



Case No. SCSL-2003-07-I  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
MORRIS KALLON  
Also known as: BILAI KARIM

MONDAY, 17 MARCH 2003  
11.38 A.M

CONTINUED INITIAL APPEARANCE

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Before the Judge:

**Benjamin Mutanga Itoe**

For the Prosecution:

**Mr James Johnson**  
**Mr Nicholas Browne-Marke**

For the accused Morris Kallon  
Also known as: Bilai Karim

**Mr Ibrahim Sorie Yillah**  
**Ms Haddijatou Kah-Jallow**  
**Ms Claire Carlton-Hanciles**

1 [KAL17MAR03]

2 Monday, 17 March 2003

3 [Continued initial appearance]

4 [The accused entered court]

5 [Open session]

6 [Upon commencing at 11.38 a.m.]

7 [The accused answered through interpreter]

8 JUDGE ITOE: Yes. This matter was called up on Saturday,  
9 the 15th of March, and an application was made for the services  
10 of an interpreter to be made available to the accused person, to  
11 ensure the translation from English to Krio, and vice versa.  
12 This application is granted, and we would like to have the  
13 services of an interpreter. I do not know, the interpreters, are  
14 they --

15 THE COURT OFFICER: Yes, My Lord.

16 JUDGE ITOE: Yes. Can you swear in the interpreter,  
17 please.

18 THE COURT OFFICER: Yes, My Lord.

19 [The interpreter was sworn]

20 JUDGE ITOE: I think that --

21 THE COURT OFFICER: Sworn on the Bible, My Lord.

22 JUDGE ITOE: Yes. The clerk of the court should get this  
23 oath, you know, properly written out, you know, so that we have  
24 it in a proper form.

25 THE COURT OFFICER: Okay, My Lord. Much obliged.

26 JUDGE ITOE: I'm not saying that none has been  
27 administered. At least it has been duly administered. I am just  
28 noting this. And we have it on record.

29 THE COURT OFFICER: Thank you, My Lord. I've taken

1 judicial notice.

2 JUDGE ITOE: Yes. You confirm that you are  
3 Mr Morris Kallon?

4 THE ACCUSED KALLON: Yes, My Lord.

5 JUDGE ITOE: Where were you before you were brought here?

6 THE ACCUSED KALLON: I was in Freetown, My Lord.

7 JUDGE ITOE: In Freetown. Have you been served with the  
8 indictment which has brought you here?

9 THE ACCUSED KALLON: Yes, My Lord, I received papers.

10 JUDGE ITOE: Did you read the papers?

11 THE ACCUSED KALLON: I do not understand the content of the  
12 papers. There were so many. Even today, I received some.

13 JUDGE ITOE: Okay. Now, do I take it that the appearances  
14 are as they were the other day? Let me have the appearances. I  
15 know that Johnson and Marke are for the Prosecution. For the  
16 Defence, now, may I have --

17 MS KAH-JALLOW: May it please Your Lordship, Mrs Haddijatou  
18 Kah-Jallow. With me is Mr Ibrahim Yillah and Mrs Claire  
19 Carlton-Hanciles.

20 JUDGE ITOE: All right. Have you had time to talk to --  
21 have you been served with the indictment?

22 MS KAH-JALLOW: My Lord, the indictments have been served.  
23 The accused was also provided with a translated cassette, on  
24 which the indictments had been read.

25 JUDGE ITOE: Yes.

26 MS KAH-JALLOW: However, in the interests of justice,  
27 pursuant to Section 61 of the Rules, I would welcome that we read  
28 the charges again in open court so that there is no iota of doubt  
29 that he fully understands -- fully comprehends the seriousness of

1 the charges that have been brought against him Thank you, My  
2 Lord.

3 JUDGE ITOE: Your submission is upheld and the reading will  
4 be done, notwithstanding the existence of the cassette to this  
5 effect, and the translation was from English to Krio. It was  
6 from English to Krio?

7 MS KAH-JALLOW: Yes, My Lord, from English to Krio.

8 JUDGE ITOE: I suppose the Prosecution -- does the  
9 Prosecution have any objection to this application? I don't  
10 think so.

11 MR JOHNSON: No, Your Honour.

12 JUDGE ITOE: All right. I hope you have enough strength  
13 and energy to continue.

14 THE COURT OFFICER: Yes, My Lord.

15 JUDGE ITOE: Yes, can you read the indictment. Tell him  
16 that we're going to read the indictment to him. You'll translate  
17 it to him -- you'll interpret it to him, rather, the  
18 interpretation or translation, whatever, and you better follow  
19 very attentively to what he will be saying. Okay.

20 THE ACCUSED KALLON: Yes, sir.

21 JUDGE ITOE: And tell him that the lawyer, his lawyer, has  
22 said that although the translation had been read in a cassette,  
23 she insists that, in the interests of the law, that indictment  
24 should be read to him here now, notwithstanding the existence of  
25 a cassette.

26 THE ACCUSED KALLON: What I want, I want my charges to be  
27 read so that I will know exactly why I'm here.

28 JUDGE ITOE: Yes. That is what your lawyer has said, and  
29 her application is granted. So it will now be read to him. Can

1 you go ahead, please.

