

Case No. SCSL-2004-16-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

WEDNESDAY, 20 JUNE 2007
11.06 A.M.
JUDGMENT

TRIAL CHAMBER II

Before the Judges:

Julia Sebutinde, Presiding
Richard Lussick
Teresa Doherty

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff
Ms Doreen Kiggundu

For the Registry:

Mr Herman von Hebel
Mr Thomas George

For the Prosecution:

Mr Stephen Rapp
Mr Karim Agha
Mr Charles Hardaway
Ms Shyamala Alagendra
Mr Vincent Wagona
Ms Tamara Cummings-John

(Senior Case

Manager)

Manager)
Ms Maja Dimitrova (Case
Ms Bridget Osho (Intern)

For the Principal Defender:

Ms Claire Carlton-Hanciles

For the accused Alex Tamba

Mr Kojo Graham
Ms Glenna Thompson

Daniels
assistant)

(legal assistant)
assistant)

Brima: Mr Osman Keh Kamara
For the accused Brima Bazy Mr Andrew William Kodwo
Kamara: Mr Mohamed Pa-Momo Fofanah
Ms Louisa Songwe (legal
For the accused Santigie Borbor Mr Geert-Jan Alexander Knoops
Kanu: Ms Carry J Knoops-Hamburger
Mr Ajibola E Manly-Spain
Ms Karlijn van der Voort
Ms Anne-Marie Verwiel (legal

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1 [AFRC20JUN07 - CR]
2 Wednesday, 20 June 2007
3 [The accused present]
4 [Judgment]
5 [Open session]
6 [Upon commencing at 11.06 a.m.]
7 PRESIDING JUDGE: Trial Chamber II, composed of Justice
8 Julia Sebutinde, presiding, Justice Richard Lussick, and
Justice
9 Teresa Doherty is today delivering the judgment in the trial
of
10 The Prosecutor v accused Alex Tamba Brima, the accused Ibrahim
11 Bazy Kamara and the accused Santigie Borbor Kanu.
12 At this time, I will deliver an oral summary of the
13 judgment which, as you know, is not an authoritative version.
14 The written judgment, which is the only authoritative version,

15 will be made available shortly afterwards, today.

16 The three accused persons are alleged to be senior
members
17 of the AFRC who acted in concert with the RUF. They are
accused
18 of conducting armed attacks in the territory of Sierra Leone,
19 intending to both terrorise the civilian population and also
to
20 punish the population for failing to provide sufficient
support
21 to the AFRC/RUF forces. The attacks included unlawful
killings;
22 physical and sexual violence against civilian men, women and
23 children; abduction; illegal recruitment of child soldiers;
and
24 looting.

25 A brief procedural background was as follows: The
26 Prosecution case in this case commenced on 7 March 2005 and
27 closed on 21 November 2005, with the Prosecution having called
59
28 witnesses, and a total of 80 Prosecution exhibits tendered.
The
29 Defence case opened on 5 June 2006, closed on 26 October,
having

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1 called a total of 87 witnesses, including the accused, Alex
2 Brima, and having tendered 39 exhibits in evidence. Final
3 submissions were filed and closing arguments were finally
4 on 7 and 8 December 2006, with the trial lasting for 176 days.

5 Now the crimes alleged in the indictment are well known,
6 but for the sake of the accused, I will briefly summarise them
7 here. The accused are charged as follows:

8 Counts 1 and 2, acts of terrorism and collective
9 punishments, as a violation of Common Article 3 to the Geneva
10 Convention. Counts 3 through 5, extermination and murder,
11 against humanity and violence to life, in particular, murder,
12 violation of Common Article 3 to the Geneva Convention. Count
13 rape, as a crime against humanity. Count 7, sexual slavery
14 other forms of sexual violence as a crime against humanity.
15 Count 8, other inhumane acts as a crime against humanity.
16 9, outrages upon personal dignity, as a violation of Common
17 Article 3. Count 10, physical violence, in particular,
18 mutilation, as a violation of Common Article 3. Count 11,
19 inhumane act, as a crime against humanity. Count 12, the use
20 child recruitment and use of child soldiers, as another
21 violation of international humanitarian law. Count 13,
22 enslavement, a crime against humanity. And count 14, pillage,
23 a violation of Common Article 3.

individual

24 The indictment charges each of the accused with
25 criminal responsibility, both under Article 6.1 and Article
26 of the Statute for the crimes referred to above.

6.3

summarise

27 Each of the accused entered a not guilty plea on each of
28 the counts charged in the indictment. I will briefly
29 the alleged defects raised throughout the submissions, in

fact,

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judgment.

1 throughout this case, and therefore considered in this
2 The Defence challenged the indictment as defective, but in the
3 Trial Chamber's view, or, rather, now, in this summary, I will
4 only consider the challenges that relate to defective pleading
5 within the current further consolidated amended indictment.

also

crimes

6 There were allegations that alleged crimes committed in
7 locations were not specified in the indictment. There were
8 allegations relating to failure to plead specifically the
9 that were committed by an accused person. There were also
10 objections relating to the manner in which joint criminal

pleading 11 enterprise was pleaded, there were arguments about the
arguments 12 of count 7 as being bad for duplicity, and there were
another 13 relating to the crime of forced marriage being charged as
14 inhumane act, and pleaded under count 8.

15 The details of the Chamber's findings on these alleged
16 defects are more particularly found in the written judgment.
17 However, for the purposes of this judgment, I will simply say
being 18 that the Trial Chamber, by a majority, dismissed count 7 as
19 bad for duplicity. On that point, one of the judges entered a
20 separate and partly dissenting opinion.

21 Also, with regard to count 8, the Trial Chamber did not
22 accept the classification of forced marriage as another
inhumane 23 act. Again, this was by a majority. And, instead, considered
24 that forced marriage is, in fact, a form of sexual slavery.
25 However, having dismissed count 7, where the crime of sexual
26 slavery occurs, as that count was bad for duplicity, the Trial
27 Chamber, again by a majority, thought it in the interests of
28 justice to consider sexual slavery under count 9, which is
29 outrages against personal dignity. That is all I would say by

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1 way of alleged defects found in the indictment. The other
2 details are found in the main judgment.

3 Now the role of the accused within the AFRC. In order
to
4 make a finding on the individual responsibility of each
accused,
5 the Trial Chamber considers it necessary, first, to determine
6 their individual roles within the AFRC. In this regard, I
will
7 start with the role of the accused Brima and the findings of
the
8 Court on the evidence and the submissions adduced.

9 The accused Brima denied that his first name is Alex and
10 stated that he was a victim of mistaken identity. However,
based
11 on the fact that he confirmed his name during his initial
12 appearance on 15 and 17 March, the Trial Chamber is satisfied
13 that the full name of the accused is in fact Alex Tamba Brima,
14 who was commonly referred to by the nickname Gullit.

15 Again, the accused Brima denied participating in the May
16 1997 coup, and in addition, presented alibi evidence in his
17 defence, stating that he was sick for much of the time; he
spent
18 it in hospital and he was unable to perform any of his
19 administrative duties. However, based on the available
evidence,
20 the Trial Chamber rejects this alibi and is satisfied that he
was
21 involved in the coup of May 1997.

22 Now, while the accused Brima did not dispute that he was
23 appointed PLO 2 within the AFRC, he contended that he was too

the
24 sick to perform any duties. The Trial Chamber, considering
25 evidence that he was referred to as Honourable PLO 2 and, as
26 PLO 2, he performed his duties such as supervising, monitoring
27 and coordinating operations of any department of state. He
did
28 not dispute this evidence or the evidence of his participation
in
29 coordinating the meetings between higher-ranking members. The

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Brima
1 Trial Chamber therefore finds that, as PLO 2, the accused
2 reported to PLO 1, Abu Sankoh, to SAJ Musa, and also the
chairman
3 of the Supreme Council, Johnny Paul Koroma.
4 With respect to the whereabouts of the accused Brima
during
5 the AFRC government period, also commonly known as the junta
6 period, the Trial Chamber finds that Brima was in Freetown on
7 25 May 1997, and that either he later moved to Kono District,
or
8 he travelled frequently between Kono and Freetown.
9 The Trial Chamber also accepted the evidence of the
10 witnesses who confirmed that Brima was detained by the RUF in

11 Kailahun on or about February 1998 for a period that cannot be
12 stated precisely. In late April, early May, the accused Brima
13 travelled from Kailahun to Kono District. The Trial Chamber
14 dismisses the portion of Brima's alibi in which he claims to
have
15 been held by the RUF in Kailahun between early May to July
1998,
16 finding, instead, that he did return to Kono in the period
17 aforementioned.

18 In summary, the Trial Chamber is satisfied that the
accused
19 held the position of overall commander and also exercised a
20 substantial degree of authority over the troops in Bombali
21 District.

22 The Defence claim that the accused was not present in
23 Freetown during the January 1999 invasion by troops of the
AFRC.
24 He claimed, instead, that the AFRC troops were led by other
known
25 individuals, such as FAT Sesay, George Junior Lion, Johnson,
or
26 O-Five, et cetera. However, based on the available evidence,
the
27 Trial Chamber is satisfied that following the death of SAJ
Musa
28 in Benguema, the accused Brima did become the overall
commander
29 of the troops that invaded Freetown in January 1999. He
remained

1 in this position throughout both the AFRC invasion and the
2 retreat from Freetown.

3 Now, regarding the role of the accused Kamara, these are
4 the Chamber's findings. The Trial Chamber is satisfied that
the
5 accused Kamara is also known as Bazzy and that he was a member
of
6 the AFRC governing council and held a position of PLO 3 in
that
7 government. The Trial Chamber finds that the accused Kamara
8 participated in the coup of 25 May 1997 that overthrew the
Kabbah
9 government. Evidence demonstrated that the accused Kamara was
10 also referred to as Honourable and as PLO 3 and was
responsible
11 for the Ministry of Agriculture, forestry, fisheries, energy,
12 power, lotto and income tax.

