CIVITAS MAXIMA

TRIAL MONITORING

Alieu Kosiah

Appeal Proceedings

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Disclaimer

Civitas Maxima believes that local populations, those who bear the consequences of the most serious international crimes and human rights violations committed in their countries, have the right to accessible and unbiased information about the trials of alleged perpetrators.

This is why we conduct trial monitoring, so that what is said in court is available to all, especially affected populations who cannot travel to the country where the trial is held or otherwise do not have access to the hearings.

Civitas Maxima does not provide official court transcripts.

The proceedings were held in French, which is therefore the original language of this monitoring. To make this information accessible to a wider audience, this English translation was produced using DeepL and may contain occasional inaccuracies.

The names of certain witnesses and civil parties are withheld for privacy and security reasons.

Verbatim notes taken by our trial monitors are available to journalists on request. Please contact **comms@civitas-maxima.org** to request access.

Trial Monitoring: Alieu Kosiah's appeal proceedings

Alieu Kosiah a former commander of the United Liberation Movement of Liberia for Democracy (ULIMO) faction, was tried before the Swiss Federal Criminal Court (FCC) in Bellinzona from December 3, 2020, to March 5, 2021 for war crimes allegedly committed during the First Liberian Civil War.

On June 18, 2021, Alieu Kosiah was found guilty of: ordering the killing of 13 civilians and 2 unarmed soldiers; murdering 4 civilians; raping a civilian; ordering the cruel treatment of 7 civilians; infringing upon the dignity of a deceased civilian; repeatedly ordering the cruel, humiliating, and degrading treatment of several civilians; repeatedly inflicting cruel, inhuman, and degrading treatment on several civilians; repeated orders to loot, and using a child soldier in armed hostilities. The FCC sentenced Mr. Kosiah to 20 years in prison. The defense lawyer filed an appeal against the judgement.

On September 2, 2022, following the plaintiffs' appeal on this legal aspect, the Office of the Attorney General of Switzerland (OAG) filed an amended indictment against Alieu Kosiah to include charges of crimes against humanity.

Appeal proceedings were held in Bellinzona from January 11, 2023 to February 3, 2023.

On June 1, 2023, the Appeals Chamber of the Swiss Federal Criminal Court (FCC) found Alieu Kosiah guilty of multiple counts of war crimes and multiple counts of crimes against humanity. He was also handed down a prison sentence of 20 years.

Alieu Kosiah is the first person to be convicted of crimes against humanity in Switzerland. This ruling will set a precedent by establishing that crimes against humanity committed before 2011 can be prosecuted in Switzerland, as it was the first time the Appeal Chamber had to rule on this question.

January 11, 2023 – Day 1: The appeal proceedings begin

The Presiding Judge began by explaining how the appeals process would take place. He explained the rights and obligations of the plaintiffs, the defendant, and the interpreter. He then went through the different grounds of appeal, regarding: the defence's appeal for acquittal of the conviction of war crimes; and the joint appeal of the Prosecutor and plaintiffs for an amended indictment to include crimes against humanity. Notably, the appeal for acquittal for recruiting a child soldier was admitted.

Next, prejudicial questions and elements of proof were discussed. While some new elements of proof were admitted, others were not.

After the break, the first plaintiff was heard, in relation to charges of sexual violence, pillage, and the forced transport of goods. A part of the plaintiff's discourse was held in a semi-private hearing, given the sensitive nature of some of the alleged acts. The defendant was given the opportunity to respond to the plaintiff's conclusions.

Next the plaintiff answered to the defendant's response and gave precisions on certain issues. Finally, the defendant gave his final conclusions on the last response of the plaintiff.

The Presiding judge announced the end of the hearing and set out the schedule for the following day.

January 11, 2023 – Day 1: The appeal proceedings begin

Appellate Court President Olivier Thormann declared the proceedings open and reminded the translator of his obligations regarding professional confidentiality and impartiality, as well as the criminal consequences of providing a false translation in court. He noted that the Court was composed of federal judges Andrea Ermotti and Jean-Paul Ros. The President then confirmed the presence of the various parties and their counsel. He added that the Court of Appeals trainee would attend the proceedings for training purposes and would have no voice—not even in an advisory capacity—during deliberations. The parties raised no objections in this regard.

The Presiding Judge informed the parties that the rules governing first-instance proceedings applied to the appeal proceedings, namely that the proceedings would be recorded and that the transcripts would not be read back in accordance with Art. 78, para. 5bisof the Code of Criminal Procedure (CPP). He added that the recordings would be included in the case file and made available upon request, while the transcripts would be sent to the parties after the conclusion of the proceedings. He then reminded the parties of the new evidence, including Alieu Kosiah's criminal record extract dated December 6, 2022, the extract from the debt collection register concerning Alieu Kosiah dated December 8, 2022, the assessment decision concerning Alieu Kosiah from November 2013, the detention report from the Bern prison dated December 2022, as well as the judgment of the Paris Assize Court dated November 22, 2022, and the statement of reasons. The Presiding Judge also noted that Christophe Naigeon's 1996 documentary film had been entered into the record and that the only remaining issue was whether to enter into the record Christophe Naigeon's other documentary concerning a child soldier, as proposed by Attorney Werner in a letter dated December 23, 2022. The Presiding Judge stated that this issue would be addressed during the evidentiary proceedings. Finally, the President asked Mr. Gianoli

to submit the form regarding Alieu Kosiah's personal circumstances before the end of the proceedings.

The Presiding Judge reminded the parties of the purpose of the present proceedings, namely that, by judgment SK2019.17 of June 18, 2021, the Criminal Court found Alieu Kosiah guilty of violating the laws of war (Art. 109, para. 1, and Art. 108, para. 2, aCPM, *in conjunction with* Art. 3 of the General Code and Art. 4 of PA II). The Criminal Court acquitted Alieu Kosiah on four counts. The Presiding Judge stated that the Court of Appeals had been seized of the case by an appeal filed on April 25, 2022, by Alieu Kosiah, who challenged all of the first-instance convictions and the ancillary penalties. In a joint appeal filed on May 16, 2022, the Office of the Attorney General of Switzerland (OAG) challenged the acquittal regarding the attempted murder of a civilian and, in the alternative, the offense of bodily harm, respectively to health and physical well-being under section 1.3.6 of the indictment, as well as the acquittals regarding complicity in the murder of a civilian under section 1.3.8 of the indictment and the order to loot under section 1.3.11 of the indictment. The President also addressed the various consolidated appeals filed by the complainants.

The Court noted that, in the absence of an appeal or a consolidated appeal regarding the charge of recruiting a child soldier, the acquittal on that count had become final. The President also recalled that the Office of the Prosecutor had filed an amended indictment on September 2, 2022, charging the defendant with crimes against humanity in addition to violations of the laws of war.

With regard to the evidence, Attorney Gianoli requested that the Court of Appeals summon Varney Kamara, Wenlaga Sherif, and Wanga Kona Kpandeh to testify, as all three allegedly had direct knowledge of the acts alleged against the defendant by AS. Mr. Gianoli added that a similar line of reasoning applied to the other requests for evidence, but that the defendant was willing to waive these hearings to expedite the proceedings. Based on a report submitted today, Mr. Gianoli requested that the Court at least hear testimony from Fallah Tamba and Thomas Saah, or, alternatively, that it conduct any necessary verification of the information contained in said report.

Since the other parties had not raised any preliminary issues, the President briefly adjourned the session so that everyone could review the documents submitted by Mr. Gianoli. The Court decided to screen the videos submitted by Mr. Gianoli and to allow the parties to argue for the admission of these videos and the report. With regard to the motions to hear additional witnesses, the Court indicated that it would rule on them at the conclusion of the evidentiary phase. The videos of the river and the canoes submitted by Mr. Gianoli were therefore shown. All parties agreed that this evidence should be admitted, despite the doubts raised by the Public Prosecutor's Office and Mr. Jakob regarding the probative value of the report prepared at the defendant's initiative. After deliberating, the Court of Appeals decided to admit these new exhibits into the criminal record and emphasized that it would assess their probative value by taking into account their author and the methodology used.

In the absence of any objections from the parties, the Court of Appeals also admitted Christophe Naigeon's documentary **Hitler the Killer** to the record, in accordance with Mr. Werner's motion. The Presiding Judge then informed the parties of the order of the hearings. He specified that the hearings would be structured according to the charges set forth in the indictment and that the defendant would have the opportunity to speak at the conclusion of each charge.

Hearing of KMF

The Presiding Judge summarized the charges against the defendant as set forth in the indictment, namely, that he committed several violations of the laws of war and, where applicable, crimes against humanity, in the context of the internal armed conflict that took place in Liberia from 1989 to 1996, while he was a member of the armed faction ULIMO, or ULIMO-K, and in particular, of having raped the civilian KMF in a hamlet near Voinjama between March and December 1993 or between March 1994 and the end of 1995. The President informed KMF of her right to refuse to testify regarding any question relating to her sexual integrity.

Questions Regarding Personal Circumstances

The Court asked KMF:

When asked about the impact of the first civil war in Liberia on her, KMF replied that many things had happened to her during the civil war and that her father and brother had been killed. She confirmed that she still suffers today from what happened during the war. She explained that her father and brother had died when she was very young and that she suffered because they were no longer there to help her.

When asked about her expectations regarding these proceedings, KMF stated that she was seeking justice.

When asked whether her trip to Switzerland for the trial had had any consequences for her or her family, KMF stated that nothing had happened to her after she returned to Liberia.

KMF had difficulty understanding the Chair's questions regarding her knowledge of the first-instance judgment and her contacts with the other plaintiffs. She nevertheless stated that she had met with the other plaintiffs in the office but could not recall whether this meeting had taken place before or after the first-instance proceedings.

Attorney Gianoli questioned KMF:

When asked, KMF confirmed that she still lived in Botosu. When asked if she had seen EBJ again in Voinjama after being heard via videoconference, KMF replied in the negative, but stated that she had seen him again at the office in town.

The Office of the Public Prosecutor and the attorneys for the plaintiffs had no questions.

Questions Regarding the General Context

The Court questioned KMF:

When asked what she held against Alieu Kosiah, KMF replied that she did not discuss it with anyone, that it was something she kept to herself, and that she lived with it. She added that Alieu Kosiah had done many things to her. The Presiding Judge then thanked her for traveling such a long way to come and share her story and told her that it was important for the judges to hear what Alieu Kosiah had done to her, even though they were aware that it was very difficult to recount. KMF stated that when they entered her village, they tied up many people and began

taking them out onto the road one by one and killing them. KMF added that they would return with a knife covered in blood and that this was how they had killed her father and brother. KMF recounted that she and others were then forced to cook for them, and that the men said, *"No spoon, no eating"* (Editor's note: translated from KMF's dialect into English by EBJ). Afterward, they collected rice, oil, and all sorts of supplies and told everyone to go out onto the road. When asked, KMF confirmed that Alieu Kosiah was present. She stated that he had spoken to other people. When asked whether she had met Alieu Kosiah on another occasion and, if so, whether she held anything against him regarding that second encounter, KMF answered in the affirmative.

When asked, KMF stated that she had used English to tell her story to the person who drafted the complaint. When asked whether anyone had read the contents of the complaint aloud to her, KMF stated that she did not remember, given the time that had elapsed.

When asked how many times she had seen Alieu Kosiah in her village, KMF said she had seen him there once. When asked to explain how the behavior of Alieu Kosiah and his soldiers differed from that of the other soldiers, according to her own statements, KMF said that when the other soldiers came, they did not harm them, whereas when Alieu Kosiah and his soldiers arrived, they tied people up, killed them, and took their belongings.

When asked to explain what people meant by "Alieu Kosiah had his *Black Monday*," KMF stated that she had only heard about it but did not know what it referred to. The President asked her from whom she had heard these remarks. KMF replied that people were talking about it. When asked how these people referred to Alieu Kosiah, KMF stated that they called him *"General Kosiah*."

Attorney Gianoli questioned KMF:

When asked about the names of her father and brother, KMF stated that her brother's first name was S and her father's was FB. When asked, KMF said she did not know the population of her village.

When asked about the name of her village's current chief, KMF stated that his name was Zezewe [phon.] and clarified that another chief was in office when the ULIMO arrived in her village. When asked about Fallah Tamba, who, according to Mr. Gianoli, is the current chief of her village, KMF replied that she did not know him. She clarified that this name was of Kissi origin and that the people in her village were not Kissis. When asked about Thomas Saah, who, according to Mr. Gianoli, was a member of her village's authorities, as well as about Emmanuel Boyoi, Patrick Saah, and Fayiah Chorlu, KMF stated that she did not know them and clarified that the only Fayiah she knew was the one at the office. The Presiding Judge asked Mr. Gianoli to point out to KMF that some of these names belonged to people killed thirty years ago and not to people currently living in her village, so as not to cause confusion for the plaintiff. Mr. Gianoli replied that, in his view, once you know a person's name, it does not matter whether they are alive or dead.

The President asked KMF if, aside from her father and brother, she knew of any other people killed by ULIMO that day. KMF replied that when they were killing, she was thinking of herself and her family, not of others. She added that she had fled into the bush after her father and brother were killed, then returned home to her mother and sister before leaving again. When asked if she had recognized anyone among the dead upon her return to the village, KMF stated

that she had recognized her father and brother by their clothes and had not wasted time looking at the other bodies because she was at risk of being captured.

When asked about her trip to Monrovia and her filing of a complaint, KMF stated that she had met her friend KA at the Voinjama market and told her about her problems. KA then gave her her brother's phone number in Zorzor. KMF added that once she arrived in Zorzor, KA's brother gave her money so she could travel to Monrovia. When asked if anyone was waiting for her in Monrovia, the complainant stated that they did not know she was coming. When asked about the people she met at the office in Monrovia, she said they included HB, Fayiah, and Molton, but that she did not know their real names. When asked about her first trip to Monrovia, KMF stated that EBJ had taken her there from Zorzor. Upon further questioning, she clarified that she had traveled alone from Botosu to Voinjama, then from Voinjama—where she took a car—to Zorzor, and noted that Voinjama was closer to Botosu than Zorzor. When asked who had arranged her meeting with EBJ in Zorzor, KMF replied that KA had given her the number and that she (KMF) had called and gone to Zorzor. Attorney Gianoli asked her which phone she had used to call EBJ. KMF replied that she had given a small amount of money to someone to call that number.

The MPC questioned KMF:

When asked whether the names Thomas Saah, Fayiah Chorlu, and Faloe Lende were typical of a certain ethnic group, KMF replied that they were Kissi names. KMF stated, however, that she did not know the origin of the name Emmanuel Boiyoi.

The attorneys for the plaintiffs had no questions.

Attorney Gianoli questioned KMF again:

In response to a question, KMF stated that KA had accompanied her to Monrovia to testify at the office, but that they were only interested in her own account. Attorney Gianoli stated that, according to Alieu Kosiah, only KMF had an interest in filing a complaint, since KA herself had not suffered any harm. When asked whether KA had accompanied her during the first meeting or at a later time, KMF stated that the first time, she had gone with EBJ.

* * *

The Presiding Judge ordered a partial closed session to address the section concerning sexual assault.

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Examination of Alieu Kosiah

The Presiding Judge informed Alieu Kosiah that he was being heard as a defendant in the context of the appeal filed against the judgment of June 18, 2021. The Presiding Judge suggested that he provide details of the acts with which he is charged when questions are asked regarding a specific charge. The President drew the defendant's attention to the fact that he had the right to refuse to testify and to refuse to cooperate with the proceedings. He then reiterated that Alieu Kosiah was accused of having, in the context of the internal armed conflict that took place in Liberia from 1989 to 1996 and as a member of the ULIMO armed faction, raped the civilian KMF in a

hamlet near Voinjama, between March and December 1993 or between March 1994 and the end of 1994—an act that could be classified as a violation of the laws of war and a crime against humanity. The Presiding Judge invited the defendant to comment on KMF's statements.

Alieu Kosiah addressed the President, telling him that he understood this situation was very difficult for him since he had never been to Liberia and was unfamiliar with its culture. However, according to Alieu Kosiah, to understand the case, one must understand the culture and the religious, cultural, and geographical differences. He added that justice in and of itself was propaganda and that the only true justice was justice for all. As an example, he cited the alleged contradiction noted by the trial judge—namely, that the defendant had failed to distinguish between Camp Todi and Todi Junction, or between Tubmanburg and Bomi Hill. However, according to Alieu Kosiah, all Liberians know that these are the same places, but the judge mistakenly believed they were different locations.

Regarding KMF, Alieu Kosiah stated that the situation was very difficult for him because he did not know this woman who had come to testify and had begun to cry, saying that he had done things to her. He asserted that the earlier judges had relied on two pieces of evidence to establish that KMF and he had met. First, the fact that KMF had identified the defendant not only in person but also from a photograph. However, according to Alieu Kosiah, all the major newspapers and websites in Liberia published a photo of him on January 17, 2015, following his arrest. Even HB noted that Alieu Kosiah's photo was visible everywhere at the time. Yet, according to the defendant, it was this very photo that was shown to KMF, making it incomprehensible that the judges could have relied on such an argument.

Alieu Kosiah also expressed surprise at the description that KMF and the other witnesses gave of him (dark skin, bulging eyes, thin, military jacket). According to the defendant, this description is based on a Facebook photo of him taken in Paris. Alieu Kosiah clarified that when he was in Africa, he wore a T-shirt and military pants because it was too hot to wear a military jacket. He also criticized the trial judges for failing to ask people who were not affiliated with the NGO to describe his physical appearance.

The Presiding Judge reminded the defendant that he was asked to respond to KMF's statements. Alieu Kosiah reiterated that KMF did not know him and that he had never met her. He added that if KMF had not come through the NGO, she would never have been able to recognize him. He then referred to Nahira al-Sabah's false testimony before the U.S. Congress, emphasizing that just because someone displays their emotions does not mean they are telling the truth.

Alieu Kosiah added that it was not up to him to prove that he had never met KMF, but rather up to the prosecutor to prove that she knew him, since he was not the accuser but the accused. He also stated that KMF had a connection to EBJ and that, of all the factions present in Voinjama, she was able to name only Alieu Kosiah, even though it was unimaginable that she would not know Pepper & Salt.

The Court questioned Alieu Kosiah:

The Presiding Judge asked the defendant to respond to the statements made by GS, who had told the Prosecutor that Alieu Kosiah had come to his community and taken a young girl, noting that soldiers would sometimes tell men they intended to take their wives and that refusal meant certain death. Alieu Kosiah stated that this claim originated from Mr. Werner and his criminal

organization. The presiding judge reminded the defendant that making false accusations in court was punishable by law. Alieu Kosiah replied that this organization had been working for eight years to rally people and spread lies. He added that he had evidence to support his claim and referred to cases in Finland and England. He stated that certain witnesses had been granted asylum thanks to Mr. Werner.

When questioned again about GS's statements, Alieu Kosiah stated that he had not participated in Zorzor's capture and that GS was lying.

When asked if he had had sexual relations during the war, the defendant replied that this was only natural since he was a man. When asked, he clarified that he had a girlfriend of Gbandi ethnicity throughout the war, and then another in Macenta toward the end of the war, who was the daughter of a Lebanese man. He stated that his girlfriend did not travel with him and was in Lofa County, in Kolahun. Sometimes she would come to visit him in Voinjama, and sometimes he would go to her place. He explained that when he was in Voinjama, he could take his motorcycle and visit her at any time. However, this was not possible when he was on the front lines.

When asked to comment on the statements made by KMF—who told the prosecutor that she knew it was General Kosiah because everyone under his command called him that—the defendant expressed surprise, noting that two of his *bodyguards* had testified in court that they had always called him "colonel." Alieu Kosiah added that he had never been a general and that, according to Abraham Towah's testimony, he was a captain, and his last rank was colonel when he was appointed *"regional commander"* in Zorzor—a fact confirmed by Kundi, Fofana, and Fine Boy. The defendant questioned why more credence would be given to KMF's statements than to those of the former soldiers who were close to him. He also noted that the rank of colonel was the one he had listed in his asylum application.

Attorney Gianoli had no questions.

The Prosecutor's Office questioned Alieu Kosiah:

When asked to comment on Omaru Musa Kelleh's statements—according to which Alieu Kosiah was *an "expecting general"* at the time of Todi's capture, meaning he was calling himself "general" in the general's absence—Alieu Kosiah stated that *"expecting general"* corresponded to future colonel. He added that at the time of the capture of Todi, Omaru Musa Kelleh was a major, while he was a colonel. He stated that he had never told anyone that he was a general. According to him, the credibility of the plaintiffs must also be assessed based on their statements, according to which the defendant was Pepper & Salt's deputy before replacing him. Newspapers at the time, however, cited the name of another person as Pepper & Salt's replacement.

Attorney Wavre questioned Alieu Kosiah:

When asked to comment on Omaru Musa Kelleh's statements that all military uniforms had long sleeves, Alieu Kosiah said that long-sleeved clothing should not be confused with jackets.

When asked about his girlfriend—given that he had stated in 2018 that he had between three and five—Alieu Kosiah said he had only had two "steady" girlfriends, one in Kolahun and the other in Macenta.

Attorney Jakob questioned Alieu Kosiah:

A photograph showing soldiers was presented to the defendant, and he was asked to specify whether any of the soldiers were wearing what he would describe as a jacket. Alieu Kosiah replied that the soldiers were wearing long-sleeved shirts, not military jackets. He added that in Liberia, it was not possible to wear a jacket because the temperature ranged between 25 and 35 degrees throughout the year. The defendant also stated that his Facebook photo had three characteristics: it was dark, his eyeballs were visible, and he was wearing a military jacket. According to him, there was no way anyone could have described him as thin during the war, since he weighed between 85 and 87 kilograms.

Hearing of KMF (continued)

KMF was then questioned about the looting of the village of Botosu and the forced transport of goods by civilians from Botosu.

The Court questioned KMF:

The President asked KMF to comment on the defendant's statements that he did not know the village of Botosu, had never been there during the war, and had never seen soldiers looting food. KMF stated that this was a lie and that Alieu Kosiah was indeed present.

When asked, KMF confirmed her statements that she could count only in her own language. When asked how many cans of oil were taken during the looting, KMF replied 14. When asked how the oil and rice were gathered and prepared for transport, KMF stated that they put the rice in bags to carry it. When asked, she indicated that the oil was found in houses and sometimes in the bush. She added that they had gone into the houses and taken whatever they saw.

When asked if she had seen Alieu Kosiah giving orders, KMF answered in the affirmative. When asked about the words used by the defendant, KMF stated that he had spoken in English and that she did not understand that language at the time of the events. The Presiding Judge asked her if anyone else was giving orders, and KMF replied that it was he who told the others to go here and there to look for things.

The Presiding Judge then reminded the prosecution that Alieu Kosiah denied the allegations and claimed not to believe them, since KMF did not specify when the events had occurred. The Presiding Judge then asked KMF if she could name an event that had taken place at the same time. The prosecution stated that the events had taken place after the cotton-pressing season.

When asked about forced labor, KMF confirmed that all the looted goods had been taken away. She mentioned rice, oil, and their own belongings. When asked who decided who had to carry what, KMF replied that it was General Kosiah. The President then told her that Alieu Kosiah had denied that people called him "General." KMF retorted that this was a lie and that they did call him General Kosiah.

When asked, KMF stated that the men who had been rounded up carried the loads, with the exception of the soldiers. She stated that she herself did not carry a load, but confirmed that she had been forced to participate in the march because they told everyone to follow them. She added that she had fled into the bush during the march while it was still daylight. When asked,

she said she returned to the village the next morning and saw her father and brother before leaving again.

The Chairperson told her that Alieu Kosiah denied having participated in this march and asked her if she had seen him during the transport. KMF confirmed seeing him and stated that he was the one who had told people to take the items. When asked about Alieu Kosiah's location during the transport, KMF stated that there were people in the front, people carrying loads in the middle, and people in the back. When asked, she confirmed that some carried the loads on their heads, while others carried them on their shoulders.

When asked about the circumstances of her escape during the transport, KMF stated that she had stepped aside to urinate without asking permission and had fled.

Attorney Gianoli questioned KMF:

When asked, KMF stated that the convoy had left the village in the evening and that after she fled, she had slept and returned to the village the next day.

Attorney Gianoli asked KMF to clarify her statements made during her hearing in the trial, in which she claimed she had seized an opportunity to leave the convoy by crawling very slowly before speeding up to get away. KMF stated that if she had run away, they might have killed her, and that this was why she had pretended to go urinate, then moved away slowly at first and faster afterward. When questioned, she confirmed that she had fled alone.

Referring to KMF's statements during the trial that she could not confirm whether her mother had accompanied the soldiers until the end of the transport since she had fled, Attorney Gianoli asked the prosecution when she had seen her mother for the first time after the transport. KMF replied that she had slept in the bush, returned to the village the next day where she saw her father and brother, and then went to the base where she was reunited with her mother.

Mr. Gianoli then referred to KMF's statements during the preliminary investigation, in which she claimed she had been the first to flee and had then signaled to her friends. The Presiding Judge sought to put these statements into context. He asked KMF if she remembered telling the Prosecutor that she had been the first to flee when he asked her if anyone else had fled before her. KMF stated that she had fled alone and had not said anything to anyone.

Attorney Gianoli referred to KMF's statements during the preliminary investigation, according to which she was with her mother and sister while hiding in the bush. When asked whether her mother and sister had fled after her, KMF replied that she did not know and that she had only seen them at the base.

The Public Prosecutor's Office had no questions.

Attorney Wakim questioned KMF:

When asked about her village chief, KMF stated that the current chief's name was Papa and that during the war, the chief's name was Zezewe [phon.]. When asked, KMF stated that she belonged to the Loma ethnic group.

When asked to describe how she felt upon seeing Alieu Kosiah again on video, KMF said she felt bad because he had done bad things to her.

When asked to explain how her hearing at the embassy in Monrovia via videoconference went, KMF explained that she had been distracted and confused because she had her baby with her and the baby was fussy.

Attorney Gianoli questioned KMF again:

Attorney Gianoli pressed KMF about her meetings with KA's mother, referring to her statements during the preliminary investigation and at trial. KMF replied that she did not remember this, given how much time had passed.

Attorney Gianoli then referred to KMF's statements during the trial, in which she said that she and KA had left the village together. He asked her where they had gone. KMF replied that they had met near the well when they had come to the village to get food and that KA had introduced her to her brother. She clarified that she had fled alone. When asked, KMF stated that she no longer remembered when she had gone to see EBJ after her encounter with KA and clarified that KA had given her EBJ's phone number.

In response to a question from the Presiding Judge, KMF clarified that her first encounter with KA after the war had taken place at the market and that it was on that occasion that KA had given her EBJ's phone number.

When asked if she had met EBJ before meeting him in Zorzor, KMF stated that she did not remember. When asked, KMF indicated that she sometimes ran into KA at the market.

Examination of Alieu Kosiah

The Presiding Judge gave the defendant the opportunity to respond to the following charges: ordering the looting of the village of Botosu and ordering and directing the forced transport of property by civilians from Botosu.

Alieu Kosiah repeated that he had never met KMF. He stated that he had first heard of a village named Botosu at the time of his arrest. According to him, the only place he could have gone in Lofa without taking a car or a motorcycle was Gbarnga, in enemy territory. He added that in Zorzor, he always traveled by car or motorcycle. He explained that there was a front line in Gbarnga against Taylor and another at Lofa Bridge between ULIMO-K and ULIMO-J. Alieu Kosiah added that when he went to Foya, he always traveled by motorcycle or car. Admittedly, the faction lacked cars, but according to him, there were still some available. As for the motorcycle, it was his personal motorcycle that he had purchased himself. He stated that he did not see why he would have walked from Voinjama to Botosu under those circumstances.

The Court questioned Alieu Kosiah:

When asked where he got the money to buy his motorcycle, Alieu Kosiah replied that at the time, there were two ways to get money: the first was when Kromah, in his role as " ," distributed it, and the second was at the border. He clarified that ULIMO did not collect customs duties but asked merchants to set aside money for them.

When asked how ULIMO troops traveled given the lack of cars, Alieu Kosiah replied that they had three vehicles in Lofa: a Mercedes, a Scania truck, and a medium-sized truck. He added that Pepper & Salt had his own Jeep. According to him, most trips between Zorzor and Voinjama were made using these vehicles. He stated that people in Zorzor had cars and explained that to get to the bridge from Zorzor, one had to walk because there were landmines. He added that they had lost 15 men in a landmine explosion and that Papa had been wounded. They therefore had to be very careful when using vehicles. He noted that, for his part, he often used his motorcycle.

The President asked him if he was on a motorcycle when his troops were on the move. Alieu Kosiah replied that someone with military experience would not ask such a question and that the situation in Liberia at that time was different from that in Switzerland, so that when one spoke of motorcycles, it was necessarily in peacetime. Alieu Kosiah stated that in Benefanaye, he traveled on foot because if he had been in a car, he would have been shot at. He clarified that he was referring to the time when he arrived in Lofa and that, prior to that, the area had been calm.

The President asked him to specify the locations and time periods when conditions were calm. The defendant stated that he could not answer regarding Botosu because he was unfamiliar with that place. As he understood it, Botosu is a village located in the Voinjama district, which is a relatively calm area. According to Alieu Kosiah, Zorzor was the most volatile area, and Voinjama was somewhat calmer. He added that Foya and Kolahun were like paradise compared to Zorzor.

The defendant then commented on KMF's testimony and on the fact that it had been suggested that KMF's contradictions could be explained by the 30 years that had passed and the difficulty of recalling the events. Alieu Kosiah stated that, in his view, this was a mistake. According to him, the alleged meeting between EBJ and KMF took place in 2015, not thirty years ago. The first interview took place a year later, and KMF then came to Switzerland in September 2016. Alieu Kosiah stated that two months had elapsed between KMF's filing of the complaint and her first visit to Switzerland, not 30 years. The other issue, according to Alieu Kosiah, lies in the discrepancies between the content of KMF's complaint and the content of her statements to the prosecutor. The defendant cited a Liberian proverb stating that when water is spilled from a cup, it cannot be recovered—or, at best, only dirty water can be retrieved. He stated that the contradictions noted in KMF's statements pertained to the period from 2016 to 2022—not 30 years ago—and that there was no evidence against him. Alieu Kosiah then speculated that Mr. Werner might have traveled to Liberia to draft KMF's complaint without having her review it.

The President intervened to point out that it was Mr. Wakim who had drafted the complaint. Alieu Kosiah maintained that Mr. Werner had drafted the complaints and expressed surprise that neither the Court nor the prosecutors saw a problem with the fact that Mr. Werner was both the director of the NGO Civitas Maxima and the representative of five complainants in this case. He stated that if they wanted to arrest a warlord, they should arrest Putin, not Alieu Kosiah.

When asked how his troops managed to find food while on the move, Alieu Kosiah replied that when they were preparing to launch an attack, they brought their own food. Sometimes they would arrive at a village that had been abandoned by its inhabitants and find food there, such as rice, but that was rather rare. Most of the time, they ate cassava, and sometimes they would throw a grenade into a body of water to catch fish. He added that there was food at headquarters and that supplies sometimes arrived from Guinea.

When asked how many men were in his unit while he was stationed in Zorzor, Alieu Kosiah replied, “150 men.”

Attorney Gianoli questioned Alieu Kosiah:

In response to a question from his counsel, Alieu Kosiah stated that he had no men under his command while stationed in Voinjama and that he had only his *“boys”* with him.

The MPC had no questions.

Attorney Jakob cross-examined Alieu Kosiah:

Attorney Jakob questioned the defendant about a passage in the report submitted by the defense stating that it was common for young men to be forced to take up arms under ULIMO occupation. Alieu Kosiah replied that he did not know if there were young men within ULIMO and that, as far as he was concerned, he had never taken civilians to the front lines. He added that the report seemed credible to him insofar as it was not written to incriminate any particular individual and that most of the people mentioned were Kissis and Gbandis. He also stated that this trial was not about the war itself, but about Alieu Kosiah as a person, and that it was necessary to determine what he, as an individual, was accused of.

When asked about the identity of the person who drafted the report, Alieu Kosiah stated that it was a Mandinka lawyer and that if the lawyer had been biased, he would have omitted much of the information contained in the report. He added that the civil parties seemed satisfied with this new piece of evidence, but that they would become less and less so as the trial progressed.

Attorney Gianoli cross-examined Alieu Kosiah:

When asked whether he had arrived in Lofa before or after the ULIMO split, Alieu Kosiah replied that it would be incorrect to assume that the split had occurred during the day. According to him, the process spanned from 1994 to 1996. He stated that he was present in Tubmanburg during the *clash*, but that he had not witnessed the initial fighting with the Krahns because he left the following week after the *clash*. When asked about the date of the clash, the defendant stated that he did not know exactly when it had occurred, but that based on newspapers from that time, it was possible to pinpoint the date as March 1994. When asked whether he had ever been to Lofa before March 1994, Alieu Kosiah replied in the negative. He also disputed Abraham Towah’s statements that he had been injured in late 1993. Indeed, the defendant does not see how he could have spent nine months at the Voinjama hospital following his injury, given that he was in Tubmanburg in March 1994.

January 12, 2023 – Day 2: Two plaintiffs and a former child soldier take the stand

The second day of the Alieu Kosiah appeal began by hearing a plaintiff regarding an alleged execution of 7 civilians, as well as pillage and forced labor.

After that, an ex-child soldier who had been recruited by Mr. Kosiah, expressed that he was unable to testify. Under severe distress, he left the courtroom.

Finally, the Court heard a plaintiff regarding the murder of a civilian. According to the plaintiff, the civilian had been arrested and tortured by ULIMO soldiers. He was then subject to a summary execution and his corpse was desecrated, allegedly through an act of cannibalism. The question focused on the extent to which the plaintiff had ordered these acts, or whether the soldiers under his command committed such acts without him intervening to prevent.

The defendant was invited to respond to each statement made by the plaintiffs. He maintained that either he did not know the plaintiffs, that he was not present when the acts were allegedly committed, or that he was not aware of them.

January 12, 2023 – Day 2: Two plaintiffs and a former child soldier take the stand

GS's Testimony

When asked, GS confirmed that he was indeed GS, born on February 4, 1978. He waived his right to have the President read him the translator's obligations and confirmed that he understood his testimony was being recorded. The President stated that GS was being heard as a person called to provide information and reiterated the charges against the defendant, specifically: ordering the murder of seven civilians in Zorzor between February and April 1993; and ordering and directing the forced transport of property by civilians from Zorzor to Salayea between March and December 1993 or between March 1994 and the end of 1995. The President explained to GS that, as a complainant, he was required to testify since there was no evidence in the case file justifying a refusal to do so. The President then asked GS to clearly distinguish between what he had seen and what he had heard from others.

Questions Regarding Personal Circumstances

The Court asked GS:

The President asked GS to describe the consequences of the first civil war in Liberia for him. First, GS stated that he had been unable to attend school normally because of the war and that his education had suffered greatly as a result. Furthermore, many families lost their property, so that when he and his family returned home, they had nowhere to live. Finally, GS noted that those who died during the war had been the breadwinners for their families. In his case, he could not count on his brother to support him in his academic career, which explained why he had entered college so late.

When asked whether he still suffers today from the consequences of what happened thirty years ago, GS replied that the war was associated with traumas that sometimes resurfaced, as he would occasionally think back on things that had happened and that made him feel bad.

When asked about the significance of the proceedings in his eyes, GS stated that the importance of this trial for him was simply to obtain fair justice.

When asked about the possible consequences for him or his family of the statements he made during the trial in the court of first instance, GS stated that coming to testify in Switzerland could result in him being hunted down in Liberia. According to him, there is a high probability that he or his family would become targets. He added that he had not told his mother about his trip to Switzerland, as she would have tried to dissuade him from coming to prevent him from becoming a potential target. GS explained that there was a risk that people might go to their home and question them insistently, or even try to get rid of them during the night. He stated that he was sometimes afraid when he went to school. When asked to give a specific example, GS explained that on the day he was supposed to receive a check related to a forestry project carried out on behalf of the governmen , two people confronted him about the fact that he had gone to testify in Switzerland. He replied that he didn't know what they were talking about and left as quickly as possible. He then sent a message to the GJRP, which forwarded the information to Attorney Werner so that he could be relocated.

When asked about his knowledge of the trial court's decision, GS stated that he knew he had won the case and that Alieu Kosiah had been sentenced to 20 years in prison. When asked, he confirmed that he had been in contact with the other plaintiffs after the first trial. He explained that he had gone to the GJRP office to learn of the trial court's decision and had celebrated the outcome with the other plaintiffs.

When asked about his current employment, GS indicated that he was currently an intern and hoped to find a job afterward in the field of forest management. When asked about the salary he could expect, GS stated that the salary was not disclosed to them until they were actually hired as employees.

Attorney Gianoli questioned GS:

In response to a question, GS stated that he had begun his university studies in 2013 and had not yet completed them due to financial reasons. He explained that he had to pay for tuition, rent, and food, and that his situation was not comparable to that of someone who still had both parents to support him financially. He stated that he had to struggle daily to finish his studies and that he had occasionally had to put them on hold due to a lack of money. According to him, the Ebola epidemic also caused delays, and he was not able to truly begin his studies until the 2015–2016 academic year.

When asked to specify the date of the incident in which he was accosted by two people, GS stated that it had occurred in June 2022. When asked how people in Liberia could have known that he had come to testify in Switzerland, GS stated that he did not know through what channel these people had been informed. Attorney Gianoli asked GS if he could produce the message sent to Attorney Werner following that incident. The Presiding Judge intervened to remind the court that these communications were covered by attorney-client privilege.

The MPC questioned GS:

When asked whether he had spoken about this trial to anyone other than his attorney and members of the GJRP, GS stated that he had confided in his younger brother. Upon further questioning, GS stated that it was highly unlikely that his younger brother had discussed the trial with anyone else. The prosecutor then asked GS if anyone had asked him not to come to Switzerland to testify today, and GS replied in the negative.

When asked if the name Vafray Kamara meant anything to him, GS replied that he was a member of parliament under the government of Ellen Johnson Sirleaf.

The attorneys for the plaintiffs had no questions.

Questions Regarding the General Context

The Court questioned GS:

The President reminded GS of his previous statements to the effect that he had heard Alieu Kosiah was one of the main perpetrators of *Black Monday* and asked him how he had heard these rumors. GS stated that *Black Monday* was something everyone in Lofa had heard about at the time. According to him, it was a terrible day during which many people were killed in Voinjama. He was not there, but he heard about what happened while he was about to travel to Guinea. Alieu Kosiah's name was among those cited as responsible for the killings.

When asked if other names had been mentioned in connection with this event, GS replied that there were many people within ULIMO. However, he noted that when a horrific event occurred, he tended to focus on the person who had committed horrific acts right in front of him and who had caused him the most harm. GS added that he had not been personally affected by what happened during *Black Monday* and that he had not witnessed the mass killings. He had merely heard rumors and had not seen Alieu Kosiah that day, as he (GS) was not in Voinjama.

When asked to elaborate on his previous statements that the defendant had taken a girl from his community, GS stated that there was a young girl in his community named Korpu who had very light skin. According to GS, whenever a soldier was on patrol and spotted a pretty girl, he wanted her for himself. Alieu Kosiah therefore ordered one of his child soldiers to go find the girl and bring her to his office. When asked, GS clarified that the child soldier told the girl he had to take her there on Chief Kosiah's orders. According to GS, the girl left and was gone for several days. She managed to escape on the second day and told her story to another woman, in the presence of Old Man Korpu and other villagers, before fleeing with her boyfriend. GS stated that he never saw them again.

When asked about the story the girl told, GS stated that she said she had been forced to have sex with Alieu Kosiah. GS clarified that the girl had not used explicit language but rather euphemisms and circumlocutions—for example, saying that "things happened" like those that happen between men and women, rather than speaking of rape. According to GS, the way this subject is addressed is influenced by cultural norms in Liberia. When asked, GS confirmed that the girl had mentioned Alieu Kosiah in all of her explanations.

When asked about the witchcraft incident, GS stated that it involved the entire ULIMO group, not just Alieu Kosiah, although he was one of the main figures. According to GS, witchcraft could prevent weapons from functioning. Under Alieu Kosiah's command, the ULIMO accused elderly people of witchcraft, claiming that because of them, they were unsuccessful on the battlefield. When asked where he had seen Alieu Kosiah during this incident, GS stated that he had seen the defendant at the moment he ordered his soldiers to go and fetch elderly people from their homes and gather them at the gas station.

When asked, GS confirmed that he had seen Alieu Kosiah give the order to round up the people. He stated that the defendant was at the gas station when he gave the order. When asked about the orders given, GS stated that he did not remember the exact words, but that Alieu Kosiah had ordered that these people be killed. They then took them to a hill and killed them.

Attorney Gianoli questioned GS:

When asked to explain why the young girl would have told her story to the entire neighborhood, given that Liberians were clearly somewhat reserved, GS stated that speaking out about a rape could lead to significant stigma and that this was why women confided in people they trusted. In this case, the young girl did not go around telling all the residents of Zorzor what had happened to her.

When asked, GS indicated that the girl told her story while she was in a courtyard shared by several houses in the Zorzor Kwizi [phon.] neighborhood.

The Public Prosecutor had no questions.

Attorney Werner questioned GS:

According to Mr. Werner, GS heard about *Black Monday* from refugees while he was in Guinea. When asked which city these refugees came from, GS replied that people from Voinjama had taken refuge in the Bambala camp in Macenta and that his sick younger sister had been taken to the hospital in Macenta, where he had seen people in pitiful condition.

Attorney Gianoli questions GS again:

When asked where he was the first time he heard about *Black Monday*, GS stated that he was still in Liberia and that he had left for Guinea shortly after *Black Monday*.

Questions regarding the charges against the defendant: ordering the murders of seven civilians in Zorzor

The Court questioned GS:

Asked to confirm that the gathering at the gas station had taken place during ULIMO's most recent takeover—since he could not provide a specific date—GS replied that when ULIMO captured Zorzor, all the residents took refuge under their beds in their homes. ULIMO then went into the houses to round up the people and gather them at the gas station. According to GS, it was the only place large enough to gather everyone in one location. He added that the NPFL also gathered people at the gas station.

When asked about the ULIMO commanders he knew in Zorzor, GS stated that at the time, he could not clearly distinguish the soldiers' ranks because, when caught in the midst of war, that was not the kind of thing one paid attention to. He added that he had heard the name Chief Kosiah mentioned frequently and that the name had stuck in his memory, though he did not know if Kosiah was the highest-ranking officer on site.

When asked whether the soldiers had already mentioned Alieu Kosiah at the time they ordered the civilians to gather, GS stated that Alieu Kosiah was at the center of attention at all times and that everyone looked to him with respect. The President asked GS if the soldiers had told him that the order came from Alieu Kosiah when they came to pick him up fr . GS stated that he had simply followed the soldier's order without asking who had given it, for fear of being killed, and that it was only once he arrived at the gas station that he learned Alieu Kosiah was in charge, since it was he who was giving the orders.

According to the presiding judge, GS testified at the trial that he had heard Alieu Kosiah give the order to kill the men, claiming that they were rebels and therefore had to be killed. The presiding judge asked GS whether, before giving this order, the defendant had mentioned the purpose of the gathering. GS stated that the ULIMO had not told them why they had gathered them and that the civilians were their subjects. According to GS, the ULIMO acted as they saw fit. He added: "To them, we were like livestock. If you have chickens in your yard and you kill one, no one is going to ask you why you killed it. That's how they treated us—as they saw fit." GS stated that Alieu Kosiah had singled out seven men whom he considered to be NPFL soldiers before executing them.

When asked how such a selection was made, GS said it was a random selection. According to GS, Alieu Kosiah would pick people at random by looking around and saying, "You there, come here."

When asked about what happened next, GS stated that they then beat the seven men with rifle butts and clubs. When asked whether the men had reacted to the accusations leveled against them before being beaten, GS said that aside from crying and saying they were not rebels, there was nothing they could do, because nothing could prevent what was about to happen given all the hatred the ULIMO harbored. GS added that whenever someone opened their mouth, they were struck in the face with a rifle butt, and that those who were beaten were already practically dead before they were killed.

When asked about Alieu Kosiah's possible reaction to these men's denials, GS said that his only response had been to say that they should be executed.

When asked, GS confirmed that child soldiers participated in the execution of the seven men. He added that Mami Wata, War Boss, Small Donzo, and Big Donzo were also present, and that the first two were among the most active members of Alieu Kosiah's inner circle. According to GS, all factions used child soldiers. The child soldiers were the most dangerous of all because they lacked maturity and had no judgment of their own. They followed orders without being aware of anything. When asked about the presence of Abraham Towah, GS stated that he did not remember it.

The President then informed GS of the arguments put forward by Alieu Kosiah to exonerate himself from the charges, namely that he had never met GS prior to the proceedings and that he had arrived in Lofa after the capture of Foya—that is, six months after the capture of Zorzor—and

thus was not present during the capture of Zorzor in January 1993. Alieu Kosiah also explained that he had arrived in Zorzor in 1995 after the capture of Gbarnga. He further stated that he was in Todi in March 1993 and that he never went to Zorzor.

When asked to comment on the defendant's statements, GS declared that everything Alieu Kosiah had said was false. He added that a soldier did not know all of his victims and did not care about them, since he caused numerous casualties on a daily basis. GS stated that he could not have approached Alieu Kosiah and told him that he had wronged him, as that would have led to his own death. He therefore waited for the right moment to seek justice. GS added that Kundi himself had said that Alieu Kosiah was present with him during the capture of Zorzor, which preceded the capture of Voinjama. According to GS, Kundi also mentioned the loss of a *pickup truck* due to a mine explosion that left Water Gina as the sole survivor. GS stated that at the time of the incident, Alieu Kosiah was in Zorzor.

The President then told GS that Alieu Kosiah claimed that Steven Dorley had captured Zorzor and that in late 1993 or early 1994, ULIMO sent Pepper & Salt to serve as commander in Zorzor. GS replied that his main concern in this trial was not who had captured or commanded Zorzor, but rather that his focus was on the person he had seen committing horrific acts. He confirmed that he had heard of a Chief Dorley, but stated that he did not have much to say about him.

When asked, GS confirmed that he had seen a soldier named War Boss in the company of Alieu Kosiah, although the defendant claimed not to know him. GS also confirmed that he had seen War Boss and Alieu Kosiah together during the execution of the seven civilians and stated that War Boss had followed Alieu Kosiah's orders, particularly those regarding the execution of the seven men and the forced labor.

When asked about Mami Wata, GS confirmed having seen him with Alieu Kosiah. He specified that Mami Wata was among those actively involved, particularly at the gas station and during the forced transports.

The President then told GS that Alieu Kosiah claimed he did not know when or where GS had met with the NGO and that everything GS was saying was a lie because HB had never been to Zorzor. When asked if he had lied because he had been forced or asked to do so, GS replied in the negative.

When asked, GS confirmed the statements he had made to the prosecutor, namely that Alieu Kosiah was wearing a military jacket and pants, as well as boots.

When asked to describe his position during the execution of the seven civilians, GS stated that all factions forced people to watch them commit horrific acts in order to instill fear and embed it deeply in people's minds. GS added that he was present during the execution of the seven civilians.

Attorney Gianoli questioned GS:

When asked, GS stated that he did not know who the *townchief* of Zorzor was when the ULIMO arrived during the war and said that the *townchief* was chosen at the soldiers' discretion. He added that the *townchief* changed regularly and was not always the same person. According to GS, Zorzor was a large town, and it was rare for law-abiding citizens to have contact with the

townchief. If there was a problem, residents would instead turn to the *quarterchief,* who could escalate the matter to *the townchief* if necessary. When asked, GS stated that he did not remember who the *quarterchief* was before the ULIMO arrived because he spent most of his days on the farm and returned to his neighborhood only to sleep.

When asked how long he had been living in Zorzor, GS replied that he was born in Kolahun and had moved to the Zorzor area when he was very young.

When asked, he confirmed that the Kwizi [phon.] neighborhood was not far from the gas station, though he could not specify the exact distance. According to GS, the houses in the Kwizi neighborhood were built close together, so that to see the gas station, one has to go out onto the road. He said he did not remember how much time had elapsed between the ULIMO's arrival in Zorzor and the moment when the soldiers came to round up the civilians and gather them at the gas station. When asked, GS clarified that he was in town when the ULIMO soldiers arrived in Zorzor. He stated that he did not know if this was the first time civilians had been rounded up, but that, as far as he was concerned, it was the first such gathering he had participated in.

When asked about Kundi, GS stated that he had heard the name Kundi for the first time during this trial and that he had never seen him.

Attorney Gianoli showed GS a photograph of a group of soldiers and asked him if he recognized anyone who had been present at the gas station. GS stated that he did not remember. When asked, he said that none of the soldiers in the photo had a Rasta haircut.

