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SCSL-03-01-I  
(3160-3180)

3160

**THE SPECIAL COURT FOR SIERRA LEONE**

**CASE NO. SCSL- 2003- 01- I**

**THE PROSECUTOR**

**Against**

**CHARLES GHANKAY TAYLOR also known as  
DANKPANNAH CHARLES GHANKAY TAYLOR also known as  
DANKPANNAH CHARLES GHANKAY MACARTHUR TAYLOR**

**AMENDED INDICTMENT**

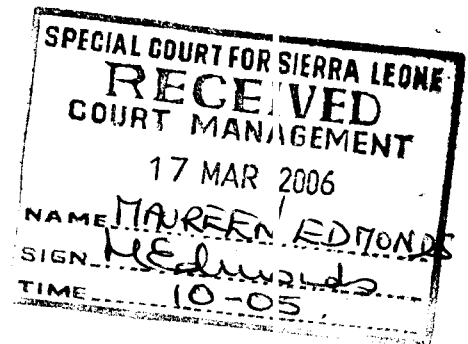
The Prosecutor, Special Court for Sierra Leone, under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute) charges:

**CHARLES GHANKAY TAYLOR also known as  
(aka) DANKPANNAH CHARLES GHANKAY TAYLOR  
aka DANKPANNAH CHARLES GHANKAY MACARTHUR TAYLOR**

with **CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II and OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, in violation of Articles 2, 3 and 4 of the Statute as set forth below:**

**THE ACCUSED**

- CHARLES GHANKAY TAYLOR aka DANKPANNAH CHARLES GHANKAY TAYLOR aka DANKPANNAH CHARLES GHANKAY MACARTHUR TAYLOR (the ACCUSED) was born on 27 or 28 January 1948 at Arthington in the Republic of Liberia.**



2. From the late 1980's the **ACCUSED** was the Leader or Head of the National Patriotic Front of Liberia (NPFL), an organized armed group.
3. From 2 August 1997 until about 11 August 2003, the **ACCUSED** was the President of the Republic of Liberia.
4. Paragraphs 1 through 3 are incorporated by reference in CHARGES below.

### **CHARGES**

By his acts or omissions in relation to the below described events, the **ACCUSED**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

#### **TERRORIZING THE CIVILIAN POPULATION**

**COUNT 1: Acts of Terrorism, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.d. of the Statute.

#### **PARTICULARS**

5. Members of the Revolutionary United Front (RUF), Armed Forces Revolutionary Council (AFRC), AFRC/RUF Junta or alliance, and/or Liberian fighters, including members and ex-members of the NPFL (Liberian fighters), assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, burned civilian property, and committed the crimes set forth below in paragraphs 6 through 31 and charged in Counts 2 through 11, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone.

#### **Burning**

6. Between about 30 November 1996 and about 18 January 2002, members of RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or

subordinate to the **ACCUSED**, engaged in widespread destruction of civilian property by burning, including the following:

**Kono District**

7. Between about 1 February 1998 and about 31 December 1998, in various locations, including Koidu, Tombodu or Tumbodu, Sewafe or Njaima Sewafe, Wenedu and Bumpe;

**Freetown and Western Area**

8. Between about 21 December 1998 and about 28 February 1999, in locations throughout Freetown, including Kissy and eastern Freetown and the Fourah Bay, Upgun, State House, Calaba Town, Kingtom and Pademba Road areas of the city, and Hastings, Goderich, Kent, Grafton, Wellington, Tumbo, Waterloo and Benguema in the Western Area.

**UNLAWFUL KILLINGS**

**COUNT 2:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

**COUNT 3:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute.

**PARTICULARS**

9. Between about 30 November 1996 and about 18 January 2002, members of RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, throughout Sierra Leone, unlawfully killed an unknown number of civilians, including the following:

**Kenema District**

10. Between about 25 May 1997 and about 31 March 1998, in various locations, including Kenema town and the Tongo Fields area;

**Kono District**

11. Between about 1 February 1998 and about 31 January 2000, in various locations, including Koidu, Tombodu or Tumbodu, Koidu Geiya or Koidu Gieya, Koidu Burua, Yengema, Paema or Peyima, Bomboa fuidu, Bumpe, Nimikoro or Njaima Nimikoro and Mortema;

**Kailahun District**

12. Between about 1 February 1998 and about 30 June 1998, in various locations, including Kailahun town;

**Freetown and Western Area**

13. Between about 21 December 1998 and 28 February 1999, in locations throughout Freetown, including the State House, Kissy, Fourah Bay, Uppun, Calaba Town, Allen Town and Tower Hill areas of the city, and Hastings, Wellington, Tumbo, Waterloo and Benguema in the Western Area.