13 The Trial Chamber is satisfied that the accused Kamara
also
14 attended coordination meetings of high-level members of the
AFRC
15 and RUF. The Trial Chamber thus concludes that the accused
16 Kamara was a senior member of the AFRC government, and that in
17 his various positions, he wielded a substantial degree of
18 authority.

19 The Trial Chamber finds that the accused Kamara was a
20 senior ex-renegade SLA commander in Kono District, that he was
21 subordinate to the RUF commander Denis Mingo. Given his close

finds 22 association with the RUF commander, the Trial Chamber also
organising 23 that the accused Kamara was involved in the planning,
24 and implementing of joint operations in the area.
25 Upon his arrival in Kono in April/May 1998, the accused
26 Brima took overall command of the renegade SLA troops. Kamara
27 became Brima's second in command, and together they travelled
to 28 Koinadugu District, where they met with SAJ Musa. The accused
the 29 Kamara acted as Brima's deputy at Mansofinia and throughout

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the 1 journey to Eddie Town. The Trial Chamber is not satisfied by
Town 2 contention that the accused Kamara was under arrest at Eddie
3 for a prolonged period.

4 The Trial Chamber now turns to the role of the accused
5 Kamara during the invasion of Freetown.

demonstrates 6 The Trial Chamber accepts the evidence which
the 7 that, after the death of SAJ Musa, the accused Brima became

8 overall commander of the troops invading Freetown and that the
9 accused Kamara was in fact his deputy. This chain of command
10 remained the same throughout the invasion and the retreat of
the
11 troops from Freetown. The Trial Chamber finds that the
accused
12 Kamara was the overall commander of the fighters known as the
13 West Side Boys, in the area commonly referred to as the West
Side
14 area in Port Loko District, or Okra Hills. The Trial Chamber
is
15 therefore satisfied that upon withdrawal from Newton in
16 late February or early March 1999, the accused Kamara
retreated
17 to Okra Hills region in Port Loko District.

18 Regarding the role of the accused Kanu. The accused
Kanu
19 does not dispute that he was known by the nickname Five-Five.
20 The Trial Chamber finds that the accused Kanu was a member of
the
21 governing council of the AFRC government and was also referred
to
22 by the title Honourable. He also coordinated meetings of
23 high-level members of the AFRC and RUF in Freetown. However,
the
24 Trial Chamber's unable to determine whether the accused Kanu
made
25 any real practical contributions to the running of or policies
of
26 the AFRC government.

27 Nevertheless, evidence clearly demonstrates that the
28 accused Kanu participated in the coup of 25 May 1997, which
led
29 to the overthrow of the government of President Kabbah.

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1 Furthermore, the Chamber finds that he was in Freetown during
2 the February attack by ECOMOG. On 13 February he retreated
from
3 Freetown, along the same route as the accused Kamara. After
the
4 retreat, the accused Kanu joined the troops that later
attacked
5 Koidu in Kono District.

6 His function and positions during the Kono attack are
not
7 clear. The Trial Chamber has received conflicting evidence on
8 the whereabouts of Kanu during late February to mid-May 1998
and
9 is therefore unable to find conclusively on the location or
his
10 role in Kono District during this period.

11 The Trial Chamber is satisfied by the evidence which
showed
12 that the accused Kanu was the commander in charge of abducted
13 civilians throughout the period mid-February 1998 and
14 31 December, in Bombali District.

15 The accused Kanu was also in charge of military training
at
16 Camp Rosos, including the training of abducted civilians. The

trained

17 Chamber notes that the AFRC faction suffered from lack of
18 soldiers from which to fill senior positions and accepts that
19 senior AFRC members were entrusted with multiple areas of
20 responsibility.

the

21 Having considered the evidence, the Trial Chamber finds
22 accused Kanu was Chief of Staff within the AFRC, G5 commander
in
23 charge of civilians, and also acting military supervisor in
24 Koinadugu and Bombali Districts.

in

25 With respect to his role in Freetown, the Chamber has
26 established that he remained in his position as G5 commander

attack

27 charge of civilians and AFRC Chief of Staff throughout the
28 on Freetown on 6 January 1999 until the retreat to Newton.
29 Between February 1999 and July 1999, he stayed in Newton for a

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1 few weeks, later joining Issa Sesay in Makeni, in Bombali
2 District.

the

3 In conclusion, the Trial Chamber finds on the role of

Benguema

4 accused that the three accused retreated from Freetown,

into
5 in late January 1999 and that, subsequently, the AFRC split
6 two groups, with the accused Brima and Kanu moving with the
7 troops towards Lunsar and Makeni to fight alongside the RUF in
8 April 1999, and the accused Kamara retreating with the troops
to
9 Okra Hills area.

10 The Trial Chamber will now turn to the factual findings,
11 and in making the findings, the Trial Chamber, having
carefully
12 considered the evidence both for the Prosecution and the
Defence,
13 will only make findings here on the facts where it is
convinced
14 beyond a reasonable doubt. What follows is only a summary and
15 detailed credibility findings and analyses of the evidence
will
16 be found in greater detail in the written judgment.

17 The summary deals with factual findings, district by
18 district, starting with the areas where the accused persons
are
19 alleged to have directly participated in the crimes. We will
20 start with the area of Freetown and the Western Area. The
period
21 covered in the indictment is 6 January 1999 to 28 February
1999.

22 With regard to unlawful killings, as charged in counts
3, 4
23 and 5, the Trial Chamber finds the evidence to have
established
24 that, during the invasion of Freetown, in the period
25 abovementioned, the AFRC faction, led by the accused Brima,
26 Kamara and Kanu, unlawfully killed a number of civilians at
27 various locations in Freetown.

to 28 On 6 January 1999, the accused Brima ordered his troops
29 kill civilians who had refused to join the faction and also

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woman 1 killed those civilians as suspected of harbouring Nigerians at
2 the State House. Around the same time, Brima shot dead a
3 who was the girlfriend of one of the soldiers at State House.
4 The accused Kanu shot dead one civilian suspected of being a
5 Nigerian ECOMOG soldier. Three other civilians were also shot
6 dead by the AFRC faction at State House on the orders of Kanu.
7 The Trial Chamber finds that, in January 1999, and in
8 retaliation for the killing of a soldier by the civilian
9 population, the accused Brima ordered the AFRC faction to kill
10 civilians and burn down the Fourah Bah area. In response to
the 11 order, the troops attacked the area and a number of civilians
12 were killed. The Trial Chamber could not establish whether
the 13 accused Kamara and Kanu personally killed any civilians at
Fourah 14 Bay.

15 During the second week of the troops' invasion into

Baski
number
Street.
lead
civilians
Kanu,
that

16 Freetown, and following Brima's orders, Operation Commander
17 led the troops to Kingtom and broke into houses, killing a
18 of civilians. The Trial Chamber finds that Captain Blood, the
19 bodyguard of the accused Kamara, shot dead three civilians and
20 killed, with a machete, another four civilians at Guard
21 Furthermore, following the accused Brima's orders to Kanu to
22 the troops to attack Rogbalan Mosque, around another 70
23 at the mosque were shot dead by the forces.
24 Also, and in the presence of the accused Kamara and
25 the accused Brima ordered troops to kill civilians and, as a
26 result, an unspecified number of civilians were killed. The
27 civilians included nuns at Kissy Mental Home and a number of
28 civilians killed at Calaba Town and Wellington.
29 The Trial Chamber is satisfied beyond reasonable doubt

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killed

1 between 6 January and 28 February 1999, the AFRC faction
2 at least 145 civilian men, women and children in the city of

3 Freetown, located in Kissy, Wellington, Calaba Town and the
4 Western Area. It is clear that the killings referred to were
5 committed as part of a widespread attack against the civilian
6 population and occurred on a massive scale.

7 As regards the crime of rape, the evidence we've
considered

8 demonstrates that, during the invasion of Freetown on 6
January

9 1999, members of the AFRC faction under the command of the
10 accused Brima, Kamara and Kanu raped a number of women and
girls

11 at various locations in Freetown and Western Area.

12 The Trial Chamber finds that soldiers brought an unknown
13 number of abducted women to rooms in the State House in order
to

14 rape them, with the beautiful ones being given to Brima,
Kamara

15 and Kanu. The Trial Chamber has established that a number of
16 women were raped by the accused Brima's boys every night.

17 However, the Trial Chamber finds the evidence insufficient to
18 establish beyond a reasonable doubt that any of the accused
were

19 personally involved in raping the women.

20 The Chamber received evidence that abducted young girls
21 from Annie Walsh School and a group of nuns were raped by the
22 troops, following an order given by Brima at the AFRC
23 headquarters at PWD. However, this evidence was insufficient
to

24 prove the rapes beyond a reasonable doubt.

25 The Trial Chamber finds that, when the AFRC fighters had
26 occupied the eastern part of Freetown, the accused Brima
ordered

fighters

27 his men to commit atrocities, as a result of which his
28 raped women and girls.

29 In conclusion, the Trial Chamber is satisfied beyond

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established.

1 reasonable doubt that the elements of the crime containing
2 count 6, rape, as a crime against humanity have been

their

3 Outrages upon personal dignity. The Trial Chamber finds
4 that troops travelled from Waterloo to Newton with captured
5 civilian women who had sex with the commanders and also did

captured

6 cooking for them. In return, the commanders called the

7 women their "wives," or bush wives. These commanders reported
8 any problems relating to their wives to the accused Kanu.

X,

9 The evidence established that when rebels led by the
10 accused Kanu arrived at Wellington, they abducted a girl and
11 forced her to carry a road to Allen Town. As they moved to
12 Calaba Town, she was given to an AFRC rebel known as a Colonel

the

13 who took her as his "wife," without any ceremony or consent.
14 Colonel X repeatedly raped the girl and his conduct satisfies

15 element of the crime of sexual slavery.

