



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

Thursday, 26 April 2012
11.00 a.m
JUDGEMENT

TRIAL CHAMBER II

Before the Judges:

Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde
Justice El Hadji Malick Sow, Alternate

For Chambers:

Ms Jessica Neuwirth
Ms Doreen Kiggundu
Ms Diana Goff
Mr Johann Soufi
Ms Helen Worsnop
Ms Alice Lam
Ms Elizabeth Budnitz
Ms Lauren Turner
Mr Lachezar Yanev

For the Registry:

Ms Fidelma Donlon
Ms Elaine Bol a-Clarkson
Ms Rachel Irura
Mr Al Hassan Fornah
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda Hollis
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Nina Tavakoli
Ms Ruth Mary Hackler
Ms Ula Nathai-Lutchman
Mr James Pace
Mr Corman Kenny

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths, QC
Mr Terry Munyard
Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambrick

Office of the Principal Defender:

Ms Claire Carlton-Hanckles

1 Thursday, 26 April 2012
2 [Judgement]
3 [Open session]
4 [In the presence of the accused]
11:00:48 5 [Upon commencing at 11.00 a.m.]

6 THE REGISTRAR: The Special Court for Sierra Leone is
7 sitting in an open session for judgement in the case of the
8 Prosecutor versus Charles Ghankay Taylor, Justice Richard Lussick
9 presiding.

11:01:30 10 PRESIDING JUDGE: We're just pausing momentarily while some
11 photographs are taken.

12 We will take appearances, please.

13 MS HOLLISS: Good morning, Mr President, Your Honours,
14 opposing counsel. This morning for the Prosecution,

11:02:17 15 Brenda J. Holliss, Nicholas Koumjian, Mohamed A. Bangura,
16 Niina Tavakoli, Ruth Mary Hackler, Ula Nathai-Lutchman,
17 James Pace, Leigh Lawrie, Desmond de Silva, Christopher Santora,
18 Corman Kenny, our interns Rosemelle Mutoka, Charlotte Kyakwera,
19 Daniel Fritz, and Lena Sokolic.

11:02:44 20 PRESIDING JUDGE: Yes, Mr Griffiths.

21 MR GRIFFITHS: Good morning, Mr President, Your Honours.

22 For the Defence today, myself, Courtenay Griffiths, Queen's
23 Counsel, with me as co-counsel Mr Terry Munyard, Mr Morris Anyah,
24 Mr Silas Chekera, and Ms Logan Hambrock. We are pleased to have
11:03:10 25 join us our Case Manager Salla Moilanen and also our legal
26 assistants Fatiha Balfas, Michael Herz, Kathryn Hovington, and
27 Szilvia Csevar.

28 And we're also joined by James Kamara, our office
29 administrator, and of course, last, but surely not least, the

1 principal defender Claire Carlton-Hanckles.

2 PRESIDING JUDGE: Thank you. Trial Chamber I, composed of
3 Justice Richard Lussick, presiding, Justice Teresa Doherty,
4 Justice Julia Sebutinde, with alternate Judge
11:04:08 5 Justice El Hadji Malick Sow, today delivers its judgement in the
6 case of the Prosecutor against Charles Ghankay Taylor. For the
7 purposes of this hearing, the Chamber will briefly summarise its
8 findings. This is a summary only. The written judgement which is
9 the only authoritative version will be made available
11:04:20 10 subsequently.

11 Now, by way of introduction, Charles Ghankay Taylor was
12 elected president of Liberia and took office on the 2nd of
13 August, 1997. On 4 June 2003, his indictment by the Special
14 Court and warrant of arrest were unsealed, and on 11th of August,
11:04:44 15 2003, he stepped down from the Presidency and went into exile in
16 Nigeria. In 2003, the accused applied to the Special Court to
17 quash his indictment and set aside the warrant of arrest on the
18 grounds that he was immune from any exercise of the jurisdiction
19 of this court by virtue of the fact that at the time the
11:05:06 20 indictment and warrant of arrest were issued, he was a sitting
21 head of state. This application was denied by the Trial Chamber
22 and its decision was upheld by the Appeals Chamber on 31 May 2004
23 on the ground that the sovereign equality of states does not
24 prevent a head of state from being prosecuted before an
11:05:29 25 international criminal tribunal or court.

26 Accordingly, the Appeals Chamber held that the official
27 position of Charles Taylor as an incumbent head of state at the
28 time when these criminal proceedings were initiated against him
29 was not a bar to his prosecution by this court.

1 On 29 March 2006, the accused was arrested in Nigeria by
2 Nigerian authorities following a request by Liberian President
3 Johnson-Sirleaf that he be surrendered to the Special Court
4 pursuant to the warrant of arrest.

11:06:07 5 Shortly thereafter, he was transferred into the custody of
6 the Special court in Freetown, Sierra Leone, and was formally
7 arraigned on 3 April 2006, when he pleaded not guilty to all
8 counts in the indictment.

9 Because of security concerns, the accused was transferred
10 to The Hague on 20 June 2006. The armed conflict in Sierra Leone
11 started in March 1991, when armed fighters known as the
12 Revolutionary United Front, RUF, led by Foday Sankoh, attacked
13 Sierra Leone from Liberia. The RUF continued their insurgency
14 against the government despite the Abidjan Peace Accord in
11:06:55 15 November 1996.

16 In a coup on 25 May 1997, members of the Sierra Leone Army
17 overthrew the democratically elected government of Ahmad Tejan
18 Kabbah and invited the RUF to join its Junta government called
19 the Armed Forces Revolutionary Council, AFRC.

11:07:19 20 As leader of the NPFL, National Patriotic Front of Liberia
21 and later as president of Liberia, the accused is alleged to have
22 acted in concert with members of the RUF, AFRC, AFRC/RUF Junta or
23 alliance and all Liberian fighters, members and ex-members of the
24 NPFL. Specifically in that capacity, the accused is alleged to
11:07:52 25 have assisted, encouraged, directed, and/or controlled the
26 above-mentioned warring factions in conducting armed attacks in
27 the territory of Sierra Leone from 30 November 1996 to
28 18 January 2002, which is the indictment period. The attacks
29 included terrorising the civilian population including burning of

1 civilian homes, murder, sexual violence, physical violence,
2 illegal recruitment of child soldiers, abduction, and forced
3 labour and looting.

4 Procedural background.

11:08:35 5 The Prosecution case commenced on 4 June 2007 and closed on
6 27 February 2009. During the Defence case, the Prosecution was
7 granted leave to re-open its case to call three additional
8 witnesses who testified on 5th, 9th and 10th of August, 2010. In
9 sum, 94 witnesses testified for the Prosecution including three
11 expert witnesses. A total of 782 Prosecution exhibits were
12 admitted into evidence including five expert reports.

12 The Defence opened its case on 13 July 2009 and closed on
13 12 November 2010, having called 21 witnesses, including the
14 accused, who testified for seven months from 14 July 2009 until
11:09:34 15 18 February 2010. A total of 740 Defence exhibits were admitted
16 into evidence. Prosecution closing arguments were heard on
17 8th and 9 of February, 2011. Defence closing arguments were
18 heard on 9th and 10th of March, 2011. Oral responses by both
19 parties were heard on 11th of March, 2011.

11:10:06 20 After 420 trial days over the course of three years and
21 ten months, the case was formally closed on 11 March 2011. A
22 total of 115 witnesses testified, 1.522 exhibits were admitted
23 into evidence, 49.622 pages of trial records were transcribed,
24 and 281 written interlocutory decisions were issued by the

11:10:34 25 Trial Chamber.

26 Summary of the charges.

27 The accused is charged with 11 counts under the indictment.
28 Five of these counts charge the accused with crimes against
29 humanity punishable under Article 2 of the Statute, in

1 particular: Murder, count 2; rape, count 4; sexual slavery,
2 count 5; other inhumane acts, count 8; and enslavement, count 10.
3 Five additional counts charge the accused with violation of
4 Article 3 common to the Geneva Conventions and of Additional
11:11:15 5 Protocol II, punishable under Article 3 of the Statute, in
6 particular: acts of terrorism, count 1; violence to life,
7 health, and physical or mental well-being of persons, in
8 particular murder, count 3; outrages upon personal dignity,
9 count 6; violence to life, health, and physical or mental
11:11:41 10 well-being of persons, in particular cruel treatment, count 7;
11 and pillage, count 11. The remaining count charges the accused
12 with conscripting or enlisting children under the age of 15 into
13 armed forces or groups, or using them to participate actively in
14 hostilities, count 9, a serious violation of international
11:12:05 15 humanitarian law punishable under Article 4 of the Statute.

16 The indictment charges that the accused is individually
17 criminally responsible under Articles 6(1) and 6(3) of the
18 Statute for the crimes referred to above.

19 The accused pleaded not guilty to each of the counts
11:12:30 20 charged in the indictment.

21 Summary of the Defence case.

22 The Defence accepts that crimes against humanity and war
23 crimes were committed during the indictment period in the course
24 of the armed conflict in Sierra Leone, but denies that the
11:12:46 25 accused is responsible. The Defence admits that the burden of
26 proof is upon the Prosecution to prove beyond reasonable doubt
27 that, (i) the crimes were actually committed; (ii) that the
28 crimes fulfil all the legal requirements of Articles 2, 3, and 4
29 of the Statute; and (iii) that there is a nexus between the

1 alleged crimes and the accused.

2 As part of its case, the Defence maintained that the
3 accused, through his diplomatic efforts, played a substantial
4 role in fostering peace and security in Sierra Leone, that his
11:13:23 5 contribution to the peace process was significant, and that his
6 prosecution has from the outset been "selective and vindictive in
7 nature ... on the basis of political motives and interests." The
8 Defence also challenged the credibility of the Prosecution
9 evidence. The Trial Chamber has considered a number of
11:13:46 10 preliminary issues in its written judgement, including the issue
11 of selective prosecution and a number of fair trial issues raised
12 by the Defence. With regard to the issue of selective
13 prosecution, the Trial Chamber finds that the accused was not
14 singled out for selective prosecution.

11:14:05 15 Summary of the findings on crimes committed.

16 The Trial Chamber finds that the chapeau requirements in
17 respect of the crimes against humanity, violations of Article 3
18 common to the Geneva Conventions and of Additional Protocol II
19 and other serious violations of international humanitarian law
11:14:31 20 charged in the indictment, have been proved by the Prosecution
21 beyond reasonable doubt.

22 The Trial Chamber has examined the evidence presented in
23 relation to the crimes that members of the RUF, AFRC, and
24 AFRC/RUF Junta or alliance, and/or Liberian fighters allegedly
11:14:56 25 committed in Sierra Leone between 30 November 1996 and about
26 18 January 2002. The Trial Chamber finds that the crimes charged
27 in counts 1 to 11 were committed. The findings on each of these
28 crimes will be summarised in turn.

29 Murder, a crime against humanity, punishment under

1 Article 2(a) of the Statute, count 2; and/or violence to life,
2 health, and physical or mental well-being of persons, and in
3 particular, murder, a violation of Article 3 common to the
4 Geneva Conventions and of Additional Protocol II, punishable
11:15:34 5 under Article 3(a) of the Statute, count 3.

6 The Trial Chamber finds that the Prosecution has proved
7 beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF
8 Junta or alliance, and/or Liberian fighters murdered civilians in
9 various locations in the following districts of Sierra Leone:

11:15:59 10 In Kenema District between 25th of May, 1997, and about
11 31 March 1998.

