⁹¹³ TF1-168, Transcript 22 January 2009, p. 23315 (where the witness cited Issa Sesay, Sam Bockarie and others).

¹⁹¹⁴ TF1-168, Transcript 22 January 2009, pp. 23320-23328 (where the witness stated that they were arrested in March 1997 and eventually released in October 1999).

¹⁹¹⁵ TF1-168, Transcript 22 January 2009, pp. 23315-23322.

¹⁹¹⁶ TF1-168, Transcript 22 January 2009, p. 23334.

¹⁹¹⁷ TF1-168, Transcript 22 January 2009, pp. 23338-23339.

¹⁹¹⁸ TF1-168, Transcript 22 January 2009, p. 23339.

¹⁹¹⁹ TF1-168, Transcript 22 January 2009, pp. 23339-23341.

¹⁹²⁰ TF1-168, Transcript 22 January 2009, pp. 23344-23345. The witness testified that amongst the ten was an

MURDER OR UNLAWFUL KILLINGS

towards the roundabout and that not too long after, he heard gunfire.¹⁹²¹ The witness stated that from his vantage point, he could see them fall.¹⁹²² TF1-168 later learned from the military police that it was General Sam Bockarie (a.k.a. Mosquito) who had fired the first shot.¹⁹²³

762. TF1-168 said that MP guards took the remaining Kamajor suspects from their cells in groups of four and five and took them towards the valley where they shot them to death.¹⁹²⁴ TF1-168 stated that as he was awaiting his own fate in his cell, he heard the guards saying "bring out the remaining five prisoners", and thought that they were referring to him. TF1-168 learnt from the MPs the following day that 64 of the prisoners, all males, were killed during this incident and that one person was saved.¹⁹²⁵

763. TF1-168 stated that he had the opportunity to speak with some of the Kamajor suspects before they were killed and that they explained that although some of them belonged to the Kamajor society and bore Kamajor markings on their bodies, they never participated in the fighting against the AFRC/RUF.¹⁹²⁶ Others explained to the witness that they were civilians that had simply volunteered to carry loads for the Kamajor fighters but they did not participate in the fighting.¹⁹²⁷ TF1-168 told the court that he and his colleagues were transferred to Kangama on 21 February 1998 because the Kailahun Police station was filled with the stench of the decomposing bodies.¹⁹²⁸

764. The Trial Chamber has also examined confidential Prosecution Exhibit P-277, which in the Trial Chamber's view, corroborates the testimony of TF1-168.

765. Issa Sesay, a former RUF commander and Defence witness in this case, testified that he was in Gandorhun when he heard from one Major Gua that 60 suspected Kamajors had

SLA called Charles Kaiyoko whom Duawo had accused of "being the cause of all this trouble".

¹⁹²¹ TF1-168, Transcript 22 January 2009, p. 23345.

¹⁹²² TF1-168, Transcript 22 January 2009, p. 23348.

¹⁹²³ TF1-168, Transcript 22 January 2009, p. 23346. The witness described that the first shot he heard was one of "suppressive" or "rapid firing" and made the sound "pop pop pop pop pop pop". Transcript 22 January 2009, p. 23348.

¹⁹²⁴ TF1-168, Transcript 22 January 2009, p. 23346.

¹⁹²⁵ TF1-168, Transcript 22 January 2009, p. 23349. The witness explained that he learnt that the prisoner who got away was a relative of Fatoma and that the latter had helped this prisoner escape to safety after learning the fate of the other prisoners. Transcript 22 January 2009, p. 23351.

¹⁹²⁶ TF1-168, Transcript 22 January 2009, pp. 23351-23352.

¹⁹²⁷ TF1-168, Transcript 22 January 2009, pp. 23351-23352.





MURDER OR UNLAWFUL KILLINGS

been arrested and executed in Kailahun Town on the orders of Sam Bockarie.¹⁹²⁹ Sesay stated that upon travelling to Kailahun Town shortly thereafter, he saw 10 corpses which had been moved from the roundabout to the roadside, but did not see corpses behind the MP office because he did not go there.¹⁹³⁰ Sesay estimated that from the way the bodies were starting to decompose, he must have arrived about five to six days after the killings had taken place.¹⁹³¹ In cross-examination, Sesay ruled out the possibility of his own involvement in the Kailahun massacre, stating that “these people were killed before he arrived in Kailahun”.¹⁹³² He also told the court that Sam Bockarie gave orders that the corpses of the people who were killed should not be buried and that is why there was such a stench in the air.¹⁹³³

766. Witness Fayia Musa another prominent member of the RUF, confirmed to the court that he and six other colleagues were held in detention by senior RUF commanders¹⁹³⁴ for 30 months¹⁹³⁵ on suspicion of “betraying Foday Sankoh to President Kabbah and the Nigerians” and that while in detention they were tortured and moved around several prisons within Kailahun District.¹⁹³⁶ Fayia told the court that he and his fellow prisoners were transferred from Kangama to Kailahun Town “after the ECOMOG intervention” and remained in detention there until 29 March 1998. Fayia testified that in the same Kailahun Police station, the RUF had detained 69 civilians from Daru and some SLA soldiers who were arrested and brought to the prison in Kailahun Town.¹⁹³⁷ On 28 March 1998 Sam Bockarie came to Kailahun to check on the prisoners.¹⁹³⁸ The witness who was in another cell, stated that an SLA soldier called Kaioko and nine of the 69 prisoners were taken out of the cell on the order of Sam Bockarie and around five to ten minutes later he heard

¹⁹²⁸ TF1-168, Transcript 22 January 2009, pp. 23353-23354.

¹⁹²⁹ Issa Sesay, Transcript 8 July 2010, pp. 44004-44008, 44010.

¹⁹³⁰ Issa Sesay, Transcript 13 August 2010, p. 44010.

¹⁹³¹ Issa Sesay, Transcript 13 August 2010, p. 44010.

¹⁹³² Issa Sesay, Transcript 13 August 2010, pp. 46207-46209.

¹⁹³³ Issa Sesay, Transcript 13 August 2010, p. 46209.

¹⁹³⁴ Fayia Musa, Transcript 15 April 2010, pp. 39112-39126. The witness cited Issa Sesay, Sam Bockarie and others as being responsible for his detention. Fayia Musa, Transcript 15 April 2010, p. 39115.

¹⁹³⁵ The witness stated that they were arrested on 29 March 1997 and eventually released in August 1999. Fayia Musa, Transcript 15 April 2010, p. 39118.

¹⁹³⁶ Fayia Musa, Transcript 15 April 2010, pp. 39125-39126.

¹⁹³⁷ Fayia Musa, Transcript 15 April 2010, p. 39126.

¹⁹³⁸ Fayia Musa, Transcript 15 April 2010, pp. 39126-39128.