16 Accordingly, the Trial Chamber is satisfied that the
17 elements in relation to sexual slavery are established in
18 relation to Freetown and the Western Area.

19 Physical violence and other inhumane acts. The Trial
20 Chamber finds that, in January 1999, as the troops were moving
21 towards Kissy Old Road at Upgun, the accused Kanu demonstrated
22 amputation upon a civilian, explaining to his troops that a
23 "long sleeve" is the amputation of the hand, while a "short sleeve"
24 is the amputation of an arm around the bicep area; that is, above
25 the elbow and below the shoulder.

26 Furthermore, the evidence shows that when Kanu arrived
27 at Upgun with Major Mines and Captain Kabila, he announced that
28 it was time for the amputations to begin, and he would carry out
29 the first amputation in order to set an example for the soldiers.

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1 The accused Kanu called for two civilians nearby to be brought

to

2 him, and he amputated both hands and wrists of both civilians
3 with a machete.

4 There is also evidence that during the period when the
5 troops were at Kissy Mental Home, the accused Brima was seen
6 amputating a civilian's hand at Shell Company by Old Road.
7 Furthermore, while the troops were at Kissy Mental Home, a
8 renegade SLA soldier called Kabila told the accused Brima

that:

9 "The civilians are pointing their hands at our own crowd,"
10 implying that the civilians were divulging information of the
11 troops' position to ECOMOG.

12 The accused Brima said that: "The hand that they are
13 pointing at us, the fingers that they're pointing at us, we

shall

14 ensure that all their hands are amputated." Later, SLA

soldier

15 Mines returned to Kissy Mental Home with a bag full of human
16 hands, which he showed to the accused Brima and others.

17 In addition, the accused Kamara raided a World Food
18 Programme warehouse in a nearby area, collecting a number of
19 machetes, which he distributed to his troops. These were then
20 used to amputate civilians in Operation Cut Hand.

21 Accordingly, the Trial Chamber finds that in various

areas

22 of Freetown, Kissy and Wellington in the Western Area, AFRC

23 fighting forces mutilated at least 237 civilians and one

soldier,

24 by cutting off their limbs. The Trial Chamber finds that the

25 elements in relation to counts 10 and 11 have been

established.

26 The crime of recruitment of child soldiers. The Trial

to
the
under

27 Chamber received evidence that children were captured and used
28 commit atrocities. In particular, the Trial Chamber recalls
29 evidence of one child, who was captured at Rosos by rebels

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a

1 the accused Brima and Kanu, and forced to commit an attack on
2 police station in Freetown, in January 1999.

1999

3 Furthermore, the Trial Chamber finds that, during the
4 invasion of Freetown, the accused Brima ordered the capture of
5 civilians, saying that it would attract the attention of the
6 international community. As a result, approximately 300
abducted

7 civilians were brought by fighters from Freetown to Benguema,
8 amongst which were many small boys, including some as young as
9 nine or ten years old.

that

10 The Chamber also finds that the accused Brima ordered
11 everyone who had a young boy between the ages of ten and 12
12 should provide the child with basic military training.

13 The Trial Chamber therefore finds that the elements of

to 14 recruitment of child soldiers has been established with regard
15 the accused Brima.
16 Enslavement. There is evidence showing that, as the
AFRC 17 faction advanced to Freetown on 6 January 1999, they were
18 accompanied by a large number of abductees who carried arms,
19 ammunition and food stuffs. The Trial Chamber has established
20 that at a meeting of senior commanders in the Uppun area
during 21 the retreat of Freetown, and also at Ferry Junction, the
accused 22 Brima ordered troops to abduct civilians as a way of
attracting 23 attention to the international community.
24 As a result, troops broke into houses and captured
25 civilians, especially young girls, taking them to the
26 headquarters at PWD and to Kissy Mental Home. And also during
27 the retreat to Benguema, AFRC soldiers used civilians to carry
28 loads and used them to perform domestic tasks or act as guards
29 whenever they went on food-finding missions. They also used
them

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1 to pound rice and carry looted items.

2 The Trial Chamber is satisfied beyond reasonable doubt
3 that, between 6 January 1999 and 28 February 1999, members of
the
4 AFRC abducted large numbers of civilians from locations in
5 Freetown, Kissy and Calaba Town, and used these civilians as
6 forced labour in locations including Benguema and Newton in
the
7 Western Area.

8 Thus the Trial Chamber is satisfied that the elements in
9 relation to count 13 of the indictment have been established.

10 Pillage, as count 14. The Trial Chamber is satisfied
that,
11 between 6 January 1999 and 28 February 1999, the AFRC fighters
12 engaged in looting at State House in Freetown and Kissy in the
13 Western Area. We've also established that the accused Brima
14 ordered the operations commander to collect vehicles from the
UN
15 house to bring them to State House so that they would be used
by
16 commanders to travel throughout the city.

17 As a result, the accused Brima was seen entering the
State
18 House with a jeep, and the accused Kanu with a white Hilux
with a
19 UNDP logo. Other vehicles being used had the UNWFP logo
that's
20 used by the AFRC factions.

21 The Trial Chamber is satisfied beyond reasonable doubt,
22 therefore, for the period in question, the Prosecution has
23 established the elements of the offence of looting or pillage
in
24 relation to Freetown and the Western Area.

is

25 Acts of terrorism. That's count 1. The Trial Chamber
26 satisfied that members of the AFRC under the command of the
27 accused Brima committed acts of violence against protected
28 persons or property during the AFRC invasion and retreat from
29 Freetown in early 1999 that were carried out with the primary

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of

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relation

the

evidence

Town

1 purpose of spreading terror amongst the civilian population.
2 The acts of violence carried out by members of the AFRC
3 against protected persons or against their property were part
4 a planned and deliberate attack, ordered and carried out by
5 three accused persons.
6 The Trial Chamber therefore is satisfied that in
7 to the crime of acts of terrorism as charged in count 1, the
8 Prosecution has proved its case with regard to Freetown and
9 Western Area.
10 Collective punishments, as count 2. The Prosecution
11 adduced evidence on the burning of buildings. There is
12 to show that the accused Brima ordered the burning of Calaba

13 and also that the accused Kanu participated in these burnings.
14 The accused Brima told commanders prior to the attack that he
had
15 received information that civilians were harbouring ECOMOG
forces
16 in mosques. He then ordered the AFRC troops to shoot and kill
17 the people they encountered in Rogbalan Mosque.

18 The evidence demonstrates that a soldier came from
Fourah
19 Bay with his head bust, reporting that the civilians there had
20 been fighting with the soldiers. The accused Kamara raided
the
21 World Food Programme warehouse in a nearby area, from where he
22 obtained a number of machetes. He armed his troops with
23 machetes, whereupon they descended on the civilians and cut
and
24 amputated them in the operation known as Operation Cut Hand.

25 The Trial Chamber finds that the accused Kanu told
26 civilians that since they voted for Pa Kabbah, they should go
to
27 him and ask him for hands. Ten more civilians were then
rounded
28 up, amputated at the elbow, and told to go to Pa Kabbah, or
29 ECOMOG to complain.

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accused
meaning
it
Party
the
killed.
discussion,
had
then
fact

1 In addition, during the retreat from Freetown, the
2 Kanu ordered what he called the war candle to be put on,
3 that the houses in Freetown should be set alight and burnt.
4 The evidence shows that the accused Brima announced that
5 was time to attack Freetown and that Sierra Leone People's
6 government, SLPP government, was responsible for denying the
7 success of the rebel troops. He then ordered that Freetown
8 should be looted and burnt down, and that anyone who opposed
9 troops should be considered a collaborator and should be
10 The accused Kanu and the accused Brima held a
11 following which the accused Kanu told the troops that Brima
12 ordered that all civilians should be taught a lesson. Kanu
13 ordered that any civilian seen by the troops from Rosos Road
14 until Fourah Bay Road should be amputated and killed, and the
15 entire area should be burnt down.
16 In addition, the accused Brima received information that
17 the people of Fourah Bay had killed one of his soldiers. He
18 announced that he would lead the troops to Fourah Bay to burn
19 houses and kill the people in retaliation. The troops, in
20 did attack Fourah Bay, and a large number of civilians were
21 killed, including men, women and children, many of whom were
22 burnt inside their houses.

to
23 The Trial Chamber is satisfied that these actions amount
24 punishments against the civilian population as charged under
25 count 2, and that the Prosecution has proved its case in
relation
26 to the areas mentioned.

27 I now move to Bombali District and this covers the
period
28 1 May 1998 to 30 November 1998. As regards unlawful killings,
29 counts 3 to 5, the Chamber finds that at Kamagbengbeh, the

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1 accused Kamara ordered his troops to target Karina, which, he
2 said, was the home town of President Kabbah.

3 As a result of the accused Brima's orders on 8 May 1998,
4 the accused Kamara, with two juntas, locked five girls in a
house
5 and burnt them alive. "Juntas" also threw an unspecified
number
6 of small children into the flames of houses, thereby burning
7 them
8 alive.

9 However, the Trial Chamber is unable to establish
whether
 four children, aged between five and ten years, thrown from a

Kamara, 10 two-storey building in Karina, at Cyborg, the security of
11 actually died.

was 12 The Trial Chamber finds that while the accused Kamara
13 watching outside a house, a certain Eddie Williams, known as
MAF 14 wrapped an unknown number of people in a carpet inside a house
15 and thereupon set the house on fire.

civilians 16 Accordingly, the Trial Chamber is satisfied that
17 were killed on a massive scale in Karina. The Trial Chamber
is 18 also satisfied that, in May 1998, the AFRC faction associated
19 with the accused Brima, Kamara and Kanu, intentionally killed
at 20 least nine civilians during an attack on Bonoya.