12 In Kono District between about 1 February 1998 and about
13 31 January 2000.

14 In Freetown and the Western Area between about
11:16:22 15 21 December 1998 and 28 February 1999.

16 In Kai Lahun District between about 1 February 1998 and
17 about 30 June 1998.

18 Rape, a crime against humanity, punishable under
19 Article 2(g) of the Statute count 4.

11:16:47 20 The Trial Chamber finds that the Prosecution has proved
21 beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF
22 Junta or alliance, and Liberian fighters committed widespread
23 acts of rape against women and girls in various locations in the
24 following districts of Sierra Leone:

11:17:08 25 In Kono District between about 1 February and about
26 31 December 1998.

27 In Freetown and the Western Area between 21 December 1998
28 and about 28 February 1999.

29 In Kai Lahun District in 1998 and 1999, women and girls were

1 raped in various locations which were not charged in the
2 indictment. The Trial Chamber makes no finding of guilt for
3 these crimes for reasons fully set out in the written judgement.

4 Sexual slavery, a crime against humanity, punishable under
11:17:52 5 Article 2(g) of the Statute, count 5.

6 The Trial Chamber finds that the Prosecution has proved
7 beyond reasonable doubt that between about 30 November 1996 and
8 about 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta
9 or alliance, and Liberian fighters committed widespread acts of
11:18:14 10 sexual slavery against civilian women and girls in Sierra Leone
11 in various locations in the following districts of Sierra Leone:

12 In Kono District between about 1 February 1998 and about
13 31 December 1998.

14 In Kai Lahun District in 1998 and 1999.

11:18:35 15 In Freetown and the Western Area between about
16 21 December 1998 and about 28 February 1999.

17 Outrages upon personal dignity, a violation of Article 3
18 common to the Geneva Conventions and of Additional Protocol II,
19 punishable under Article 3(e) of the Statute. Count 6.

11:19:06 20 The Trial Chamber finds that the Prosecution has proved
21 beyond a reasonable doubt that members of the RUF, AFRC, AFRC/RUF
22 Junta or alliance, and Liberian fighters committed widespread
23 acts of outrages upon the personal dignity of civilian women and
24 girls by acts such as forcing them to undress in public and by
11:19:26 25 raping them and committing other acts of sexual abuse sometimes
26 in full view of the public, and in full view of family members,
27 in various locations in the following districts of Sierra Leone:

28 In Kono District between about 1 February 1998 and about
29 31 December 1998.

1 In Freetown and the Western Area between about
2 21 December 1998 and about 28 February 1999.
3 In Kai Lahun District in 1998 and 1999, outrages upon
4 personal dignity were committed against women and girls in
11:20:09 5 various locations not charged in the indictment. The
6 Trial Chamber makes no finding of guilt for these crimes for
7 reasons fully set out in the written judgement.

8 Violence to life, health, and physical or mental well-being
9 of persons, in particular cruel treatment, a violation of
11:20:28 10 Article 3 common to the Geneva Conventions and of
11 Additional Protocol II, punishable under Article 3(a) of the
12 Statute, count 7; and/or other inhumane acts, a crime against
13 humanity, punishable under Article 2(i) of the Statute, count 8.

14 The Trial Chamber finds that the Prosecution has proved
11:20:51 15 beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF
16 Junta or alliance, and Liberian fighters committed widespread
17 acts of physical violence against civilians in various locations
18 in the following districts of Sierra Leone:

19 In Kono District between about 1 February 1998 and about
11:21:14 20 31 December 1998, civilians were forced to endure cruel treatment
21 including having words carved into their bodies and amputations
22 of limbs.

23 In Kai Lahun District crimes of physical violence were
24 committed -- crimes of physical violence were committed not -- in
11:21:36 25 areas not charged in the indictment. The Trial Chamber makes no
26 finding of guilt for these crimes for reasons fully set out in
27 the written judgement.

28 In Freetown and the Western Area between about
29 21 December and about 28 February 1999 civilians were subjected

1 to cruel treatment, including amputations of limbs.

2 Conscripting or enlisting child soldiers into the armed
3 forces or using them in hostilities and other serious violations
4 of international humanitarian law, punishable under Article 4(c)
11:22:16 5 of the Statute, count 9.

6 The Trial Chamber finds that the Prosecution has proved
7 beyond reasonable doubt that between about 30 November 1996 and
8 about 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta
9 or alliance, and Liberian fighters conscripted and enlisted
11:22:41 10 children under the age of 15 into their armed groups and used
11 them to participate actively in the hostilities in the following
12 districts of Sierra Leone:

13 In Tonkolilli District, children under the age of 15 were
14 abducted and conscripted into the RUF at Kangari Hills from early
11:23:03 15 1996 until May 1997. Between 500 and 1,000 children had the
16 letters "RUF" carved into their forehead or back to prevent
17 escape.

18 In Kailahun District, children under the age of 15 were
19 conscripted into the RUF throughout 1998 and 1999 and underwent
11:23:28 20 military training at Bunumbu training base, also known as
21 Camp Lion, and at Buedu field.

22 In Kono District during the indictment period, children
23 under the age of 15 were conscripted into the RUF and AFRC at
24 various locations and were used to participate actively in
11:23:51 25 hostilities and to amputate limbs, guard diamond mines, go on
26 food-finding missions, as bodyguards to man check-points and in
27 armed combat.

28 In Bombali District, children under the age of 15 were
29 conscripted into the RUF and AFRC between 1998 and 2000, and

1 underwent military training at various locations and also
2 participated actively in hostilities.

3 In Port Loko District between January 1999 and
4 April /May 1999, a child under the age of 15 was abducted,
11:24:29 5 conscripted into the AFRC and used for active participation in
6 hostilities in Masiaka.

7 In Kenema District between the -- during the Junta period,
8 children under the age of 15 were used as armed guards for mining
9 sites.

11:24:51 10 In Koinadugu District between March and May 1998, children
11 under the age of 15 were used to participate actively in
12 hostilities, and at least one child under the age of 15 was used
13 to fight against the Kamajors.

14 In Freetown and the Western Area, children under the age of
11:25:10 15 were used to participate actively in hostilities in Benguema
16 from the end of January until March 1999 and during the Freetown
17 attack in January 1999.

18 Enslavement, a crime against humanity, punishable under
19 Article 2(c) of the Statute, count 10.

11:25:32 20 The Trial Chamber finds that the Prosecution has proved
21 beyond reasonable doubt that between 30 November 1996 and about
22 18 January 2002, members of the RUF, AFRC, AFRC/RUF Junta or
23 alliance, and Liberian fighters intentionally exercised powers of
24 ownership over civilians by depriving them of their freedom and
11:26:05 25 forcing them to work, thus committing the crime of enslavement in
26 the various locations in the following district of Sierra Leone:

27 In Kenema District between about 1 July 1997 and about
28 28 February 1998, civilians were abducted and forced to mine for
29 diamonds.

1 In Kono District throughout 1998 and 1999, civilians were
2 abducted and used as forced labour to carry loads, perform
3 domestic chores, go on food-finding missions, undergo military
4 training, and work in diamond mines.

11:26:40 5 In Kai Lahun District between 30 November 1996 and
6 July 2000, civilians were abducted and used as forced labour to
7 carry loads, collect arms and ammunition, construct the Buedu
8 airstrip, undergo military training, farm, fish, perform domestic
9 chores, and go on food-finding missions.

11:27:08 10 In Freetown and Western Area between 21 December 1998 and
11 about 28 February 1999, civilians were abducted and used as
12 forced labour to carry loads, perform domestic chores, and
13 destroy a bridge.

14 Pillage, a violation of Article 3 common to the
11:27:29 15 Geneva Conventions and of Additional Protocol II, punishable
16 under Article 3(f) of the Statute, count 11.

17 The Trial Chamber finds that the Prosecution has proved
18 beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF
19 Junta or alliance, and Liberian fighters engaged in widespread
11:27:51 20 and unlawful taking of civilian property in various locations in
21 the following districts of Sierra Leone:

22 In Kono District between about 1 February 1998 and about
23 31 December 1998, civilian goods were looted, money and diamonds
24 were looted from a bank, and as part of Operation Pay Yourself,
11:28:16 25 civilian homes and shops were looted.

26 In Bombali District, numerous instances of looting of
27 civilian property occurred between 1 February 1998 and
28 30 April 1998. Money from a bank was also looted.

29 In Port Loko District between 1 February 1998 and

1 30 April 1998 there were numerous instances of looting of
2 civilian property as part of Operation Pay Yourself.

3 In Freetown and Western Area between 21 December 1998 and
4 about 28 February 1999, widespread looting of civilian property
11:29:10 5 from residences and businesses occurred.

6 Acts of terrorism, a violation of Article 3 common to the
7 Geneva Conventions and of Additional Protocol II, punishable
8 under Article 3(d) of the Statute, count 1.

9 The Trial Chamber finds that the Prosecution has proved
11:29:24 10 beyond reasonable doubt that members of the RUF, AFRC, AFRC/RUF
11 Junta or alliance, and Liberian fighters committed acts of
12 terrorism by committing the crimes described in counts 2 to 8 as
13 part of a campaign to terrorise the civilian population of
14 Sierra Leone.

11:29:48 15 There was evidence in the crimes described in counts 2 to 8
16 of public executions and amputations; people were beheaded and
17 their heads displayed on check-points; during Operation No Living
18 Thing during the Junta period in Kenema town, a civilian was
19 killed in full public view and then his body was disembowelled and
11:30:13 20 his intestines stretched across the road to make a check-point;
21 women and girls were raped in public; people were burned alive in
22 their homes. The Trial Chamber finds beyond reasonable doubt
23 that the purpose of these atrocities charged in counts 2 to 8 was
24 to instill terror in the civilian population.

11:30:34 25 However, some acts of violence even when committed in a
26 campaign whose primary purpose was to terrorise the civilian
27 population may not have been committed in furtherance of such a
28 campaign. The Trial Chamber finds that this is the case with the
29 acts of violence underlying the crimes of child soldiers,

1 count 9; enslavement, count 10; and pillage, count 11. The
2 Trial Chamber therefore finds that the crime of acts of terrorism
3 has not been established for these counts.

4 The Trial Chamber also finds that the Prosecution has
11:31:16 5 proved beyond reasonable doubt that acts of terrorism were
6 committed by the widespread burning of civilian property with the
7 primary purpose of terrorising the civilian population in various
8 locations in Kono District between about 1 February 1998 and
9 about 31 December 1998, and in various locations in Freetown and
11:31:41 10 the Western Area between about 21 December 1998 and
11 February 1999.

12 Summary of findings on the role of the accused.

13 The Trial Chamber will now summarise its factual findings
14 on the role of the accused.

11:31:57 15 The role of the accused before 1996.

16 The Trial Chamber has considered evidence prior to the
17 indictment period only for the purposes of clarifying the context
18 or establishing by inference the elements of criminal conduct
19 that occurred during the material period, or demonstrating a
11:32:20 20 consistent pattern of conduct.

21 Evidence before the Trial Chamber establishes the
22 following: At the end of the 1980s, a number of West African
23 revolutionaries were trained in Libya, including Charles Taylor
24 from Liberia; Ali Kabbah and Foday Sankoh from Sierra Leone; and
11:32:50 25 Kukoi Samba Sanyang, also known as Dr Manneh, from the Gambia.

26 The accused met Sankoh in Libya, although the exact circumstances
27 of their meeting are not known. Contrary to the Prosecution's
28 submissions, the evidence did not establish that prior to 1996
29 Taylor, Sankoh, and Dr Manneh participated in any common plan

1 involving the crimes alleged in the indictment, nor in fact that
2 the three men even met together. Furthermore, the evidence was
3 that during the pre-indictment period, Sankoh operated
4 independently of the accused and that while he relied at times on
11:33:28 5 Taylor's guidance and support, Sankoh did not take orders from
6 the accused.

