

**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
Freetown – Sierra Leone

Before: Judge Teresa Doherty, Presiding Judge  
Judge Richard Brunt Lussick  
Judge Julia Sebutinde

Registrar: Mr. Robin Vincent

Date filed: 7 February 2005

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA  
BRIMA BAZZY KAMARA  
SANTIGIE BORBOR KANU**

Case No. SCSL – 2004 – 16 – PT

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**PROSECUTION APPLICATION TO FURTHER AMEND THE  
AMENDED CONSOLIDATED INDICTMENT BY WITHDRAWING  
COUNTS 15-18**

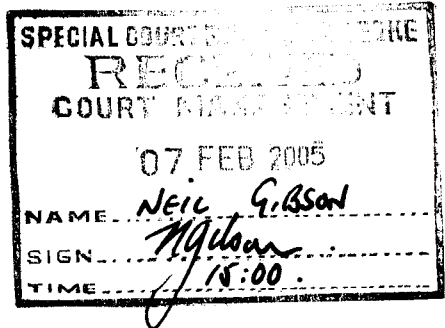
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Special Court for Sierra Leone  
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**Introduction**

1. The Prosecution seeks leave under Rules 50(A) and 73(A) of the Rules of Procedure and Evidence to further amend the Amended Consolidated Indictment issued on 13 May 2004 against Accused Alex Tamba Brima, Brima Bazy Kamara and Santigie Borbor Kanu by withdrawing Counts 15 to 18 of the indictment.

**Background**

2. The indictments against each of these three Accused individually were approved by His Honour Judge Bankole Thompson on 7 March 2003 for the Accused Brima, and on 28 May 2003 for the Accused Kamara, and by His Honour Judge Boutet on 16 September 2003, for the Accused Kanu.
3. On 9 October 2003, the Prosecution applied for a consolidation of indictments issued against nine Defendants who had been arraigned and pleaded before the

Special Court. The Prosecution sought to join the three “CDF” indictees in one indictment, and the “RUF” and “AFRC” indictees in a second indictment.<sup>1</sup> That application was not in the event granted in full, and the Trial Chamber ordered consolidation of the indictments into three sets: One consolidated indictment for the RUF indictees, a second consolidated indictment for the AFRC indictees and a third consolidated indictment for the CDF indictees.

4. An application was made on 9 February 2004 by which the Prosecution sought leave under Rules 50(A) and 73(A) of the Rules of Procedure and Evidence to amend the Consolidated Indictments against both the RUF and the AFRC Accused.<sup>2</sup> On 6 May 2004, the Trial Chamber, Judge Bankole Thompson Presiding, granted the Prosecution application.<sup>3</sup>
5. Counts 15 to 18 relate to allegations of attacks against UNAMSIL peacekeepers and humanitarian assistance workers which, the Prosecution allege, occurred between about 15 April and 15 September 2000 at locations in Sierra Leone. The Accused are charged as individually responsible under Article 6.1, or alternatively Article 6.3 of the Statute by Count 15, with an Other Serious Violation of International Humanitarian Law contrary to Article 4.b of the Statute, by Count 16, with Murder, a Crime Against Humanity, punishable under Article 2.a of the Statute, by Count 17, with violence to life, health and mental well-being of persons, in particular murder, a Violation of Article 3 to the Geneva Conventions and of Additional Protocol II, contrary to Article 3. a of the Statute, and by count 18, with taking as hostages, a Violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.c of the Statute.

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<sup>1</sup> Prosecution Motion for Joinder, 9 October 2003; in each of the nine cases.

<sup>2</sup> Prosecution Request for Leave to Amend the Indictment, 9 February 2004; in *Prosecutor v. Brima, Kamara, Kanu*; and in *Prosecutor v. Sesay, Kallon, Gbao*.

<sup>3</sup> Decision on Prosecution Request for Leave to Amend the Indictment, 6 May 2004; in the AFRC and the RUF cases.