AFRC 21 The Chamber also finds that the accused Brima sent an
22 advanced team to Mateboi and, upon returning to Camp Rosos,
23 Captain Arthur brought the decapitated head of chief of
Mateboi 24 and handed it over to the commanders, including the accused
25 Kamara at the headquarters.

26 Also in or around August 1998, the accused Brima ordered
27 two AFRC commanders, Salifu Mansaray and Arthur, to attack
28 Gbendembu, which resulted in the death of 25 civilians.

29 The Trial Chamber is therefore satisfied that, in the

1 period 1 May to 30 May 1998, members of the AFRC unlawfully
2 killed an unknown number of civilians in places like Bonoya,
3 Karina, Mateboi, Gbendembu in Bombali District.

4 The Chamber consequently finds that there were large-
scale
5 killings which satisfy the elements of extermination as
charged
6 under count 3 of the indictment.

7 The crime of rape, as charged under count 6. This is in
8 relation to the district of Bombali. The Trial Chamber
received
9 evidence relating to locations not specified in the
indictment.

10 And although it makes no findings on this evidence against the
11 accused, the Chamber, however, established that an unknown
number
12 of girls and women were repeatedly raped by "rebels" at Rosos
in
13 Bombali.

14 The Trial Chamber is therefore unable to determine which
15 faction the rebels belong to and, therefore, finds that the
16 Prosecution has not proved the elements of rape with regard to
17 Bombali District.

18 Outrages upon personal dignity. The Trial Chamber finds
19 that, during the attack on Karina in June 1998, soldiers under
20 the command of one Woyoh captured 35 civilian women who they
21 initially forced to strip naked, but were later allowed to
dress.

22 Woyoh handed the women over to the accused Kanu who then
23 distributed them as "wives" to his soldiers who, in turn, were
24 required to sign for the women.

evidence
to
25 Also at Camp Rosos, the accused Kanu regulated forced
26 marriages of the abducted women from Karina. There is
27 to show that the soldiers reported all the problems relating
28 their so-called wives to the accused Kanu. As a result, he
29 ordered that women who were unfaithful to their so-called

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that
1 husbands would be punished. There is also evidence to show

2 one Alhaji Kamanda, alias Gunboot, killed an AFRC fighter for
3 raping another fighter's "wife."

4 The Trial Chamber therefore finds that in relation to
5 Bombali District, the Prosecution has proved outrages upon
6 personal dignity as a crime against humanity beyond reasonable
7 doubt.

8 Child soldier recruitment. That's again in Bombali
9 District. The experts who testified before the Trial Chamber
10 agreed that persons under the age of 15 were used for military
11 purposes by all factions, including the AFRC, during the

June 12 conflict. This includes the period between 25 May and mid-
13 1999.

of 14 There's evidence to show that rebels under the command
Amongst 15 SAJ Musa, the accused Brima and Kanu, attacked Bonoya.

16 their number were children who had been captured and made to
by 17 commit atrocities. About three young children were abducted

18 the rebels in Bonoya and taken through villages at Kamagbo,
19 Daraya, Mayogbo, Karina, Mabakah, Mandaha, Mateboi, Gbonsamba,
20 Robot Mess, Camp Rosos. One of the captured boys was 13 years
21 old and was made to carry rice and luggage along the route
from 22 Bonoya to Camp Rosos.

23 Whilst the Trial Chamber was unable to find some of the
24 locations on the map at its disposal, it noted that each of
the

25 locations is discussed by other Prosecution witnesses.

26 Physical violence and other inhumane acts with regard to
27 Bombali District. The Trial Chamber notes that a significant
28 amount of evidence was led on mutilations in other locations

in 29 Bombali District, in particular, Karina, a location that was
not

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1 specified in the indictment. The Trial Chamber therefore
makes 2 no findings on this evidence.

3 Enslavement. The evidence adduced on Bombali District
4 speaks of enslavement of civilians by the AFRC troops between
the 5 period April and July 1998, during their movement from
Mansofinia 6 in Koinadugu District, to Rosos in Bombali District, under the
7 command of the accused Brima, accompanied by the accused
Kamara 8 and Kanu.

9 In particular, there's evidence showing that young
children 10 and a total of 35 women were abducted in Karina by troops
under 11 the control of Woyoh, who then handed the women over to the
12 accused Kanu. Thereafter, the accused Brima ordered that the
13 children be distributed amongst the various commanders to do
14 forced labour.

15 The Trial Chamber finds that between 1 May and 30
November 16 1998, an number of unknown civilians were abducted and used as
17 forced labour, as well as forced to undergo military training
by 18 the AFRC troops in various locations of Bonoya, Kamagbengbeh,
19 Karina, Daraya, Mayogbo, Kagbemneh, and Rosos and Gbendembu,
in 20 Bombali District. The women were forced to find food, fetch
21 water, clean dishes and the men were forced to carry goods,

22 ammunition and were trained as fighters.

23 The Trial Chamber therefore finds that the elements in
24 relation to count 13 have been established with regard to
25 Bombali.

regard

26 Pillage. The Trial Chamber notes that the indictment
27 charges the crime of burning and looting and pillage with
28 to Bombali, and recalls its findings that the burning does not
29 constitute the element of pillage. Thus the Trial Chamber

makes

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1 no factual finding on pillage for Bombali District.

accused

2 Acts of terrorism. There is evidence to show that, in
3 Mansofinia in May 1998, and in Yarya, in April 1998, the

as

4 Brima explicitly ordered the troops to commit acts of violence

Kamagbengbeh,

5 they moved to other districts. In June of 1998, at

to

6 the accused Brima ordered the AFRC troops to attack Karina and

7 deliberately target civilians, in order to "shock the whole
8 country and the international community."

9 Also, in the same period at Rosos, the accused Brima

15 10 ordered that civilians should be cleared from the area within
11 miles of Rosos, and that they should be executed rather than
12 brought back to the camp, and that surrounding villages should
be 13 burnt and looted to clear the area.

14 The Trial Chamber notes the particularly brutal nature
of a 15 number of acts of violence committed against the civilians
during 16 the attacks, including the splitting open of a stomach of a
17 pregnant woman and the removal of the foetus, and the burning
of 18 civilians alive.

19 On this basis, the Chamber is satisfied that the acts of
20 violence committed by members of the AFRC against protected
21 persons or their property in Bonoya, Mateboi, Mandaya, Karina,
22 Gbendembu and Rosos can only reasonably be inferred to have
been 23 carried out with the primary purpose of spreading terror
amongst 24 the civilian population.

25 Collective punishments. There is evidence to show that
the 26 accused Brima ordered the troops to attack Karina because it
is 27 the home of President Kabbah, and to burn it down and kill the
28 inhabitants for allegedly supporting the Kabbah government.

29 The Trial Chamber is satisfied that the crimes committed

members

1 also served as punishment against civilians, committed by
2 the AFRC/RUF for allegedly supporting President Ahmed Tejan
3 Kabbah.

1998,

4 Kono District, for the period 14 February to 30 June

under

5 beginning with the crime of unlawful killings, as charged

6 counts 3, 4 or 5. The Trial Chamber finds that a man called

7 Savage ordered troops to attack Tombodu, which was resulted in

8 the killings of hundreds of civilians.

locked

9 Following the order in mid-May 1998, Savage himself

10 15 civilians in a house in Tombodu Town, which he then set

people

11 ablaze. None of them escaped; they all died. Another 47

Guitar

12 were beheaded by the same Savage, and another man called

showed

13 Boy and then thrown into a diamond pit. Further evidence

14 that Savage killed 150 people, who were then thrown in a pit.

15 The Trial Chamber is satisfied that upon the orders of

16 Staff Alhaji Biyoh, juntas intentionally killed 53 people in

17 Tombodu. The Trial Chamber finds that the accused Kamara was

Savage

18 routinely apprised of the crimes specifically committed by

19 at Tombodu. He was himself repeatedly present in Tombodu and

patrols

20 indirectly supervised the activities in Tombodu through

with

21 carried out by SLA operations commander. He worked together

22 Denis Mingo, to whom Savage also reported.

23 The Trial Chamber finds that, between about 14 February
24 1998 and 30 June 1998, members of the AFRC faction unlawfully
25 killed a minimum of 264 civilians in Tombodu in Kono District.

a

26 Thus the Trial Chamber is satisfied beyond a reasonable doubt
27 that the killings referred to above were committed as part of

as

28 widespread attack against the civilian population and occurred

indictment.

29 part of a mass killing, as charged in count 3 of the

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no

1 Rape, in relation to Kono District. The Trial Chamber
2 notes that the evidence given by witnesses with regards to the
3 commission of crimes under count 6 in relation to Kono was not
4 specified in the indictment and, therefore, the Chamber makes

RUF

5 findings on this evidence. Nonetheless, the Trial Chamber has
6 established that in February or March 1998, AFRC juntas and

7 rebels under the command of a certain Akim Sesay attacked
Koidu
8 Town and raped young girls.

9 Also, the Trial Chamber notes the evidence of a girl who
10 was raped by the AFRC/RUF faction at Foendor. However, the
11 Prosecution failed to establish that this evidence falls
within
12 the indicted period for Kono District; that is, 14 February to
13 30 June 1998.

14 Outrages to personal dignity, again in relation to Kono
15 District. The Trial Chamber finds after Johnny Paul Koroma
had
16 declared Koidu a no-go area for civilians in early March 1998,
17 civilians were captured by rebels from the surrounding
villages,
18 such as Tombodu and Yamandu. Women, particularly the young
and
19 beautiful ones, were placed under the full control of
commanders
20 and became their "wives." As wives, the women cooked for the
21 rebels and other soldiers in Kono and were also abused
sexually.

22 The Trial Chamber finds therefore that the elements of
23 outrages to personal dignity have been proven with regard to
Kono
24 District.

