

SCSL - 2003 - 04 - I
OTA DRAFT ORDER
(30-34)

- 001D

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001D



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

Before: Judge _____

Registry: — Mr. Robin Vincent

Decision of: ___ March 2003

THE PROSECUTOR

Against

SAM BOCKARIE also known as MOSQUITO

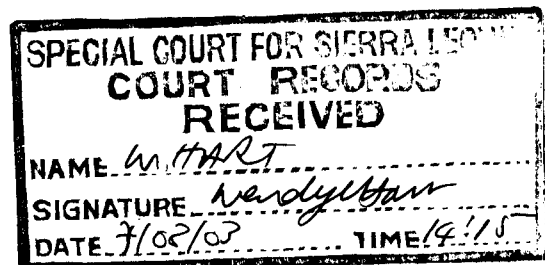
also known as MASKITA

CASE NO. SCSL - 03 - - I

DECISION CONFIRMING THE INDICTMENT

and

ORDER FOR NON-DISCLOSURE



THE SPECIAL COURT FOR SIERRA LEONE (the Court),

SITTING AS Judge _____, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

HAVING RECEIVED on ___ March 2003 from the Prosecutor the enclosed Indictment against **SAM BOCKARIE also known as MOSQUITO also known as MASKITA** and supporting materials, pursuant to Rule 47 of the Rules;

[if needed] HAVING HEARD the Prosecutor during the review held on ___ March 2003 under Rule 47(D) of the Rules;

BEING SATISFIED from the material tendered by the Prosecutor that there is sufficient evidence to provide reasonable grounds for believing that the suspect has committed crimes within the jurisdiction of the Court;

HEREBY

CONFIRMS the Indictment submitted by the Prosecutor against **SAM BOCKARIE** in respect to each and every count.

TAKES NOTE of the Prosecutor’s request that a Warrant of Arrest and Order for Transfer and Detention be issued against **SAM BOCKARIE**.

ORDERS, pursuant to Rule 53 of the Rules and after consultation with the Prosecutor, that there be no public disclosure of the Indictment or any part thereof or information pertaining to the Indictment, and the Warrant of Arrest and Order for Transfer and Detention until further order by the Court or at the discretion of the Prosecutor.

DIRECTS the Registrar, in accordance with Rule 55(B) of the Rules, to serve this Decision and the Court’s Warrant of Arrest and Order for Transfer and Detention of the Accused on the Government of Sierra Leone.

Done in London, this ___ day of March 2003.

Signed Judge



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

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Before: Judge _____

Registry: Mr. Robin Vincent

Decision of: ___ March 2003

THE PROSECUTOR

Against

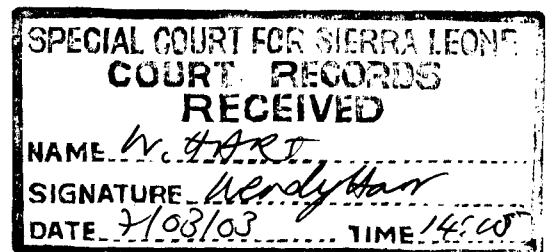
SAM BOCKARIE also known as MOSQUITO

also known as MASKITA

CASE NO. SCSL - 03 - - I

**WARRANT OF ARREST AND ORDER FOR TRANSFER
AND DETENTION**

To: The Government of _____.



1. THE SPECIAL COURT FOR SIERRA LEONE (the Court),

SITTING AS Judge _____, designated by the President of the Court according to Rule 28 of the Rules of Procedure and Evidence (the Rules);

CONSIDERING that the Indictment against Sam Bockarie (the Accused) was confirmed by the Court on _____;

CONSIDERING that an Order for the Non-Disclosure was granted on _____;

2. HEREBY ORDERS the Government of _____ to:

(A) **search for, arrest and transfer** to the Court:

**SAM BOCKARIE also known as MOSQUITO
also known as MASKITA**

a citizen of Sierra Leone, born 10 February 1964, at Koidu, Kono District, Republic of Sierra Leone, who is accused of 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;

(B) have a member of the Office of the Prosecutor present from the time of arrest;

(C) in coordination with the Registry, serve on the Accused, at the time of his arrest, or as soon as is practicable immediately following his arrest, in English or have read to him in a language he understands, a certified copy of the Warrant of Arrest, a certified copy of the Indictment, a statement of the rights of the Accused and a caution the Accused that any statement made by him shall be recorded and may be used as evidence against him;

(D) promptly notify the Registrar of the Court of the arrest of the Accused for the purposes of effectuating his transfer to the custody of the Court, and to surrender the Accused to the Court without delay;