Attorney Gianoli then showed GS a newspaper article with a black-and-white photograph and asked him again if he recognized anyone. GS stated that the person wearing sunglasses looked like Mami Wata, but then read in the caption that it was Steven Dorley. When asked by the Presiding Judge why he had initially thought of Mami Wata, GS replied that it was because of the hairstyle. In response to a question from Mr. Gianoli, GS indicated that it was not a Rasta hairstyle. He made a point of clarifying that a person could adopt all sorts of hairstyles over the course of their life.

When asked about the time that elapsed between the incident at the gas station and his departure for Guinea, GS replied that the incident at the gas station occurred first, followed by his transportation before he left for Guinea. Rumors about the arrival of a new faction had prompted him to leave. He added that during the war, people did not plan their escape in advance; rather, they decided to leave spontaneously when the threat became imminent. According to GS, one had to be constantly vigilant to survive. He stated that he did not know how much time had elapsed between the incident at the gas station and his departure for Guinea, but that he could describe the journey. When asked, he indicated that there was a road leading directly from Voinjama to Macenta. Since the road was unsafe, they traveled through the bush to reach the river marking the border.

When asked about the GJRP office, GS stated that he had gone there once to testify and had met with Mr. Werner there. He clarified that he had seen HB and Keita, but that he had been sent directly to see Mr. Werner. Attorney Gianoli referred to HB's statements, in which he said he had met GS in Monrovia, welcomed him with a handshake, and informed him that he was going to have an interview. He then asked a security guard to seat him. When asked whether HB's description of the encounter was accurate, GS replied that he had seen HB. Mr. Gianoli concluded

that GS knew HB before coming to testify in Switzerland for the first time. GS clarified that he had simply seen HB before coming to testify in Switzerland for the first time.

Mr. Gianoli then returned to GS's statements at the trial regarding his belief that he had met HB in Zorzor, when in fact it was Keita. When asked until when he had held this misconception, GS replied that he had realized it was Keita when he returned from his first trip to Switzerland.

The Presiding Judge asked GS whether HB had introduced himself to him by welcoming him to the GJRP office. GS replied that HB had not formally introduced himself and that he had spoken only with Mr. Werner.

When asked to confirm whether he had seen HB and Keita when he first visited the GJRP office, GS stated that he had not seen them together and that he had not bothered to figure out who was who, since he was in a hurry to tell his story and return to his studies. He added that HB was the name he had heard most often and that he had kept it in mind. When asked if he had seen Keita that day, GS replied that he could not remember.

When asked how long he had stayed in Monrovia to testify, GS said he had stayed for a few days, though he could not recall the exact duration.

The MPC had no questions.

Attorney Werner questioned GS:

Mr. Werner produced a photograph that GS identified as the location of the former gas station. In response to questions from his counsel, GS described the photograph and indicated the directions of the various roads.

In response to a question, GS stated that his brother was not an NPFL soldier, although he had been accused of being one. When asked to describe his state of mind when his brother was randomly selected to be executed, GS said he was simply frustrated that he could do nothing to help him.

Interrogation of Alieu Kosiah

When asked to address these two allegations, Alieu Kosiah stated that it was unclear how GS had come into contact with the NGO, since GS had initially claimed that he had read a newspaper in Zorzor that prompted him to file a complaint against the defendant. GS then reportedly went to the *Entertainment Center,* where he met HB, who allegedly told him to come to Monrovia. However, according to Alieu Kosiah, this does not make sense. Indeed, the newspaper article mentioned that the defendant was in prison because of the complaint filed by GS. Furthermore, HB reportedly stated that he had never been to Zorzor. The defendant argued that these facts explained why GS had changed his statements regarding his first meeting with HB. According to Alieu Kosiah, their first meeting took place in the GJRP office: HB welcomed GS and gave him money so he could return home. Alieu Kosiah stated that when one goes to the GJRP office, one knows very well who runs it. The Presiding Judge asked him if he had ever been there, to which the defendant replied in the negative while insisting that his reasoning was based on common sense.

The Presiding Judge reminded the defendant that his attorney would be responsible for presenting his case. Alieu Kosiah replied that since he had never met GS, he could do nothing else but point out the contradictions in the case file. The Presiding Judge then reminded him that this was his attorney's job. Alieu Kosiah retorted that the crucial point was to determine who had captured Zorzor and stated: "If Alieu Kosiah captured Zorzor, then GS is undoubtedly right, but if it wasn't Alieu Kosiah, we must look at things differently."

The Court questioned Alieu Kosiah:

When asked about ULIMO's military strategy while he was in charge of Zorzor, Alieu Kosiah stated that they had to repel attacks and carry out Kromah's orders when he told them to advance. The defendant added that it was a guerrilla campaign, so they would attack and then withdraw unless they received an order to capture a town.

When asked about the fate of prisoners, Alieu Kosiah indicated that it depended on the commanders. Some killed prisoners of war, while others transferred them to the authorities, namely headquarters. When asked to specify how he treated prisoners of war, the defendant stated that he rarely captured enemies since the fighting involved firearms. Alieu Kosiah recalled capturing Captain Denis at Lofa Bridge and sending a report to headquarters. He explained that captured NPFL members were imprisoned for three months. At the end of the three months, there was a period during which the person had to earn the trust of ULIMO. After this period, there were two options: either the person joined the ranks of ULIMO, or they were left to fend for themselves. The defendant then mentioned TT's return from the bush with NPFL soldiers and the capture of General Chuck Norris.

When asked how prisoners of war were taken to headquarters from the isolated locations in the bush where the defendant was fighting, Alieu Kosiah cited as an example a man captured during an attack ordered by Pepper & Salt, who informed them that a landmine had been planted on the road they were to travel. The defendant clarified that neither Pepper & Salt nor he himself were present when this man was captured.

When asked whether he had therefore almost never taken prisoners during his military service, Alieu Kosiah said he did not recall doing so and explained that it was rare to capture someone alive, given that bullets were flying from both sides. According to the defendant, it was therefore uncommon to capture someone unless the person surrendered.

When asked about the frequency of attacks and counterattacks while he was in charge of Zorzor, Alieu Kosiah stated that Zorzor was a hotspot and that fighting was constant. He clarified that he spent less than three months as commander in Zorzor and was appointed after Pepper & Salt's departure in 1995.

Mr. Gianoli questioned Alieu Kosiah:

In response to a question, Alieu Kosiah stated that the first time he went to Lofa, he arrived in Zorzor from Fassama and then traveled to Voinjama by car.

The MPC questioned Alieu Kosiah:

When asked about the identity of the man captured on the orders of Pepper & Salt, who had informed them that a mine had been laid, Alieu Kosiah stated that his last name was Koluba [phon.], but that he did not remember his first name.

Attorney Werner questions Alieu Kosiah:

Attorney Werner asked the defendant to comment on Kundi's statements, in which Kundi indicated that he had been met in Zorzor by Pepper & Salt and his group—which included Alieu Kosiah—and that he had been taken to Voinjama by Pepper & Salt along with Alieu Kosiah, while the rest of the group remained in Zorzor. Alieu Kosiah stated that it was up to the Court to decide whether Kundi or Alieu Kosiah was correct. In his view, Kundi would be able to confirm that Alieu Kosiah did not participate in the capture of Lofa—and specifically Foya—since he was not there. The defendant pointed out that he was the one who had given Kundi's number to the prosecutor and stated that he would have been the last person to do so had he known that Kundi had been part of the Lofa Mission. He added that both Advisor and Fine Boy had said that Alieu Kosiah was not in Zorzor and that only Kundi claimed he was in Zorzor after the city's capture.

Attorney Jakob questioned Alieu Kosiah:

When asked whether he had ever been responsible for civilian detainees during the war, Alieu Kosiah replied that this made no sense from a military standpoint.

Hearing of GS (continued)

The President gave GS the opportunity to respond to the defendant's statement that GS was lying about how he met the GJRP. GS stated that he had always simply recounted events as they had occurred and had not made anything up.

The photograph of the gas station was shown to GS again. He was asked to indicate the locations of the old and new gas stations, the directions in which the main roads led, and the positions of the soldiers—including Alieu Kosiah—and civilians during the incident.

The Court questioned GS:

When asked about Abraham Towah's presence during the forced transport, GS stated that he did not remember whether Towah was present or not. Upon further questioning, he indicated that he had taken part in two gatherings at the gas station.

When asked whether, to his knowledge, anyone had been killed for refusing to participate in a transport, GS stated that he had never seen anyone refuse to participate and that no one would have dared to do so because everyone was too afraid.

When asked to clarify his statements that Alieu Kosiah had told them they would be executed if they complained of being tired—and specifically to indicate whether this threat had been made in response to a particular incident—GS confirmed that Alieu Kosiah had uttered such words, which had been repeated by the soldiers. He added that during the war, the soldiers always tried to keep them in a state of fear. If they did not walk fast enough, the soldiers would beat them with the butts of their rifles.

When asked to clarify what was expected of the civilians, GS stated that the civilians were used to transport goods. It was not possible to use cars between Zorzor and Salayea because it was a combat zone. When asked how Alieu Kosiah traveled during the transport, GS stated that the defendant was on foot. When asked, he stated that he had seen Alieu Kosiah once after the transport.

The Presiding Judge then relayed to GS the explanations provided by the defendant regarding this transport. Alieu Kosiah stated that he had never ordered the forced transport from Zorzor to Salayea and that it made no sense for oil to be transported in addition to ammunition, since Salayea was on the front lines. When asked to comment on this, GS stated that he had never mentioned oil in connection with this transport, but only military equipment. He added that, as far as he was concerned, he had transported a small crate and that oil had never been discussed.

When asked if he recalled approaching the front line, GS replied that Salayea was located on the edge of the area controlled by ULIMO and that that was where they were fighting the NPFL. When asked to clarify whether he had realized he was approaching the front line during the transport, GS answered in the affirmative and specified that they had heard gunfire. He added that they were forced to transport the equipment. He understood that this equipment was to be used to continue the war and that ULIMO did not want to carry it themselves.

Attorney Gianoli questioned GS:

When asked, GS stated that he did not know what he had transported because the crate was closed. He specified that it was a green wooden crate of military appearance. When asked whether the crate made any noise during transport, GS answered in the affirmative. He explained that it had seemed to him as though objects were rolling against one another inside.

When asked, he stated that he did not know whether the ULIMO had captured Gbarnga on the day of transport or after the transport.

The MPC and the attorneys for the plaintiffs had no questions.

Cross-examination of Alieu Kosiah (continued)

When asked to comment on this allegation, Alieu Kosiah stated that they had captured Gbarnga and remained there for 3 or 4 months. He added that the ammunition was in metal boxes and therefore did not move when transported in crates. According to him, there were 250 rounds in each box. He also stated that the ammunition crates were green and reiterated that regardless of the type of ammunition, it did not shift, including that for RPGs. Alieu Kosiah then stated that Steven Dorley was also pictured in the group photo of the soldiers.

The Court questioned Alieu Kosiah:

The Presiding Judge asked him how he knew it was ammunition. The defendant replied that GS had stated he had transported ammunition, which was contested by Counsel Werner. The President then asked him whether ULIMO used green crates to transport anything other than weapons and ammunition. Alieu Kosiah replied: “Mr. President, have you ever been to the front lines? Green is the military color.”

Attorney Gianoli had no questions.

The Prosecutor indicated that he had a question regarding the group photo, which will be asked at a later time.

The attorneys for the plaintiffs had no questions.

* * *

Hearing of Abraham Towah

Abraham Towah entered the courtroom and gave a military salute to Alieu Kosiah, who returned the salute. The Presiding Judge asked the defendant not to make such gestures, as they could be considered an attempt to influence testimony.

The witness confirmed that he was Abraham Towah, born on October 16, 1980. The Presiding Judge then explained his rights and the proceedings of the hearing before outlining the charges against Alieu Kosiah. The Presiding Judge reminded Abraham Towah that he was not obligated to answer questions if doing so risked incriminating himself.

Abraham Towah stated that he wished to turn himself in to the police so that he could be handed over to the United Nations Human Rights Council, as he had felt in danger since the beginning of these proceedings and wished to testify about how he had been treated in Switzerland. He added that he had been treated like a criminal for the past two years, even though he was not one. For the past two years, his children have been in Liberia without any support. He stated that he would say nothing more until he had been brought before the United Nations and granted protection.

Abraham Towah stood up and began shouting and crying. He approached the law enforcement officers, pleading with them. He was escorted out of the courtroom by the police.

The President noted that it had been recorded in the minutes that Abraham Towah refused to make any statements and proposed continuing with JTC's hearing.

* * *

Hearing of JTC

The person being questioned confirmed that he was JTC, born on November 29, 1969. The Presiding Judge informed JTC that he was being questioned as a witness and made him aware of the criminal consequences of making false accusations, misleading the court, and obstructing criminal proceedings. The President reminded him of the charges against Alieu Kosiah concerning him, namely that he participated in the murder of DN in Foya, desecrated DN's corpse, ordered and directed a forced transport from Foya to Solomba, ordered the looting of the Foya power plant, and ordered the transport of the generator by civilians from Foya to Solomba.

Questions Regarding Personal Circumstances

The Court questioned JTC:

The President asked JTC to describe the consequences of the first civil war in Liberia for him. JTC stated that, on a personal level, he had planned to complete his education and had applied for admission to university after graduating from high school in 1988. He was accepted but was unable to begin his studies due to the events. Furthermore, because of the war, his mother, father, and other family members were forced into exile and faced illnesses and hardships they should not have had to endure, which shortened their life expectancy. JTC also reported suffering severe psychological trauma due to the war in general and, in particular, because of what happened in Foya. He stated that the stress he experienced and the horrors he witnessed still weigh heavily on him to this day. According to him, there was looting and many deaths in the Foya district. The population of Foya has declined significantly, and there is still no electricity. He clarified that these examples were just some of the setbacks caused by the war and that he was naming only a few.

When asked about the significance of the proceedings for him, JTC stated that he would find peace only if justice were served.

When asked about his knowledge of the trial judges' decision—particularly the sections concerning Foya—JTC confirmed that he had heard about the outcome of the first trial.

When asked about any consequences he or his family may have faced as a result of his statements during the trial, JTC stated that he was discreet and did not speak much about his participation in the proceedings. The only person aware of his presence in Switzerland is his wife.

When asked about his contact with the other plaintiffs since the trial, JTC stated that he had met them when he came to Switzerland and had seen them again when the GJRP summoned them to the office.

When asked about his current job, JTC stated that he is currently an internal auditor at Lofa County *Community College* and a part-time lecturer. He explained that he had taken a leave of absence and was taking online courses at the University of Delaware with the goal of earning a Ph.D. in *"educational leadership*."

The MPC questioned JTC:

When asked, JTC stated that no one had asked him not to come to Switzerland to testify. When asked whether he had felt any pressure in Liberia regarding his trip to Switzerland, JTC replied that he had not really felt any pressure, but that certain people had heard about these proceedings without him having been in contact with them. When asked to provide further details on this matter, JTC stated that he had seen certain documents from Foya and Kolahun that led him to believe people were aware of what was happening. When asked, JTC indicated that he was referring to the document submitted to the proceedings by the defense attorney.

When asked, JTC stated that, as far as he was concerned, he had not felt any pressure in Liberia after returning following the conclusion of the trial proceedings.

When asked if the name Vafray Kamara meant anything to him, JTC answered in the affirmative and clarified that he had known him when Kamara was a representative for Kolahun Electoral District No. 2.

Attorney Jakob questioned JTC:

When asked to describe the geographical location of the Upper Wan Clan, JTC stated that the Upper Wan Clan was located in the statutory district of Foya. He explained that the statutory district of Foya originally consisted of three clans: the Wan Clan, the Tengya Clan, and the Ran Koli Clan. Due to political ambitions, the Wan Clan split into the Upper Wan Clan and the Lower Wan Clan.

Questions Regarding the General Context

The Court questioned JTC:

When asked about the chain of command among ULIMO commanders, particularly between CO Deku and CO Kosiah, JTC stated that at first, he did not know who was who or what the chain of command was. It was only later that he learned that CO Deku was the leader of Foya and that CO Kosiah was one of the senior officers who could travel throughout the county.

The President reminded him of his statements that Alieu Kosiah went to Kolahun, Voinjama, and sometimes to Vahun, and asked him whether he had seen this with his own eyes or if this information had been relayed to him by third parties. JTC replied that Alieu Kosiah's movements indicated to them that he was not permanently stationed in Foya. He added: "Sometimes he was seen in Foya, sometimes not. We heard that he was going to Voinjama or Kolahun." When asked how he knew where Alieu Kosiah was, JTC replied that the soldiers were talking.

When asked to specify the source of his claim that he knew Alieu Kosiah had taken girls as sex slaves, JTC stated that some girls had been captured in Foya and were with Alieu Kosiah. Upon further questioning, he confirmed that he had seen some of these girls with Alieu Kosiah in Foya, though he could not specify a precise location.

When asked where the defendant was staying in Foya, JTC stated that Alieu Kosiah was not in any specific location. Sometimes he was at Deku's place near the old market; other times he was in a specific area where his *bodyguards* went to eat. JTC added that the names of the commanding officers who had taken possession of certain houses were written on them. When asked, JTC confirmed that there were women in these houses and stated that there were always women with them regardless of where they gathered. He clarified that this did not apply only to Alieu Kosiah, but also to some of his soldiers, who likewise had women in their company.

When asked to clarify his statements to the prosecutor—in which he claimed to have seen two bodies on the road to Solomba—JTC confirmed them. When asked, he stated that if someone could not carry their load, they would be killed unless God came to their aid. He added that when the soldiers ordered them to carry a load, they would say, *"Till go, any bush shake you die*."

Attorney Gianoli questioned JTC:

When asked about the names of the girls he said he had seen with Alieu Kosiah, JTC stated that he did not remember them. When questioned further, he indicated that Alieu Kosiah sometimes walked and that when he was out in town, the girls would follow him. He also stated that he had never seen Alieu Kosiah traveling by car. When asked if he had seen any cars in Foya while the

defendant was there, JTC stated that he had seen a car at first but did not know who it belonged to. When asked further, he said he did not remember how many times he had seen that car.

The Prosecutor questioned JTC:

When asked about the color of the car, JTC stated that he did not remember and that he could not describe the car because it had been too long ago.

The attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: participation in the murder of civilian DN and desecration of his corpse

The Court questioned JTC:

When asked whether Alieu Kosiah was present during DN's arrest, JTC replied that the defendant was in town that day. When asked to clarify his previous statements regarding DN's interrogation, JTC stated that when DN arrived in downtown Foya, the ULIMO members saw him get out of a vehicle. They approached him and asked him questions. Then, they took him to the S2 office—that is, the former police station where Alieu Kosiah, among others, was present. According to JTC, the ULIMO repeatedly asked DN what he was doing with the aid workers. DN then explained that the aid workers had taken him to the Borma Mission and questioned him about those responsible for the looting. DN replied that the ULIMO had looted the Borma Mission, the hospital, the school, and other items located there. JTC stated that he then heard voices shouting that DN was a collaborator, a spy, and a traitor. JTC was nearby and saw the situation escalate. According to JTC, there were a lot of people there. He heard Alieu Kosiah say that DN should be taken to the airstrip near Ugly Boy's house.

When asked, JTC confirmed that it was indeed Alieu Kosiah who gave the order to take DN to the airstrip. From that point on, DN was unable to move on his own and was dragged away roughly. According to JTC, Ugly Boy, Kundi, Mami Wata, and Deku were present, and everyone was accusing DN of being a traitor and a spy. When asked, JTC confirmed that Alieu Kosiah was also present. He explained that a group of civilians, of which he was a part, had followed the ULIMO members to the landing strip. According to JTC, DN had been tied up using the "tabé" method while at the police station. While DN was standing among the ULIMO members near Ugly Boy's house, Ugly Boy pulled out his axe to strike DN. JTC stated emotionally that it was the first time in his life he had seen someone rip out another person's heart and place it on a plate, and that he was deeply affected every time he thought back on it.

JTC stated that it was inhumane to see someone remove DN's heart and hold it in his hands after DN had been beaten and tortured. According to JTC, they carried his heart out onto the porch of Ugly Boy's house, then cut it up and ate it. The entire scene unfolded in the presence of civilians. JTC stated that this was not the first time this had happened, but that, as far as he was concerned, it was the first time he had witnessed it. He added that Ugly Boy was known for such practices and that Alieu Kosiah had done nothing to prevent it from happening, even though he had the means to do so. According to JTC, the ULIMO members were gloating, chanting, *"Anyone tries ULIMO, your heart*." This was one of their chants intended to instill terror in civilians and serve as a reminder that no one was to say anything about ULIMO.

When asked, JTC confirmed that Alieu Kosiah had actively participated in these acts. Not only did he order that DN be taken to Ugly Boy's house, but he also struck DN while Kundi was kicking him. According to JTC, all the ULIMO members attacked DN.

When asked to explain how he had determined that the defendant was the highest-ranking officer present, JTC stated that Alieu Kosiah was respected by his soldiers and that everyone obeyed his orders. Furthermore, he moved from one place to another and traveled as far as Kolahun and Voinjama. According to JTC, his soldiers referred to him as a high-ranking officer.

The President then reminded JTC of his statements at the trial court, in which he said he had seen Alieu Kosiah eat a piece of heart. When asked who had given him that piece of heart, JTC replied that the heart had been cut out while they were on the porch of Ugly Boy's house and that Alieu Kosiah had taken a piece of it. According to JTC, most of the soldiers did the same.

JTC was then questioned about his statements to the Prosecutor, in which he claimed that the *"small boys"* and the sex slaves who were in the house had all confirmed that they had eaten a piece of heart. When asked how he had obtained these confirmations, JTC stated that his fiancée, M, was being held captive by Ugly Boy and that she was the one who had confirmed to him that there were child soldiers present. When asked, JTC clarified that M had told him that Alieu Kosiah, along with other commanders and child soldiers, had eaten the heart, specifying that it was mainly the leaders who had eaten it.

When asked to comment on the claims of Alieu Kosiah—who maintains that he was not in Foya when the town was captured, but in Bomi—JTC stated that Alieu Kosiah was lying and that he was indeed in Foya at that time. According to the President, Alieu Kosiah also stated that he had never met either JTC or DN and that, according to newspaper reports, DN's death had occurred because of his religious beliefs and the fact that he was carrying a Bible. JTC retorted that it was obvious Alieu Kosiah did not know him, since he (JTC) had been a slave to him. According to JTC, a master does not concern himself with his slaves, and slaves carry out his orders. JTC added that he had given Alieu Kosiah no reason to know who he was. That said, he witnessed what Alieu Kosiah did in Foya.

The President then noted that Alieu Kosiah claimed to be a Muslim and not to eat pork, so he could not imagine eating human flesh. Alieu Kosiah stated that he would cook a human heart before eating it and that he was unaware of any acts of cannibalism within ULIMO. According to JTC, Alieu Kosiah continued to lie because acts of cannibalism had been committed in Foya and elsewhere.

The President told JTC that, according to Alieu Kosiah, JTC had denounced him because he belonged to the Mandingo ethnic group, which JTC denied.

Attorney Gianoli questioned JTC:

When asked, JTC confirmed that he had attended school with MN in 1983 or 1984. He clarified that they were not in the same class and that he did not know MN's age. When asked, JTC stated that he did not know whether MN was pregnant while they were in school together. Attorney Gianoli noted that, according to the French case file, MN's daughter was born in 1981, while MN was born in 1969. When asked to explain how this was possible, JTC stated that he did not know.

When asked, JTC stated that his mother's name was SSN. When questioned about his connection to SFC, JTC stated that they had no direct connection, but that he had heard the name before. The name seemed familiar to him, but he did not really know him.

Attorney Gianoli then produced a sketch of Foya drawn by LSM and asked JTC where Alieu Kosiah lived. JTC stated that the sketch resembled Foya but was not entirely accurate.

When asked, JTC confirmed that, based on what he had observed, DN had been killed on the day of his arrest. When asked to comment on the statements by MN and DFB—who had indicated in the French proceedings that DN had not been executed on the day of his arrest—JTC stated that he could not comment on what others were saying.

When asked what he was doing in Foya at the time of DN's execution, JTC repeated that he was a civilian who had been captured in Foya. When asked about his fear of the ULIMO, he stated that whenever he heard gunfire, he would flee into the bush. He confirmed that he was very afraid whenever he encountered ULIMO soldiers in Foya.

When asked where he lived at the time of the events, JTC stated that he had moved to Darma Road, where the Foya *Community School* was located. When asked about the distance between the S2 office and his residence, JTC was unable to provide a precise distance but indicated that it was quite far.

When asked about his presence during DN's arrest, JTC stated that he saw DN get out of the car. He explained that when people heard about an NGO, they thought of supplies and provisions, so many people rushed over to see what was happening.

When asked about the defendant's presence, JTC stated that Alieu Kosiah was not at the scene but was a little further away at the police station when DN got out of the car. Attorney Gianoli insisted that JTC specify the distance between the spot where DN got out of the car and the police station, but JTC stated that he did not know the exact distance.

When asked whether DN had been questioned inside or outside the police station, JTC stated that they were right in front of it because such a large crowd would not have been able to fit inside. Attorney Gianoli asked JTC if he had moved between the time DN got out of the car and the time DN was questioned. JTC stated that he had moved a little closer when the ULIMO members took DN to the police station and that it was an open area.

When asked to explain why he had followed the group even though he was afraid of the ULIMO, JTC stated that at first he was afraid, but that little by little, he learned to coexist with them and his curiosity grew.

When asked, JTC stated that he clearly heard Alieu Kosiah's voice when he gave the order to take DN away and that he also saw him among his soldiers because he was easily recognizable. Attorney Gianoli asked him how he had been able to see him when there was a crowd of people around him. JTC explained that while there was indeed a large group, it was not so large as to prevent him from seeing what was happening.

When asked why Alieu Kosiah had given the order to take DN to the airstrip, JTC stated that DN had exposed ULIMO by revealing their activities to an international group. According to JTC, such revelations posed a threat.

When asked why Alieu Kosiah had not ordered DN to be killed right where he was, JTC replied that most of the barbaric acts took place at the home of Ugly Boy, nicknamed Saah Chuey or Talata M. Sherif.

When asked about the words spoken by Alieu Kosiah when he gave the order to take DN to the airstrip, JTC stated that the defendant had said, "Take this man to the airstrip!" Attorney Gianoli noted that JTC had not heard the defendant give the order to kill DN. JTC replied that Alieu Kosiah had given the order to take DN to the airstrip—the very place where most of the most horrific murders took place. JTC reiterated that Ugly Boy was known for this.

When asked about the other people killed at Ugly Boy's house, JTC named Old Man TKo and Old Man Falani. According to JTC, other people were executed near the landing strip and behind Ugly Boy's house, but he does not know their names.

When asked whether the ULIMO had entered the house with the tray on which DN's heart had been placed, JTC replied that they were in front of Ugly Boy's house. He added that the distance between where DN was killed and Ugly Boy's house was short and that many civilians had witnessed the scene.

When asked why he followed the group to the airstrip, JTC explained that one of their own was being mistreated by the ULIMO. The civilians were certainly powerless, but as long as they were not threatened, they could watch what was happening.

The MPC had no questions.

Attorney Werner questioned JTC:

When asked what kind of person DN was, JTC stated that DN was an evangelist and teacher, and was among those who build society.

When asked why Ugly Boy was nicknamed Saah Chuey, JTC explained that it was because of his behavior toward other people. According to JTC, the Kissis of Foya decided not to call him Ugly Boy, because whenever his name was mentioned and he heard it, there was a risk he would be killed. JTC explained that the name Saah Chuey stemmed from the fact that Ugly Boy had presented himself as his mother's firstborn. In Kissi tradition, the firstborn is called Saah. As for the word Chuey, it means "axe" in Kissi and refers to the axe Ugly Boy used to slaughter people.

Mr. Werner presented the documents submitted by the defense to JTC and asked him to confirm the accuracy of a number of details. First, JTC confirmed that TKo had been killed under the command of Ugly Boy, a notorious commander known for massacring people. He also confirmed that the executions generally took place on the airstrip. JTC then confirmed that Falani, the leader of the Jehovah's Witnesses in Foya, and DN had been killed on the airstrip. As for George Cooker, JTC stated that he was an elderly doctor whom ULIMO had killed while they were retreating. Finally, he stated that he had heard about Potokinor's death. JTC considered that the

report submitted by the defense confirmed what he had said, namely that a large number of people were killed by ULIMO.

Mr. Werner then showed JTC a photograph, which he recognized as a picture of the Borma Mission. According to him, the photo was taken recently because the hospital had been completely devastated after the looting and had since been renovated.

When asked about those responsible for the looting of the Borma Mission, JTC stated that DN's claim that ULIMO was responsible had led to his death. JTC added that, in his opinion, it was indeed ULIMO that looted the Borma Mission.

When asked about M, JTC said that she was stigmatized because she had been Ugly Boy's sex slave. He added that it was impossible for her to return to Foya since she was associated with this man who had committed abominable acts, such as eating human flesh. JTC stated that it was an absolute disgrace for M to have been with this man and that her trauma was immense. According to JTC, M even had a child while she was with Ugly Boy. He also noted that she now lives in Monrovia and emphasized that M's case was not an isolated one. On the contrary, according to JTC, many women and girls have been captured and taken as sex slaves.

Attorney Wakim questioned JTC:

When asked to specify the ages of the girls he had referred to, JTC stated that some were far from being of legal age.

Cross-examination of Alieu Kosiah

When asked to comment on JTC's statements, Alieu Kosiah noted that this was the first time JTC had mentioned that M was with Ugly Boy, even though this was his fourth time testifying. The defendant also asked the Court to take the ethnic aspect into consideration, given that JTC is Kissi, while he is Mandingo. The Presiding Judge asked him how this was relevant. The defendant stated that it was merely a general observation.

The defendant then pointed out other inconsistencies in JTC's statements, notably the fact that he had said he saw DN get out of the car, and the fact that he is now more vague about where Alieu Kosiah was located. The defendant also stated that there was a significant discrepancy between JTC's statements and what appeared in the newspapers. According to the defendant' , none of the four names mentioned earlier appeared in JTC's complaint. Alieu Kosiah finally noted that Attorney Werner had intervened several times to provide translation, which proves that the attorney understands *Liberian English* very well, contrary to what some plaintiffs may have claimed.

The Court questioned Alieu Kosiah:

When asked about the veracity of certain points in the report submitted by his attorney, Alieu Kosiah stated that he could not confirm whether those points corresponded to reality without having witnessed the events with his own eyes, and that it was up to the Court to assess their veracity. When asked if anything in the report had surprised him, the defendant replied that he could not say much about it, except to note that there was no "clean war." He added that, as far as he was concerned, he was not in Foya at that time.

When asked whether he had reviewed the French judges' assessment of the facts concerning DN, Alieu Kosiah stated that he had seen a document in which both parties were mentioned, but had not reviewed the reasoning behind it.

Mr. Gianoli and the MPC had no questions.

Attorney Wavre questioned Alieu Kosiah:

When asked about Colonel Mother Blessing, Alieu Kosiah stated that he was a member of the NPFL. He added that, to his knowledge, there was no one named Mother Blessing among the ULIMO.

Attorney Wavre requested that the video be shown, which featured, among other things, the child soldier Hitler Killer and referred to General Pepper & Salt's cannibalistic practices. When asked, Alieu Kosiah maintained that he had never heard of cannibalism within ULIMO.

When asked to comment on the video, Alieu Kosiah stated that the question at hand was where ULIMO was in 1991. According to the defendant, ULIMO was founded in April 1991 and attacked Liberia for the first time at the end of that year. The purpose was to test the NPFL and then withdraw. Alieu Kosiah stated that they then returned around January–February 1992 and that ULIMO's first real incursion took place that year. According to Alieu Kosiah, anyone who claims to have joined ULIMO in Liberia in 1991 is not telling the truth, because ULIMO was not there. If a soldier claims to have used a Beretta, he is not a ULIMO soldier because ULIMO did not use Berettas.

The President asked the defendant to comment on the video clip that had been shown. Alieu Kosiah stated that, in his opinion, it was a propaganda video. He added that the man interviewed claimed to be a member of ULIMO but also said he was fighting against ULIMO and Taylor's soldiers. Mr. Wavre objected, noting that the film had been produced by an independent French journalist.

When asked to comment on the explanations given by the man interviewed in the video—namely, that eating human body parts made one stronger according to Muslim beliefs—Alieu Kosiah stated that one would have to ask any Mandingo. According to him, General Dombuyah also believes that such a practice did not occur. As for himself, the defendant cannot imagine a Mandingo doing such a thing either. He added that the way the name of the man interviewed (Abu Bakr) was pronounced in the video did not correspond to the pronunciation of a Mandingo.

Attorney Wavre reminded the defendant of his statements that Pepper & Salt had never given the order to execute people and asked him how he explained the fact that the video mentioned General Pepper & Salt giving the order to rip out hearts. Alieu Kosiah replied that this had never happened in his presence and disputed that the man being interviewed was referring to Pepper & Salt, since he had mentioned a certain General Poivre and Salt.

January 13, 2023 – Day 3: Multiple charges, multiple photographs

During day 3 of the proceedings, a victim testified with regards to a pillage and forced transport in which he had been forced to participate. Photographical evidence was used to indicate the place where these acts allegedly took place, as well as the manner in which the goods were allegedly forcibly transported.

Next, a plaintiff described being victim and witness to acts of cruel treatment and murder of civilians. After he had explained the place that the civilians' bodies had been left, the Defense presented a series of photos to refute these statements. The plaintiff, however, maintained his position. His testimony will continue next Monday January 16.

Both plaintiffs maintained that the defendant had expressly given orders to carry out some of the acts, as well as directly participating in others.

The defendant maintained arguments similar to those which he had invoked during the previous hearing.

January 13, 2023 – Day 3: Multiple charges, multiple photographs

Hearing of JTC (continued)

Questions regarding the acts alleged against the defendant: ordering and directing a forced transport by civilians from Foya to Solomba, and from there to the Guinean border

The Court questions JTC:

When asked, JTC stated that he knew Alieu Kosiah's soldiers had requisitioned him for the first transport because they had mentioned his name. When asked how the defendant had directed the transport, JTC stated that when the civilians took up their loads, he gave the order: *"Till go, no bush shake, straight to the border*."

The Presiding Judge informed JTC that the defendant had stated he had never walked from Foya to Solomba. When asked, JTC confirmed that he had seen Alieu Kosiah on foot during the transport. JTC also confirmed that he had heard the defendant utter the threat: *"Any bush shake, you die."*

When asked about the weapon Alieu Kosiah was carrying when he ordered them to line up, JTC stated that he had seen the defendant holding an AK.

Attorney Gianoli and the MPC had no questions.

Attorney Werner questioned JTC:

When asked about the photographs presented (*i.e.,* the view of the river and the canoes), JTC identified the location as the Solomba border. He specified that the Ma customs post was located on this side of the river and that Solomba was a little further upstream. When asked, he stated that he had also identified the Makona River, which he said was the only river in that area.

Interrogation of Alieu Kosiah

When asked to comment on JTC's statements regarding forced transportation, Alieu Kosiah stated that he and JTC did not know each other and had never met. According to him, the only possible reason JTC claimed to know him was because he had been involved with the NGO. The defendant added that JTC had stated that Alieu Kosiah had lived in three different places in Foya, whereas in reality, he had lived in only one place and had never spent more than a week in Foya. Alieu Kosiah clarified that he lived three or four blocks from headquarters, which was located on the left as one approached from Kolahun.

The Court questioned Alieu Kosiah:

When asked about the order *"Till go*,*"* Alieu Kosiah stated that, as he understood it, this was an expression used on the front lines to instruct soldiers to head toward the location where the attack was taking place.

When asked about the phrase *"Any bush shake, you die*,*"* the defendant stated that it was an expression used within the AFL. According to him, this phrase was directed at the enemy to warn them that they would be fired upon at the slightest movement, given that ambushes were common.

When asked about the phrase *"If anyone tries ULIMO, we eat your heart*,*"* Alieu Kosiah stated that he had never personally used this phrase, though he did not rule out the possibility that other soldiers might have used it. He added that he had never seen a soldier say this to a defenseless civilian. When asked if he had ever heard a soldier say that to another soldier, the defendant stated that he did not recall it. He added that one must keep in mind that it all depended on the individual. Some were crazy, and bad things could happen. In his view, war is never an easy thing.

When asked whether he thought Ugly Boy was crazy, Alieu Kosiah stated that he had met him only once. The only thing he knew was that the one time Ugly Boy killed 3–4 NPFL soldiers, Deku wanted to kill him and shot at him, forcing him to flee into the bush.

Mr. Gianoli and the MPC had no questions.

Attorney Werner questioned Alieu Kosiah:

When asked to comment on the testimony of Abraham Towah, who stated that when they went to Foya, he slept at Kundi's house, while Alieu Kosiah slept at headquarters where Deku was staying until he was given a house, the defendant stated that the first time they went to Foya, they slept at Deku's house. Later, Deku gave them a room located three blocks from headquarters. According to the defendant, Abraham Towah also stated that Alieu Kosiah did not stay in Foya but went to Voinjama. Alieu Kosiah added that whenever he went to Foya, he would stay for one or two days and then leave.

When asked whether he had seen the bodies of the NPFL prisoners executed by Ugly Boy, Alieu Kosiah replied that he had not witnessed the scene and wondered how he could have seen the bodies since he was not present. Attorney Werner cited the testimony of Abraham Towah, who stated: "Alieu Kosiah and I were not present in Foya at the time of the execution, but we saw the

bodies when we arrived a few days later." When asked to comment on this, Alieu Kosiah stated that Attorney Werner could not mislead him because he knew the case better than he did. According to him, Abraham Towah was referring to the three people killed by General Dombuyah in Massakolahun. He criticized Mr. Werner for providing excerpts from Abraham Towah's statements rather than complete quotes.

Hearing of JTC (continued)

Questions regarding the acts alleged against the defendant: ordering the looting of the Foya power plant

The Court questioned JTC:

The Presiding Judge asked when and how he had arrived at the power plant on the day of the looting. JTC stated that some civilians had been gathered by EP, who had been designated as the leader of the civilians, while others had been gathered by soldiers. When asked, JTC indicated that upon his arrival, most of the equipment had already been dismantled.

The President then reminded him that he had stated he had seen Alieu Kosiah give the order to dismantle the equipment. When asked, JTC clarified that the defendant had ordered the civilians to take all the parts—some of which had already been dismantled—and gather them in one place. He added that the parts of the Blackstone generator that were still intact were dragged outside.

The Presiding Judge relayed Alieu Kosiah's arguments to JTC. Kosiah stated that there was no evidence to establish that there was a power plant in Foya, citing the statements of Emmanuel Fayiah Taylor, who indicated that there were only private generators in Foya, with no central generator.

According to JTC, all of this is a lie, as a power plant had indeed been built in Foya before Alieu Kosiah's arrival. He added that even today it is still possible to see the remains of the structure that was vandalized at the time, including parts that were never dismantled. According to JTC, there may have been private generators, but there is no doubt that there was a public power plant in Foya.

The President then told JTC that Alieu Kosiah claimed he had not ordered the looting and that he was in Lofa between July and December 1993, and between March and December 1995, respectively. The defendant stated that he was in the area around Foya and that he went to Foya to relax after returning from the front lines. When asked to comment on these statements, JTC affirmed that none of this was true.

Attorney Gianoli had no questions.

The MPC questioned JTC:

The Prosecutor presented JTC with a series of photographs taken by French investigators during the 2019 site reconstruction. JTC stated that these showed the power plant on Kpormbu Road, which was built in the late 1980s. According to JTC, it is possible to see in the photo that the door had been vandalized and that everything had been looted, including items on the roof. He added

that the looting took place over more than one day. While the main components were looted on the day of transport, the ULIMO members looted the valuable materials (aluminum, copper) at a later time to resell them in Guinea.

When asked, JTC confirmed that it was indeed him in the photos. When asked where Alieu Kosiah was when the parts were looted and loaded onto the truck, JTC replied that it was a fairly short distance to the main road leading toward Tengya. He explained that they had rolled the heaviest parts on logs and that the lighter parts were carried to *the truck*. According to JTC, Alieu Kosiah was standing by the side of the road.

When asked about the defendant's behavior, JTC stated that he was very harsh with the civilians because it was an important operation. When asked to clarify what he meant by "very harsh," JTC explained that Alieu Kosiah was pacing back and forth, forcing the civilians to load the items as quickly as possible.

When asked, JTC indicated that he had not remained in any specific spot since he was constantly on the move. He was rolling some items and carrying others.

The prosecutor then showed JTC another photo. JTC stated that it was the same location but from a different angle and that the power plant's *"security gate"* was visible. According to JTC, the power plant was surrounded by a barbed-wire fence. One had to pass through the security guardhouse to access the power plant.

When asked, JTC indicated that the *truck* was located where the person in the photo was standing. He added that it was not easy to turn the *truck* around to drive it into the power plant's perimeter. Consequently, it had been left in front of the *"security gate*."

When asked about Alieu Kosiah's location, JTC explained that he was not stationed in a fixed spot but was moving back and forth, making sure that everything that had been gathered was loaded onto the *truck*. JTC emphasized that the building was surrounded by a fence and that there was only one entrance to access it.

Attorney Werner questioned JTC:

When asked why EP had been unable to convince the ULIMO not to use civilians for this transport, JTC explained that EP would have risked his life if he had tried to convince them. According to JTC, EP had been beaten on occasion for trying to defend the civilians' interests. When EP relayed the civilians' grievances to Alieu Kosiah, nothing came of it. JTC added that what EP said had no impact and that the soldiers did as they pleased.

Attorney Jakob questioned JTC:

When asked about the presence of private security during the looting of the power plant, JTC stated that he was referring to the individuals assigned to guard the power plant. He explained that they were not government officials but rather employees of the LEC (Liberian Electricity Corporation). According to JTC, wherever the LEC had power plants, it assigned personnel to provide security. He added that at the time of the incident, everyone had left the area, so the security personnel were not present.

Attorney Gianoli questioned JTC:

When asked, JTC confirmed that he had entered the power plant building at the time of the incident. He noted, however, that he had never entered it before, as only people who worked there were allowed access.

When asked about the condition of the road at the time of transport, JTC stated that the road was in acceptable condition. According to him, motorcycles and cars could pass on it. It was not a paved road, but it was passable.

When asked to explain how it was possible that the truck could not be driven up to the power plant while it was empty, yet it was able to be driven all the way to Solomba on a rough road while it was loaded, JTC reiterated that the power plant was surrounded by a fence. He added that the access road to the power plant was lined with ditches, so it would have been difficult to get a vehicle that was not in working order to cross those ditches. According to JTC, the road to Solomba was used primarily by cars. Given the number of civilians conscripted, it was possible to push the vehicle all the way to Solomba.

Interrogation of Alieu Kosiah

When asked to comment on JTC's statements regarding the looting, Alieu Kosiah expressed surprise that it would be easier to push a *truck* all the way to Solomba than to push it to the location where the parts were to be loaded. According to him, if the ULIMO fighters were able to push a vehicle without an engine for 18 miles, then they could have pushed it all the way to where the generator was located. Regarding EP, Alieu Kosiah stated that he was not the one who had appointed him as the chief of Foya, since the defendant was not the commander of Foya. According to Alieu Kosiah, EP was appointed chief of Foya by the local commander or by Pepper & Salt. He added that when he testified in France, SFC gave a different name for the chief of the town of Foya.

The defendant then stated that he had been in prison for eight years, even though the photos proved that the generator was intact. According to him, only three parts were missing: the copper, the fuel injection pump, and the main starter. Alieu Kosiah added that they had initially discussed the looting of a Blackstone generator. It was only six years later, when these photos were produced, that they began to mention the looting of the backup generator. According to Alieu Kosiah, LSM stated, just as he did, that only three parts had been looted.

The Court questioned Alieu Kosiah:

When asked if he agreed with LSM's statements, Alieu Kosiah said he was referring to LSM's second statement and that he agreed that only three items were missing, as shown in the photo. He added that it was not necessary to use a truck to transport these items to the border and that two people were enough to carry them. He said he hoped the press was listening to him.

Referring to the defendant's previous statements—according to which he sometimes passed through Foya on his way back from the front or stopped there when visiting his girlfriend in Bolahun—the Presiding Judge asked Alieu Kosiah if he could rule out the possibility that he had been near the power plant. The defendant replied that he did not know whether the judges

believed him or not and asserted that he was not lying. He stated that he was unaware of the power plant's existence until his arrest.

When asked who had dismantled the three components of the power plant, the defendant replied that this was a question he could not answer since he had not been there. He added that it was important to bear in mind that the NPFL had controlled that area between 1990 and mid-1993, although he could not rule out the possibility that the looting had been committed by ULIMO, given that both factions engaged in such acts. The only instances of looting he had witnessed had taken place in Monrovia. He also stated that when he arrived in Lofa, the area was quiet and there was no looting. According to him, looting usually occurred immediately after a town was captured, when the area was not yet under control, because once the commanders had taken control, it was more difficult for soldiers to commit wrongdoing.

When asked how he knew that three parts were missing from the generator, given that he had only learned of the power plant's existence at the time of his arrest, Alieu Kosiah replied that he had deduced this from the photograph entered into the record. He added that if there had been two generators, there would have been nameplates. There was therefore only one generator, consistent with what SFC had stated on three separate occasions before changing his story.

Attorney Gianoli had no questions.

The Public Prosecutor's Office questioned Alieu Kosiah:

The prosecutor presented the photo of the Blackstone generator and asked the defendant if this was indeed the intact generator he had mentioned earlier. Alieu Kosiah replied that three main components were missing: the copper part at the back, the fuel injection pump, and the main starter. Alieu Kosiah added that if there had been two generators, there would also have been two exhaust pipes, which was not the case.

The Prosecutor cited Article 344 of the Code of Criminal Procedure and asked the Court to inform the parties whether it intended to reserve the right to assess the facts differently from the Office of the Public Prosecutor and to invite them to present their views.

Attorney Werner questioned Alieu Kosiah:

When asked whether EP had been appointed head of the civilians in Foya by ULIMO, the defendant replied that he did not know and that he had only said that SFC, who has the same last name as JTC, had given a different name.

Attorney Jakob questions Alieu Kosiah:

When asked why it was up to the ULIMO commander to appoint the civilian leader rather than the civilians themselves, Alieu Kosiah replied that the question should be directed to JTC. He added that, in his opinion, it would not have made sense for him (Alieu Kosiah) to appoint EP as the civilian leader because he was not the commander on the ground, unlike Deku. Attorney Werner retorted that he had not heard JTC say that EP had been appointed by Alieu Kosiah. The defendant, for his part, maintained that JTC had mentioned this several times in the case file.

Attorney Jakob then asked Alieu Kosiah whether, in his experience, ULIMO ever appointed civilian leaders or *town chiefs* in towns or villages occupied by ULIMO. Alieu Kosiah replied that, in his experience, when ULIMO captured a town, the incumbent *town chief* remained in office. As an example, he noted that when Todi was captured, the *town chief* remained in office.

Hearing of JTC (continued and concluded)

The President insisted that the photo of the generator be shown to JTC so that he could be questioned about it. When asked, JTC confirmed that it was indeed a photograph of the Foya power plant. When asked to describe the components that had been dismantled, JTC stated that when he arrived at the power plant on the day of the looting, the generator was not intact. Civilians took the dismantled parts. JTC added that at the time, the Blackstone generator was too powerful for the district's power needs, so a standby generator was being used. According to JTC, the standby generator was mounted on a pedestal in the same building. JTC specified that the dismantled parts of the generator, as well as the standby generator, were looted, as were the copper and silver wires. He stated that he had transported rolls of wire, while the generator was rolled onto logs.

When asked, JTC confirmed that he was present when the photos were taken and that he provided instructions. The President then asked him to indicate on the photographs where each of the two generators was located.

Mr. Gianoli questioned JTC:

When asked, JTC stated that he had not participated in dismantling the generator. Mr. Gianoli asked him how he could therefore know where the generator was located. JTC explained that the remaining parts of the Blackstone generator had stayed in the same position and that they had taken the other generator away. He added that the exhaust pipes were visible. Attorney Gianoli asked JTC how he could be so categorical when he had stated that he had never entered the building before the looting and had not participated in the dismantling. JTC replied that he had entered and had seen the machine parts.

The MPC had no questions.

Attorney Werner questioned JTC:

When asked to clarify his statements before the trial judges—in which he claimed that soldiers had handled the dismantling and had even brought in people from Guinea to remove certain parts before instructing civilians to transport the parts that could be moved—JTC confirmed them. He also confirmed that he was not present during the dismantling of the generator and that he and the other civilians came to transport the machine on logs.