2 THE COURT OFFICER: Yes, My Lord. Case number SCSL-07, *The*  
3 *Prosecutor v Morris Kallon*, also known as Bilai Karim  
4 Indictment.

5 The Prosecutor, Special Court for Sierra Leone, under  
6 Article 15 of the Statute of the Special Court for Sierra Leone  
7 (the Statute) charges Morris Kallon, also known as (aka) Bilai  
8 Karim, with crimes against humanity, violations of Article 3  
9 common to the Geneva Conventions and of Additional Protocol II  
10 and other serious violations of international humanitarian law,  
11 in violation of Articles 2, 3 and 4 of the Statute as set forth  
12 below:

13 The Accused.

14 1. Morris Kallon aka Bilai Karim (the Accused) was born  
15 1 January 1964 at Bo, Bo District, Republic of Sierra Leone.

16 General Allegations.

17 2. At all times relevant to this indictment, a state of  
18 armed conflict existed within Sierra Leone. For the purposes of  
19 this Indictment, organised armed factions involved in this  
20 conflict included the Revolutionary United Front (RUF), the Civil  
21 Defence Forces (CDF) and the Armed Forces Revolutionary Council  
22 (AFRC).

23 3. A nexus existed between the armed conflict and all acts  
24 or omissions charged herein as violations of Article 3 common to  
25 the Geneva Conventions and of Additional Protocol II and as other  
26 serious violations of international humanitarian law.

27 4. The organized armed group that became known as the RUF,  
28 led by Foday Saybana Sankoh aka Popay aka Papa aka Pa, was  
29 founded about 1988 or 1989 in Libya. The RUF, under the

1 leadership of Foday Saybana Sankoh, began organised armed  
2 operations in Sierra Leone in March 1991. During the ensuing  
3 armed conflict, the RUF forces were also referred to as "RUF,"  
4 "rebels" and "People's Army."

5 5. The CDF was comprised of Sierra Leonean traditional  
6 hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and  
7 Donsos. The CDF fought against the RUF and AFRC.

8 6. On 30 November 1996, in Abidjan, Ivory Coast, Foday  
9 Saybana Sankoh and Ahmed Tejan Kabbah, President of the Republic  
10 of Sierra Leone, signed a peace agreement which brought a  
11 temporary cessation to active hostilities. Thereafter, the  
12 active hostilities recommenced.

13 7. The AFRC was founded by members of the Armed Forces of  
14 Sierra Leone, who seized power from the elected government of the  
15 Republic of Sierra Leone via a coup d'etat on 25 May 1997.  
16 Soldiers of the Sierra Leone Army (SLA) comprised the majority of  
17 the AFRC membership. On that date, Johnny Paul Koroma aka JPK  
18 became the leader and chairman of the AFRC. The AFRC forces were  
19 also referred to as "junta," "soldiers," "SLA," and "ex-SLA."

20 8. Shortly after the AFRC seized power, at the invitation  
21 of Johnny Paul Koroma, and upon the order of Foday Saybana  
22 Sankoh, leader of the RUF, the RUF joined with the AFRC. The  
23 AFRC and RUF acted jointly thereafter. The AFRC/RUF junta forces  
24 (junta) were also referred to as "junta," "rebels," "soldiers,"  
25 "SLA," "ex-SLA" and "People's Army."

26 9. After the 25 May 1997 coup d'etat, the governing body,  
27 the Supreme Council, was created within the junta. The governing  
28 body was created within the junta. The governing body included  
29 leaders of both the AFRC and RUF.

1           10. The junta was forced from power by forces acting on  
2 behalf of the ousted government of President Kabbah about  
3 14 February 1998. President Kabbah's government returned in  
4 March 1998. After the junta was removed from power, the AFRC/RUF  
5 alliance continued.

6           11. On 7 July 1999, in Lome, Togo, Foday Saybana Sankoh  
7 and Ahmed Tejan Kabbah, President of the Republic of Sierra  
8 Leone, signed a peace agreement. However, active hostilities  
9 continued.

10           12. The accused and all members of the organised armed  
11 factions engaged in fighting within Sierra Leone were required to  
12 abide by international humanitarian law and the laws and customs  
13 governing the conduct of armed conflicts, including the Geneva  
14 Conventions of 12 August 1949, and Additional Protocol II to the  
15 Geneva Conventions, to which the Republic of Sierra Leone acceded  
16 on 21 October 1986.

17           13. All offences alleged herein were committed within the  
18 territory of Sierra Leone after 30 November 1996.

19           14. All acts and omissions charged herein as crimes  
20 against humanity were committed as part of a widespread or  
21 systematic attack directed against the civilian population of  
22 Sierra Leone.

23           15. The words "civilian" or "civilian population" used in  
24 this indictment refer to persons who took no active part in the  
25 hostilities, or who were no longer taking an active part in the  
26 hostilities.

27           Individual Criminal Responsibility.

28           16. Paragraphs 1 through 15 are incorporated by reference.