6. Each of these counts were charged on the individual Indictments against each Accused, and repeated in the Consolidated, and in the Amended Consolidated Indictments.

**This application**

7. This application for leave is made at this stage, in the interests of justice and fairness to each of these three Accused. The trial in the AFRC proceedings is due to start on 7 March 2005, with a Status Conference on 1 March 2005.<sup>4</sup> The Prosecution will open its case on 7 March 2005, and the hearing of evidence will start shortly thereafter.
8. This application was foreshadowed in the Prosecution Response to “Kanu – Defence Motion for the Dismissal of Counts 15-18 of the Indictment due to an Alibi Defence and Lack of *Prima Facie* Case” filed 31 January 2005. As there explained, the Prosecution has, in the months following the Pre-Trial Conference held on 30 April 2004, been engaged in a constant process of review of its evidence in these proceedings, including new evidence obtained since the filing of its Amended Consolidated Indictment.
9. At the time when the individual Indictments against each of the three Accused were approved, the evidence in possession of the Prosecution adequately supported the Prosecution theory that the joint criminal enterprise as pleaded in the Indictments (and subsequently repeated in the Consolidated and Amended Consolidated Indictments) could be proven beyond reasonable doubt in relation to the entire time period relevant to all counts on the Indictments. Since then, new evidence obtained by the Prosecution and disclosed to the defence has led the Prosecution to the view that the joint criminal enterprise cannot be proved beyond reasonable doubt after January 2000, the period of time relevant to in relation to counts 15-18. The Prosecution remains of the view that the joint criminal enterprise can be proven beyond reasonable doubt for the material time until January 2000 and, therefore, in relation to counts 1-14 on the Indictment.

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<sup>4</sup> Order for Commencement of Trial and Scheduling Order, 20 January 2005.

10. The Prosecution has notified each of the Accused of the decision to seek re-amendment of the Amended Consolidated Indictment by letter dated 31 January 2005. In the interests of fairness to these Accused, and in the interests of assisting this Chamber in the proper administration of these proceedings, the Prosecution submits that it is appropriate to have its decision not to lead evidence with respect to counts 15-18 reflected in the indictment currently standing against these Accused.
11. The Prosecution decision in these proceedings has no bearing on the conduct of the Prosecution case against the RUF Accused. Counts 15 to 18 remain, in that case, as charged.
12. There is no specific provision in the Rules made for withdrawal of counts on an indictment.
13. Rule 50 of the Rules provides:

“(A) ... At or after such initial appearance, an amendment of an indictment may only be made by leave granted by a Trial Chamber pursuant to Rule 73. If leave to amend is granted, Rule 47 (G) and Rule 52 apply to the amended indictment.”
14. Rule 51 of the Rules of Procedure and Evidence provides only for the circumstances where an indictment is withdrawn in its entirety.<sup>5</sup> The Prosecution submits it is therefore appropriate to proceed under Rules 50 and 73 of the Rules. This is the procedure that has been adopted in similar circumstances in proceedings at the ICTY.<sup>6</sup>

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<sup>5</sup> Rule 51(B): “After the approval of an indictment pursuant to Rule 47, but prior to the commencement of the trial, the Prosecutor *may withdraw an indictment* upon providing to the Trial Chamber in open court a statement of reasons for the withdrawal”. [Emphasis added] Rule 51 (c): “Once the trial of an accused has commenced, the Prosecutor may withdraw an indictment only by leave granted by the Trial Chamber”.

<sup>6</sup> *Prosecutor v. Goran Jelusic, Ranko Cesic*, Case No. IT-95-10-PT, Decision on the Prosecution Motion for Leave to Amend the Indictment, 12 May 1998: Charges under Article 2 of the Statute were withdrawn by amendment of the indictment.

