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(420 - 454)

SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN - SIERRA LEONE

Before: Judge Bankole Thompson
Judge Itoe
Judge Boutet

Registrar: Mr. Robin Vincent

Date filed: 1 March 2004

THE PROSECUTOR**Against**

**SAMUEL HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA
(Case No. SCSL - 2004 - 14 - PT)**

INDICATION OF SPECIFIC CHANGES TO INDICTMENTS

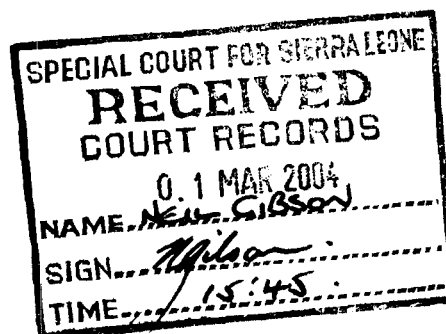
Office of the Prosecutor:

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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN-SIERRA LEONE

THE PROSECUTOR**Against****SAMUEL HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA
(Case No. SCSL – 2004 – 14 – PT)**

INDICATION OF SPECIFIC CHANGES TO INDICTMENTS

I. BACKGROUND

1. On 9 February 2004, the Prosecution filed a “Request for Leave to Amend the Indictment Against Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa” (the “**Request**”) adding four new counts namely: (i) Rape, a crime against humanity, punishable under Article 2.g. of the Statute of the Special Court for Sierra Leone (“the Statute”) (Count 9); (ii) Sexual slavery and any other form of sexual violence, a crime against humanity, punishable under Article 2.g. of the Statute (Count 10); (iii) Other inhumane acts, punishable under Article 2.i. of the Statute (Count 11); (iv) Outrages upon personal dignity, punishable under Article 3.e. of the Statute (Count 12), committed by the accused persons and/or his subordinates and making modifications to other areas of the Consolidated Indictment.
2. On 19 February 2004, Counsel for the Accused Norman, Counsel for the Accused Fofana and Counsel for the Accused Kondewa filed their Responses to the Prosecution’s Request asking the Court to reject the Prosecution motion to amend. On 24 February 2004, the Prosecution filed a Consolidated Reply to the Accused Norman, Fofana and Kondewa’s Response. On 26 February 2004, the Trial Chamber issued an Order for the Prosecution to file a “paragraph-by paragraph comparison” of the Consolidated

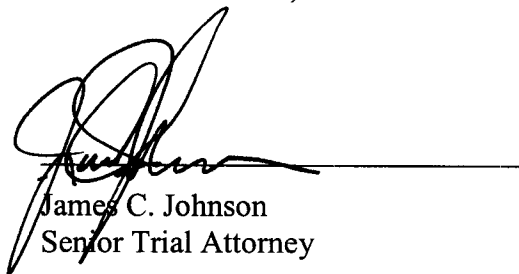
Indictment with the Original Indictment in narrative or chart-form and a track-change version of the proposed Amended Indictment as compared to the Consolidated Indictment indicating deletions, modifications and additions of text.

II. DESCRIPTION OF SUBMISSION ATTACHED

3. Pursuant to the Trial Chamber's Order of 26 February 2004, attached in chart form is a paragraph-by-paragraph comparison of the original Indictments, the Bill of Particulars filed in *Prosecutor Against Kondewa*, the Consolidated Indictment, and the proposed Amended Indictment.
4. The Chart is organized into 5 columns. The first column is the text and paragraph references of the original Indictment of Accused Samuel Hinga Norman. The second column is the text and paragraph references of the original Indictments of Accused Moinina Fofana and Allieu Kondewa. The third column indicates the areas of the Indictment for the Accused Kondewa that were further particularized by the "Bill of Particulars". The fourth column reproduces the text from the Consolidated Indictment. The fifth and final column indicates any changes from the Consolidated Indictment to the proposed amended Indictment.
5. Also attached is a track-change version of the Consolidated Indictment reflecting any deletions, modifications and additions in accord with the proposed Amended Indictment.

Freetown, 1 March 2004

For the Prosecution,



James C. Johnson
Senior Trial Attorney

ATTACHMENTS

1. Chart showing paragraph by-paragraph comparison of the original Indictments, the Bill of Particulars filed in *Prosecutor Against Kondewa*, the Consolidated Indictment, and the proposed Amended Indictment.
2. Track-change version of the Consolidated Indictment reflecting any deletions, modifications and additions in accord with the proposed Amended Indictment

ATTACHMENT 1

1. Chart showing paragraph by-paragraph comparison of the original Indictments, the Bill of Particulars filed in *Prosecutor Against Kondewa*, the Consolidated Indictment, and the proposed Amended Indictment.