29           17. At all times relevant to this indictment, Morris

1 Kallon was a senior officer and commander in the RUF, junta and  
2 AFRC/RUF forces.

3 18. Between about May 1996 and about April 1998, the  
4 accused was a deputy area commander. Between about April 1998  
5 and about December 1999, the accused was battlefield inspector  
6 within the RUF, in which position he was subordinate only to the  
7 RUF battle group commander, the RUF battlefield commander, the  
8 leader of the RUF, Foday Saybana Sankoh, and the leader of the  
9 AFRC, Johnny Paul Koroma.

10 19. During the junta regime, the accused was a member of  
11 the junta governing body.

12 20. In early 2000, the accused became the battle group  
13 commander in the RUF, subordinate only to the RUF battlefield  
14 commander, Issa Hassan Sesay, the leader of the RUF, Foday  
15 Saybana Sankoh, and the leader of the AFRC, Johnny Paul Koroma.

16 21. About June 2001, the accused became RUF battlefield  
17 commander, subordinate only to the leader of the RUF, Foday  
18 Saybana Sankoh, Issa Hassan Sesay, to whom Foday Saybana Sankoh  
19 had given direct control over all RUF operations, and to the  
20 leader of the AFRC, Johnny Paul Koroma.

21 22. In the positions referred to in paragraphs 17 through  
22 21, Morris Kallon, individually or in concert with Foday Saybana  
23 Sankoh, Issa Hassan Sesay, Sam Bockarie, Johnny Paul Koroma, Alex  
24 Tamba Brima aka Tamba Alex Brima aka Gullit and other superiors  
25 in the RUF, junta and AFRC/RUF forces, exercised authority,  
26 command and control over all subordinate members of the RUF,  
27 junta and AFRC/RUF forces.

28 23. During all times relevant to this indictment and in  
29 relation to all acts and omissions charged herein, the accused,



1 through his association with Foday Saybana Sankoh and the RUF,  
2 acted in concert with Charles Ghankay Taylor aka Charles Ghankay  
3 MacArthur Dankpannah Taylor.

4 24. The RUF, including the accused, and the AFRC shared a  
5 common plan, purpose or design (joint criminal enterprise) which  
6 was to take any actions necessary to gain and exercise political  
7 power and control over the territory of Sierra Leone, in  
8 particular, the diamond mining areas. The natural resources of  
9 Sierra Leone, in particular the diamonds, were to be provided to  
10 persons outside Sierra Leone in return for assistance in carrying  
11 out the joint criminal enterprise.

12 25. The joint criminal enterprise included gaining and  
13 exercising control over the population of Sierra Leone in order  
14 to prevent or minimize resistance to their geographic control,  
15 and to use members of the population to provide support to the  
16 members of the joint criminal enterprise. The crimes alleged in  
17 this indictment, including unlawful killings, abductions, forced  
18 labor, physical and sexual violence, use of child soldiers,  
19 looting and burning of civilian structures, were either actions  
20 within the joint criminal enterprise or were a reasonably  
21 foreseeable consequence of the joint criminal enterprise.

22 26. Morris Kallon, by his acts or omissions, is  
23 individually criminally responsible, pursuant to Article 6.1 of  
24 the Statute, for the crimes referred to in Articles 2, 3 and 4 of  
25 the Statute as alleged in this indictment, which crimes the  
26 accused planned, instigated, ordered, committed or in whose  
27 planning, preparation or execution the accused otherwise aided  
28 and abetted, or which crimes were within a joint criminal  
29 enterprise in which the accused participated or were a reasonably

1 foreseeable consequence of the joint criminal enterprise in which  
2 the accused participated.

3 27. In addition, or alternatively, pursuant to Article 6.3  
4 of the Statute, Morris Kallon, while holding positions of  
5 superior responsibility and exercising command and control over  
6 his subordinates, is individually criminally responsible for the  
7 crimes referred to in Articles 2, 3 and 4 of the Statute. The  
8 accused is responsible for the criminal acts of his subordinates  
9 in that he knew, or had reason to know, that the subordinate was  
10 about to commit such acts, or had done so, and the accused failed  
11 to take the necessary and reasonable measures to prevent such  
12 acts or to punish the perpetrators thereof.

13 Charges -- please tell the accused to listen carefully  
14 because we are going to read the charges to him one after the  
15 other and, after the reading of each count, you will be asked by  
16 His Lordship how you plead to this charge, whether you are guilty  
17 or not guilty. That's the general instruction.

18 Charges.

19 28. Paragraphs 16 through 27 are incorporated by  
20 reference.