15. This application is made promptly, well before the commencement of the trial in these proceedings. It will not occasion any delay, if granted, to the conduct of these proceedings. On the contrary, it is likely to expedite their conclusion. The rights of the Accused to be informed as quickly as possible of the charges brought against them<sup>7</sup> is not affected, in that there are no additional charges brought by this amendment. These proceedings may follow their normal course with no need to grant additional time for the preparation of the defence of the Accused.

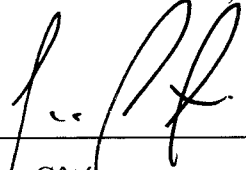
**Relief sought**

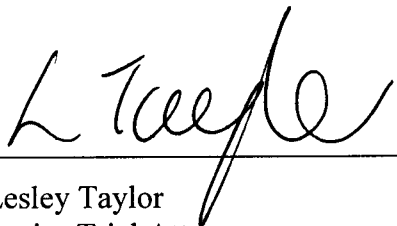
16. In the premises, the Prosecution seeks the following relief:

Leave to further amend the Consolidated Amended Indictment by withdrawing Counts 15-18 in the form contained in the Proposed Further Amended Consolidated Indictment attached hereto as Annex I.

Filed in Freetown, 7 February 2005

For the Prosecution,

  
\_\_\_\_\_  
Luc Côté  
Chief of Prosecutions

  
\_\_\_\_\_  
Lesley Taylor  
Senior Trial Attorney

<sup>7</sup> Article 17 (4) of the Statute provides: "In the determination of any charge against the accused pursuant to the present statute, he or she shall be entitled to the following minimum guarantees in full equality: (a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her; (b) To have adequate time and facilities for the preparation of his or her defence; and (c) To be tried without undue delay."

### **List of Authorities**

***Prosecutor v. Goran Jelusic and Ranko Cesic*** Case No. IT-95-10-PT  
Decision on the Prosecutor's Motion for Leave to Amend the Indictment, 12 May 1998.  
<http://www.un.org/icty/jelusic/trialc1/decision-e/80512A1113669.htm>

**Annex I**



**THE SPECIAL COURT FOR SIERRA LEONE**

**CASE NO. SCSL – 2004-16-PT**

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA also known as TAMBA ALEX BRIMA also known as  
GULLIT**

**BRIMA BAZZY KAMARA also known as IBRAHIM BAZZY KAMARA  
also known as ALHAJI IBRAHIM KAMARA**

**AND**

**SANTIGIE BORBOR KANU also known as 55 also known as  
FIVE-FIVE also known as SANTIGIE KHANU also known as SANTIGIE KANU  
also known as S. B. KHANU also known as S.B. KANU also known as SANTIGIE  
BOBSON KANU also known as BORBOR SANTIGIE KANU**

**FURTHER AMENDED CONSOLIDATED INDICTMENT**

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

**ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA aka GULLIT**

**BRIMA BAZZY KAMARA aka IBRAHIM BAZZY KAMARA aka ALHAJI  
IBRAHIM KAMARA**

**and**

**SANTIGIE BORBOR KANU aka 55 aka  
FIVE-FIVE aka SANTIGIE KHANU aka SANTIGIE KANU aka S. B. KHANU aka  
S.B. KANU aka SANTIGIE BOBSON KANU aka BORBOR SANTIGIE KANU**

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**

1. **ALEX TAMBA BRIMA aka TAMBA ALEX BRIMA aka GULLIT**  
was born 23 November 1971 at Yaryah Village, Kono District, Republic of Sierra Leone.
2. He joined the Sierra Leone Army (SLA) in April 1985 and rose to the rank of Staff Sergeant.
3. **BRIMA BAZZY KAMARA aka IBRAHIM BAZZY KAMARA aka ALHAJI IBRAHIM KAMARA** was born on 7 May 1968 at Wilberforce Village in the Western Area in the Republic of Sierra Leone.
4. He joined the Sierra Leone Army (SLA) on 20 May 1991 and rose to the rank of Staff Sergeant.
5. **SANTIGIE BORBOR KANU aka 55 aka FIVE-FIVE aka SANTIGIE KHANU aka SANTIGIE KANU aka S. B. KHANU aka S.B. KANU aka SANTIGIE BOBSON KANU aka BORBOR SANTIGIE KANU** was born in March 1965 in Maforki Chiefdom, Port Loko District, Republic of Sierra Leone, or in Freetown in the Western Area of the Republic of Sierra Leone.
6. He joined the Sierra Leone Army (SLA) on 27 November 1990 and rose to the rank of Sergeant.