(E) assist and facilitate the Office of the Prosecutor, at any location, in the search for and seizure of all evidence related to the crimes alleged to have been committed by the Accused;

(F) identify and locate assets owned by the Accused located within the territory of _____ and adopt provisional measures to freeze such assets without prejudice to the rights of third parties;

(G) not disclose to the public, including the media or any public record, the existence of the Indictment and this Warrant of Arrest, or any part thereof or information pertaining to the Indictment and this Warrant for Arrest until further order of the Court or at the direction of the Prosecutor;

(H) if the Government of _____ is unable to immediately execute the present Warrant of Arrest and Order for Transfer, as requested, the Government of _____ is requested to indicate the reason for its inability to give effect thereto.

3. THE COURT further **ORDERS** that the Accused, **SAM BOCKARIE**, be remanded into the custody of a detention facility, as determined by the Registrar, immediately upon his transfer to the Court.

Done in London, this ___ day of March 2003.

Signed Judge

SCSL-2003-04-I
7 MARCH 2003



001A

SPECIAL COURT FOR SIERRA LEONE

001A

OFFICE OF THE PROSECUTOR
1A SCAN DRIVE • OFF SPUR ROAD • FREETOWN • SIERRA LEONE
PHONÉ: +1 212 963 9915 Extension: 178 7100 or +39 0831 257100 or +232 22 236527
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SCSL-2003-04-I
(1-3) March 6, 2003

Memorandum for: Confirming Judge, Special Court for Sierra Leone

Subject: PROSECUTOR MEMORANDUM TO ACCOMPANY INDICTMENT

1. Pursuant to my authority under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute), I submit the attached Indictment on the basis that I am satisfied there is sufficient evidence to provide reasonable grounds for believing that **SAM BOCKARIE also known as MOSQUITO also known as MASKITA**, being a person who bears the greatest responsibility, has committed crimes within the jurisdiction of the Special Court.
2. I request that this Indictment be confirmed. To facilitate the confirmation process, I have attached an investigator statement summarizing the pertinent facts relating to the crimes charged. The investigator statement provides you with an ordered and concise review of the evidence. The investigator, trained in evidence collection and analysis, has provided relevant information to assist and expedite your review of the Indictment. In addition and should it be necessary, my representative is available to be heard on these matters during the confirmation process.
3. The first section of the Indictment lists the personal identifying information of the Accused. The next section sets forth General Allegations. The third section sets forth material facts relevant to the Accused's individual criminal responsibility. In the fourth and final section of the indictment I have set forth the crimes with which the Accused is charged and the material facts sufficient to adequately put the Accused on notice as to those crimes.

SPECIAL COURT FOR SIERRA LEONE
COURT RECORDS
RECEIVED
NAME *W. H. T. S.*
SIGNATURE *W. H. T. S.*
DATE *7/08/03* TIME *13:00*

Warrant of Arrest and Order for Transfer and Detention

- 4. Upon confirmation of the Indictment, I seek a Warrant of Arrest and an Order for Transfer and Detention.

Application for Non-Disclosure

- 5. The suspect is at large and his arrest and subsequent surrender is dependent on the surrender to the jurisdiction of the Court. The Accused is one of several persons against whom I seek confirmation of indictments. This Accused and several of these other potential Accused are at large and may flee if the confirmed Indictment is made public before all indictees are arrested. In addition, this Accused and other indictees continue to have influence with members or ex-members of their respective factions who may assist these individuals to escape arrest if these Indictments become known before an arrest can be effected. For these reasons, I request an order of non-disclosure of the Indictment to the public.
- 6. The request for the order for non-disclosure is brought under the provisions of Rule 53 of the Rules which provides:

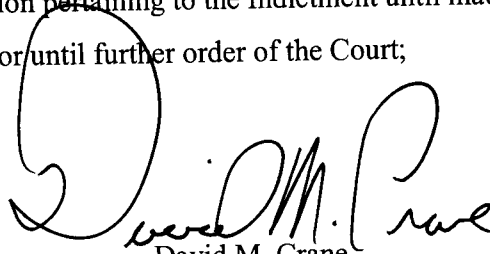
Rule 53: Non-disclosure

- (A) In exceptional circumstances, a Judge or a Trial Chamber may, in the interests of justice, order the non-disclosure to the public of any documents or information until further order.*
- (B) When confirming an indictment the judge may, in consideration with the Prosecutor, order that there be no public disclosure of the indictment until it is served on the accused, or in the case of joint accused, on both the accused.*
- (C) A Judge or Trial Chamber may, in consultation with the Prosecutor, also order that there be no disclosure of an indictment, or part thereof, or of all or any part of any particular document or information, if satisfied that the making of such an order is required to give effect to the provision of the Rules, to protect confidential information obtained by the Prosecutor, or otherwise in the interest of justice.*