21 29. At all times relevant to this indictment, members of  
22 the RUF, AFRC, junta and/or AFRC/RUF forces (AFRC/RUF),  
23 subordinate to and/or acting in concert with Morris Kallon,  
24 conducted armed attacks throughout the territory of the Republic  
25 of Sierra Leone, including but not limited to, Bo, Kono, Kenema,  
26 Bombali and Kailahun Districts, and Freetown. Targets of the  
27 armed attacks included civilians and humanitarian assistance  
28 personnel and peacekeepers assigned to the United Nations Mission  
29 in Sierra Leone (UNAMSIL), which had been created by United

1 Nations Security Council Resolution 1270 (1999).

2 30. These attacks were carried out primarily to terrorise  
3 the civilian population, but also were used to punish the  
4 population for failing to provide sufficient support to the  
5 AFRC/RUF, or for allegedly providing support to the Kabbah  
6 government or to pro-government forces. The attacks included  
7 unlawful killings, physical and sexual violence against civilian  
8 men, women and children, abductions and looting and destruction  
9 of civilian property. Many civilians saw these crimes committed;  
10 others returned to their homes or places of refuge to find the  
11 results of these crimes: Dead bodies, mutilated victims and  
12 looted and burnt property.

13 31. As part of the campaign of terror and punishment, the  
14 AFRC/RUF routinely captured and abducted members of the civilian  
15 population. Captured women and girls were raped; many of them  
16 were abducted and used as sex slaves and as forced labor. Some  
17 of these women and girls were held captive for years. Men and  
18 boys who were abducted were also used as forced labor; some of  
19 them were also held captive for years. Many abducted boys and  
20 girls were given combat training and used in active fighting.  
21 AFRC/RUF also physically mutilated men, women and children,  
22 including amputating their hands or feet and carving "AFRC" and  
23 "RUF" on their bodies.

24 Counts 1 - 2: Terrorising the Civilian Population and  
25 Collective Punishments.

26 32. Members of the AFRC/RUF subordinate to and/or acting  
27 in concert with Morris Kallon committed the crimes set forth  
28 below in paragraphs 33 through 58 and charged in Counts 3 through  
29 13, as part of a campaign to terrorise the civilian population of

1 the Republic of Sierra Leone, and did terrorise that population.  
2 The AFRC/RUF also committed the crimes to punish the civilian  
3 population for allegedly supporting the elected government of  
4 President Ahmed Tejan Kabbah and factions aligned with that  
5 government, or for failing to provide sufficient support to the  
6 AFRC/RUF. By his acts or omissions in relation but not limited  
7 to these events, Morris Kallon, pursuant to Article 6.1 and, or  
8 alternatively, Article 6.3 of the Statute, is individually  
9 criminally responsible for the crimes alleged below.

10 JUDGE ITOE: Now, tell him we're going to read to him the  
11 first count, so let him follow it properly.

12 THE COURT OFFICER: Count --

13 JUDGE ITOE: I want to know, has he followed the  
14 indictment? Has he followed the explanation all along?

15 THE ACCUSED KALLON: Yes, My Lord.

16 JUDGE ITOE: Go ahead.

17 THE COURT OFFICER: Count 1: Acts of terrorism, a  
18 violation of Article 3 common to the Geneva Conventions and of  
19 Additional Protocol II, punishable under Article 3.d of the  
20 Statute.

21 JUDGE ITOE: Are you guilty or you're not guilty?

22 THE ACCUSED KALLON: [No interpretation] I not guilty,  
23 sir.

24 JUDGE ITOE: Not guilty.

25 THE ACCUSED KALLON: [No interpretation] Not guilty.

26 THE COURT OFFICER: Count 2: Collective punishments, a  
27 violation of Article 3 common to the Geneva Conventions and of  
28 Additional Protocol II, punishable under Article 3.b of the  
29 Statute.

1 JUDGE ITOE: Are you guilty, or you're not guilty?

2 THE ACCUSED KALLON: I'm not guilty, My Lord.

3 THE COURT OFFICER: Counts 3 - 5: Unlawful Killings.

4 33. Victims were routinely shot, hacked to death and  
5 burned to death. Unlawful killings included but were not limited  
6 to the following:

7 Bo District.

8 34. Between 1 June 1997 and 30 June 1997, AFRC/RUF  
9 attacked Tikonko, Telu, Sembehun, Gerihun and Mamboma, unlawfully  
10 killing an unknown number of civilians.

11 Kenema District.

12 35. Between about 25 May 1997 and about 19 February 1998,  
13 in locations, including Kenema Town, members of AFRC/RUF  
14 unlawfully killed an unknown number of civilians.

15 Kono District.

16 36. About mid-February 1998, AFRC/RUF, fleeing from  
17 Freetown, arrived in Kono District. Between about 14 February  
18 1998 and 30 June 1998, members of AFRC/RUF unlawfully killed  
19 several hundred civilians in various locations in Kono District,  
20 including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya.

21 Bombali District.

22 37. Between about 1 May 1998 and 31 July 1998, in  
23 locations including Karina, members of AFRC/RUF unlawfully killed  
24 an unknown number of civilians.