## GENERAL ALLEGATIONS

7. At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the purposes of this Indictment, organized armed factions involved in this conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).
8. 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.
9. 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, 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”.
10. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC.
11. On 30 November 1996, in Abidjan, Ivory Coast, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.
12. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d’état on 25 May 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership. On that date JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. The AFRC forces were also referred to as “Junta”, “soldiers”, “SLA”, and “ex-SLA”.

13. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as “Junta”, “rebels”, “soldiers”, “SLA”, “ex-SLA” and “People’s Army”.
14. After the 25 May 1997 coup d’état, a governing body, the Supreme Council, was created within the Junta. The Supreme Council was the sole executive and legislative authority within Sierra Leone during the junta. The governing body included leaders of both the AFRC and RUF.
15. 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.
16. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.
17. **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA, SANTIGIE BORBOR KANU** and all members of the organized armed factions engaged in fighting within Sierra Leone 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, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.
18. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.
19. All acts and omissions charged herein as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.

20. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

## **INDIVIDUAL CRIMINAL RESPONSIBILITY**

21. Paragraphs 1 through 20 are incorporated by reference.
22. At all times relevant to this Indictment, **ALEX TAMBA BRIMA** was a senior member of the AFRC, Junta and AFRC/RUF forces.
23. **ALEX TAMBA BRIMA** was a member of the group which staged the coup and ousted the government of President Kabbah. **JOHNNY PAUL KOROMA**, Chairman and leader of the AFRC, appointed **ALEX TAMBA BRIMA** a Public Liaison Officer (PLO) within the AFRC. In addition, **ALEX TAMBA BRIMA** was a member of the Junta governing body.
24. Between mid February 1998 and about 30 April 1998, **ALEX TAMBA BRIMA** was in direct command of AFRC/RUF forces in the Kono District. In addition, **ALEX TAMBA BRIMA** was in direct command of AFRC/RUF forces which conducted armed operations throughout the north eastern and central areas of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Bombali District between about May 1998 and 31 July 1998. As of about 22 December 1998, **ALEX TAMBA BRIMA** was in command of AFRC/RUF forces which attacked Freetown on 6 January 1999.
25. At all times relevant to this Indictment, **BRIMA BAZZY KAMARA** was a senior member of the AFRC, Junta and AFRC/RUF forces.
26. **BRIMA BAZZY KAMARA** was a member of the group which staged the coup and ousted the government of President Kabbah. **JOHNNY PAUL KOROMA**, Chairman and leader of the AFRC, appointed **BRIMA BAZZY KAMARA** a Public Liaison Officer (PLO) within the AFRC. In addition, **BRIMA BAZZY KAMARA** was a member of the Junta governing body.