25 Child soldiers. The evidence shows that after Johnny
Paul
26 Koroma declared Koidu a no-go area for civilians in
27 late February, early March 1998, rebel SLA troops began
capturing
28 civilians for a variety of uses, including children between
the
29 ages of eight and 12.

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young

1 The Chamber finds that the evidence established that
2 boys were assigned to units known as Small Boy Units or SBUs,
3 which were then used in Tombodu by the troops to amputate the
4 limbs of civilians.

beyond

5 Accordingly, the Chamber finds that the elements of this
6 particular crime of use of child soldiers has been proved
7 reasonable doubt in the Kono District.

February

8 Physical violence and other inhumane acts. The Trial
9 Chamber is satisfied beyond reasonable doubt between 14
10 and 30 June 1998, troops under the command of Savage
11 intentionally mutilated at least 16 civilians by cutting off
12 their limbs at Tombodu in Kono District, as charged under
13 10 and 11 of the indictment.

counts

14 The Chamber further finds that, in the same period,
15 soldiers of the AFRC/RUF carved the letters "AFRC" or "RUF" on
16 the bodies of 18 civilians in Kayima in Kono District. The
17 Chamber therefore finds that the elements of these two crimes
18 have been established with regard to the places named.

19 Enslavement. The Trial Chamber found that between
20 14 February 1998 to January 2000, an unknown number of
civilians
21 were abducted and used as forced labour in various locations
in
22 Kono District, including Tombodu, by the AFRC forces under the
23 command of Savage. The Chamber therefore finds that the
elements
24 in relation to count 13 have been established.

25 Pillage. The Trial Chamber is satisfied beyond
reasonable
26 doubt that between about 14 February 1998 and 30 June 1998
AFRC
27 forces engaged in widespread looting in Tombodu and Yardu
Sandu,
28 in Kono District, and that therefore the Prosecution has
proved
29 beyond reasonable doubt the elements of this offence for Kono

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1 District.
2 Acts of terrorism. The Trial Chamber considered
3 particularly the circumstances of the attacks against the
civilians
4 civilians in Koidu Town and Tombodu; namely, that the
5 were repeatedly targeted and that a large number were

the

6 deliberately killed. The sustained duration of the attacks,
7 particularly brutal nature of some of the attacks, including
8 civilians that were burnt alive when they were locked in
9 buildings which were then set on fire; the repeated mutilation
10 civilians; the widespread destruction of civilian property in
11 Tombodu; and the repeated and express statements of members of
12 the fighting troops, AFRC/RUF, we find that such attacks were
13 committed in order to intimidate or instill terror in the
14 civilians.

reasonable

15 The primary purpose was to spread terror amongst the
16 civilian population. We find, therefore, that the acts of
17 terrorism were committed and have been proved beyond
18 doubt in Koidu and Tombodu.

acts

19 However, the Trial Chamber is not satisfied that the
20 of looting and burning that took place in Yardu Sandu were
21 committed with the primary purpose of spreading terror among
22 civilian population and therefore does not consider them as
23 evidence under this count.

the

and

against

Trial

an

24 Collective punishments in relation to Kono. The Trial
25 Chamber is satisfied that the crimes committed in Koidu Town
26 Tombodu, already mentioned above, served as a punishment
27 protected persons. On the basis of the same evidence, the
28 Chamber is satisfied beyond a reasonable doubt that protected
29 persons were collectively punished for allegedly having killed

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1 AFRC/RUF soldier.

2 I now move to Port Loko District for the period February

3 1999 to April 1999. First of all, counts 3 to 5, unlawful

doubt

4 killings. The Trial Chamber is satisfied beyond reasonable

an

5 that between February and April 1999, in Port Loko District,

troops

6 unknown number of civilians were unlawfully killed by AFRC

in

7 in Manarrma and at least 36 civilians were unlawfully killed

8 Nonkoba, as charged under counts 4 and 5 of the indictment.

9 However, on the evidence adduced, the Trial Chamber has been

10 unable to establish beyond reasonable doubt whether the

AFRC

11 perpetrators of the killings in Nonkoba were members of the

12 and/or RUF.

13 Rape. The Trial Chamber finds that the evidence

the

14 demonstrates that some women who were abducted were taken to

Kanu,

15 accused Kanu, one of the girls was selected by the accused

the

16 and after ordering her to undress, he raped her. After that,

17 girl was taken to Sumbuya and raped again by another rebel.

18 In addition, the accused Kanu led rebels to Masiaka.

19 Whilst there, Colonel Z repeatedly raped a girl, who fell

20 pregnant as a result. Later on, she had a miscarriage.

21 Outrages upon personal dignity in the Port Loko
District.

22 There is evidence of forced marriage, which has been
considered

23 under count 9, outrages against personal dignity, or, rather
of

24 sexual slavery. That's what the crime now is classified as,

25 sexual slavery.

26 The Trial Chamber found that the accused Kanu led the

27 AFRC/RUF fighters to Masiaka and, while there, Colonel Z

28 repeatedly raped a girl who he later on "married" in a
ceremony

29 and gave money to the person referred to by the girl as Five-
Five

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1 and "a father-in-law."

2 In view of the Trial Chamber, the environment of
violence

3 and coercion; namely, the forceable abduction and her repeated

4 rape by the named rebel, these things vitiate the consent to a

5 valid marriage.

6 The Chamber therefore finds that this was not a legal
7 marriage and, in addition, the evidence shows that Colonel Z
had
8 more than six other captured wives in Masiaka, who were
required
9 to do all the work. And also at Sumbuya, one girl who had
10 previously been raped by the accused Kanu, was repeatedly
raped
11 by another rebel. The rebel took the girl as his "wife."

12 There is evidence to show that one girl was abducted by
13 Junior Lion in Yuromia Town, near Foday Street, and taken as a
14 "wife" to Koidu in Kono District, and to Port Loko District.
15 Following her release, she was later taken over as a second
wife
16 by a certain Simon.

17 The Trial Chamber found that even if these events
18 recounted
19 in relation to Port Loko District are true, the testimony
falls
20 outside the relevant indictment period. The Trial Chamber
21 therefore makes no findings on the basis of this evidence.

22 Enslavement. The Trial Chamber is satisfied beyond a
23 reasonable doubt that, in February 1999, an unknown number of
Loko
24 civilians were used as forced labour in Mamamah Town in Port
Kamara.
25 District by AFRC forces under the command of the accused
26 The Chamber therefore finds that the elements in relation to
27 count 13 have been established.

28 Acts of terrorism. The Chamber received evidence that
the
29 accused Kamara ordered soldiers to kill civilians and display

more

29 their intestines on the road in order to "make the terrain

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Chamber

1 fearful to slow the movement of the ECOMOG troops." The

kill

2 also heard the accused Kamara stating that the rebels should

out,

3 people and instill fear, as ECOMOG was already pushing them

Cyborg

4 and, as a result, five civilians of Mamamah were killed by

main

5 with a machete and their remains were put on display on the

6 highway.

some

7 There is also evidence that the accused Kamara ordered

8 of his men to cross the river and go to a village called

9 Gberibana and make it a "civilian-free area." Subsequently,

10 approximately 15 chopped bodies were found; that's bodies that

11 had been cut up in pieces. The accused Kamara was present and

12 commended his men for a job well done.

location

13 The Chamber notes, however, that Mamamah was not a

no

14 specified in the indictment, and therefore the Chamber makes

of 15 finding in relation to the individual criminal responsibility
location. 16 the accused for the crimes allegedly committed in that

satisfied 17 Collective punishments. The Trial Chamber is not
18 that the crimes committed in Manarrma and Nonkoba served as
19 punishment against protected persons.

Districts. 20 I now move to Bo, Kenema, Kailahun and Koinadugu

21 I'm going to handle these together in these findings.

on 22 The Trial Chamber received extensive additional evidence
23 crimes committed in the districts of Bo, Kenema, Kailahun and
24 Koinadugu. The crimes committed in certain of these districts
25 included unlawful killings, rape, outrages upon personal
dignity, 26 recruitment of child soldiers, physical violence, enslavement,
27 pillage, acts of terrorism and collective punishments.

28 Many of these crimes were committed by the AFRC/RUF.
29 However, having examined all the evidence available in
relation

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1 to these events, the Chamber has established that the accused

crimes.

2 Brima, Kamara and Kanu were not involved in any of these

3 Furthermore, the Prosecution failed to prove beyond a
4 reasonable doubt that the three accused had superior
5 responsibility over the subordinates in these districts.

order

6 However, the Trial Chamber has considered the evidence in

these

7 to show that the crimes were committed on a widespread basis
8 against a civilian population by members of these forces in

written

9 districts. A full assessment of the evidence is in the

10 judgment.

is

11 I now deal with the responsibility of the accused. This

12 the chapter or the findings that deal with individual criminal

Article

13 responsibility of each of the accused persons pursuant to

in

14 6.1 or 6.3 of the Statute. This is a summary of the findings

15 relation to, first of all, the accused Brima and for the

16 locations of the districts, Bo, Kenema, Kailahun and Port Loko

17 District.

that

18 We find that Prosecution has not adduced any evidence

aided

19 the accused Brima committed, ordered, planned, instigated,

20 and abetted any of the crimes that occurred in Bo, Kenema,

indictment

21 Kailahun, and Port Loko Districts during the relevant

22 periods.

6.1

23 The Trial Chamber therefore finds pursuant to Article

modes

24 of the Statute, that the Prosecution has not proved these
25 of individual criminal responsibility against the accused
26 in respect of the crimes committed in those districts during
27 relevant indictment periods.