Questions regarding the charges against the defendant: ordering and directing the forced transport of the Foya power plant's engine by civilians from Foya to Solomba, and from there to the Guinean border

The Court questioned JTC:

The President asked JTC whether it should be inferred from his trial testimony—in which he stated that commanders had ordered him to carry out this transport—that, unlike the first transport, the individuals involved were not soldiers under Alieu Kosiah. JTC replied that Alieu Kosiah was not alone but was the principal leader alongside other commanders. When asked how he had identified Alieu Kosiah as the principal commander, JTC replied that he had later learned that Alieu Kosiah was an important liaison officer between Voinjama, Kolahun, and Foya. He added that the defendant was urging the civilians to hurry up with the loading, which was why he had considered him to be the principal commander.

When asked, JTC stated that civilians who disobeyed were whipped and beaten with rifle butts and kicked by soldiers. When asked to specify what instrument was used to whip the civilians, JTC stated that if the soldiers had a stick, they would sometimes whip the civilians with it.

When asked about the orders given by Alieu Kosiah, JTC stated that the defendant had ordered that the equipment be taken away. When asked whether he had always heard Alieu Kosiah speak English, JTC replied that Alieu Kosiah spoke English, which is the official language of Liberia.

The Presiding Judge then relayed the defendant's arguments to JTC so that he could form his own opinion on the matter. First, Alieu Kosiah pointed out two contradictions between LSM's and JTC's accounts. First, LSM reportedly stated that a civilian had died during transport. Second, LSM reportedly indicated that there were two vehicles in the convoy. JTC replied that this was possible since he had not seen everything that was happening. JTC added that there were many people present and that he, for his part, was busy pushing the truck to the border. It was not feasible for him to move to the front or rear of the convoy.

The Chair told JTC that, according to Alieu Kosiah, it was impossible for a car to be transported on the type of boats found at the border. Indeed, these boats were between 10 and 12 meters long and 1.5 meters wide. JTC countered that this was incorrect. According to him, the Solomba border was the main crossing point for goods. On site, there were very large canoes made in Guinea onto which planks were placed to allow vehicles to cross.

Attorney Gianoli asked JTC:

When asked to specify the size of the convoy, JTC stated that when they gathered to push the truck, they were a large group of about 50 to 100 people. He added that one had to take into account the fact that, as the journey progressed, people had joined the convoy. When asked, JTC indicated that he did not recall the exact length of the convoy. He specified that the spot where the truck was to be pushed was where the largest number of people had gathered.

When asked, JTC confirmed that the canoes were similar to those shown in the photo produced by Attorney Gianoli, while noting that they were larger.

The MPC had no questions.

Attorney Werner questioned JTC:

When asked to comment on Alieu Kosiah's statement that one must keep in mind that JTC is Kissi in order to assess his testimony—given that Alieu Kosiah himself is Mandingo—JTC stated that Alieu Kosiah should be better informed and that it had been years since he had left Liberia.

According to JTC, Liberia is at peace and there are Mandingos in Foya, including Old Man Fofana, one of the largest landowners in the region. JTC added that his son-in-law had married a Mandingo woman who lived with them and that no one had any reason to target a Mandingo simply because of his ethnicity. JTC stated, “We are here because of what Alieu Kosiah did personally.”

When asked, JTC confirmed that he would also be present here if the person accused of the same crimes as the defendant were of Kissi ethnicity.

When asked to comment on the statements made by GS, who indicated that in Zorzor, ULIMO treated civilians like animals since they did whatever they wanted with them, JTC confirmed that the same thing had happened in Foya between 1993 and 1995.

When asked to address the Court one last time, JTC expressed his gratitude to the President and the Swiss government for giving the plaintiffs the opportunity to speak before the Court. He added that what he wanted more than anything else was to see justice served in every possible way. JTC expressed his gratitude that a person who had committed such heinous crimes had been arrested and thanked all those who had worked to bring these proceedings to a conclusion.

Interrogation of Alieu Kosiah

When asked to comment on JTC’s statements regarding the forced transport of the generator from the Foya power plant, Alieu Kosiah said the following about the Mandingos and the Kissis at a river: “When you see a large river, you shouldn’t jump into it, because you don’t know how many crocodiles might be there. That’s the situation in Africa.” Alieu Kosiah criticized JTC for failing to acknowledge before the prosecutor the persecution inflicted on the Mandingos by the NPFL. The defendant recalled that under the NPFL, the mere fact of being a Mandingo was grounds for execution. According to Alieu Kosiah, JTC only admitted that Mandingos had been killed in Nimba after being advised by his lawyers.

Alieu Kosiah also addressed JTC’s statements to the Dutch authorities. According to him, JTC mentioned Kosiah, Kundi, and Ugly Boy in connection with the transport and stated that Deku was leading the operation.

The defendant then stated that he was familiar with the border crossing and that it was impossible to get a car across. Regarding the photos of the canoes, he emphasized that they were recent and that the war had ended more than thirty years ago. He noted that it seemed unlikely to him that canoes larger than those used today would have been available to them during the war. According to him, the report submitted by his attorney indicates that the border official at Solomba stated that the Guineans brought canoes to the border and prohibited Liberians from having them. He added that he had stated the same thing throughout the proceedings, whereas JTC had mentioned it for the first time today. Alieu Kosiah also reiterated that the canoes were 12 to 15 feet long and were more or less the same as those in the photo. According to him, there was no ferry.

The defendant then recalled that LSM had confirmed that one had to climb three hills to reach the border. Speaking emotionally to the press, Alieu Kosiah stated that it was impossible to push a vehicle without an engine, brakes, or power steering over that type of terrain. He declared: “You are repeating the same mistakes you have made since colonization. You’re talking about a

continent you don't know." The defendant insisted that, in his view, it was impossible to push a vehicle for 30 km and then transport it across a river in a canoe. He referred to the France 5 program titled "Les routes de l'impossible" and insisted that it was inconceivable that 50 to 100 people could have pushed a truck without power steering or brakes.

Attorney Gianoli and the Office of the Public Prosecutor had no questions.

Attorney Werner questioned Alieu Kosiah:

When asked to comment on Abraham Towah's statements—according to which the canoes were very large and could be joined together to transport a car—the defendant provided the names of several people, including civilians in his view, who had confirmed his own statements. He added that all ULIMO members except Abraham Towah were saying the same thing as him, namely that the cars could not cross. In this regard, he specifically mentioned Advisor and Fine Boy. He asked the President to contact the Liberian police so that they could ask 50 people to push a *truck* loaded with metal.

* * *

The President proposed showing the defendant a photo of the group of ULIMO soldiers so that he could form his own opinion. Alieu Kosiah stated that the photo spoke volumes about the credibility of the plaintiffs, since they had described Dorley as thin with dreadlocks like Mami Wata. He clarified that the man wearing dark glasses was Samuel Kamara, their leader, who died two weeks after the capture of Po River. Next to him was Steven Dorley. Alieu Kosiah added that the photo had been taken four or five months before the capture of Zorzor and that it was not possible to grow Rasta-style hair in four months. The defendant also stated that JTC did not recognize any of the four key figures from Lofa (Steven Dorley, Abu Keita, PYJ, and Pepper & Salt) and that he knew only Alieu Kosiah.

When asked to explain why several ULIMO fighters were wearing red in the photo, the defendant stated that the Satou were a special force under Doe and wore red berets.

The Presiding Judge then invited the defendant to speak, as he had previously requested. Alieu Kosiah stated that he had initially decided not to answer any questions, but that his attorney had dissuaded him from doing so. He added that the witness Wanga Kpandeh was the only person who could say whether Musa and Morlu were his brothers. Regarding Mr. Werner, the defendant maintained that he was part of a criminal organization. According to him, Alan White, who was friends with Mr. Werner, shares this view. Alieu Kosiah stated that Alan White had introduced himself to Mr. Gianoli as the chief investigator for the TSSL and indicated that he had information, particularly regarding the fact that Alain Werner and the GJRP were forcing people to come forward as witnesses. Alieu Kosiah also mentioned a list of names that included, among others, Valérie Migeot. According to him, she is the person in charge of the investigation against Agnes Taylor, which was dropped because the witnesses were not deemed credible. The defendant also referred to the Massaquoi case before mentioning Amos Bond, superintendent of the Kakata region. According to Alieu Kosiah, the NGO prosecuted Agnes Taylor for the murder of Amos Bond even though he had given an interview to the BBC. He asked the Court to hear Alan White before rendering a decision.

Attorney Werner requested that the incriminating document be produced and stated that he had never heard of the names mentioned by the defendant.

* * *

The Presiding Judge then invited the parties to argue under Article 344 of the Code of Criminal Procedure. The Prosecutor stated that he intended to argue joint criminal liability, or even direct perpetration, insofar as JTC had raised various elements that could justify this form of commission in connection with the looting, and not merely the role of a person giving orders.

Attorney Gianoli replied that his client's position was clear: he was not present when the offense was committed and therefore did not object to such an extension of liability.

The attorneys for the plaintiffs referred to the statements made by the Office of the Attorney General.

After deliberation, the Court ruled that the legal classification adopted was broad enough to assess this aspect of the indictment from the perspective of either a principal or an accomplice.

* * *

Hearing of LSM

The person being questioned confirmed that he was LSM, born on April 22, 1972. The President informed LSM that he was being questioned as a person called upon to provide information and drew his attention to the criminal consequences of making false accusations, misleading the court, and obstructing criminal proceedings. The President reminded him of the charges against Alieu Kosiah concerning him, namely that he ordered the cruel treatment of seven civilians, including LSM, in Foya; ordered the murder of six civilians in Foya; stabbed the civilian LSM in Foya; having ordered and directed the forced transport of coffee, cocoa, and palm oil by civilians from Foya to Solomba and from there to the Guinean border; having ordered the looting of the Foya power plant; and having ordered the forced transport of the Foya power plant's engine by civilians from Foya to Solomba and from there to the Guinean border.

Questions Regarding Personal Circumstances and the General Context

The Court asked LSM:

The President asked LSM to describe the consequences of the first civil war in Liberia for him. LSM began by thanking the Court. He then stated that he was in the 6th grade when the war broke out, which forced him to interrupt his schooling and flee to Bolahun in Lofa. He added that he was unable to return to school afterward due to a lack of financial means. Indeed, he has several dependent children and must work to provide for them.

When asked about his current job, LSM stated that he worked for the *Liberian Marketing Association* (LMA) as a security guard. He added that because of the war and the injuries he sustained, he was unable to perform physical labor. He explained that the injuries he sustained during the war still caused him pain in his hands and leg today and prevented him from doing any work other than that of a security guard.

When asked about his knowledge of the trial judges' decision, particularly the parts concerning him, LSM stated that the judges had found Alieu Kosiah guilty. He added that the decision had been read to him and that he had been told that Alieu Kosiah's attorney had filed an appeal.

When asked how he knew that the men who attacked him during the coronavirus pandemic were Alieu Kosiah's men, LSM stated that they were former ULIMO soldiers. When asked about any consequences he or his family had faced as a result of his testimony at the trial, LSM said he was considered a criminal in his own country. He added that he had been hounded like a dog by members of the ULIMO ethnic group since the day he came to testify and was no longer able to move about freely.

When asked whether, since the trial, the aftereffects of the "tabé" and the stab wound he had described had subsided, LSM replied in the negative. He reiterated that he was still unable to perform physical labor, even though he had to provide for his family.

When asked to demonstrate the "tabé" position with gestures, LSM placed his elbows behind his back and explained that the "tabé" involved tying both elbows behind the back to stretch the rib cage. He stated that the rib cage was stretched so tightly that it felt as if it might burst. When asked, he stated that this was the first time he had undergone such treatment. He added that even today he still feels a burning sensation in his chest when he eats or drinks and that he has spent more money on hospital treatment than anyone else.

Attorney Gianoli asked LSM:

When asked how people in Liberia could have known that he had come to testify in Switzerland, LSM replied that he had lost his brother, his cousin, and others during the war and had been forced to join ULIMO. According to him, people in Monrovia know him and have read in the newspapers that he came to testify in Switzerland. He stated that he was afraid and that it was dangerous for him to talk to people.

When asked to name the people he had lost during the war, LSM said he had lost his brother and his two cousins. When asked about the time period during which he lost his brother and cousins, LSM explained that he had left Kolahun, where he lived with his mother. His mother sent him to his aunt's plantation in Foya because they had nothing left to eat. LSM said he spent a week there harvesting rice and drying it. He was startled when he heard gunshots. According to him, the rebels fought in Foya, and soldiers arrived at the plantation a few days later. They gathered everyone in the village and lined the people up to take them to Foya. Upon arriving in Foya near the former police station, they separated the people into three lines: men, women, and children.

Mr. Gianoli asked LSM to specify the time period when these events took place. LSM stated that he would never forget that day and that it was toward the end of 1993.

When asked to provide the names of his deceased brother and cousins, LSM stated that his brother's name was James Marley and his cousin's name was Peter Harley. When asked about the second cousin he had mentioned, LSM stated that it was Kamula Bo Marley, his teacher. When asked about the family relationship between Kamula Bo Marley and Peter Harley, LSM explained that Kamula was the eldest son of his mother's younger sister, while Peter was his uncle's son.

When asked about his attackers, LSM stated that they were ULIMO veterans, but that he did not know their names. Only the name Musa Sissey came to mind later. According to LSM, they left for Sierra Leone, and he was unable to track them down. When asked how he had been able to identify them as former ULIMO combatants, LSM stated that they were living with a man named Fama Kaneh in a house inhabited by former ULIMO soldiers. When asked how he had made the connection to Fama Kaneh, LSM explained that he had been led to Fama Kaneh because the latter was a ULIMO *councilman*.

When asked when the schools closed, LSM stated that the schools had closed because of the war. He added that he was no longer able to attend school once gun s were fired, specifically in 1993. When asked about the name of his school, LSM explained that it was St. Mary's School, affiliated with the Episcopal Church.

The MPC questions LSM:

When asked whether he had discussed the case with anyone other than his lawyer and the GJRP since his testimony in 2021, LSM said he had spoken about it with his younger sister, who used to live in Foya and now lives in Monrovia. He explained that his younger sister knew the former ULIMO soldiers and had advised him to leave Monrovia if he did not want to risk his life and that of his children. LSM stated that he had left Monrovia and returned there solely to testify. He stated that he had to leave his family to ensure the safety of his loved ones.

The Prosecutor asked LSM if he had been attacked since his stay in Bellinzona in 2021. LSM replied that he had stayed away from Monrovia upon his return to Liberia for his own safety and that of his family. According to him, he would have been hunted down if he had remained in Monrovia.

When asked if he had felt any pressure in Liberia in connection with his trip to Switzerland for the appeal hearing, LSM stated that he had come here to seek justice and that he had spent only two days in Monrovia to make the trip.

When asked if the name Vafray Kamara meant anything to him, LSM replied that he had been a member of parliament for Kolahun under the government of Ellen Johnson Sirleaf.

Attorney Jakob asked LSM:

When asked if he regretted getting involved in these proceedings given his status as a fugitive, LSM stated that he had come to seek justice for his brother and cousins and that he would stop at nothing.

When asked, LSM stated that Kamala Marley did not die on the same day as Peter Harley and James Marley.

Questions regarding the charges against the defendant: ordering the cruel treatment of seven civilians, including LSM, in Foya

The Court questioned LSM:

When asked, LSM stated that ULIMO soldiers had given the order to bring the civilians from the bush to Foya. He explained that the civilians had all arrived together from the bush and were then divided into three groups upon their arrival in Foya. When asked, he stated that the S2, namely Fine Boy, had given the order to divide the civilians. When asked about the fate of the women and children, LSM stated that the men had been interrogated one by one in the S2 office and that seven of them—including himself, his brother, and his cousin—had been removed from the column. When asked, LSM stated that the ULIMO soldiers had singled out the seven people to be removed from the column, accusing them of being NPFL rebels. LSM explained that the soldiers then took them to the market, where he heard the name CO Kosiah.

When asked, LSM stated that Alieu Kosiah had given orders to Kundi as well as to other soldiers. He added that there were many of them, but that he remembered only the names of Kosiah and Kundi.

When asked about the defendant's involvement, LSM stated that Alieu Kosiah had called them rebels and ordered that they be beaten. Upon further questioning, LSM confirmed that CO Kosiah and CO Kundi gave the order to drag him and that Kundi ensured the order was carried out. He explained that he continued to protest that they were not NPFL rebels and was dragged along the ground while being beaten because of his protests. He added that he was dragged to the point that his skin was torn off.

Attorney Gianoli, the Prosecutor, and the attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: ordering the murders of six civilians in Foya

The Court questioned LSM:

When asked, LSM stated that Alieu Kosiah had called them rebels after removing them from the column. When asked if anyone else had protested, LSM explained that his younger brother had remained silent because he was afraid. He, on the other hand, was not afraid because he had grown up near a large barracks and was used to seeing soldiers.

When asked how Alieu Kosiah gave the order to kill them, LSM stated that the defendant had already declared them to be rebels. He added, "When you're beaten, you're already dead." He explained that he had been dragged along the ground and had seen a man's head crushed by stones. LSM was afraid and closed his eyes.

The Presiding Judge asked LSM whether the defendant had given a specific order to kill them. LSM stated that he had seen pieces of the man's brain and had closed his eyes. He added that he had heard them screaming as they died. When he opened his eyes again, no one was there.

When asked to confirm his statements to the prosecutor—that Alieu Kosiah had given the order to throw them into a well—LSM repeated that he had closed his eyes and heard gunshots. When he opened his eyes again, he knew they had finished killing them. It was only later that he learned they had thrown them into a well.

When asked about "S2," LSM stated that it was Fine Boy and confirmed that Fine Boy was standing near Alieu Kosiah. Upon further questioning, LSM confirmed that, in his opinion, Alieu Kosiah and Fine Boy knew each other, despite the defendant's denials.

When asked, LSM confirmed that Alieu Kosiah was present at the time of the incident. He repeated that the defendant had given the order to kill his brother and the other men.

The Presiding Judge pointed out to LSM that Alieu Kosiah had stated he had never witnessed a soldier smashing someone's head with a rock nor heard that people had been thrown into a well. When asked to confirm his statements about how a man was killed, LSM reiterated that he had seen soldiers crush a man's head until it burst and that he had then closed his eyes.

When asked if he had seen the bodies in the well, LSM said that civilians had told him the bodies had been thrown into the well.

Attorney Gianoli questioned LSM:

When asked, LSM stated that James Marley was his younger brother, while Peter Harley was his uncle's son. When asked why he had previously always referred to James and Peter as his cousins, LSM reiterated that Peter was his cousin and James his brother. When asked to clarify his previous statements that his two cousins, James and Peter, were among the group of six men who were killed near the well, LSM replied that he had said he had taken James Marley and Peter Harley to his aunt's plantation near Foya.

When asked about the well into which the civilians were thrown, LSM stated that it was located near the market and had been sealed because of the flies coming out of it. LSM added that it was possible to locate the well and reiterated that it had been demolished. He said, "Who would drink from a well where bodies were thrown?"

When asked about the size of the well's opening, LSM explained that it was a well with a hand pump. The well was covered by a square access hatch. According to LSM, a person could climb down into it to clean it. He added that the pump had been looted. When asked if he had seen the bodies at the bottom of the well, LSM replied that he had not gone to check. He reiterated that the bodies had been thrown into the well and that flies were swarming out of it, which was why the well had been sealed.

When asked by the President how the well had been sealed, LSM explained that soil had been poured into the well to fill it in. In response to a question, LSM stated that there were two wells in the market area in Foya. The President showed LSM various photos of wells. When asked, LSM confirmed that there was a concrete structure surrounding the well in question to prevent children from falling in. He reiterated that the well had been completely sealed off and stated that everyone in Foya knew where it was located. According to LSM, the well resembled the one in Photo No. 2. He added that after joining ULIMO, he returned to Foya but the well was no longer there.

When asked if he had seen an opening in the photos similar to the one he had described in his previous statements, LSM replied that one could not throw bodies into a well and leave it open. He added that there had been renovations in the market area in Foya and that the well had been sealed.

The MPC questioned LSM:

The prosecutor cited LSM's statements regarding the song "Zo Kele Kele," in which he indicated that singing this song made his heart ache because it reminded him of the moment he lost his brothers. When asked whom he was referring to when he spoke of his brothers, LSM replied that he had heard this song on the day he lost his brother. According to him, CO Kosiah, CO Pepper, and CO Kundi always sang it after killing someone in cold blood. Asked to clarify whom he was referring to, LSM explained that he was referring to his brother and his cousins.

When asked whether he distinguished between "brothers" and "cousins" in his speech, LSM explained that his uncle's and aunt's sons were his cousins, whereas his biological brother was simply his brother.

Attorney Jakob questioned LSM:

When asked about the meaning of the term *"brother,"* specifically whether it could refer to people who grew up with him, LSM stated that he would instead use the term "friend" to refer to such people. He explained that a brother was someone who shared the same last name.

When asked, LSM confirmed that he has a son named LSM Junior and clarified that he is not his eldest son.

Interrogation of Alieu Kosiah

When asked to comment on LSM's statements, Alieu Kosiah first stated that LSM had initially claimed he was attacked because people knew he was a former ULIMO soldier. The defendant also noted that it was a strange coincidence that LSM had initially named Papa as the perpetrator of the assault he suffered when he went to see HB. Today, LSM mentioned other names. Alieu Kosiah then pointed out certain contradictions regarding the family relationship between LSM and Kamala Marley. According to LSM's statements, the family relationship was described once as being on the mother's side and another time as being on the father's side, even though it referred to the same person.

The defendant stated that he had proclaimed his innocence from the very first day. According to him, the only crime he committed was living in the West.

Alieu Kosiah then noted that LSM had stated he attended school until the ULIMO arrived, as if he had been better off under the NPFL. However, during a previous hearing, he stated that Taylor was responsible for his problems because he had been prevented from attending school because of Taylor. Furthermore, according to Alieu Kosiah, LSM mentioned the deaths of eight family members, whereas, to the defendant's knowledge, only three of LSM's relatives had died.

Alieu Kosiah added that he did not know LSM and that he had doubts about whether he had been a ULIMO soldier. Regarding the murder of the six civilians, the defendant stated that he could not see how it was possible to throw human beings into a well. According to him, there is no maintenance opening with a hand pump. He explained that these were pumps built by the Ministry of Public Works or humanitarian organizations such as MSF or the UNHCR. In his view, these are not wells, but pumps with a pipe attached below that cannot be repaired from the

inside. The defendant added that all the people from Foya who had not gone through the NGO had said that there was no well at the market in Foya, but rather a hand pump.

The Court questioned Alieu Kosiah:

When asked about Fine Boy, whom the defendant knows according to LSM, Alieu Kosiah wondered why Fine Boy had not recognized him when he arrived, which proves that they do not know each other.

When asked about the incident in which a soldier smashed a man's head with a rock, the defendant stated that this did not seem logical to him, since both he and Kundi were armed. He added that he was Kundi's superior in the chain of command and that they would have shot the man to kill him. Alieu Kosiah also wondered why they would have spared the seventh man when he was the most arrogant of them all. According to him, LSM's statements that Fine Boy came to his rescue are not credible, since Fine Boy claimed not to know him or, for that matter, Fina Johnson, with whom he was supposedly in a relationship.

Alieu Kosiah maintained that he had not ordered the cruel treatment of seven civilians in Foya and stated that he was not the kind of person to do such things. According to him, the only people who describe him as a monster are those associated with the NGO. He specifically referred to letters from his ex-wife as well as the testimony of Melvin Perkins, a former NPFL soldier, which attest that the defendant was not a bad person.

Mr. Gianoli, the Prosecutor, and the attorneys for the plaintiffs had no questions.

January 16, 2023 – Day 4: Unable to carry

The session began with the last plaintiff from the hearing on Friday 13th completing his statement. The plaintiff had been involved in different events of pillage and forced transport, once as a civilian, and once as a ULIMO soldier during the period in which he was forced to join the armed group. The defendant denied his involvement in the events.

Next, a new plaintiff was heard. He had been a part of a pillage previously attested to in the first week. He also was witness to the murder of a civilian who had been unable to carry the pillaged goods to the end due to hunger and fatigue. His testimony will continue tomorrow January 17th.

Both plaintiffs, when the defendant insisted that he was not aware of or involved in the events, or that he had never heard of them, accused him of lying.

January 16, 2023 – Day 4: Unable to carry

Hearing of LSM (continued)

Questions regarding the acts alleged against the defendant: stabbing civilian LSM in Foya

The Court questions LSM:

When asked to explain why Fine Boy had not recognized him during the 2021 trial, LSM stated that Fine Boy obviously wasn't going to say he recognized him. According to LSM, it was Alieu Kosiah who recruited Fine Boy from Guinea during the war. Fine Boy had no military training and spoke the same dialect as Alieu Kosiah.

The President reminded LSM of his statements that he had been spared thanks to the intervention of Fine Boy and Deku and asked him whether Fine Boy knew he was his girlfriend's cousin before coming to his aid. LSM clarified that he had been spared because Deku, who was *the ground commander*, had given the order not to kill civilians.

When asked about Alieu Kosiah and Kundi's intent to kill him—as they had left him for dead in his own blood—LSM stated that after killing six men, the last person meant nothing to them. LSM reiterated that he had survived thanks to the intervention of Deku, who was the commander on the scene. When asked, he indicated that by the time Deku arrived, the other six civilians were already dead.

When asked, LSM confirmed that he had seen Kundi holding a bayonet before he was stabbed. He stated that the six civilians had been killed on the orders of Kosiah and Kundi and that he had felt the stab, but did not know whether Kosiah or Kundi had inflicted it.

When asked to comment on the defendant's arguments—who claimed he had never seen a soldier with a knife and had never stabbed anyone because he had firearms at his disposal—LSM noted that at the time, an AK-47 bullet cost $8. According to him, ammunition had to be conserved for combat, so it was common to see people having their throats slit or their heads crushed.

The President then told LSM that the defendant had brought to the Court's attention the fact that, under French proceedings, Kundi had been identified as the perpetrator of the stabbing. LSM stated that he had never known who had stabbed him and that both men were holding bayonets.

Attorney Gianoli questioned LSM:

When asked how he knew that Fine Boy had been recruited by Alieu Kosiah, LSM stated that he was a civilian before being recruited by ULIMO and that people had told him how Fine Boy had been recruited. He added that he had seen with his own eyes the relationship between Alieu Kosiah and Fine Boy, as well as the relationship between the Mandingos from Voinjama—led by Pepper & Salt—and his subordinate Alieu Kosiah. He stated that all these men had been recruited in Guinea by Alieu Kosiah and Pepper & Salt.

When asked why Fine Boy had not recognized him, even though his act of defiance against his two commanders was commendable, LSM stated that Fine Boy knew him and had lied. According to LSM, Fine Boy was obviously not going to say he knew LSM because he did not want to testify against Alieu Kosiah, the man who had recruited him into the group.

Attorney Gianoli asked LSM how he explained the fact that Fine Boy had opposed Alieu Kosiah to save LSM if he was so loyal to the man who had recruited him. According to LSM, Fine Boy did indeed oppose Alieu Kosiah, but his opinion did not matter. LSM added that only Deku's opinion was decisive. Deku stated that people should not be killed in this manner, even if they were rebels, and that no one would have been killed that way in his presence.

When asked why he had mentioned only Fine Boy and not Deku during the investigation, LSM explained that Fine Boy was the S2 and lived among the civilians. He repeated that if only Fine Boy had been present, he would have been killed like the others. Attorney Jakob intervened to challenge the accuracy of the premise of the question. The Presiding Judge invited Mr. Gianoli to ask questions that were as closely related as possible to the statements made by LSM.

When asked about his first encounter with Fine Boy, LSM stated that he saw him for the first time when he was brought from the bush to Foya. Upon further questioning, LSM stated that his cousin had been forced to be with Fine Boy and that she had no other options.

When asked to confirm his statements that Fine Boy had come to his cousin's house and said that LSM had been lucky because the other six people had died—specifying that it was Alieu Kosiah who had stabbed him—LSM refuted them. He explained that he had been required to clean the S2's office for two months and had overheard conversations. He added that he had no way of knowing who had stabbed him. When asked, he stated that he had heard Fine Boy discussing the incident with his cousin. He repeated that both Alieu Kosiah and Kundi wanted him dead and that he did not know which of them had stabbed him.

When asked why he had told French authorities that Kundi had stabbed him, LSM reiterated that he did not know who had stabbed him. Some said it was Kosiah, while others accused Kundi.

When asked to confirm his statements that he had been brought in early in the morning for questioning in Monrovia—even though he worked nights and was tired—LSM confirmed them. Attorney Gianoli then asked him how he explained the fact that the official record indicated the

hearing had begun at 5:00 p.m. LSM stated that he had gone to give his testimony at the Royal Hotel that morning and had waited a long time before someone came to pick him up. He added that he had slept only three hours. When asked, he indicated that after being questioned, he asked to be excused because he needed to rest.

The Chair asked him if he could rule out the possibility that the hearing had begun at 5:00 p.m. LSM replied that he did not know what time his hearing had started. He added that his statements had not been read back to him at the end of the hearing. He simply signed the minutes before leaving to rest. LSM also stated that he was not the only person being questioned that day. According to him, they did not have time to read his statements back to him. The President informed him that, according to the minutes, his statements had been read back to him and translated by an interpreter. When asked, LSM stated that he had no recollection of this.

When asked why the other civilians had not been stabbed, given that ammunition needed to be conserved, LSM replied, “After crushing someone’s head, why would we stab them?” When asked, he confirmed that he had heard gunshots after seeing the man’s head crushed. He added that it was common to hear gunshots due to the fighting and that he had not seen the victims’ bodies. When he opened his eyes again, he saw only the blood of the man who had been killed first.

When asked about Deku’s behavior, LSM stated that one must keep in mind that during war, a person can be kind to some and cruel to others. He added that Deku had been kind to him and that without God’s grace and Deku’s arrival, he would have died like the others.

When asked to explain why Deku had saved him even though he had described him as particularly cruel, LSM repeated his account: without God’s intervention and then Deku’s, he would have died. He reiterated that Deku had been kind to him and that he was the only person who could have intervened. He added: “God saved me, and Deku was my savior by saving my life. He may have been cruel to other people, but that’s what happened that day.”

The MPC had no questions.

Attorney Jakob questioned LSM:

When asked about the presence of other civilians when he and the six other civilians were gathered in front of the S2 office, LSM stated that other civilians from surrounding villages were present. According to him, few people were from Foya since the civilians from Foya had fled. When asked, LSM confirmed that he had seen other civilians witnessing the scene in the market square. When asked about the presence of his cousin Fina, LSM stated that many people had watched the scene from a distance, but that he had not paid attention to who they were since he was on the verge of death.

Interrogation of Alieu Kosiah

When asked to comment on LSM’s statements regarding the stabbing, Alieu Kosiah once again questioned the credibility of the witnesses, arguing that, in his view, the Liberian population lives on less than one dollar a day. The defendant then stated that it would have been impossible for Fine Boy to make the connection between his girlfriend, FJ, and LSM within two weeks. He added that nothing was known about LSM’s cousin—not even whether she actually existed—and that

she would have had to be present at the time of the incident for Fine Boy to have made the connection with LSM. According to the defendant, LSM stated that he had been rescued during the night, which would make the presence of civilians unlikely.

Regarding the complaint filed by LSM, Alieu Kosiah pointed out that the record indicated the contents of the complaint had been read to and translated for LSM before he signed it. He also noted that the complaint made no mention of Deku or Kundi and that the only person named was Fine Boy. Alieu Kosiah stated that this complaint was irrelevant and that there was therefore no basis for the present proceedings.

The defendant also pointed out certain inconsistencies in LSM's account, since the person LSM accuses is apparently under the authority of the body before which he is testifying: LSM accused Alieu Kosiah before the prosecutor, whereas he identified Kundi as the perpetrator of the crime before the French courts. Furthermore, LSM reportedly stated in France that it was Fine Boy who told him that Kundi had stabbed him. In contrast, he told the Court that it was SS who had given him Kundi's name. According to Alieu Kosiah, if LSM is credible, then anyone can be.

Alieu Kosiah then denied having recruited Fine Boy. According to him, Fine Boy was very clear that he had joined the ULIMO in Zorzor before going to Foya. The defendant stated that they had met for the first time in 1994, so he could not have recruited him. Regarding LSM's statements that Deku had prevented Alieu Kosiah from killing LSM, the defendant expressed skepticism. According to him, LSM also stated that Alieu Kosiah was the second-in-command in Lofa, so there would be no military logic in a local commander being able to prevent him from doing what he wanted.

Alieu Kosiah then expressed serious doubts about LSM's claim to know Fine Boy, as well as about the existence of a relationship between Fine Boy and LSM's cousin, FJ. The defendant referred to the efforts made to locate FJ—which were unsuccessful—and stated that it was up to the Court to rule on her existence and on the credibility of LSM's statements. He noted that Fine Boy had stated that he knew neither FJ nor LSM.

The defendant questioned whether the blame should fall on LSM for her statements or on the investigators who believed her. In his view, when one examines the case file independently, one quickly realizes that it is empty.

The Court questioned Alieu Kosiah:

When asked whether he meant to say that, in his view, LSM had not been stabbed, Alieu Kosiah replied that he could not say for certain what had or had not happened to LSM, since he was not present and had done nothing.

When asked about the price of AK-47 ammunition, the defendant stated that the leaders said each bullet cost $5 and that they had to be used with care.

The presiding judge asked the defendant whether, as the second-in-command, he outranked all the village leaders. Alieu Kosiah replied that he had never claimed to be the second-in-command and that those remarks were LSM's. When asked whether he held a higher rank than the local commanders in July 1993, the defendant replied that Kobra was Pepper & Salt's deputy from the time of the capture of Foya until the split.

When asked about his rank within ULIMO in July 1993, Alieu Kosiah stated that he had come from Todi in Lofa as a captain. When asked, he clarified that the term "CO" was not a rank but stood for *"commanding officer*." He explained that a soldier regarded his superior—whether a sergeant or a lieutenant—as a "CO."

Attorney Gianoli questioned Alieu Kosiah:

When asked about the identity of the senior commander in Foya when he first arrived there, Alieu Kosiah stated that it was Deku. He added that, according to the information he had, Deku had captured Foya under the command of Pepper & Salt.

When asked whether Deku was his superior when he first went to Foya, the defendant replied that Deku also held the rank of captain and that Deku had the final say on all matters concerning Foya.

The Public Prosecutor had no questions.

Attorney Jakob questioned Alieu Kosiah:

When asked whether, in hindsight, he thought he had met LSM during the war, Alieu Kosiah repeated that he did not know LSM.

Testimony of LSM (continued)

When asked to comment on the defendant's statements, LSM stated that the defendant was still lying and that it was obvious he had left Liberia years ago, since Liberians earn at least five dollars a day. He added that he himself earned ten dollars a day.

Questions regarding the acts with which the defendant is charged: ordering the looting of the Foya power plant; ordering and directing the forced transport of the Foya power plant's generator by civilians from Foya to Solomba, and from there to the Guinean border; and ordering and directing the forced transport of coffee, cocoa, and palm oil by civilians from Foya to Solomba, and from there to the Guinean border

The Court questioned LSM:

When asked, LSM explained that he was in the S2 office when he learned that the power plant had been looted. He stated that he had joined the convoy from the S2 office. When asked who had told him that the idea to loot the power plant came from Commander Jackson, LSM replied that Commander Jackson was not in charge in Foya. He clarified that it was his immediate superior.

When asked about the defendant's role in the looting of the power plant, LSM stated that Alieu Kosiah was the best looter in all of Lofa within the ULIMO. When asked to comment on the defendant's statements that there was no power plant in Foya, LSM declared that this was a lie.

Regarding transportation, the President asked LSM if he remembered the orders given by Alieu Kosiah. LSM stated that the order was *"Till go to Solomba,"* in that the looted goods were to be taken to Guinea. When asked, LSM clarified that the orders were given to soldiers who were near

the front lines. He added that there were NPFL and RUF soldiers in the bush and stated that they were to open fire at the slightest movement (*"Till go, any bush shake"*).

When asked to specify who was whipping the civilians and with what instrument, LSM stated that the soldiers had rattan canes and whipped the civilians when they walked too slowly. LSM explained that he had witnessed such scenes both as a civilian and as a soldier and that it had made him feel sick.

When asked to address the contradictions between his testimony and that of JTC (i.e., the death of a civilian, number of vehicles), LSM stated that there was a van that JTC might not have seen. He also indicated that one person had been killed by one of Alieu Kosiah's *bodyguards* because she was tired and had sat down.

When asked to comment on the defendant's statements that it was not possible to transport a car across the river using canoes, LSM stated that this was a lie. LSM explained that Commander Jackson was in contact with businessmen in Guinea who were willing to accommodate this type of convoy. According to LSM, they were preparing the canoes and waiting for the convoy to arrive. LSM stated that anyone claiming it was not possible to transport a car across the river was lying. He added that Commander Jackson was the only one who sold goods and then used the proceeds to buy food for civilians.

When asked about the transport work he performed as a civilian, LSM explained that he had been forced to carry a load on his head from Foya to Solomba. He added that he knew how painful it was to perform this kind of forced labor.

When asked to confirm that Fine Boy had recruited him for this transport, LSM explained that he had been regarded as a rebel soldier and had been forced to clean the S2 office daily. On the day of the transport, there were no civilians available to carry all the goods, so he was recruited and forced to carry a load. When asked, LSM confirmed that Fine Boy had ordered him to carry a load.

When asked why he was accusing Alieu Kosiah in connection with this transport, LSM stated that Fine Boy had been ordered to round up civilians to transport the looted goods on behalf of Alieu Kosiah. When asked how he knew that the order had been given by Alieu Kosiah and that the goods were intended for him, LSM replied that Alieu Kosiah was his superior and decided what would happen. When asked, LSM confirmed that Alieu Kosiah was present during the transport.

When asked about the orders given by Alieu Kosiah during the transport, LSM stated that the order was to take the goods to Solomba. He added that once they arrived in Solomba, the civilians were left to fend for themselves and that if he could have, he would have crossed the border to seek refuge in Guinea or Sierra Leone, but he was not familiar enough with the bush since he was not from that region.

When asked about the *side-gun* that Alieu Kosiah was wearing around his leg when he crossed the border, LSM stated that he did not remember what model it was and clarified that the defendant always carried a pistol on him. When asked to comment on the defendant's statement that soldiers were not allowed to cross the border with weapons, LSM declared that Alieu Kosiah was a liar because the Guinean government supported ULIMO. According to him, Mandingos and Gios were waiting for them on the other side of the border. Quoting Commander Jackson, LSM

added that they were allowed to cross the border with their weapons, which were then confiscated and whose serial numbers were recorded. The soldiers retrieved their weapons in Guéckédou before returning to Liberia.

The President stated that, according to Alieu Kosiah, LSM was seeking revenge because he had been captured by ULIMO while he was an NPFL soldier. When questioned, LSM denied having been an NPFL soldier and stated that he had no intention of seeking revenge because of his capture.

Attorney Gianoli questioned LSM:

When asked about the time that elapsed between his injury and the march he was forced to undertake as a civilian, LSM explained that his injuries had not healed within two weeks and that he was not fully recovered when he was forced to carry loads nearly a month after being wounded. When asked, LSM stated that he left for Tubmanburg more than a month after being wounded. He clarified that several weeks had passed after the transport before he felt better and left for Tubmanburg.

Attorney Gianoli noted that, during the French proceedings, LSM stated that he had left the day after his injury. When asked how he could have participated in a transport as a civilian given his previous statements, LSM claimed that this was a misrepresentation and reiterated that, in any case, a month had passed before he had recovered from his injury.

When asked, LSM confirmed that CO Deku was present during the transport he carried out as a civilian. When asked about Commander Jackson's presence, LSM stated that he did not yet know Commander Jackson at that time and that he met him later when he was a soldier. When asked, LSM stated that he had not seen anyone resembling Commander Jackson during the transport he carried out as a civilian.

When asked about the transport he carried out as a soldier, LSM confirmed that CO Kosiah, CO Deku, and Commander Jackson were present. However, according to LSM, Pepper & Salt were not there.

Attorney Gianoli asked LSM how he explained the fact that CO Kosiah was in command of the transports when CO Deku was present during every transport and had the final say in saving his life. LSM revised his statement and said that CO Deku was not present during the first transport because he had been wounded in the leg during an ambush.

When asked whether he had witnessed the generator being loaded onto the vehicles during the transport he carried out as a soldier, LSM replied that his mission was to escort the convoy, particularly the civilians who were transporting goods for Commander Jackson. These civilians were like brothers and sisters to them since they lived with them at headquarters. According to LSM, the idea was to protect them and ensure that nothing happened to them. He added that it was common for civilians to be beaten during these transport missions. When asked, LSM stated that the civilians with whom he lived had not participated in loading the generator onto the vehicle.

When asked about the location of the power plant, LSM reiterated that it was located within a dedicated facility, as shown in the photos presented earlier. He clarified that the photos depicted

what remained of the power plant after it had been looted and added that the power plant was located on the road to Foya Tengya.

When asked to describe the vehicles he had seen during the transport, LSM stated that there was a *truck* that would not start but had an engine. Upon further questioning, he clarified that the truck had six tires: two in the front and two pairs in the rear. When asked whether the vehicles had crossed the border, LSM answered in the affirmative.

When asked, LSM stated that he had joined ULIMO in Tubmanburg in 1993. When asked whether he distinguished between Bomi and Tubmanburg, LSM replied that Tubmanburg was located in Bomi County and was the county seat.

Attorney Gianoli noted that, before the French authorities, LSM stated that he had been captured by ULIMO in 1992 and accepted as a ULIMO combatant in 1993 after a probationary period, while indicating that the incidents of which he was a victim had occurred in 1993. When asked, LSM stated that there was no difference between ULIMO-K and ULIMO-J when he went to Tubmanburg. When asked about the length of his stay in Tubmanburg, LSM explained that he had been taught the basics of guerrilla warfare and how to handle weapons for about two months before being assigned to a platoon on the front lines.

When asked about the length of his stay in Foya as a ULIMO soldier, LSM explained that he had joined ULIMO because he believed he could protect his family and friends. However, after returning to Foya, he saw his cousin get *slaughtered like a chicken* when fighting broke out among ULIMO factions. LSM stated that he saw his cousin's body, from which the heart had been removed, and decided he no longer wanted to be a soldier.

When asked about the split within ULIMO, LSM stated that it had occurred in 1994. Upon further questioning, LSM confirmed that he had witnessed his cousin's execution. When asked how his cousin had been executed, LSM explained that the day had been like a scene from a horror movie that no resident of Foya would ever forget. That day, his mother came to visit him and told him she had seen pieces of beef in the street. LSM explained to her that they were actually pieces of human flesh and set out to look for his cousin because his mother had asked him if he had seen him. LSM stated that he saw his cousin's body lying in a pool of his own blood on Kolahun Road past the store. He approached it and saw that the heart had been removed.

The prosecutor intervened and stated that he had heard LSM use the terms *"brother"* and *"cousin"* to refer to the same person, which was confirmed by the interpreter.

When asked about Alieu Kosiah's presence during his cousin's execution, LSM replied that the defendant was in Foya that day. According to LSM, Alieu Kosiah had arrived from Zorzor to ask Mami Wata for reinforcements, because the NPFL had attacked Zorzor and killed his brother. LSM added that the news of his brother's death enraged Mami Wata and prompted Mami Wata and Ugly Boy to kill all those people. LSM explained that Alieu Kosiah was present and did not prevent these massacres from taking place.

When asked, LSM confirmed that the term *"Black Friday"* was known in Liberia in connection with these massacres, particularly in Foya. When asked why the TRC report did not mention the *Black Friday* incident even once, LSM replied that the incident might not be known to those who were not from Liberia or Lofa, but the people of Foya will never forget what happened that day.

According to LSM, people were killed and butchered like animals. He said he could not say more without breaking down in tears.

When asked about the names of the ULIMO soldiers with whom he was stationed in Foya, LSM named CO Jackson, Safou Gela [phon.], and Major Wenouti Breez [phon.]. He clarified that he, for his part, was part of the Alligator Battalion, commanded by Chester Kokor. According to LSM, Chester Kokor's father trained all the ULIMO soldiers, including Alieu Kosiah. He specified that Alieu Kosiah was part of the Strike Force Battalion.

When asked how long he had spent with the civilians living with CO Jackson, LSM provided details about the capture of Foya. In particular, he explained that there were two battalions involved in the attack: the Alligator Battalion, which came from Lofa Bridge and Vahun, and the Strike Force Battalion, which arrived from Voinjama. When asked to answer the question, LSM stated that when he arrived in Foya from Tubmanburg, he observed that the civilians living with CO Jackson were not being mistreated. When asked for the names of these civilians, LSM stated that he no longer remembered them.

The MPC had no questions.

The Court questioned LSM again:

The President asked LSM where he had gotten the information that ULIMO soldiers ate the hearts of their victims, particularly those with light skin. LSM replied that he had witnessed such scenes in Foya and that this was common. When asked, he explained that this did not happen every day, but that there were instances when ULIMO soldiers ate the hearts of those they had killed. He added that the worst of them all was Ugly Boy. When asked why the ULIMO engaged in such practices and why they particularly favored the flesh of fair-skinned victims, according to his trial testimony, LSM stated that he did not know.

When asked, LSM stated that he was not present when Alieu Kosiah announced the capture of Zorzor to the ULIMO.

When asked to specify on what information he based his allegation that Alieu Kosiah was a looter, LSM stated that the defendant had looted the main town of the Gbandis, as well as ULC and United Nations trucks. According to LSM, Alieu Kosiah also looted coffee and cocoa to resell these goods in Guinea.

Attorney Gianoli questioned LSM again:

When asked how he knew that Alieu Kosiah had looted the ULC trucks, LSM stated that they had gone to the ULC to seek reinforcements and that Alieu Kosiah had taken a truck, then gone around the villages to loot coffee and cocoa and transport the goods to Guinea. When asked, LSM indicated that these events had occurred during the split. LSM explained that they had been ordered to go to Voinjama with trucks to fetch reinforcements to fight the Krahns and that the defendant had not hesitated to use these trucks to loot the villages.

When asked to confirm whether there were trucks in Lofa during the split, LSM stated that at that time, the ULC was transporting timber to Monrovia using trucks equipped with trailers.

These vehicles were intended to be used to fetch reinforcements from Voinjama and bring them back to Bomi, but the defendant's actions hindered the operation.

When asked, LSM stated that he had not fought during the split because he had been beaten and dragged, leaving him unable to fight. When asked who was in charge of Lofa when he left Liberia, LSM indicated that Alieu Kosiah was in charge. When asked whether Pepper & Salt had left ULIMO when LSM left Liberia for Sierra Leone, LSM replied that he did not know.

Attorney Jakob questioned LSM:

Invited to address a final statement to the Court, LSM expressed his gratitude to the President, the Swiss government, as well as Civitas Maxima and the GJRP, which enabled the civil parties to appear before the Court and obtain fair justice. He added that Alieu Kosiah was a liar and a mass looter and that his lies would not set him free. In LSM's words, Alieu Kosiah brought nothing but death and destruction to Lofa, and he now accuses lawyers and NGOs of making false accusations against him. LSM added that he was being hounded in his own country because of this case and wondered what interest the civil parties had in lying. As for himself, and contrary to the defendant's claims, LSM does not need money. LSM also stated that Alieu Kosiah may have forgotten the crimes he committed, but the victims who suffered them cannot forget them. LSM concluded by stating, "In Liberia, we want justice to be done."

Cross-Examination of Alieu Kosiah

When asked to comment on LSM's statements regarding the first transport, Alieu Kosiah stated that LSM did not need to act as a spokesperson for the NGOs because, when the time comes, the NGOs will have their own lawyers. The defendant added that when a crime is committed, the perpetrator must answer for his actions, and anyone who failed to prevent the crime from being committed despite having the power to do so bears even greater responsibility. As for himself, Alieu Kosiah stated that he had never served as the county administrator or deputy county administrator for Lofa County.

The Court questioned Alieu Kosiah:

When asked whether the first transport was related to the split, Alieu Kosiah replied that he was not in Lofa at that time and that he had never seen LSM. He then requested to address the three counts together, which the Presiding Judge granted. Alieu Kosiah stated that it made no sense to say he had trained with Jackson in Sierra Leone since he (Alieu Kosiah) was an AFL soldier.

According to Alieu Kosiah, LSM described the river crossing at the border in vague terms and used the term "ferry" in front of the prosecutor. He reportedly even initially mentioned a cable stretched across the river to allow the ferry to cross, whereas today he speaks of canoes. The defendant added that he had not heard any of the plaintiffs say that ULIMO members could cross the border with their weapons and therefore did not understand why LSM had accused him of being a liar. Some even corroborated Alieu Kosiah's statements by declaring that ULIMO soldiers had to surrender their weapons before crossing the border.

Alieu Kosiah added that from the beginning he had described the canoes exactly as they appeared in the photos, and that this was proof of his honesty. Other civilians, moreover, gave the same description as he did, which clearly proved that it was not a ferry.