27. Between about mid-February 1998 and 30 April 1998, **BRIMA BAZZY KAMARA** was a commander of AFRC/RUF forces based in Kono District. In addition, **BRIMA BAZZY KAMARA** was a commander of AFRC/RUF forces which conducted armed operations throughout the north, eastern and central areas of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Koinadugu and Bombali Districts between about mid February 1998 and 31 December 1998. **BRIMA BAZZY KAMARA** was a commander of AFRC/RUF forces which attacked Freetown on 6 January 1999.
28. At all times relevant to this Indictment, **SANTIGIE BORBOR KANU** was a senior member of the AFRC, Junta and AFRC/RUF forces.
29. **SANTIGIE BORBOR KANU** was a member of the group of 17 soldiers which staged the coup and ousted the government of President Kabbah. In addition, **SANTIGIE BORBOR KANU** was a member of the Junta governing body, the AFRC Supreme Council.
30. Between mid February 1998 and 30 April 1998, **SANTIGIE BORBOR KANU** was a senior commander of AFRC/RUF forces in Kono District. In addition, **SANTIGIE BORBOR KANU** was a commander of AFRC/RUF forces which conducted armed operations throughout the north, eastern and central areas of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Koinadugu and Bombali Districts between about mid February 1998 and 31 December 1998. **SANTIGIE BORBOR KANU**, along with **ALEX TAMBA BRIMA** and **BRIMA BAZZY KAMARA**, was also one of three commanders of AFRC/RUF forces during the attack on Freetown on 6 January 1999.
31. In their respective positions referred to above, **ALEX TAMBA BRIMA**, **BRIMA BAZZY KAMARA** and **SANTIGIE BORBOR KANU**, individually, or in concert with each other, **JOHNNY PAUL KOROMA** aka JPK, **FODAY SAYBANA SANKOH**, **SAM BOCKARIE** aka **MOSQUITO** aka **MASKITA**, **ISSA HASSAN SESAY** aka **ISSA SESAY**, **MORRIS KALLON** aka **BILAI KARIM**, **AUGUSTINE GBAO** aka **AUGUSTINE BAO** and/or other superiors in

- the AFRC, Junta and AFRC/RUF forces, exercised authority, command and control over all subordinate members of the AFRC, Junta and AFRC/RUF forces.
32. At all times relevant to this Indictment, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, through their association with the RUF, acted in concert with CHARLES GHANKAY TAYLOR aka CHARLES MACARTHUR DAPKPANA TAYLOR.
33. The AFRC, including **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, and the RUF, including ISSA HASSAN SESAY, MORRIS KALLON and AUGUSTINE GBAO, shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and 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 to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.
34. The joint criminal enterprise included gaining and exercising 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 the members of the joint criminal enterprise. The crimes alleged in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise.
35. **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, by their acts or omissions, are 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 Indictment, which crimes each of them planned, instigated, ordered, committed or in whose planning, preparation or execution each Accused otherwise aided and abetted, or which crimes were within a joint criminal enterprise in which each Accused participated or were a

reasonably foreseeable consequence of the joint criminal enterprise in which each Accused participated.

36. In addition, or alternatively, pursuant to Article 6.3. of the Statute, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, while holding positions of superior responsibility and exercising effective control over their subordinates, are each individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. Each 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 each Accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

## CHARGES

37. Paragraphs 21 through 36 are incorporated by reference.
38. At all times relevant to this Indictment, members of the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), subordinate to and/or acting in concert with **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including Bo, Kono, Kenema, Koinadugu, Bombali and Kailahun and Port Loko Districts and the city of Freetown and the Western Area. Targets of the armed attacks included civilians.
39. These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property. Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes – dead bodies, mutilated victims and looted and burnt property.



40. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving “AFRC” and “RUF” on their bodies.

**COUNTS 1 – 2: TERRORIZING THE CIVILIAN POPULATION AND COLLECTIVE PUNISHMENTS**

41. Members of the AFRC/RUF subordinate to and/or acting in concert with **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, committed the crimes set forth below in paragraphs 42 through 79 and charged in Counts 3 through 14, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population. The AFRC/RUF also committed the crimes to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF.