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NORMAN ORIGINAL INDICTMENT CHARGES	FOFANA//KONDEWA ORIGINAL INDICTMENT CHARGES	KONDEWA BILL OF PARTICULARS CHARGES	NORMAN//FOFANA//KONDEWA CONSOLIDATED INDICTMENT CHARGES	NORMAN//FOFANA//KONDEWA PROPOSED AMENDMENT TO CONSOLIDATED INDICTMENT CHARGES
Paragraph 18 [...]- to include, but not limited to Tongo Field, Kenema, Bo, and Koribondo and the surrounding areas. [...]	Paragraph 18 [...]- to include, but not limited to <i>the towns of</i> Tongo Field, Kenema, Bo, Koribondo and surrounding areas <i>and the Districts of Moyamba and Bonthe.</i> [...]	N/A	Paragraph 23 [...]- to include (but not limited to) the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas and the Districts of Moyamba and Bonthe. [...]	Paragraph 23 no change - same as Consolidated Indictment.
N/A	N/A	N/A	N/A	Paragraph 24- new paragraph <i>The CDF forces, committed various acts of sexual violence against civilian women and girls who were abducted during a series of raids and invasions on villages in the southern and eastern provinces of Sierra Leone particularly in Bonthe and Kenema Districts. These women and girls were often repeatedly raped, used as sex slaves and/or taken as "wives" in forced "marriages" by members of the Kamajors forces and forced to perform a range of conjugal duties, including sex, domestic services and other forms of forced labour. These women and girls were often accused of being rebels and threatened with death if they refused to become Kamajor "wives". The women and girls had to endure various acts of physical and mental</i>

				<u>abuse from their "captors/husbands".</u>
<p>Paragraph 19</p> <p>These actions by the Kamajors, which also included looting and destruction of private property, were intended to threaten and terrorize the civilian population.[...] Typical Kamajor actions and the resulting crimes included, but were not limited to:[...]</p>	<p>Paragraph 19</p> <p>These actions by the (Kamajors) <u>CDF, largely</u> Kamajors, which also included looting, (and) destruction of private property, <u>personal injury and the extorting of money from civilians</u> were intended to threaten and terrorize the civilian population. [...] Typical (Kamajors) <u>CDF</u> actions and the resulting crimes included, but were not limited to: [...]</p>	N/A	<p>Paragraph 24</p> <p>These actions by the CDF, largely Kamajors, which also included looting, destruction of private property, personal injury and the extorting of money from civilians, were intended to threaten and terrorize the civilian population.[...] Typical CDF actions and the resulting crimes included (but were not limited to):[...]</p>	<p>Paragraph 25</p> <p>No change - same as Consolidated Indictment paragraph 24.</p>
<p><u>b.</u></p> <p>In conjunction with the attack, both at and near Kenema and at a nearby location known as SS Camp, Kamajors continued to identify suspected "Collaborators,"[...]</p>	<p><u>b.</u></p> <p>In conjunction with the attack <u>and following the attack</u>, both at and near Kenema and at a nearby location known as SS Camp, Kamajors continued to identify suspected "Collaborators," [...]</p>	N/A	<p><u>b.</u></p> <p>no change -same as Fofana/Kondewa Indictment.</p>	<p><u>b.</u></p> <p>no change – same as Consolidated Indictment.</p>

<p><u>c.</u> In or about January and February 1998, the Kamajors attacked Bo, Koribondo, and the surrounding areas.[...]</p>	<p><u>c.</u> In or about January and February 1998, the Kamajors attacked <u>and took control of the towns of</u> Bo, Koribondo, and the surrounding areas.[...]</p>	<p>N/A</p>	<p><u>c.</u> no change - same as Fofana/Kondewa Indictment.</p>	<p><u>c.</u> no change – same as Consolidated Indictment.</p>
<p><u>d.</u> same as <u>f.</u> in Fofana/Kondewa Indictment.</p>	<p><u>d. –new paragraph</u> <i><u>Between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Moyamba District, to include the towns of Sembehun and Gbangbatoke. As a result of the actions Kamajors continued to identify suspected “Collaborators” and others suspected to be not supportive of the Kamajors and their activities. Kamajors unlawfully killed an unknown number of civilians. They unlawfully destroyed and looted civilian owned property.</u></i></p>	<p>N/A</p>	<p><u>d.</u> no change - same as Fofana/Kondewa Indictment.</p>	<p><u>d.</u> no change – same as Consolidated Indictment.</p>

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<p>N/A</p>	<p><u>e. –new paragraph</u></p> <p><u>Between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bembay, and the island town of Bonthe. As a result of these actions Kamajors identified suspected “Collaborators” and others suspected to be not supportive of the Kamajors and their activities. They unlawfully killed an unknown number of civilians. They destroyed and looted civilian owned property.</u></p>	<p>N/A</p>	<p><u>e.</u></p> <p>no change- same as Fofana/Kondewa Indictment.</p>	<p><u>e.</u></p> <p>no change- same as Consolidated Indictment.</p>
<p><u>d.</u></p> <p>In an operation called Black December, Kamajors blocked all major highways and roads leading to major towns mainly in the southern and eastern</p>	<p><u>f.</u></p> <p>In an operation called “Black December,” (kamajors) <u>the CDF</u> blocked all major highways and roads leading to <u>and from</u> major towns mainly in the southern and eastern</p>	<p>N/A</p>	<p><u>f.</u></p> <p>no change – same as Fofana/Kondewa Indictment.</p>	<p><u>f.</u></p> <p>no change- same as Consolidated Indictment.</p>