The defendant then stated that he had done nothing wrong and that no ULIMO soldier had undergone three months of training. Moreover, as a founding member of ULIMO, he knew very well how the training was conducted. Consequently, he did not hesitate to contradict Abraham Towah when the latter claimed to have undergone three months of training. Later, when Attorney Gianoli asked him what he meant by that, Abraham Towah clarified that he had spent three months with Omaru Musa Kelleh and less than a month at the training center.

When asked about the number of founding members of ULIMO, Alieu Kosiah indicated that the term might have been poorly chosen and that he was present when Albert Karpeh founded the LUDF. At the time ULIMO was founded in Sierra Leone, he was in Guinea visiting his parents. By the time he returned, ULIMO had already been in existence for three weeks. When asked, Alieu Kosiah stated that he was not present when the first group was founded.

Alieu Kosiah then stated that, according to LSM's account, Pepper & Salt was present during the transport of the generator and that CO Kosiah was the number 2 behind Pepper & Salt. According to the defendant, if numbers 1 and 2 are both present, number 2 cannot be the leader. The Presiding Judge asked Alieu Kosiah whether the fact that the number one was present would prevent the numbers two or three from giving orders to their subordinates. Alieu Kosiah replied by citing the military code of conduct, according to which a superior is always responsible for his subordinates. According to the defendant, when a commander is present and does not prevent something wrong from happening, that commander is responsible. Therefore, if Pepper & Salt was present, he was responsible for Alieu Kosiah's actions, and Alieu Kosiah could not have been the leader of the convoy, contrary to what LSM claims.

The defendant then wished to revisit the *"Black Friday"* incident. According to him, LSM stated twice during the appellate proceedings that Alieu Kosiah was not responsible for *"Black Friday"* and had not killed his uncle. However, LSM wrote in his complaint that Alieu Kosiah and his *crew* had killed people in Foya to avenge the death of the defendant's cousin in Zorzor. LSM later revised his account before the prosecutor, stating that Mami Wata had lost his brother and Alieu Kosiah his cousin. The defendant cited LSM's statements, according to which Deku was angry at Mami Wata and Ugly Boy, and Alieu Kosiah appeared with blood on his bayonet, which proved his involvement in the massacres.

Alieu Kosiah then stated: "The real question is this, Mr. White Man: What are you looking for? Justice, or something else?" The presiding judge asked the defendant what his answer to that question was. Alieu Kosiah replied that, within a government, the charges are brought by the prosecutor in charge of the investigation, and added: "All I ask is that fair justice be served. I am not asking for favoritism or any special treatment; I am simply asking that justice be done based on concrete evidence."

When asked to clarify what he meant by "something else," Alieu Kosiah pointed out that he did not see a single Black person in the courtroom handling this case. He stated: "None of you know Africa or what is happening there. Only white men are in charge of this case. I have nothing against you, but my fear is that this case will be handled by people who are unfamiliar with Africa. Please do not take offense at my remarks; they are not directed at you. I have been in prison for eight years. It was the prosecutor who requested that I be imprisoned, and it is to him that this question is addressed. " Alieu Kosiah added that, in his view, his detention was political in nature, given its duration and the pressure on the prosecutor to justify it.

Alieu Kosiah then briefly mentioned a certain T Bridge, whom he said LSM had also mentioned, and clarified that this was his best friend, who died in 1994 and whose real name was Adofatay [phon.].

Regarding his military training, Alieu Kosiah stated that he had undergone it at Camp Soflin [phon.] and that his drill sergeant was Moses, a Gio man. He asked the Court to verify this information with Melvin Perkins, since he had seen the defendant with Deku while they were still in the AFL.

When asked whether he was always aware of the day, month, and year while fighting in the bush and in the villages, Alieu Kosiah replied that it was difficult to keep track of dates because he did not take notes, but that the events remained in his memory.

When asked to confirm his statements that he was "not a computer" and could not remember the date of his arrival in Lofa, the defendant confirmed them. He added that he challenged anyone to provide exact dates regarding events that took place thirty years ago.

When asked about the source of weapons and ammunition during the 1993–1994 period, Alieu Kosiah stated that, at first, they received weapons from Sierra Leone. As they advanced toward Bomi and Po River, the UN and ECOMOG supplied them with weapons. Later, in Lofa, weapons began arriving from Guinea.

When asked how they obtained weapons from Guinea, Alieu Kosiah replied that it was not his concern. He saw *trucks* arriving with weapons and ammunition. According to him, the supply of weapons and ammunition was negotiated between the heads of government. For his part, he never participated in these negotiations. When asked about the nature of the compensation to be provided to Guinea in exchange for allowing weapons to transit through Lofa, Alieu Kosiah stated that he could explain why Guinea supported ULIMO. According to him, when Sierra Leone was attacked, Guinea sent troops to support the RUF, which was then in the process of forming. That is how the initial ties were established. The defendant also referred the Court to the statements of Kwamex Fofana, according to which, during the capture of Cape Mount, ULIMO captured the leader of the Guinean rebels who was planning to attack Guinea via Sierra Leone, which strengthened the ties between Guinea and ULIMO.

Mr. Gianoli and the Office of the Prosecutor had no questions.

Mr. Jakob cross-examined Alieu Kosiah:

Mr. Jakob read aloud the statements of Abraham Towah, according to which Commander Kokor was the first *training commander* of ULIMO in Sierra Leone and had, in particular, trained Alieu Kosiah. When asked to explain why he believed LSM's statements made no sense, even though they were identical to those of Abraham Towah, Alieu Kosiah replied that he had met Papa in Todi in 1993 and that Papa knew nothing about him in 1991—the year in which the defendant received his military training. Alieu Kosiah added that he had already received a five-month training course in the infantry and that the three-week ULIMO training was intended for novices and would therefore have been of no use to him.

* * *

Hearing of KK

The person being heard identified himself as KK, born on April 15, 1979. The Presiding Judge pointed out to KK that, according to the minutes, his year of birth was listed as 1978. KK's identity card was therefore handed over to the court clerk. The President informed KK that he was being heard as a person called to provide information and drew his attention to the criminal consequences of making false accusations, misleading the court, and obstructing criminal proceedings. The Presiding Judge reminded him of the charges against Alieu Kosiah concerning him, namely, ordering the looting of the Pasolahun generator between October and November 1993 and between March 1994 and the end of 1995, respectively, and ordering the forced transport of the Pasolahun generator by civilians from Pasolahun to Kolahun, between October and November 1993, and between March 1994 and the end of 1995, respectively, and, in that context, having killed the civilian MuK near the Kehair River; having ordered and directed the forced transport of ammunition by civilians from Gondolahun to Fassama between November and December 1993, and between March 1994 and the end of 1995, respectively; and, in that context, having killed the civilian MoK near the Lofa River.

Questions Regarding Personal Circumstances

The Court asked KK:

The President asked KK to describe the consequences of the first civil war in Liberia for him. KK stated that because of the war and the arrival of ULIMO, he was unable to attend school.

When asked about his contact with the other plaintiffs since the trial, KK explained that AS had attended his father's funeral after their return to Liberia in February 2021. When asked, KK stated that he had not discussed his testimony with anyone other than his attorneys.

When asked about his current job, KK reiterated that he had not had the opportunity to attend school and that he had skills in laying tile.

Attorney Gianoli had no questions.

The MPC questioned KK:

When asked whether he had felt pressure upon his return to Liberia because of his trip to Switzerland, KK stated that the witness JMK, cited by Alieu Kosiah, as well as Vafray Kamara, had disclosed the names of the plaintiffs and informed the residents of Pasolahun that these individuals had come to testify in Switzerland. When asked, KK added that people would sometimes approach him and ask him to confirm whether he had gone to Switzerland to testify against Alieu Kosiah. He stated that this filled him with fear. When asked to elaborate on his fears, KK explained that Liberia was not a safe country and that the defendant had family and friends there who might take action against the plaintiffs.

Attorney Wavre asked KK:

When asked whether the residents of Pasolahun were aware that he was participating in these proceedings before JMK released his name, KK replied that no one knew about it until JMK released the information after their return to Liberia in February 2021. KK added that he had not

told anyone, not even his mother, because she would have objected to him coming to testify in Switzerland.

Attorney Ginaoli questioned KK:

When asked, KK stated that he had told the truth when he came to testify in Switzerland and confirmed that he had spoken about events that had taken place in his village of Pasolahun. Attorney Gianoli asked KK why he was afraid when he had told the truth about events that took place in his village. KK repeated that Alieu Kosiah had family in Liberia and that he had spent eight years in prison.

When asked whether Alieu Kosiah had family in Pasolahun, KK replied that he did not, but that Liberia was very small and it was therefore easy to track down the plaintiffs. Attorney Gianoli asked KK if anyone had contacted him after his return from Switzerland. KK replied that Alieu Kosiah was in contact with JMK, Vafray Kamara, and a certain Dukuli. When asked about Vafray Kamara, KK stated that he knew him because he was a member of parliament and the representative for Kolahun District 2. When asked, he indicated that he had never seen Vafray Kamara and JMK together, but knew that they worked together. According to KK, Vafray Kamara has a list containing various pieces of information about AS, EBJ, and LSM, including the schools they attended. When asked, KK stated that AS had shown him this list.

When asked about Dukuli, KK said he had heard his name but had never seen him. According to KK, Dukuli and Alieu Kosiah are in contact with each other. KK added that MuK and MoK had come to testify in Switzerland through JMK, who told them that the case was ongoing and that there was money to be made—specifically, between 9,000 and 10,000 USD, according to KK.

When asked about MuK and MoK, who had come to testify in Switzerland, KK stated that he had known them since childhood under the name K.

The Court questioned KK again:

The Presiding Judge reminded KK that he had stated during the trial that he did not have a good memory and asked him whether, during his hearings, he had always indicated that he did not recall a particular event. KK clarified that by saying he did not have a good memory, he meant that he could rely only on his own recollection to remember events and not on written records.

When asked about the transport operations in which he participated, KK stated that he had not counted them, as there were so many. He added that he had transported goods from village to village for Taylor's soldiers. When questioned about the transport operations carried out on behalf of ULIMO, KK stated: "With ULIMO, it was worse. When they entered a village, they took everything they saw that was of value to them."

When asked to explain how he recognized Alieu Kosiah's behavior during his last visit to Switzerland, KK said he recognized the way he spoke and noted that when the defendant got angry, he had a particular way of reacting. KK added that when Alieu Kosiah got angry, it was best not to stay near him.

When asked, KK stated that he did not know the difference between "senior tabé" and "tabé" and that these were terms used by the rebels when they tied someone up.

The Presiding Judge reminded KK that he had stated he did not know anyone named TS and that, during the trial proceedings, AS had indicated that TS was the name he was given at school. When asked, KK confirmed that he had attended school with AS in Monrovia but had dropped out after the second grade.

Questions regarding the charges against the defendant: ordering the looting of the Pasolahun generator between October and November 1993, and between March 1994 and the end of 1995

The Court questioned KK:

When asked whether he was present when the ULIMO soldiers told the *townchief* that Alieu Kosiah had given the order to dismantle the generator, KK replied that the ULIMO soldiers gave the order to gather all the men in the village and stated that Alieu Kosiah had sent them to take the machine. Upon further questioning, KK indicated that he was in the center of the village during the dismantling.

When asked whether there was electricity in Pasolahun before the ULIMO arrived, KK replied that there was a generator in the village, which was used during festive occasions. According to KK, the villagers stopped using it when the war began, because there were no longer any cars available to supply gasoline. KK added that Taylor's soldiers had not touched that generator.

Attorney Gianoli asked KK:

In response to a question, KK stated that there was no street lighting in Pasolahun because there were no streets as such in the village. KK reiterated that the generator was sometimes turned on to organize celebrations and play music. He added that some houses, such as those of the chiefs, had electricity.

The Prosecutor and the attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: ordering the forced transport of the Pasolahun generator by civilians from Pasolahun to Kolahun between October and November 1993, and again between March 1994 and the end of 1995, and in that context, killing the civilian MuK near the Kehair River

The Court questions KK:

When asked why he feared he would be killed if he refused to help with the transport, KK explained that Alieu Kosiah and his men had brought in mechanics to dismantle the machine. According to KK, the *townchief* was powerless against them, as they held the authority and did as they pleased with . KK added that they had not only looted the generator but also coffee, cocoa, and whatever else they fancied.

When asked, KK stated that the threat—that flies would deliver the message to their parents if KK and the other civilians did not walk fast enough—had been made before the execution of a civilian and meant that ULIMO would kill them. When asked who had made this threat, KK said that there were many soldiers and that their leader's name was Scarface Kabbah. According to KK, Scarface Kabbah was appointed leader of the group by Alieu Kosiah. KK explained that upon

their arrival in Pasolahun, the ULIMO soldiers said that *Chief* Kosiah had ordered them to take the generator. He added that he had first seen Alieu Kosiah at the Kehair River.

The President told KK that the defendant had said he knew a soldier named Scarface Kabbah, but that the latter was his superior. When asked if he had observed a hierarchical relationship between the two when he saw them together, KK replied that he had seen Scarface salute Alieu Kosiah and say to him, "Here you go, Chief, this is the equipment you sent us to retrieve."

When asked why he had asked AS to identify the two bodies they saw on the road, KK explained that AS was the closest to them and that they needed to warn the villagers. KK added that he knew AS only by sight.

Attorney Gianoli questioned KK:

When asked how many times he had seen Alieu Kosiah, KK explained that he had seen him for the first time in Liberia while transporting the generator, the second time in the prosecutor's office in 2017, the third time in 2021, and the fourth time during the current appeal proceedings.

The MPC had no questions.

Attorney Wavre questions KK:

In response to a question, KK confirmed that he had heard the soldiers say that Alieu Kosiah had ordered them to go get the generator.

Questions regarding the charges against the defendant: killing the civilian MuK near the Kehair River

The Court questioned KK:

When asked about the palpable tensions upon the convoy's arrival at *the checkpoint*, KK explained that there had been tensions throughout the journey. According to him, they had to walk quickly, and the civilians were not allowed to get tired. The soldiers threatened them, saying that if they were tired, the flies would bring the news to their parents—in other words, that they would kill them. KK recounted that the soldiers would sometimes hit them with the butts of their rifles or kick them in the buttocks. He added that there was a long distance between Pasolahun and Kolahun and that the journey normally could not be completed in a single day. KK stated: "At that time, we were in the hands of the rebels and we had no power. We were not human beings."

When asked, KK stated that he had seen Alieu Kosiah for the first time at the checkpoint past the Kehair River. When asked how he knew it was Alieu Kosiah, KK replied that he had seen the soldiers salute him. According to KK, the defendant had particularly dark skin, but it has lightened since he has been living in Switzerland.

The presiding judge reminded KK that he had stated the defendant was wearing camouflage gear and carrying a .45-caliber pistol, and asked him if he had been able to immediately identify that weapon. KK explained that he did not have much education and stated: "If I hear someone say, 'Oh, he has a .45 in his hand,' I hear the words but I don't know what they mean."

When asked, KK stated that he was among the last people to cross the river. According to him, everyone was gathered in a group.

When asked what he had seen when Alieu Kosiah spoke to MuK, KK explained that at that moment, tensions were particularly high. The ULIMO members began beating people who were exhausted from the long distance they had traveled. According to KK, MuK said he was too tired and unable to carry his load all the way to the center of Kolahun, which is why he was executed.

When asked, KK confirmed that he had seen and heard MuK say this, specifying that he was standing to the side while MuK was in the middle. KK explained that Alieu Kosiah had approached MuK and asked him why he wasn't picking up his load again. Alieu Kosiah told him that if he didn't pick up his load, he would have to get rid of him. KK added that, for his part, he feared for his life and was thinking only of carrying the equipment all the way to get out of there safe and sound.

When asked about what happened next, KK stated that MuK had replied to Alieu Kosiah that he was too tired to carry his load again. Alieu Kosiah then drew his .45. KK, for his part, advised his friends to pick up their loads, and the ULIMO soldiers ordered them to line up to set off again. It was at that moment that KK heard the gunshots.

When asked, KK confirmed that he had heard the gunshot but had not seen Alieu Kosiah point his weapon at MuK. When questioned by the prosecutor, the interpreter was unable to specify whether KK had referred to one or more gunshots.

Referring to the complaint filed by KK, the Presiding Judge asked him if he remembered the statement made by Alieu Kosiah following the gunshot. KK stated that he did not remember.

The Presiding Judge then outlined Alieu Kosiah's arguments regarding this incident. First, according to the defendant and statements made by others, MuK allegedly died in three different ways: by asphyxiation, from an AK-47 shot, and from a pistol shot. When asked whether he was certain that the shot had been fired from a .45, KK replied that he had heard a gunshot but had not seen whether it had been fired from a pistol.

According to the defendant, the one and only MuK from Pasolahun is still alive, and it is therefore impossible that he was killed during the war. KK replied that the MuK who had come to testify in Switzerland was named Kamara.

When asked about MuK's location at the time of his execution, KK explained that he was on the main road past the river. According to KK, MuK was taken into the grass on the left side. KK also stated that ULIMO forces were occupying the school, which was on the right.

Attorney Gianoli questioned KK:

When asked, KK stated that the soldiers had waited for everyone to cross the river before reaching the *checkpoint*. When asked about the soldiers' position within the convoy, KK stated that the soldiers were mixed in with the civilians to prevent them from fleeing. According to KK, there were soldiers at the front, in the middle, and at the rear of the convoy.

When asked about the soldiers who saluted Alieu Kosiah, KK stated that they were the soldiers sent by the defendant to retrieve the machine. According to KK, some had already arrived at the checkpoint, and the others—who were with him—saluted Alieu Kosiah. That is how KK knew it was the defendant.

When asked about the location of the checkpoint, KK stated that it was about a two-minute walk from the bridge. When asked again, he repeated that there was a school on the right that the ULIMO members used. KK added that when they went to sell rice in Kolahun, the ULIMO members would take one to five cups of rice, so that sometimes they had nothing left to eat. When asked, KK stated that the school was a standalone building with many rooms and that there were houses on both sides of the road a little further down.

When asked to describe the *checkpoint*, KK said that the ULIMO had placed something across the road and that one had to go to the side where they were sitting in order to pass. When asked, KK stated that he did not remember what had been placed across the road.

When asked about the positions of the civilians, soldiers, and the defendant at the *checkpoint*, KK explained that the civilians and rebels were mixed together.

When asked, KK stated that he had heard two gunshots when MuK was killed. Mr. Gianoli asked him how he explained the fact that, during the preliminary investigation, he had stated that he had heard one gunshot. KK replied that he did not remember.

When asked to comment on AS's statements—according to which Alieu Kosiah had killed his uncle with an AK-47 that a *"small soldier"* had handed him at his request—KK stated that AS had described what he had seen. When asked, KK confirmed that he knew MuK was AS's uncle when he was executed. He added that AS had told him that MuK was his uncle before the transport.

When asked to provide a description of MuK, KK replied, "How could I describe someone who is dead?"

When asked, KK confirmed that he knew MoK, AS's other uncle, and stated that he had known him before he was killed. When asked who was older, MuK or MoK, KK replied MuK.

When asked, KK stated that he did not remember the name of MuK and MoK's father, but knew that MuK and MoK were brothers and that they were both from Bolahun. Attorney Gianoli reminded KK that, at the trial, he had stated that he did not know whether MuK and MoK were brothers and asked him how he had learned this. KK stated that he did not remember when he had been asked that question.

The MPC had no questions.

Attorney Wavre questioned KK:

When asked to clarify his statements at the trial, according to which they called him Mr. Kamara when they were children, then Mr. Ndiange, and finally MuK during the war, KK stated that his name was Mr. Kamara and that "Ndiange" was his stage name.

Cross-examination of Alieu Kosiah

Asked to comment on KK's statements, Alieu Kosiah noted that KK had previously stated that no members of AS's family had been killed. The defendant added that he was certain MuK was alive because he had not killed anyone. He asked the Court to verify this independently, without going through the NGO. He stated: "If you find that I have lied, you can sentence me to life in prison."

Alieu Kosiah then stated that MuK and MoK were not from Bolahun, as KK claimed, but from Pasolahun. The defendant also cited KK's previous statements, in which KK had clearly implied on several occasions that MuK and MoK were from Pasolahun.

Regarding electricity, the defendant stated that he had never been to Pasolahun but knew from experience that it was rare to find electricity in Liberian villages at that time. According to him, to celebrate a wedding or a birth, it was customary to borrow a generator from someone who had money. According to Alieu Kosiah, a witness testified that there was indeed a generator brought by Mr. Kemba, the *commissioner* for Kolahun, as a reward for the work done by the villagers. This generator was looted by a ULIMO soldier named Fofana. The defendant cited the statements of the aforementioned witness and stated that the civilians had never gone further than the first village mentioned by the witness. According to Alieu Kosiah, this is a matter of common sense, as it takes 9 hours to travel the distance between Pasolahun and Kolahun. He added that once you reach the Kehair River, Kolahun is only 5 minutes away, and stated: "To be killed 5 minutes from your destination after walking for 8 hours and 55 minutes—I'm not so sure about that."

The defendant then expressed surprise that KK had not recognized TS (alias AS), even though they had gone to school together. According to Alieu Kosiah, the three people who testified on his behalf—namely, James Kamara, MoK, and MuK—had watched TS grow up and did not know him by the name AS. Furthermore, TS's father's name is MS. Alieu Kosiah added that KK and AS were stepbrothers, since AS's mother had remarried KK's father. According to the defendant, it is impossible for KK not to know that AS's name was TS.

The defendant also pointed out inconsistencies in AK's testimony regarding TS. He added that, in his view, AS's real name is TS and stated that no one is given a name by their teacher. Furthermore, according to the defendant, AS gave the name S when asked to list the names of his brothers and sisters.

Alieu Kosiah then pointed out inconsistencies in KK's statements regarding whether he had seen people being beaten when the ULIMO arrived.

Regarding Scarface, Alieu Kosiah stated that he was a member of *the* Satou *special forces* and was a colonel long before he joined the army. According to Alieu Kosiah, Scarface joined the army in 1970 and was trained in Israel. Scarface was promoted very quickly thanks to his training. The defendant added that he later caught up with Scarface in rank. In response to a question from the presiding judge, Alieu Kosiah clarified that he had been promoted up to the rank of colonel within ULIMO. He explained that he was subsequently imprisoned and joined the police after his release from prison.

According to Alieu Kosiah, KK would be unable to describe Scarface Kabbah. The defendant again pointed out various contradictions in KK's statements regarding the first time he allegedly saw Scarface Kabbah.

When the defendant began reading from his notes, the Presiding Judge reminded him of Article 143, paragraph 6, of the Code of Criminal Procedure and of the requirement to submit his notes to the court if he is unable to make statements from memory.

Alieu Kosiah then cited inconsistencies in KK's statements regarding the two bodies he saw on the road. Specifically, KK reportedly stated that a village separated the two bodies before claiming to have seen both bodies in the same place on his way back.

Attorney Gianoli and the Office of the Public Prosecutor had no questions.

Attorney Wavre questioned Alieu Kosiah:

When asked how many ULIMO soldiers went by the name Scarface Kabbah, Alieu Kosiah replied that, to his knowledge, there was only one. He added that another soldier was nicknamed Scar Pacino. When asked to clarify his previous statements in which he had indicated that he knew of two Scarface Kabbahs, Alieu Kosiah stated that he stood by what he had said and requested that some context be provided, which Mr. Wavre did (*i.e.,* one in Zorzor and one in Voinjama, according to the defendant's statements). Alieu Kosiah then explained that the one in Zorzor was named Scar Pacino.

Attorney Jakob questioned Alieu Kosiah:

When asked whether, during the war, he had been stationed at the same location or in the same region as Scarface Kabbah, Alieu Kosiah replied that Scarface Kabbah did not like the front lines, unlike him. He added that they were not the same kind of person and that he did not recall meeting him on the front lines.

January 17, 2023 – Day 5: Routine forced transports

To begin the fifth day of the proceedings, the plaintiff from Monday's hearing completed his statement regarding forced transport and the killing of a civilian.

Next, another plaintiff recounted a similar story, of multiple transports that he had been forced into. He, along with other young men from surrounding villages, were frequently rounded up by soldiers, and forced to carry goods to various checkpoints across the region. He mentioned that this sort of event, at the time, had become part of daily life. During one of the transports, he had managed to escape. He had also witnessed the killing of a civilian.

The defendant maintained his position that he had never been involved in forced transport by civilians. He also upheld that he would never kill and unarmed civilian.

Hearings will recommence Monday January 23rd.

January 17, 2023 – Day 5: Routine forced transports

Procedural Issues

Attorney Gianoli requested that various emails from external sources regarding the manner in which the proceedings initiated by Civitas Maxima and the GJRP are conducted be admitted into the record. The other parties reserved the right to address this motion.

Regarding the application of Art. 344 of the Code of Criminal Procedure, the Court referred to its case law (CA.2021.2) and reiterated that it was bound by the facts described in the indictment but could deviate from the legal characterization. The Presiding Judge noted that reclassifying a perpetrator as a co-perpetrator, or an accomplice as an instigator, was a matter of controversy in legal doctrine. He stated that the Court was prepared to set aside the legal classification set forth in the indictment and rule on the merits if the facts described in the indictment also covered those classifications.

* * *

Hearing of KK (continued and concluded)

When asked to comment on the defendant's statements made the previous day, KK declared that everything Alieu Kosiah had said was a lie. KK added that Alieu Kosiah did not remember the harm he had caused, but that his victims would remember it forever. According to him, the defendant would not speak ill of himself, but only say positive things—in particular, that he had never mistreated civilians.

When asked, KK stated that no one had offered him money or promised him the opportunity to live in another country in exchange for false testimony.

Questions regarding the charges against the defendant: ordering and directing the forced transport of ammunition by civilians from Gondolahun to Fassama between November and December 1993, and between March 1994 and the end of 1995

The Court questioned KK:

The President reminded KK of his statements made at the trial court that the cargo had to be transported to Fassama because of the fighting and asked him who had informed him that fighting was raging in Fassama. KK replied that at that time, the split between ULIMO-K and ULIMO-J had already taken place and that there was fighting between the two factions. According to KK, the ammunition came from Guinea, and civilians from Kolahun were supposed to transport it to Gondolahun, the headquarters of the Mbé [phon.] clan, which comprises 12 villages. KK added that when the ammunition arrived, a messenger was sent to gather the men from all the villages of the Mbé clan.

When asked about the frequency of these transports, KK said he recalled having participated in three ammunition transports.

When asked why civilians had been locked up before being transported, KK explained that three ULIMO soldiers arrived in Pasolahun that evening and rounded up the men to transport the ammunition. According to KK, if the ULIMO had left the civilians outside overnight, they would likely have tried to escape. The ULIMO soldiers therefore divided the men into two groups and locked them in houses overnight.

When asked to comment on the defendant's statements—that it made no sense to travel from Voinjama to Kolahun to reach Fassama, since that would have been a major detour, and that it made more sense to go to Kolahun, then to Vahun, Kumba, and Tubmanburg—KK stated that Alieu Kosiah was lying. KK reiterated that the ammunition arrived from Guinea in Kolahun and that, from there, ULIMO gathered people to transport it to Gondolahun. They then gathered other people to transport the ammunition to Sassahun.

When asked to comment on the defendant's statements—that Gondolahun was a very remote village and inaccessible to a soldier—KK stated that when ULIMO took power, they were present in every village, and added that Alieu Kosiah was lying.

When asked, KK stated that he had never seen Alieu Kosiah in Gondolahun, but had only heard his name. He added that there were a great many soldiers there and that he had not looked for Alieu Kosiah.

When asked about the identity of the highest-ranking soldier stationed in Gondolahun, KK said there were many soldiers—far too many for him to remember all their names—and that they did not specify their ranks. KK mentioned the following names: Alhaji, Senegali, and Scarface Kabbah. He added that many soldiers were coming from the Vahun road to fight in Fassama.

Mr. Gianoli asked KK:

When asked whether there was fighting between ULIMO-K and ULIMO-J in Fassama, KK replied that he had heard that the two factions were fighting in Fassama and that ammunition therefore had to be transported there.

The MPC questions KK:

In response to a question, KK stated that the convoy that left Pasolahun to transport ammunition had not headed toward Guinea. The Prosecutor noted that there were several places named Fassama on the map of Liberia and recalled that the MPC had explained in its closing arguments at the trial that it could be the Fassama located southeast of Gondolahun and Pasolahun.

Attorney Wavre questions KK:

When asked to name the villages he passed through between Gondolahun and Sassahun, KK stated that he had passed through Gegewa, Selahun, Papahun, and then Konehun, where it is possible to cross the Lofa . According to KK, there was then a location where a logging company was operating before arriving in Sassahun.

Attorney Gianoli questioned KK again:

When asked whether he had heard gunfire due to the fighting in Sassahun, KK stated that he did not live in Sassahun but in Pasolahun and that he did not know whether the residents of Sassahun heard gunfire. He added that he had gone to Sassahun solely to deliver ammunition and that he had then returned home.

Questions regarding the charges against the defendant: killing the civilian MoK near the Lofa River

The Court questioned KK:

When asked if he knew MoK before the trip, KK answered in the affirmative. When asked about the relationship between MoK and AS, KK stated that AS had told him before the trip that MoK was his uncle.

The Presiding Judge read aloud KK's statements to the Public Prosecutor's Office, according to which AS and AK had never told him the name of the person who had killed MoK. The Presiding Judge asked KK whether AS and AK had told him that they did not know who had killed MoK or that they did not want to tell him. KK explained that at that time, everyone was concerned for their own survival and added that seeing the body of a friend who had just been killed was a traumatic experience.

When asked whether, when he saw AS and AK again in Pasolahun the day after MoK's murder, they had told him who had killed MoK, KK replied that he did not remember. When pressed, he confirmed that, to date, AS and AK had not given him a name and that he himself had identified MoK as the victim during the transport.

The Presiding Judge informed KK that, according to the defendant, the village chief had stated that there was only one MoK in the village of Pasolahun and no S. family. KK disputed this statement and confirmed that there was more than one MoK in the village of Pasolahun at that time. He added that he knew the MuK and MoK who had come to testify under the name Kamara and that it was common in Liberia for the same last name to be shared by several different families, so that it was possible to find several people with the same first and last names but from different families.

Attorney Gianoli questioned KK:

When asked, KK stated that he had participated in three ammunition transports for ULIMO-K. When asked to specify the time period, KK repeated that he had not attended school and stated that he did not know in which year these transports had taken place. When asked about the split within ULIMO, KK stated that he did not know when it had occurred.

When asked, KK stated that the transport of the generator had taken place before the three ammunition transports in which he participated. He confirmed that Scarface Kabbah was present during the ammunition transport. When asked, he stated that he had seen Scarface Kabbah for the first time when the soldiers came to pick up the generator.

The MPC had no questions.

Attorney Wavre questioned KK:

Invited to address a final statement to the Court, KK thanked the Swiss judiciary and government for their efforts to bring justice to Liberia. He wondered why Alieu Kosiah had fled his country if he had done nothing wrong and added that the defendant had spoken only well of himself and denied knowing his victims. According to KK, it is obvious that Alieu Kosiah claims not to know him because, at the time, he was at the top of the hierarchy. KK concluded his statement by reiterating his thanks to the Swiss authorities and indicating that he stood ready to return to Switzerland at any time if necessary.

Interrogation of Alieu Kosiah

The Court questioned Alieu Kosiah:

When asked if he remembered the names of all his soldiers, Alieu Kosiah replied that he remembered the names of the six or seven soldiers who were close to him, as well as a few others. He added that all the names he had provided from the outset had been confirmed by Lamine and Papa. Conversely, none of the names cited by the plaintiffs were confirmed as belonging to soldiers who were close to him.

When asked to comment on KK's statements, the defendant stated that it was obvious the plaintiffs would not answer in the affirmative when asked whether they had been paid to testify. According to the defendant, however, there are documents proving that this is indeed the case. Alieu Kosiah stated that a Mandingo witness had been granted asylum through Alain Werner in connection with the proceedings against Agnes Taylor.

Regarding the Nyandehun [phon.] power plant mentioned by KK, Alieu Kosiah explained that a German man had lived there before the war and had built a hydroelectric plant to provide electricity to the residents. The defendant added that Vahun was the capital of that area but had no electricity, just like the villages of Papalahun, Bolahun, Massabolahun, and Pasolahun. According to him, witnesses MoK and MuK also confirmed that there had never been electricity in Pasolahun.

Alieu Kosiah then asked the Court to examine the map and the most logical route from Voinjama to Tubmanburg, reiterating that it made no sense to go through Kolahun and clarifying that he was referring to Fassama in the Kpelle district of Bapahun, not the small town of Fassama near Zorzor. He added that ULIMO had *trucks* to transport ammunition to the Lofa Bridge, as LSM had

stated. Alieu Kosiah then listed the names of the villages that would have to be passed through, namely Kombo, Camp SCS, Timber Village, Lofa Bridge, and Pawa. According to him, ULIMO-K never took the Lofa Bridge, and the distance between the Lofa Bridge and Fassama was at least 200 km.

Alieu Kosiah stated that this transport was more likely organized by the LURD from Guinea, noting that Taylor controlled the entire area, so it would have made sense for the LURD to attack from both sides—namely, Vahun and Gondolahun. According to the defendant, this could place the fighting in Fassama. On the other hand, this transport could not have been carried out by the ULIMO " " because Fassama was already under protection before the capture of Lofa and was located in the middle of ULIMO-K territory.

The defendant then set out to point out contradictions in KK's statements regarding MoK, particularly regarding his village of origin (*i.e.,* Bolahun and then Pasolahun). According to Alieu Kosiah, the names of MoK's siblings cited by KK also match the names of the witness MoK's siblings. The defendant questioned why KK had been unable to provide a description of MoK, even though he was able to describe Alieu Kosiah after seeing him three or four times.

Alieu Kosiah also stated that MuK was older than MoK, whereas KK had said the opposite. He added that at the trial, KK had identified the witnesses MuK and MoK as such, and then mentioned the name Kamara when confronted with them.

Alieu Kosiah denied killing MoK and MuK. He pointed out another contradiction in KK's statements, noting that KK had said AS and AK had not told him who killed MoK and MuK, even though KK had stated two days earlier that AK had told him that Alieu Kosiah had killed MoK. The defendant stated that if the Court were to summon AK to appear without going through the NGO, then AK would confirm his statements. He reiterated that only those who had gone through the NGO knew him and accused him of being a killer.

Attorney Gianoli and the Public Prosecutor's Office had no questions.

Attorney Wavre questioned Alieu Kosiah:

In response to a question, the defendant confirmed that Petit Fassama, near Zorzor, was accessible by car from Zorzor.

Attorney Werner questioned Alieu Kosiah:

Mr. Werner read aloud statements by Abraham Towah according to which the ULIMO organization wanted civilians to be used to carry ammunition to the front lines while the soldiers carried the weapons, so that Alieu Kosiah was not the only one to engage in such transport. When asked to comment on this, the defendant stated that he recalled having gone to the front line perhaps once or twice with Abraham Towah. He explained that he had been wounded in the hand while leading troops to the front line and clarified that there were no civilians present. According to him, it cannot be ruled out that other commanders may have taken civilians to the front lines or near a dangerous area, but that was not the case for him. He stated that he carried his standard equipment and his soldiers, adding that when he went to Benefanaye with Kundi, they carried their own ammunition.

When asked to comment on the statements made by Abraham Towah—who explained that he had passed through Gondolahun on his way to Fassama via the road connecting the two villages—the defendant clarified that Abraham Towah had stated, on the one hand, that Alieu Kosiah was not with him when he went to Gondolahun. On the other hand, Abraham Towah had later stated that he did not know Gondolahun and had never been there. The defendant reiterated that he believed this transport operation was carried out by the LURD and not by the ULIMO. He added that Papa had also stated, when asked, that it made no sense to transport ammunition.

When asked whether Papa had fought for the LURD during the Second Civil War, Alieu Kosiah replied that he had never asked him that question and that he did not believe that to be the case, because otherwise, Papa would have told him.

* * *

Hearing of AS

The person being heard identified himself as AS, born on August 15, 1978. The Presiding Judge informed AS that he was being heard as a witness called to provide information and drew his attention to the criminal consequences of making a false accusation, misleading the court, and obstructing criminal proceedings. The President reminded him of the charges against Alieu Kosiah concerning him, namely that he had ordered the looting of the Pasolahun generator between October and November 1993 and between March 1994 and the end of 1995, respectively, and that he had ordered the forced transport of the Pasolahun generator by civilians from Pasolahun to Kolahun, between October and November 1993, and between March 1994 and the end of 1995, respectively, and, in that context, having killed the civilian MuK near the Kehair River; having ordered and directed the forced transport of ammunition by civilians from Gondolahun to Fassama between November and December 1993, and between March 1994 and the end of 1995, respectively; and, in that context, having killed the civilian MoK near the Lofa River.

Questions Regarding Personal Circumstances

The Court asked AS:

The President asked AS to describe the consequences of the first civil war in Liberia for him. AS stated that because of the war, he could no longer attend school and that it took a great deal of courage for him to return to school after the war, as he was older. He explained that he was still in college because he had been unable to follow a regular course of study. He had to take care of himself and his family and attended classes only sporadically.

When asked about the significance of these proceedings for him, AS stated, “For me, this is the day I’ve been waiting for my whole life—for justice to be served.” When asked to elaborate on why justice needed to be served against Alieu Kosiah, AS said that since the end of the war, many Liberians had wanted a court to be established to try the crimes committed, but others were opposed to this, and nothing had been done. AS clarified that this was not directed solely against Alieu Kosiah, but that he would testify in the same way against anyone who had committed war crimes.

When asked about the possible consequences for him and his family of his testimony in Switzerland, AS explained that after his return to Liberia in 2021, James M. Kamara, MoK, and MuK spread the word that he had come to testify. The President asked AS to provide further details regarding the letter submitted by his counsel, which stated that he had been contacted by James M. Kamara to obtain information about the witness AK. AS recounted that he was with EK, a friend who lives in Kolahun, when James M. Kamara contacted EK by phone to speak with AS. James M. Kamara asked AS where AK was, and AS replied that he did not know. James M. Kamara then stated that he had been given money to pass on to AK. When asked, AS stated that James M. Kamara had not told him who had given him the money.

When asked about his contact with the other plaintiffs since the trial, AS stated that he had been in contact only with KK because KK's father had died and AS had attended the funeral.

When asked whether anyone had offered him money to testify in this case, AS replied in the negative. He added that he was an independent man and that, contrary to what Alieu Kosiah claimed, an unskilled worker in Liberia earns at least $5 a day, while a skilled worker earns between $10 and $20 thanks to the law on decent wages passed by the government.

When asked about the compensation for emotional distress awarded at the trial court level, AS stated that he was not aware of said compensation.

Attorney Gianoli asked AS:

When asked about the last names of the witnesses MoK and MuK, AS stated that during his childhood, people called them Kamara. When asked to explain why he had never identified the two witnesses by the name Kamara before the trial, AS stated that he remembered telling the Court that when he was a child, people called them Kamara, and that it was only after the war in 1997 or 1998 that they began to be called K. AS added that they also had a dance name.

When asked, AS stated that he did not recall seeing photos of MuK and MoK before coming to testify at the trial. He confirmed that he had told the truth at the trial and stated that he continued to tell the truth.

Attorney Gianoli asked AS why it was problematic for people in his village to know that he had come to Switzerland to testify about crimes committed during the civil war in Liberia. AS replied that many people had been traumatized by the war and were still suffering from it today. He added that there were still many traumatized veterans, some of whom were criminals who might harm him because they knew nothing but war. According to AS, Alieu Kosiah still has many loyal followers who believe that those who came to testify have exposed them. AS pointed out that even Abraham Towah had stated that he could not return to Liberia for fear of reprisals. AS said he feared for his family.

When asked whether a former supporter of Alieu Kosiah had attacked him, AS explained that no one had physically attacked him, though this did not diminish the need for extreme caution; for if the veterans learn that someone has come forward to testify, they will target that person out of fear of being exposed.

When asked why James M. Kamara was looking for AK, AS repeated that James M. Kamara had told him he had to give the money he had been given to AK. When asked why James M. Kamara

had to give money to AK, AS replied that the discussion had not gone any further and that he had not asked the question.

When asked about the school he attended before the war, AS stated that he had first attended school in Pasolahun and then in Kolahun, and said he did not know how many years he had been in school. When asked, he stated that he was in Kolahun when the schools closed. When asked about the NPFL's presence, AS clarified that schools were still open under NPFL control in Bolahun and Kolahun in 1991–1992. According to him, the schools closed completely in 1993.

When asked about the destruction of schools, AS stated that several schools were destroyed, notably by RPG fire. He added that when the ULIMO arrived in Pasolahun, no one was attending school because everyone feared being conscripted to carry loads. According to AS, the ULIMO was a terrible faction. ULIMO treated civilians like animals and killed whoever they pleased when they captured a town. When asked, AS stated that ULIMO had not killed anyone upon their arrival in Pasolahun. When asked about possible murders committed by ULIMO within the Mbé [phon.] clan, AS stated that he was in Pasolahun and had no knowledge of what was happening in the twelve villages of the Mbé clan. Mr. Gianoli asked AS how he could then say that ULIMO killed people upon arriving in the villages. AS clarified his statement and said that ULIMO did not necessarily kill people upon arriving somewhere. He repeated that schools had been destroyed by RPG fire and explained that sometimes, when ULIMO arrived in a location, fighting was not taking place because the NPFL had already left. According to him, ULIMO fought the NPFL forces stationed in the Mbé clan in Lesku [phon.] and a driver named Kpeh [phon.], who had been conscripted to carry ammunition, was killed during those battles.

When asked about the average monthly income in Liberia, AS stated that he did not know. He indicated that, for his part, he had worked for the NGO *Community Service Initiative* (CSI) as a supervisor in Lofa and earned more than $500 per month. When asked, he said he did not know whether he earned a better living than those close to him. When asked about a police officer's monthly salary, AS said he did not know and that the question should be directed to Liberian officials.

The MPC and the attorneys for the plaintiffs had no questions.

Questions Regarding the General Context

The Court questioned AS:

When asked about the number of transport operations in which he participated on behalf of ULIMO, AS stated that there were so many that it was impossible to count them and added that civilians were treated like slaves. When asked about the frequency of these transports, AS indicated that every day, early in the morning, ULIMO would round up the village youths and designate five or six people who had to stay behind in case soldiers needed them to carry loads.

When asked why he had decided to report these two specific transports to the authorities, AS explained that he could not mention every single transport that took place, as they were a regular part of his daily life. He added that he had reported the two transports that had particularly affected him because of the events that occurred during them—events he would never forget.

When asked, AS confirmed that he knew James M. Kamara well, who had been captain of the soccer team during the war. AS also confirmed that James M. Kamara was close to the ULIMO. He explained that Kamara had never been forced to carry loads on his head and that he supplied the soldiers with marijuana. According to AS, soldiers would sometimes task him with organizing shipments of goods via civilians to the Guinean border, selling the goods there, and bringing the money back to them.

When asked to explain how he was ultimately able to formally identify Alieu Kosiah, AS explained that he had difficulty recognizing him at first glance because he had changed—just as anyone would have changed after 20 or 30 years. AS added that he recognized him in court because of the way he used to yell at people and kick them. According to AS, Alieu Kosiah was such a terrible person that civilians stayed away from him.

When asked about his arrest upon the ULIMO's arrival in Kolahun, AS explained that he and four or five other young men were caught by soldiers who accused them of having been sent on a reconnaissance mission by the NPFL. AS added that he was subjected to the "ULIMO taxi" practice, which involves having one's legs tied while seated and being dragged along the ground. AS stated that they were then beaten on the main road leading to Kolahun and laid on their backs in the blazing sun. When asked, AS clarified that Mami Wata—whom he described as short and stocky—had released him, while the others had been taken to headquarters. When asked about the fate of the others, he said he had never seen them again and did not know what had happened to them. He added that he was solely concerned about his own safety and feared for his life whenever anyone approached him, as Kolahun had become a frightening place. When asked whether the name Alieu Kosiah had been mentioned during that incident, AS said he had heard the name "H&H," meaning *"headquarters and headquarters commander*." According to AS, during the capture of Kolahun, CO Kobra was *the ground commander,* and CO Kosiah was subsequently called in as H&H. He added that he had not seen Alieu Kosiah in Kolahun but had only heard his name.

The Presiding Judge asked AS why he had testified before the MPC that his most terrible memory was the forced labor of children. AS replied that at the time, he himself was a child and that the most terrible thing he could remember was the forced labor of children.

The Presiding Judge then reminded him of his statements before the MPC that he had seen Alieu Kosiah receive money in Foya and asked him how he had recognized the defendant. AS stated that he remembered his face and that everyone kept repeating his name. He added that he had seen Alieu Kosiah receive money. When asked about the identity of the person who had given money to the defendant, AS said he did not remember which soldier it was. He added that he had gone to Foya because Mami Wata had told him to go there, but that he had left after seeing wheelbarrows filled with pieces of human corpses.

Attorney Gianoli questioned AS:

When asked, AS confirmed that soldiers were stationed in Pasolahun during the war and explained that they rotated and changed posts approximately every four months. According to AS, the soldier in charge was the *ground commander*. When asked to provide the names of the soldiers stationed in Pasolahun, AS stated that he did not remember all of their names and mentioned Jungle Rock, Mandingo Devil, and Gbandi Boy.

When asked, AS stated that he had been beaten only once in Kolahun. When asked about the identity of the highest-ranking commander in Foya, AS indicated that he was not a soldier and was unable to recognize military ranks. When asked, AS clarified that he had stayed in Foya for a short time— , perhaps a few days, or even a month. When asked if he had seen Alieu Kosiah every day while he was in Foya, AS replied that he had seen him once.

When asked about War Boss, AS stated that he had heard that name but did not recall seeing that person. When asked about Mami Wata's hair, AS reiterated that the events had taken place more than thirty years ago and that he did not remember whether Mami Wata had long or short hair. AS stated, without certainty, that in his opinion Mami Wata had a "dada" haircut, like small dreadlocks.

The Public Prosecutor's Office and the attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: ordering the looting of the Pasolahun generator between October and November 1993, and between March 1994 and the end of 1995, respectively

The Court questioned AS:

When asked to indicate whether the *townchief* or Scarface Kabbah had told him that Alieu Kosiah had given the order to dismantle the generator, AS stated that he had heard Scarface Kabbah say that his chief had sent him to take the machine and send it to Kolahun. According to AS, Scarface Kabbah also stated that CO Kosiah was waiting for them in Kolahun. When asked whether he knew who Alieu Kosiah was when he heard Scarface Kabbah's remarks, AS answered in the affirmative and clarified that he had seen the defendant in Foya before going to Pasolahun.

When asked to confirm that he had not witnessed the dismantling, AS stated that they had been gathered at a certain distance from which they could see the people brought by ULIMO working.

When asked about the availability of electricity in Pasolahun and how it was used, AS stated that the generator had been brought by Stephen Kemba [phon.], the former commissioner of Pasolahun, and that wooden poles had been installed to try to connect the village when the war broke out. AS specified that the electricity was used for lighting and for music.

When asked, AS confirmed that there was a sugarcane juice extraction business in Pasolahun at the time. According to AS, the juice extractor was located on a plantation owned by an elderly man named Mabu [phon.] and was used solely to crush sugarcane, not to generate electricity. When asked whether this machine had an electric motor, AS replied that he knew nothing about mechanics and repeated that, to his knowledge, the machine was not intended to supply power to the village but solely to crush sugarcane.

Attorney Gianoli questioned AS:

When asked, AS stated that the generator had been dismantled after he was arrested in Kolahun. When asked to describe the generator, AS said it was very large and could have supplied two villages. When asked how the generator had been transported, AS stated that they had driven along the road that *Commissioner* Kemba of Kolahun had built from Kolahun to Pasolahun. When

asked, AS stated that he did not recall whether the generator had been disassembled when it was brought to Pasolahun.

When asked to describe the electric poles he had mentioned earlier, AS stated that there were also poles of that type in Monrovia. According to him, they are very long wooden poles that are driven into the ground and topped with a light bulb. When asked, AS stated that there were no longer any poles in Pasolahun since the war because, after ULIMO looted the generator, the residents of Pasolahun had used these poles as firewood.

The MPC had no questions.

Attorney Wavre questioned AS:

When asked about how the machines operated during the war, AS indicated that they did not run every day, as the installation of the electrical grid in the village was still underway. He explained that the machine was used on an occasional basis during festivals.

Attorney Werner questions AS:

When asked, AS repeated that he did not know how the sugarcane juice extractor worked, particularly whether it required electricity to operate.

Attorney Gianoli questioned AS again:

In response to a question, AS stated that, to the best of his knowledge, the machine was new when it was brought from Kolahun to Pasolahun.