Brima

the

28 The Trial Chamber finds that the Prosecution has not
29 established beyond a reasonable doubt, also, that the accused

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detained

1 Brima was in a superior subordinate relationship with the
2 perpetrators of any of the crimes committed in Bo and Kenema
3 districts during the junta period.

not

4 The Trial Chamber finds that the accused Brima was
5 by the RUF in Kailahun District from February to late April,
6 early May 1998. This is a much shorter period than he claims.
7 However, during this period of detention, he himself was
8 subordinate to the RUF command, led by Sam Bockarie, and did
9 exercise any control over the troops in the district.
10 Consequently, the Trial Chamber finds that the Prosecution has
11 not proved beyond reasonable doubt that the accused Brima was
12 able to exercise effective control over the RUF in Kailahun

the
13 District between February 1998 and late April 1998, which is
14 period when the offences were committed.

15 The Trial Chamber finds pursuant to Article 6.3 of the
16 Statute, that the Prosecution did not prove this mode of
17 individual criminal responsibility against the accused Brima
for
18 crimes committed in Port Loko District for the relevant
19 indictment period.

20 Kono. The Trial Chamber finds that the Prosecution has
not
21 proved beyond reasonable doubt that the accused Brima
committed,
22 ordered, planned, instigated or aided and abetted any crimes
in
23 Kono District during the relevant indictment period. There is
no
24 evidence to show that, during late April, early May, the
accused
25 Brima was apprised of the AFRC/RUF activities in Kono
District,
26 or that he communicated with commanders there.

27 The Trial Chamber therefore finds that the accused Brima
superior
28 was not in a position to exercise effective control as a
District.
29 over the AFRC troops which committed the crimes in Kono

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1 I must mention here that with regard to the reference by
2 the Prosecution to liability in the form of a joint criminal
3 enterprise, the Chamber did dismiss that theory on the grounds
4 that it was defectively pleaded in the indictment. If it had
5 been properly pleaded, we might have considered it, but it was
6 defectively pleaded in the indictment, the theory of joint
7 criminal enterprise, and therefore that is why we do not
discuss
8 it at all when we are considering forms of reliability or
9 responsibility.

10 In Koinadugu District, the Trial Chamber finds that the
11 Prosecution did not adduce any evidence that the accused Brima
12 personally committed, planned, or aided and abetted any of the
13 crimes committed in Koinadugu District. Therefore, the
Chamber
14 finds that the Prosecution has not proved these modes of
15 individual criminal responsibility.

16 The Prosecution adduced evidence that, at Mansofinia,
the
17 accused Brima ordered the RUF forces subordinate to him to
commit
18 acts of terrorism against the civilian population. However,
19 since the Trial Chamber has found that these crimes, or the
20 crimes arising out of this particular order were committed by
the
21 troops in locations that they moved to beyond Mansofinia, or
22 after Mansofinia, and not in Koinadugu District itself, the
23 Chamber finds that the Prosecution has not proved beyond

of
24 reasonable doubt that the accused Brima ordered the commission
25 crimes in Koinadugu District.
26 The Trial Chamber finds that whilst there is evidence
that
27 the accused Brima was in sporadic contact with SAJ Musa
28 between May and July 1998, the Prosecution has not submitted,
nor
29 is there evidence to the effect, that the accused Brima
exercised

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1 effective control over the troops of SAJ Musa or Denis Mingo.
2 In the absence of proof of the existence of a superior
3 subordinate relationship between the accused Brima and the
4 perpetrators of the crimes in Koinadugu District, the Trial
5 Chamber finds that the Prosecution has not proved beyond
6 reasonable doubt Brima's criminal responsibility under Article
7 6.3 for the crimes committed in Koinadugu District.
8 I now move to Bombali District. The Trial Chamber finds
9 that the accused Brima participated in a mass killing of at
least
10 12 civilians at a mosque in Karina. The Chamber finds the
11 Prosecution has proved beyond reasonable doubt that the
accused

12 Brima is individually criminally responsible by committing, on
a
13 large scale, the massacre of civilians at a mosque in Karina.
14 The Chamber also finds that the accused Brima ordered
the
15 AFRC/RUF troops to attack, meaning to burn, capture strong
16 civilians, kill the inhabitants and amputate civilians at
Karina,
17 which place he, Brima, referred to as a strategic point
because
18 it was the home town of President Ahmed Tejan Kabbah.
19 The accused Brima also declared Operation Clear The Area
at
20 Rosos, with the intention of instilling terror amongst the
21 civilian population. As a result of which, villages
surrounding
22 Rosos were burnt and looted.
23 Brima also ordered civilians to be executed. And,
indeed,
24 six civilians were executed at a village near Mateboi, and 20
25 civilians at Gbendembu.
26 Furthermore, the accused Brima ordered the recruitment
of
27 children under the age of 15 years and forced them to undergo
28 military training at Rosos.
29 The Trial Chamber therefore finds that Prosecution has

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1 proved beyond reasonable doubt that the accused Brima is
2 individually criminally responsible for crimes committed in
3 Bombali District.

4 The Trial Chamber also finds that the accused Brima was
the
5 overall commander of the AFRC forces that committed the crimes
in
6 Bombali District. As the accused Brima was, at all times,
7 physically proximate to the locations in which the crimes were
8 committed, he knew or ought to have known of the crimes
committed
9 by his subordinates Bombali District, in which he did not
10 deliberately participate.

11 Consequently, the Chamber finds that the Prosecution has
12 proved beyond reasonable doubt that the accused Brima, as a
13 superior, bears individual criminal responsibility pursuant to
14 Article 6.3 of the Statute, for the crimes committed by his
15 subordinates in Bombali District.

16 With regard to Freetown and the Western Area, we are now
17 moving there, and we are still with the responsibility of the
18 accused Brima. The Trial Chamber finds that the accused Brima
19 committed the murder of four civilians, including three men
and a
20 women at State House. He committed the murder of a nun around
21 Kissy Mental Home/Portee area and amputated a civilian's hand
at
22 Shell Company, Old Road.

23 Accordingly, the Trial Chamber pursuant to 6.1 of the
24 Statute, finds the accused Brima individually criminally
liable

systematic 25 for committing these crimes as part of a widespread or
26 attack against the civilian population in the January 1999
27 Freetown invasion.

ordered 28 The Trial Chamber also found that the accused Brima
29 the AFRC/RUF troops to capture civilians in order to join the

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instill 1 troops or to add their numbers to the troops. He ordered the
2 troops to carry out amputations of civilians, to carry out
3 killings, and rapes, and burning of property in order to
4 terror and collectively punish the civilian population in
ordered 5 Freetown during the invasion of January 1999. Brima also
6 the attack and burning of the Eastern Police Station and the
7 killing of the police officers and their families. He ordered
ordered 8 the looting of UN vehicles and of civilian property, and
9 the killing of 14 Nigerian captive ECOMOG who had ceased
taking 10 part in active hostility at State House and were prisoners of
11 war. He ordered the killings of eight nuns at Kissy Mental
Home,

ordered

12 ordered the massacre of civilians at Rogbalan Mosque. He

13 the enslavement of civilians, including child soldiers.

the

14 Thus the Trial Chamber finds pursuant to Article 6.1 of

doubt

15 Statute, that the Prosecution has proved beyond reasonable

crimes

16 that the accused Brima ordered his subordinates to commit

invasion

17 against the civilian population in Freetown during the

18 of January 1999 as part of a widespread attack on the civilian

19 population.

that

20 The Trial Chamber finds that no evidence was adduced

21 the accused Brima planned, aided or abetted any of the crimes

22 committed in Freetown, and, therefore, finds that these modes

doubt.

23 have not been proved by the Prosecution beyond reasonable

was

24 The Trial Chamber further finds that the accused Brima

25 the overall commander of the troops in Freetown. The evidence

subordinate

26 above, showing ordering, shows there was a superior

27 relationship between the accused Brima and the AFRC troops in

28 Freetown at the time after the troops lost State House.

Brima

29 Therefore, the Trial Chamber finds that the accused

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troops
has
liable
his

1 was in a superior/subordinate relationship with the AFRC
2 that committed crimes in Freetown, and that the Prosecution
3 proved beyond reasonable doubt that the accused Brima is
4 as a superior under Article 6.3 for the crimes committed by
5 subordinates in Freetown and the Western Area in the relevant
6 indictment period.

7 I now moved to the accused Kamara and his alleged
8 responsibility. Starting with the districts of Bo, Kenema,
9 Kailahun, Kono and Koinadugu and Port Loko, six districts.

adduce
that

10 The Trial Chamber found that the Prosecution did not
11 evidence, or that the accused Kamara committed, ordered,
12 instigated, planned or aided and abetted any of the crimes
13 occurred in Bo, Kenema, Kailahun, Kono, Koinadugu or Port Loko
14 Districts.

has

15 The Trial Chamber therefore finds that the Prosecution
16 not proved any of these modes of individual criminal
17 responsibility against the accused Kamara for the crimes
18 committed in those districts.

Kamara
in

19 The Trial Chamber further finds that the Prosecution has
20 not established beyond reasonable doubt that the accused
21 is liable as a superior under Article 6.3 for crimes committed

22 Bo, Kenema, Kailahun, and Koinadugu Districts during the
23 indictment period by his subordinates.

24 The Trial Chamber is satisfied that the accused Kamara,
as
25 the most senior SLA commander in Kono during this period,
AFRC
26 maintained effective control over some mixed battalions of
committed
27 and RUF troops. Having already found that crimes were
and
28 by Savage, including unlawful killings and physical violence,
the
29 by persons under his authority in Tombodu during this period,

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1 Trial Chamber is satisfied that the accused Kamara actively
2 exerted authority over Savage by directly or indirectly
3 supervising his activities in Tombodu.

4 It was indicated that the accused Kamara promoted Savage
5 and that Savage himself reported to the accused Kamara, and
that
6 the accused Kamara was physically present in Tombodu when
Tombodu
7 was controlled by Savage.

8 The Trial Chamber finds that the accused Kamara was in a

9 position of superior responsibility and is, therefore,
10 individually criminally responsible pursuant to Article 6.3 of
11 the Statute for crimes committed by his subordinates in Kono
12 District.