**SEXUAL VIOLENCE**

**COUNT 4:** Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

**COUNT 5:** Sexual slavery and any other form of sexual violence, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

In addition, or in the alternative:

**COUNT 6:** Outrages upon personal dignity, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.e. of the Statute.

**PARTICULARS**

14. Between about 30 November 1996 and about 18 January 2002, members of FUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, committed widespread acts of sexual violence against civilian women and girls, including the following:

**Kono District**

15. Between about 1 February 1998 and about 31 December 1998, raped an unknown number of women and girls in various locations, including Koidu, Tombodu or Tumbodu, Wonedu and AFRC and/or RUF camps such as “Superman Ground”, “Guinea Highway” and “PC Ground”; abducted an unknown number of women and girls from various locations within the District, or brought them from locations outside the District, and used them as sex slaves;

**Kailahun District**

16. Between about 30 November 1996 and about 18 January 2002, raped an unknown number of women and girls in locations throughout Kailahun District; abducted any victims from other areas of the Republic of Sierra Leone, brought them to locations throughout the District, and used them as sex slaves;

**Freetown and Western Area**

17. Between about 21 December 1998 and about 28 February 1999, raped an unknown number of women and girls throughout Freetown and the Western area, and abducted an unknown number of women and girls and used them as sex slaves.

**PHYSICAL VIOLENCE**

**COUNT 7:** Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

**COUNT 8:** Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.

#### **PARTICULARS**

18. Between about 30 November 1996 and about 18 January 2002, members of RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, committed widespread acts of physical violence against civilians, including the following:

##### **Kono District**

19. Between about 1 February 1998 and about 31 December 1998, mutilated and beat an unknown number of civilians in various locations, including Tombodu or Tumbodu, Kaima or Kayima and Wonedu. The mutilations included cutting off limbs and other body parts and carving "AFRC" and "RUF" on the bodies of the civilians;

##### **Kailahun District**

20. Between about 30 November 1996 and about 18 January 2002, beat an unknown number of civilians in locations throughout the District;

##### **Freetown and Western Area**

21. Between about 21 December 1998 and about 28 February 1999, mutilated and beat an unknown number of civilians in various areas of Freetown, including the northern and eastern areas of the city, the Kissy area around the State House, Fourah Bay, Upgun and the Kissy mental hospital, and Hastings, Wellington, Tumbo, Waterloo and Benguema in the Western Area. The mutilations included cutting off limbs.

#### **CHILD SOLDIERS**

**COUNT 9:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

**PARTICULARS**

22. Between about 30 November 1996 and about 18 January 2002, throughout the Republic of Sierra Leone, members of RUF, AFRC, AFRC/RUF Junta or alliance and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC and/or RUF camps in various locations throughout the country, and thereafter used as fighters.

**ABDUCTIONS AND FORCED LABOUR**

**COUNT 10:** Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.

**PARTICULARS**

23. Between about 30 November 1996 and about 18 January 2002, members of RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, engaged in widespread and large scale abductions of civilians and use of civilians as forced labour, including the following:

**Kenema District**

24. Between about 1 July 1997 and about 28 February 1998, used an unknown number of civilians living in the District as forced labor in various locations such as the Tonso Fields area;

**Kono District**

25. Between about 1 February 1998 and about 18 January 2002, abducted an unknown number of civilians, and took them to various locations outside the District, or to locations within the District such as AFRC and/or RUF camps, Tombodu or Tumbodu, Koidu and Wonedu, and used them as forced labour;

**Kailahun District**

26. Between about 30 November 1996 and about 18 January 2002, brought abducted civilian men, women and children to various locations within the District and used them and residents of the District as forced labour;

**Freetown and Western Area**

27. Between about 21 December 1998 and about 28 February 1999, abducted an unknown number of civilians, including a large number of children, from locations throughout Freetown and the Western Area, and used them as forced labour.