Questions regarding the charges against the defendant: ordering the forced transport of the generator from Pasolahun, by civilians, from Pasolahun to Kolahun, between October and November 1993, and between March 1994 and the end of 1995, respectively

The Court questioned AS:

When asked to confirm his statements that he had not seen Alieu Kosiah during the transport but only at the Kehair River, AS confirmed them. When asked if he could rule out the possibility that Alieu Kosiah was present during the transport, AS replied that he had not seen him at any point during the entire transport and that Scarface Kabbah kept repeating that Alieu Kosiah was waiting for them in Kolahun. AS explained that soldiers were stationed throughout the convoy to prevent anyone from escaping. If the civilians did not walk fast enough, the soldiers would cut a stick from the bush and whip them. According to AS, the soldiers kept telling the civilians that they had to walk fast because Kosiah was waiting for them in Kolahun and that if they didn't hurry, they would die. AS added that sometimes the soldiers would hit them with the butts of their rifles, so everyone tried to run.

The President told AS that Alieu Kosiah had stated he knew a soldier named Scarface Kabbah and indicated that this was a very important figure within ULIMO who was stationed in Voinjama and was his superior. The defendant also denied having given the order to transport the generator. When asked, AS confirmed that he had witnessed the interaction between Scarface Kabbah and

Alieu Kosiah in Kolahun. Asked to describe it, AS stated that he saw Scarface Kabbah stand at attention and salute Alieu Kosiah. AS added that he heard Alieu Kosiah reply, “At ease.”

Attorney Gianoli questioned AS:

When asked, AS stated that too much time had passed for him to remember at what time of day they had left Pasolahun. When asked how long it took to travel from Pasolahun to Kolahun, AS stated that in peacetime, people traveled from Pasolahun to Kolahun in about two days—especially women—whereas they had reached Kolahun in one day during the transport due to heavy pressure from ULIMO.

When asked, AS stated that he did not remember when Scarface Kabbah had arrived in Pasolahun, whether he had gone to see the village chief on the day of the transport, or whether he had slept in Pasolahun. AS also stated that he did not know where Scarface Kabbah had come from when he arrived in Pasolahun.

When asked, AS stated that during the transport, the group was large and that he was not among the first to arrive at the banks of the Kehair River.

When asked about Scarface Kabbah’s position during the march, AS stated that he did not stay in one place but moved back and forth to ensure that everyone remained in formation and to remind the civilians that if they did not move fast enough, the flies would carry the message to their parents.

When asked, AS stated that he did not remember where Scarface Kabbah was when he arrived at the Kehair River.

When asked to provide a description of Scarface Kabbah, AS said he hadn’t seen him much and didn’t want to make anything up. AS simply noted that he was wearing camouflage fatigues and a military cap and stated that he would not be able to recognize him. When asked how many times he had seen Scarface Kabbah, AS stated that the only time he had interacted with Scarface Kabbah was during the transport of the generator. He added that his name was widely known throughout the region. When asked if he remembered seeing Scarface Kabbah on another occasion, AS stated that it was possible but that he did not recall it at the moment.

The Public Prosecutor and the attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: killing the civilian MuK near the Kehair River

The Court questioned AS:

When asked to share his first impression of Alieu Kosiah’s position within ULIMO, AS explained that he immediately thought the defendant was a high-ranking officer because he had seen him in Foya and people referred to him as H&H. AS added that when they arrived at the Kehair River, the soldiers saluted him. He therefore concluded that Alieu Kosiah was a commander.

When asked to explain how he could tell that Alieu Kosiah was angry when he wanted the generator to arrive in Kolahun to be transported to Guinea, AS explained that the defendant was

a terrible man who wanted things to go his way. If anyone— —made him waste his time, he would kick or beat them, and if it happened again, he would shoot them. According to AS, Alieu Kosiah was emotional and reacted very strongly.

The Presiding Judge asked AS whether the defendant was armed when he told MuK, "If you don't want to continue, you're going to stay here." AS replied emotionally that he did not remember whether Alieu Kosiah was carrying a weapon, but according to AS, the defendant asked a child soldier to give him one. When asked about the sequence of events, AS explained that when MuK told Alieu Kosiah he was too tired to continue, the defendant asked a child soldier to give him a weapon and told MuK, "You're going to stay here." AS stated that the scene was chaotic and difficult to witness.

When asked whether MuK had had the opportunity to respond to the defendant's threat, AS replied that he had not heard him say anything because he was too exhausted after walking all day without eating or drinking.

When asked, AS confirmed that he had heard two gunshots. He added that the group was large, so he hadn't been able to see everything that was happening clearly. When asked if he had seen Alieu Kosiah carrying a pistol, AS replied that he did not remember.

When asked to comment on the defendant's statements—namely, that only MuK from Pasolahun was still alive and that it was impossible for two men named MuK, along with a brother named MoK, to have lived in the same village at the same time—AS stated that the witnesses claiming to be MuK and MoK had drawn up a list of their family members upon their return to Pasolahun. According to AS, MuK and MoK claim that his mother is their sister. AS stated that if his mother's name appeared on that list, then MoK and MuK were lying.

Attorney Gianoli asked AS:

When asked whether his mother's name appeared on the list in question, AS replied in the negative and stated that MuK and MoK had said his mother was their sister, even though that was not the case.

When asked to describe the *checkpoint* at the Kehair River, AS explained that one had to cross the Kehair River to travel from Pasolahun to Kolahun and that the ULIMO had tied a rope across the road. He explained that they had left an opening on one side so that people would be forced to pass in front of the soldiers. When asked whether the soldiers were on the left or right side of the road, AS was unable to provide an answer. He explained that on that day, they were a large group and that upon their arrival, the soldiers untied the rope to let them pass with the vehicle.

When asked, AS stated that there was an old building at the *checkpoint*, located on the right-hand side heading toward Kolahun, and surrounding houses that were no longer inhabited because people had fled due to the war.

When asked about Alieu Kosiah's location when he arrived at *the checkpoint*, AS stated that the defendant was on the road on the Kolahun side. When asked whether MuK was already there when he arrived at the checkpoint, AS clarified that MuK was part of the group. When asked, AS stated that he believed he and MuK were essentially part of the same group and added that the people were moving forward in a line.

When asked where MuK was when he was executed, AS said he was in the grass beside the road, on the right-hand side. When asked about the positions of the civilians and soldiers relative to MuK, AS said that the soldiers were surrounding MuK, while the civilians were a little further away because they had been ordered to get ready to leave. According to AS, the soldiers' attention was focused on MuK because he said he was tired. AS stated that if *Chief* Kosiah was there, the civilians were to keep their distance.

Mr. Gianoli asked AS where the civilians were in relation to Alieu Kosiah and MuK at the time of the murder. AS replied that the civilians were a little further ahead toward Kolahun because MuK was tired and could no longer walk.

When questioned repeatedly about the location of the civilians and soldiers, AS repeated that during the transport, there were soldiers at the front, the rear, and in the middle of the convoy, whereas once they reached their destination, the civilians were not in the group of soldiers.

When asked again where he was during MuK's execution, AS explained that he was on the Kolahun side, while Alieu Kosiah was behind with MuK. When asked, AS confirmed that the river and Alieu Kosiah were behind him and repeated that the defendant was on the road.

Attorney Gianoli drew a sketch of the scene, which AS completed. AS explained that when they went to the market, they had to drop off their goods at *the checkpoint*, and the soldiers would take four or five cups, or even the entire load. When asked, AS stated that MuK was ahead of the *checkpoint* when he was killed. AS reiterated that he heard gunshots but did not see Alieu Kosiah shoot MuK because there were soldiers around them.

When asked about the type of weapon used to kill MuK, AS said he did not remember whether it was an AK-47 or a pistol. AS added that after hearing the gunshots, there was great confusion, and they hurried toward Kolahun because they thought they would be next.

Attorney Gianoli asked AS how he knew it was Alieu Kosiah who had shot MuK. AS replied that he had heard the defendant tell MuK that if he could not carry his load all the way to Kolahun, then the flies would carry the message. He then heard MuK say he couldn't take it anymore and the defendant ask a child soldier for a weapon. He therefore concluded that Alieu Kosiah had shot MuK. When asked, AS confirmed that this was indeed a deduction and added that after the gunshots, Alieu Kosiah had sung a song in Mandingo.

AS hummed the song in the courtroom. According to him, the meaning of this song, titled "Dolimossu" [phon.], is as follows: in 1990, the NPFL arrived and the ULIMO fled, then they returned like lions and no one could stop them from doing what they wanted.

When asked where MuK's body was, AS said it was on the road. When asked if he had seen a bullet wound on the body, AS stated that it was too horrific for him to stop and examine the body. According to AS, everyone's only thought was to leave Kolahun and return home.

When asked, AS said he had walked another 20 to 30 minutes from the *checkpoint* to the center of Kolahun. Attorney Gianoli asked him when he had left for Pasolahun. AS replied that he did not remember whether it was the same day or the next day. He confirmed that he had seen MuK's body on the road near the river on his way back to Pasolahun and repeated that he had been too afraid to stop and examine the body.

When asked whether there were any ULIMO soldiers near MuK's body at that time, AS replied that he had not seen any ULIMO soldiers on his way back to Pasolahun. Attorney Gianoli asked him why he had not stopped near the body in that case. AS repeated that his only thought was to leave Kolahun and explained that he did not want to be conscripted again, for example, to go to Foya.

When asked to explain why he had been much more specific during his first hearing in Bern, AS stated that his memory was not automatic and that he was recounting what he remembered at the moment he was speaking.

When asked about the name of MuK's father, AS stated that he did not know MuK's father and that he had heard that he had died in the 1980s and that his name was Momolu [phon.].

When asked, AS stated that his mother's full name was Wanga Kona. When asked whether the name Kona was masculine or feminine, AS replied that it was the same for both men and women.

The Public Prosecutor and the attorneys for the plaintiffs had no questions.

Examination of Alieu Kosiah

The Court questioned Alieu Kosiah:

When asked, the defendant confirmed that he recognized the song sung by AS. He stated that some soldiers sang it, but not him, and that no ULIMO members fled in 1990, contrary to the explanations given by AS. Alieu Kosiah added that this song was directed at the NPFL, which was killing Mandingos everywhere in 1990. According to the defendant, the lyrics are as follows: "You killed us in 1990; now we are armed and can defend ourselves."

The Presiding Judge asked the defendant whether fighting man-to-man was equivalent to killing a defenseless civilian. Alieu Kosiah stated that within ULIMO, anyone who killed a defenseless person must be held accountable for their actions. He added that he did not condone that kind of behavior.

When asked to comment on AS's statements, Alieu Kosiah said that if MuK and MoK were AS's uncles, then his mother should have the same last name. However, according to the defendant, AS refuses to provide his mother's and grandfather's last names and has already lied to the Court on several occasions. Alieu Kosiah stated that AS had indicated at the trial that MoK and MuK's last name was K, not Kamara. According to the defendant, AS's uncles are alive. They came here to testify and identified their nephew. Alieu Kosiah stated that it was for these reasons that he addressed the prosecutor, asking, "Mr. White Man, what are you trying to achieve?"

The defendant added that AS was lying when he claimed that MoK and MuK were from Bolahun. In fact, AS told the prosecutor that he was close to his two uncles and that they all lived near his mother—in Pasolahun, according to the defendant. Furthermore, MuK stated several times that AS's mother's last name was K. The defendant also indicated that AS's grandfather had likely had four wives and that AS knew full well that the witnesses MuK and MoK were his mother's brothers. Alieu Kosiah stated that only the case file could reveal the truth.

According to the defendant, it is obvious that the information that AS had disowned his own uncle would spread in a village as small as Pasolahun. Alieu Kosiah explained that the plaintiffs did not want AS's mother to testify because they did not want the truth to come out. The defendant wondered why the prosecutor had not allowed AS/TS's mother to testify if he was seeking the truth.

Alieu Kosiah then wished to speak about the sugarcane juice extractor. He explained that most of these machines were manufactured in Japan and were equipped with a large belt on the side.

When asked if he had seen the machine in question, Alieu Kosiah replied, "It's hard to see something that's in a place you've never been to." The defendant then heard testimony from another witness who told the same story as AS regarding Stephen Kemba and his juice extractor, but who placed it in a different area of Pasolahun. Alieu Kosiah stated: "Reading the testimony as a whole, it's clear that this is the same story, but that's what war is—different versions of the same story."

The defendant addressed the issue of electricity in Pasolahun and stated that it was not up to him to decide whether or not there was any. According to him, several witnesses indicated that there was neither street lighting nor electricity in Pasolahun.

Alieu Kosiah stated that AS was gradually attempting to discredit AK by claiming that James M. Kamara had contacted him to give money to AK. According to the defendant, this makes no sense since James M. Kamara is AK's uncle. So why would he go through AS to give money to his own nephew? Alieu Kosiah noted that AK had not gone through the NGO and would not provide the same information as the plaintiffs, leaving them with no other option but to try to discredit him.

The defendant then stated that when he returned to Liberia in 2012 or 2014, soldiers earned $100 a month and a bag of rice, while police officers earned $150 a month. Alieu Kosiah then mentioned War Boss, whom AS knows much better than he claims, according to the defendant.

Alieu Kosiah finally insisted that MoK and MuK were alive and that he had not killed them. He cast doubt on the credibility of AS's testimony, as AS had initially stated that he saw the defendant kill MuK with an AK-47 before changing his story. According to the defendant, another person claimed that he had killed MuK with a pistol, and AS changed his story. According to a third account, MuK was allegedly killed by asphyxiation. It is therefore not surprising that MuK is alive, according to Alieu Kosiah.

Attorney Gianoli and the Office of the Public Prosecutor had no questions.

Attorney Jakob questioned Alieu Kosiah:

When asked whether the lyrics sung by AS matched the song as he knew it, Alieu Kosiah stated that the song was in Mandingo and that he had understood only two words sung by AS: 1990 and Dolomossu [phon.]. The defendant indicated that "Dolomossu" meant "my sister Mossu" in Mandingo. Attorney Jakob asked Alieu Kosiah if the melody hummed by AS was correct. The defendant repeated that he had understood only two words and indicated that he had recognized the song because AS had given its title.

Testimony of AS (continued and concluded)

When asked to comment on the defendant's statements, AS said that this was the situation facing Liberians. In other words, everyone who fought during the war denies having committed crimes. AS clarified that he knew of only one person who had admitted to committing wrongdoing and who was willing to be punished: a ULIMO soldier named Butt Naked.

AS stated that Alieu Kosiah's denials were not surprising and that his explanation consistently boiled down to saying he wasn't there. AS said, "Then let him explain to us who the bullets he fired during the war killed." According to AS, Alieu Kosiah will never admit that he did anything wrong, even though, in reality, he caused people to suffer and did them harm. AS added that Alieu Kosiah was a terrible man who had wronged the people of Lofa. He stated that he could not sit in the same room with him except in a courtroom. According to AS, the defendant must be tried for the crimes he committed.

AS then referred to Kundi's testimony, in which he stated that the only capture in which Alieu Kosiah had not participated was that of Zorzor. Contrary to his denials, the defendant had therefore participated in the captures in Voinjama, Foya, and Kolahun. According to AS, Kundi also said that Alieu Kosiah might not remember the dates, but he was there.

The Court questioned AS:

When asked to explain why he did not know his grandfather's last name—much to the defendant's surprise—AS stated that he had only given his grandfather's first name because he had never met him.

When asked about his mother's name, which is different from that of his uncles, AS explained that in Africa, a person sometimes takes their mother's name rather than their father's. He clarified that he has a sister named K, even though they share the same mother.

Questions regarding the charges against the defendant: ordering and directing the forced transport of ammunition by civilians from Gondolahun to Fassama between November and December 1993, and between March 1994 and the end of 1995, respectively

The Court questioned AS:

When asked to explain how he had requisitioned the transport of ammunition, AS explained that a message was sent to the twelve villages of the Mbé clan instructing them to send men to Gondolahun. According to AS, the ammunition was transported to the home of the clan's traditional " " chief, Mamadou Kobra, who wore protective gear that prevented bullets from hitting him. AS specified that the ammunition was transported from Kolahun to Gondolahun, and then on to Fassama.

The President reminded AS of his statements during the trial at first instance, in which he said he knew that Alieu Kosiah was in charge of this transport and had seen him giving orders to the soldiers. When questioned about this, AS stated that he had heard Alieu Kosiah give the order to put the civilians in prison to prevent them from escaping.

When asked, AS confirmed that he had seen MoK participate in this transport and specified that there were many of them in Gondolahun. AS also confirmed that MoK was present during the night spent in Gondolahun. The President reminded AS of his previous statements that MoK was

not supposed to participate in the transport due to his age and asked him who could decide to disregard this rule. AS replied that the ULIMO soldiers made the decisions and no one could question their decisions.

When asked, AS stated that he did not recall explaining to MoK what had happened to MuK.

When asked about the orders given by Alieu Kosiah on the morning of departure, AS stated that they were the usual orders: *"Till go. Any bush shake, you dead."* When asked where he had gotten the information that, in ULIMO, the *"Topgrass"* were generally at the rear, AS replied that he did not really know their jargon but that, as he understood it, the *"Topgrass"* were the high-ranking officers. He added that he had seen soldiers at the front, the rear, and in the middle of the convoy, while the *"Topgrass"* brought up the rear.

The President recalled the defendant's statements that the village of Gondolahun was so far away that it was impossible for the soldiers to reach it, and asked AS if he was sure he had seen Alieu Kosiah in Gondolahun. AS replied that if Jungle Jabbah could get to Gondolahun, then so could Alieu Kosiah. AS added that Alieu Kosiah was there.

When asked, AS confirmed that the route he had described was correct—namely, from Gondolahun to Yasselahun, then Papahun and Konehun near the Lofa River. He clarified that, as far as he was concerned, the transport had ended in Sassahun. When asked who had retrieved the items he had transported, AS replied that he did not know because he had stopped at Sassahun and then fled.

Attorney Gianoli asked AS:

Mr. Gianoli asked AS whether it would have been possible to flee before such a transport, given that he had been imprisoned the day before the transport. AS replied that if he had fled, he might have died. When asked, he stated that he had fled only once, after arriving in Sassahun and unloading his cargo. When asked whether Sassahun was the destination, AS replied that the ULIMO soldiers had mentioned Fassama. He added that he did not want to go there because of the fighting and that he had managed to escape while the soldiers were busy looking for food.

Attorney Gianoli asked AS how he knew there was fighting in Fassama. AS replied that he had heard it from the ULIMO soldiers themselves. When asked, AS stated that he did not remember whether the soldiers who had accompanied him during that transport were the same as on other transports, since there were so many soldiers.

When asked if he had been afraid that soldiers would recognize him and punish him for fleeing, AS replied that, given the distance between Sassahun and Gondolahun, he did not think the soldiers would come looking for him. Attorney Gianoli asked AS whether the soldiers had seen him run away. AS replied that he was no longer there and that the soldiers might have noticed his absence.

When asked about any other attempts to flee, AS stated that fleeing was not something one normally did and that if he had done so on other occasions, he would not be here to talk about it.

Mr. Gianoli reminded AS of his statements to the MPC, according to which the soldiers had fired at him when he tried to flee, though he was not wounded. AS stated that he had made such

statements in connection with an incident that had taken place in Pasolahun, unrelated to a transport. When asked about the incident to which he was referring, AS described an incident in which he tried to escape but was caught by the ULIMO. According to AS, the ULIMO put him and other young people in the rice barn and lit a fire onto which they poured chili peppers. When asked about the perpetrators of these acts, AS identified the commander as Mandingo Devil and said he also remembered God Walking Devil Walking.

When asked to clarify his previous statements—in which he had claimed that attempting to escape meant certain death, even though he was not killed in this instance—AS said, "If you try to escape and someone points a gun at you, you stop." When asked, he confirmed that in this instance, the soldier had pointed his gun at him and that he had therefore stopped. He clarified that the soldier had not fired, otherwise he would have been killed.

The Public Prosecutor's Office and the attorneys for the plaintiffs had no questions.

Questions regarding the charges against the defendant: killing the civilian MoK near the Lofa River

The Court questioned AS:

The President asked AS whom MoK had spoken to when he said he no longer felt able to continue and wanted to go home. AS explained that everyone had set down their ammunition at the spot where they had to cross the river. When MoK set down his box of ammunition, he sat down and said he could go no further. According to AS, Alieu Kosiah told him that there was no one else to carry the ammunition and that if he was unable to cross, he would have to stay there. AS added that the defendant told MoK, "You should know that I'm from Nimba."

When asked how far away he was from MoK, and specifically whether it was possible to pass him a message or encourage him, AS stated that he was unable to do so.

The Presiding Judge reminded AS of his previous statements to the effect that he had seen Alieu Kosiah grab an AK-47 and heard two gunshots. When asked how Alieu Kosiah had obtained the weapon, AS stated that he had taken it from someone.

When asked if he had seen what happened next, AS replied that he had avoided getting too close to the soldiers and was concerned for his own safety. The Presiding Judge asked him why he had watched the handover of the weapon but not what followed. AS replied that Alieu Kosiah had shot MoK, but that he did not recall watching the scene.

When asked to comment on the defendant's statements—in which he indicated that, according to village chief James Kamara, there was only one K family in Pasolahun and no family named S—AS replied that James had stated during the trial that he was not the *townchief*. According to AS, James had never been the *townchief*, and there was more than one person named MoK. Regarding the absence of an S family in Pasolahun, AS stated that his name was AS and that he was from Pasolahun.

When asked, AS firmly denied that the person killed could have been anyone other than MoK.

Attorney Gianoli questioned AS:

When asked about his position within the convoy during the transport, AS stated that he did not remember exactly since the group was large. He added that there were many people around him and that ADK was also in the group. When asked about KK, AS stated that he was also part of the group. AS said he did not remember whether KK and ADK were already there when he arrived at the river.

When asked if he had discussed MoK's execution with KK, AS replied that he did not remember. He stated that he also did not remember whether KK had asked him any questions about MoK's death.

Attorney Gianoli then asked AS how long he had been using that name. AS replied that he had been using it since he was a child. When pressed, he clarified that he had started using it after the war. When asked who had given him that name, AS stated that he had decided to use his uncle's name, with whom he had lived in Kolahun during the war. AS explained that many Liberians take the name of the person with whom they lived, for example, if that person sent them to school.

The MPC had no questions.

Attorney Wavre questioned AS:

Invited to address a final statement to the Court, AS made a point of thanking the President and the Swiss government, who took the necessary steps to ensure that justice was served. AS added that obtaining justice was his primary concern. He stated: "If I die tomorrow, I will be happy to see that justice has been served in light of all the atrocities committed in Liberia." AS concluded by once again thanking the Court for taking the time to hear both sides in order to establish the truth and for reviewing all the documentation.

Cross-Examination of Alieu Kosiah

The President invited the defendant to respond to AS's statements.

Alieu Kosiah began by stating that, to his knowledge, there was no school in Pasolahun, so it could not have been destroyed since it never existed. The defendant relied on the statements of James M. Kamara, who reportedly indicated that there was no school building in Pasolahun, with the exception of a Koranic school, as well as on the statements of KK, who reportedly said that the children attended school in Gondolahun before the war.

The defendant then refuted Kundi's remarks as reported by AS, according to which Alieu Kosiah was a brutal man. According to him, Kundi thought he was a good person. Furthermore, Kundi believed that he had arrived after the capture of Zorzor and that he had never fought alongside Scarface Kabbah.

Regarding the plaintiff, Alieu Kosiah stated that his name was TS, not AS. He expressed surprise that only those who had been through the NGO identified him as AS, while others identified him as TS. According to him, TS and KK share a sister, but TS was careful not to mention his family connection to KK. Alieu Kosiah reiterated that the most important thing was to establish the truth so that the judges could reach a decision.

The defendant stated that he was absolutely certain there had been no fighting in Fassama and that the nearest fighting to Fassama had taken place at least 150 km away.

Alieu Kosiah then asserted that AK was trying to mislead the court, since he had decided to refer to AS only as "A," even though AS was the secretary-general of the Lofa Youth Association and had stated that he knew all the young men who had come from Lofa because he had a list of all their names. According to the defendant, AS acknowledged that James knew him as TS.

Alieu Kosiah stated that it was the NGO that had provided the names to be entered on the plaintiffs' passports. The defendant declared: "If this name was given to AS so that no connection could be established with MoK and MuK, then one must ask what role the NGO played in all of this."

Regarding the document sent by the *paramount chief*, Alieu Kosiah stated that the names of MuK and MoK appeared in it and added that the document specified that they were alive and came from Pasolahun.

According to the defendant, James confirmed that MoK and MuK had siblings and gave the names J and M for the sisters who shared the same father and mother, as well as the name W for the sister on the father's side.

The Court questioned Alieu Kosiah:

The Presiding Judge asked Alieu Kosiah whether his statement that there had been no fighting in Fassama applied to the entire civil war. The defendant denied having made such a statement and declared that he had said that no soldier or historian would claim that ULIMO-J and ULIMO-K had fought in Fassama.

When asked whether ULIMO-K had fought in Fassama after 1994, Alieu Kosiah replied in the negative. He noted that newspapers had reported that the *Loma Defense Force* (LDF) had captured Fassama, although this was false. According to the defendant, the LDF briefly captured Zorzor and then retreated to Fassama. He added that there had been no fighting in Fassama in 1995 either. According to him, there had been fighting in Fassama in 1992 when the town was recaptured from the NPFL. Alieu Kosiah stated: "As a historian once said, the first casualty of war is the truth."

The President asked the defendant whether, given his position within ULIMO, he would have known if fighting had taken place in Fassama. Alieu Kosiah replied that ULIMO controlled the area from Lofa Bridge to Upper Lofa and that he would undoubtedly have been informed even if he had not been present. He added that both Papa and Fofana had stated that there was no fighting in Fassama.

Attorney Gianoli questioned Alieu Kosiah:

When asked about Butt Naked, Alieu Kosiah stated that he had not known of this person's existence before coming here. He indicated that Butt Naked was a member of the LPC, not ULIMO, and referred to a video in which he was seen on the opposing side during the last ULIMO war on April 6. Alieu Kosiah stated that one could infer from this that Butt Naked was a Krahn from the LPC or ULIMO-J, before asserting that he was from the LPC.

The MPC had no questions.

Attorney Wavre questioned Alieu Kosiah:

Mr. Wavre asked the defendant whether the first names J, M, and K were male or female. Alieu Kosiah replied that the question should be directed to members of the Gbandi ethnic group. He added that the Mandinka and the Gbandi shared the same culture and that, in his opinion, these first names were female.

January 23, 2023 – Day 6: War names explained

On the 6th day of hearings, a new plaintiff was heard. The plaintiff was a witness and victim to numerous charges, notably the murder of a civilian, forced transports of goods, and the murders of two fighters within the ULIMO faction.

The defendant explained the origin of a number of war names used by certain fighters. Some names were based off fighters' behavior within their factions, while others were based on things such as their eating habits or were even inspired from well-known historical conflicts.

Once the plaintiff's testimony had ended, two further charges were discussed: of the use of a child soldier, and the murder of a civilian.

The defendant maintained his innocence. He gave an overview of certain military operations across the region to demonstrate that he would not and could not have been in the areas where the incidents allegedly occurred.

January 23, 2023 – Day 6: War names explained

Procedural matters

The President noted the failure of witness AK to appear. He then stated that the Court had decided to admit the amendment to the indictment.

The parties moved to have the emails produced by Counsel Gianoli admitted into the record. Counsel Werner stated that he was currently considering whether to file a criminal complaint against the individuals mentioned in these emails and that he deferred to the Court regarding their admission into the record.

The Prosecutor, for his part, expressed surprise that Alan White was still using the reference to the TSSL in his email address, even though that body had ceased to exist about ten years ago. The Prosecutor clarified that while there was indeed a residual mechanism, to his knowledge, Alan White was not part of it. He added that he had noted several grammatical errors—which was surprising for an American of Alan White's caliber—as well as a recurring error in the spelling of Gibril Massaquoi's name. The prosecutor therefore stated that he had reservations about these emails, the content of which consisted of hearsay. He added that Alan White was suspected of witness tampering in the Finnish case and that a number of factors suggested he had other interests in the United States that could justify such interference in the trials involving Civitas Maxima and the GJRP. The Prosecutor concluded that the MPC was leaving it to the court to decide on the admissibility of these emails into the record and that, if necessary, it would be appropriate to summon Alan White to provide an explanation.

The attorneys for the other plaintiffs also referred the matter to the court. Mr. Gianoli stated that he had no objection to the Court summoning Alan White.

After deliberation, the Court decided to admit the exhibits to the record as presented by Mr. Gianoli, emphasizing that it was in a position to assess their probative value. The Presiding Judge

added that the Court was prepared to hear Alan White on January 31, 2023, and asked Mr. Gianoli to kindly forward this summons to the individual concerned.

* * *

Hearing of EBJ

The person heard identified himself as EBJ, born on October 15, 1977. Judge Ermotti informed EBJ that he was being heard as a person called to provide information and drew his attention to the criminal consequences of making a false accusation, misleading the court, and obstructing criminal proceedings. Judge Ermotti reminded him of the charges against Alieu Kosiah concerning him, namely that he had executed a civilian in Voinjama in December 1993 or between early 1994 and May 1994, had ordered a forced transport from Voinjama to Gbarlyeloh by civilians between September 1993 and December 1993, and between early 1994 and May 1994, respectively; having ordered the forced transport of civilians from Voinjama to Solomba between September 1993 and December 1993, and between early 1994 and May 1994, respectively; having ordered the murders of nd two ULIMO combatants of Krahn ethnicity, including a man known as "War Boy," in Voinjama, between September 1993 and December 1993, and between early 1994 and May 1994, respectively.

Questions Regarding Personal Circumstances

The Court asks EBJ:

Judge Ermotti asked EBJ to describe how the first civil war in Liberia had affected him. EBJ stated that the war had delayed his education, caused him neck problems, and led to his uncle's death during *Black Monday*. When asked, EBJ confirmed that he still suffers from the consequences of the civil war today, as he has neck problems caused by the excessively heavy loads he was forced to carry during two forced marches (from Voinjama to Gbarlyeloh and from Voinjama to Solomba). When asked whether these problems hindered him professionally, EBJ answered in the affirmative and explained that he had to seek treatment whenever these problems arose.

When asked about the significance of the current proceedings for him, EBJ stated: "One important thing I need is justice for all."

When asked about the potential consequences of his testimony in Switzerland for himself and his family, EBJ replied that his testimony in 2021 had consequences, notably the loss of his salary due to his absence from work. EBJ explained that he had to fight to get his job back. He added that he had been contacted by his lawyer in July 2021 to be informed of the court's decision, and that he had been attacked by four unknown men in his yard in Zorzor. According to EBJ, two of them were armed with AK-47s. One claimed to know EBJ, and the other said, "We were sent to kill him. "So let's kill him and get going!" EBJ explained that the men knocked him to the ground and grabbed a machete when they heard the sound of a motorcycle, which caused them to flee. EBJ spoke with the motorcyclist, who confirmed having seen people fleeing, while EBJ expressed his gratitude to the motorcyclist for saving his life with God's help. EBJ added that after this incident, he had requested a transfer from his supervisor.

When asked, EBJ confirmed that he was aware of the June 18, 2021, judgment and understood that a sum had been awarded to him for emotional distress. When asked about the amount of

the compensation awarded to him, EBJ stated that the sum of CHF 8,000 was to be paid to him. When asked further, he indicated that he had not spoken to anyone about it. When asked what he intended to do with the money, EBJ replied that he had come here to seek justice and did not expect to receive any compensation. He added that, as he understood it, the Swiss government was required to award him this compensation since Alieu Kosiah lacked the means to do so, and that he had no specific plans regarding the money.

When asked about his contact with the other plaintiffs since the trial, EBJ stated that he had met with them only once at the GJRP office when everyone had been summoned there.

Attorney Gianoli asked EBJ:

When asked why he had not mentioned his neck problems earlier, EBJ replied that he had never been asked about them.

When asked to confirm that he had lost one month's salary in 2021, EBJ stated that his name had been removed from *the payroll* and that he had not been paid for eleven months. When asked to quantify his damages, EBJ specified that his monthly salary amounted to 65,000 Liberian dollars. When asked, he indicated that he did not know what the average monthly income was in Liberia.

Attorney Gianoli asked EBJ if he had filed a complaint following his assault in Zorzor. EBJ replied in the negative and stated that he did not know his assailants.

The Public Prosecutor's Office had no questions.

Attorney Toutou-Mpondo questioned EBJ:

When asked to provide details about the difficulties he encountered with his employer, EBJ explained that he had returned to the same job at the same location upon his return to Liberia.

When asked whether he had been the victim of attacks similar to the one he suffered in Zorzor prior to that incident, EBJ replied in the negative.

Attorney Gianoli questioned EBJ again:

When asked if he was still working in Zorzor, EBJ stated that he did not wish to disclose his place of work for security reasons. He clarified that he was still working as a teacher and school principal.

Questions Regarding the General Context

The Court asks EBJ:

When asked how often the defendant attended meals prepared at his aunt's house, EBJ stated that it was possible to count them and confirmed that there had been several. When asked about the people present at these meals and their connections to Alieu Kosiah, EBJ explained that he did not remember everyone, except for Alieu Kosiah's *personal bodyguard*. When asked, EBJ indicated that most of the soldiers called the defendant *"General"* or *"Chief Kosiah*."

When asked about Alieu Kosiah's place of residence in Voinjama, EBJ stated that he did not know exactly where the defendant was based.

Attorney Gianoli questioned EBJ:

When asked about his presence in Voinjama during the first civil war, EBJ stated that he was there for a period in 1990. He then left, but returned from September 1993 until 1996. When asked, he stated that he had not met Pepper & Salt during that period. He indicated that he had never seen Pepper & Salt or General Dombuyah.

Attorney Gianoli asked EBJ to indicate the location of his aunt SK's house on a sketch he had drawn himself. Before providing this information, EBJ made a point of clarifying the circumstances under which he had drawn the map, namely when he was asked where the Kolahun Road, the Monrovia Road, and the Mandingo Quarter were located.

When asked about the meaning of the term *"cookshop,"* EBJ explained that it referred to a place where people sell cooked food in Liberia. When pressed further, he stated that he did not consider his aunt's house to be a *cookshop*.

When asked who the ULIMO commander in Voinjama was, EBJ replied that he did not know.

The MPC had no questions.

Attorney Maleh questioned EBJ:

When asked to specify where he had seen [redacted] with Alieu Kosiah during the two transports, EBJ stated that [redacted] was there when Alieu Kosiah gave the orders and told them where the cargo was located. EBJ added that during the second transport, [redacted] was also present when they came to pick him up at his home to force him to carry the loads. When asked to specify where Alieu Kosiah had given these instructions in the presence of [redacted], EBJ indicated that they were in the Basic Quarter, in front of the porch.

When asked why he had stated that his aunt's house was not a *cookshop*, EBJ replied that a *cookshop* was a business that serves meals to people, whereas his aunt's house was an ordinary home. When asked further, EBJ stated that his aunt and the other women who cooked in the house were not paid.

Attorney Jakob asked EBJ:

When asked whether the term *"cousin"* was commonly used in *Liberian English*, EBJ replied in the negative. He explained that in Liberia, it was common to call the children of one's mother or sister *"brother"* or *"sister"* if everyone lived together. EBJ added that only educated people used the term *"cousin*."

Attorney Gianoli questioned EBJ again:

Mr. Gianoli asked EBJ how he knew that SK was not being paid to cook. EBJ stated that SK had said so herself.

When asked how long he had known the name [redacted], EBJ stated that he had learned it in 2021 during his visit to Switzerland. When asked, EBJ stated that he did not know whether the house where he had seen [redacted] with Alieu Kosiah was the defendant's residence.

Questions regarding the acts alleged against the defendant: executing a civilian in Voinjama in December 1993 or between early 1994 and May 1994

The Court questioned EBJ:

Judge Ermotti reminded EBJ of his statements to the Office of the Attorney General (MPC) that Alieu Kosiah had come to eat at their home after an attack on Monrovia Highway and had declared: *"Since LDF wants to fight us, I will declare that next Monday will be Black Monday*," which meant that no civilians were allowed to leave their homes. When asked how this information had been communicated, EBJ explained that he did not know how it had been relayed to other civilians, but that those words had indeed been spoken at his home.

When asked about *Black Monday* and why his attention had been drawn to what was happening outside the house, EBJ stated: "When you're a child, you're sometimes too curious and you really want to see what's going on." He added that as soon as he heard a noise outside, he would go to the window to peek out.

When asked to describe the vehicle used by Alieu Kosiah during that incident, EBJ stated that it was a light green military vehicle, specifically a two-door *pickup truck* with an open rear bed. When asked about the distance between his house and *the pickup truck*, EBJ stated that there were no houses between his home and the main road and that his front porch was located right next to the main road.

When asked to describe where he was at the time of the incident, EBJ explained that he had heard the sound of *the pickup truck* as it pulled up in front of the house. He said he was in a room with two windows: one facing the porch and the other on the side of the house. Some soldiers got out of the pickup truck, while others remained inside. EBJ said he also saw people tied up on the *pickup truck*. According to EBJ, the soldiers came between his house and the neighboring house, which they then entered and forcibly removed a boy from. They told him to get into the pickup truck, but the boy repeatedly refused. EBJ recounted that one of the soldiers went to speak with Chief Kosiah to explain that the boy was refusing to obey. Chief Kosiah approached and asked the boy why he was refusing to come. According to EBJ, the boy replied, "You're putting people in that *pickup truck* to take them away and kill them, and I don't want to come," before stating twice, "I refuse, and I won't come!" Alieu Kosiah then drew his pistol from his side and shot the boy. According to EBJ, the boy fell, and the soldiers left him there. They got back into the pickup truck and drove off down the Monrovia Highway.

When asked about the boy's age, EBJ stated that the boy was physically a little taller than him but that he did not know whether the boy was older or younger than him. When asked if he had been afraid that ULIMO would come looking for him, EBJ replied that he had not been afraid while he was spying.

When asked to estimate the distance between the defendant and the boy when he shot him, EBJ stated that the distance was very short and put it at approximately two meters.

Judge Ermotti informed EBJ of the defendant's position, namely that Alieu Kosiah had refuted all these charges, which he claimed were 1,000% false, and stated that he had never heard the expression *"Black Monday,"* never heard of the execution of civilians in Voinjama, never owned a pickup truck—but had used a red Yamaha motorcycle—and never saw a young man forcibly taken and killed outside his home. When asked to comment on the defendant's statements, EBJ declared that they were false and that he had just described what he had seen and heard.

When asked, EBJ confirmed that he had no doubt that it was indeed Alieu Kosiah, present here, who had committed this act.

Attorney Gianoli questioned EBJ:

When asked to indicate on which side the pickup truck was parked in relation to the house, EBJ stated that the driver's side of the vehicle was facing the house. Upon further questioning, he indicated that the driver had not gotten out of the vehicle.

When asked to describe the clothing the defendant was wearing that day, EBJ stated that Alieu Kosiah was wearing military camouflage pants and a T-shirt. When asked, he stated that he did not remember whether the defendant was wearing a cap.

Mr. Gianoli asked EBJ to specify where Alieu Kosiah was in relation to the vehicle when he killed the boy. EBJ repeated that the vehicle was parked on the road and that Alieu Kosiah had walked between the two houses, where he then killed the boy. When asked, EBJ stated that he was unable to specify the exact distance between the vehicle and the spot where the boy was killed, but provided details that allowed Judge Ermotti to estimate the distance at about fifteen meters.

When asked, EBJ stated that he did not know the name or ethnicity of the boy who was killed. He also indicated that he did not know whether the boy was a neighbor, even though he was in the neighboring house.

When asked to provide the names of the immediate neighbors of the house where he lived, EBJ listed several names. When questioned, he stated that none of them lived in the house where the boy was found and that he did not know who lived in that house.

The MPC questioned EBJ:

When asked why he did not know the names of the people living next door, EBJ replied that there were constantly newcomers during the war. According to him, people did not live in the houses; they came from the bush and occupied the available houses.

The attorneys for the plaintiffs had no questions.

Attorney Gianoli questioned EBJ again:

When asked if he had ever seen the boy before he was killed, EBJ replied in the negative.

Hearing of Alieu Kosiah

When asked to comment on EBJ's statements, Alieu Kosiah stated that the only connection between EBJ and himself was the NGO. According to him, if the NGO had not targeted him, EBJ would never have claimed to know him. Alieu Kosiah wondered how EBJ could claim to know him when, on the one hand, he did not even know Pepper & Salt and, on the other hand, the defendant was not present during the capture of Voinjama, unlike Pepper & Salt.

Alieu Kosiah added that he had serious doubts that EBJ had been in Voinjama during the ULIMO occupation. He stated that General Dombuyah was in Voinjama from May 1994 to August or September 1995 and that it was impossible for someone living in Voinjama at the time to know only two people within ULIMO—namely, War Boss and Alieu Kosiah. According to the defendant, it is highly unlikely that anyone who lived in Voinjama fr -September 1993 through 1996 would never have seen Pepper & Salt. Indeed, Alieu Kosiah explained that whenever Pepper & Salt traveled, there were at least two or three cars and between 20 and 50 soldiers accompanying him. Therefore, in his view, it is impossible not to have seen Pepper & Salt in Voinjama between September 1993 and May 1995.

The defendant then referred to the salary of 65,000 Liberian dollars mentioned by EBJ and stated that at the time, 65 Liberian dollars were worth 1 USD.

Alieu Kosiah noted that in his complaint, EBJ had not mentioned the murder of two men of Krahn ethnicity. The defendant stated that this information seemed important to him in a case where everything hinges on the credibility of the plaintiffs.

Alieu Kosiah then reviewed the chronological order of the allegations made by EBJ: first, the transport to Gbarlyeloh; then, the transport to Solomba; next, the murder of two Krahns; and finally, *Black Monday*. However, according to the defendant, *Black Monday* (1993) took place before the split (1994), and it therefore makes no sense to place the murder of the two Krahns before *Black Monday* (i.e., before the split), since the clashes between the Krahns and the Mandingos occurred only in 1994.

Alieu Kosiah reiterated that everything hinged on the credibility of EBJ, who does not even know the name of the young man who was allegedly killed. The defendant stated: "For a person to be killed, they must first have existed." He then drew a parallel with MuK. According to him, the NGO claims that people were killed when they are still alive.

The defendant stated that it must be taken into account that he had never seen EBJ and pointed out that the Finnish judge had questioned the credibility of the plaintiffs, since Massaquoi had never been in the village where he allegedly committed crimes.

Alieu Kosiah then suggested that EBJ and AK/TS knew each other well, even though they had agreed to say they did not know each other. According to the defendant, EBJ stated that he knew a certain T with whom he had gone to school.

The defendant then wondered why EBJ had not mentioned in his complaint his uncle who was killed during the war. He then stated that he did not believe EBJ's story that he had been threatened with an AK-47 in Zorzor. Not only does Alieu Kosiah doubt that anyone could walk around in the middle of Zorzor with an AK-47 in hand, but he also wonders how the arrival of a motorcycle could have scared off attackers who were so heavily armed.

Alieu Kosiah stated that Liberians have two specialties: lying and crying on command. He pointed out that EBJ had not recognized the name [redacted] on the list containing the names of everyone who was with the defendant.

Finally, Alieu Kosiah stated that EBJ was fully aware of the difference between the terms "cousin" and "brother" or "sister."

The Court questioned Alieu Kosiah:

When asked, Alieu Kosiah stated that, to his knowledge, ULIMO did not maintain a civil registry during the war, nor did the government, for that matter. When asked whether the " " who were victims of ULIMO were identified, the defendant stated that he had not seen ULIMO soldiers kill civilians and that he could only speak about prisoners of war.

The Presiding Judge asked Alieu Kosiah why the NGO had not given EBJ the name of the person in charge of Voinjama, assuming that the NGO had prepared EBJ for the trial. The defendant stated that the NGO staff also did not know who was in charge in Voinjama at the time. He pointed out that HB had been questioned and had nothing to say about Lofa when asked specific questions.

The Presiding Judge asked the defendant whether Pepper & Salt was known only in Lofa. Alieu Kosiah replied that this was not what he had said and that the problem was that EBJ knew no one other than Alieu Kosiah and War Boss.

Attorney Gianoli questioned Alieu Kosiah:

When asked, Alieu Kosiah confirmed that the commanders reported on activities within ULIMO. He clarified that no written reports were prepared at the front lines, but the commanders gave an oral report to *the chief of staff* or his deputy upon their return from the front.

The MPC had no questions.

Attorney Maleh questioned Alieu Kosiah:

When asked when he had been in Voinjama during the war, Alieu Kosiah replied that he had gone there after the split, but was unable to provide specific dates.

Hearing of EBJ (continued)

When asked to comment on Alieu Kosiah's statements, EBJ first pointed out that the defendant's memory was faulty because, despite claiming to have been a member of the AFL before joining the police and to be familiar with the army's code of conduct, he referred to Article 13 of the code, whereas EBJ had learned in school that the code contained only 11 articles. According to EBJ, this is an example demonstrating that Alieu Kosiah does not remember, whereas the plaintiffs remember the content of their complaints. EBJ added that Alieu Kosiah was lying when he denied all the charges against him.

In response to a question from Attorney Gianoli, EBJ stated that he had learned the military code of conduct at William WS Tutman High School in Monrovia between 2001 and 2004, as this instruction was part of the curriculum in all public schools.

When questioned by Attorney Gianoli about any trips abroad he may have taken before coming to Switzerland, EBJ stated that he had been taken to Guinea several times by ULIMO soldiers in 1994, then from 1997 to 1999, and finally between 2011 and 2013.

Questions regarding the charges against the defendant: ordering the forced transport of civilians from Voinjama to Gbarlyeloh between September 1993 and December 1993, and between early 1994 and May 1994, respectively, having ordered the forced transport of civilians from Voinjama to Solomba between September 1993 and December 1993, and between early 1994 and May 1994, respectively

The Court questions EBJ:

Judge Ermotti reminded EBJ of his statements to the MPC, according to which, before ordering the transport, Alieu Kosiah had indicated that if anyone tried to escape, they were to be killed and brought back to him. When asked in which language these orders were given, EBJ replied in English. He added that this meant that if anyone tried to escape, they were to be shot and a report made to Alieu Kosiah.

When asked, EBJ confirmed that Alieu Kosiah had not participated in either of the two transports and that his brother, James Jalah [phon.], had taken advantage of a bathroom break to escape. When asked about his brother's journey between his escape and his return to Voinjama in 1998, EBJ recounted his brother's account. After leaving the vehicle, he went down into the valley and lay down behind a large tree, waiting for the exchange of gunfire to end. He then walked toward Guinea and arrived in the village of Kotizu, where he heard people speaking Loma. He joined their group, and they traveled together until those people set off toward a town further inland.

When asked, EBJ stated that he did not know where the ULIMO headquarters in Voinjama was located.

When asked to comment on the defendant's denials—that he had never gone to Gbarlyeloh with goods—EBJ stated that he had just explained how events had unfolded. He repeated that Alieu Kosiah had not come with them but had given instructions for soldiers to accompany them during both trips.

Judge Ermotti then informed EBJ that the defendant had said James Jalah was an NPFL soldier captured by ULIMO. EBJ replied that Alieu Kosiah might have been referring to another James Jalah and stated that the man he called his brother was not an NPFL soldier.

When asked to comment on the defendant's statements—in which the defendant noted that it made no sense to travel to Solomba from Voinjama, given that the town was surrounded by Guinea and that there were at least 15 border crossings—EBJ stated that he did not know why they had to take the route through Kolahun and then Foya to reach Solomba. He added that he had heard a soldier say that the ULIMO had been attacked at Cuka Junction [phon.] and that the road was impassable. According to EBJ, another person asked why they weren't using vehicles, and a soldier replied that there was a risk the enemy might hear the noise of the vehicles and ambush the ULIMO.

When asked to describe the Barzi Quarter [phon.], EBJ provided details on the neighborhood's location and confirmed that it was a large neighborhood. He noted that the houses in this neighborhood had been built very close to one another.

Mr. Gianoli questioned EBJ:

In response to a question, EBJ stated that he had walked for 4 or 5 hours to get from Voinjama to Gbarlyeloh. He specified that Gbarlyeloh was a 2- or 3-minute walk from the Guinean border. He confirmed that it was a large town with a market.

When asked whether the soldiers had crossed the border on their way to Gbarlyeloh, EBJ replied that some soldiers crossed, while others did not. When asked, he stated that the ULIMO soldiers had surrendered their weapons at the border before crossing and that the Guinean soldiers had recorded the serial numbers of the weapons. When asked, EBJ stated that he did not know why the Guinean soldiers had recorded the serial numbers.

When asked whether fighting was taking place in the area between Voinjama and Kolahun during the trip to Solomba, EBJ replied that he did not know, but that in his opinion, the area was not safe. He explained that he felt safe only in town because he sometimes heard gunfire.