Provinces. As a result of these actions, the Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants.	Provinces. As a result of these actions, the (Kamajors) <i>CDF</i> unlawfully killed an unknown number of civilians and captured enemy combatants.			
COUNTS 1-2	COUNTS 1-2	COUNTS 1-2	COUNTS 1-2	COUNTS 1-2
Paragraph 20 Unlawful killings included, but were not limited to, the following:[...]	Paragraph 20 no change – same as Norman Indictment.	Paragraph 20 N/A	Paragraph 25 Unlawful killings included (but were not limited to) the following:[...]	Paragraph 26 no change – same as Consolidated Indictment paragraph 25.
<u>a.</u> between about 1 November 1997 and about 1 February 1998, at or near Tongo Field, an unknown number of civilians and captured enemy combatants;	<u>a.</u> between about 1 November 1997 and about (+ February-) <u>30 April</u> 1998, at or near Tongo Field, <u>Kamajors unlawfully killed</u> an unknown number of civilians and captured enemy combatants;	<u>a.</u> between about 1 November 1997 and about 30 April 1998, at or near Tongo Field, <u>and at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembehun</u> , Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;	<u>a.</u> no change - same as Bill of Particulars.	<u>a.</u> no change - same as Consolidated Indictment.

<p><u>b.</u> on or about 15 February 1998, at or near Kenema and SS Camp, an unknown number of civilians and captured enemy combatants;</p>	<p><u>b.</u> on or about 15 February 1998, at or near Kenema and SS Camp, <u>Kamajors unlawfully killed</u> an unknown number of civilians and captured enemy combatants;</p>	<p><u>b.</u> on or about 15 February 1998, at or near <u>the District Headquarters town of Kenema and at the nearby locations of SS Camp and Blama</u>, Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;</p>	<p><u>b.</u> no change - same as Bill of Particulars.</p>	<p><u>b.</u> no change - same as Consolidated Indictment.</p>
<p><u>c.</u> on or about 15 February 1998, at or near Kenema, an unknown number of Sierra Leone Police Officers;</p>	<p><u>c.</u> on or about 15 February 1998, at or near Kenema, <u>Kamajors unlawfully killed</u> an unknown number of Sierra Leone Police Officers;</p>	<p>N/A</p>	<p><u>c.</u> no change - same as Fofana/Kondewa Indictment.</p>	<p><u>c.</u> no change - same as Consolidated Indictment.</p>
<p><u>d.</u> in or about January and February 1998, at or near Bo and Koribondo, an unknown number of civilians and captured enemy combatants;</p>	<p><u>d.</u> in or about January and February 1998, at or near Bo and Koribondo, <u>Kamajors unlawfully killed</u> an unknown number of civilians and captured enemy combatants;</p>	<p><u>d.</u> in or about January and February 1998, <u>in locations in Bo District including the District Headquarters town of Bo, Kebi Town, Koribondo, Kpeyama, Fengehun and Mongere</u>, Kamajors unlawfully killed an</p>	<p><u>d.</u> no change - same as Bill of Particulars.</p>	<p><u>d.</u> (in or <u>between</u> about January (and February) 1998 <u>and April 1999</u>, in locations in Bo District including the District Headquarters town of Bo, Kebi Town, Koribondo, Kpeyama, Fengehun and Mongere, Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;</p>

		unknown number of civilians and captured enemy combatants;		
<u>e.</u> same as <u>g.</u> in Kondewa/Fofana Indictment.	<u>e.</u> – <u>new paragraph</u> <i>between about October 1997 and December 1999 in Moyamba District, Kamajors unlawfully killed an unknown number of civilians;</i>	<u>e.</u> between about October 1997 and December 1999 <i>in locations</i> in Moyamba District <i>including Sembehun, Taiama, Bylago, Ribbi and Gbangbatoke</i> , Kamajors unlawfully killed an unknown number of civilians;	<u>e.</u> no change - same as Bill of Particulars.	<u>e.</u> no change - same as Consolidated Indictment.
N/A	<u>f.</u> – <u>new paragraph</u> <i>between about October 1997 and December 1999 in Bonthe District, Kamajors unlawfully killed an unknown number of civilians;</i>	<u>f.</u> between about October 1997 and December 1999 <i>in locations</i> in Bonthe District <i>including Talia (Base Zero), Mobayeh, Makose and Bonthe Town</i> , Kamajors unlawfully killed an unknown number of civilians;	<u>f.</u> no change - same as Bill of Particulars.	<u>f.</u> no change - same as Consolidated Indictment.

e. between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the southern and eastern Provinces of Sierra Leone, an unknown number of civilians and captured enemy combatants.	g. between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the southern and eastern Provinces of Sierra Leone, the <u>CDF unlawfully killed</u> an unknown number of civilians and captured enemy combatants.	g. between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the southern and eastern Provinces of Sierra Leone, the CDF unlawfully killed an unknown number of civilians and captured enemy combatants <u>in road ambushes at Gumahun, Gerihun, Jembeh and the Bo-Matotoka Highway.</u>	g. no change - same as Bill of Particulars.	g. no change - same as Consolidated Indictment.
		N/A	By (his) <i>their</i> acts or omissions in relation (but not limited) to these events, SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA , pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, <i>are</i> individually criminally responsible for the crimes alleged below: [...]	no change - same as Consolidated Indictment.
COUNTS 3-4	COUNTS 3-4	COUNTS 3-4	COUNTS 3-4	COUNTS 3-4
Paragraph 21 Acts of physical violence and infliction	Paragraph 21 No change- same as	Paragraph 21 N/A	Paragraph 26 Acts of physical violence and infliction of mental harm or suffering included (but were not limited to,)	Paragraph 27 no change - same as Consolidated Indictment.