**LOOTING**

**COUNT 11: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 6.f. of the Statute.

**PARTICULARS**

28. Between about 30 November 1996 and about 18 January 2002, members of RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and/or control of, and/or subordinate to the **ACCUSED**, engaged in widespread unlawful taking of civilian property, including the following:

**Kono District**

29. Between about 1 February 1998 and about 31 December 1998, in various locations, including Koidu, Tombodu or Tumbodu and Bumpe;

**Bombali District**

30. Between about 1 February 1998 and about 30 April 1998, in various locations, including Masiaka and Makeni;

**Freetown and Western Area**

31. Between about 21 December 1998 and about 28 February 1999, throughout Freetown and the Western Area.



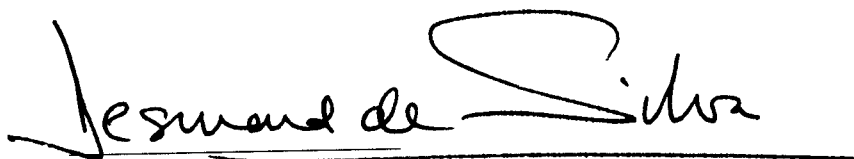
32. Paragraphs 4 through 31 are incorporated by reference in INDIVIDUAL CRIMINAL RESPONSIBILITY below.

**INDIVIDUAL CRIMINAL RESPONSIBILITY**

33. The **ACCUSED**, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Amended Indictment, which crimes the **ACCUSED** planned, instigated, ordered, committed, or in whose planning, preparation or execution the **ACCUSED** otherwise aided and abetted, or which crimes amounted to or were involved within a common plan, design or purpose in which the **ACCUSED** participated, or were a reasonably foreseeable consequence of such common plan, design or purpose.
34. In addition, or alternatively, pursuant to Article 6.3. of the Statute, the **ACCUSED**, while holding positions of superior responsibility and exercising command and control over subordinate members of the RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Amended Indictment. The **ACCUSED** is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the **ACCUSED** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

Dated this 16<sup>th</sup> day of March 2006

Freetown, Sierra Leone



Desmond de Silva

The Prosecutor

**THE SPECIAL COURT FOR SIERRA LEONE**

CASE NO. SCSL – 2003 – 01 – I

**THE PROSECUTOR****Against**

**CHARLES GHANKAY TAYLOR also known as  
DANKPANNAH CHARLES GHANKAY TAYLOR also known as  
DANKPANNAH CHARLES GHANKAY MACARTHUR TAYLOR**

**CASE SUMMARY ACCOMPANYING THE AMENDED INDICTMENT**

The Prosecution evidence, including expert witnesses, witnesses of fact and documentary evidence, will prove the following allegations:

**THE ACCUSED**

1. In the late 1980's the **ACCUSED** received military training in Libya from representatives of the Government of MU'AMMAR AL-QADHAFI. While in Libya the **ACCUSED** met FODAY SAYBANA SANKOH. The two made common cause to assist each other in taking power in their respective countries.
2. While in Libya, the **ACCUSED** formed or joined the National Patriotic Front of Liberia (NPFL), and became the leader or head of that organized armed group.
3. In December 1989 the NPFL, led by the **ACCUSED**, began conducting organized armed attacks in Liberia. The **ACCUSED** and the NPFL were assisted in these attacks by FODAY SAYBANA SANKOH and his followers.

## CHARGES

### **Contextual Elements**

4. Paragraphs 1 through 3 are incorporated by reference herein.
5. All offences alleged within the Amended Indictment were committed within the territory of Sierra Leone after 30 November 1996.
6. Between 30 November 1996 and about 18 January 2002, a state of armed conflict existed within Sierra Leone. For the purposes of the Amended Indictment, organized armed factions involved in this conflict included the Civil Defence Forces (CDF), the Revolutionary United Front (RUF), and the Armed Forces Revolutionary Council (AFRC). From the beginning of, and throughout the conflict, Liberian fighters, including members and ex-members of the NPFL (Liberian fighters), under the **ACCUSED's** control and/or operating in Sierra Leone with the **ACCUSED's** approval and assistance, also participated in this conflict, fighting as part of or alongside members of the RUF, and, later, the AFRC, AFRC/RUF Junta or alliance.
7. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and, later, against the AFRC.
8. The organized armed group that became known as the RUF, led by FODAY SAYBANA SANKOH aka POPAY aka PAPA aka PA, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of FODAY SAYBANA SANKOH, and with the assistance of Liberian fighters, began organized armed operations in Sierra Leone in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as "RUF", "rebels" and "People's Army". Initially the RUF fought against the Republic of Sierra Leone Military Forces, commonly known as the Sierra Leone Army or SLA.