7 During the pre-indictment period, the accused provided the
8 RUF with a training camp in Liberia, instructors, recruits and
9 material support including food and other supplies. However,
11:33:51 10 again contrary to the Prosecution's submissions, the evidence did
11 not establish that the RUF were under the superior authority of
12 the accused or the NPFL chain of command or that they were
13 instructed in NPFL terror tactics.

14 The accused supported the invasion of Sierra Leone in
11:34:10 15 March 1991. NPFL troops actively participated in the invasion,
16 but the Prosecution failed to prove that the accused participated
17 in the planning of the invasion. The Prosecution also failed to
18 prove that the support of the accused for the invasion of
19 Sierra Leone was undertaken pursuant to a common purpose to
11:34:31 20 terrorise the civilian population of Sierra Leone. Rather, the
21 evidence shows that the accused and Sankoh had a common interest
22 in fighting common enemies, namely ULIMO, a Liberian insurgency
23 group in Sierra Leone and the Sierra Leonean government forces
24 which supported ULIMO.

11:34:57 25 The accused withdrew his NPFL troops from Sierra Leone
26 after the fallout between NPFL and RUF troops in 1992,
27 culminating in Operations Top 20, Top 40, and Top Final. While
28 the Defence maintains that the accused had no further contact or
29 co-operation with Sankoh, the leader of the RUF, after 1992

1 following Top Final, the Trial Chamber finds otherwise. Although
2 the Liberia-Sierra Leone border was closed by ULIMO and the
3 Sierra Leone government forces, it remained porous, enabling the
4 flow of arms, ammunition and other supplies from Liberia into
11:35:46 5 Sierra Leone during the remainder of the pre-indictment period.
6 For example, there was evidence that the accused provided arms
7 and ammunition to Sankoh for an attack on Kono in November 1992,
8 and he advised Sankoh prior to and following the attack on
9 Sierra Ruti le. The accused also asked Sankoh to send troops in
11:36:06 10 1993 to help him fight the ULIMO.

11 The role of the accused during the indictment period.
12 Military operations.

13 In February 1998, ECOMOG forces intervened in Sierra Leone
14 and expelled the RUF/AFRC Junta from Freetown reinstating
11:36:36 15 Tejan Kabbah's SLPP government to power in March 1998. Although
16 ECOMOG initially forced RUF and AFRC forces to withdraw from Kono
17 under the orders AFRC Leader Johnny Paul Koroma, these forces
18 managed to recapture Koidu Town in late February-early March
19 1998. A few weeks later, ECOMOG forces regained control of
11:37:02 20 Koidu Town. In mid-June 1998, forces under the ultimate
21 direction of Sam Bockarie, who had by then assumed leadership of
22 the renegade RUF/AFRC Junta forces, made another attempt to
23 retake Koidu Town, code named Operation Fitti-Fatta. The
24 Fitti-Fatta attack was unsuccessful and in late November,
11:37:32 25 early December 1998, after a trip by Bockarie to Liberia where he
26 met with the accused, a meeting was held at Waterworks in which
27 Bockarie ordered RUF/AFRC troops under his command to carry out a
28 two-pronged attack on Kono and Kenema, with Freetown as the
29 ultimate target. The attacks on Kenema and Kono were launched in

1 mid-December 1998. While the former was unsuccessful, the latter
2 attack succeeded and the RUF/AFRC troops continued towards
3 Freetown. On 6 January 1999, a group of predominantly AFRC
4 troops led by Alex Tamba Brima, also known as Gullit, launched an
11:38:16 5 assault on Freetown.

6 The Trial Chamber will now summarise its findings on the
7 assistance provided by the accused in these military operations.

8 From the time of the ECOMOG intervention, the accused and
9 his subordinates communicated to the AFRC/RUF forces the
11:38:43 10 imperative to maintain control over Kono, a diamondiferous area.
11 When the AFRC/RUF forces were pulling out of Kono during the
12 intervention the radio station of Benjamin Yeaten, director of
13 the accused's Special Security Service, intercepted a radio
14 transmission between AFRC/RUF radio stations about the withdrawal
11:39:05 15 and intervened to ask why the forces were withdrawing. Then, in
16 several satellite phone conversations with Johnny Paul Koroma,
17 who was trying to make arrangements to get to Liberia by
18 helicopter, the accused told Koroma to capture Kono. After a
19 first failed attempt, the accused gave instructions for a second
11:39:28 20 attack which led to the ultimate recapture of Koidu Town in
21 Kono District in late February, early March 1998. Once Kono had
22 been recaptured, the accused told Bockarie to be sure to maintain
23 control of Kono for the purpose of trading diamonds with him for
24 arms and ammunition.

11:39:51 25 The accused advised Bockarie to recapture Kono following
26 its loss to ECOMOG, again so that the diamonds could be used to
27 purchase arms and ammunition. Such advice was transmitted to RUF
28 commanders both through Bockarie and Liberian emissaries
29 Daniel Tamba, also known as Jungle, and/or Ibrahim Bah, and

1 resulted in the Fitti -Fatta attack in mid-June 1998.

2 In addition to urging the RUF and AFRC to capture and hold
3 Kono, the accused supplied arms and ammunition for the operations
4 in the Kono District in early 1998 and for Operation Fitti -Fatta.

11:40:39 5 In November and December 1998, when Bockarie met with the
6 accused in Monrovia, the accused jointly designed with Bockarie a
7 two-pronged attack on Kono, Kenema, and Freetown, outlined by
8 Bockarie to his commanders in a meeting at Waterworks on his
9 return to Sierra Leone. Although the idea to advance towards

11:41:01 10 Freetown was already in discussion when Bockarie went to
11 Monrovia, the accused emphasised to Bockarie the need to first
12 attack Kono District and told Bockarie to make the operation
13 "fearful" in order to pressure the government of Sierra Leone
14 into negotiations on the release of Foday Sankoh from prison, as
11:41:23 15 well as to use "all means" to get to Freetown. Subsequently,
16 Bockarie named the operation Operation No Living Thing, implying
17 that anything that stood in their way should be eliminated.

18 At this time there were two plans to attack Freetown; one
19 made by Bockarie with the accused and one made by breakaway AFRC
11:41:50 20 commander Solomon Anthony Joseph Musa, also known as SAJ Musa,
21 whose troops had started an advance towards Freetown at the end
22 of June, beginning of July 1998. Consistent with his discussions
23 with the accused, Bockarie invited SAJ Musa after the Waterworks
24 meeting to join his efforts to attack Freetown but Musa refused.

11:42:16 25 However, with SAJ Musa's death in or around 23rd of December,
26 1998, when Gullit took over the leadership of the troops at
27 Benguela and resumed contact with Bockarie, Bockarie and Gullit
28 co-ordinated in their efforts to capture Freetown. From that
29 point onwards, SAJ Musa's original plan was abandoned and Gullit

1 followed the Bockarie/Taylor plan as had been contemplated by
2 Bockarie and the accused.

3 During the operation, Bockarie exercised effective command
4 and control over Gullit, issuing a number of instructions to
11:42:57 5 Gullit, including the order to use terror tactics against the
6 civilian population on the retreat from Freetown. The
7 Trial Chamber did not make a finding as to how SAJ Musa was
8 killed but noted that the possibility of his death had been
9 mentioned by Bockarie at the time of the Waterworks meeting.

11:43:22 10 The accused gave advice to Bockarie and received updates in
11 relation to the progress of the operations in Kono and Freetown
12 in the implementation of their plan. Bockarie was in frequent
13 contact via radio or satellite phone with the accused in
14 December 1998 and January 1999, either directly or through
11:43:44 15 Benjamin Yeaten. Yeaten also travelled to Sierra Leone to meet
16 with Bockarie in Buedu during this period. However, it is not
17 clear that the accused had any level of control over the conduct
18 of these operations. Of the instructions allegedly given to
19 Bockarie by the accused during this period, only one was proved
11:44:08 20 beyond reasonable doubt, that being that the accused instructed
21 Bockarie to transfer some of the Pademba Road prisoners to Buedu.
22 This finding is insufficient to establish, as the Prosecution has
23 alleged, that the accused directed or had control over the Kono
24 and Freetown operations in December 1998 and January 1999.

11:44:36 25 In addition to planning and advising on the Kono-Freetown
26 operation, the accused also provided military and other support.
27 He facilitated the purchase and transport of a large shipment of
28 arms and ammunition from Burkina Faso in around November 1998
29 which was used in the attacks on Kono and Kenema in December

1 1998, where further arms and ammunition were captured. These
2 arms and ammunition were in turn sent to the troops in Freetown
3 in January 1999 and also used by the RUF and AFRC in joint
4 attacks on the outskirts of Freetown. The accused also sent
11:45:18 5 personnel in the form of at least four former Sierra Leone Army,
6 SLA, fighters who participated in the attack on Kono, as well as
7 20 former NPFL fighters who were part of the forces under the
8 command of Gullit that entered Freetown, and a group of
9 150 fighters with Abu Keita, a former ULIMO member, known as the
11:45:46 10 Scorpi on Unit, who participated in the attack on Kenema.

11 During the Freetown operation, the accused's subordinates
12 in Liberia also transmitted "448 messages" to RUF forces to warn
13 them of impending ECOMOG jet attacks. These messages originated
14 in both Sierra Leone and Liberia.

11:46:14 15 Operational support.

16 In addition to support for specific military operations,
17 the accused provided to the RUF and the RUF/FRC alliance
18 communications support, financial support, military training,
19 technical support, and other operational support. Of these,
11:46:35 20 communications support, facilitation and transport of materiel
21 and personnel, and the provision of a guesthouse to the RUF were
22 sustained and significant.

23 Concerning communications assistance, following the
24 invasion of Sierra Leone in 1991, the NPFL provided radio
11:46:57 25 operators and equipment to the RUF with the knowledge of the
26 accused. NPFL radio operators were sent to Sierra Leone and
27 trained RUF fighters in radio communications. Some of these
28 radio operators stayed in Sierra Leone following the break with
29 the NPFL in Operation Top Final, and the RUF continued to benefit

1 from the training and equipment provided by the NPFL throughout
2 the conflict in Sierra Leone and during the indictment period.

3 The accused gave Sam Bockarie a satellite phone in
4 October 1998. Bockarie also received "top-up cards" for phone
11:47:42 5 credit from Benjamin Yeaten. The accused also gave a satellite
6 phone to Issa Sesay in 2000, albeit with the full knowledge of
7 the ECOWAS leaders. The supply of such satellite phones enhanced
8 the communications possibility of both Bockarie and Sesay which
9 they used in furtherance of RUF and RUF/AFRC military activities.

11:48:09 10 Sesay, for example, used a satellite phone to report to Bockarie
11 that Kono was under RUF control. While Foday Sankoh was also
12 given a satellite phone, the Prosecution failed to prove that the
13 phone came from the accused.

14 In addition to providing communications training and
11:48:28 15 equipment to the RUF, the accused and his subordinates
16 facilitated communications for the RUF through their own
17 communications network. The RUF/AFRC was provided access to
18 radio communications equipment in Liberia by the accused or by
19 his subordinates. This equipment was used by RUF radio operators
11:48:53 20 to communicate with the RUF, in one instance concerning supplies
21 of military equipment, and in another to update Bockarie on
22 events in Sierra Leone when he was in Liberia. A radio was
23 provided by the accused to Johnny Paul Koroma. However, this
24 radio was used specifically for the purpose of enabling Koroma to
11:49:17 25 communicate with the West Side Boys about the UN peacekeepers
26 that they had taken hostage. The evidence did not establish that
27 the accused and Yeaten received updates during the Freetown
28 invasion from an RUF operator stationed in Liberia.