25 Freetown.

26 38. Between 6 January 1999 and 31 January 1999, AFRC/RUF  
27 conducted armed attacks throughout the city of Freetown. These  
28 attacks included large-scale unlawful killings of civilian men,  
29 women and children at locations throughout the city, including

1 the State House, Parliament building, Connaught Hospital, and  
2 Kissy, Fourah Bay, Uppun, Calaba Town and Tower Hill areas of the  
3 city. By his acts or omissions in relation but not limited to  
4 these events, Morris Kallon, pursuant to Article 6.1, and/or  
5 alternatively, Article 6.3 of the Statute, is individually  
6 criminally responsible for the crimes alleged below:

7 Count 3: Extermination, a crime against humanity,  
8 punishable under Article 2. b of the Statute.

9 JUDGE ITOE: Are you guilty or not guilty?

10 THE ACCUSED KALLON: I'm not guilty, My Lord.

11 THE COURT OFFICER: In addition, or in the alternative:

12 Count 4: Murder, a crime against humanity, punishable under  
13 Article 2. a of the Statute.

14 JUDGE ITOE: Count 4, are you guilty, or you're not guilty?

15 THE ACCUSED KALLON: Not guilty, My Lord.

16 THE COURT OFFICER: Count 5: Violence to life, health and  
17 physical or mental well-being of persons, in particular murder, a  
18 violation of Article 3 common to the Geneva Conventions and of  
19 Additional Protocol II, punishable under Article 3. a of the  
20 Statute.

21 JUDGE ITOE: Are you guilty or not guilty?

22 THE ACCUSED KALLON: Not guilty, My Lord.

23 THE COURT OFFICER: Counts 6 - 8: Sexual Violence.

24 39. Widespread sexual violence committed against civilian  
25 women and girls included brutal rapes, often by multiple rapists.  
26 Acts of sexual violence included but were not limited to the  
27 following:

28 Kono District.

29 40. Between about 14 February 1998 and 30 June 1998,

1 members of AFRC/RUF raped hundreds of women and girls at various  
2 locations throughout the district, including Koi du, Tombodu,  
3 Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh,  
4 Fokoiya, Wonedu and AFRC/RUF camps such as "Superman camp" and  
5 Kissi-town (or Kissi Town) camp. An unknown number of women and  
6 girls were abducted from various locations within the district  
7 and used as sex slaves.

8 Bombali District.

9 41. Between about 1 May 1998 and 31 July 1998, members of  
10 AFRC/RUF raped an unknown number of women and girls in locations  
11 such as Mandaha. In addition, an unknown number of abducted  
12 women and girls were used as sex slaves.

13 Freetown.

14 43. Between 6 January 1999 and 31 January 1999, members of  
15 AFRC/RUF raped hundreds of women and girls throughout the  
16 Freetown area, and abducted hundreds of women and girls and used  
17 them as sex slaves. By his acts or omissions in relation but not  
18 limited to these events, Morris Kallon, pursuant to Article 6.1,  
19 and/or alternatively, Article 6.3 of the Statute, is individually  
20 criminally responsible for the crimes alleged below:

21 Count 6: Rape, a crime against humanity, punishable under  
22 Article 2.g of the Statute.

23 JUDGE ITOE: Are you guilty or not guilty?

24 THE ACCUSED KALLON: Not guilty, My Lord.

25 THE COURT OFFICER: Count 7: Sexual slavery and any other  
26 form of sexual violence, a crime against humanity, punishable  
27 under Article 2.g of the Statute.

28 JUDGE ITOE: Are you guilty or not guilty?

29 THE ACCUSED KALLON: Not guilty, My Lord.

1 THE COURT OFFICER: In addition, or in the alternative:  
2 Count 8: Outrages upon personal dignity, a violation of  
3 Article 3 common to the Geneva Conventions and of Additional  
4 Protocol II, punishable under Article 3.e of the Statute.

5 JUDGE ITOE: Are you guilty or not guilty?

6 THE ACCUSED KALLON: Not guilty, My Lord.

7 THE COURT OFFICER: Counts 9 - 10: Physical Violence.

8 44. Widespread physical violence, including mutilations,  
9 was committed against civilians. Victims were often brought to a  
10 central location where mutilations were carried out. These acts  
11 of physical violence included but were not limited to the  
12 following:

13 Kono District.

14 45. Between about 14 February 1998 and 30 June 1998,  
15 AFRC/RUF mutilated an unknown number of civilians in various  
16 locations in the District, including Tombodu, Kaima (or Kayima)  
17 and Wonedu. The mutilations included cutting off limbs and  
18 carving "AFRC" and "RUF" on the bodies of the civilians.

19 I am going to turn back to 42, the Kailahun District.  
20 Sorry, I did not read that.

21 JUDGE ITOE: Which one?

22 THE COURT OFFICER: On the back. I've just been reminded  
23 that I skipped one district, that is, Kailahun District. Let me  
24 just read what happened there.

25 42. Kailahun District.

26 At all times relevant to this indictment, an unknown number  
27 of women and girls in various locations in the district were  
28 subjected to sexual violence. Many of these victims were  
29 captured in other areas of the Republic of Sierra Leone, brought



1 to AFRC/RUF camps in the district, and used as sex slaves.