9. Although a peace accord was signed on 30 November 1996, in Abidjan, Ivory Coast, between FODAY SAYBANA SANKOH and President Kabbah, active hostilities recommenced after a temporary lull in the fighting.
10. The armed group known as the AFRC was created via a coup d'état by members of the SLA on 25 May 1997. On that date the members of the coup seized power from the elected government of the Republic of Sierra Leone. JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. Soldiers of the SLA comprised the majority of the AFRC membership. The AFRC forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA".
11. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, the RUF joined with the AFRC. The AFRC and the RUF acted together thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as "Junta", "rebels", "soldiers", "SLA", "ex-SLA" and "People's Army". The two armed factions now fought together against the CDF, SLAs loyal to the elected government, and any other force that fought against the AFRC/RUF Junta or alliance.
12. After the 25 May 1997 coup d'état, a governing body called the Supreme Council was created within the Junta. The governing body included leaders of both the AFRC and the RUF.
13. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about 14 February 1998. President Kabbah's government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.
14. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and President Kabbah signed a peace agreement. However, active hostilities continued.
15. The **ACCUSED** and all members of the organized armed factions engaged in fighting within Sierra Leone, including the Liberian fighters, were required to abide by International Humanitarian Law and the laws and customs governing the conduct of

armed conflicts, including the Geneva Conventions of 12 August 1949, to which the Republic of Sierra Leone succeeded on 10 June 1965, and the Republic of Liberia acceded on 29 March 1954 and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986, and the Republic of Liberia acceded on 30 June 1988.

16. The armed conflict continued within the territory of Sierra Leone until about 18 January 2002, when Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, announced an end to the hostilities.
17. A nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.
18. All acts and omissions charged in the Amended Indictment as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.
19. The victims of the crimes alleged in the Amended Indictment were civilians. In the Amended Indictment, the words “civilian(s)” or “civilian population” refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

#### **Enumerated crimes and serious violations**

20. The Prosecution relies primarily on the particulars set forth in the Amended Indictment in respect of the alleged enumerated crimes and serious violations set forth therein.
21. Between about 30 November 1996 and about 18 January 2002, members of the RUF, AFRC, Junta and/or the AFRC/RUF alliance, and Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and control of, and/or subordinate to the **ACCUSED**, committed the crimes alleged in the Amended Indictment. During that time period, members of these organized armed groups

conducted widespread or systematic armed attacks throughout the territory of the Republic of Sierra Leone, including Kono, Kenema, Bombali and Kailahun Districts, Freetown and the Western area. The attacks were directed against the civilian population, and the victims of the armed attacks were civilian men, women and children.

### **Acts of Terror**

22. The primary objective of the attacks was to terrorize the civilian population of Sierra Leone. Acts of terror included large scale burning of civilian homes and other civilian property, unlawful killings, sexual and physical violence, use of child soldiers and widescale looting. Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes – dead bodies, savaged or mutilated victims and looted and burned property.
23. Also as part of the campaign of terror, members of the civilian population were routinely captured and abducted. These captives were typically subjected to sexual and physical violence; most, if not all, who survived capture were used as forced labor. Many males, and some females, were forced to become fighters in the armed groups to which their captors belonged. Men and boys who were abducted were also used as forced labour.

### **Unlawful Killings**

24. Members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters, assisted and encouraged by, acting in concert with, under the direction and control of, and/or subordinate to the **ACCUSED**, engaged in widescale unlawful killing of civilians throughout Sierra Leone. Civilians were shot, burned in their homes, hacked to death, and killed either while trying to escape from attacks on their homes, or from their captors. Some victims died as a result of the sexual or physical violence to which they were subjected, while others died in the performance of forced labor.

### **Sexual Violence**

25. Women and girls were subjected to widespread acts of sexual violence. Such violence included brutal rapes, often by multiple rapists. Captured women and girls were routinely raped; many of them were held for years, and forced to provide sexual gratification to their captors in addition to being forced to perform domestic duties and other manual labor.

### **Physical Violence**

26. Physical violence was widespread and often carried out in public places. Civilians were forced to watch as others were violently attacked and mutilated; many of those forced spectators were then similarly attacked and mutilated. Civilians, in particular young men who tried to escape from their RUF, AFRC, AFRC Junta or alliance, or Liberian captors, were often mutilated by having "RUF" and "AFRC" carved on their bodies.