29 Although the establishment of the infrastructure and

1 training of RUF radio operators occurred prior to the indictment
2 period, the ongoing support from the accused and his subordinates
3 through the provision of satellite phones, the use of the NPFL
4 communications infrastructure and the transmission of
11:49:58 5 "448 messages" alerting the RUF to imminent ECOMOG attack
6 collectively enhanced the communications capacity of the RUF/AFRC
7 during the indictment period and its capacity to carry out
8 military operations in which crimes were committed.

9 In relation to the guesthouse, the Trial Chamber finds that
11:50:24 10 from 1998 to 2001, the accused provided a base for the RUF in
11 Monrovia, equipped with a long-range radio and telephone, RUF
12 radio operators, SSS security supervised by Benjamin Yeaten,
13 cooks and a caretaker. Although the guesthouse was used by RUF
14 members partly for matters relevant to the peace process or for
11:50:52 15 diplomatic purposes, it was also used to facilitate the transfer
16 of arms, ammunition and funds directly from the accused to the
17 RUF, and the delivery of diamonds from the RUF directly to the
18 accused, bellying his testimony that he was entirely unaware of
19 what occurred at the guesthouse. The RUF guesthouse provided a
11:51:17 20 base for the RUF in Monrovia which facilitated the regular
21 transfers of arms and ammunition from the accused to the RUF, as
22 well as diamonds from the RUF to the accused, transactions which
23 played a vital role in the military operations of the RUF in
24 which crimes were committed.

11:51:42 25 The Trial Chamber further finds that during the indictment
26 period, the accused provided much needed road and air
27 transportation to the RUF of arms and ammunition into RUF
28 territory. Materiel was also escorted across military
29 check-points by security personnel working for the accused,

1 including Daniel Tamba, also known as Jungle; Joseph Marzah, also
2 known as Zigzag; and Sampson Weah. This facilitation of road and
3 air transportation of materiel as well as security escorts played
4 a vital role of the operations of the RUF/AFRC during a period
11:52:23 5 when an international arms embargo was in force.

6 The accused also provided financial support, military
7 training, technical support, and other operational support to the
8 RUF, including medical support. In most instances in which the
9 accused provided financial support, the funds given by the
11:52:43 10 accused to various individuals were for unspecified or personal
11 use. The evidence failed to establish that the 10 million CFA
12 francs given by the accused to the RUF in Cote d'Ivoire, or the
13 \$15.000 US given by him to Sesay to support the RUF, were used to
14 facilitate arms and diamond deals. However, the accused did give
11:53:11 15 funds to Bockarie in the tens of thousands of dollars to buy arms
16 and ammunition from ULIMO. The RUF received financial support
17 for arms and ammunition from sources other than the accused as
18 well.

19 Similarly, while the accused provided other forms of
11:53:31 20 support to the RUF, including medical support, and he
21 acknowledged that he permitted injured RUF fighters to get
22 treatment in Liberia, it is not clear how continuous or
23 substantial the provision of medical care was throughout the
24 indictment period. In preparation for the Fitti-Fatta mission in
11:53:53 25 mid 1998, the accused sent "herbalists" who marked fighters in
26 Buedu and in Kono in order to bolster their confidence for the
27 mission to recapture Kono. Other support included provision of
28 goods such as food, clothing, cigarettes, alcohol and other
29 supplies to the RUF by the accused. The evidence is insufficient

1 to enable the Trial Chamber to judge the quantity of supplies
2 provided. Other supplies for the RUF came from Liberia through
3 channels unrelated to the accused.

4 With regard to military training and technical support, the
11:54:36 5 accused introduced -- instructed Bockarie in 1998 to open a
6 training base in Bunumbu, Kai Lahun District, and told him also in
7 1998 that the RUF should construct or re-prepare an airfield in
8 Buedu. However, the Prosecution failed to prove that the accused
9 sent Martina Johnson, a former NPFL artillery commander, to Buedu
11:55:08 10 to train RUF fighters to use a 40-barrel missile gun.

11 The accused provided safe haven to RUF fighters, including
12 Mike Lamin, when they crossed into Liberia after the retreat from
13 Zogoda in 1996, but the accused was not found to have ordered the
14 RUF combatants to cross into Liberia. He had not yet taken
11:55:32 15 office as president at that time, however, and the Prosecution
16 failed to prove that he facilitated documentation to enable Lamin
17 to travel to Cote d'Ivoire.

18 Arms and ammunition.

19 Turning to the allegations of the Prosecution relating to
11:55:55 20 the role of the accused in providing military support to the
21 RUF/AFRC, the Trial Chamber first considered two preliminary
22 issues raised by the Defence one related to the status of the
23 border between Sierra Leone and Liberia and the other relating to
24 disarmament in Liberia. The Trial Chamber finds that at no
11:56:22 25 relevant time in the indictment period was the ECOMOG presence on
26 the Liberia-Sierra Leone border or the official closure of the
27 border by the Liberian government sufficient to prevent the
28 cross-border movement of arms and ammunition. With regard to the
29 claim that as a result of disarmament and the destruction of

1 arms, as well as the arms embargo, Liberia had insufficient arms
2 and ammunition to supply Sierra Leone, the Trial Chamber finds
3 that despite these measures, the accused was able to obtain arms
4 and had the capacity to supply arms and ammunition from Liberia
11:57:04 5 to the rebel groups in Sierra Leone. Moreover, he had the
6 capacity to facilitate larger arms shipments through third
7 countries. Of the arms shipments to the RUF and AFRC linked to
8 accused during the indictment period, the largest arrived not
9 from Liberia but through Liberia from third-party states,
11:57:30 10 including Burkina Faso.

11 The accused directly supplied arms and ammunition to the
12 RUF/AFRC as well as facilitating the supply of arms and
13 ammunition to the RUF/AFRC from outside Liberia. During the
14 Junta period, the accused sent ammunition to Bockarie via
11:57:56 15 Daniel Tamba in 1997. The accused was the source of the materiel
16 delivered by Tamba, Joseph Marzah and Sampson Weah, among others,
17 to Sierra Leone throughout 1998 and 1999, such supplies
18 consisting of both arms and ammunition. Bockarie himself made
19 trips to Liberia in 1998 and 1999 during which he obtained arms
11:58:21 20 and ammunition from the accused. During Issa Sesay's leadership
21 of the RUF, the accused continued to deliver arms and ammunition
22 to the RUF in 2000 and 2001 via Tamba, Marzah, Weah and others.
23 Sesay himself made trips to Liberia, including a trip in May 2000
24 and at least two trips in the second half of 2000 and early 2001
11:58:50 25 during which he obtained arms and ammunition from the accused.

26 Although the materiel delivered through, inter alia, Tamba,
27 Weah, and Marzah was limited in quantity, certain shipments
28 provided by the accused on Bockarie's trips to Liberia in 1998
29 and 1999 did contain sizable amounts of materiel.

1 After 14 February 1998, the accused sent Varmuyan Sheriff to
2 open a corridor between Lofa County and the RUF-held territories
3 to facilitate the trade of arms and ammunition between the
4 RUF/AFRC and ULIMO. As a result, members of ULIMO who were
11:59:37 5 supposed to disarm and surrender their arms to the
6 United Nations, instead sold or bartered them to the RUF. The
7 accused also provided financial support to the RUF/AFRC in order
8 to facilitate their purchases of arms and ammunition from
9 ex-ULIMO combatants. However, the evidence was insufficient to
12:00:02 10 establish that the accused attempted to help the RUF purchase
11 arms and ammunition from ECOMOG and ULIMO prior to the Junta
12 period.

13 The accused facilitated two large shipments of ammunition.
14 The first occurred in late 1997. In around September 1997, the
12:00:28 15 accused sent Ibrahim Bah to Freetown to meet with Sam Bockarie
16 and Johnny Paul Koroma to make arrangements for the procurement
17 of arms and ammunition. Bah was given 90 carats of diamonds and
18 \$90,000 US to pay for the shipment. This shipment of arms and
19 ammunition was delivered by plane to Magburaka in Sierra Leone
12:00:54 20 sometime between September and December 1997 and was distributed
21 amongst members of the AFRC/RUF Junta. Materiel from this
22 shipment was used by the AFRC/RUF forces in fighting ECOMOG and
23 SLPP forces in Freetown before, during, and after the
24 intervention, in the Junta mining operations at Tongor fields
12:01:16 25 prior to the ECOMOG intervention, in Operation Pay Yourself and
26 subsequent offensives on Kono, as well as in the commission of
27 crimes during these operations.

28 The accused also facilitated a shipment of materiel around
29 November 1998 from Burkina Faso. Ibrahim Bah and Musa Cisse,

1 Charles Taylor's chief of protocol, accompanied a delegation led
2 by Bockarie to Burkina Faso where a shipment of arms and
3 ammunition was arranged and brought back by plane to Liberia and
4 then transported by trucks provided by the accused to
12:01:57 5 Sierra Leone. The Trial Chamber finds that the accused was
6 instrumental in procuring and transporting this large quantity of
7 arms and ammunition for the RUF, that he was paid for it with
8 diamonds, and that he kept some of the shipment for his own
9 purposes. The shipment from Burkina Faso was unprecedented in
12:02:21 10 volume and, as previously noted, was critical in the
11 December 1998 and January 1999 offenses.

12 The Trial Chamber considered the Defence submission that
13 other sources of military equipment for the RUF and AFRC far
14 outweighed supplies allegedly provided by the accused. In
12:02:44 15 addition to receiving arms and ammunition from the accused, the
16 RUF and the AFRC also obtained supplies from the existing
17 stockpiles of the former government when they took over power in
18 May 1997, by capturing them from ECOMOG and UN peacekeepers, and
19 through trade with ULIMO, AFL, and ECOMOG commanders. However,
12:03:15 20 these sources of materiel were of minor importance in comparison
21 to those supplied or facilitated by the accused. Significantly,
22 the RUF/AFRC in fact heavily and frequently relied on the
23 materiel supplied and facilitated by the accused. The accused's
24 support often satisfied a need or request for materiel at a
12:03:42 25 particular time, and shipments of materiel supplied by or
26 facilitated by the accused often contributed to and were causally
27 linked to the capture of further supplies by the RUF and AFRC.
28 Although there were instances in which the materiel that the
29 accused gave to the RUF/AFRC was more limited in quantity, on a

1 number of occasions the arms and ammunition which he supplied or
2 facilitated were indispensable for the RUF/AFRC military
3 offensives. The materiel provided or facilitated by the accused
4 was critical in enabling the operational strategy of the RUF and
12:04:37 5 the AFRC during the indictment period.

6 On the basis of its findings, more detailed in the written
7 judgement, the Trial Chamber rejects the Defence argument that
8 Benjamin Yeaten, the director of the accused's special security
9 service, to whom the arms couriers reported, was engaged in the
12:05:01 10 trade of arms and ammunition for the RUF independently and
11 without the knowledge of the accused.

12 Military personnel.

13 As previously noted, approximately 20 former NPFL fighters
14 who had been integrated into the armed forces of Liberia formed
12:05:22 15 part of a group of approximately 200 fighters led by O-Five, who
16 attacked and committed crimes in Karina and Kamalo in
17 Bombali District on or about August/September 1998.
18 Subsequently, this group of 20 fighters was incorporated into the
19 Red Lion Battalion which was comprised of 200 fighters and was
12:05:51 20 part of a larger group of approximately 11,000 fighters who
21 attacked and committed crimes in Waterloo, Fisher Lane, Hastings,
22 Freetown Eastern Police, Pademba Road Prison, Kingtom, Fourah
23 Bay, and Upgun in Freetown and the Western Area, on or about
24 December 1998, January 1999. These 20 fighters were sent by the
12:06:19 25 accused from Liberia to Sierra Leone where they joined the
26 RUF/AFRC forces in Sierra Leone and participated in attacks in
27 which crimes were committed.