2 I will continue with 46, where I should have been.

3 Freetown.

4 46. Between 6 January 1999 and 31 January 1999, AFRC/RUF  
5 mutilated an unknown number of civilian men, women and children  
6 in various areas of Freetown, including the northern and eastern  
7 areas of the city, and the Kissy area, including the Kissy mental  
8 home. The mutilations included cutting off limbs. By his acts  
9 or omissions in relation but not limited to these events, Morris  
10 Kallon, pursuant to Article 6.1 and/or alternatively, Article 6.3  
11 of the Statute, is individually criminally responsible for the  
12 crimes alleged below:

13 Count 9: Violence to life, health and physical or mental  
14 well-being of persons, in particular cruel treatment, a violation  
15 of Article 3 common to the Geneva Conventions and of Additional  
16 Protocol II, punishable under Article 3.a of the Statute.

17 JUDGE ITOE: Are you guilty or not guilty?

18 THE ACCUSED KALLON: Not guilty, My Lord.

19 THE COURT OFFICER: In addition, or in the alternative:

20 Count 10: Other inhumane acts, a crime against humanity,  
21 punishable under Article 2.i of the Statute.

22 JUDGE ITOE: Are you guilty or not guilty?

23 THE ACCUSED KALLON: Not guilty, My Lord.

24 THE COURT OFFICER: Count 11: Use of child soldiers.

25 47. At all times relevant to this indictment, throughout  
26 the Republic of Sierra Leone, AFRC/RUF routinely conscripted,  
27 enlisted and/or used boys and girls under the age of 15 to  
28 participate in active hostilities. Many of these children were  
29 first abducted, then trained in AFRC/RUF camps in various

1 locations throughout the country, and thereafter used as  
2 fighters. By his acts or omissions in relation but not limited  
3 to these events, Morris Kallon, pursuant to Article 6.1 and/or  
4 alternatively, Article 6.3 of the Statute, is individually  
5 criminally responsible for the crimes alleged below:

6 Count 11: Conscripting or enlisting children under the age  
7 of 15 years into armed forces or groups, or using them to  
8 participate actively in hostilities, another serious violation of  
9 international humanitarian law, punishable under Article 4.c of  
10 the Statute.

11 JUDGE ITOE: Are you guilty or not guilty?

12 THE ACCUSED KALLON: Not guilty, My Lord.

13 THE COURT OFFICER: Count 12: Abductions and forced labor.

14 48. At all times relevant to this indictment, AFRC/RUF  
15 engaged in widespread and large-scale abductions of civilians and  
16 use of civilians as forced labor. Forced labor included domestic  
17 labor and use as diamond miners. The abductions and forced labor  
18 included but were not limited to the following:

19 Kenema District.

20 49. Between about 1 August 1997 and about 31 January 1998,  
21 AFRC/RUF forced an unknown number of civilians living in the  
22 district to mine for diamonds at Cyborg Pit in Tongo Field.

23 Kono District.

24 50. Between about 14 February 1998 and 30 June 1998,  
25 AFRC/RUF forces abducted hundreds of civilian men, women and  
26 children, and took to various locations outside the district, or  
27 to locations within the district, such as AFRC/RUF camps,  
28 Tombodu, Koidu, Wonedu, Tomendeh. At these locations the  
29 civilians were used as forced labor, including domestic labor and

1 as diamond miners in the Tombodu area.

2 Bombali District.

3 51. Between about 1 May 1998 and 31 July 1998, in Bombali  
4 District, AFRC/RUF abducted an unknown number of civilians and  
5 used them as forced labor.

6 Kailahun district.

7 52. At all times relevant to this indictment, captured  
8 civilian men, women and children were brought to various  
9 locations within the district and used as forced labor.

10 Freetown.

11 53. Between 6 January 1999 and 31 January 1999, in  
12 particular, as the AFRC/RUF were being driven out of Freetown,  
13 the AFRC/RUF abducted hundreds of civilians, including a large  
14 number of children, from various areas within Freetown, including  
15 Peacock Farm and Calaba Town. These abducted civilians were used  
16 as forced labor. By his acts or omissions in relation but not  
17 limited to these events, Morris Kallon, pursuant to Article 6.1  
18 and/or alternatively, Article 6.3 of the Statute, is individually  
19 criminally responsible for the crimes alleged below:

20 Count 12: Enslavement, a crime against humanity,  
21 punishable under Article 2. c of the Statute.

22 JUDGE ITOE: Are you guilty or not guilty?

23 THE ACCUSED KALLON: Not guilty, My Lord.

24 THE COURT OFFICER: Count 13: Looting and burning.

25 54. At all times relevant to this indictment, AFRC/RUF  
26 engaged in widespread unlawful taking and destruction by burning  
27 of civilian property. This looting and burning included but was  
28 not limited to:

29 Bo District.

1           55. Between 1 June 1997 and 30 June 1997, AFRC/RUF forced  
2 looted and burned an unknown number of civilian houses in Telu,  
3 Sembehun, Mamboma and Tikonko.

4           Kono District.

5           56. Between about 14 February 1998 and 30 June 1998,  
6 AFRC/RUF engaged in widespread looting and burning in various  
7 locations in the district, including Tombodu, Foindu and Yardu  
8 Sando, where virtually every home in the village was looted and  
9 burned.

10          Bombali District.

11          57. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces  
12 burnt an unknown number of civilian buildings in locations, such  
13 as Karina.