### **Child Soldiers**

27. The conflict in Sierra Leone was marked at all stages by the presence of children, especially young boys, under the age of 15 in the ranks of the RUF, AFRC, AFRC Junta or alliance and Liberian fighters. Such children were enlisted or conscripted and forced to participate actively in hostilities. These children had generally been seized from their families and were unable or too frightened to escape from their captors. Military training was often given to these children and they were taught to handle and fire weapons, to lay ambushes and evade detection. Such was the prevalence of child soldiers during the conflict that some units were specifically designated for young boys such as the Small Boys Unit or "SBU".

### **Abductions and Forced Labor**

28. Throughout Sierra Leone civilians were routinely abducted and forced to perform a variety of forced labor, including carrying goods, ammunition and weapons, performing domestic work, going on food-finding missions, performing agricultural

duties and mining for diamonds. They did so under threat of physical harm or death, and often at gun point. Those forced to work were often physically abused, or in some instances killed, if they were unable to carry out the duties assigned them. The conditions of life for those forced to carry out this labor were often very difficult, and such individuals were generally deprived of adequate food, shelter and medical care. Civilians who attempted escape were punished, often brutally, or killed. In some cases, civilians were held for years.

### **Looting**

29. Widespread looting formed a key element of the hostile activities engaged in by members of the RUF, the AFRC and the AFRC Junta or alliance and Liberian fighters. Civilian properties were routinely looted for items such as jewellery and other valuables, money and clothes.

### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

30. From the beginning of, and throughout, the conflict in Sierra Leone, the **ACCUSED** provided the RUF with assistance, encouragement and direction. Prior to the initial attacks into Sierra Leone, the **ACCUSED** provided military training, financial support, arms and ammunition, and safe havens to FODAY SAYBANA SANKOHO and his organized group. The **ACCUSED** provided personnel for the initial attacks into Sierra Leone which began the armed conflict in that country.
31. Throughout the armed conflict in Sierra Leone, the **ACCUSED's** positions as leader or head of the NPFL and President of Liberia, combined with his close association with FODAY SAYBANA SANKOHO and other senior leaders of the RUF and AFRC, AFRC/RUF Junta or alliance, provided the **ACCUSED** with the authority and the means to participate in the crimes alleged in the Amended Indictment.
32. The **ACCUSED's** participation in the crimes alleged in the Amended Indictment took a variety of forms – planning, instigating, ordering, committing, otherwise aiding and abetting in the commission of the alleged crimes, and participating in a common plan, design or purpose.



33. In addition, or in the alternative, the **ACCUSED** incurs criminal responsibility for the alleged crimes because, as the superior of the perpetrators, he failed to take the necessary and reasonable measures to prevent or punish the crimes of which he had actual knowledge or of which he had reason to know.

#### **Planning**

34. The **ACCUSED**, individually, or participating with his direct subordinates and/or high level leaders of the RUF, AFRC and AFRC/RUF Junta or alliance, planned armed operations in Sierra Leone which were themselves crimes or involved the commission of crimes alleged in the Amended Indictment.

#### **Instigating**

35. Throughout the armed conflict, the **ACCUSED** encouraged the actions of the RUF, AFRC, AFRC/RUF Junta or alliance, and Liberian fighters, thereby prompting the perpetrators to commit the crimes alleged in the Amended Indictment.

#### **Ordering**

36. Through his positions set out in paragraph 31 above, and his close association with FODAY SAYBANA SANKOH and other senior leaders of RUF and AFRC, AFRC/RUF Junta or alliance, the **ACCUSED**, individually, or in concert with those senior leaders, exercised *de jure* and/or *de facto* control over the perpetrators of the crimes alleged in the Amended Indictment. He exercised *de facto* control, individually, or in concert with FODAY SAYBANA SANKOH and other high level superiors in the RUF, AFRC and AFRC/RUF Junta or alliance, through those senior leaders and/or intermediate level superiors within those armed groups. The **ACCUSED** exercised *de jure* and/or *de facto* control directly over Liberian fighters, or through intermediate superiors of those fighters.

37. The **ACCUSED** provided instruction, direction and guidance involving the commission of crimes alleged in the Amended Indictment directly to, and through, senior and/or intermediate level commanders within the RUF, AFRC, AFRC/RUF

Junta or alliance, and directly to, or through intermediate level superiors of Liberian fighters.

38. Senior level RUF leaders to whom and through whom the **ACCUSED** gave instruction, direction and guidance included FODAY SAYBANA SANKOH, SAM BOCKARIE aka MOSQUITO aka MASKITA and ISSA HASSAN SESAY. The **ACCUSED** provided such instruction guidance and direction to the AFRC through the shared AFRC/RUF leadership, which included the high level RUF commanders named above, and TAMBA ALEX BRIMA aka GULLIT and BRIMA BAZZY KAMARA aka BAZZY.