7. As discussed above, it is critical that confidentiality is maintained to ensure that the Accused is not alerted to the prospect of arrest. I submit that this is an "exceptional circumstance," which, in the interests of justice, would justify the granting of an order for the non-disclosure to the public, including the media or any public record, of the Indictment or any part thereof or information pertaining to the Indictment, including the Warrant of Arrest. I request that such Order remain in effect until further Order by a judge of the Court, or in the interests of expediency, at my discretion when I find that the "exceptional circumstance" no longer exists.
8. I have requested non-disclosure to the public in relation to the Indictment, however, the attached investigator statement is not, in my submission, disclosable to the public. Should the Confirming Judge have a different view, I also request non-disclosure to the public concerning the attached investigator statement.

Orders Sought

9. I seek the following orders (sample orders attached):
- (A) ORDER, confirming the Indictment against **SAM BOCKARIE** dated 3 March 2003;
 - (B) ORDER, for a Warrant of Arrest and Transfer and Detention of the Accused;
 - (C) ORDER, pursuant to Rule 53 of the Rules, for the non-disclosure to the public, including the media or any public record, of the Indictment or any part thereof or information pertaining to the Indictment until made public by the Prosecutor or until further order of the Court;



David M. Crane
The Prosecutor

001B

SCSL-2003-04-I

7 MARCH 2003
(4-18)

THE SPECIAL COURT FOR SIERRA LEONE

001B 4
07 MAR 2003
R. Vincent

CASE NO. SCSL - 03 -

17:00 hrs.
-I

THE PROSECUTOR

Against

SAM BOCKARIE also known as MOSQUITO

also known as MASKITA

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 BOCKARIE also known as (aka) MOSQUITO

aka MASKITA

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. **SAM BOCKARIE aka MOSQUITO aka MASKITA, (the ACCUSED)** was born 10 February 1964 at Koidu, Kono District, Republic of Sierra Leone.

GENERAL ALLEGATIONS

2. 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).

3. 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.
4. 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”.
5. 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.
6. 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.
7. 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”.
8. 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”.
9. After the 25 May 1997 coup d’état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF.

- 10. 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.
- 11. 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.
- 12. The **ACCUSED** 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.
- 13. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.
- 14. 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.
- 15. 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

- 16. Paragraphs 1 through 15 are incorporated by reference.
- 17. At all times relevant to this Indictment, **SAM BOCKARIE** was a senior commander in, or otherwise affiliated with, the RUF, Junta and AFRC/RUF forces.
- 18. The **ACCUSED** joined the RUF in 1991 in Liberia. Between 1992 and about April 1997, the **ACCUSED** held the position of Battle Group commander within the RUF. In that position, the **ACCUSED** was subordinate only to the RUF Battle Field

Commander, MOHAMMED TARAWALLIE aka ZINO, and the RUF leader, FODAY SAYBANA SANKOH.

- 19. FODAY SAYBANA SANKOH was incarcerated and subjected to restrictions on his movement in Nigeria and in Sierra Leone from about March 1997 to about April 1999. During this period, by order of FODAY SAYBANA SANKOH, the **ACCUSED** directed all RUF operations in Sierra Leone. Also during this time, by virtue of the authority given him by FODAY SAYBANA SANKOH, the **ACCUSED**, worked directly and in concert with CHARLES TAYLOR aka CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR. In addition, by order of or with the acquiescence of FODAY SAYBANA SANKOH, the **ACCUSED** also received guidance and direction from CHARLES GHANKAY TAYLOR.
- 20. About April 1997, FODAY SAYBANA SANKOH appointed the **ACCUSED** Battle Field Commander of the RUF, a position the **ACCUSED** held until about December 1999. As Battlefield Commander, the **ACCUSED** was subordinate in command only to the leader of the RUF, FODAY SAYBANA SANKOH, and the leader of the AFRC, JOHNNY PAUL KOROMA.
- 21. Shortly after JOHNNY PAUL KOROMA invited the RUF to join with the AFRC, FODAY SAYBANA SANKOH instructed the **ACCUSED** that he and all members of the RUF were to take all orders from JOHNNY PAUL KOROMA.
- 22. During the Junta regime, the **ACCUSED** served as a member of the Junta governing body. After the Junta was forced from power about mid February 1998, the **ACCUSED** continued as a senior officer in the AFRC/RUF forces until about December 1999. During this time JOHNNY PAUL KOROMA appointed the **ACCUSED** Chief of Defence Staff.
- 23. In the positions referred to in paragraphs 17 through 22, **SAM BOCKARIE**, individually or in concert with FODAY SAYBANA SANKOH, ISSA HASSAN SESAY aka ISSA SESAY, MORRIS KALLON aka BILAI KARIM, JOHNNY PAUL KOROMA, ALEX TAMBA BRIMA aka TAMBA ALEX BRIMA aka GULLIT and other superiors in the RUF, Junta and AFRC/RUF forces, exercised authority, command and control over all subordinate members of the RUF, Junta and AFRC/RUF forces.