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<p>of mental harm or suffering included, but were not limited to, the following:</p>	<p>Norman Indictment</p>		<p>the following:</p>	
<p><u>a.</u> between about 1 November 1997 and about 1 April 1998, at various locations to include Tongo Field, Kenema and the surrounding areas, the intentional infliction of serious bodily harm and serious physical suffering on an unknown number of civilians;</p>	<p><u>a.</u> between about 1 November 1997 and (1) <u>30</u> April 1998, at various locations, (to include) <u>including</u> Tongo Field, Kenema and the surrounding areas (the intentional infliction) <u>the CDF, largely Kamajors, intentionally inflicted</u> serious bodily harm and serious physical suffering on an unknown number of civilians;</p>	<p><u>a.</u> between about 1 November 1997 and 30 April 1998, at various locations, including Tongo Field, Kenema <u>Town, Blama, Kamboma</u> and the surrounding areas, the CDF, largely Kamajors, intentionally inflicted serious bodily harm and serious physical suffering on an unknown number of civilians;</p>	<p><u>a.</u> no change - same as Bill of Particulars.</p>	<p><u>a.</u> between about 1 November 1997 and (30 April 1998) <u>31 August 2000</u>, at various locations, including Tongo Field, Kenema Town, Bo Town, Blama, Kamboma, <u>Mabang</u> and the surrounding areas, the CDF, largely Kamajors, intentionally inflicted serious bodily harm and serious physical suffering on an unknown number of civilians;</p>
<p><u>b.</u> between about 1 November 1997 and about 1 April 1998, at Tongo Field, Kenema, Bo, Koribondo and surrounding areas, the intentional infliction of serious mental harm and serious mental suffering on an unknown number of civilians by the actions</p>	<p><u>b</u> between (about 1) November 1997 and (1 April 1998) <u>December 1999, in the towns of</u> Tongo Field, Kenema, Bo, Koribondo and surrounding areas, <u>and the Districts of Moyamba and Bonthe</u>, the intentional infliction of serious mental harm and serious mental suffering on an unknown number of</p>	<p>N/A</p>	<p><u>b</u> no change- same as Fofana/Kondewa Indictment.</p>	<p><u>b</u> no change - same as Consolidated Indictment.</p>

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<p>of the Kamajors, including, but not limited to, screening for “Collaborators,” unlawfully killing of suspected “Collaborators,” often in plain view of friends and relatives, the destruction of homes and other buildings, looting and threats to unlawfully kill, destroy and loot.</p>	<p>civilians by the actions of the <i>CDF, largely</i> Kamajors, including, but not limited to, screening for “Collaborators,” unlawfully killing of suspected “Collaborators,” often in plain view of friends and relatives, <i>illegal arrest and unlawful imprisonment of “Collaborators”</i>, the destruction of homes and other buildings, looting and threats to unlawfully kill, destroy or loot.</p>			
		N/A	<p>By (his) <i>their</i> acts or omissions in relation (but not limited) to these events, SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, <i>are</i> individually criminally responsible for the crimes alleged below: [...]</p>	no change - same as Consolidated Indictment.
COUNT 5	COUNT 5	COUNT 5	COUNT 5	COUNT 5
Paragraph 22	Paragraph 22	Paragraph 22	Paragraph 27	Paragraph 28
Looting and burning included, but were not	Looting and burning included, but were not	Looting and burning	Looting and burning included (but not limited), between about 1	Looting and burning included,

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<p>limited to, between about 1 November 1997 and about 1 April 1998, at various locations to include Bo, Koribondo and the surrounding areas, the unlawful taking and destruction by burning of private property.</p>	<p>limited to, between about 1 November 1997 and about 1 April 1998, at various locations to include the towns of Bo, Koribondo and the surrounding areas, <u>and the Districts of Moyamba and Bonthe</u>, the unlawful taking and destruction by burning of civilian owned property.</p>	<p>included, but were not limited to, between about 1 November 1997 and about 1 April 1998, at various locations (to include) <u>including in Kenema District, the towns of Kenema, Tongo Field and surrounding areas, in Bo District, the towns of Bo, Koribondo, and surrounding areas, (and the Districts of) in Moyamba District, the towns of Sembehun, Gbangbatoke and surrounding areas, and in Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mobayeh, and surrounding areas</u>, the unlawful taking and destruction by burning of civilian owned property.</p>	<p>November 1997 and about 1 April 1998, at various locations including in Kenema District, the towns of Kenema, Tongo Field and surrounding areas, in Bo District, the towns of Bo, Koribondo, and the surrounding areas, in Moyamba district, the towns of Sembehun, Gbangbatoke and surrounding areas, and in Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mobayeh, and surrounding areas, the unlawful taking and destruction by burning of civilian owned property.</p>	<p>between about 1 November 1997 and about (1 April 1998) <u>1 August 2000</u>, at various locations including in Kenema District, the towns of Kenema, Tongo Field and surrounding areas, in Bo District, the towns of Bo, Koribondo, and the surrounding areas, in Moyamba district, the towns of Sembehun, Gbangbatoke and surrounding areas, in Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mobayeh, and surrounding areas, <u>and in Freetown and the surrounding areas</u>, the unlawful taking and destruction by burning of civilian owned property.</p>
		<p>N/A</p>	<p>By (his) <i>their</i> acts or omissions in relation (but not limited) to these events, SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA, pursuant to Article 6.1. and, or alternatively,</p>	<p>no change - same as Consolidated Indictment.</p>