28 The Trial Chamber find that Abu Keita and the
29 reinforcements known as the Scorpion Unit were sent by the

1 accused to Sierra Leone and participated in the attack on Kenema
2 in which Abu Keita committed crimes. The Kenema attack was part
3 of the attack on Kono and Freetown. Although the evidence did
4 not establish beyond reasonable doubt that the Scorpion Unit was
12:06:48 5 sent for the purpose of fighting in the Kono and Freetown
6 military operations, which included Kenema, Daniel Tamba, on
7 behalf of the accused, approved Bockarie's decision to integrate
8 the Scorpion Unit under his command.

9 The accused sent former SLA soldiers to the Bunumbu
12:07:17 10 training camp soon after the intervention, although their
11 subsequent deployment was not established. The accused later
12 sent a group of former SLA soldiers from Liberia back to
13 Sierra Leone to support the attack on Freetown. These men
14 arrived in Kai Lahun in or around late November 1998, and they
12:07:35 15 participated in the attack on Kono in December 1998, although
16 they were unable to reach Freetown and did not participate in the
17 Freetown attack.

18 The Liberian government authorities and AFRC/RUF members
19 recruited and forced Sierra Leonean refugees residing in Liberia
12:07:59 20 to return to Sierra Leone to fight. However, the evidence did
21 not establish that these civilian refugees participated in
22 attacks in Sierra Leone.

23 The Trial Chamber considered the allegation by the
24 Prosecution that the accused assisted the AFRC/RUF by capturing
12:08:21 25 and returning AFRC/RUF deserters to Sierra Leone. The
26 Trial Chamber finds that the Liberian police authorities detained
27 two RUF/AFRC members, Fonti Kanu and Dauda Aruna Forniye, and
28 handed them over to RUF personnel in late 1998 and late 1999
29 respectively. In evidence about his own arrest and torture in

1 Sierra Leone, Mohammed Kabbah described as common knowledge the
2 co-operation of Liberian authorities and the RUF on the return of
3 warranted Sierra Leoneans who escaped to Liberia.

4 Diamonds.

12:09:12 5 The Trial Chamber finds that there was a continuous supply
6 by the AFRC/RUF of diamonds mined from areas in Sierra Leone to
7 the accused, often in exchange for arms and ammunition.

8 During the period May 1997 to February 1998, diamonds mined
9 in Kono and Tongo fields were delivered from the AFRC/RUF to the
12:09:37 10 accused by Daniel Tamba, also known as Jungle, in exchange for
11 arms and ammunition.

12 Following the ECOMOG intervention from February 1998 to
13 July 1999, the diamonds delivered to the accused by Sam Bockarie
14 directly, as well as indirectly through intermediaries such as
12:10:05 15 Eddie Kanneh and Daniel Tamba, were given to him in order to get
16 arms and ammunition from him or sometimes for "safekeeping" on
17 behalf of the RUF.

18 From February 1998 to July 1999, diamonds were delivered to
19 the accused by Sam Bockarie directly. These diamonds were
12:10:29 20 delivered to the accused for the purpose of obtaining arms and
21 ammunition from him. During this period, diamonds were also
22 delivered through intermediaries such as Eddie Kanneh and
23 Daniel Tamba.

24 The RUF also traded diamonds with entities and individuals
12:10:48 25 other than the accused or his government. Testimonial evidence
26 of specific involvement of the accused in the trade of diamonds
27 supported the findings of a United Nations report of a panel of
28 experts that diamond smuggling in Sierra Leone to Liberia was
29 "the bulk of the RUF trade in diamonds," and while difficult to

1 quantify was nevertheless the "primary source of income to the
2 RUF." This report concluded that the trade of diamonds between
3 Liberia and Sierra Leone could not be conducted in Liberia
4 "without the permission and the involvement of government
12:11:39 5 officials at the highest level."

6 From July 1999 to May 2000, Foday Sankoh delivered diamonds
7 to the accused and diamonds were delivered to the accused on his
8 behalf in or before 1999 while he was in detention. In March
9 2000, Foday Sankoh visited South Africa and travelled through
12:12:07 10 Monrovia on his way back to Sierra Leone, meeting with the
11 accused in Monrovia. According to one witness, among the
12 diamonds delivered to the accused during this meeting was a
13 45 carat diamond and two 25 carat diamonds.

14 From June 2000 until the end of the hostilities in 2002,
12:12:31 15 Issa Sesay delivered to the accused, including on one occasion a
16 36 carat diamond. Eddie Kanneh also delivered diamonds to the
17 accused on Sesay's behalf. Sometimes the diamonds were delivered
18 to the accused supposedly for "safekeeping" until Sankoh's
19 release from detention and, at other times, in exchange for
12:12:54 20 supplies and/or arms and ammunition. During this period, diamond
21 trading between the RUF and persons other than the accused also
22 took place.

23 As detailed in documentary evidence before the
24 Trial Chamber, Liberian diamonds are generally known to be of a
12:13:15 25 significantly lower quality than diamonds from Sierra Leone,
26 refuting the claim made by the accused that he would have had no
27 reason to trade in diamonds from Sierra Leone because Liberia had
28 its own diamonds. Moreover, the documentary evidence indicates
29 that export of diamonds from Liberia was far greater than

1 Liberian diamond production, attributing the difference to
2 diamonds from Sierra Leone smuggled through Liberia.

3 The Trial Chamber finds that the accused also facilitated a
4 relationship between RUF and a Belgian known as Alpha Bravo for
12:14:02 5 the purpose of diamond transactions. However, there was
6 insufficient evidence to establish that the accused facilitated a
7 relationship between the RUF and other diamond dealers.

8 The accused also provided diesel fuel for the Caterpillars
9 at the diamond mining sites in Sierra Leone and equipment for use
12:14:24 10 in mining diamonds to the RUF on at least one occasion between
11 1998 and 2002. While there may have been multiple sources of
12 mining equipment and fuel entering Sierra Leone during the
13 indictment period, the accused was among them. The Trial Chamber
14 has also found that men sent by the accused visited at least one
12:14:51 15 mining site and assessed mining operations.

16 While there was evidence of occasional inquiries from
17 Benjamin Yeaten and reports to him about the activity in the
18 mining sites in Sierra Leone, the evidence did not establish that
19 regular updates were sent to the accused about mining activity.

12:15:11 20 The peace process.

21 The Trial Chamber will now summarise its findings relating
22 to the role of the accused in the peace process and the Defence
23 contention that his involvement with the RUF/AFRC was solely for
24 the purpose of promoting peace.

12:15:32 25 During a radio conversation with Foday Sankoh following the
26 attack on Sierra Rutile in 1994, the accused advised the RUF
27 leader to send an external delegation to Cote d'Ivoire. In
28 Cote d'Ivoire, the delegates met Musa Cisse, an NPFL
29 representative who allowed them to use his radio for

1 communications with Sankoh. The accused, through contact with
2 Musa Cisse, invited members of the external delegation to Liberia
3 where he met them twice in 1995. In December 1995, the accused
4 met members of the External Delegation in Cote d'Ivoire on the
12:16:22 5 occasion of the publication of "Footpaths to democracy," at which
6 time he gave them 10 million CFA francs for their maintenance.

7 The accused instructed Foday Sankoh to participate in the
8 Abidjan peace talks from March to November 1996 in order to
9 obtain ammunition and materiel for the RUF. The evidence
12:16:53 10 established that while in Abidjan, Sankoh obtained arms and
11 ammunition for the RUF using funds from Libya. However, the
12 evidence was insufficient to establish that Sankoh used contacts
13 of the accused to obtain arms and ammunition in Abidjan.

14 The accused played an active role in the Lome peace
12:17:19 15 negotiations, which role the Prosecution alleged to be
16 subversive, suggesting that the accused improperly assisted and
17 advised the RUF delegation before and during the negotiations so
18 as to procure the most favourable outcome for the RUF/AFRC and
19 himself.

12:17:41 20 The Trial Chamber did not find this to be the case in the
21 absence of evidence that the accused controlled the RUF
22 delegation or dictated the outcome of the negotiations. However,
23 the evidence established that the accused was engaged in arms
24 transactions at the same time that he was involved in the peace
12:18:02 25 negotiations in Lome, publicly promoting peace at the Lome
26 negotiations while privately providing arms and ammunition to
27 the RUF.

28 Following the Lome Peace Accord, the so-called
29 West Side Boys, discontent with the apparent exclusion of the

1 AFRC from the peace process, kidnapped UN peacekeepers and others
2 in Sierra Leone and demanded to talk to, and then see,
3 Johnny Paul Koroma, their leader. The accused officially and
4 publicly made arrangements to bring Koroma to Monrovia, including
12:18:47 5 negotiating a waiver of the UN travel ban and facilitating
6 several meetings thereby playing a central role in bringing
7 Koroma and Sankoh together and achieving a reduction in the
8 tension between the RUF and the AFRC. The evidence establishes,
9 as the accused contends, that the UN and ECOWAS heads of state
12:19:12 10 knew about his public role in the negotiations. Taylor's
11 influence with both Koroma and Sankoh evidently made him a
12 significant actor in the process and helped to facilitate the
13 release of the UN peacekeepers and others who had been taken
14 captive by the West Side Boys.

12:19:32 15 The Trial Chamber accepts that as president of Liberia, as
16 a member of the ECOWAS committee of five, later committee of six,
17 the accused wielded considerable influence over the warring
18 factions in Sierra Leone and that the ECOWAS heads of state
19 played a substantial role in the Sierra Leone peace process.

12:19:52 20 However, there is strong evidence showing that while publicly
21 participating in regional efforts to broker peace in
22 Sierra Leone, the accused was secretly fueling hostilities
23 between the AFRC/RUF and the democratically elected authorities
24 in Sierra Leone. This clandestine undermining of the peace
12:20:15 25 process by the accused occurred even when he knew that an arms
26 embargo by the UN and ECOWAS was in force in the region.

27 In late April or early May 2000, the RUF forcibly disarmed
28 and detained a group of approximately 500 UNAMSIL peacekeepers in
29 Sierra Leone. The accused was asked by ECOWAS to become involved

1 in negotiations for the release of these hostages and his mandate
2 was endorsed by the United Nations. Thereafter, the accused
3 invited Issa Sesay, RUF interim leader, to Monrovia to discuss
4 the matter of their release. After this meeting, from about the
12:21:02 5 middle to the end of May 2000, the RUF released the captured
6 UNAMSIL peacekeepers into Liberian territory in stages. The
7 Trial Chamber found that the accused had significant influence
8 over the RUF decision to release the UN peacekeepers and that in
9 his meeting with Issa Sesay, Taylor promised him assistance "in
12:21:28 10 the struggle." While the Trial Chamber found that Issa Sesay
11 made a trip to Liberia in May 2000 in which he obtained arms and
12 ammunition from the accused, the evidence was insufficient to
13 establish that this material was provided in exchanges for Issa
14 Sesay agreeing to release the UNAMSIL peacekeepers.