14          Freetown.

15          58. Between 6 January 1999 and 31 January 1999, AFRC/RUF  
16 forces engaged in widespread looting and burning throughout  
17 Freetown. The majority of houses that were destroyed were in the  
18 areas of Kissy and eastern Freetown; other locations that were  
19 destroyed included Fourah Bay, Uppun, State House and Pademba  
20 Road areas of the city. By his acts or omissions in relation but  
21 not limited to these events, Morris Kallon, pursuant to Article  
22 6.1 and/or alternatively Article 6.3 of the Statute, is  
23 individually criminally responsible for the crimes alleged below:

24          Count 13: Pillage, a violation of Article 3 common to the  
25 Geneva Conventions and of Additional Protocol II, punishable  
26 under Article 3.f of the Statute.

27          JUDGE ITOE: Are you guilty or not guilty?

28          THE ACCUSED KALLON: Not guilty, My Lord.

29          THE COURT OFFICER: Counts 14 - 17: Attacks on UNAMSIL

1 personnel.

2 59. Between about 15 April 2000 and about 15 September  
3 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL  
4 peacekeepers and humanitarian assistance workers within the  
5 Republic of Sierra Leone, including but not limited to locations  
6 within Bombali, Kailahun, Kambia, Port Loko and Kono districts.  
7 These attacks included unlawful killing of UNAMSIL peacekeepers,  
8 and abducting hundreds of peacekeepers and humanitarian  
9 assistance workers who were then held hostage. By his acts or  
10 omissions in relation but not limited to these events, Morris  
11 Kallon, pursuant to Article 6.1 and/or alternatively, Article 6.3  
12 of the Statute, is individually criminally responsible for the  
13 crimes alleged below:

14 Count 14: Intentionally directing attacks against  
15 personnel involved in a humanitarian assistance or peacekeeping  
16 mission, another serious violation of international humanitarian  
17 law, punishable under Article 4. b of the Statute.

18 JUDGE ITOE: Are you guilty or not guilty?

19 THE ACCUSED KALLON: Not guilty, My Lord.

20 THE COURT OFFICER: In addition, or in the alternative:

21 Count 15: For the unlawful killings, murder, a crime  
22 against humanity, punishable under Article 2. a of the Statute.

23 JUDGE ITOE: Are you guilty or not guilty?

24 THE ACCUSED KALLON: Not guilty, My Lord.

25 THE COURT OFFICER: In addition, or in the alternative:

26 Count 16: Violence to life, health and physical or mental  
27 well-being of persons, in particular murder, a violation of  
28 Article 3 common to the Geneva Conventions and of Additional  
29 Protocol II, punishable under Article 3. a of the Statute.

1 JUDGE ITOE: Are you guilty or not guilty?

2 THE ACCUSED KALLON: Not guilty.

3 THE COURT OFFICER: In addition, or in the alternative:

4 Count 17: For the abductions and holding as hostage,  
5 taking of hostages, a violation of Article 3 common to the Geneva  
6 Conventions and of Additional Protocol II, punishable under  
7 Article 3.c of the Statute.

8 JUDGE ITOE: Are you guilty or not guilty?

9 THE ACCUSED KALLON: Not guilty, My Lord.

10 THE COURT OFFICER: Dated this 3rd day of March, 2003.  
11 Freetown, Sierra Leone. David M Crane, the Prosecutor.

12 JUDGE ITOE: You have heard all the counts on the  
13 indictment.

14 THE ACCUSED KALLON: [No interpretation]. Yes.

15 JUDGE ITOE: You have understood them?

16 THE ACCUSED KALLON: Yes, My Lord.

17 JUDGE ITOE: And you have pleaded not guilty to all. There  
18 are 17; you have pleaded not guilty to all of them.

19 THE ACCUSED KALLON: Yes, My Lord.

20 JUDGE ITOE: Does the Prosecution have any observations to  
21 make at this stage?

22 MR JOHNSON: Not with the indictment. Only for the record  
23 to reflect that the provision of legal assistance would stay  
24 until such time that the needs assessment is done for this  
25 accused as well.

26 JUDGE ITOE: Yes. Defence counsel.

27 MS KAH-JALLOW: My Lord, it's the understanding, in fact,  
28 that the provision of legal assistance is subsisting until the  
29 20th, according to your order.

1 JUDGE ITOE: Yes.

2 MS KAH-JALLOW: With the utmost of respect to my learned  
3 senior, that is not within his purview; it is in the purview of  
4 the Defence.

5 JUDGE ITOE: Yes.

6 MS KAH-JALLOW: Thank you. As Your Lordship pleases.

7 JUDGE ITOE: Yes. Registrar's Office, when are we -- when  
8 is the Court likely to have the report on the investigations that  
9 are being conducted on legal assistance, the application for  
10 legal assistance?

11 MR KIRKWOOD: My Lord, as previously agreed and discussed,  
12 we are prepared to agree to, with your approval, legal assistance  
13 while the investigation is ongoing, and should [indiscernible]  
14 means be fine, they would be -- that would be recovered.