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**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;**

And:

**Count 2:** Collective Punishments, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.b. of the Statute.

**COUNTS 3 – 5: UNLAWFUL KILLINGS**

42. Victims were routinely shot, hacked to death and burned to death. Unlawful killings included the following:

**Bo District**

43. Between about 1 June 1997 and 30 June 1997, AFRC/RUF attacked Tikonko, Telu, Sembahun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians;

**Kenema District**

44. Between about 25 May 1997 and about 19 February 1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

**Kono District**

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

**Kailahun District**

46. Between about 14 February 1998 and 30 June 1998, in locations including Kailahun town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

**Koinadugu District**

47. Between about 14 February 1998 and 30 September 1998, in several locations including Heremakono, Kabala, Kumalu (or Kamalu), Kurubonla, Katombo, Koinadugu, Fadugu and Kamadugu, members of the AFRC/RUF unlawfully killed an unknown number of civilians;

**Bombali District**

48. Between about 1 May 1998 and 30 November 1998, in several locations in Bombali District, including Bonyoyo (or Bornoya), Karina, Mafabu, Mateboi, and Gbendembu (or Gbendubu or Pendembu), members of the AFRC/RUF unlawfully killed an unknown number of civilians;

**Freetown and the Western Area**

49. Between 6 January 1999 and 28 February 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown and the Western Area. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city and the Western Area, including Kissy, Wellington, and Calaba Town;

**Port Loko**

50. About the month of February 1999, members of the AFRC/RUF fled from Freetown to various locations in the Port Loko District. Between about February 1999 and April 1999, members of AFRC/RUF unlawfully killed an unknown number of civilians in various locations in Port Loko District, including Manaarma, Tendakum and Nonkoba;

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to

Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**Count 3:** Extermination, a **CRIME AGAINST HUMANITY**, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

**Count 4:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute.

### **COUNTS 6 – 9: SEXUAL VIOLENCE**

51. Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists, and forced “marriages”. Acts of sexual violence included the following:

#### **Kono District**

52. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh, Fokoiya, Wonedu and AFRC/RUF camps such as “Superman camp” and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves and/or forced into “marriages” and/or subjected to other forms of sexual violence.

The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

**Koinadugu District**

53. Between about 14 February 1998 and 30 September 1998, members of AFRC/RUF raped an unknown number of women and girls in locations in Koinadugu District, such as Kabala, Koinadugu, Heremakono and Fadugu. In addition an unknown number of women and girls were abducted and used as sex slaves and/or forced into “marriages” and/or subjected to other forms of sexual violence. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

**Bombali District**

54. Between about 1 May 1998 and 31 November 1998, members of the AFRC/RUF raped an unknown number of women and girls in locations in Bombali District, including Mandaha and Rosos (or Rosors or Rossos). In addition, an unknown number of abducted women and girls were used as sex slaves and/or forced into “marriages” and/or subjected to other forms of sexual violence. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

**Kailahun District**

55. At all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence. Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves and/or forced into “marriages” and/or subjected to other forms of sexual violence. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

**Freetown and the Western Area**

56. Between 6 January 1999 and 28 February 1999, members of AFRC/RUF raped hundreds of women and girls throughout the City of Freetown and the Western

Area, and abducted hundreds of women and girls and used them as sex slaves and/or forced them into “marriages” and/or subjected them to other forms of sexual violence. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

**Port Loko District**

57. About the month of February 1999, AFRC/RUF fled from Freetown to various locations in the Port Loko District. Between February 1999 and April 1999, members of the AFRC/RUF raped an unknown number of women and girls in various locations in the District. In addition, an unknown number of women and girls in various locations in the District were used as sex slaves and/or forced into “marriages” and/or subjected to other forms of sexual violence by members of the AFRC/RUF. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”;

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**Count 6:** Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

**Count 7:** Sexual slavery and any other form of sexual violence, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

**Count 8:** Other inhumane act, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute;

In addition, or in the alternative:

**Count 9:** Outrages upon personal dignity, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.e. of the Statute.

**COUNTS 10 - 11: PHYSICAL VIOLENCE**

58. Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included the following:

**Kono District**

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

**Kenema District**

60. Between about 25 May 1997 and about 19 February 1998, in locations in Kenema District, including Kenema town, members of AFRC/RUF carried out beatings and ill-treatment of a number of civilians who were in custody;