When asked to name the towns he passed through on his way from Voinjama to Gbarlyeloh, EBJ stated that he had passed through two uninhabited villages, the names of which he could no longer recall. When asked, he indicated that people of the Mandingo ethnic group lived in that area.

When asked where Alieu Kosiah was when he gave the orders regarding the transport, EBJ replied that he was in the Barzi Quarter [phon.]. When asked, EBJ explained that he had been taken to that neighborhood by ULIMO members and had heard the orders given by the defendant. He specified that three soldiers had come to pick him up to transport him to Gbarlyeloh and that he did not know their names.

According to EBJ, the events unfolded in exactly the same way regarding the transport to Solomba, with the sole difference being that five soldiers came to pick him up.

When asked about the number of soldiers who had accompanied them during the two transports, EBJ stated that there were 15 for the transport to Gbarlyeloh and 17 for the transport to Solomba.

When asked, EBJ stated that he had not participated in any other transports organized by ULIMO or other factions while he was in Voinjama.

The MPC questions EBJ:

At the prosecutor's request, an excerpt from the video recordings of the hearings conducted during the preliminary investigation was shown to EBJ. The prosecutor asked EBJ if he recognized anyone in the video. EBJ stated that he recognized Alieu Kosiah as well as, presumably, [redacted].

Attorney Toutou-Mpondo questions EBJ:

When asked to describe the physical pain he experienced during and after the transfers, EBJ explained that he first felt pain in his neck, then pain in his feet due to the long distance traveled. He added that it took him nearly two weeks before he could move normally.

Attorney Gianoli questions EBJ again:

When asked about the duration of the transport, EBJ specified that the second transport lasted two days and two nights of rest.

The Court questioned EBJ again:

In response to a question, EBJ stated that during the first transport, the border was crossed via a road and not via a bush trail.

Cross-Examination of Alieu Kosiah

Asked to comment on EBJ's statements, Alieu Kosiah stated that he had never mentioned the name James Jalah. He added that, contrary to what EBJ had stated, the villages between Voinjama and Gbarlyeloh were not uninhabited. According to him, both villages are Mandingo villages; the first is called Brobodu [phon.] and the second Sakenedu [phon.].

Alieu Kosiah then stated that EBJ was mistaken when he identified [redacted] in the video, since it was actually Lamine. The defendant added that such an error—especially since EBJ had had the opportunity to see [redacted] the previous week—who, incidentally, does not resemble Lamine—was a clear indication of what was going on. Alieu Kosiah also stated that, in order to make an identification, a line-up involving several individuals was a prerequisite.

The defendant noted that the town of Voinjama is surrounded by a border and that it made no sense to go through Solomba to buy and sell goods. Alieu Kosiah drew a parallel with the city of Geneva, where, according to him, there are more than a dozen places to cross into France. Therefore, if one road is closed, it is not necessary to go to Lausanne and then to Neuchâtel to reach France. The defendant stated that he therefore saw no need to walk for two days when it is possible to buy and sell goods at any border crossing. According to him, if there is an ambush between Voinjama and Gbarlyeloh, it is possible to cross the border near the Voinjama police station, which is a 30-minute walk from the border. He wondered why he would have sent people to walk for two days when the same operation could be completed in 30 minutes. In his view, the plaintiffs' accounts are hard to believe.

The Court questioned Alieu Kosiah:

When asked about Jalah, Alieu Kosiah repeated that he had never mentioned the name James Jalah and that he knew a certain MP Jalah.

When asked whether he acknowledged that he crossed the border to trade goods with Guinea during that period, the defendant stated that he had traveled to the border only once by car from Foya to transport goods.

Judge Ros asked him how, in that case, he knew the geography around Voinjama so well. Alieu Kosiah replied that he passed through there all the time on his way to Macenta. When asked

about the purpose of these visits to Macenta, Alieu Kosiah explained that his older sister, Massa Kosiah, his daughter, his cousin, and his brother—both of whom are now deceased—as well as his brother's wife and their daughter lived there.

Judge Ros expressed surprise that the defendant had crossed the border several times to visit his family while he had military responsibilities during the raging civil war. Alieu Kosiah explained that he was a *front-line commander* and not a *field commander* or a leader. According to him, even Dombuyah traveled across the border, so he saw no reason why he shouldn't visit his family.

Attorney Gianoli questioned Alieu Kosiah:

When asked, Alieu Kosiah stated that he traveled to Macenta by motorcycle 80 percent of the time, and sometimes by car. He clarified that he could not use the ULIMO cars stationed in Voinjama because of their color.

When asked whether the Voinjama region was safe at that time, Alieu Kosiah stated that the region was safer than Zorzor, but less safe than Foya and Kolahun. He added that he did not recall seeing an attack near the border area around Voinjama.

When asked about the weapons he carried while traveling, Alieu Kosiah stated that ULIMO soldiers were not allowed to bring their weapons into Guinea or wear their uniforms. When pressed further, he clarified that whenever he traveled to Guinea, he left his weapons in Voinjama.

When asked whether he always traveled unarmed, Alieu Kosiah replied that the area between Voinjama and Gbarlyeloh was safe and that he wore his uniform only on the front lines. He added that the rest of the time, he wore civilian clothes.

The MPC had no questions.

Attorney Maleh questioned Alieu Kosiah:

Attorney Maleh cited statements made by the defendant in a previous hearing, during which he indicated that James Jalah was a captured NPFL soldier who became commander of the military police for ULIMO. Alieu Kosiah retorted that he had been responding to EBJ's statements and said he knew a Jalah whose first name was MP. According to the defendant, [redacted] and Lamine also stated that Jalah was an NPFL member. He added that he would verify the statement cited by Mr. Maleh and expressed surprise that James Jalah did not share the same last name as EBJ, even though EBJ claims they are brothers.

Attorney Werner questioned Alieu Kosiah:

When asked about the shipment of goods from Foya that he had mentioned earlier, Alieu Kosiah stated that he had said the only time he had transported goods was when he had taken the goods his cousin, a nurse, had left with him and sold them at the border. He clarified that [redacted] was with him and that the latter had claimed the man was the defendant's brother, when in fact he was his cousin.

When asked about the origin of the goods sold, Alieu Kosiah explained that his cousin had bought medicine in Guéckédou and resold it in exchange for oil or coffee. He added that he had transported a can of oil and half a bag of coffee by car to the border.

When asked, Alieu Kosiah confirmed that he had said he traveled to Guinea on a motorcycle 80 percent of the time. He specified that he owned a red motorcycle. When confronted with the statements of [redacted], who indicated that there were mainly red Yamaha 3VC motorcycles but that he did not recall seeing Alieu Kosiah on a motorcycle, the defendant retorted that [redacted] had been wounded and had lived in Guinea with Alieu Kosiah's parents until the end of the war. The defendant added that when he was in Zorzor, he was accompanied by Lamine. He also pointed out that [redacted] had stated that he was an H&H, when in fact he was not.

Attorney Jakob cross-examined Alieu Kosiah:

Attorney Jakob quoted the defendant, who explained during a 2015 hearing that he had been arrested in Guéckédou and then detained for six weeks, and stated that it was not easy to travel to Guinea with weapons, a uniform, or even without anything, whereas today he described complete freedom of movement, comparing crossing the Guinean border to traveling from Geneva to neighboring France. When asked to clarify his position, Alieu Kosiah replied that if someone were to travel to Guinea with weapons, they would certainly run into trouble. He added that ULIMO soldiers were less well received in Guéckédou than in Macenta, where they were welcome because the captain in Macenta knew Alhaji Kromah and Dombuyah personally.

When asked whether he was carrying a weapon or wearing a uniform on the day of his arrest in Guéckédou, Alieu Kosiah replied in the negative and clarified that he had been arrested because of a problem with his ID card. He added that he had never seen or heard of any ULIMO soldiers who had gone there in uniform or carrying weapons.

Hearing of EBJ (continued)

When asked to comment on the defendant's statements, EBJ reiterated that he had told the Court exactly what had happened to him and what he had seen and heard. Regarding the names of his mother and aunts, EBJ explained that his grandmother had given all her daughters male names because the firstborn had struggled to survive after birth. He stated that they had later joined the *Sunday Society*—the female equivalent of the *Poro Society*—and that people referred to them by names different from their fathers' names.

EBJ also explained that there were nine children from the same father and that his father had had two wives. He stated that he was one of the two children who had taken the name of his maternal grandfather, while the others were named Jalah.

In response to a question from Attorney Gianoli, EBJ stated that there was no specific age requirement for joining the *Sunday Society*.

Questions regarding the charges against the defendant: ordering the murders of two ULIMO fighters of Krahn ethnicity, including a man known as War Boy, in Voinjama, between September 1993 and December 1993, and between early 1994 and May 1994, respectively

The Court questioned EBJ:

Judge Ermotti read back to EBJ the statements he had made during his hearing before the MPC regarding the execution of two ULIMO soldiers on the orders of Alieu Kosiah, namely that he had been sent to the market by his aunt to buy pepper a few days after his return to Voinjama and had seen, on his way back through the Barzi Quarter [phon.], two ULIMO soldiers, including War Boy, who were being subjected to tabé, and that the defendant ordered their execution by slitting their throats. According to EBJ, the ULIMO soldiers cut off War Boy's head and took him to the checkpoint on Monrovia Highway, while the other soldier suffered the same fate but was taken to the checkpoint on Kolahun Road. When asked, EBJ stated that he had nothing further to add.

Judge Ermotti reminded EBJ that he had said he witnessed the execution while returning from the market and had decided not to turn back for fear of being accused of being a rebel. When asked, EBJ stated that he had continued on his way after the execution.

When asked about the presence of other witnesses during the execution, EBJ stated that there were four or five other civilians around him.

When asked about the words Alieu Kosiah used to give the order to kill the two soldiers, EBJ stated that the defendant said in English: "Since the Krahn soldiers want to fight us, we are going to execute those among us." He added that there were three soldiers in total and that one of them fled while the other two were caught. According to EBJ, Alieu Kosiah then gave the order to execute them, saying, "Execute them!" The soldiers argued over who would carry out the executions, and ultimately two soldiers took on the task.

When asked about Alieu Kosiah's demeanor as he gave the order, EBJ stated that he was speaking loudly. Asked to describe the position in which the victims were lying during the execution, EBJ specified that they were lying on their backs.

Judge Ermotti reminded EBJ that he had stated he knew War Boy because he used to eat at his aunt SK's house. When asked whether War Boy often ate in the presence of Alieu Kosiah, EBJ answered in the affirmative. Judge Ermotti pointed out to EBJ that the defendant had stated he did not know War Boy and asked him if he thought that was possible. EBJ replied that he could not speak for Alieu Kosiah, but that, in his opinion, they were part of the same group.

Judge Ermotti summarized Alieu Kosiah's arguments, all of which he refuted. The defendant stated that he did not know War Boy and had never heard of an incident in which War Boy was beaten and killed. According to Alieu Kosiah, EBJ's statements make no sense since the murders of the Krahn soldiers allegedly took place in early 1994, whereas the split occurred later in 1994. Alieu Kosiah added that he had never heard of any murders committed on Kolahun Road and was certain that he had been in Tubmanburg at the time of the split. He had never been to Voinjama or Fassama before the split. Finally, if he had wanted to avenge the two family members killed during the war, he would have targeted the Gios fighters. When asked to comment on the defendant's arguments, EBJ stated that he had told the Court what he had seen and heard and repeated that Alieu Kosiah "had done it."

When asked about the number of people in War Boy's and Alieu Kosiah's group, EBJ stated that the group that came to eat at his aunt's house numbered at least thirteen and at most about twenty.

Attorney Gianoli questioned EBJ:

When asked, EBJ was unable to name the soldiers who came to eat at his aunt's house and confirmed that he had spoken about these events to the family members who were at home when he returned from the market, namely his mother, his aunt, and his cousin KA. When asked where James Jalah was at that time, EBJ replied that he had fled and that he believed James had been killed because he had heard gunshots.

When asked, EBJ stated that the two transport operations had taken place before the execution of the Krahn soldiers.

The MPC questions EBJ:

When asked, EBJ stated that he had not asked the soldiers who came to eat at his aunt's house for their names and that he had learned War Boy's name by asking KA. When asked why he had not asked them for their names, EBJ explained that he was afraid of the soldiers.

Attorney Maleh questions EBJ:

Attorney Maleh asked EBJ how he felt when the soldiers were at his aunt's house for a meal. EBJ replied that he did not feel comfortable.

When asked to specify the time period to which he was referring in the statements previously cited by Judge Ermotti (*i.e.*, "A few days after my return to Voinjama"), EBJ indicated that he was referring to his return after the second transport to Solomba.

Attorney Gianoli questioned EBJ again:

When asked why he had not asked KA for the names of the other ULIMO soldiers, EBJ replied that he had asked for the name of one person who came frequently. When asked how often the other soldiers came, EBJ stated that they would come, eat, and leave, while War Boy would sometimes go to see KA while she was weaving hats.

When asked how many times he had seen Alieu Kosiah eating at his aunt's house, EBJ stated that he was unable to count them. Upon further questioning, he indicated that the defendant came less often than War Boy. When asked why he had asked KA for Alieu Kosiah's name in that instance, EBJ replied that he had learned the defendant's name the first time they came to eat in 1993 because the other soldiers were greeting him. His aunt and KA told him that he was the leader and that the soldiers called him General Kosiah.

When asked again how often Alieu Kosiah came to eat at his aunt's house, EBJ repeated that he was unable to count and confirmed that he had seen him there several times.

Attorney Gianoli then asked EBJ whether the shipments of goods from Voinjama had taken place before or after his visit to the village of Botosu. EBJ replied that he had gone to Botosu before making those shipments. When asked, he stated that he had left Sigissu in 1993 to go to Voinjama and had made the trip with his mother and his four brothers. Mr. Gianoli pointed out that during the preliminary investigation, EBJ had stated that he had left Sigissu with his mother without mentioning his brothers.

When asked, EBJ stated that he had met KMF for the first time in Botosu in 1994 and had known her as KMF since the trial in the court of first instance. He indicated that he had visited KMF's village once during the war.

When asked whether he had met KMG after leaving his village of Sigissu to go to Voinjama, EBJ replied in the negative.

When asked to specify the date of his trip to Botosu in 1994, EBJ stated that it was in January. Attorney Gianoli asked him how he could be so specific. EBJ replied that it was the first month after the New Year.

When asked, he stated that he had gone to Botosu to get rice and had spent one night there. When questioned about the people who had accompanied him, EBJ said there were KA and James Falah, and perhaps other people whom he could not recall at the moment and whose number he could not estimate because, according to him, there were many other people on the road.

When asked why people were going there, EBJ explained that everyone was looking for rice because there was none left in Voinjama.

When asked about his connection to AS, who claimed to have given EBJ's number to the GJRP, EBJ stated that that was not how things had happened. When asked, EBJ stated that he had not attended university with AS and that he did not know AK. He added that there were many students at the university, which had two campuses, and that he remembered the people with whom he had taken classes.

When asked to describe how he came into contact with the GJRP, EBJ explained that in 2013, he was on vacation in Voinjama at his grandmother's house. While he was sitting on the porch, three people arrived, including one named K. These people told him they were conducting an investigation and asking people to tell them what had happened to them during the war. EBJ therefore told them what he remembered and gave them his phone number. He agreed to share his story with someone if he were to be contacted. EBJ said that he then returned to Zorzor and received a call during the first quarter of 2014. He was asked to come to Monrovia and was assured that he would not have to pay for travel expenses. Suspicious, EBJ refused and hung up the phone. He was contacted again a week later and received the same offer. He asked that the money for transportation be transferred to his phone number if these people truly wanted him to travel to Monrovia, and this was done, so he went to the GJRP office.

Mr. Gianoli asked EBJ whether his meeting with the three investigators had been coincidental or whether they had come specifically to meet him. EBJ replied that they were not looking for him specifically and that they were working randomly. When asked, EBJ confirmed that he had mentioned the name Alieu Kosiah during his meeting with the three investigators.

Attorney Gianoli told EBJ that during his hearing, HB stated that the GJRP had managed to locate KMF thanks to information provided by EBJ. When asked, EBJ stated that he had not mentioned KMF's name during his first visit to the GJRP office or before his first trip to Switzerland.

When asked where he had seen KMF again for the first time after the war, EBJ stated that they had met again in Zorzor. Mr. Gianoli reminded EBJ that he had stated he had waited for KMF in

Zorzor in order to accompany her to the GJRP office. When asked, EBJ confirmed that it was on that occasion that he had seen KMF again for the first time after the war, in 2016. He also confirmed that he had recognized her.

When asked whether he and KMF had discussed what had happened to them during the war before traveling to Monrovia, EBJ replied in the negative. He also stated that he had not discussed Alieu Kosiah with KMF. Attorney Gianoli cited KMF's statements, in which she indicated that she had learned of proceedings against Alieu Kosiah from EBJ after explaining her problem to him. EBJ countered that the quote was inaccurate and that KMF had said she had received this information from KA.

When asked, EBJ stated that he was not present during KMF's hearing in the GJRP office. He clarified that he had accompanied her there but then left. Attorney Gianoli told EBJ that KMF had stated that it was EBJ who had explained her problem to the NGO. EBJ countered that this was false since he was not present.

When questioned, EBJ explained that he had not accompanied KA to Monrovia to testify, but had merely given her instructions in 2015. Attorney Gianoli pointed out to EBJ that he had stated the opposite during the proceedings and asked him to clarify his position on this matter. EBJ stated that in 2015, the prosecutor asked him if he could locate AK so that she could testify, and he replied that he would look for her upon his return to Liberia. When asked whether he was present when AK went to testify, EBJ replied in the negative.

When asked about his meeting with KMF in Zorzor, EBJ explained that KMF had called him. Attorney Gianoli presented KMF's account, and Judge Ermotti questioned the value of questioning EBJ about the statements of other individuals.

When asked, EBJ stated that the name "S" was a woman's name.

When asked about *Black Monday*, EBJ reiterated that, in his view, this event had taken place during the second quarter of 1994.

The Court questions EBJ again:

When asked how the amount the NGO paid him for the trip to Monrovia was determined, EBJ stated that they asked him how much transportation would cost from his current location to Monrovia. The President asked EBJ if he had received more money than was necessary to cover transportation costs. EBJ explained that he told them the amount of the transportation costs and that the people from the NGO paid him that amount.

When asked whether he had been asked to provide something in return or whether he had been told he would receive more money in exchange for false testimony, EBJ replied in the negative.

Attorney Wavre questioned EBJ:

Attorney Wavre asked EBJ if he knew which clan the village of Botosu belonged to. EBJ replied that it belonged to the Bono clan in the district of Voinjama.

Cross-Examination of Alieu Kosiah

The Presiding Judge invited the defendant to comment on EBJ's statements. Alieu Kosiah stated that the meeting between KMF and EBJ had taken place at the Voinjama market, one week after the meeting with KA. According to him, EBJ and KMF met a second time in Monrovia. He noted that the statements of KMF, EBJ, and HB were contradictory. The defendant stated that lying in court is a crime.

Alieu Kosiah added that, contrary to EBJ's statements, AK had indicated that they had attended college together.

The defendant then insisted that it made no sense to claim he had killed Krahns before the split due to tensions between the Krahns and the Mandingos, as the prosecutor had argued before the initial judges. Alieu Kosiah drew a parallel with General de Gaulle's departure for England in 1940, which no one can dispute was linked to World War II. According to him, the split could only have occurred before *Black Monday*, but everyone claims that *Black Monday* took place in 1993, which again makes no sense.

Alieu Kosiah stated that he knew War Boss, but not War Boy. He noted that no one was named War Boy and that the name War Boss was also incorrect, since the correct pronunciation was War Bus. According to him, this nickname was borrowed from the machine-gun-mounted bus built by the Americans during the Vietnam War to counter ambushes.

The defendant stated that his first commander was War Bus. He added that the "original" War Bus had died in Sierra Leone and that other people had adopted that nickname afterward. According to him, Kwamex Fofana made the same remarks since they were together in Sierra Leone. However, [redacted] and the other soldiers who were not in Sierra Leone had different experiences related to War Bus.

When asked, Alieu Kosiah stated that he did not know the names of all the ULIMO-K fighters. Judge Ros asked him if it was therefore so unusual that he had never heard of someone named War Boy. The defendant replied that the nickname War Boy did not exist. When asked about how nicknames were assigned within ULIMO, Alieu Kosiah explained that sometimes soldiers gave themselves a nickname, and sometimes a nickname was given based on an event that had occurred. Judge Ros once again expressed surprise that the defendant could assert with certainty that no ULIMO fighter was nicknamed "War Boy" without knowing all the ULIMO soldiers. Alieu Kosiah replied that [redacted] had also stated that he did not know anyone named "War Boy," but rather a "War Boss." Judge Ros asked the defendant whether [redacted] knew the names of all the ULIMO combatants at the time. Alieu Kosiah replied that he did not think that was the case, while emphasizing that the pronunciation of "War Boss" or "War Bus" differed from that of "War Boy," since it was a different name.

The Presiding Judge asked Alieu Kosiah whether all nicknames had a meaning. The defendant replied that he did not know and that he could explain the meaning of the nicknames he was familiar with. When asked about the nickname [redacted], the defendant stated that it was a nom de guerre that anyone could use. According to him, any civilian could be called [redacted], just as he was sometimes called *"Old Man"* because he bore his grandfather's name.

When asked about the nickname *"Physical Cash,"* Alieu Kosiah stated that Pepper & Salt had given him that nickname. When asked why Pepper & Salt had given him that nickname, the defendant explained that Pepper & Salt possessed the equivalent of 4,500 USD in Guinean

currency. Since the soldiers needed money to buy food, the defendant, , suggested taking 2,000 USD from Pepper & Salt. According to Alieu Kosiah, this is what led to the clash between him and Pepper & Salt, as well as the nickname *"Physical Cash*." When asked why this nickname had stuck, Alieu Kosiah replied that he did not know and clarified that he had been given this nickname especially when he joined the police. When questioned further, he stated that he saw no connection between this nickname and his position within the police force.

When asked about the meaning of the nickname "Pepper & Salt," Alieu Kosiah explained that Pepper & Salt had received this nickname because of the practice of mixing salt and pepper and adding it to all kinds of food, such as dried fish, to make everything edible during hard times. The defendant added that some people had a different explanation for the nickname, but that its origin was as he had described.

Regarding War Boss, the defendant recalled the statements made by LSM, who indicated that War Boss had been killed because of the split. According to him, this statement undermines all the positions taken by the judges and the Prosecutor, as well as the credibility of EBJ.

Finally, Alieu Kosiah noted that the TRC report stated that *"Black Monday"* took place in 1993 and was carried out by ULIMO-K. According to him, if someone refers to ULIMO-K in connection with an event, it implies that the event in question occurred after the split. For example, James Faseukoi claims to have taken most of his photographs in 1992 in ULIMO territory, but labeled them "ULIMO-K." It must therefore be assumed that they were taken in 1994. The same applies to Massa Washington, who claims to have seen ULIMO-K members after the capture of the Po River, which means that, according to the defendant, the Po River was captured not in 1992 but in 1994. Alieu Kosiah added that the ULIMO-K were Mandingos and that the Mandingos were targets, "black sheep" for these witnesses. According to him, no one could have predicted the existence of the ULIMO-K in 1991 or 1992.

Attorney Gianoli questioned Alieu Kosiah:

When asked who knew his nickname "Physical Cash," Alieu Kosiah replied that few people knew it, but mainly the soldiers who were in that area. When asked further, Alieu Kosiah stated that people began calling him by that nickname when he joined the CID and that most people called him "Cosh."

The MPC had no questions.

Attorney Werner questioned Alieu Kosiah:

Attorney Werner confronted the defendant with the statements of [redacted], who indicated that when the soldiers wanted to boost Alieu Kosiah's morale, they called him "Physical Cash," and that this nickname was used because Alieu Kosiah spent money on his soldiers whenever he had any, specifying that the term "Physical" meant he was a big spender. Alieu Kosiah explained that after the war, Alhaji Kromah placed former commanders in key positions so that they would receive money. The defendant stated that he had paid the tuition fees for at least twenty of his men who wanted to go to school, whereas no other commander had done so. He stated that he had not deposited this money in the bank but had used it for his men.

Mr. Werner referred to the statements made by [redacted] that this nickname was used on the front lines to boost Alieu Kosiah's morale. The defendant stated that he did not understand what Mr. Werner was getting at and that, as he understood it, this meant that his soldiers were trying to encourage their commander and not to intimidate civilians.

When confronted with the statements of [redacted], who stated that Alieu Kosiah had been given this nickname before traveling to Lofa, the defendant stated that he had never denied having that nickname and had explained how it had been bestowed upon him.

When asked to confirm his own statements—namely, that he had never seen human remains displayed at checkpoints, even though he had indicated that he was familiar with the Iron Gate *checkpoint*—the defendant stated that he had not seen anything of that nature. He added: "I'm not saying it didn't happen, but I personally didn't see anything like that."

Mr. Werner confronted the defendant with the statements of [redacted], who reported having seen human skulls on sticks in Salaye, Zorzor, Voinjama, and Foya, as well as entire skeletons on the ground, since the dead were not necessarily buried during the war. [Redacted] also stated that the practice of placing a head on a stick was intended to frighten the enemy and that the victims were NPFL members captured by ULIMO or vice versa, but not civilians. Mr. Werner asked Alieu Kosiah if he had truly never seen anything of the sort, given that he had taken [redacted] to Lofa. The defendant stood by his statements and added that war could sometimes be horrific. He reiterated that he had never seen skulls on sticks in Voinjama—just like certain plaintiffs, for that matter. He stated: "If I'm lying, they're lying too."

Attorney Maleh questioned Alieu Kosiah:

Attorney Maleh reminded the defendant of his statements to the MPC, according to which those who truly knew him were aware that during the war, his nickname was "Physical Cash," so the plaintiffs should have known this. Attorney Maleh also reminded him that he had just said that this nickname had become more widely known when he took up his position with the police and asked him on what basis the plaintiffs would therefore have known this nickname. The defendant replied: "If you know Alieu Kosiah and you say that Alieu Kosiah killed people, you would have known him by that name at the time because the name of the CID director is no secret." He stated that the lawyers were trying to defend the indefensible and that this was not the civil war trial, but his own. He added: "I wasn't the one who brought war to Liberia. I wasn't even 15 years old when the war broke out. I'm not responsible for what happened during the war; I'm responsible for what I did. The issue isn't about everything that happened during the war, but about what Alieu Kosiah did."

Attorney Jakob questioned Alieu Kosiah:

Attorney Jakob reminded the defendant of his statements that other combatants had adopted the nickname "War Bus." When asked how many combatants had used that nom de guerre, Alieu Kosiah stated that he knew of only one "War Bus" with whom he was in direct contact—namely, his commander, who died at the start of the war. He clarified that he had indicated he could not rule out the possibility that other people had adopted that nickname later on, but that he did not know them.

Attorney Jakob asked the defendant whether other people with whom he had never been in direct contact had used that nom de guerre. Alieu Kosiah replied that "War Bus" was a popular " " name, just like "Kobra," and therefore he could not rule out the possibility that there had been other "War Buses" after the original one.

Attorney Jakob appealed to the defendant's memory and asked him if he remembered anything regarding other "War Bus" individuals who were not the original "War Bus." Alieu Kosiah stated that the only person who came to mind was a boy who had a problem with his eye. He clarified that they were not together during the war.

Hearing of EBJ (continued and concluded)

The Court questioned EBJ:

When asked why he had been in contact with other witnesses or victims in the proceedings, EBJ explained that he had been asked on several occasions to convey a message from the prosecutor to these individuals and to bring them in to testify. When asked whether he had received compensation for conveying the requests to testify and bringing these individuals in, EBJ replied in the negative. When asked, EBJ stated that he had not been asked to influence the testimony or to tell these individuals to lie about Alieu Kosiah, and that he had never asked anyone to lie during the proceedings.

Attorney Gianoli questioned EBJ:

When asked, EBJ stated that he did not know why KA had not come to testify in Switzerland.

Attorney Maleh questioned EBJ:

When asked to clarify his educational history between 1989 and 1996, EBJ explained that he had gone to Voinjama in 1990 and stayed there until May. He then attended school in Sigissu from 1991 to 1992. He then returned to Voinjama in 1993 but did not attend school there.

Attorney Toutou-Mpondo questioned EBJ:

When asked how he felt about the defendant's denials and the accusations leveled against him, EBJ stated that he felt bad every time he saw Alieu Kosiah and every time he heard him deny what he had done.

Attorney Gianoli questions EBJ again:

Asked to explain how it was that he had attended school in Sigissu from 1991 to 1992, even though he had stated before the Office of the Prosecutor that he had not attended school during the war, EBJ explained that ECOMOG was present in 1991–1992 after the first civil war and that when he was asked the question, he was referring to the ULIMO War. According to EBJ, there was no fighting while ECOMOG was present.

Attorney Gianoli asked EBJ whether ECOMOG was in Sigissu in 1991–1992. EBJ stated that ECOMOG was present in various towns, but not in Sigissu specifically. He explained that his father had fled in 1991 and had returned because of ECOMOG's presence.

When asked about the towns where ECOMOG was present, EBJ stated that he had seen them in Voinjama and had not used the plural form “towns.”

When asked, EBJ stated that he did not know if there was fighting between the NPFL and ECOMOG and that he was not aware of Operation “Octopus.”

Attorney Toutou-Mpondo questioned EBJ again:

Invited to address a final statement to the Court, EBJ expressed his gratitude to the Swiss government and the judges. He also made a point of thanking his attorney and his colleagues, as well as the Office of the Prosecutor and the defense counsel, and all those involved in this trial. He addressed the judges with these words: “You can reach your decision knowing where the truth lies.”

* * *

Cross-Examination of Alieu Kosiah

The Court wished to hear the defendant’s response to the two charges in the indictment that had not yet been addressed, namely the use of AT, alias [redacted], as a child soldier and the murder of civilian SK in Babahun.

Alieu Kosiah first asked to draw a map illustrating ULIMO’s military strategy, which Judge Ermotti permitted.

Questions regarding the charges against the defendant: the use of AT, alias [redacted], as a child soldier

Judge Ermotti informed the defendant that he had been acquitted of the charge of recruitment and convicted of taking [redacted] to the front lines.

Alieu Kosiah stated that it was impossible to be in both Zorzor and Todi Junction at the same time.

He went on to explain that he had been recruited by the AFL at age 15 and wondered how he could have known, under such circumstances, that taking a child under the age of 15 to the front lines was a crime. According to him, the AFL recruited children under the age of 15, so the argument that he should have known it was a crime because of his training with the AFL does not hold up. He stated that he knew forcing someone to join ULIMO was a crime, but not taking someone under the age of 15 to the front lines, as this was very common.

Alieu Kosiah reiterated that there were many soldiers aged 15 and under within the AFL. He stated that he had lied about his age during recruitment by claiming he was 16, but the AFL recruiters obtained his birth certificate. He added that within ULIMO, he had no authority to decide who joined the faction.

The Court Questions Alieu Kosiah

When asked, Alieu Kosiah confirmed that he had lied about his age in order to be recruited. The Presiding Judge asked him whether one could therefore infer that he knew the minimum age at which a young man could join the army. Alieu Kosiah explained that he was tall for his age and thought the AFL recruiters would not believe him if he told them he was 15. The Presiding Judge expressed surprise at this explanation and suggested that a better argument would have been to tell them he was already tall and strong for a 15-year-old.

Questions regarding the charges against the defendant: the murder of civilian SK in Babahun

Alieu Kosiah stated that Babahun is located just before Vahun Junction, in the direction of Foya, and that there is only one passable road leading to it. According to him, taking this road to reach Babahun presupposes control of Foya.

He added that he had doubts about whether the name "S" was a male name and that EBJ had, in fact, indicated that it was a female given name when asked about it.

The defendant then explained that the ULIMO had arrived at Vahun Junction before heading toward Fassama via the ULC Camp, since the target was Zorzor. He stated that the goal was to come between the NPFL in Liberia and the RUF in Sierra Leone, in accordance with the agreement the ULIMO had with the government. However, they had to return to Tubmanburg to pick up Polu's group because the NPFL forces in Vahun were attempting to attack the ULIMO from the rear. According to the defendant, this group consisted of the Zebra and Alligator battalions. He added that the commander was Polu and his deputy was Pokor. While Pokor retreated, Polu captured Vahun, Papolahun, Massapolahun, and Babahun, while Dorley's main group—which had become the Pepper & Salt group—advanced on Fassama and captured Zorzor.

Alieu Kosiah stated that, according to his information, Abu Keita had captured Zorzor under Dorley's command, who was recalled to headquarters in late 1992 or early 1993. It was at that time that Pepper & Salt was sent to replace him and captured Voinjama, Kolahun, and Foya. The defendant clarified that he believed Pepper & Salt had not participated in the capture of Kolahun and Foya, but rather had sent men there.

According to Alieu Kosiah, if FK's account were true, the *pickup truck* would not have come from Foya, but from Kolahun, and ULIMO would have taken control of Voinjama and Zorzor before Foya. The defendant pointed out that AS/TS had stated that ULIMO had first captured Zorzor, then Voinjama, Kolahun, and Foya last—the opposite of what FK claims.

Alieu Kosiah also stated that it was not possible for FK to have traveled to Kakata to enter the interim government's zone at Fifteen Gate, as he claims, because there was no way to make that journey between 1993 and 1996 due to the fighting. According to the defendant, it is also false to claim that Kakata was controlled by the NPFL in 1993, as ULIMO had been in control since at least January 1993.

Alieu Kosiah stated: "If we accept the truth, I cannot be convicted based on FK's statements." He added that only LSM came close to the truth regarding ULIMO's advance, but he was mistaken on a number of points (*i.e.*, a single attack on Foya, not three; the capture of Zorzor by Dorley's group, not by the Strike Force).

Attorney Jakob intervened and objected to the defendant's hearing being used to argue at length about LSM's credibility. Judge Ermotti stated that he understood Attorney Jakob's position but had little leeway. He reminded the defendant that it was in his best interest to organize his remarks.

Alieu Kosiah stated that it was important for him to ensure that the Court had all relevant information at its disposal. This was precisely Mr. Jakob's concern, because once this information was available to the Court, he would no longer be able to deceive it.

The defendant concluded by stating that he had never met SK and that the only connection between him and that man was Attorney Werner. He asserted: "Without the NGO, there is zero chance that this man knows me." He repeated that he did not know any of the victims or the plaintiffs and that this was why he would prevail, just as Gibril Massaquoi did in the Finnish trial, with the sole difference being that he had spent eight years in prison.

The Court questioned Alieu Kosiah:

When asked about his role in ULIMO's military strategy as illustrated on the map, Alieu Kosiah replied that he had not been part of that group and had merely mentioned Fofana, Advisor, and Fine Boy.

Attorney Gianoli questions Alieu Kosiah:

When asked whether he had taken an interest in the history of Liberia, Alieu Kosiah replied that he had, of course, taken an interest in it as a Liberian and clarified that he had drawn this information from his personal experience as well as from the investigative file.

The MPC had no questions.

Attorney Werner cross-examined Alieu Kosiah:

Attorney Werner read aloud FK's statements made during his confrontation with the defendant. In essence, FK stated that he had chosen to leave his family and his professional obligations to voice his grievances. He reiterated that he was not in financial need and that he had come to testify in the interest of justice, clarifying that he had nothing against Alieu Kosiah. FK also stated that he felt compassion for the defendant, who had been imprisoned for two years at that time. FK emphasized the importance of rebuilding ties among Liberians. Attorney Werner also read aloud the statements made by FK at the trial court, in which he reiterated that he had no financial interest in these proceedings and that his sole objective was to see justice served — something the Liberian government had refused to do.

Mr. Werner asked Alieu Kosiah whether FK's true motivation might not be justice and reconciliation in his country, since he had not testified in exchange for money or to obtain asylum. Alieu Kosiah replied that his definition of justice was not justice for some against others, but justice for all. He stated that no one would agree with someone who claimed that the Germans had passed through Spain to attack France during World War II. The defendant reiterated that ULIMO had captured Kakata, despite FK's denials, and added that they went to Monrovia to help ECOMOG fight Taylor during Operation Octopus.

Alieu Kosiah asserted that the plaintiffs' strategy was akin to claiming there was an atomic bomb in Iraq or crying in front of the U.S. Congress. He stated, "History shows us that this kind of thing happens often." According to the defendant, it is necessary to ensure that the information received from people who are having problems is credible.

Attorney Jakob questioned Alieu Kosiah:

When asked about the first name of Pokor, Polu's assistant, Alieu Kosiah stated that he knew only his father, USD Pokor, and that he had mentioned Kwamex Fofana. Attorney Jakob asked the defendant what he knew about USD Pokor's son prior to his arrest. Alieu Kosiah replied that he had read the case file and knew very little about the younger Pokor, but knew a great deal about USD Pokor.

The defendant did not answer the question of whether "Small Pokor" was a name used to describe Pokor's son or whether it was his alias.

Attorney Jakob asked Alieu whether what he knew about USD Pokor allowed him to confirm or deny LSM's statement that the son's name was Chester Pokor. Alieu Kosiah replied that he could neither confirm nor deny it because he did not know Chester Pokor and stated that he knew far more about USD Pokor than Mr. Jakob could imagine.

January 24, 2023 – Day 7: The testimony of a former ULIMO captive

Day 7 was the last appearance of the plaintiffs before the Federal Criminal Court. During the hearing, a witness who is not party to the current proceedings gave her testimony.

The witness had been captured by the ULIMO and taken as the 'woman' of one of the fighters. She had lived, along with others, in the house of this fighter for a duration of 2 years. The witness claimed to have seen multiple high-ranking ULIMO fighters throughout these 2 years and could attest to having seen the ill-treatment and killing of civilians as well as acts of cannibalism. She also spoke of the pillages and forced transports that she had heard of.

In addition, the witness testified to seeing an incident of ill-treatment that one of the plaintiffs had testified about the previous week.

While the defendant's lawyer questioned this witness on her statements, the defendant will be given the opportunity to respond himself once the hearings recommence next week.

January 24, 2023 – Day 7: The testimony of a former ULIMO captive

Hearing of SS

The witness confirmed that she was SS, born on October[1,] 1976. Judge Ros informed SS of the interpreter's duties and explained the composition of the Court to her. He then summarized for her the charges against the accused, namely that she committed war crimes and crimes against humanity in her capacity as a member of the ULIMO faction, specifically ULIMO-K, in the context of the internal armed conflict that took place from 1989 to 1996, and in particular, having ordered the cruel treatment of seven civilians, including LSM, in Foya in July 1993; having ordered the killings of six civilians in Foya in July 1993; and having stabbed the civilian LSM in Foya in July 1993.

Judge Ros then informed SS that she had a duty to tell the truth as a witness and drew her attention to the criminal consequences of perjury, false accusation, misleading the court, and obstruction of justice. He informed her of the grounds under which she might, in exceptional circumstances, exercise her right to refuse to testify (*i.e.*, a close relationship with the defendant, a question concerning her private life, or statements that could endanger her or a close relative or lead to the initiation of criminal or civil proceedings against her or a close relative).

The Court questioned SS:

When asked, SS stated that she had been married for 20 years and had three children aged 17, 12, and 7.

When asked to describe her daily life before the war, SS explained that when the war broke out, she was young—about 14 years old. She stated that ULIMO soldiers arrived and captured the civilians in her village. They lined them up and took them to Kolahun. She added that they looked at the women's chests and selected some of them to take with them to Foya to become their wives.

When asked, SS stated that she lived in Bolahun with her parents when she was a child. She explained that she was in Bolahun when news of the ULIMO's arrival spread. Everyone fled into the bush, but the ULIMO captured them and took them to Kolahun.

When asked whether only girls had been captured, SS replied that the ULIMO had captured everyone, including men and the elderly. When asked how long the walk to Foya had taken, SS said she had arrived in Foya that same day.

When asked to describe what had happened to her in Foya, SS recounted that she had been placed in the home of a man named Valy, who made her his wife. She stated, "He was the one who showed me how to live." SS explained that she was afraid and stayed with Valy all the time. When he left to fight, she and the others had to stay inside and do as they were told. SS said: "I was in a place where I didn't know anyone. When he took me by force, I started bleeding and began to cry. He told me not to cry, that I would get used to it. I was covered in blood, and he told me not to try to run away, because if I tried to leave, he'd kill me."

When asked about Fine Boy, SS repeated the names "Fine Boy" and "Ugly Boy" with emotion and stated: "It was terrible. They cut them up and forced us to eat them." When asked to elaborate, SS explained that they cut up human beings, put them in wheelbarrows, and forced people to eat them.

When asked if she recognized the defendant, SS answered in the affirmative and confirmed that she had seen him in Foya.

When asked about Blacky, she stated that he lived behind the market and that he captured people to put them in a pen. Sometimes, a soldier would go there in the morning and start killing them. Judge Ros asked SS from where she had witnessed these events. SS explained that Blacky's house was behind hers and that they conducted raids in the surrounding area to capture civilians and put them in a pen on the soccer field before killing them.

When asked about the defendant's name, SS stated that his name was Kosiah. She recounted that at the time, she was not allowed to go outside and always stayed inside the house. When the soldiers left for the front lines, she would go out only to use the restroom. She explained that she had sometimes seen soldiers killing people from inside the house because she was peeking through the window. According to her, they would tie their hands and feet and drag them away.

Judge Ros asked SS if the defendant had been given a specific nickname in Foya. SS stated that he was thin at the time and was always seen with Kundi. When asked whether Ugly Boy and Kosiah were seen together at the time, SS replied that she did not leave her house and that she saw Kundi and Kosiah because Kundi lived at the top of the hill and Kosiah on the other side, so they would sometimes pass by her house.

When asked about the hierarchy between Kundi and Kosiah, SS stated that Kundi was short and had a squint, whereas Kosiah was tall and had a large nose. When asked, SS indicated that she did not know if Kosiah had a wife in Foya.

Judge Ros asked SS if she had seen Kosiah cutting up human bodies in Foya. SS replied that Kundi and Kosiah were there when the people who had been tied up were taken away near the old well. SS recounted that she had watched the scene from the doorway of the house, which she

had opened. According to her, they were shouting that they were going to kill them, and the people were begging them not to. She recounted that they killed six of them and threw them into the well. The sole survivor begged them, and a soldier said he could join them so they could fight together, but someone stabbed him.

When asked whether the victims were soldiers or civilians, SS replied that she did not know. When pressed further, she stated that none of them were wearing military uniforms and confirmed that she had recounted this story to the French authorities.

When asked where she was when she witnessed this scene, SS stated that she was in a room next to a window, toward which she leaned after opening the curtains. When asked how far away she was, SS stated that she was not far away.

Judge Ros asked her if she had witnessed the scene alone. SS replied that she had just returned from the restroom and was alone in her room when she leaned out the window to watch the . When asked, she clarified that the door to the house was locked and she could not go outside, and she reiterated that she had witnessed the scene from her bedroom window.

When asked, she confirmed that she had seen the men being killed. She explained that they rounded the men up, killed them, and threw them one by one into the well. According to her, another man arrived and said that the last one would not be killed because he was going to join them. When asked how the six men were killed, SS stated that they had knives. When asked, she said she went outside and saw the bodies in the well after they had left.

Judge Ros asked SS to explain why she had mentioned gunshots to the French authorities when she was now referring to knives. SS explained that some soldiers had knives and others had firearms. They shot some of the victims and stabbed others. According to her, six of the seven victims were killed and then thrown one after another into the well. SS added that a soldier was holding a knife to stab the last victim when a man—whose name she does not remember—arrived and said he should not be killed. When asked, she confirmed that Kundi and Kosiah were also armed with knives and firearms.

When asked about Kundi and Kosiah's behavior, SS stated that they were present and accompanied by their *bodyguards*, whom they ordered to kill the people.

When asked about the well, SS explained that it could no longer be used because bodies had been thrown into it.

When asked whether the soldiers were wearing wigs and had paint on their faces, SS replied that on that day, they were not wearing masks, so she had clearly seen their faces. Judge Ros reminded her that she had told French authorities that they were all masked and wearing wigs. SS explained that she had said they sometimes wore masks and wigs when they went out to fight, but that they had taken them off at the time these events occurred.

When asked about what happened next, SS recounted that Kosiah and Kundi took away the man who was not supposed to be killed and added that she knew nothing more.

When asked where Fine Boy was during the murders, SS stated that Ugly Boy and Fine Boy were near the police station, on the other side of the airstrip, while Kundi and Kosiah were at the scene.

Judge Ros reminded SS that, when questioned by French authorities, she had stated that she had heard Kundi give the order to kill. He asked her if Kundi had been the only one to give the order and asked her to clarify Alieu Kosiah's role. SS stated that Kundi and Kosiah were always together and did everything together, so it was impossible to determine who had done what. When asked, she explained that she was not present when the individuals were tied up and did not know whether Kundi had done so.

When asked about the words spoken by the defendant during these events, SS stated that she had not heard what he was saying. Judge Ros reminded her that she had told French authorities that they had said they had finished killing after executing the seven people— —and asked her who had spoken those words. SS repeated that a man arrived after they had finished killing them and told them not to kill the last one.

Judge Ros asked the plaintiffs to stand and asked SS if she recognized the man who had been stabbed. SS pointed to LSM. When questioned, SS confirmed that LSM was tied up with the others. She added that the man who arrived later said he was strong enough to fight alongside them and that they should therefore not kill him. When asked, SS confirmed that LSM had been stabbed before that man arrived and clarified that they had stabbed him in the back because they wanted to kill him.

When asked who had stabbed him, SS explained that Kundi and Kosiah were both standing over LSM and wanted to kill him, even as he begged them not to. She added that they had already killed the other six and that she had started crying when she saw the blood running down LSM's back.

When asked, SS confirmed that she had seen Alieu Kosiah with a weapon and specified that whenever he went out, he carried a knife and a gun. When asked about the day of the murders, she stated that Kosiah and Kundi both had a firearm and a knife in their hands.

Judge Ros asked SS if she had heard about the murder of a civilian near the airstrip and Ugly Boy's house. SS replied in the affirmative and stated that a civilian had been killed, like so many others, and cut into pieces. Judge Ros asked her if the name DN rang a bell. SS replied that she did not remember the name of the civilian in question.

When asked about the names of the ULIMO soldiers who were killing near the airstrip, SS stated that the ULIMO were committing murders, looting, and engaging in trade in Guinea. Upon further questioning, she confirmed that the ULIMO sometimes removed organs from dead people and added that she had been forced to eat human flesh under threat of being killed.

When asked if she had seen Alieu Kosiah eat human flesh, SS replied that they forced civilians to do so at gunpoint. According to her, it is possible that ULIMO members ate human flesh, but the civilians, for their part, were forced to do so. Judge Ros asked SS if she had seen Alieu Kosiah force anyone to do so. SS replied that *the "big people"* were all there and were forcing them. According to her, they put pieces of human bodies into wheelbarrows and gathered the civilians

on the airstrip. When asked, she stated that the "big people" were Kosiah, Kundi, Ugly Boy, and Fine Boy—that is, those who gave the orders.

SS added that she had seen a head impaled on a stick next to her house. She also stated that they would sometimes stretch out intestines to use as *a gate* next to their headquarters.

When asked about Blacky's role, SS said that Blacky sometimes forced her and her wife to watch him kill people on the soccer field. She added that people were killed and kept at Blacky's house before being dismembered. SS stated: "They said they were going to cut up the chicken; that's how they treated human beings."

Judge Ros asked Attorney Werner to stand up and asked SS if she knew him. SS replied that she did not. When asked, she stated that no one had given her money to come and testify. Judge Ros asked SS if anyone had promised her that she could immigrate to another country after testifying in France or Switzerland. SS replied in the negative and stated that she had come here because she was grieving the loss of her parents. She explained that she had never seen them again since the day the ULIMO captured them in Kolahun and believed they were dead.

When asked to clarify what the "tabé" method she mentioned during her confrontation with LSM entailed, SS stated that when they tied someone up, they called it "tabé." Upon further questioning, she confirmed that she had seen other people tied up in this manner in Foya during the war and added that they would tie people up and make them walk.

When asked whether Alieu Kosiah was present when people were "tabé'd," SS replied that they were all there when they tied people up and took them to the soccer field—namely, Ugly Boy, Fine Boy, Kosiah, Kundi, and Blacky.

When asked how many people lived in Fine Boy's house, SS stated that she did not remember. She added: "When it comes to the *big men*, there were always people with them—RTOs—always six or seven with them." When asked if she often saw Fine Boy with Alieu Kosiah, SS replied that they sometimes met with their *bodyguards*.

The President asked SS what happened to the heart when a human being was eaten. SS repeated that all she knew was that they had forced them to eat human flesh and stated that she did not know what happened elsewhere.