			Article 6.3. of the Statute, <i>are</i> individually criminally responsible for the crimes alleged below: [...]	
COUNT 6-7	COUNT 6-7	COUNT 6-7	COUNT 6-7	COUNT 6-7
Paragraph 23 At all times relevant to this Indictment, Kamajors committed the crimes set forth in paragraphs 17 through 22 and charged in counts 1 through 5, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The Kamajors also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.	Paragraph 23 At all times relevant to this Indictment, <i>the CDF, largely</i> Kamajors, committed the crimes set forth in paragraphs 17 through 22 and charged in counts 1 through (5) <u>6</u> , including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The <i>CDF, largely</i> Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.	N/A	Paragraph 28 At all times relevant to this Indictment, the CDF, largely Kamajors, committed the crimes set forth in paragraphs (17) <u>22</u> through (22) <u>27</u> and charged in counts 1 through (6) <u>5</u> , including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF, largely Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.	Paragraph 29 At all times relevant to this Indictment, the CDF, largely Kamajors, committed the crimes set forth in paragraphs 22 through (27) <u>28 and 31</u> , and charged in counts 1 through 5 <i>and 9 through 12</i> , including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF, largely Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

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			By (his) <i>their</i> acts or omissions in relation (but not limited) to these events, SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA , pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, <i>are</i> individually criminally responsible for the crimes alleged below: [...]	no change – same as Consolidated Indictment.
COUNT 8	COUNT 8	COUNT 8	COUNT 8	COUNT 8
		N/A	By (his) <i>their</i> acts or omissions in relation (but not limited) to these events, SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA , pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, <i>are</i> individually criminally responsible for the crimes alleged below: [...]	no change – same as Consolidated Indictment.
Count 9-12	Count 9-12	Count 9-12	Count 9-12	Count 9-12
N/A	N/A	N/A	N/A	<u>Paragraph 31 –new paragraph</u> <i>Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists, and forced</i>

				<p><u>"marriages". Acts of sexual violence included the following:</u></p> <p><u>a.</u></p> <p><u>between about January 1997 and December 1998, at various locations in the Bonthe District, particularly, Talia (also known as Base Zero), Matru Jong, Gambia, Nyandehun, Gbap, Kabati, York Island, Bayama, Bauma, Luawa, Mosavi, Blama, Mokosi and Tihun, CDF forces, notably the Kamajors, abducted a number of young girls and women who were taken to various Kamajor locations in and around Talia and raped, used as sex slaves and/or forced into "marriages" with members of the Kamajor forces. The "wives" were forced to perform a number of conjugal duties under coercion by their "husbands".</u></p> <p><u>b.</u></p> <p><u>between January 1997 and December 1998, the Kamajors abducted an unknown number of women and girls from villages in the Pujehun District such as Solegbema and Madina Shebureh, where they were raped or forced into "marriages" or taken to villages in the Bonthe District such as Talia. The "wives" were forced to perform a number of conjugal duties</u></p>
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				<p><i>under coercion by their "husbands".</i></p> <p><i>By their acts or omissions in relation to these events, <u>SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA</u> pursuant to Article 6.1. and, or alternatively Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:</i></p> <p><i><u>Count 9: Rape, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;</u></i></p> <p><i><u>And:</u></i></p> <p><i><u>Count 10: Sexual Slavery and any other form of sexual violence, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;</u></i></p> <p><i><u>And:</u></i></p> <p><i><u>Count 11: Other inhumane acts, a CRIME AGAINST HUMANITY, punishable under article 2.i. of the Statute;</u></i></p> <p><i><u>In addition, or in the alternative:</u></i></p> <p><i><u>Count 12: Outrages upon personal dignity, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II.</u></i></p>
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					<i>punishable under Article 3.e. of the Statute.</i>

ATTACHMENT 2

2. Track-change version of the Consolidated Indictment reflecting any deletions, modifications and additions in accord with the proposed Amended Indictment

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL – 2004 – 14 – PT.

Deleted: 03
Deleted: 1

THE PROSECUTOR

Against

SAMUEL HINGA NORMAN

MOININA FOFANA

ALLIEU KONDEWA

Also known as (aka) King Dr. Allieu Kondewa, (aka) Dr. Allieu Kondewa

AMEMNDED INDICTMENT

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

SAM HINGA NORMAN

MOININA FOFANA

ALLIEU KONDEWA

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. **SAMUEL HINGA NORMAN**, was born on 1 January 1940, in Ngolala Village, Mongeri (or Monghere), Valunia Chiefdom, Bo District, in the Southern Province of

the Republic of Sierra Leone. He served in the Armed Forces of the Republic of Sierra Leone from about 1959 to 1972 rising to the rank of Captain. In 1966 he graduated from the Mons Officer Cadet School in Aldershot, United Kingdom. He has served as the Liaison Representative and Chiefdom Spokesman, Mongeri, Valunia Chiefdom, as Regent Chief of Jaiama Bongor Chiefdom, and as Deputy Minister of Defence for Sierra Leone. He is currently serving as the Minister of the Interior for Sierra Leone.