12:21:50 15 In July 2000, a meeting was convened in Monrovia to discuss
16 the selection of new leadership for the RUF following Sankoh's
17 imprisonment. The meeting was attended by all of the ECOWAS
18 heads of state and an RUF delegation led by Sesay, where it was
19 proposed that Sesay take over as interim leader of the RUF. In
12:22:17 20 another meeting late that night, the accused privately advised
21 Sesay to say that he would disarm but "not do it in reality." At
22 that time, the accused was supplying Sesay with arms and
23 ammunition, and also calling on the RUF to send forces to help
24 him fight his own enemies together with the AFL in Liberia and in
12:22:41 25 Guinea.

26 The Trial Chamber accordingly finds that while the accused
27 publicly played a substantial role in the Sierra Leone peace
28 process, including as a member of the ECOWAS committee of five,
29 later committee of six, secretly he was fueling hostilities

1 between the AFRC/RUF and the democratically elected authorities
2 in Sierra Leone, by urging the former not to disarm and actively
3 providing them with arms and ammunition, acting, as the
4 Prosecution described, as "a two-headed Janus."

12:23:23 5 Leadership and command structure.

6 The Trial Chamber has considered the leadership and command
7 structure of the RUF and the role of the accused, if any, in
8 relation to that structure. The Trial Chamber has found that
9 Foday Sankoh and the accused met in Libya in the early 1990s and
12:23:45 10 pursued parallel goals and aspirations, but not in a chain of
11 command. Following Operation Top Final in 1992 and the
12 withdrawal of NPFL forces from Sierra Leone, contacts and
13 co-operation between the accused and Sankoh continued but to a
14 lesser extent. The accused asked Sankoh to send troops in 1993
12:24:10 15 to help him fight ULIMO. He advised Sankoh prior to and
16 following the RUF attack on Sierra Rutile, and he advised Sankoh
17 to send an external delegation to Cote d'Ivoire.

18 When Foday Sankoh was arrested in Nigeria in March 1997, he
19 instructed Sam Bockarie to take orders from the accused. While
12:24:35 20 much evidence was adduced relating to the trade of arms and
21 diamonds between Sam Bockarie and the accused, the evidence did
22 not establish that Bockarie took orders from the accused. The
23 instructions given to Bockarie by the accused were given with the
24 inherent authority the accused had by virtue of his position.

12:25:01 25 Bockarie was deferential to the accused and generally followed
26 his instruction. However, the Trial Chamber considers that the
27 role Sankoh envisioned for the accused while he was in detention
28 was that he would guide Bockarie and that Bockarie should look to
29 his guidance, not that the accused should take over Sankoh's

1 rule -- role as leader of the RUF with effective control over its
2 actions.

3 Sometime around March 1998, Sam Bockarie was promoted. The
4 Prosecution allege that this promotion was made by the accused
12:25:40 5 directly, or through a joint decision between himself and
6 Johnny Paul Koroma. Bockarie had just returned from Monrovia.
7 The Trial Chamber finds that the accused may well have been
8 consulted by Koroma or talked directly with Bockarie about the
9 promotion while he was in Monrovia, but not that Bockarie was
12:26:04 10 promoted by the accused. Like Sankoh, Koroma turned to the
11 accused for advice and support, and the Trial Chamber accepts
12 that he would have consulted the accused. Nevertheless, the
13 accused was not part of the command structure.

14 In December 1999, Sam Bockarie left Sierra Leone and went
12:26:25 15 to Liberia amidst violent clashes between RUF fighters loyal to
16 Foday Sankoh and RUF fighters loyal to him. He was told to leave
17 Sierra Leone by the accused, but the Trial Chamber finds that in
18 summoning Bockarie to Liberia, the accused relied on the
19 authority of ECOWAS and sought the help of President Obasanjo,
12:26:52 20 organising a meeting at Roberts International Airport between
21 Foday Sankoh, Sam Bockarie, President Obasanjo, and himself, as a
22 result of which a decision was made that Bockarie would not
23 return to Sierra Leone until the disarmament process had been
24 completed.

12:27:12 25 On 26th of July, 2000, a meeting took place at the
26 executive mansion in Monrovia between the heads of state of
27 ECOWAS and an RUF delegation led by Issa Sesay, where the
28 suggestion was made that Issa Sesay should become the interim
29 leader of the RUF. Sesay would not accept the appointment

1 without it first being approved by the RUF and Foday Sankoh. A
2 meeting of RUF commanders was held, and a letter was also
3 delivered to Foday Sankoh by President Obasanjo seeking Sankoh's
4 consent to the appointment. At a follow-up meeting in
12:27:56 5 August 2000, Sesay was confirmed as the RUF interim leader.

6 Presidents Obasanjo and Konare both met with Sankoh in Freetown
7 without the accused present, and the Trial Chamber finds that
8 this process was undertaken by ECOWAS heads of state
9 collectively, rather than the accused unilaterally.

12:28:23 10 The accused called on the AFRC/RUF to assist him in
11 fighting outside Sierra Leone. In 1999, the accused ordered
12 Bockarie to send AFRC/RUF forces to assist him in his fight
13 against Mosquito Spray and the LURD forces that had attacked his
14 forces.

12:28:45 15 In 2000 and 2001, the accused instructed Sesay to send RUF
16 forces. The RUF forces sent in response to these requests fought
17 alongside AFL forces in Liberia and Guinea under the command of
18 the accused's subordinates. The evidence was insufficient to
19 establish that in 2001, Bockarie left Liberia to fight for
12:29:10 20 Taylor's allies in Côte d'Ivoire as alleged by the Prosecution.

21 Knowledge of the accused of crimes committed in
22 Sierra Leone.

23 The accused testified that prior to becoming president, he
24 was not following whether crimes were committed by the RUF in
12:29:29 25 Sierra Leone. The Trial Chamber found that the relationship of
26 the accused with the RUF from 1989 until he became president was
27 much closer than he admitted. The accused knew that during the
28 early war years in Sierra Leone, RUF soldiers, under the command
29 of NPFL officers, abducted civilians, including children, forcing

1 them to fight within the NPFL/RUF forces against the
2 Sierra Leonean forces and ULIMO. Moreover, the accused was aware
3 that the RUF captured civilians and looted money during the
4 attack on Sierra Rutile, and he advised Sankoh on the use of the
12:30:18 5 hostages and the money.

6 The accused testified that upon becoming president, he
7 received a daily briefing from his national security advisor
8 which would include press and intelligence reports. Also,
9 following his election, the accused joined the ECOWAS Committee
12:30:39 10 of Five and would therefore have received and read ECOWAS
11 reports. The numerous reports prepared in 1997 by ECOWAS and the
12 United Nations agencies established that as early as May 1997,
13 the crimes committed by the Junta were significantly reported by
14 these international organisations.

12:31:03 15 In a report of June 1997, the United Nations Department of
16 Humanitarian Affairs reported killings of civilians, amputations,
17 and looting in Sierra Leone. An ECOWAS report of the Committee
18 of Four on the situation in Sierra Leone in August 1997 described
19 the massive looting of property, murder and rapes, following the
12:31:30 20 coup on 25 May 1997. The final report of the 16th meeting of
21 ECOWAS chiefs of state in Abuja, Nigeria, in August 1997, a
22 meeting in which the Liberian representative participated, also
23 described "a very bloody coup, followed by massive looting and
24 vandalism of public and private properties and the opening of
12:32:03 25 prisons by the Junta." In a speech to the nation on 18 June
26 1997, the RUF forces themselves apologised for the atrocities
27 they had committed in Sierra Leone, including killings and rapes.

28 Following a coup on 29 August 1997, ECOWAS decided to place
29 a total embargo on all supplies of petroleum products, arms and

1 military equipment to Sierra Leone. Similarly on 8 October 1997,
2 the United Nations Security Council decided to impose an embargo
3 on arms and ammunition to Sierra Leone. These embargoes clearly
4 indicate that at the very least by August 1997, the Junta was
12:32:51 5 perceived by the international community as a threat to peace and
6 it was reorganised -- and it was recognised that military support
7 could facilitate the commission of the crimes described above.

8 The accused was evasive in his testimony as to what and
9 when he knew about the crimes being committed in Sierra Leone.

12:33:16 10 In light of these contemporary reports and considering the fact
11 that the accused received daily briefings from his national
12 security advisor about the international situation and was a
13 member of the ECOWAS committee of five, the Trial Chamber finds
14 that as early as 1997, Charles Taylor was informed in detail of
12:33:39 15 the crimes committed during the Junta period, including murder,
16 abduction of civilians including children, rape, amputation, and
17 looting.

18 After 1997, the media coverage of the AFRC/RUF's crimes and
19 terror campaign against the Sierra Leonean civilian population
12:34:01 20 increased. Many reports and articles by international
21 organisations, non-governmental organisations and newspapers
22 admitted into evidence described the atrocities committed by the
23 AFRC/RUF troops after the ECOMOG intervention and the end of the
24 Junta government. These public reports demonstrate that at that
12:34:28 25 time, it was public knowledge that the AFRC/RUF forces committed
26 the following crimes: Unlawful killings, sexual violence,
27 physical violence, looting, conscriptations and use of child
28 soldiers, abduction, terrorism, and other atrocities.

29 The accused himself admitted that by April 1998, if

1 "someone was providing support to the AFRC/RUF," he "would be
2 supporting a group engaged in a campaign of atrocities against
3 the civilian population of Sierra Leone." At that time, as the
4 accused testified, there were news reports of a horrific campaign
12:35:19 5 being waged against the civilian population in Sierra Leone. In
6 a statement dated July 1998, the accused "strongly condemned the
7 continuing rebel activities in Sierra Leone, as well as the
8 horrendous atrocities that had been committed there."

9 Based on this evidence and the testimony of the accused
12:35:43 10 himself, the Trial Chamber finds that the accused was aware of
11 the crimes committed by RUF/AFRC forces against civilians,
12 including murder, abduction of civilians including children,
13 rape, amputations, and looting, as early as August 1997 when he
14 became president of Liberia.

12:36:06 15 Summary of legal findings.

16 The indictment charges the accused with individual criminal
17 responsibility pursuant to Article 6(1) of the Statute for the
18 crimes referred to in Articles 2, 3 and 4 of the Statute alleged
19 in the indictment. The Trial Chamber has found that the crimes
12:36:32 20 charged under counts 1 to 11 of the indictment were committed and
21 now turns to the responsibility of the accused for these crimes.

22 Responsibility pursuant to Article 6(3) of the Statute.

23 The indictment charges that the accused is individually
24 criminally responsible for the crimes referred to in Articles 2,
12:37:01 25 3, and 4 of the Statute as alleged in the indictment by virtue of
26 holding positions of superior responsibility and exercising
27 command and control over subordinate members of the RUF, AFRC,
28 AFRC/RUF Junta or alliance, and/or Liberian fighters. It is
29 alleged that the accused is responsible for the criminal acts of

1 his subordinates in that he knew or had reason to know that the
2 subordinate was about to commit such acts or had done so, and the
3 accused failed to take the necessary and reasonable measures to
4 prevent such acts or to punish the perpetrators thereof.

12:37:43 5 The accused denies criminal responsibility based on
6 superior/subordinate relationship with the perpetrators of the
7 crimes.

8 Article 6(3) holds a superior criminally responsible if the
9 superior knew or had reason to know that his or her subordinate
12:38:03 10 was about to commit crimes prohibited by the Statute or had done
11 so, and the superior failed to take the necessary and reasonable
12 measures to prevent or punish the perpetrators. It must thus be
13 demonstrated that the superior had effective command and control
14 over his subordinates, that is, the material ability to prevent
12:38:29 15 or punish the commission of the offence.

16 The Trial Chamber is of the view that the accused had
17 substantial influence over the leadership of the RUF, and to a
18 lesser extent that of the AFRC. However, that substantial
19 influence over the conduct of others fell short of effective
12:38:51 20 command and control as demonstrated by the evidence.