**Koinadugu District**

61. Between about 14 February 1998 and 30 September 1998, members of the AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Kabala and Konkoba (or Kontoba). The mutilations included cutting off limbs and carving “AFRC” on the chests and foreheads of the civilians;

**Bombali District**

62. Between about 1 May 1998 and 31 November 1998 members of the AFRC/RUF mutilated an unknown number of civilians in various locations in Bombali

District, including Lohondi, Malama, Mamaka, Rosos (or Rossos or Rosors). The mutilations included cutting off limbs;

**Freetown and the Western Area**

63. Between 6 January 1999 and 28 February 1999, members of the AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, and the Western Area, including Kissy, Wellington and Calaba Town. The mutilations included cutting off limbs;

**Port Loko**

64. About the month of February 1999, the AFRC/RUF fled from Freetown to various locations in the Port Loko District. Between February 1999 and April 1999 members of the AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including cutting off limbs;

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**Count 10:** Violence to life, health and physical or mental well-being of persons, in particular mutilation, **a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

**Count 11:** Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.



**COUNT 12: USE OF CHILD SOLDIERS**

65. At all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF 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/RUF camps in various locations throughout the country, and thereafter used as fighters.

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**Count 12:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

**COUNT 13: ABDUCTIONS AND FORCED LABOUR**

66. At all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included the following:

**Kenema District**

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

**Kono District**

68. Between about 14 February 1998 to January 2000, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh. At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area;

**Koinadugu District**

69. Between about 14 February 1998 and 30 September 1998, at various locations including Heremakono, Kabala, Kumala (or Kamalu), Koinadugu, Kamadugu and Fadugu, members of the AFRC/RUF abducted an unknown number of men, women and children and used them as forced labour;

**Bombali District**

70. Between about 1 May 1998 and 31 November 1998, in Bombali District, members of the AFRC/RUF abducted an unknown number of civilians and used them as forced labour;

**Kailahun District**

71. At all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour;

**Freetown and the Western Area**

72. Between 6 January 1999 and 28 February 1999, in particular as the AFRC/RUF were being driven out of Freetown and the Western Area, members of the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas in Freetown and the Western Area, including Peacock Farm, Kissy, and Calaba Town. These abducted civilians were used as forced labour;

**Port Loko**

73. About the month of February 1999, the AFRC/RUF fled from Freetown to various locations in the Port Loko District. Members of the AFRC/RUF used civilians, including those that had been abducted from Freetown and the Western Area, as forced labour in various locations throughout the Port Loko District including Port Loko, Lunsar and Masiaka. AFRC/RUF forces also abducted and used as forced labour civilians from various locations the Port Loko District, including Tendakum and Nonkoba;

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

**Count 13:** Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.

**COUNT 14: LOOTING AND BURNING**

74. At all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included the following:

**Bo District**

75. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembehun, Mamboma and Tikonko;

**Koinadugu District**

76. Between about 14 February 1998 and 30 September 1998, AFRC/RUF forces engaged in widespread looting and burning of civilian homes in various locations in the District, including Heremakono, Kabala, Kamadugu and Fadugu;

**Kono District**

77. Between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned;

**Bombali District**

78. Between about 1 March 1998 and 31 November 1998, AFRC/RUF forces burnt an unknown number of civilian buildings in locations in Bombali District, such as Karina and Mateboi;

**Freetown and the Western Area**

79. Between 6 January 1999 and 28 February 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown and the Western Area. The majority of houses that were destroyed were in the areas of Kissy, Wellington and Calaba town; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city;

By their acts or omissions in relation to these events, **ALEX TAMBA BRIMA, BRIMA BAZZY KAMARA and SANTIGIE BORBOR KANU**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

Count 14: Pillage, a Violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.f. of the Statute.

Dated this

Freetown, Sierra Leone

David M. Crane

The Prosecutor