24. At all times relevant to this Indictment, the **ACCUSED**, by virtue of his position within, and continued affiliation with, the RUF and the authority given him by FODAY SAYBANA SANKOH, acted in concert with CHARLES GHANKAY TAYLOR.
25. The RUF, including the **ACCUSED**, and the AFRC 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.
26. 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.
27. After about December 1999, the **ACCUSED** continued to act in furtherance of the joint criminal enterprise.
28. **SAM BOCKARIE**, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes the **ACCUSED** planned, instigated, ordered, committed or in whose planning, preparation or execution the **ACCUSED** otherwise aided and abetted, or which crimes were within a joint criminal enterprise in which the **ACCUSED** participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which the **ACCUSED** participated.
29. In addition, or alternatively, pursuant to Article 6.3. of the Statute, **SAM BOCKARIE**, while holding positions of superior responsibility and exercising command and control over his subordinates, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. The **ACCUSED** is

responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the **ACCUSED** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

- 30. Paragraphs 16 through 29 are incorporated by reference.
- 31. 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 **SAM BOCKARIE**, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including, but not limited, to Bo, Kono, Kenema, Bombali and Kailahun Districts and Freetown. Targets of the armed attacks included civilians and humanitarian assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone (UNAMSIL), which had been created by United Nations Security Council Resolution 1270 (1999).
- 32. 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.
- 33. 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**

34. Members of the AFRC/RUF subordinate to and/or acting in concert with **SAM BOCKARIE** committed the crimes set forth below in paragraphs 35 through 60 and charged in Counts 3 through 13, 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 his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is 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

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

Bo District

36. Between 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

37. 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

38. 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;

Bombali District

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

Freetown

40. Between 6 January 1999 and 31 January 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Uppun, Calaba Town and Tower Hill areas of the city.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is 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 – 8: SEXUAL VIOLENCE

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

Kono District

42. 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;

Bombali District

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

Kailahun District

44. 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;

Freetown

45. Between 6 January 1999 and 31 January 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is 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;

In addition, or in the alternative:

Count 8: 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 9 – 10: PHYSICAL VIOLENCE

46. 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, but were not limited to, the following:

Kono District

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

Freetown

48. Between 6 January 1999 and 31 January 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 9: Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

Count 10: Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.

COUNT 11: USE OF CHILD SOLDIERS

49. 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 his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 11: 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 12: ABDUCTIONS AND FORCED LABOUR

50. 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, but were not limited to, the following:

Kenema District

51. 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

52. Between about 14 February 1998 and 30 June 1998, 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;

Bombali District

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

Kailahun District

54. 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

55. Between 6 January 1999 and 31 January 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 12: Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.

COUNT 13: LOOTING AND BURNING

56. 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, but was not limited to, the following:

Bo District

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

Kono District

58. 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

59. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burned an unknown number of civilian buildings in locations such as Karina;

Freetown

60. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 13: 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 14 – 17: ATTACKS ON UNAMSIL PERSONNEL

61. Between about 15 April 2000 and about 15 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, **SAM BOCKARIE**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 14: Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.b. of the Statute;

In addition, or in the alternative:

Count 15: For the unlawful killings, Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

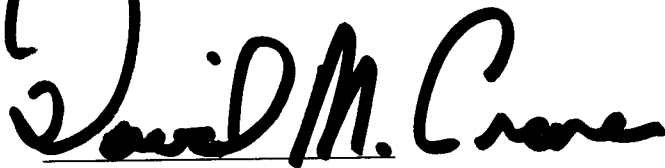
Count 16: Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

Count 17: For the abductions and holding as hostage, Taking of hostages, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.c. of the Statute.

Dated this 3rd day of March 2003

Freetown, Sierra Leone

A handwritten signature in black ink, reading "David M. Crane". The signature is written in a cursive style with a large, prominent initial "D".

David M. Crane

The Prosecutor