2. **MOININA FOFANA**, is believed to have been born in 1950, in Nongoba Bullom Chiefdom, Bonthe District, in the Republic of Sierra Leone. He currently resides in the town of Gbap, Nongoba Bullom Chiefdom, Bonthe District and is the Chiefdom Speaker for the Nongoba Bullom Chiefdom.
3. **ALLIEU KONDEWA, also known as (aka) King Dr Allieu Kondewa, (aka) Dr Allieu Kondewa**, is believed to have been born in the Bo District, in the Republic of Sierra Leone. He currently resides in the Bumpah Chiefdom, Bo District, and his occupation is that of a farmer and herbalist.

GENERAL ALLEGATIONS

4. At all times relevant to this Indictment, a state of armed conflict existed in Sierra Leone. For the purposes of this Indictment the organized armed factions involved in this conflict included the Civil Defence Forces (CDF) fighting against the combined forces of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC).
5. 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.
6. The CDF was an organized armed force comprising various tribally-based traditional hunters. The Kamajors were comprised mainly of persons from the Mende tribe resident in the South and East of Sierra Leone, and were the predominant group within the CDF. Other groups playing a less dominant role were the Gbethis and the

Kapras, both comprising mainly of Tenmes from the north; the Tamaboros, comprising mainly of Korankos also from the north; and the Donsos, comprising mainly of Konos from the east.

7. The RUF was founded about 1988 or 1989 in Libya and began organized armed operations in Sierra Leone in or about March 1991. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of Sierra Leone via a coup d'état on 25 May 1997. Soldiers of the Sierra Leone Army comprised the majority of the AFRC membership. Shortly after the AFRC seized power, the RUF joined with the AFRC.
8. The **ACCUSED** and all members of the CDF 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.
9. All offences charged herein were committed within the territory of Sierra Leone after 30 November 1996.
10. All acts or 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.
11. The words civilian or civilian population used in this indictment refer to persons who took no active part in the hostilities, or were no longer taking an active part in the hostilities.

INDIVIDUAL CRIMINAL RESPONSIBILITY

12. Paragraphs 4 through 11 are incorporated by reference.
13. At all times relevant to this Indictment, **SAMUEL HINGA NORMAN** was the National Coordinator of the CDF. As such he was the principal force in establishing, organizing, supporting, providing logistical support, and promoting the CDF. He was

also the leader and Commander of the Kamajors and as such had *de jure* and *de facto* command and control over the activities and operations of the Kamajors.

14. At all times relevant to this Indictment, **MOININA FOFANA** was the National Director of War of the CDF and **ALLIEU KONDEWA** was the High Priest of the CDF. As such, together with **SAMUEL HINGA NORMAN**, **MOININA FOFANA** and **ALLIEU KONDEWA** were seen and known as the top leaders of the CDF. **MOININA FOFANA** and **ALLIEU KONDEWA** took directions from and were directly answerable to **SAMUEL HINGA NORMAN**. They took part in policy, planning and operational decisions of the CDF.
15. **MOININA FOFANA** acted as leader of the CDF in the absence of **SAMUEL HINGA NORMAN** and was regarded as the second in command. As National Director of War, he had direct responsibility for implementing policy and strategy for prosecuting the war. He liaised with field commanders, supervised and monitored operations. He gave orders to and received reports about operations from subordinate commanders, and he provided them with logistics including supply of arms and ammunition. In addition to the duties listed above at the national CDF level, **MOININA FOFANA** commanded one battalion of Kamajors.
16. **ALLIEU KONDEWA**, as High Priest had supervision and control over all initiators within the CDF and was responsible for all initiations within the CDF, including the initiation of children under the age of 15 years. Furthermore, he frequently led or directed operations and had direct command authority over units within the CDF responsible for carrying out special missions.
17. **SAMUEL HINGA NORMAN**, as National Coordinator of the CDF and Commander of the Kamajors knew and approved the recruiting, enlisting, conscription, initiation, and training of Kamajors, including children below the age of 15 years. **SAMUEL HINGA NORMAN**; **MOININA FOFANA**, as the National Director of War of the CDF; and **ALLIEU KONDEWA**, as the High Priest of the CDF, knew and approved the use of children to participate actively in hostilities.
18. In the positions referred to in the aforementioned paragraphs, **SAMUEL HINGA NORMAN**, **MOININA FOFANA** and **ALLIEU KONDEWA**, individually or in

concert, exercised authority, command and control over all subordinate members of the CDF.