15 JUDGE ITOE: But when are we -- because, you see, the Court  
16 has given the temporary order for legal assistance to continue.  
17 It is not that it is -- they have acquired this facility as a  
18 right. It is that it will continue pending the final report,  
19 because it is only after depositing the final report, you know,  
20 on their means, as I have indicated in the documents, that the  
21 Court will take -- make a final order as to whether they are  
22 entitled to this assistance or not. Is it possible for us to  
23 know at this stage about when the Office of Registrar is likely  
24 to complete this report?

25 MR KIRKWOOD: We have engaged the services of two financial  
26 investigators. Their work, I'm afraid, will not begin for  
27 several more weeks. It's our belief, in the meantime, that  
28 assistance be given so that the proceedings may progress without  
29 any difficulties until those reports are provided.

1 JUDGE ITOE: Okay, thank you. What comments  
2 [indiscernible] by Registrar call on the side of the Prosecution?

3 MR JOHNSON: I think first I would express a concern such  
4 it appears that it may be some time before the means assessment  
5 is completed.

6 JUDGE ITOE: Because he says he is engaging some experts  
7 and that it might take weeks.

8 MR JOHNSON: Yes, and it appears that it will take some  
9 time. Of course, we would like to -- we, the Prosecution intends  
10 to continue forward with our disclosure requirements under  
11 Rule 66, within 30 days of the hearing, or to seek protective  
12 orders as may be required under Rule 66. We do express some  
13 concern that if it's the same defence team in this time that, as  
14 they say, could stretch out for what appears to be weeks.

15 If the same defence team is meeting with all of these  
16 clients, there is a potential for some conflict of interest  
17 there, that these clients may have some different interests. I  
18 do just express some concern that the same defence attorneys may  
19 be representing each of them during this time period, and I would  
20 like to see some kind of measures be taken to ensure that there's  
21 not a conflict of interest in that case for the clients, to  
22 prevent issues coming up down the line. Other than that, we just  
23 ask that it be done as quickly as possible.

24 JUDGE ITOE: Yes. Can I hear your reaction to this,  
25 please?

26 MS KAH-JALLOW: My Lord, we want to make it perfectly clear  
27 that there will be no conflict of interest. These are just  
28 preliminary stages of the trial proceedings. All the accused  
29 persons will be assigned to individual counsel. As Your Lordship



1 pleases.

2 JUDGE ITOE: And we have it on record that it isn't a  
3 collective application for legal aid for all the accused persons.  
4 I think the applications are individual applications, and they  
5 are being considered individually. I would imagine that, when  
6 the time comes, like counsel for the Defence has pointed out, the  
7 assignment of counsel will be to individual accused persons, in  
8 which event I don't think the Prosecution is to bother about any  
9 possible conflict of interest in due course.

10 MR JOHNSON: We're satisfied. Thank you, Your Honour.

11 JUDGE ITOE: All right. This matter, like the matter that  
12 preceded it, is stood down for a period in the course of the day.  
13 So it is stood down and the accused is dispensed from attending.  
14 So he can be taken back, you know, to his cell and he will  
15 receive all the communication he needs on this matter through the  
16 lawyers who have been assigned to him for now.

17 THE ACCUSED KALLON: Thank you, My Lord.

18 [The accused withdrew]

19 JUDGE ITOE: We did stand down case number SCSL-2003-06-01  
20 for a time later in the day. And this one, we shall rise for a  
21 few minutes and resume as soon as the indication is given by the  
22 clerk of court. The Court will rise.

23 [Break taken at 1.27 p.m.]

24 [Upon resuming at 2.00 p.m.]

12:23:40 25 JUDGE ITOE: We stood down Case No. SCSL 2003-07-01, the  
26 Prosecutor versus Morris Kallon.

27 As we all can recollect, the issue of legal assistance  
28 arose and there were sort of, you know, divergent interests, you  
29 know, between the Prosecution and the Defence; the Prosecution

1 indicating the fear that there might be a conflict of interests  
2 in the representation of their case by [indiscernible] but the  
3 Court feels that from the explanation by counsel for the Defence  
4 may feel satisfied that there would in the long run be no  
12:27:46 5 conflict of interests as such and that in view of the gravity of  
6 the offences with which the accused stands charged, the Court  
7 should normally order and it does order that the legal assistance  
8 which is now placed at his disposal will continue to remain in  
9 place in the overall interests of justice pending the results of  
12:28:09 10 the Registrar's investigations on his means.

11 Again, we are back to the same issue that we addressed in  
12 the first place about the dates. I suppose the positions are the  
13 same. I don't want to get into -- I hope I can make a note of  
14 this, you know, that the issue of the adjournment and the  
12:28:40 15 pre-trial formalities would be like you -- you said in the other  
16 case so this will also be adjourned to Friday, the 21st of March  
17 for a ruling and directive on the issue. We will adjourn to 21  
18 March 2003 for a ruling on directives and -- on directives on  
19 issues that would be involved in setting the date of the trial  
12:30:02 20 and also the preliminary formalities that precede the trial.

21 [Whereupon the initial appearance adjourned at  
22 2.04 p.m. to Friday, 21 March 2003]

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