13 The Trial Chamber found that Kamara was the overall
14 commander of the AFRC troops in the area known as the West
Side
15 in Port Loko District, and that he had effective control over
the
16 AFRC troops operating in the district.

17 The Trial Chamber therefore finds that the Prosecution
has
18 established beyond reasonable doubt that the accused Kamara is
19 liable as a superior pursuant to Article 6.3 of the Statute,
for
20 crimes committed at Manarrma in Port Loko District.

21 Bombali District. The Trial Chamber finds that the
22 Prosecution failed to prove beyond reasonable doubt that the
23 accused Kamara committed, planned, instigated, aided and
abetted
24 any of the crimes committed in Bombali District.

25 The Trial Chamber finds that the Prosecution has not
proved
26 these modes of individual criminal responsibility against the
27 accused Kamara for crimes committed in Bombali District.

28 Having already found that the accused Kamara ordered the
29 murder of five young girls in Karina, the Trial Chamber is

doubt
against
issued

1 satisfied that the Prosecution has proved beyond reasonable
2 the mode of individual criminal responsibility ordering
3 the accused Kamara in Bombali District.

4 The Trial Chamber also found that the accused Kamara
5 orders to the troops in Karina, which were obeyed.

6 On the evidence, the Chamber is satisfied the accused
7 Kamara exercised effective control over the AFRC troops and
was
in
8 aware that the troops under his control committed these crimes
9 Bombali District.

10 The Chamber accordingly finds that the Prosecution has
11 established beyond reasonable doubt that the accused Kamara is
12 liable as a superior, under Article 6.3, for crimes committed
in
13 Bombali District.

14 Freetown and the Western Area. The Trial Chamber finds
15 that the accused Kamara aided and abetted the troops during
the
16 attack on Fourah Bay area, in which civilians were killed and
17 houses burnt, and the amputation of civilians in an operation
18 known as Operation Cut Hand, in Freetown, by providing
cutlasses
19 and machetes to the troops and the perpetrators.

20 Accordingly, the Chamber finds that the Prosecution has
21 proved beyond reasonable doubt that the accused Kamara is

22 individually criminally responsible pursuant to Article 6.1 of
23 the Statute for those crimes.

Trial

24 There is evidence to show that the accused Kamara shot
25 civilians at Fourah Bay area and Wellington. However, the
26 Chamber is not satisfied that this evidence is sufficient to
27 prove the allegations that the accused Kamara personally
28 the civilians.

killed

29 The Trial Chamber finds that no evidence was adduced

that

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commission

1 the accused Kamara ordered, planned or instigated the
2 of crimes in Freetown and the Western Area.

proved

3 The Trial Chamber finds that the Prosecution has not
4 these modes of individual criminal responsibility against the
5 accused Kamara for crimes committed in the Western Area.

6 The Chamber finds that the accused Kamara was deputy
7 commander of the AFRC forces during the invasion of Freetown
8 in January 1999.

indicates

9 The Trial Chamber finds that the evidence adduced

10 or shows the continued presence of the accused Kamara during
the
11 invasion of Freetown until the time they left State House. He
12 was often in the company of other senior commanders, including
13 the accused Brima and the accused Kanu, and gave a number of
14 orders himself. He participated in decision-making and did
not
15 distance himself from decisions made.

16 The Trial Chamber therefore finds that the Prosecution
has
17 established beyond reasonable doubt that the accused Kamara is
18 liable as a superior, under Article 6.3 of the Statute, for
19 crimes committed in Freetown and the Western Area.

20 That takes me to the accused Kanu and his criminal
21 responsibility for the districts of Bo, Kenema, Kailahun,
Kono,
22 Koinadugu and Port Loko District.

23 The Trial Chamber found that no evidence was adduced
that
24 the accused Kanu committed, ordered, planned, instigated or
aided
25 and abetted any of the crimes that occurred in the districts
of
26 Bo, Kenema, Kailahun, Kono, Koinadugu or Port Loko Districts.

27 Consequently, the Trial Chamber finds that the
Prosecution
28 has not proved any of these modes of individual criminal
29 responsibility against the accused Kanu for the crimes
committed

1 in these districts.

the

2 Little evidence was adduced with respect to the role of

3 accused Kanu during the AFRC government period. It was

4 established that the accused Kanu was a member of the Supreme

that

5 Council and attended council meetings. There is no evidence

6 he possessed any particular responsibility or performed any

real

7 individual functions at such meetings, or that he made any

8 practical contributions to the policies or running of the AFRC

9 government.

as

10 Thus there is no evidence which links the accused Kanu,

and

11 a superior, to crimes perpetrated by the troops in Bo, Kenema

12 Kailahun Districts during that period.

proved

13 The Chamber also finds that the Prosecution has not

relationship

14 beyond reasonable doubt that a superior subordinate

areas.

15 existed between the accused Kanu and the troops in these

to

16 In the absence of the first element, it is unnecessary

17 consider whether Kanu had actual or imputed knowledge of the

18 crimes.

19 The Trial Chamber has already found that the evidence

20 regarding the role of the accused Kanu in Kono District is
21 inconclusive. The evidence adduced is insufficient to
establish
22 that the accused Kanu occupied a particular position in the
23 renegade SLA command structure established by the accused
Kamara,
24 or that he had any troops under his effective control.

25 Accordingly, the Trial Chamber finds that the
Prosecution
26 has not established that the accused Kanu was in a superior
27 subordinate relationship with the perpetrators of the crimes
28 committed in Kono District.

29 The Chamber found that there is conflicting evidence

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1 regarding the activities of the accused Kanu for the
2 period February to May 1998 when he joined the group of SLA
3 troops led by Brima in Mansofinia.

4 The Trial Chamber is not satisfied on the evidence
adduced
5 that the accused Kanu exercised effective control over any
6 members of the RUF in Kailahun District after February of
1998.

7 Accordingly, the Trial Chamber finds the accused Kanu is

of 8 not responsible, or the Prosecution has not proved this mode
9 responsibility pursuant to 6.3, against the accused Kanu for
10 crimes committed in Kailahun District.

to 11 The Trial Chamber found that the crimes under counts 3
Koinadugu 12 6, and 8 to 11 and 14 committed in other locations in
13 District were perpetrated by forces belonging to the AFRC and
and 14 RUF, associated with groups led by persons such as SAJ Musa
15 Denis Mingo.

16 The evidence on the activities of the accused Kanu,
17 between February and late April, early May 1998 is
inconclusive.

group 18 The accused Kanu was sent by SAJ Musa to accompany Brima's
nor 19 from Mansofinia to Rosos. The Prosecution has not submitted,
a 20 is there evidence to the effect, that the accused Kanu was in
Denis 21 command position in relation to the troops of SAJ Musa or
while 22 Mingo, either between February or late April, early May, or
23 he was with the accused Brima's group thereafter.

Prosecution 24 Accordingly, the Trial Chamber finds that the
Kanu 25 has not established beyond reasonable doubt that the accused
26 bears superior criminal responsibility as a superior, under
27 Article 6.3, for crimes committed by the troops in Koinadugu
28 District.

Prosecution 29 In addition, the Trial Chamber found that the

Kanu
crimes

1 did not establish beyond reasonable doubt that the accused
2 bears any criminal responsibility, under Article 6.3, for
3 committed in Port Loko District.

or
that
in

4 Bombali District. The Prosecution has not adduced any
5 evidence that the accused Kanu committed, ordered, instigated
6 planned any crimes under counts 3 to 6, 10 to 13 and 14, or
7 he gave practical assistance, encouragement or moral support
8 which had a substantial effect on the perpetration of crimes
9 Bombali District.

in

10 The Chamber therefore finds that the Prosecution has not
11 proved either of these modes of individual criminal
12 responsibility against the accused Kanu for crimes committed
13 Bombali District.

proves

14 The Chamber is satisfied that all of this evidence
15 beyond reasonable doubt that the accused Kanu had troops under
16 his effective control in Bombali District.

that 17 From the evidence, the Trial Chamber is also satisfied
18 in his role as one of the leaders of the attack on Karina,
the 19 Bonoya, and Rosos, the accused knew or ought to have known of
20 crimes committed by his troops, and that it was within his
21 ability to have prevented such crimes or to have punished his
22 subordinates for committing them, but that he failed to take
23 necessary and reasonable measures to do so.

established 24 The Chamber thus finds that the Prosecution has
superior 25 beyond reasonable doubt that the accused Kanu was in a
26 subordinate relationship with the perpetrators of the crimes
27 committed in Bombali District.

that 28 Freetown and the Western Area. Having already found
demonstrated 29 the accused Kanu amputated a civilian at Kissi Road,

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Chamber 1 amputation on two civilians at Upgun, looted a United Nations'
2 vehicle during the January 1999 invasion of Freetown, the
3 finds that the accused Kanu is individually criminally

act

4 responsible for committing acts of physical violence and an
5 of pillage in Freetown.

at

be

6 In addition, Kanu took all the captured ECOMOG soldiers
7 outside, killed one ECOMOG soldier himself, and ordered his
8 soldiers to execute the remaining captives at State House. He
9 reissued an order given by the accused Brima to kill civilians
10 the mosque in Kissy, and also ordered further amputations to
11 carried out by commanders; namely, Colonel Mines and Kabila.

the

were

12 The Chamber is satisfied that the accused Kanu ordered
13 commission of these crimes in full awareness that the crimes
14 likely to be committed. The Chamber therefore finds that the
15 Prosecution has proved beyond reasonable doubt this particular
16 mode of individual criminal responsibility against the accused
17 Kanu.

Kanu

that

18 The Prosecution adduced no evidence that the accused
19 planned any crimes under counts 3 to 6, 10 to 11, 13 and 14 in
20 Freetown and the Western Area. The Chamber therefore finds
21 these modes of responsibility have not been proved by the
22 Prosecution beyond reasonable doubt.

not

Western

23 Furthermore, the Chamber found that the Prosecution did
24 prove beyond reasonable doubt that the accused Kanu aided and
25 abetted any of the crimes committed in Freetown and the
26 Area.