21 The evidence establishes that from 1990 to March 1997,
22 Sankoh was the sole leader of the RUF and that he did not take
23 orders from the accused. When Sankoh was arrested in March 1997,
24 he appointed Bockarie to lead the RUF and instructed him to take
12:39:15 25 direction from the accused.

26 The Trial Chamber finds that the accused gave guidance,
27 advice, and direction to Bockarie and to his successor Issa
28 Sesay, but that the evidence does not establish that either of
29 them was a subordinate of the accused, nor that the accused had

1 effective command and control over the RUF during their
2 respective tenures. Similarly, the Trial Chamber finds that the
3 accused gave guidance, advice, and direction to Johnny Paul
4 Koroma when he was leader of the AFRC/RUF Junta, but the evidence
12:39:54 5 does not establish that he was a subordinate of the accused, nor
6 that the accused had effective command and control over the
7 AFRC/RUF Junta.

8 With regard to Liberian fighters who were found to have
9 participated in the commission of crimes, the Trial Chamber finds
12:40:11 10 that even if they were sent to Sierra Leone by the accused, there
11 is insufficient evidence to find beyond a reasonable doubt that
12 they remained under the effective command and control of the
13 accused once in Sierra Leone.

14 The Trial Chamber accordingly finds that the Prosecution
12:40:31 15 failed to prove beyond a reasonable doubt that the accused is
16 individually criminally responsible under Article 6(3) for the
17 crimes referred to in Articles 2, 3 and 4 of the Statute as
18 alleged in the indictment.

19 Joint criminal enterprise.

12:40:50 20 The indictment charges the accused with the crimes referred
21 to in Articles 2, 3 and 4 of the Statute as alleged in the
22 indictment, which crimes amounted to or were involved within a
23 common plan, design or purpose in which the accused participated,
24 or were a reasonably foreseeable consequence of such common plan,
12:41:18 25 design or purpose.

26 As discussed earlier, the Trial Chamber found that the
27 Prosecution failed to prove that any of the three alleged
28 meetings in Libya, Burkina Faso, and Ivory Coast, where the common
29 plan was said to have been established, took place. Furthermore,

1 while the Trial Chamber found that the accused provided
2 significant operational and military support to the RUF,
3 particularly after he became president of Liberia, the evidence
4 does not establish that this support was provided pursuant a
12:41:55 5 common plan in the context of a joint criminal enterprise.

6 Accordingl y, the Trial Chamber finds that the Prosecution
7 has failed to prove beyond a reasonable doubt that the accused is
8 criminally responsible by virtue of having participated in a
9 common plan, design or purpose to commit the crimes alleged in
12:42:16 10 the indictment.

11 Responsiblity under 6(1) for aiding and abetting.

12 The indictment charges that the accused, by his acts or
13 omissions, is individually criminally responsible pursuant to
14 Article 6(1) of the Statute for, inter alia, aiding and abetting
12:42:37 15 the planning, preparation, or execution of the crimes referred to
16 in Articles 2, 3 and 4 of the Statute as alleged in the
17 indictment.

18 The Prosecution submits that in providing practical
19 assistance, encouragement, or moral support, the accused's acts
12:42:56 20 had a substantial effect on the perpetration of the crimes
21 charged in the indictment and that he had a clear intent to act
22 in support of those crimes.

23 The Defence denies that the accused is responsible for
24 aiding and abetting the commission of any of the crimes charged
12:43:12 25 in the indictment.

26 Aiding and abetting requires that the accused gave
27 practical assistance, encouragement, or moral support which had a
28 substantial effect on the perpetration of a crime.

29 The Trial Chamber finds beyond reasonable doubt that the

1 accused provided arms and ammunition, military personnel,
2 operational support, moral support and ongoing guidance to the
3 RUF, AFRC, AFRC/RUF Junta or alliance and Liberian fighters for
4 military operations during the indictment period.

12:43:51 5 Before turning to -- the heading is: Commission of crimes
6 intrinsic to the RUF/AFRC's war strategy.

7 Before turning to the various forms of assistance provided
8 by the accused, the Trial Chamber considered the RUF/AFRC's war
9 strategy. Throughout the indictment period, the operational
12:44:16 10 strategy of the RUF and AFRC was characterized by a campaign of
11 crimes against the Sierra Leonean civilian population, including
12 murders, rapes, sexual slavery, looting, abductions, forced
13 labour, conscription of child soldiers, amputations, and other
14 forms of physical violence and acts of terror. These crimes were

12:44:46 15 inextricably linked to how the RUF and the AFRC achieved their
16 political and military objectives. In particular, under the
17 leadership of Sam Bockarie, the RUF and AFRC pursued a policy of
18 committing crimes in order to achieve military gains at any
19 civilian cost, and also politically in order to attract the

12:45:10 20 attention of the international community and to heighten their
21 negotiating stance with the Sierra Leonean government. That
22 their operations were given titles such as Operation No Living
23 Thing, and Operation Spare No Soul made explicit the intent of
24 the RUF and AFRC to wage a campaign of terror against civilians
12:45:39 25 as part of their war strategy.

26 The findings of the Trial Chamber as to the various forms
27 of assistance provided by the accused are as follows:

28 Arms and ammunition.

29 During the indictment period, the accused directly or

1 through intermediaries supplied or facilitated the supply of arms
2 and ammunition to the RUF/AFRC. The accused sent small but
3 regular supplies of arms and ammunition and other supplies to the
4 RUF from late 1997 to 1998 via his subordinates and substantial
12:46:24 5 amounts of arms and ammunition to the AFRC/RUF from 1998 to 2001.
6 The accused facilitated much larger shipments of arms and
7 ammunition from third-party states to the AFRC/RUF, including the
8 Magburaka shipment of October 1997 and the Burkina Faso shipment
9 of November/December 1998.

12:46:50 10 Also during the indictment period, these arms and
11 ammunition were used by the RUF, AFRC, AFRC/RUF Junta or
12 alliance, and Liberian fighters in military operations including
13 the Junta mining operations at Tongo Fields prior to the ECOMOG
14 intervention, Operation Pay Yourself, and subsequent offensives
12:47:17 15 in Kono District in 1998, and in the Freetown invasion in
16 January 1999, and attacks on the outskirts of Freetown and the
17 Western Area in late January to early February 1999. These
18 operations involved widespread or systematic attacks on the
19 civilian population and the commission of crimes. The

12:47:38 20 Trial Chamber finds that the provision and facilitation of these
21 arms and ammunition constituted practical assistance which had a
22 substantial effect on the perpetration of crimes by the RUF and
23 the RUF/AFRC during the indictment period.

24 Military personnel.

12:47:58 25 The accused also provided military personnel to the
26 RUF/AFRC. The accused provided a group of 20 ex-NPFL fighters
27 who had been integrated into the AFL. These fighters fought in
28 Karia and Kamalo in Bombali District in August/September 1998 as
29 part of a group of 200 fighters. These 20 fighters were later

1 incorporated into the Red Lion Battalion which was comprised of
2 200 fighters. The Red Lion Battalion was part of a group of
3 1.000 fighters who participated in the invasion of Freetown and
4 committed crimes during the course of military operations in
12:48:45 5 December 1998/January 1999.

6 The accused reorganized, armed, and sent former SLA
7 fighters and Sierra Leonean civilians who had retreated to
8 Liberia back to Sierra Leone to fight in the Kono and Freetown
9 operation, and these men fought in the Kono operation in

12:49:04 10 December 1998.

11 Moreover, the accused sent Abu Keita and 150 fighters as
12 reinforcements known as the Scorpion Unit who participated in the
13 attack on Kono and Kenema Districts in late 1998/early 1999.

14 The Trial Chamber finds that the practical assistance
12:49:26 15 provided by these military personnel sent by the accused had a
16 substantial effect on the commission of crimes by the RUF/AFRC
17 during the course of military operations.

18 Operational support.

19 In the pre-indictment period, NPFL radio operators and
12:49:47 20 equipment were sent to Sierra Leone, and RUF fighters trained by
21 the NPFL radio -- and RUF fighters were trained by the NPFL radio
22 operators in radio communications with the knowledge of the
23 accused. The RUF continued to benefit into the indictment period
24 from the enhanced communications capacity that resulted from this
12:50:13 25 assistance. However, as the acts of the accused took place prior
26 to the indictment period, the Trial Chamber has not taken them
27 into account in determining criminal responsibility.

28 The Trial Chamber found that the accused also provided
29 operational support to the RUF/AFRC during the indictment period,

1 including giving Sam Bockarie and Issa Sesay satellite phones and
2 facilitating communications for the RUF through the NPFL's own
3 communications network, providing the RUF/AFRC access to radio
4 communications equipment in Liberia, allowing the use of the
12:50:58 5 radio station at Benjamin Yeaten's home for communications with
6 Bockarie and later Sesay, and the transmission of "448 messages"
7 to RUF forces warning them of impending ECOMOG jet attacks which
8 the accused must have known about. This communications support
9 provided practical assistance to the RUF/AFRC for the crimes
12:51:23 10 committed during the course of their military operations
11 throughout the indictment period.

12 The accused also provided financial support to the
13 RUF/AFRC, including funds to Bockarie of \$10.000 to \$20.000 at a
14 time, on multiple occasions for the purchase of arms from ULIMO.
12:51:45 15 The accused also kept diamonds and money in safekeeping for the
16 RUF/AFRC.

17 The accused also provided a guesthouse to the RUF in
18 Monrovia which was used by the RUF to facilitate the transfer of
19 arms and ammunition -- of arms and funds from the accused to the
12:52:04 20 RUF and the delivery of diamonds from the RUF to the accused.

21 The Trial Chamber considers that the provision of the RUF
22 guesthouse by the accused, as a base of operation for procurement
23 and a way station for the transport of arms and ammunition,
24 provided practical assistance to the RUF/AFRC for the commission
12:52:31 25 of crimes committed during the course of military operations.

26 The accused provided other forms of support to the RUF/AFRC,
27 including the provision of security escorts, facilitation of
28 access through check-points, assistance with transport of arms
29 and ammunition by road and by air, safe haven and medical support

1 for treatment of wounded RUF fighters in Liberia, as well as
2 provisions of goods such as food, clothing, cigarettes, alcohol,
3 and other supplies to the RUF. The accused also sent
4 "herbalists" who marked fighters in Buedu and Kono to protect
12:53:13 5 them against bullets and bolster their confidence. Liberian
6 forces also assisted the RUF/AFRC with the capture and return of
7 deserters to Sierra Leone.

8 The provision of such support in addition to the military
9 support provided constituted practical assistance to the
12:53:36 10 RUF/AFRC, which had a substantial effect on the commission of
11 crimes committed during the course of military operations.

12 Encouragement and moral support.

13 The Trial Chamber has considered the ongoing communications
14 and consultation between the accused and the RUF/AFRC leadership,
12:53:57 15 and the ongoing advice and encouragement that the accused
16 provided to the RUF/AFRC. He advised Sankoh to participate in
17 the Abidjan peace talks in 1996 in order to obtain arms and
18 ammunition for the RUF. He instructed the RUF to open a training
19 base in Bunumbu in 1998 and to construct an airfield in Buedu.

12:54:22 20 He instructed the AFRC/RUF to capture Kono and subsequently
21 advised them to hold and recapture it, as a source of revenue
22 through diamonds that could be used to secure arms and
23 ammunition. The Trial Chamber has taken into account the
24 position of authority of the accused as an elder statesman and as
12:54:44 25 president of Liberia, the deference that was accorded to him by
26 the RUF/AFRC leadership and their reliance on his guidance, and
27 the fact that his advice was generally heeded by them.