19. The plan, purpose or design of **SAMUEL HINGA NORMAN, MOININA FOFANA, ALLIEU KONDEWA** and subordinate members of the CDF was to use any means necessary to defeat the RUF/AFRC forces and to gain and exercise control over the territory of Sierra Leone. This included gaining complete control over the population of Sierra Leone and the complete elimination of the RUF/AFRC, its supporters, sympathizers, and anyone who did not actively resist the RUF/AFRC occupation of Sierra Leone. Each **Accused** acted individually and in concert with subordinates, to carry out the said plan, purpose or design.
20. **SAMUEL HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA**, 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 common purpose, plan or design in which each **Accused** participated or were a reasonably foreseeable consequence of the common purpose, plan or design in which each **Accused** participated.
21. In addition, or alternatively, pursuant to Article 6.3. of the Statute, **SAMUEL HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA**, while holding positions of superior responsibility and exercising command and control over their subordinates, are 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

22. Paragraphs 4 through 21 are incorporated by reference.

23. The CDF, largely Kamajors, engaged the combined RUF/AFRC forces in armed conflict in various parts of Sierra Leone – to include the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas and the Districts of Moyamba and Bonthe. Civilians, including women and children, who were suspected to have supported, sympathized with, or simply failed to actively resist the combined RUF/AFRC forces were termed “**Collaborators**” and specifically targeted by the CDF. Once so identified, these “Collaborators” and any captured enemy combatants were unlawfully killed. Victims were often shot, hacked to death, or burnt to death. Other practices included human sacrifices and cannibalism.

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24. The CDF forces, committed various acts of sexual violence against civilian women and girls who were abducted during a series of raids and invasions on villages in the southern and eastern provinces of Sierra Leone particularly in Bonthe and Kenema Districts. These women and girls were often repeatedly raped, used as sex slaves and/or taken as “wives” in forced “marriages” by members of the Kamajors forces and forced to perform a range of conjugal duties, including sex, domestic services and other forms of forced labour. These women and girls were often accused of being rebels and threatened with death if they refused to become Kamajor “wives”. The women and girls had to endure various acts of physical and mental abuse from their “captors/husbands”.

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25. These actions by the CDF, largely Kamajors, which also included looting, destruction of private property, personal injury and the extorting of money from civilians, were intended to threaten and terrorize the civilian population. Many civilians saw these crimes committed; others returned to find the results of these crimes – dead bodies, mutilated victims and looted and burnt property. Typical CDF actions and the resulting crimes included:

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- a. Between 1 November 1997 and about 1 April 1998, multiple attacks on Tongo Field and surrounding areas and towns during which Kamajors unlawfully killed or inflicted serious bodily harm and serious physical suffering on an unknown number of civilians and captured enemy combatants. Kamajors screened the civilians and those identified as “**Collaborators**,” along with any captured enemy combatants, were unlawfully killed.

- b. On or about 15 February 1998 Kamajors attacked and took control of the town of Kenema. In conjunction with the attack and following the attack, both at and near Kenema and at a nearby location known as SS Camp, Kamajors continued to identify suspected “**Collaborators**,” unlawfully killing or inflicting serious bodily harm and serious physical suffering on an unknown number of civilians and captured enemy combatants. Kamajors also entered the police barracks in Kenema and unlawfully killed an unknown number of Sierra Leone Police Officers.
- c. In or about January and February 1998, the Kamajors attacked and took control of the towns of Bo, Koribondo, and the surrounding areas. Thereafter, the practice of killing captured enemy combatants and suspected “**Collaborators**” continued and as a result, Kamajors unlawfully killed or inflicted serious bodily harm and serious physical suffering on an unknown number of civilians and enemy combatants. Also, as part of these attacks in and around Bo and Koribondo, Kamajors unlawfully destroyed and looted an unknown number of civilian owned and occupied houses, buildings and businesses.
- d. Between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Moyamba District, to include the towns of Sembahun and Gbangbatoke. As a result of the actions Kamajors continued to identify suspected “**Collaborators**” and others suspected to be not supportive of the Kamajors and their activities. Kamajors unlawfully killed an unknown number of civilians. They unlawfully destroyed and looted civilian owned property.
- e. Between about October 1997 and December 1999, Kamajors attacked or conducted armed operations in the Bonthe District, generally in and around the towns and settlements of Talia, Tihun, Maboya, Bolloh, Bembay, and the island town of Bonthe. As a result of these actions Kamajors identified suspected “**Collaborators**” and others suspected to be not supportive of the Kamajors and their activities. They unlawfully killed an unknown number of civilians. They destroyed and looted civilian owned property.

- f. In an operation called "Black December," the CDF blocked all major highways and roads leading to and from major towns mainly in the southern and eastern Provinces. As a result of these actions, the CDF unlawfully killed an unknown number of civilians and captured enemy combatants.

COUNTS 1 – 2: UNLAWFUL KILLINGS

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26. Unlawful killings included the following:

- a. between about 1 November 1997 and about 30 April 1998, at or near Tongo Field, and at or near the towns of Lalehun, Kamboma, Konia, Talama, Panguma and Sembahun, Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;
- b. on or about 15 February 1998, at or near the District Headquarters town of Kenema and at the nearby locations of SS Camp, and Blama, Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;
- c. on or about 15 February 1998, at or near Kenema, Kamajors unlawfully killed an unknown number of Sierra Leone Police Officers;
- d. ~~between about January 1998 and April 1999, in locations in Bo District including~~ the District Headquarters town of Bo, Kebi Town, Koribondo, Kpeyama, Fengehun and Mongere, Kamajors unlawfully killed an unknown number of civilians and captured enemy combatants;
- e. between about October 1997 and December 1999 in locations in Moyamba District, including Sembahun, Taiama, Bylago, Ribbi and Gbangbatoke, Kamajors unlawfully killed an unknown number of civilians;
- f. between about October 1997 and December 1999 in locations in Bonthe District including Talia (Base Zero), Mobayeh, Makose and Bonthe Town, Kamajors unlawfully killed an unknown number of civilians;
- g. between about 1 November 1997 and about 1 February 1998, as part of Operation Black December in the southern and eastern Provinces of Sierra Leone, the CDF

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unlawfully killed an unknown number of civilians and captured enemy combatants in road ambushes at Gumahun, Gerihun, Jembeh and the Bo-Matotoka Highway.