### **Committing**

39. The **ACCUSED** committed the crimes alleged in the Amended Indictment in the sense of being a co-perpetrator of those crimes, in that, while not physically perpetrating the crimes, the **ACCUSED** shared the intent to commit the crimes and participated in the common plan, design or purpose which amounted to or involved commission of those crimes.

### **Aiding and abetting**

40. Between about 30 November 1996 and about 18 January 2002, the **ACCUSED** assisted in the commission of the alleged crimes by providing various forms of support. Such support included the provision of: military training, both in Liberia and Sierra Leone; facilities in Liberia; safe havens in Liberia; personnel drawn from the NPFL, other organized armed groups within Liberia and from the Liberian population in general; arms and associated materiel such as ammunition; communications equipment including satellite phones; and other supplies such as food, uniforms and petrol. To ensure the timely and safe delivery of this support to the RUF, AFRC AFRC/RUF Junta or alliance and to the Liberian fighters in Sierra Leone, the **ACCUSED** also provided Liberian escorts and vehicles.
41. The essential support set out above provided practical assistance, encouragement and/or moral support to the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian

fighters in carrying out the crimes alleged in the Amended Indictment, and had a substantial effect on the commission of those crimes, and/or furthered the common plan, design or purpose in which the participants included the leadership and members of the RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters.

#### **Participation in a common plan, design or purpose**

42. This shared common plan, design or purpose was to take any actions necessary to gain and exercise political power and political and physical control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided primarily to the **ACCUSED** and other persons outside Sierra Leone.
43. The common plan, design or purpose included taking any actions necessary to gain and exercise physical and political control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to those persons engaged in achieving the objectives of the common plan, design or purpose. This common plan, design or purpose amounted to, or involved the commission of, the crimes alleged in the Amended Indictment. The alleged crimes, amounting to or involved within the common plan, design or purpose, were either intended by the **ACCUSED**, or were a reasonably foreseeable consequence of the common plan, design or purpose.
44. The **ACCUSED** participated in this common plan, design or purpose as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone, in particular diamonds, to destabilize the Government of Sierra Leone in order to facilitate access to such mineral wealth and to install a government in Sierra Leone that would be well disposed toward, and supportive of, the **ACCUSED's** interests and objectives in Liberia and the region.

#### **Intent and knowledge**

45. The **ACCUSED** intended the commission of the crimes alleged in the Amended Indictment, or acted with reckless indifference toward the possibility that such crimes

would be committed, and/or had knowledge of the commission of these crimes or the likelihood that such crimes would be committed.

46. The **ACCUSED** had knowledge of the crimes committed, or the probability that such crimes would be committed, through a variety of sources – communications via radios, satellite phones, personal visits from leaders of RUF, AFRC, AFRC/RUF Junta or alliance, contacts between the **ACCUSED**'s representatives and RUF, AFRC, AFRC/RUF Junta or alliance leaders, reports from his agents in Sierra Leone, documentary evidence of the commission of crimes alleged in the Amended Indictment from the media and international organizations and through representations made to the **ACCUSED** by representatives of the UN and of national governments. The **ACCUSED** also had this knowledge by virtue of the fact that many of these crimes paralleled the crimes committed against civilians in Liberia and Sierra Leone by members of his own organization, the NPFL, members and former members of which were fighting with or alongside the RUF, AFRC, AFRC/RUF Junta or alliance, under the direction of, or with the approval and support of, the **ACCUSED**.

47. For the above reasons, the **ACCUSED** knew or had reason to know the crimes alleged in the Amended Indictment had been committed or were about to be committed by persons subordinate to him. The **ACCUSED** did not take steps to prevent or punish these crimes.

#### **Superior Authority**

48. As alleged in paragraphs 33, 36, 46 – 47 above, the **ACCUSED**, individually or in concert with leaders of the RUF, AFRC, AFRC/RUF Junta or alliance and intermediate leaders of the Liberian fighters, exercised *de jure* and/or *de facto* control over the participants of the perpetrators of the crimes alleged in this Amended Indictment. The **ACCUSED** knew or had reason to know these subordinates were

about to commit these continuing crimes, or had done so, and failed to take reasonable and necessary steps to prevent or punish the perpetrators.

Dated this 16th day of March 2006

Freetown, Sierra Leone