27 On the eve of the 6 January invasion of Freetown, the

28 accused Brima chaired a meeting at which the accused Kanu
29 reminded the AFRC's faction about orders to burn down police

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Trial
killed

1 stations and kill targeted persons, or collaborators. The
2 Chamber found that a number of victims were subsequently
3 in Freetown and is satisfied that it was the accused Kanu who
4 prompted or influenced the perpetrators to kill civilians in
5 Freetown.

AFRC
finds

6 The fact that the accused Kanu ordered the commission of
7 crimes in Freetown is evidence of his ability to control the
8 factions subordinate to him. The Trial Chamber therefore
9 that a superior subordinate relationship existed between the
10 accused Kanu and the AFRC troops in Freetown, and finds,
11 accordingly, that the Prosecution has proved beyond reasonable
12 doubt that the accused Kanu is liable, as a superior pursuant
13 Article 6.3, for crimes committed in Freetown and the Western
14 Area.

to

view, 15 This now brings me to the disposition which, in our
16 is probably the most important part of this judgment. Having
17 considered all the evidence and the arguments of the parties,
the 18 Statute and the Rules, and based upon the findings as
determined 19 by the Trial Chamber in this judgment, the Trial Chamber now
20 finds as follows -- before I read the next part of the
judgment 21 which relates to the disposition of the Trial Chamber with
regard 22 to the accused, I will be asking each of the accused,
23 individually, to stand as I address you.
24 Will the accused Brima please stand.
25 The Trial Chamber unanimously finds the accused Alex
Tamba 26 Brima guilty of the following crimes pursuant to Article 6.1
of 27 the Statute:
28 Count 1: Acts of terrorism, a violation of Article 3
29 common to the Geneva Conventions and of Additional Protocol II

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1 pursuant to Article 3.d of the Statute.

3

2 Count 2: Collective punishments, a violation of Article
3 common to the Geneva Conventions and of Additional Protocol II
4 pursuant to Article 3.b of the Statute.

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

7 Count 4: Murder, a crime against humanity pursuant to
8 Article 2.a of the Statute.

mental

9 Count 5: Violence to life, health and physical or
10 wellbeing of persons, in particular, murder, a violation of
11 Article 3 common to the Geneva Conventions and of Additional
12 Protocol II pursuant to Article 3.a of the Statute.

13 Count 9: Outrages upon personal dignity, a violation of
14 Article 3 common to the Geneva Conventions and of Additional
15 Protocol II pursuant to Article 3.e of the Statute.

mental

16 Count 10: Violence to life, health and physical or
17 wellbeing of persons as mutilation, a violation of Article 3
18 common to the Geneva Conventions and of Additional Protocol
19 punishable under 3.a of the Statute.

II,

years

20 Count 12: Conscripting children under the age of 15
21 into an armed group and/or using them to participate actively
22 hostilities, and other serious violations of International
23 Humanitarian Law pursuant to Article 4.c of the Statute.

in

pursuant

24 Count 13: Enslavement, a crime against humanity
25 to Article 2.c of the Statute.

the

26 Count 14: Pillage, a violation of Article 3 common to

27 Geneva Conventions and of Additional Protocol II pursuant to
28 Article 3.f of the Statute.

29 The Trial Chamber unanimously finds the accused Alex
Tamba

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of 1 Brima guilty of the following crimes pursuant to Article 6.3
2 the Statute:

3 Count 6: Rape, a crime against humanity pursuant to
4 Article 2.g of the Statute.

5 The Trial Chamber unanimously finds the accused Alex
Tamba
6 Brima not guilty on count 11, other inhumane acts, a crime
7 against humanity pursuant to Article 2.1 of the Statute.

8 In regard to count 7, sexual slavery and other forms of
9 sexual violence, a conviction is not entered against the
10 accused
11 Alex Tamba Brima.

12 In count 8, a conviction is also not entered in the
13 count
14 of other inhumane acts.

15 Please be seated.

16 Would the accused Kamara please stand.

Article

15 The Trial Chamber unanimously finds the accused Ibrahim
16 Bazzy Kamara guilty of the following crimes pursuant to

17 6.1 of the Statute:

18 Count 1: Acts of terrorism, a violation of Article 3
19 common to the Geneva Conventions and of Additional Protocol II
20 pursuant to Article 3.d of the Statute.

3

21 Count 2: Collective punishments, a violation of Article
22 common to the Geneva Conventions and of Additional Protocol II
23 pursuant to Article 3.b of the Statute.

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

26 Count 4: Murder, a crime against humanity pursuant to
27 Article 2.a of the Statute.

mental

28 Count 5: Violence to life, health and physical or
29 wellbeing of persons, in particular, murder, a violation of

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1 Article 3 common to the Geneva Conventions and of Additional
2 Protocol II pursuant to Article 3.a of the Statute.

3 Count 6: Rape, a crime against humanity pursuant to
4 Article 2.g of the Statute.

5 Count 9: Outrages upon personal dignity, a violation of
6 Article 3 common to the Geneva Conventions and of Additional
7 Protocol II pursuant to Article 3.e of the Statute.

mental
of

8 Count 10: Violence to life, health and physical or
9 wellbeing of persons, in particular, mutilation, a violation
10 Article 3 common to the Geneva Conventions and of Additional
11 Protocol II, punishable under Article 3.a of the Statute.

years
in

12 Count 12: Conscripting children under the age of 15
13 into an armed group and/or using them to participate actively
14 hostilities and other serious violations of International
15 Humanitarian Law pursuant to Article 4.c of the Statute.

pursuant

16 Count 14: Enslavement, a crime against humanity
17 to Article 2.c of the Statute.

18 Count 14: Pillage, a violation of Article 3 common to
19 Geneva Conventions and of Additional Protocol II pursuant to
20 Article 3.f of the Statute.

21 Furthermore, the Trial Chamber unanimously finds the
22 accused Ibrahim Bazzy Kamara guilty of the following crimes
23 pursuant to Article 6.3 of the Statute:

24 Count 6: Rape, a crime against humanity pursuant to
25 Article 2.g of the Statute.

crime

26 The Trial Chamber unanimously finds the accused Ibrahim
27 Bazzy Kamara not guilty on count 11, other inhumane acts, a
28 against humanity pursuant to Article 2.1 of the Statute.

forms

29 With regard to count 7, sexual slavery and any other

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1 of sexual violence, and count 8, other inhumane act, the Trial
2 Chamber does not enter a conviction against the accused
3 Ibrahim Bazzy Kamara.

4 Would the accused pleased be seated.

5 The accused Kanu, please stand.

6 The Trial Chamber unanimously finds the accused
7 Santigie Borbor Kanu guilty of the following crimes pursuant

to

8 Article 6.1 of the Statute:

9 Count 1: Acts of terrorism, a violation of Article 3
10 common to the Geneva Conventions and of Additional Protocol II
11 pursuant to Article 6.3.d of the Statute.

3

12 Count 2: Collective punishments, a violation of Article
13 common to the Geneva Conventions and of Additional Protocol II
14 pursuant to Article 3.b of the Statute.

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

17 Count 4: Murder, a crime against humanity pursuant to
18 Article 2.a of the Statute.

mental

19 Count 5: Violence to life, health and physical or
20 wellbeing of persons, in particular murder, a violation of
21 Article 3 common of the Geneva Conventions and of Additional
22 Protocol II pursuant to Article 3.a of the Statute.

23 Count 6: Rape, a crime against humanity pursuant to
24 Article 2.g of the Statute.

25 Count 9: Outrages upon personal dignity, a violation of
26 Article 3 common to the Geneva Conventions and of Additional
27 Protocol II pursuant to Article 3.e of the Statute.

mental

28 Count 10: Violence to life, health and physical or
29 wellbeing of persons, in particular mutilation, a violation of

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Statute.

years

to

violation

the

1 Article 3 common to the Geneva Conventions and of Additional
2 Protocol II pursuant punishable under Article 3.a of the

3 Count 12: Conscripting children under the age of 15

4 into an armed group or into armed groups and and/or using them

5 participate actively in hostilities and other serious

6 of international human rights law pursuant to Article 4.c of

7 Statute.

8 Count 13: Enslavement, a crime against humanity
pursuant
9 to Article 2.c of the Statute.

10 Count 14: Pillage, a violation of Article 3 common to
the
11 Geneva Conventions and of Additional Protocol II pursuant to
12 Article 3.f of the Statute.

13 The Trial Chamber unanimously finds the accused
14 Santigie Borbor Kanu guilty of the following crimes pursuant
to
15 Article 6.3 of the Statute:

16 Count 6: Rape, a crime against humanity pursuant to
17 Article 2.g of the Statute.

18 With regards to count 7, sexual slavery and other forms
of
19 sexual violence, a crime against humanity; and 8, other
inhumane
20 acts, a crime against humanity, the Trial Chamber does not
enter
21 a conviction against the accused Santigie Borbor Kanu.

22 Please be seated.

23 That has been the summary of the judgment. As I have
said
24 earlier, the detailed written judgment will be out shortly in
the
25 course of today. In the meantime, each of the three accused
is
26 further remanded until Monday, 16 July 2007, at 11 a.m. for a
27 sentencing hearing. A sentencing hearing is scheduled for
that
28 time.

29 The parties are reminded, counsel are reminded of their

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relevant
Chamber

1 obligations pursuant to Rule 100 of the Rules to submit
2 information, if they so wish, that may assist the Trial
3 in determining appropriate sentences in respect of the
4 convictions entered.

5 Accordingly, the Court is hereby adjourned to that date.

6 [Whereupon the Court adjourned at 1.07 p.m.,
7 to Monday, the 16th day of July 2007, for
8 sentencing]

9

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