When asked how often she saw Alieu Kosiah in Foya, SS replied that she saw him with Kundi.

* * *

Procedural Matters

SS's testimony was adjourned. The President noted that it was very difficult to serve a subpoena on Alan White through mutual legal assistance given the time constraints. He asked Mr. Gianoli whether Alan White was willing to provide a mailing address in Switzerland to facilitate the process. Mr. Gianoli offered to consult with Alan White's counsel on the matter.

The order of arguments was then announced: Mr. Gianoli, the Office of the Attorney General, and the attorneys for the plaintiffs—first collectively, then individually.

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Hearing of SS (continued)

When asked whether she had discussed the case with LSM prior to today's hearing, SS replied in the negative.

Attorney Gianoli questioned SS:

When asked, SS stated that she no longer remembered the name of the person who was spared (LSM), but that she remembered his face. She confirmed that she had heard his name before.

When asked about her first encounter with LSM, SS stated that she saw him for the first time on the day they caught him to kill him, the second time during the trial against Kundi, and the third time right here.

When asked, SS stated that she had not seen LSM again in Foya after he was wounded. When asked whether LSM and her husband knew each other, SS replied in the negative.

Attorney Gianoli asked SS if she had seen LSM when she was interviewed in Monrovia as part of the Kundi trial. SS replied that she had not seen him and that she went to Monrovia solely for business purposes.

When asked who had contacted her to testify in the French proceedings, SS stated that black men had come to the market in Foya to ask questions, particularly of her and one of her friends. SS stated that she did not explain anything to them when they asked her what had happened and that she returned to where she had come from. She recounted that they called her a second time a little later to find out where she lived and what had happened. SS answered their questions and returned home.

Mr. Gianoli asked SS if these people had questioned her about Alieu Kosiah. SS stated that they had asked her what had happened to him during the war, and that she had told them and given them names. When asked to specify the names she had given, SS stated that she had given the names Kosiah and Kundi when she spoke about the people who were killed, then the names Fine Boy and Ugly Boy in connection with the human flesh, and finally the name Black in connection with the people killed in the field. She also showed them the house where she lived at the time during the two years she spent in Foya.

When asked about the people who asked her to testify in Monrovia, SS repeated that black men had come to Foya and contacted her. When asked if she had traveled to Monrovia alone, SS replied that she had gone there on business.

When asked where she was when she received the call, SS stated that she was in Foya. When asked about her hearing in Monrovia, SS stated that she had waited to be asked questions and had told them what she knew. When asked to describe the place she went to, SS stated that she had gone to an office located in a hotel in Monrovia. When asked, SS stated that she had arrived there around noon and had not waited very long before being interviewed.

Judge Ros asked SS if other people were waiting in the same room as her. SS replied that she had waited alone outside until someone came to get her.

When asked, SS stated that no one had shown her any photos before she traveled to Monrovia to testify. Attorney Gianoli requested that the photo spread from the French case file be presented to SS. She identified photographs No. 8 and No. 9 as Kosiah and Kundi, respectively. When asked, SS stated that she had identified Kosiah by his face.

When asked about the year in which the ULIMO arrived in her village, SS stated that when the villagers heard that the ULIMO were coming, they fled into the bush. She added that it was raining that day and that it was dark, but that she did not remember the year. When asked, she said that it was the first time she had ever seen soldiers.

Attorney Gianoli asked SS if the soldiers who came to get her in the bush had any distinguishing features. SS replied that she was young at the time and hadn't looked at what they looked like. She simply noticed that they were carrying weapons. SS added that her mother had told her they were ULIMO soldiers.

When asked about any tasks she was required to perform for the soldiers, SS stated: "We were supposed to be their wives. I gave you the name of the man who took me to Foya. You could say we were their sex slaves. I was there against my will, but I couldn't leave—I had nowhere to go."

Attorney Gianoli asked SS if she had ever gone to Fine Boy's house. SS replied that she had nowhere to go and that she always stayed inside the house until she was taken out to watch people being killed in the field, cut into pieces, and placed in wheelbarrows. She stated that it was only after that incident that she learned where Fine Boy's house was.

When asked, she stated that she did not live in Fine Boy's house. She added that Fine Boy had a lot of hair and that Kundi braided it for him. When asked to describe Fine Boy, SS said that he was tall and had a light complexion.

When asked, SS stated that she did not know anyone named Sia. When asked about Fine Boy's girlfriend, SS said she did not know her. She added that she had only seen Fine Boy on the field and had seen his face as well as his long hair.

When asked about Foya's S2 at the time of the events, SS stated that she knew nothing about the S2 and that she never went anywhere except for the one time she went to the field.

When asked, she stated that she knew neither FJ nor Sister F. When questioned about Foya's senior commander, SS repeated that she did not leave her home because the soldiers told them they would kill them if they went out.

When asked about Alieu Kosiah's presence at the time of her capture, SS stated that the man who had captured her, taken her to his home, and forced himself on her had died on the front lines, and that Kosiah and the others were in Foya.

Attorney Gianoli asked SS whether Alieu Kosiah was always in Foya. SS replied that she sometimes saw him with Kundi. When asked how many times she had seen Alieu Kosiah in Foya, SS reiterated that she did not go out and added that Kundi's wife sometimes came to visit her

and vice versa. When asked how often she had seen the defendant in Foya, SS repeated that she sometimes saw him there and that, at times, she heard that he had gone there.

Judge Ros intervened and asked Attorney Gianoli to ask questions that SS was capable of answering, given her intellectual development.

When asked about the hierarchy between Alieu Kosiah and Kundi, SS repeated that she had seen them together but stated that she had not asked them who held the higher rank.

Attorney Gianoli reminded SS that during the French proceedings, she had stated that eight people had been brought near the market, whereas today she had mentioned seven. SS replied that she might have said eight, but that she now remembered there were seven.

When asked to describe the well into which the bodies were thrown, SS stated that it was a large, round well that went deep into the ground. When asked, she clarified that there was a house under construction next to the well. When asked how water was drawn from the well, SS first replied that she did not know, then explained that water could be drawn with a bucket.

When asked where the well was located in relation to the market, SS stated that there was the market on one side, a building under construction on the other, a house, and the well. She added that one had to pass by the well to get to Kundi's house.

When asked whether the last victim had been spared thanks to Fine Boy's intervention, SS repeated that she did not remember the name of the man who arrived. Upon further questioning, SS stated that the survivor had been untied after the man arrived. She also stated that they had already stabbed him by the time the man arrived.

When asked if she had seen Kosiah and Kundi holding a knife, SS answered in the affirmative and specified that they were carrying a knife and a firearm.

* * *

The Presiding Judge took advantage of a brief recess to inform the parties that Abraham Towah had contacted the Court that day and requested financial compensation. The court clerk informed him that the Court could not award him any money. Abraham Towah then asked to be allowed to return to court to be heard. The President informed the parties that, after deliberation, the Court had decided to waive Abraham Towah's hearing in light of his conduct and the motions submitted to the Court during the preparation for the proceedings.

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Hearing of SS (continued and concluded)

Attorney Gianoli asked SS if she had seen Alieu Kosiah and Kundi holding a knife when the man intervened. SS replied that Kosiah and Kundi were both there holding a bloodstained knife.

When asked about the execution of the civilian on the runway, SS repeated that she had heard about it but did not know who the victim was or who had committed the crime.

SS was asked if someone had been shot at but the bullets had not hit them. SS explained that this had happened near Blacky's house. According to her, they fired at that person twice, but the bullets did not hit him. When asked why the bullets had not hit the person, SS said she did not know and added that perhaps his time had not yet come. According to her, Blacky then decided to take the person back to his home.

Attorney Gianoli asked SS if the person was wearing a *"bulletproof vest*." SS replied that they had said they had shot at the person twice and that the person must have been wearing a *"bulletproof vest*."

When asked about Solomba, SS said she had heard of this place near the border and added that it was not far from Guinea. When asked, SS stated that she had gone to Solomba during peacetime to buy goods. When asked to clarify what she meant by "peacetime," SS explained that the ULIMO were still there, but that there was no longer any fighting. It was at that time that she traveled to Guinea with a friend. When asked how she crossed the border, SS explained that there was a canoe that people used to cross. She added that there was a fee for the crossing and that, as far as she was concerned, she had gone to Guinea to buy salt because there was nothing left in Foya.

When asked to describe the canoe, SS said she didn't really remember it. When pressed, she indicated that she hadn't counted how many people could fit on it. She clarified that there were already people on the canoe when she and her friend boarded.

When asked whether it was possible to transport a car on that canoe, SS replied that there were different types of boats and that the canoe in question was used to transport people.

Attorney Gianoli asked SS if she had heard of or witnessed organized shipments of goods from Foya to Solomba. SS stated that there was fighting during the war and that ULIMO soldiers were transporting goods there. She added that when ULIMO soldiers arrived somewhere, they took whatever they wanted and brought it to Guinea in *trucks* or by other means.

When asked about the presence of vehicles in Foya, SS stated that only ULIMO could have vehicles.

When asked, SS confirmed that she had heard about the large generator near the hospital. Mr. Gianoli asked her if she knew what had become of that generator. SS replied that they had looted it and taken it away. When asked how the generator had been taken away, SS stated, "They said that Kosiah had given the order to take it away."

Mr. Gianoli asked SS if she had heard about another generator in Foya. SS replied that she had heard about the one that had been looted. When asked how the generator was transported to Guinea, SS stated that they had cars, *trucks*, and *pickup trucks* on which they loaded items before leaving. When asked whether civilians had participated in transporting the generator, SS replied that there were no civilians, only soldiers.

Attorney Gianoli asked SS if she had seen Alieu Kosiah in a vehicle. SS replied that *the "big people"* were there when the soldiers were looting and loading goods onto the trucks to take them to Guinea.

When asked about EP, SS repeated that she wasn't going anywhere and didn't know many people. SS confirmed that she had previously heard the names Mami Wata, Deku, and Pepper & Salt. She explained that she had heard the names Deku and Pepper & Salt in the song they sang on their way to the front lines and began to hum it.

However, SS stated that she did not recognize the following names: LSM, CO Jackson, Johnson M. Kamara, and Teophilus Jackson.

The Court questioned SS again:

Judge Ros told her that it appeared from her statements before the French judge that she had lived for some time at Fine Boy's home. SS corrected this, stating that she had said she had gone there after the war ended but had not actually lived there since she had her own home.

When asked, SS confirmed that she had heard the name "Foya" during her captivity in Foya. She also confirmed that she had heard people mention the name "Kosiah."

Judge Ros asked SS why, in her opinion, the ULIMO were bringing goods into Guinea. SS replied that they were looting but that she did not know why they were doing so.

When asked about the possibility of transporting cars or trucks across the water on boats at the Solomba border, SS stated that it was possible to transport anything, including heavy items. She added that the water level was not high during the dry season.

When asked to state what year it is, SS said she did not know and that she had not gone to school.

When asked, SS confirmed that she had answered all questions to the best of her memory and truthfully.

When asked if she was certain she had seen Alieu Kosiah with Kundi when the seven people were abused—six of whom were killed—SS replied that they were both there and that they were armed with a knife and a firearm.

The Prosecutor and the attorneys for the plaintiffs had no questions.

Judge Ros informed SS that she was entitled to compensation of USD 75 for the time she spent traveling to testify. The Presiding Judge expressed his gratitude to SS for the long journey she had made to testify and wished her a safe return to Liberia.

* * *

New exhibits were submitted by Attorney Gianoli (*i.e.,* various email exchanges and newspaper clippings). The parties argued for their admission into the record. The Court agreed to enter these exhibits into the record.

January 30, 2023 – Day 8: Alieu Kosiah testifies

The first part of the last week of hearings is dedicated to the defendant's overall response to the charges and statements made beforehand.

The defendant's response was divided into three key themes: the ULIMO faction; Liberia's First civil war; and Alieu Kosiah's personal situation. While none of the evidence or testimonies were directly presented during this part, the defendant was able to express his point of view on a number of elements which he considered as either valuable or to be disregarded.

The session was concluded at a set time to allow the judges to discuss a technical issue regarding the proceedings. The defendant will be able to continue his statement tomorrow, before the legal debates should commence.

January 30, 2023 – Day 8: Alieu Kosiah speaks

Procedural Questions

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Cross-examination of Alieu Kosiah

Questions Regarding the Mandingo Ethnic Group

The Court questions Alieu Kosiah:

When asked to define the Mandingo people, Alieu Kosiah explained that they are one of the fifteen ethnic groups in Liberia and that the Mandingo, along with the Lorma, the Kissi, and the Gbandi, are part of the Mende ethnic group. According to him, the Mandingo are primarily merchants whom one must turn to, particularly for selling diamonds. Alieu Kosiah explained that the Mandingos controlled 95% of the transportation system before the war and currently control 99.9% of the garages. He added that there were also Mandingos in neighboring countries, such as Senegal, The Gambia, Mali, Côte d'Ivoire, and Guinea.

The President asked the defendant what the key difference was between the Kissis and the Mandingos. Alieu Kosiah replied that the main difference was that the Mandingos and the Kissis did not practice the same religion. The Mandingos are Muslim, while the Kissis are Christian and practice the rites of the *Poro Society*. The defendant nevertheless stated that he had seen mosques in Kissi villages in Lofa, suggesting that, in his view, some Kissis are Muslim.

When asked about the key difference between the Mandingos and the Lormas, Alieu Kosiah stated that, as with the Kissis, the Lormas do not speak the same dialect, are 99% Christian, and practice traditional rites.

When asked about the key difference between the Mandingos and the Krahns, the defendant explained that the Krahns were more distinct from the Mandingos since they did not belong to the same ethnic group. When asked about the physical characteristics that identify membership

in a group, Alieu Kosiah stated that it was possible to recognize a Mandingo by his physical appearance.

The Presiding Judge asked the defendant if he considered himself a typical Mandingo. Alieu Kosiah replied that he was a Mandingo, although he was not a good Muslim, and that all Mandingos had a knack for business. He added that he was not a good businessman, unlike his brother. When asked, Alieu Kosiah explained that he did not consider himself a good businessman because when someone asks him for money, he gives it to them instead of saying no.

When asked to explain how he had come to the conclusion that the Mandingos had been victims of genocide, the defendant stated that he was not a legal expert and that he had based his opinion on his emotions. He added that he saw no justification for the Mandingos having been targeted in 1990. Regarding the Krahn victims, however, Alieu Kosiah stated that this could be explained by the fact that Samuel Doe was in power and that the Krahns had killed many people in 1984, particularly the Gios.

When asked, Alieu Kosiah confirmed that members of his family had been victims of the NPFL, notably his brother Musa Kosiah, who was killed in 1990. Asked to provide further details about his brother's death, the defendant explained that his brother had been captured while on his way to Basso and had been missing ever since. The defendant also mentioned one of his second cousins named Alieu Kosiah, who was killed by the Gios in an ambush, as well as his blind uncle, who disappeared along with his wife and children. Alieu Kosiah then mentioned his friend Mohamed, nicknamed Nelson Mandela because he was very intelligent. Mohamed was living with his great-uncle when the NPFL arrived, seized their home, and killed them.

The President asked the defendant whether fleeing was the only option for him when the NPFL arrived. Alieu Kosiah replied that, since Mandingos were being killed throughout Nimba, common sense would dictate crossing the Guinean border to seek safety. That said, some Mandingos remained in their villages. According to the defendant, among the 800 people killed, some could have avoided death by fleeing. He added that the commander responsible for this attack was not Martina Johnson, contrary to the accusations made by Civitas Maxima, which targeted her because she was living in Belgium.

The presiding judge reminded the defendant of his statements that the Mandingos had been targeted because they worked hard and helped their country prosper, and asked him whether, in his view, the Mandingos constituted an elite. Alieu Kosiah replied that 90% of the Mandingos belonged to the middle class before the war. As an example, he noted that he and his family ate three meals a day before the war, whereas their Manos neighbors cooked only every other day.

The President reminded the defendant that he had stated before the MPC that the Mandingos possessed greater wealth (means of transportation, generators, diamonds) and that the Foya region was nicknamed "Kuwait." When asked whether the Mandingos were the elite of Foya before the NPFL's arrival, Alieu Kosiah replied that it was well established that the Mandingos dominated the economy. He added that when Taylor attacked Sierra Leone in 1990, there were three prosperous cities: Foya, Guéckédou, and Kwandu. According to the defendant, everything the NPFL looted in Kwandu was brought to Foya, which is why Foya was nicknamed "Kuwait."

When asked about a certain Kromah who, according to his previous statements, was said to have been behind the accusations against him, Alieu Kosiah stated that he was "one of our brothers" who sometimes talked a little too much but had nothing to do with this case.

The President informed the defendant that, according to HB, the Mandingos considered him a hero. Alieu Kosiah affirmed that HB was a special individual whom he had met four or five times at Alhaji Kormah's residence. The defendant stated: "If he says I was a hero, then he was one too, because we were doing the same work. There are many ways to wage a war—sometimes with weapons, sometimes with a pen. HB was on the front lines of writing."

Attorney Gianoli questioned Alieu Kosiah:

Attorney Gianoli asked Alieu Kosiah whether it was correct to understand that the Mandingos were known for being traders. The defendant confirmed that the Mandingos worked as traders before, during, and after the war, and that even history books referred to the Mandingos as traders.

When asked if he believed the Mandingos were superior to other ethnic groups, Alieu Kosiah replied in the negative. He stated that, in his view, Liberians regarded the Mandingos as foreigners and called them the "citizens of 1990," because Samuel Doe had ordered a halt to the killing of Mandingos when the massacres were raging in 1990, asserting that they, too, were citizens of the country. Alieu Kosiah drew parallels with the genocide of the Tutsis and the war in Côte d'Ivoire. He noted that President Ouattara was Mandingo and that when Ouattara won the election, Gbagbo declared that he could not hand over power to a Mandingo. According to the defendant, tension still exists and is linked to economic rather than religious factors.

When asked whether the Mandingos had been considered citizens as early as 1990, Alieu Kosiah answered in the negative and explained that the newspapers had distorted Doe's remarks by referring to the Mandingos as citizens of 1990. According to the defendant, the Mandingos were booed and heckled in the streets. People would ask them, "If you consider yourselves citizens of this country, why are you fleeing it?"

Attorney Gianoli asked Alieu Kosiah whether, in his view, all citizens of Liberia were equal, regardless of their culture, ethnicity, and religion. The defendant stated that this was not the case before the war, since the Mandingos were discriminated against. He gave the example of checkpoint inspections: while the Mandingos had to wait three hours before being allowed to pass, others waited only about ten minutes.

The MPC had no questions.

Attorney Werner questioned Alieu Kosiah:

When asked about the name of the NPFL commander who attacked Backédou, Alieu Kosiah stated that he did not know her name but could provide a description. According to him, she was a Gio woman, slim and fair-skinned. He added that Martina Johnson was not 100% Mandingo—only on her father's side—and that she could not have committed crimes in Callway while she was fighting as part of Operation Octopus.

Attorney Jakob questioned Alieu Kosiah:

When asked about the relations between the Mandingos of Liberia and the Mandingos of Guinea, Alieu Kosiah explained that when the country was divided, there were cousins and nephews on both sides of the border, so the Mandingos have family members on the other side of the border, just like the Kissis, the Krahns, the Manos, and the Gios, but only the Mandingos are considered foreigners. When asked whether these family ties were likely to facilitate trade, Alieu Kosiah replied that trade between the two countries had continued during the war, including under the NPFL.

When asked to specify the first name of the brother who was talking a little too much and whose last name is Kromah, Alieu Kosiah stated that, in his opinion, it was not necessary to give his first name and clarified that he had no connection to the proceedings.

Attorney Gianoli cross-examined Alieu Kosiah:

When asked to specify which faction Martina Johnson belonged to, Alieu Kosiah stated that she was a member of the NPFL and served as an artillery commander. He added that Chief Varney, the deputy commander of the INPFL, had attacked Monrovia during Operation Octopus. According to him, the INPFL was commanded by Prince Johnson, who decided at the last minute not to participate in Operation Octopus, so Chief Varney took charge of leading the operation.

Questions Regarding the ULIMO Faction

The Court questions Alieu Kosiah:

When asked why he was one of the few Mandingos in the AFL, Alieu Kosiah stated that he was not the only Mandingo and that all ethnic groups were represented, with the exception of the Gios and the Manos. When asked about the stability he could bring to his people by joining the AFL, the defendant explained that at the time, he was young and felt that the AFL was not protecting the Mandingos, since many Mandingos had been killed by the NPFL because of mistakes made by the AFL. Thus, by joining the AFL, he believed that this faction would protect his people.

When asked, Alieu Kosiah confirmed that he believed he was well acquainted with the history of ULIMO. When questioned about how he received information as a CO in ULIMO, the defendant explained that ULIMO had radios in Voinjama, Zorzor, Fassama, Lofa Bridge, Swan [phon.], Monrovia, and Conakry.

When asked about the number of ULIMO's founding members, Alieu Kosiah stated that he was unable to answer that question, but that he could explain how ULIMO was founded by referring to statements made by Kwamex Fofana. According to this account, Karpeh reportedly told Fofana that the Sierra Leonean government had granted authorization for the creation of an armed group and asked Fofana to draw up a list of people capable of handling weapons. According to Alieu Kosiah, the names of Frikala [phon.], who was killed before ULIMO arrived in Liberia, and Tikala [phon.], Frikala's youngest son, were on that list. Alieu Kosiah added that, in his estimation, 4,000 ULIMO fighters had joined the ranks in Liberia, whereas there had been only 1,000 in Sierra Leone.

When asked about the percentage of Mandingo fighters within ULIMO, the defendant stated that he estimated ULIMO to be composed of 40% Krahns, 40% Mandingos, and 20% members of other ethnic groups.

When asked about the goals behind the founding of ULIMO in relation to the interests of the Mandingos, Alieu Kosiah clarified that ULIMO (formerly the LUDF) was founded by Krahns—specifically by Albert Karpeh—and not by Mandingos. The defendant stated that the claim that the LUDF and the MRN had merged to form ULIMO was false. He explained that Karpeh had been killed six or eight months after the founding of the LUDF due to rivalries between the two Krahn groups: the Konabo Krahns (Doe's group) and the Gbabo Krahns (, Karpeh's group). According to Alieu Kosiah, Karpeh was killed by a stray bullet fired by Kobra. The Presiding Judge invited the defendant to answer his question. Alieu Kosiah stated that both the Mandingos and the Krahns had been subjected to killings and had fled the country; therefore, it made sense for the two ethnic groups to join forces.

When asked again about the goals behind the creation of ULIMO, Alieu Kosiah stated that the LUDF had two objectives: to help Sierra Leone fight the RUF and to seize the opportunity to return to Liberia to oust Taylor.

When asked about ULIMO's specific objectives in Lofa, the defendant replied that he did not know if any specific objectives were being pursued in Lofa, but that the goal was to take as much territory as possible from Taylor. He added that in Sierra Leone, one of the objectives was to capture Gbarnga in order to prevent the RUF from obtaining supplies from that area.

When asked why he joined ULIMO, Alieu Kosiah replied that he wanted to ensure Taylor did not succeed after all he had put his people through. When confronted with his statements before the MPC—in which he claimed he joined ULIMO because he was a former soldier and it allowed him to make a living—Alieu Kosiah stated that he was afraid of being mistaken for an NPFL or RUF member by Sierra Leonean special forces, so the creation of the LUDF had also served to protect him as a former soldier. He added that those who were part of the LUDF were guaranteed not to be arrested by Sierra Leonean soldiers.

When asked how roles were assigned at the founding of ULIMO, the defendant reiterated that he was not present and could only refer to Fofana's statements. Karpeh therefore founded the group, and problems arose when it came time to appoint a *field commander*. Varney Sigri [phon.] was initially chosen, which displeased the Konabo Krahns, who had expected one of their own to be appointed. Consequently, Djulu [phon.] was appointed. According to the defendant, Djulu was one of the most powerful men within ULIMO, as he made all decisions regarding military activities, as well as planning and promotions.

When asked about his initial role within ULIMO, Alieu Kosiah stated that he was an operations sergeant in the War Bus squadron. When asked about the number of men under his command, Alieu Kosiah explained that a *platoon* consisted of a commander and his deputy, as well as four squadrons, each with its own commander. According to the defendant, a *platoon* had 45 men.

When asked about his aspirations within ULIMO, Alieu Kosiah stated that all soldiers wanted to be promoted, but that this was not within their control. When asked to specify who was responsible for promotions, the defendant indicated that they were decided by Djulu, then by Major Kamara in Sierra Leone, and finally by Alhaji Kromah in Liberia.

When asked about the criteria for promotion, the defendant stated that it was necessary to protect his men in order to avoid loss of life. He added that some had received promotions they did not deserve.

The President asked the defendant who had given him the title of *"floating officer"* after he left Todi. Alieu Kosiah stated that no one could grant the title of *"floating officer"* to anyone. He explained that anyone who no longer had an assignment could become a *"floating officer*." The President reminded the defendant that he had testified at the trial that he had been *a "floating officer"* throughout 1994 and asked him whether ULIMO could afford to have a soldier without an assignment while the faction was at war. Alieu Kosiah replied that he had also been *a "floating officer"* in 1995 and that this had not prevented him from going to the front lines.

The Presiding Judge asked him who had the authority to send him to the front lines when he was not assigned to anyone. The defendant made a point of explaining the meaning of the term *"floating officer*." He stated that it meant he was not a commander in Lofa, nor in Zorzor, nor in Foya, nor in Kolahun. Nevertheless, if Pepper & Salt ordered him to go to the front lines, he had to comply. Alieu Kosiah explained that the term *"floating"* meant that he had neither a specific area under his control nor a specific assignment.

When asked who had priority in calling on his services, Alieu Kosiah replied that Pepper & Salt was still in charge of Lofa when he arrived. General Dombuyah arrived one or two months later and took control as *field commander*. The defendant added that he had been sent to Benefanaye as *a "floating officer"* to provide reinforcements to PYJ and that they had managed to repel the attack thanks to his intervention.

The Presiding Judge asked the defendant where his base was located at that time. Alieu Kosiah stated that he had served as *a floating officer* from Todi to Voinjama until his promotion in 1995, when he was sent to Zorzor. He clarified that this was his first and only assignment in Lofa County.

When asked how he provided for himself and his men during that period, the defendant explained that he would go to the headquarters headed by Deku and submit a written request specifying what he needed (bags of rice, ammunition, etc.).

Judge Ros asked the defendant how he obtained supplies and food while he was on the front lines. Alieu Kosiah explained that they had two or three cars and that he used one to pick up supplies in Voinjama. He added that he went to the front lines only when necessary to encourage his men. In fact, he rarely went to the front as commander of Zorzor.

Judge Ros reminded the defendant that he had stated during his questioning that he had spent the six years of the war on the front lines. The defendant replied that he had said he was on the front lines during Ramadan and was therefore not there 365 days a year. Judge Ros cited the defendant's statements, in which he indicated that he had spent the six years of the war on the front lines while the *"big men"* remained in the rear. Alieu Kosiah reiterated that he was not in combat 365 days a year and clarified that he had fought on the front lines with War Bus, and later with Kamara in Todi.

When questioned again about how he organized resupply from the front lines, Alieu Kosiah explained that it depended on the circumstances. He stated that they carried basic equipment

and ammunition on their backs and were armed with an RPG. They had to outflank the enemy, set up an ambush, and then retreat (*hit-and-run*). He emphasized that this was a guerrilla war, not conventional warfare, and that the primary objective was to attack the enemy headquarters to seize ammunition and food. He added that if they ran out of food in the bush , they would eat cassava or yams and throw grenades into bodies of water to catch fish. According to him, they received supplies from Sierra Leone when they launched attacks in that direction.

When asked how they transported the supplies received from Sierra Leone and Guinea to the guerrilla zone in the bush, Alieu Kosiah cited the example of Lofa and stated that *trucks* came as far as Voinjama. Judge Ros then reminded him of his statements at the trial court that the roads were impassable during the six-month rainy season. Alieu Kosiah replied that he had not said transportation was impossible for six months, but that it was more difficult, noting that it was possible to go anywhere with a 4×4 jeep. He explained that trucks traveled as far as Voinjama, where soldiers would come to resupply and load the supplies onto 4×4 jeeps. He added that some front lines were inaccessible by car due to ambushes or landmines.

Alieu Kosiah stated that he could not rule out the possibility that some commanders had used civilians to transport supplies, but he had never seen it with his own eyes. He added that there were no civilians present when he was in Zorzor. He recounted that he traveled to Salaye by car and that there were two cars used to transport ammunition to the front lines. According to him, the cars were necessary to transport anti-aircraft weapons to the front lines. The convoy was organized as follows: 3 to 5 squadrons at the front, the vehicles, and one squadron at the rear. He specified that during the attack on Gbarnga, they used a four-barreled Bissetti, which was impossible to carry on a person's back.

Judge Ros countered that the defendant could not always have a Bissetti at his disposal, since he sometimes found himself off any trails or paths in the bush. Alieu Kosiah explained that the main attacks were carried out along the road. He stated that during the attack on Todi, they traveled through the bush before reaching the main road and that he was the first commander to enter Todi after very intense fighting. He explained that he had found 55 sacks of rice in the commander's house in Todi and had divided the spoils in half: one half for the civilians and the other for ULIMO. Alieu Kosiah stated that: "We considered that everything that came from the NPFL belonged to us."

When asked about his promotion from *floating officer* to *battalion commander*, Alieu Kosiah stated that Alhaji Kromah had given a special order to promote him. When asked about the criteria that led to his promotion to *regional commander* of Zorzor, the defendant stated that he had never asked Kromah why he had promoted him to that position. He added that his experience as a former AFL soldier had likely instilled confidence in his ability to protect Zorzor.

The Presiding Judge asked the defendant whether it would not have made more sense to appoint a *local commander* or an *area district commander* who already had experience as a commander to that position. Alieu Kosiah stated that he had not asked Kromah that question and explained that Deku had already been appointed deputy *chief of staff*, whereas Kobra, based in Kolahun, was not a former soldier.

When asked about his mission in Zorzor, the defendant stated that he was tasked with ensuring that Zorzor did not fall into the hands of the NPFL. When asked about the resources made available to him to carry out this mission, Alieu Kosiah stated that he had men, cars, " "

ammunition, and RPGs at his disposal. He indicated that it was possible to resupply ammunition in Voinjama and to bring in the Bissetti for support to repel major attacks.

The President reminded him that he had testified before the MPC that upon his arrival in Zorzor, there were a few houses but no civilians. When asked, Alieu Kosiah explained that the civilians had fled to Guinea because Zorzor was a combat zone.

The President then asked him whether his statements—that ULIMO had more resources than the civilians in Voinjama, so there was no need to steal—applied generally or only to Voinjama. The defendant replied that ULIMO received supplies from Guinea because, in Lofa, the civil war had been raging for three years before ULIMO's arrival, so harvests were irregular.

When asked how he had asserted his authority, given that he had stated he had not been present during most of the captures and that it was difficult to establish his authority *("Where were you when we were here?"*), Alieu Kosiah replied that he had not made such statements, but had said that Pepper & Salt was not present during the capture of Zorzor and that the soldiers were saying that behind his back. According to the defendant, Pepper & Salt went to capture Voinjama to prove to his soldiers that he was a good commander.

When asked, Alieu Kosiah stated that he had not captured Zorzor. The Presiding Judge therefore questioned him further about how he had established his authority as a commander. Alieu Kosiah stated that PYJ respected him because he had seen him fight at Benefanaye. According to him, to earn the respect of soldiers within ULIMO, one must fight on the front lines.

When asked to comment on the police report, Alieu Kosiah explained that it was contradictory to designate him as both *a "floating officer"* and an "H&H," since it was not possible to be both. He added that the term *"chief"* was not a military rank. The defendant then stated that Papa had claimed that he (Alieu Kosiah) was an H&H, which surprised him greatly because he had never been an H&H. In this regard, Alieu Kosiah referred the Court to the testimonies of Lamine Kenneh, Kwamex Fofana, and Omaru Musa Kelleh and stated that no ULIMO soldier had said that he was an H&H.

According to the defendant, the investigators do not know the definition of H&H. He stated that his explanations regarding the meaning of the term H&H are corroborated by Fofana's statements, who said that there was no H&H in Lofa County before the split. Alieu Kosiah added that the H&H was part of *the field commander's staff*. According to him, "H&H" refers to the location of the *field commander* and not to a person. He explained that there were sub-headquarters everywhere and that "H&H" brought them all together in one place—namely, Tubmanburg or Bomi Hill—before the split. The defendant explained that within this headquarters were the *commanding general* and his *staff*, as well as the person known as *the H&H commander*, whose role was to guard the gates, oversee office activities, and monitor the ammunition depots. Alieu Kosiah explained that to obtain ammunition, one had to submit a form signed by the *field commander* to the S4, or alternatively to the H&H. According to the defendant, the H&H did not have the authority to issue such a document.

Alieu Kosiah stated that he had explained to the prosecutor the meaning of the term "H&H" and why it made no sense to say that there was an "H&H" in Lofa before the split, but the prosecutor, he claimed, turned a deaf ear to him. The defendant added that LSM had initially designated him

, as the H&H before changing his mind and designating Pepper & Salt. Alieu Kosiah then sought to demonstrate that LSM's statements on this matter were inconsistent and not credible.

The President returned to the topic of the defendant's appointment as *Deputy Director of the* Civilian *Investigative Division (CID*) in Liberia by the ULIMO leader and asked him to name the other positions for which the ULIMO leader had the authority to appoint someone. According to the defendant, positions in the interim government were divided among ULIMO-K, ULIMO-J, the NPFL, and civilians. ULIMO-K held approximately 25 percent of the positions.

When asked about the merits that justified his appointment to this important position, Alieu Kosiah repeated that he had not asked Kromah why he had appointed him and noted that only Junge Jabbah had not been appointed to a position. Dombuyah was appointed *chief of staff* of the new government, and the majority of ULIMO commanders were also appointed to positions by Kromah.

When asked if he was satisfied with this appointment, Alieu Kosiah replied, "This is the most important job I've ever had, because the rest of the time, I was used like an animal in the bush." The President asked him why he had already been replaced before Taylor's election. The defendant mentioned a problem between himself and the director. He explained that he had been replaced when Kromah was planning to launch an attack from Foya against the RUF in Sierra Leone, which ultimately did not take place.

Attorney Gianoli questioned Alieu Kosiah:

When asked, Alieu Kosiah stated that he did not have such detailed knowledge of the ULIMO faction at the time of the civil war. When asked how he had expanded his knowledge, the defendant explained that he had read Fofana's testimony, which provided him with a great deal of information about the formation of ULIMO. He added that his friend Dukulé had explained the capture of Foya to him in detail.

When asked to describe his daily life in Voinjama, Alieu Kosiah explained that there had been only two attacks to repel at that time and that the rest of the time, he would sometimes go to Foya or Kolahun to visit his girlfriend.

When asked how far the front lines were from Voinjama, Alieu Kosiah stated that there was one between Zorzor and the bridge and another at Lofa Bridge between ULIMO-K and ULIMO-J. Mr. Gianoli asked him which front line he was traveling to at that time. Alieu Kosiah replied that the people of Zorzor did not need his help and that he had remained in Voinjama to repel the two attacks.

When asked how often he visited the front lines from 1994 to 1995, the defendant stated that he did not go there very often while he was in Zorzor but more frequently starting in 1995—about once a month.

When asked how long he stayed on the front lines, Alieu Kosiah replied that rotations had to take place every two weeks or every month to ensure the soldiers remained effective. Asked to describe his daily life at the front, the defendant explained that they would come under attack and repel the attacks or outflank the enemy to set up ambushes. According to him, there was constant fighting.

Attorney Gianoli asked his client whether they had a rear base or were constantly lying in ambush. Alieu Kosiah replied that the fighting mostly took place in town and that they sometimes went through the bush to set up ambushes. He explained that some men were deployed to various locations to ensure the area was secure, while others remained in town to avoid being attacked. He added that they had RPGs and anti-aircraft weapons, but no heavy artillery.

When asked about the distance between their vehicles and the combat zone, Alieu Kosiah explained that there were two types of vehicles: the commander's car, which carried ammunition and remained 25 km from the front line, and Bissetti's car, which went everywhere. When asked, the defendant stated that the distance soldiers had to travel to reach the front line depended on where it was located, and that it could sometimes take two hours, sometimes an entire day. Mr. Gianoli asked him if they stayed in the bush for several days or weeks. Alieu Kosiah replied that they were not in the bush but in villages, such as Salaye.

When asked whether he selected the soldiers under his command based on their ethnicity, Alieu Kosiah answered in the negative and stated that whenever he went to the front line, he was at the forefront.

The MPC had no questions.

Attorney Werner questioned Alieu Kosiah:

When asked, Alieu Kosiah stated that there was no radio in Foya. When asked about the yam they ate in the absence of supplies, the defendant explained that it was something similar to cassava.

Attorney Wavre questioned Alieu Kosiah:

When asked whether radios were rare or common items within ULIMO, Alieu Kosiah replied that they were rare. He clarified that there were no radios in Zorzor before the capture of Gbarnga. According to him, there were no radios in Foya and Kolahun because those areas were calm. However, radios were deployed in hotspots. He stated that a witness had claimed there was a radio in Foya, even though this was false. According to the defendant, the absence of a radio in Foya helped prevent a bloodbath when Pepper & Salt was driven out.

When asked about the areas where radios were deployed, Alieu Kosiah stated that there were radios in key areas. He added that, contrary to LSM's statements, ULIMO did not have satellite radios. Alieu Kosiah clarified that ULIMO had Yaesu brand fixed radios.

When asked to specify which town named Fassama he had referred to earlier, Alieu Kosiah stated that he had been referring to the Fassama of the Kpelle ethnic group and noted that there was a large prison nearby. When asked if there were other strategic reasons—besides the prison—for having a radio in that town, the defendant replied that Fassama was a base for Dorley and clarified that there were no radios anywhere before the capture of Gbarnga.

Attorney Wavre asked the defendant why a commander as important as Dorley was in that town. Alieu Kosiah explained that Dorley had passed through Fassama to capture Zorzor and that, after Zorzor's capture, Fassama no longer held the same importance. Attorney Wavre pressed him to explain why there had been a radio station in Fassama. Alieu Kosiah reiterated that there were

radios in Monrovia, Conakry, and Swan, even though those were not front lines. He also reiterated that there had never been a radio in Foya and stated that the brand of radio mentioned by LSM did not exist during the ULIMO era.

Attorney Jakob questioned Alieu Kosiah:

When asked about ULIMO's sources of gasoline supply other than Guinea, Alieu Kosiah stated that there were probably others but that he was not aware of them. He explained that, to his knowledge, all of ULIMO-K's supplies—whether gasoline, food, or ammunition—came from Guinea.

When asked about the abundance of gasoline supplies, the defendant indicated that, as far as he could recall, they had not run out of gasoline during the war, but that he could not rule out the possibility that there had been a shortage. He added that they had experienced problems with ammunition supplies upon their arrival.

Attorney Jakob asked the defendant if he was free to draw on ULIMO's gasoline reserves for his personal use. Alieu Kosiah replied in the negative. When asked how he obtained fuel to visit his family in Guinea by motorcycle, the defendant explained that a liter of gasoline cost 800 francs (*i.e.,* 8 centimes) and that two liters were enough for a round trip to Macenta, so it did not cost him much. When asked where he bought this gasoline, Alieu Kosiah replied that he bought one liter at the border.

Attorney Jakob asked the defendant which city he believed was the most important for the ULIMO organization once Lofa was under control. Alieu Kosiah replied that it was Voinjama. When asked about the organization of the sub-headquarters—and specifically whether this structure was replicated in secondary towns that would hypothetically have been subordinate to Voinjama—Alieu Kosiah stated that Pepper & Salt was in charge of Lofa County before Dombuyah's arrival, so that the people of Zorzor, Kolahun, Foya, and Vahun were under his command. According to the defendant, Voinjama was the headquarters for all those under Pepper & Salt's command, and Tubmanburg was the headquarters for Voinjama, Lofa Bridge, Kakata, and Todi.

Attorney Jakob asked the defendant if he could rule out the possibility that the term "H&H" was used to refer to Voinjama in relation to the other secondary towns in Lofa. Alieu Kosiah replied that there could not be two H&Hs, just as there was only one Pentagon in the United States. According to him, H&H comprised the Minister of Defense, the *Chief of Staff*, the military leadership, and the *field commander*. He added that the only time there could have been an H&H in Voinjama was when Dombuyah and his entire *staff* traveled there.

When asked, Alieu Kosiah stated that he did not know Ansu Kromah, but did know Mansu Kromah.

The Court questioned Alieu Kosiah further:

When asked about the use of heavy anti-aircraft weapons, Alieu Kosiah explained that there were no airstrikes, since only ECOMOG had aircraft. He added that anti-aircraft weapons were very loud and were used to intimidate the enemy.

Questions regarding the first civil war

The Court questioned Alieu Kosiah:

The President reminded the defendant of his statements at the trial in the court of first instance, in which he said he had divorced because he did not want his wife to suffer the consequences of his actions. When asked about the facts underlying those consequences, Alieu Kosiah stated that his life had been ruined because he had a reputation as a war criminal and he did not want his wife to have to go through that. He added that his son and the son of one of his brothers were named Alieu Kosiah, like him, but he advised them to use a *middle name* because, regardless of the outcome of the trial, everything remains on the internet.

When asked, Alieu Kosiah confirmed that he had heard about the massacre at the Lutheran church in Monrovia. He stated that he had been informed of it in his capacity as an AFL soldier. When asked about the information he had received, the defendant stated that a group of Satou from Nimba [phon.] (*i.e.*, Krahn soldiers) had been severely beaten by the NPFL during an ambush. To take revenge, they killed a large number of innocent people. According to the defendant, most of the victims were Gios and Manos.

The Presiding Judge asked the defendant how he could be certain that this information was true, given that, according to his own statements, the first casualty of war was the truth. Alieu Kosiah stated that there was no such thing as a "clean war" and that one had to be careful to distinguish truth from falsehood. He explained that Moses Right, who was *battalion commander* at Camp Suffering, had been accused of committing this crime by Alain Werner and his team, even though the Satou were under Doe's command. Alieu Kosiah said he found it hard to believe Alain Werner's accusations since nothing had happened to any of the Gios officers at Camp Suffering.

When asked about the massacre of 600 people at Harbel-Carter Camp on June 6, 1993, Alieu Kosiah confirmed that he had heard about it and had seen civilians fleeing the area while he was at Todi Junction. When asked to recount what he had heard about the massacre, the defendant stated that in June or July 1993, between 3,000 and 4,000 people arrived at Todi Junction at a place called Division No. 7 in the Firestone area. According to him, the location where the crime was committed was less than 30 km from where he was. The civilians reported that there was fighting between the LPC and the NPFL. The NPFL killed the civilians when they came to retake the area from the LPC. According to Alieu Kosiah, the TRC report and the press falsely accused the LPC of committing this massacre, since the NPFL was responsible. He added that ULIMO knew from the outset that the NPFL was responsible and had informed ECOMOG as well as the interim government.

When asked, Alieu Kosiah confirmed that he had read the Federal Judicial Police report on the First Civil War and the role of ULIMO. The President asked him if he had been surprised by the scale of the abuses committed in Lofa, as detailed in the report. Alieu Kosiah replied that neither the prosecutor nor the police had traveled to Liberia and that the report merely cited other sources. He reiterated that the Swiss authorities had not independently verified anything since they had not visited the site. According to the defendant, the report specifically mentions a judgment handed down by a court-martial in Macenta, even though there has never been a court in that city. The President reiterated his question, and Alieu Kosiah stated that he had, of course, been surprised by the scale of the violations committed.

The President then noted that the report documented more than 100 mass graves containing over 8,000 bodies for the period from 1989 to 2003 and asked the defendant if he could rule out the possibility that one or more of these mass graves were attributable to ULIMO. Alieu Kosiah stated that he did not know because he was not present. He reiterated that there is no such thing as a "clean war" and noted that the period in question was lengthy and had seen various factions fighting one another. In his view, there is no way to determine which faction is responsible for a particular mass grave.

Alieu Kosiah then recounted the story of a ULIMO commander named Famo Kenneh [phon.]. Famo Kenneh went to the Fifteen Gate checkpoint with his mother, brother, and two sisters. While his mother and siblings were detained because they admitted to being Mandingos, Famo Kenneh, for his part, declared that he was Congolese. His family members were imprisoned and then killed by the NPFL, while Famo Kenneh fled before being arrested in Zorzor. Alieu Kosiah explained that the NPFL considered those who made it as far as Zorzor to be likely Mandingos attempting to reach Guinea. According to the defendant, Famo Kenneh was imprisoned along with 45 other people. The NPFL killed two prisoners a day. Famo Kenneh was one of the last two survivors and managed to escape over the prison roof on a rainy day. Alieu Kosiah wondered where the graves of those 43 Mandingos killed in Zorzor were located. He added: "When you see a grave 40 years after the end of a civil war and it's claimed that these are victims of ULIMO, personally, I find it difficult to know who did what."

The President asked him if he had witnessed these events. Alieu Kosiah replied in the negative and stated that Famo Kenneh had told him about them.

The presiding judge presented a table listing the massacres committed by ULIMO in 1993. When asked whether these figures seemed plausible to him, Alieu Kosiah replied that no one could wage a "clean" war, but that this did not mean the information should be taken at face value. The defendant challenged certain findings in the trial court's judgment regarding *Black Monday* and *Black Friday*, particularly the fact that the trial judges had concluded that only ULIMO soldiers did not remember *Black Monday* and *Black Friday* because of the horrific acts they had committed. According to Alieu Kosiah, the question that should be asked is rather why only those who went through the NGO remember *Black Monday*, while all the other witnesses, including James Faseukoi, have never heard of either *Black Friday* or *Black Monday*.

Alieu Kosiah stated that he could not be accused of lying when he said he had no knowledge of either *Black Friday* or *Black Monday*. He cited Massa Washington's testimony regarding how investigations were conducted within the TRC. The defendant implied that those responsible for taking statements received a sum of money for each statement taken. He stated that he had read two or three statements suggesting that those responsible for *"Black Monday"* were the LURD, who had come from Kolahun to Voinjama in 2002. *Black Monday* would thus have taken place on an entirely different date and would have been carried out by a different faction. In light of the foregoing, Alieu Kosiah urged the judges to exercise caution.

The President referred to the MSF report stating that residents were used as slaves between July 1993 and December 1994 in Foya Kamara and in villages near Kolahun and Voinjama. When asked, the defendant stated that he had no knowledge of these practices. When asked to explain why he was unaware of them even though he was a member of ULIMO and stationed in that area, Alieu Kosiah said that he could neither confirm nor deny that such things had occurred, since he had not witnessed anything of the sort while stationed in Lofa. He added that he had not

seen a single NGO in Lofa either. When asked about the theft of Oxfam supplies by ULIMO soldiers, the defendant stated that this incident had occurred after the ceasefire.

When asked about the killings of civilians by Pepper & Salt in 1993 in northern Lofa, as reported by humanitarian workers, Alieu Kosiah stated that he was not with Pepper & Salt at that time. When asked whether he was aware of ULIMO's confessions regarding the atrocities committed against the Kissis in the Foya region, Alieu Kosiah indicated that he had no idea and that Kromah should be asked about this matter.

The President asked the defendant to explain why he was unaware of a great deal of information even though he had been in Lofa. Alieu Kosiah replied that this information was merely hearsay and that he had limited himself to reporting to the Court what he had seen and heard.

When confronted with his statements at the trial that people had begun calling him "Physical Cash" when he joined the police, Alieu Kosiah confirmed them and repeated that Pepper & Salt had given him that nickname in Lofa. The Presiding Judge asked him if he was aware of a scheme involving the use of an alias to commit crimes against civilians under the guise of another identity. Alieu Kosiah acknowledged that people had nicknames, but stated that he was not aware that these had been used to commit crimes. He added that, for his part, he had always called himself Kosiah, Kos, or CO Kosiah.

When asked whether schools were closed in Lofa during the war, the defendant replied that schools were closed where he was and that no one had reported to him that schools were open under NPFL occupation.

The Presiding Judge then asked him how ULIMO ensured that the people they subjected to tabé were not civilians. Alieu Kosiah explained that when he arrived in a town, he would approach the *townchief* to obtain information. He added that he ordered his soldiers to consider anyone who was not carrying a weapon, a red ribbon, or a uniform to be a civilian. The defendant boasted that he had ordered the release of two civilians who had been subjected to "tabé" by soldiers who suspected them of being NPFL rebels. He stated that he consistently insisted that verifications be carried out, especially since some civilians tended to behave like soldiers or take advantage of their situation when a family member was close to an NPFL commander.