28 Taken accumulatively and having regard to the military
29 support provided by the accused to the RUF/AFRC, the

1 Trial Chamber finds that the practical assistance, encouragement,
2 and moral support provided by the accused had a substantial
3 effect on the commission of crimes by the RUF/AFRC during the
4 course of military operations in Sierra Leone.

12:55:24 5 The accused.

6 The essential mental element required for aiding and
7 abetting is that the accused knew that his acts would assist the
8 commission of the crime by the perpetrator or that he was aware
9 of the substantial likelihood that his acts would assist the
12:55:45 10 commission of a crime by the perpetrator. In cases of specific
11 intent crimes such as acts of terrorism, the accused must be
12 aware of the specific intent of the perpetrator.

13 As discussed earlier, the Trial Chamber is satisfied that
14 as of August 1997, the accused knew of the atrocities committed
12:56:11 15 against civilians in Sierra Leone by the RUF/AFRC forces and of
16 their propensity to commit crimes. Notwithstanding such
17 knowledge, the accused continued to provide support to the RUF
18 and RUF/AFRC forces during the period that crimes were being
19 committed in Sierra Leone. The Trial Chamber therefore finds
12:56:36 20 beyond reasonable doubt that the accused knew that his support to
21 the RUF/AFRC would provide practical assistance, encouragement or
22 moral support to them in the commission of crimes during the
23 course of their military operations in Sierra Leone.

24 For the foregoing reasons, the Trial Chamber finds beyond
12:56:59 25 reasonable doubt that the accused is criminally responsible
26 pursuant to Article 6(1) of the Statute for aiding and abetting
27 the commission of the crimes set forth in counts 1 to 11 of the
28 indictment.

29 Placing.

1 The accused is charged with individual criminal
2 responsibility pursuant to Article 6(1) of the Statute for,
3 inter alia, planning the crimes referred to in Articles 2, 3 and
4 of the Statute as alleged in the indictment.

12:57:32 5 The Prosecution submits that the accused, acting jointly
6 with RUF, AFRC and Liberian subordinates, designed or organised
7 the commission of crimes at both the preparatory and execution
8 phases by designing a strategy for the AFRC Junta, the RUF and
9 AFRC forces, including selecting strategic areas to attack and
12:57:58 10 control, such as Kono and the capital Freetown, and organising
11 the delivery of arms and ammunition needed to carry out the
12 attacks.

13 The Defence submits that the evidence put forward by the
14 Prosecution does not show that the accused planned the commission
12:58:14 15 of crimes or was aware of the substantial likelihood of crimes as
16 charged in the indictment as part of the January 6 invasion of
17 Freetown, asserting that it was the AFRC, not the RUF, who
18 executed and planned the attack.

19 Criminal responsibility requires that the accused, alone or
12:58:39 20 with others, intentionally planned the criminal conduct
21 constituting the crimes charged, with the intent that a crime be
22 committed in the execution of that plan, or with the awareness of
23 the substantial likelihood that a crime would be committed in the
24 execution of that plan.

12:58:55 25 The Trial Chamber found that in November 1998, Sam Bockarie
26 and the accused designed a two-pronged attack on Kono and Kenema,
27 with Freetown as the ultimate destination. This plan was
28 conveyed to RUF and AFRC commanders in December 1998 at
29 Waterworks in Kai Iahun District.

1 The plan designed by Bockarie and the accused led to the
2 attacks on Kono and Makeni. In the course of the implementation
3 of this plan, a small contingent of troops led by Idrissa Kamara,
4 also known as Rambo Red Goat, reached Freetown and Bockarie's
12:59:39 5 forces got to the outskirts of Freetown, where they met up with
6 the forces led by Gullit. During the course of the
7 implementation of this plan, these forces committed the crimes
8 committed in the indictment. These crimes resulted directly from
9 the plan made by Bockarie and the accused in Monrovia. There was
12:59:58 10 evidence that while in Monrovia, the accused instructed Bockarie
11 to make the operation fearful in order to pressure the government
12 of Sierra Leone into negotiations. Moreover, following the
13 Waterworks meeting, the accused told Bockarie during a satellite
14 phone conversation to use "all means" to get to Freetown.

13:00:42 15 The Trial Chamber found that following the Waterworks
16 meeting, Bockarie told SAJ Musa to attack Freetown, but that SAJ
17 Musa refused to take orders from Bockarie and continued on his
18 own advance pursuant to a separate plan.

19 I will need to interrupt what I'm saying, unfortunately the
13:01:10 20 tape has run out and needs to be changed. I think that will be a
21 matter of a few minutes. We won't adjourn. We will wait for it
22 to be changed.

23 The Trial Chamber found that Gullit took over the
24 leadership of the troops at Bengema following the death of
13:06:46 25 SAJ Musa. Bockarie then assumed effective control over Gullit
26 and SAJ Musa's plan was abandoned for the Bockarie/Taylor plan,
27 as conveyed by Bockarie at Waterworks. Further execution of the
28 plan was carried out with close co-ordination between Bockarie
29 and Gullit, with Gullit in frequent communication with Bockarie

1 and with Gullit taking orders from Bockarie. In these
2 circumstances, the Trial Chamber finds that the Bockarie/Taylor
3 plan substantially contributed to the commission of the crimes
4 committed by Gullit's forces while Gullit was operating under
13:07:34 5 Bockarie's command.

6 The accused, having drawn up the plan with Bockarie, and
7 having followed its implementation closely via daily
8 communications with Bockarie, either directly or through Yeaten,
9 was aware of its continuing evolution.

13:07:50 10 As mentioned previously, the accused was well aware of the
11 crimes committed by the AFRC/RUF forces in the course of their
12 military operations and that their war strategy was explicitly
13 based on a widespread or systematic campaign of crimes against
14 civilians. Moreover, by his instruction to make the operation
13:08:10 15 fearful, which was repeated many times by Bockarie during the
16 course of the Freetown invasion and by his instruction to use all
17 means, the accused demonstrated his awareness of the substantial
18 likelihood that crimes would be committed in the execution of the
19 plan.

13:08:27 20 For foregoing reasons, the Trial Chamber finds beyond
21 reasonable doubt that the accused is criminally responsible
22 pursuant to Article 6(1) for planning the crimes committed by
23 members of the RUF, AFRC, AFRC/RUF Junta or alliance, and
24 Liberian fighters in the attacks on Kono and Makeni, in the
13:08:55 25 invasion of Freetown and during the retreat from Freetown.

26 Ordering.

27 The Trial Chamber has found that while the accused held a
28 position of authority amongst the RUF and RUF/AFRC, the
29 instructions and guidance which he gave to the RUF and RUF/AFRC

1 were generally of an advisory nature and at times were, in fact,
2 not followed by the RUF/AFRC leadership. For these reasons, the
3 Trial Chamber finds that the accused cannot be held responsible
4 for ordering the commission of crimes.

13:09:34 5 Investigating.

6 The Trial Chamber, having already found that the accused is
7 criminally responsible for aiding and abetting the commission of
8 the crimes in counts 1 to 11 of the indictment, does not find
9 that the accused also instigated those crimes.

13:09:54 10 This brings me to the verdict. I will ask the accused,
11 Mr Taylor, will you please stand for the verdict of the
12 Trial Chamber.

13 Having considered all the evidence and the arguments of the
14 parties, the Statute and the Rules, and based upon the findings
13:10:19 15 as determined by the Trial Chamber in its judgement, the
16 Trial Chamber unanimously finds you guilty of aiding and abetting
17 the commission of the following crimes pursuant to Article 6(1)
18 of the Statute during the indictment period, and planning the
19 commission of the following crimes in the attacks on Kono and
13:10:38 20 Makeni in December 1998, and in the invasion of and retreat from
21 Freetown between December 1998 and February 1999:

22 Count 1: Acts of terrorism, a violation of Article 3
23 common to the Geneva Conventions and of Additional Protocol II
24 pursuant to Article 3(d) of the Statute.

13:11:11 25 Count 2: Murder, a crime against humanity pursuant to
26 Article 2(a) of the Statute.

27 Count 3: Violence to life, health and physical or mental
28 well-being of persons, in particular murder, a violation of
29 Article 3 common to the Geneva Conventions and of

1 Additional Protocol II pursuant to Article 3(a) of the Statute.

2 Count 4: Rape, a crime against humanity, punishable under
3 Article 2(g) of the Statute.

4 Count 5: Sexual slavery, a crime against humanity,
13:11:53 5 punishable under Article 2(g) of the Statute.

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

9 Count 7: Violence to life, health and physical or mental
13:12:16 10 well-being of persons, in particular cruel treatment, a violation
11 of Article 3 common to the Geneva Conventions and of
12 Additional Protocol II pursuant to Article 3(a) of the Statute.

13 Count 8: Other inhumane acts, a crime against humanity,
14 pursuant to Article 2(i) of the Statute.

13:12:40 15 Count 9: Conscripting or enlisting children under the age
16 of 15 years into the armed forces or groups, and using them to
17 participate actively in hostilities, another serious violation of
18 international humanitarian law pursuant to Article 4(c) of the
19 Statute.

13:13:03 20 Count 10: Enslavement, a crime against humanity pursuant
21 to Article 2(c) of the Statute.

22 Count 11: Pillage, a violation of Article 3 common to the
23 Geneva Conventions and of Additional Protocol II pursuant to
24 Article 3(f) of the Statute.

13:13:34 25 Thank you, Mr Taylor, you can sit down now.

26 Now, we come to the sentencing process.

27 Firstly, I remind the parties of their obligation under
28 Rule 100, which provides for the submission of information
29 relevant to sentencing by the Prosecution no more than seven days

1 after conviction and by the Defence no more than seven days after
2 the Prosecution's filing. This seven-day period runs from the
3 date of conviction, which is today. By the Trial Chamber's
4 calculation, in order to comply with Rule 100, the Prosecution's
13:14:14 5 filing under Rule 100 must be made by close of business Thursday,
6 3rd of May. The Defence filing under Rule 100 on the
7 Prosecution -- on the Trial Chamber's calculation must be no more
8 than seven days after that, which would be by close of business
9 Thursday, 10th of May.

13:14:40 10 Under Rule 100, the parties can provide information
11 relating to factors that affect sentencing, which would include
12 written submissions and testimonials, if any. The extensive
13 judgement summary that is being delivered today will suffice for
14 this purpose, since it is a reasoned opinion of the Trial Chamber
13:15:03 15 which sets out comprehensively the grounds for convicting
16 Mr Taylor.

17 Now, secondly, the Trial Chamber considers that this is an
18 appropriate case to fix a sentencing hearing, and fixes such
19 hearing, which will be for additional oral arguments only, for
13:15:27 20 Wednesday, 16th of May, at 9.30 a.m. At the sentencing hearing,
21 the Prosecution shall limit the length of its sentencing
22 submissions to a time not exceeding one hour. The Defence shall
23 limit the length of its sentencing submissions to a time not
24 exceeding one hour.

13:15:56 25 If Mr Taylor wishes to address the Court prior to being
26 sentenced, then this will be his opportunity to do so, and he
27 shall limit the length of his address, if any, to a time not
28 exceeding 30 minutes.

29 Thirdly, a sentencing judgement will be pronounced on

1 Wednesday, 30th of May, at 11.00 a.m.

2 Lastl y, the accused i s remanded until Wednesday, 16th of
3 May, at 9.30 a.m., for a sentencing hearing.

4 The Court i s hereby adjourned to that date.

13:17:33 5 [Whereupon the Judgement adjourned at 1.17 p.m.]

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