By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN**, **MOININA FOFANA** and **ALLIEU KONDEWA**, 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: Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute of the Court;

In addition, or in the alternative:

Count 2: 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 3 – 4: PHYSICAL VIOLENCE AND MENTAL SUFFERING

27. Acts of physical violence and infliction of mental harm or suffering included the following:

- a. between about 1 November 1997 and 31 August 2000, at various locations, including Tongo Field, Kenema Town, Blama, Kamboma, Mabang and the surrounding areas, the CDF, largely Kamajors, intentionally inflicted serious bodily harm and serious physical suffering on an unknown number of civilians;
- b. between November 1997 and December 1999, in the towns of Tongo Field, Kenema, Bo, Koribondo and surrounding areas, and the Districts of Moyamba and Bonthe, the intentional infliction of serious mental harm and serious mental suffering on an unknown number of civilians by the actions of the CDF, largely Kamajors, including screening for “**Collaborators**,” unlawfully killing of suspected “**Collaborators**,” often in plain view of friends and relatives, illegal

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arrest and unlawful imprisonment of “Collaborators”, the destruction of homes and other buildings, looting and threats to unlawfully kill, destroy or loot.

By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA**, 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: Inhumane Acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute;

In addition, or in the alternative:

Count 4: 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 Statute.

COUNT 5: LOOTING AND BURNING

28. Looting and burning included, between about 1 November 1997 and about 1 August 2000, at various locations including in Kenema District, the towns of Kenema, Tongo Field and surrounding areas, in Bo District, the towns of Bo, Koribondo, and the surrounding areas, in Moyamba district, the towns of Sembahun, Gbangbatoke and surrounding areas, and in Bonthe District, the towns of Talia (Base Zero), Bonthe Town, Mobayeh, and surrounding areas, and in Freetown and the surrounding areas the unlawful taking and destruction by burning of civilian owned property.

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By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN, MOININA FOFANA** and **ALLIEU KONDEWA**, pursuant to Article 6.1. and, or alternatively, Article 6.3.of the Statute, are individually criminally responsible for the crime alleged below:

Count 5: Pillage, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.f. of the Statute.

COUNTS 6 – 7: TERRORIZING THE CIVILIAN POPULATION and COLLECTIVE PUNISHMENTS

29. At all times relevant to this Indictment, the CDF, largely Kamajors, committed the crimes set forth in paragraphs 22 through 28 and 31, and charged in counts 1 through 5 and 9 through 12, including threats to kill, destroy and loot, as part of a campaign to terrorize the civilian populations of those areas and did terrorize those populations. The CDF, largely Kamajors, also committed the crimes to punish the civilian population for their support to, or failure to actively resist, the combined RUF/AFRC forces.

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By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA**, 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: 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 7: 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.

COUNT 8: USE OF CHILD SOLDIERS

30. At all times relevant to this Indictment, the Civil Defence Forces did, throughout the Republic of Sierra Leone, initiate or enlist children under the age of 15 years into armed forces or groups, and in addition, or in the alternative, use them to participate actively in hostilities.

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By their acts or omissions in relation to these events, **SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA**, pursuant to Article 6.1. and, or

alternatively, Article 6.3. of the Statute, are individually criminally responsible for the crime alleged below:

Count 8: 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.

Counts 9 – 12: Sexual Violence

31. 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:

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- a. between about January 1997 and December 1998, at various locations in the Bonthe District, particularly, Talia (also known as Base Zero), Matru Jong, Gambia, Nyandehun, Gbap. Kabati, York Island, Bayama, Bauma, Luawa, Mosavi, Blama, Mokosi and Tihun, CDF forces, notably the Kamajors, abducted a number of young girls and women who were taken to various Kamajor locations in and around Talia and raped, used as sex slaves and/or forced into “marriages” with members of the Kamajor forces. The “wives” were forced to perform a number of conjugal duties under coercion by their “husbands”.
- b. between January 1997 and December 1998, the Kamajors abducted an unknown number of women and girls from villages in the Pujehun District such as Solegbema and Madina Shebureh, where they were raped or forced into “marriages” or taken to villages in the Bonthe District such as Talia. 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, **SAMUEL HINGA NORMAN, MOININA FOFANA and ALLIEU KONDEWA** pursuant to Article 6.1. and, or alternatively Article 6.3. of the Statute, are individually criminally responsible for the crimes alleged below:

Count 9: Rape, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;

And:

Count 10: Sexual Slavery and any other form of sexual violence, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;

And:

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

In addition, or in the alternative:

Count 12: 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.

Dated this 9th day of February 2004
Freetown, Sierra Leone

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David M. Crane
The Prosecutor