The President reminded him of his statements that there was no longer any looting taking place when he arrived in Lofa and asked him what had put an end to the looting. Alieu Kosiah replied that he did not know, but thought it might be due to Dombuyah's order that no soldiers were to be stationed in a village—an order he had taken it upon himself to convey to the Mandingo commanders along the main road between Voinjama and Vahun. Alieu Kosiah added that he did not see why soldiers should be stationed in the villages, since, in his view, they should be either in Voinjama or on the front lines in Zorzor. When asked, the defendant confirmed that he was *a "floating officer"* at that time—

Judge Ros returned to the practice of "tabé" and asked the defendant what fate awaited NPFL soldiers. Alieu Kosiah repeated that captured NPFL soldiers spent one or two months in prison before undergoing a "trust-building" period, at the end of which they could choose to join ULIMO or return home. When asked if he had ever encountered such a situation, Alieu Kosiah answered in the affirmative, citing Captain Denis [phon.]. He stated that they had developed a bond that

continues to this day. Alieu Kosiah reiterated that he was not responsible for all the atrocities committed during the war in Liberia, but only for the charges brought against him.

The President asked Alieu Kosiah to explain why he had stated that Taylor considered himself the president of Liberia and could take whatever he wanted. The defendant stated that he had made this statement based on what civilians had told him, namely that Taylor had taken the generator from Voinjama to use it in Gbarnga. When asked whether this logic applied in territories captured by ULIMO, Alieu Kosiah explained that Taylor considered himself the president, unlike Kromah. The defendant added that he had never seen Kromah give the order to take a generator from one town to use it in another.

The President reminded the defendant of his previous statements that a soldier stationed in the same place for too long would come to feel like a king there, and asked him what the consequences of such a feeling might be. Alieu Kosiah replied that within the AFL, soldiers were not assigned to the same location for long periods to prevent them from becoming accustomed to local customs. He added that the same rule should have been applied within ULIMO.

When asked about the houses in which he had stayed, the defendant stated that nearly 80 percent of Voinjama's population had left and that there were many empty houses, particularly in the Mandingo Quarter where he lived. When asked whether fleeing one's home amounted to a waiver of one's property rights, Alieu Kosiah replied that he did not understand what the President was getting at, since he was straying from the crimes of which he was accused.

When asked why the plaintiffs had targeted him, Alieu Kosiah stated: "If I hadn't come to Europe, I wouldn't have been accused of any crimes. I am being accused of these crimes because of where I live, not because of what I did during the war." When confronted with the fact that he was not the only Mandingo in Europe, Alieu Kosiah retorted that he was the only Mandingo in Switzerland who had been a member of ULIMO.

When asked about his meeting with HB, Alieu Kosiah stated that they had met in Monrovia in the presence of Alain Werner in 2012, and not in 2009, 2010, or 2011 as HB claims. During that meeting, HB reportedly stated that he knew nothing about Alieu Kosiah, whereas before the Prosecutor he claimed to know everything about the crimes committed by the latter in 1993. Referring to email exchanges between Alain Werner and HB, Alieu Kosiah stated that he wanted to know why Alain Werner had pressured HB to find information about him. He added: "The truth is that this is a criminal organization," prompting the President to remind him that making false accusations is a punishable offense. Alieu Kosiah then recounted the latest developments in the Finnish proceedings regarding the lack of credibility of the plaintiffs and stated that this should serve as a wake-up call.

Alieu Kosiah set out to demonstrate that it was impossible for Gibril Massaquoi to have committed the crimes with which he is charged and that B. Kromah's testimony lacked credibility. He then stated that the Prosecutor had said that Alain Werner was wearing two hats and was undermining the proceedings. Alieu Kosiah asked the Prosecutor what he had done with that opinion. He added that Alain Werner had connections to proceedings in Finland and England, contrary to what Werner himself claimed.

Alieu Kosiah then referred to an interview Alain Werner gave to the French media and stated that Alain Werner had lied when he claimed that his organization did not seek out the victims, but

that the victims came to them. The defendant added that the Mandingo victims in the Agnes Taylor case had all been granted asylum thanks to Alain Werner and HB. According to him, one of the witnesses stated: “When you’re poor, you put up with a lot.” He added that his father always told him: “When you’re poor, you lose your dignity.” For Alieu Kosiah, this is the reality in Africa. In this regard, he cited the example of the 7,000 or 8,000 people who recently died in the Mediterranean while seeking a better life in Europe. The defendant referred to the wages cited by the plaintiffs and stated that these figures were not credible.

The Presiding Judge asked the defendant to name the villages that had not yet been captured when he arrived in Lofa. Alieu Kosiah reiterated that he had not participated in the capture of any town in Lofa County—neither Zorzor, nor Voinjama, nor Kolahun, nor Foya. He stated that he had met with Pepper & Salt in Monrovia and that, upon their return to Lofa, Voinjama had been captured, followed by Foya and Kolahun. He specified that he had traveled to Foya three months after its capture.

When asked, Alieu Kosiah stated that upon his arrival, battles were underway at the bridge between Bong County and Lofa County. When asked who was in charge within ULIMO, he clarified that Pepper & Salt was in charge of Upper Lofa.

The President then asked him how eating human hearts was incompatible with his culture, which forbade him from eating pork. The defendant stated that Muslims do not eat pork and that he therefore did not see how they could eat human flesh. When asked about the connection between pork and human flesh, Alieu Kosiah stated that his religion required him not to eat pork and that the last thing he would ever do was eat the flesh of another human being. When questioned further, the defendant confirmed that he ate meat, particularly beef. The Presiding Judge asked him whether his statements were to be understood as implying that human flesh was comparable to pork. Alieu Kosiah replied that eating human flesh was the worst thing one could do. He added that the Quran permitted a Muslim to eat pork if he were hungry and stated that he had not read anywhere that it was permissible to eat human flesh.

When asked about the type of pistol he possessed during the Todi mission, Alieu Kosiah stated that it was a .45 (with a magazine in the butt) purchased on Clay Street. When asked why he had sold it while the war was still ongoing, the defendant stated that the pistol belonged to him and that he had decided to sell it.

When asked whether his experience confirmed the conclusions of the police report—namely, that there were more civilian casualties than military casualties—Alieu Kosiah replied in the negative. When asked, he stated that he did not know how many soldiers had lost their lives during the civil war. He said he remembered losing 86 men when he left Sierra Leone, but that he had lost track of the number afterward. According to him, there were many military casualties. When asked how many men he had lost, Alieu Kosiah stated that he did not know the exact number.

The President asked him how he had met his girlfriend in Bolahun. The defendant explained that he had met her through another girl, who was the girlfriend of one of his friends. When asked, Alieu Kosiah stated that his girlfriend was 17 or 18 years old and that they had been together from 1994 to 1995, until he went to prison. When asked if he had celebrated his birthday, the defendant replied that they did not think about such things during the war.

When asked about the allegations in the case file regarding sexual relations with a young girl in Zorzor, Alieu Kosiah stated that he had never met this girl and that the only connection between them was Alain Werner.

When asked whether he had received military training in international law at the beginning of his career with ULIMO, Alieu Kosiah replied in the negative. He clarified that he had only been taught the code of conduct.

Attorney Gianoli questioned Alieu Kosiah:

When asked about the number of wives he has had, Alieu Kosiah stated that he had a first wife who was Swiss and a second wife from a traditional marriage. When asked about the duration of his relationship with his second wife, he explained that it began in late 2011 and that they traveled to Africa for three or four months to celebrate their traditional wedding.

When asked, Alieu Kosiah stated that the events that took place at the Lutheran church and Harbel Camp were likely mentioned in the TRC report. When asked if he had seen any mention of *"Black Friday"* on the list of crimes committed by ULIMO in Lofa in 1993, Alieu Kosiah replied in the negative. He stated that he was not in Lofa in 1993, so he could not rule out that ULIMO had committed those crimes.

When asked, Alieu Kosiah stated that he arrived in Lofa in 1994. When questioned about his relationship with Pepper & Salt, the defendant stated that they were not close. According to him, Pepper & Salt was always in the company of Jungle Jabbah.

When asked if he had chosen a nickname during the first civil war, Alieu Kosiah replied in the negative. He added that he used the name Alieu Kosiah wherever he went.

Attorney Gianoli asked his client whether certain towns were not under ULIMO control when he arrived in Lofa. Alieu Kosiah stated that all the towns he had visited were under ULIMO control and that he had not seen a single bullet fired during the capture of the towns in Lofa.

When asked, he stated that a great distance separated Lower Lofa from Upper Lofa and that he received information only via radio about what was happening in Lower Lofa while he was in Upper Lofa.

When asked about the size of Lofa, the defendant explained that before the county was divided into two, it covered approximately 25% of Switzerland's area and was the largest county in Liberia.

Attorney Werner questioned Alieu Kosiah:

When asked about his knowledge of the contents of the MSF report, particularly regarding acts of cannibalism and the killings of civilians committed by ULIMO, Alieu Kosiah suggested that these were mere hearsay. He recounted having heard stories since he was four years old about Congos cutting off the heads of other human beings to send them to India and eating people from the back, and having come to understand as he grew up that it was all false. According to him, such stories led to other false accusations. The defendant thus referred to Doe's arrest of Harisson on

charges of performing human sacrifices, when in reality Doe feared Harisson because the latter was more popular than he was.

Attorney Toutou-Mpondo questioned Alieu Kosiah:

Attorney Toutou-Mpondo read various statements by Abraham Towah and Lamine Kenneh and asked the defendant which gun they were referring to when they mentioned the gun that Alieu Kosiah was carrying on his right thigh as he headed to the front lines. Alieu Kosiah replied that it must have been his .45. He clarified that he was armed with a .45 in Bomi and during the capture of Todi, but not in Lofa because he had already returned it to an ECOMOG lieutenant. He added that, according to Kwamex Fofana's statements, no ULIMO soldier was issued a pistol; they either bought one or killed a general and took his pistol.

When asked about the weapons he carried in Lofa, Alieu Kosiah stated that the G3 was his preferred weapon and that he would sometimes use an AK-47 when he had no other choice. He clarified that he had always used a G3 since leaving Sierra Leone, unless he ran out of ammunition.

Attorney Jakob questions Alieu Kosiah:

When asked, Alieu Kosiah stated that, to his knowledge, the NPFL did not use insignia or tattoos in the shape of a scorpion. However, he clarified that members of the NPFL special forces wore a red T-shirt with a scorpion on it in 1990.

Mr. Jakob then quoted a paragraph from the UNHCR report. Alieu Kosiah stated that there was a lack of respect for Africa, since different approaches were taken depending on whether the war was being waged in Europe or in Africa. According to him, wars in Africa are described as inhumane, whereas this is not the case. He stated that there were markets and civilians everywhere and recalled the statements made by SS, who indicated that she could travel freely in Guinea. Alieu Kosiah expressed his impression that civilians who did not go through the NGO are not being heard.

Attorney Jakob then referred to the testimony of JS, who described before the TRC in 2008 the forced marches between Foya and Solomba and the conditions under which these transports took place (executions, castrations, acts of torture). When asked to comment on this testimony, Alieu Kosiah reiterated that several witnesses had spoken of freedom of movement after the fighting, as well as markets throughout the country. The defendant then stated that JS's testimony contradicted those of JTC and LSM. According to him, the NGO took JS's story and adapted it to build a case against him. Without commenting on the veracity of JS's statements, Alieu Kosiah stated that the answer to the question of whether he had given the order to dismantle the generator, load it onto a truck, and push that *truck* to the border was no.

Attorney Jakob cited another paragraph from the UNHCR report concerning ULIMO's presence in Guinea and asked the defendant whether this description seemed plausible to him. Alieu Kosiah stated that Nzérékoré was closer to Nimba than to Lofa, so events there had no impact on ULIMO, unlike what was happening in Macenta. He also reiterated that no ULIMO soldier was authorized to carry weapons or wear a uniform in Guinea, nor to travel there in a military vehicle.

When asked whether he had heard about the looting of the UNHCR office in Vahun before the proceedings began, Alieu Kosiah replied in the negative and explained that this event had occurred in 1993 while he was in Todi. He also stated that LSM had contradicted himself by claiming that he had never been to Sierra Leone.

The Presiding Judge adjourned the defendant's questioning until the following day.

January 31, 2023 – Day 9: The defense's pleadings

Day 9 began with the conclusion of the defendant's statement. After completing his response to the facts developed throughout the proceedings, the defendant discussed his personal situation, focusing on the consequences that the proceedings have had on him.

After this, the submission of a number of new elements was discussed. Certain elements were accepted by the Court, despite some opposition, as they could be used as visual aids during the pleadings, and were not considered pieces of new evidence or testimony.

Finally, the defense began its pleadings. First, the defense gave an overview of the history and context of Liberia and its civil wars, and then moved onto matters surrounding the investigations and witness statements. The defense will continue its pleadings tomorrow, Wednesday 1st February.

January 31, 2023 – Day 9: The defense's pleadings

Cross-examination of Alieu Kosiah (continued and concluded)

Before resuming the defendant's questioning, the Presiding Judge reminded him that he had the option to make a statement regarding the facts and urged him not to argue the case.

Alieu Kosiah wished to address the route taken by LSM through Sierra Leone and referred to the statements of Varmuyan Sherif. The defendant stated that LSM had lied by claiming that all the towns along the route to Sierra Leone were controlled by ULIMO, since, according to Alieu Kosiah, they were in fact RUF strongholds. He added that LSM had also lied by stating that CO Jackson had been executed by Kamajors, since the latter were allied with ULIMO.

Regarding the witness SS, Alieu Kosiah pointed out that the trial judges did not consider her to be credible. He also noted that on the photo lineup presented to her, she first identified No. 4 as Alieu Kosiah, then No. 8, even though the defendant was not among the photos.

Alieu Kosiah stated that, in his view, SS's role in these proceedings was to establish a link between LSM and Fine Boy, in order to lend more credibility to LSM. That said, SS never lived with Fine Boy and stated that she did not know his girlfriend. She stated that she lived with a man named Valy during the war, whereas in the French proceedings, she indicated that she lived with Sia, Fine Boy's wife. Then, during the appellate hearings, she denied knowing anyone by the name of Sia. Alieu Kosiah reiterated that he had done no wrong to these individuals and that the only connection between them and him was the NGO. He wondered why he was still in prison given the contradictions in SS's testimony.

Alieu Kosiah also noted that SS had initially mentioned eight people killed, and now seven. She adjusted her account to match LSM's after meeting him in Monrovia and here. The defendant added that SS's description of the well did not match the one provided by LSM. Alieu Kosiah repeated: "And I'm still in prison—for 8 years and two months." [Editor's note: Alieu Kosiah would use this anaphora throughout his statement].

According to Alieu Kosiah, SS stated that there was a river between where she lived and Kundi's house, even though there is no river in Foya. When she was confronted by LSM, she confirmed everything he had said. However, according to the defendant, LSM told the French authorities that Kundi had stabbed him with a bayonet.

Alieu Kosiah stated that SS had given the Court a version of events entirely different from the one she had provided to the French authorities. He reiterated that he did not know her and that, despite these contradictory statements, he was still in prison.

The Court questioned Alieu Kosiah:

The Presiding Judge asked the defendant whether, in his opinion, SS had been referred by the NGO. Alieu Kosiah stated that there was no doubt that SS had been referred by the NGO and that one need only read LSM's statements to be convinced of this. He noted that SS had also stated that she had not been the victim of violence at the hands of ULIMO.

Alieu Kosiah then addressed Lamine Kenneh's statements regarding the *"chair lady"* and emphasized that she was not the same person mentioned by EBJ. The *"chair lady"* referred to by Lamine Kenneh cooked at a *cook shop* in the city center, not in a house. According to the defendant, Lamine Kenneh also stated that he had never seen Alieu Kosiah eat at the *"chair lady's"* house. EBJ's account—that the defendant ate at the *"chair lady's" house* every time he was in Voinjama—therefore does not hold up, according to Alieu Kosiah.

The defendant then addressed Kwamex Fofana's statements and made a point of clarifying that Fofana had said he believed Mami Wata was one of the men Dorley called upon to carry out missions. Alieu Kosiah added that Fofana was not *the deputy chief of staff*, but rather *the director of staff* for ULIMO prior to the split. He was nicknamed General Norway. When asked, the defendant confirmed that Fofana held the rank of general.

The presiding judge asked the defendant how these details were relevant to the question that had been posed to him. Alieu Kosiah replied that both the investigation and his imprisonment were based on false information. He added that no one had stated that he was in Zorzor at the time the city was captured.

Alieu Kosiah then addressed LSM's statements. He first stated that he had never gone to the border with Deku to buy ammunition, contrary to what LSM had claimed. He then asserted that LSM had never been a soldier in ULIMO. According to the defendant, LSM explained that he had gone to Bomi Hill with Fine Boy because the latter was required to submit a report in his capacity as S2. However, the S2 reports to his command and to Voinjama, but under no circumstances can he bypass his command and report directly to Bomi Hill. According to Alieu Kosiah, Fine Boy also stated that he had never gone to Tubmanburg to submit a report and clarified that his report was sent to the S2 commander in Voinjama with a copy to *the ground commander* in Foya. Alieu Kosiah pointed out that LSM had stated he had traveled to Tubmanburg the day after he was stabbed and had arrived there in the evening, even though the distance from Foya is considerable.

The defendant added that no ULIMO soldier had undergone three months of training, as LSM had claimed. He clarified that training lasted between three weeks and one month in Sierra Leone and had been reduced to one or two weeks in Lofa.

Alieu Kosiah then wished to address the photographs taken by Patrick Robert. He emphasized that these were not photographs of ULIMO soldiers, as they were taken in 1990 in an area controlled by the NPFL. As for the photographs taken during the war on April 6, 1996, they should be associated with ULIMO-J and not with ULIMO-K, according to the defendant. Indeed, these photos were taken near the BTC (Barclay Training Center) barracks, which served as the ULIMO-J base. Furthermore, the masked soldiers wearing red cloths are NPFL soldiers. Alieu Kosiah explained that ULIMO soldiers wore white headbands and did not wear masks.

Attorney Gianoli questioned Alieu Kosiah:

When asked whether Zorzor had been captured at the time of the incident at Harbel Camp, Alieu Kosiah replied that the TRC and newspaper reports dated the capture of Zorzor to June or July, so the town had likely been captured at that time. When asked further, he stated that Steven Dorley had captured Zorzor.

When asked about the capture of Voinjama, Alieu Kosiah stated that there was no precise date for the capture of Voinjama, but that it was reasonable to assume the town had been captured in early March, after the incident that occurred at Harbel Camp.

When asked about Kolahun and Foya, the defendant stated that Dukule placed the capture of Kolahun between May and June and that AS had mentioned the month of May, so it was reasonable to assume that Kolahun was captured before the incident at Harbel Camp. Alieu Kosiah added that Foya had been captured in June or July, according to news articles from that time, so the two events clearly took place during the same period.

Attorney Gianoli asked his client how LSM could have known the content of SS's testimony when he had been questioned a few hours before her in January 2020. Alieu Kosiah asserted that SS was unexpectedly summoned to replace FJ, as no one had been able to locate her. The defendant added that LSM and SS had spoken twice by phone, including on the Thursday before their hearings. According to him, it is clear that LSM made sure to include SS in the proceedings.

The Public Prosecutor had no questions.

Attorney Toutou-Mpondo questioned Alieu Kosiah:

When asked whether he had ever eaten at a *"chair lady's"* home or had food prepared by a *"chair lady"* in Voinjama or elsewhere, Alieu Kosiah replied in the negative. He added that the term *"chair lady"* was the Liberian equivalent of *"chairman"* and also referred to any woman at the head of an organization. He also recounted having met Dukule one day in Massabolahun. Dukule's father joined them and told Alieu Kosiah that the villagers wanted to cook for him. The defendant declined, insisting that he had come to see Dukule, and declared: "If he eats a stone, I'll eat a stone just like him. That's Alieu Kosiah."

Attorney Toutou-Mpondo read aloud Abraham Towah's statements, according to which he would taste the food they were preparing before Alieu Kosiah ate it. When asked about the identity of these women, Alieu Kosiah stated that "Papa" was referring to the soldiers' wives. He added that "Papa" had also stated that he had never seen the defendant eat at civilians' homes.

The Court cross-examined Alieu Kosiah:

The Presiding Judge asked the defendant how the anecdote he had just recounted was particularly characteristic of him. Alieu Kosiah explained that in every village, a specific day is set aside for community work on the government farm, in accordance with Liberian tradition. The harvested rice is set aside specifically for visits by important people. The defendant stated that during his trip to Massabolahun, he did not feel important enough for elderly people to start cooking for him, regardless of whether the rice came from the government farm.

Questions Regarding Personal Circumstances

The Court questioned Alieu Kosiah:

When asked about how his situation had changed since the trial, Alieu Kosiah said that he reviewed the case file every day and that the verdict had taken a toll on his morale. He indicated that he felt the trial judges had been much harsher on him than this Court and, consequently, was not surprised by the verdict. He added: "The verdict has affected my morale, but it hasn't changed my work or my relationship with the guards. I keep it all inside, and that's hard."

The President referred to an interview the defendant gave to a journalist from the NZZ, in which he stated that he expected an acquittal. Alieu Kosiah replied that his attitude remained the same: to hope for the best and prepare for the worst.

When asked about his plans should he be released, Alieu Kosiah said emotionally that he wanted to see his mother again.

When asked about his contact with his family since his incarceration, he said he spoke with his mother. He clarified that he wanted to see her again and speak with her in Mandingo, not in English. He asked to be allowed to speak with his mother in Mandingo after the trial concluded.

When asked about his current financial situation, Alieu Kosiah stated that nothing had changed since the 2013 assessment decision. He explained that he was still working in prison and receiving 24 CHF per day, which allowed him to buy what he needed. He added that his options were quite limited since he was in pretrial detention, but that his attorney had been very helpful in getting him everything he needed.

When asked about the consequences for him of a potential deportation order, the defendant indicated that in that case he could go live with his mother. He reiterated that he was innocent, regardless of the outcome of the trial, and that he would therefore have no problem returning to Liberia and giving television interviews. He added that he saw no security risks in returning to Liberia. He noted that he had returned there three times before his arrest and that no one had attacked him. He simply indicated that it might be difficult for him to readjust to life in Liberia given the time he had spent in Switzerland.

The President asked him how he felt about the people accusing him, given that he was convinced of his innocence. Alieu Kosiah stated that he could forgive the plaintiffs, unlike the prosecutor and Alain Werner. In his view, the prosecutor had a responsibility to gather both incriminating and exculpatory evidence, but he had conducted his investigation with a bias against the defendant from day one. As for Alain Werner and HB, Alieu Kosiah described them as facilitators, because without Alain Werner's money, none of this would have happened. He repeated: "Never in my life will I be able to forgive these two people."

The President asked him if he could call on former ULIMO members to respect the fact that he was granting his forgiveness to the plaintiffs. Alieu Kosiah stated that he could forgive the plaintiffs because he was African and was aware that when one is poor, one loses one's dignity. He added that he himself had been beaten for two hours and had forgiven his torturer, even though "it's something that never fades, like a tattoo." The defendant even gave him half a sack of rice and 350 Liberian dollars when the latter came to see him to say he had nothing left to eat. Alieu Kosiah stated that if he could forgive this man, he could forgive anyone—with the exception of the Prosecutor and Alain Werner—because he holds them responsible for what has happened to him.

The Presiding Judge invited the defendant to answer the question that had initially been posed to him. Alieu Kosiah stated that he could immediately call on former ULIMO soldiers not to harm the plaintiffs. He added that these people were survivors who had nothing against him, except for JTC, who harbored a certain amount of hatred toward him as a Kissi.

Attorney Gianoli questioned Alieu Kosiah:

When asked to describe his state of mind during his detention, Alieu Kosiah recounted that he had not slept for three months. He could not believe he was in prison and thought it was all just a figment of his imagination. Over time, he came to accept that it was very real. He asked to be allowed to work after two months in detention. He then spoke of his exemplary behavior and his good relations with the prison staff. He stated: "What's even harder than prison is the way the investigators handled this case. They should have known from the start that it was all false."

When asked what had helped him stay mentally strong outside of work, Alieu Kosiah confided that he sometimes prayed. He added that his deep conviction of his innocence also gave him courage.

Attorney Gianoli asked his client whether his feelings toward the prosecutor, Alain Werner, and HB might lead him to take action, and if so, what kind. Alieu Kosiah replied that it was difficult to take a prosecutor to court, but that he would do so if he had the means. Regarding Alain Werner, the defendant stated that he would attack him morally and legally to force him to stop what he is doing. According to him, Alain Werner's actions undermine any future proceedings against those who actually committed crimes, as they would cry "conspiracy," just as Agnes Taylor did. Alieu Kosiah added that he would not hesitate to provide information to Alain Werner if he had any regarding someone who had committed crimes. He stated, however, that he would oppose targeting anyone based on their place of residence rather than on the acts they committed during the war. He added: "This applies to all ULIMO and NPFL members. Just because you have weapons doesn't mean you can kill people. You should only kill your enemy." Alieu Kosiah concluded by stating that he knew the person responsible for the execution of nine Senegalese in Vahun in 1990, but that he would not provide any information to Alain Werner given the latter's behavior.

When asked about his career plans should he be released from prison, the defendant stated that he had learned a trade upon his arrival in Switzerland, though he was not certain he wanted to return to that work after his release. He clarified that his priority was to spend time with his mother and to resume working at a later date, provided he felt physically and mentally capable.

When asked if he wished to remain in Switzerland, Alieu Kosiah answered in the affirmative, but not in Lausanne, as he would not have the strength to explain what had happened to everyone he knew.

The Office of the Attorney General and the attorneys for the plaintiffs had no questions.

The Presiding Judge closed the defendant's hearing.

* * *

Procedural Matters

Attorney Gianoli requested that new exhibits be added to the case file, including a video from Civitas Maxima, a map, and several news articles. The Presiding Judge invited the parties to state their positions.

Regarding the news articles, Mr. Jakob accused the defense of engaging not in a *"fishing expedition*," but in "dynamite fishing." He noted that the documents in question were dated January 26, 2023, which gave the defense ample time to verify their sources and sort through them, rather than submitting a document in the Khmer alphabet and another *that could not be found ("page not found"*). Mr. Jakob characterized the production of this evidence as abusive and stated that his client was leaving it to the court, hoping that the Court would carry out the screening that the defense had failed to do.

At the request of Mr. Wavre, the Presiding Judge then invited the parties to state their positions on the witness hearings requested by the defense. The Prosecutor stated that he saw no point in hearing the individuals mentioned in the report submitted by the defense, since they were not direct witnesses to the events. Mr. Wavre indicated that his clients objected not only to the hearing of their family members but also to that of WK, who is not related to AS, contrary to the defense's assertion.

The Court deliberated and found that it had sufficient evidence to examine the facts following the evidentiary phase. It noted that the testimonies were not essential for examining family ties or interactions; consequently, all motions seeking to call new witnesses were denied.

The Court admitted the map and various news articles as evidence, with the exception of the document concerning hand pumps—due to a lack of temporal and geographic context—and documents that could not be located or were incomprehensible to the Court.

The Presiding Judge closed the evidentiary phase and opened the oral arguments.

* * *

Closing Argument by Attorney Gianoli (4 hours)

Mr. Gianoli outlined his plan for his closing argument. He indicated that he would begin by discussing the Liberian context, followed by the key elements related to the proceedings—namely, the context surrounding Civitas Maxima and the GJRP, as well as the credibility of the plaintiffs. He will continue by discussing the character and background of Alieu Kosiah, the

various offenses with which his client is charged in the order set forth in the indictment, and will conclude by addressing the civil claims.

By way of introduction, Attorney Gianoli stated that the trial court's judgment was riddled with errors, disregarded the presumption of innocence, and revealed the judges' poor understanding of the case. He drew an analogy with the (controversial) "magic bullet" theory, according to which a single bullet caused all of the non-fatal injuries sustained by President John F. Kennedy and Governor John Connally during the president's assassination. He told the judges that they could either accept such theories to reach a verdict similar to that of the trial court, or they could examine everything that had been left unsaid to provide concrete answers to the many questions that naturally arose. Mr. Gianoli stated that he believed in justice "with a capital J" and that he would set out to demonstrate the impossible trajectory of this "magic bullet."

The attorney asserted that Alieu Kosiah had been generous in his responses to the Court and had thoroughly researched his country's history to raise the audience's awareness of the situation. According to Mr. Gianoli, his client's only line of defense is to point out the inconsistencies and contradictions, even if this is hard to swallow.

He added that he had come to know his client and his way of thinking over the eight years they had spent together in prison. Alieu Kosiah is thus in the habit of providing numerous details to explain his reasoning before answering the question posed to him. Mr. Gianoli called on the judges to listen to the defendant until the end, as everything he says is important.

Liberian Context

The attorney then addressed the Liberian context, which he believes it is necessary to understand. He reviewed the founding of the country in the early 19th century before mentioning the various languages, ethnic groups, and religions represented there. He noted that Liberia was one of the poorest countries in Africa, with an average monthly income in 2009 of $48—three times lower than the African average.

Mr. Gianoli discussed Samuel Doe's coup d'état and the origins of the civil war, citing David Forest. He provided a detailed account of the course of the first civil war, including the split between ULIMO-K and ULIMO-J, and mentioned the second civil war triggered by Taylor's election in 1997.

According to the attorney, the ethnic dimension must not be overlooked, as it helps explain the rivalries, jealousies, and the behavior of certain witnesses. Furthermore, he referred to his client's statements regarding ethnic issues and noted that the Mandingos were considered foreigners in their own country, citing in particular the statements of GS and FK. He emphasized that the ethnic factor played a significant role in assessing the credibility of the witnesses and plaintiffs.

Key Factors Related to the Proceedings

Attorney Gianoli asserted that judicial truth depended on an excellent understanding of the case file. He stated that the truth of one day was not the truth of the next, that the truth in one place was not the truth in another, and that the complainants' statements were not always true. In his view, it is imperative to pay close attention to the context and chronology of events. He

emphasized that Alieu Kosiah had always been consistent in his statements regarding his history, particularly regarding the fact that he did not participate in the capture of any town in Lofa. To support his argument, Mr. Gianoli extensively cited his client's statements.

Mr. Gianoli stated that it was crucial not to simply jump to conclusions, but rather to take the time to analyze each testimony individually before comparing it with other evidence in the case. He added that it was necessary to proceed with the utmost caution, lest one fall into gross confusion and make mistakes, as the initial judges had done.

Background Related to Civitas Maxima

Mr. Gianoli asserted that the complaints shared a common thread: they were all filed following a meeting between a complainant and Alain Werner in Monrovia at the GJRP offices. The attorney argued that there were numerous contradictions between the content of the complaints and the hearings conducted during the preliminary investigation.

Mr. Gianoli pointed out, by way of example, certain discrepancies in the statements of each of the complainants. He urged the judges to recall the "magic bullet" and asserted that the status of complainant should not explain everything.

He stated that he had never seen complaints drafted so "poorly" by professionals, even though the Code of Criminal Procedure does not impose any specific requirements. In his view, this indicates that the aim was to find a culprit—in this case, Alieu Kosiah. Mr. Gianoli believes that the complaints reveal an intent to target and implicate his client and are therefore entirely unreliable. He asserted that the evolution and adaptation of the accounts proved that an attempt had been made to tailor the facts to ensure that the various versions corroborated one another.

He then raised the issue of Alain Werner's dual role as director of Civitas Maxima and attorney for the plaintiffs, and challenged the reasoning of the initial judges. In his view, the director's interest in ensuring the long-term survival of his organization is incompatible with the attorney's independence from his clients.

Mr. Gianoli also noted that the Federal Criminal Court had found in December 2020 that Civitas Maxima was exploiting procedural elements for publicity purposes. He accused Alain Werner of having dissuaded a witness called by the defense from testifying in Switzerland and expressed regret that his request to the presiding judge had gone unheeded.

Mr. Gianoli further asserted that Alain Werner had obstructed the letters rogatory initiated at the defense's request, particularly when Werner filed a complaint against Kundi before the latter had been heard. He stated that all these actions benefited the plaintiffs and Civitas Maxima, which had increased its media appearances.

Regarding the conspiracy theory, Mr. Gianoli noted that while it may have seemed far-fetched during the trial at first instance, it is now being substantiated in the trials of Gibril Massaquoi in Finland and Agnes Taylor in England.

According to the attorney, it became evident during the proceedings, after hearing the plaintiffs, that they exhibit a selective memory that becomes increasingly precise in order to consolidate the case against the defendant. In this regard, Mr. Gianoli cited EBJ, who reportedly used the

term “sister” to refer to KA only after hearing KMF’s statements, and AS, who reportedly aligned his statements with those of KK regarding the power poles in Pasolahun. AS also reportedly exhibited selective memory in that he now claimed his uncle had been killed not with an AK-47 but with a pistol, in order to align his account with that of KK.

Mr. Gianoli believes that the only explanation for such reversals lies in the coaching of the witnesses to prevent them from contradicting one another, raising the question of whether these witnesses were recruited and paid.

He stated that Alieu Kosiah should be treated with the same leniency as the plaintiffs and should be afforded the presumption of innocence. Mr. Gianoli cited the same examples he had mentioned in his trial closing argument (Phil Shiner, Nayirah, and the U.S. invasion of Iraq in 2003) to illustrate the extent to which a web of lies can sometimes be given credibility. According to him, such examples are not uncommon. He also cited a subchapter from Emmanuel Carrère’s book *V13*, titled “The Bataclan Mythomaniac,” which deals with false victims.

Mr. Gianoli then referred to HB’s statements, according to which the GJRP’s funding sources depend exclusively on Civitas Maxima, which easily explains why Alieu Kosiah was targeted in his capacity as a resident of Switzerland. Mr. Gianoli cited email exchanges between Alain Werner and HB, from which it appears that Alain Werner pressed HB to investigate Alieu Kosiah. According to the defense attorney, Alieu Kosiah’s name thus came up in connection with a specific request from Alain Werner and not during on-the-ground investigations in Liberia.

In the same vein, Mr. Gianoli reiterated what he had argued at the trial court level, namely that Mr. Werner had used a forged power of attorney attached to FF’s complaint and that the complainant heard during the proceedings was clearly not the one initially named in the complaint.

He repeated the same arguments as in his initial closing argument, namely that the plaintiffs had altered their accounts from those contained in their complaints after having been “coached.” For Mr. Gianoli, this is yet another manifestation of the “magic bullet”—a concept that might be amusing were it not for the fact that the life of a man who has been incarcerated for nearly nine years is at stake.

The defense attorney then referred to the participatory theater project “Justice in Action,” launched by Civitas Maxima in 2017 for a tour through rural Liberia. According to him, this is a means of instilling knowledge about nonexistent facts in a poorly educated population and of bringing forth new witnesses.

Mr. Gianoli acknowledged that the goals of Civitas Maxima and the GJRP were laudable. He stated, however, that it was unacceptable for the pursuit of these goals to involve such practices. He reiterated that the role of director of Civitas Maxima was incompatible with representing the plaintiffs in court and lamented the fact that priority was given to excessive media exposure and the publication of information regarding cases under investigation rather than to handling those cases with the necessary discretion. In this regard, Attorney Gianoli accused the NGO of violating not only the principle of the presumption of innocence but also Alieu Kosiah’s right to privacy by publishing his full name and photograph.

The defense attorney then suggested that the plaintiffs had received assistance from Civitas Maxima and the GJRP—particularly MVK in connection with his asylum proceedings—which casts serious doubt on the methods used by these two organizations.

Mr. Gianoli stated that it was not sufficient to argue certain elements of the case by analogy in order to justify conduct attributable to Alieu Kosiah. He illustrated his point with the experiences of reporter Patrick Robert with the NPFL, which Alain Werner had relied on to draw conclusions regarding the ULIMO. Mr. Gianoli drew an analogy with World War II and stated: "It was by no means appropriate to conflate the atrocities and summary executions committed by the SS during the war with the conduct of other German soldiers—not that they might not also have committed abuses, but precisely because the justice system in which I choose to believe, thankfully, judges men only for the acts they have personally committed."

Context Surrounding the GJRP and HB's Credibility

Attorney Gianoli asserted that the GJRP was "the linchpin" of Civitas Maxima, since all the plaintiffs had gone through the latter. He emphasized the relationship of total dependence and subordination between the first organization and the second, and recalled that Alain Werner had initiated research on Alieu Kosiah.

The defense attorney also pointed out the existence of FF's forged power of attorney, which was clearly drawn up by HB according to the findings of the handwriting analysis, despite the defendant's denials.

According to Mr. Gianoli, the investigation also demonstrated that the GJRP, through HB, tampered with evidence in the case file to support the prosecution's case and that HB knowingly lied during the proceedings for the sole purpose of justifying the alleged quality of his work and thereby aiding the prosecution. The defense attorney questioned whether this behavior was what one would expect from a man at the head of an organization that claims to be independent.

He insisted that HB had no specific information about Alieu Kosiah in September 2013, when he was contacted by Alain Werner regarding this matter.

Mr. Gianoli then set out to highlight what he considered to be contradictions between HB's statements and those of the plaintiffs, particularly regarding the GJRP's working methods, as well as the inherent contradictions in HB's own statements.

He concluded by reiterating that HB and the GJRP had failed to demonstrate the independence that could and should have been expected of them, given the significant role they played in the prosecution. Attorney Gianoli stated that Alieu Kosiah's "outbursts" were simply manifestations of his own fear in the face of a justice system that seems unwilling to see, hear, or consider the lies, numerous contradictions, and inconsistencies that have been rampant in this case since the beginning of the proceedings.

Credibility of the Plaintiffs

Attorney Gianoli challenged the reasoning in the trial court's judgment regarding the credibility of the plaintiffs.

He revisited the issue of the plaintiffs' identification of the defendant 25 years after the events. He challenged the judges to recall their vacations over the past ten years: where did they go? On what dates? With whom?

He then held up a recent photo of Stefan Arpagaus in the courtroom without revealing who it was, before showing a photo of the same Stefan Arpagaus when he played the role of young Peter in the 1978 television series *Heidi*.

According to Attorney Gianoli, it is impossible to recognize someone you saw only briefly 25 years ago. The defense attorney set out to point out the contradictions in each plaintiff's statements regarding the defendant's physical description.

He then proceeded to demonstrate, individually for each complainant, (i) the contradictions between their initial complaints and their accounts in Switzerland, (ii) the contradictions inherent in their accounts in Switzerland, and (iii) the contradictions between their accounts in Switzerland and the statements of other parties to the proceedings. Mr. Gianoli began with GS before requesting a recess in the hearing.

The Presiding Judge decided to adjourn the hearing until the following day.

February 1, 2023 – Day 10: Defense Concludes, Prosecution Begins

Day 10 saw the end of the defense's pleadings. After finishing his discussion on the witness testimonies, the defense spoke on each individual charge. The defense maintained Mr Kosiah's innocence, stating that he was not or could not have been at the places where the events would have happened.

Next, the Federal Public Prosecutor began his pleadings. His first point was to rule out any doubt that the defendant could have been present where the incidents occurred. He then spoke through each charge individually.

The prosecutor will continue his pleadings tomorrow, Thursday February 2.

February 1, 2023 – Day 10: Defense concludes, Prosecution begins

Closing argument by Attorney Gianoli (8 hours)

Credibility of the Complainants

Attorney Gianoli continued his lengthy argument regarding the lack of credibility of the plaintiffs by pointing out, without claiming to be exhaustive, the contradictions in the statements of LSM, followed by those of JTC, KK, AS, EBJ, KMF, and finally the witness SS.

Alieu Kosiah's Character

The defense attorney then addressed the defendant's character, emphasizing his full cooperation during the investigation, the consistency of his statements, and his excellent knowledge of Liberian history and the ULIMO movement.

He emphasized the values that guide Alieu Kosiah, including honesty and respect for human dignity. To illustrate his point, he referred in particular to the detention report prepared by the Berne Regional Prison, which notes the defendant's exemplary behavior, as well as the relationship he forged with [redacted], who regarded him as a father figure.

Alieu Kosiah's Background

Attorney Gianoli provided a detailed account of Alieu Kosiah's career during the First Civil War, the ranks and positions he held, and the events in which he participated. He emphasized that his client had not been in Lofa until 1994 and had not participated in the Lofa mission, as he had explained from the outset of the investigation. Mr. Gianoli cited the statements of several ULIMO veterans heard during the investigation, which corroborate those of the defendant.

Mr. Gianoli argued, however, that Kunti Kamara's claim that Alieu Kosiah had participated in the capture of Foya could not be accepted, since he placed the capture of the town during the dry season, whereas it actually occurred in July 1993—in the middle of the rainy season.

Charges Against Alieu Kosiah

Mr. Gianoli concluded by summarizing the relevant facts pertaining to each of the charges against his client and moved for acquittal on all charges set forth in the indictment. He also moved for the award of various forms of compensation in favor of his client and for the dismissal of the civil claims brought by the plaintiffs.

* * *

Closing Argument by the Public Prosecutor's Office (2 hours)

The prosecutor began his closing argument by quoting the opening lines of Christophe Naigeon's documentary (notably the following line: "In a war, armies are supposed to shoot at each other. In our war, all the armies were shooting at us, the *civilians"*). He emphasized that the factions had targeted defenseless civilians and staged public executions to spread terror. He also mentioned child soldiers and teenagers who were given absurd nicknames such as "Hitler the Killer."

The Prosecutor then briefly revisited the trial judgment, which he described as flawless, subject to the points raised in the MPC's joint appeal.

He stated that the core of the defendant's defense was to claim that he was not there *(*"I was not there"), that he held neither the rank of general nor that of H&H, and that the entire affair was a conspiracy orchestrated by the GJRP and Civitas Maxima. According to the Prosecutor, these arguments have already been thoroughly refuted by the MPC before the Criminal Court, and the MPC remains convinced of the merit of its own arguments. Instead of repeating what was said at the trial, the Prosecutor chose to refer the Court to the case file and focus on two key points: the defendant's presence in Lofa County and his role within ULIMO.

According to the Prosecutor, the defendant himself admitted to being in Lofa in 1993, before changing his story. The Prosecutor stated that the case was strong regarding Alieu Kosiah's presence in Lofa in 1993. In this regard, he referred the Court to the non-exhaustive list of evidence cited in his closing argument at the trial.

The Prosecutor added that the plaintiffs, as well as [redacted], Kunti, and Fofana, all placed Alieu Kosiah in Lofa as early as the beginning of 1993. However, these three witnesses were called at the defendant's request, meaning they were not referred by the NGO.

The Prosecutor also noted that the defendant had stated during the appellate proceedings that he and Pepper & Salt had returned to Lofa after the capture of Voinjama and that his men had gone to Foya.

According to the Prosecutor, the record thus leaves no doubt that Alieu Kosiah was indeed there *(*"Alieu Kosiah was there").

Regarding the defendant's rank within ULIMO, the Prosecutor stated that his denials were not credible. He added that civilians had no idea of the rebels' ranks, since the rebels assigned themselves ranks as they saw fit. He also emphasized that civilians did not approach the combatants, as their sole aim was to survive. Finally, the Prosecutor noted that several complainants had heard that the defendant was an H&H in Lofa.

Regarding the charges against the defendant, the Prosecutor briefly reviewed each set of facts while referring the Court to his first-instance closing argument.

The Prosecutor stated that the facts were clear regarding the use of AT as a child soldier, and that the Office of the Prosecutor wished to take advantage of his presence in Switzerland to question him again during the appeal proceedings. According to the Prosecutor, AT's role was to protect Alieu Kosiah, for example by going to the front lines as a scout or by tasting his food. The Prosecutor stated that AT was a man torn betwe 's admiration for Alieu Kosiah and the atrocities he had suffered. Despite this ambivalence, the conclusion is clear: the defendant used him in violation of the laws of war.

According to the prosecutor, the defense's argument of a mistake regarding the unlawfulness of the act is not surprising, since it is the only way to argue for the defendant's acquittal. The Prosecutor recalled the testimony of Alieu Kosiah, who stated that he had lied about his age—saying he was 16 instead of 15—in order to join the AFL. This demonstrates that he knew it was prohibited to recruit and use young boys as soldiers. Furthermore, AT was not 15 or 16 years old at the time of the events, but 12, and he was small and thin. The Prosecutor stated that the error regarding the unlawfulness of the acts was absurd and urged the Court to close that door.

Regarding the murders of seven civilians in Zorzor and the forced transport from Zorzor to Salayea, the Prosecutor asserted that the executions of civilians were commonplace and that the use of civilians to transport goods was typical of that civil war. He stated that he had no doubt regarding the credibility of GS's statements, nor, for that matter, of FK's statements regarding the murder of SK.

The Prosecutor then addressed the facts concerning LSM. He noted that SS had identified both LSM and Alieu Kosiah and that the testimony of Fine Boy, to which the defendant referred, was inconsistent in many respects. He added that during his testimony, LSM had jumped back and forth in time, and that despite these fluctuations, he never made a mistake, since the chronology of events is perfectly clear in his mind.

The prosecutor briefly revisited the murder of DN, noting that this name was mentioned in the report submitted by the defense. He added that cannibalism was referenced in the film clip about "Hitler the Killer."

Regarding the murder of MuK and the forced removal of the generator, the Prosecutor referred to the song hummed by AS during his hearing, which alludes to the return of the Mandingos. Alieu Kosiah acknowledged the existence of this song and gave the same explanation as AS regarding its meaning. The Prosecutor then asserted that, from a criminal law perspective, the looting of the generator constituted a violation of the laws of war, regardless of whether the machine was operational or not. He also challenged the trial court's judgment, which erroneously found contradictions in KK's statements, even though KK had consistently cited the same names.

Regarding EBJ, the Prosecutor highlighted his exceptional memory by recalling the unprecedented exercise he undertook at the request of the trial judges (*i.e.*, when asked to spontaneously state how many people were in the courtroom, EBJ replied 23; 22 people were actually present, but one member of the plaintiff's party had left during the lunch break).

The Prosecutor also noted the consequences the proceedings had on EBJ, namely the loss of his salary for several months and an assault he suffered in Zorzor. According to the Prosecutor, this illustrates the very real risks faced by plaintiffs in their quest for justice, since in Liberia, several high-ranking individuals have no interest in seeing stories from the war resurface.

Finally, regarding KMF, the prosecutor stated that the trip to Switzerland was a particularly difficult ordeal for her and emphasized the simplicity of the plaintiff's case. He cited the statements of Massa Washington, who noted, among other things, that Lorma women were systematically raped by the Mandingos. Furthermore, according to the Prosecutor, the village mentioned in the report submitted by the defense is not KMF's village.

The Prosecutor concluded the portion of his closing argument devoted to the main appeal with general remarks about the fact that the defendant had attempted to dismiss the charges at the slightest contradiction. In this regard, the Prosecutor cited several examples, such as the fact that MuK was said to have died in three different ways—including by asphyxiation, according to the defendant— even though no one in the case file mentioned asphyxiation, or the fact that Kunti allegedly stated that no one was beaten upon their arrival in Pasolahun, even though he had initially indicated that the *townchief* had been beaten before stating that he no longer remembered.

According to the prosecutor, the defendant sees evidence of a conspiracy both when the slightest detail differs between several statements and when the statements are consistent. Quoting the French philosopher Jules Lagneau, the prosecutor stated: "There is only one absolute truth: that there is no absolute truth." He noted that the plaintiffs had recounted their version of the truth and that this nuance had been understood by the trial judges.

The Prosecutor conceded that the defendant was correct in asserting that the "smoking gun"—that is, irrefutable evidence—was absent from the case file. According to the Prosecutor, the case file nevertheless contains a vast amount of circumstantial evidence, information, and evidence which, taken together, formed the basis for the conviction by the Office of the Public Prosecutor and that of the Criminal Court when it rendered its guilty verdict.

The Prosecutor noted that Alieu Kosiah had provided no evidence over the past eight years demonstrating that the witnesses and complainants had been paid and/or assisted in order to obtain asylum. He then briefly addressed Alieu Kosiah's character before asserting that the Geneva Conventions constituted a final red line that had been significantly crossed in this case.

February 2, 2023 – Day 11: The plaintiff's causes of action are presented

For the penultimate day of the hearings, the lawyers representing the plaintiffs began their pleadings.

The Prosecutor finished his plead, and concluded by discussing the legal application of crimes against humanity to the case.

Next, the lawyers representing the plaintiffs, including Civitas Maxima's Alain Werner, pled their causes. They began by responding with legal arguments surrounding crimes against humanity. Then, they addressed some 'transversal themes' applicable to all of the plaintiffs, such as their credibility and reliability as witnesses.

Finally, each lawyer pled for each of their clients. Tomorrow, the lawyers representing the remaining plaintiffs will continue their pleadings.

February 2, 2023 – Day 11: The plaintiff's claims are presented

Closing Argument by the Prosecutor (continued; 1h20)

The Prosecutor continued his closing argument with the section devoted to the joint appeal.

Stabbing of LSM

According to the Prosecutor, the contradictions noted by the trial judges in LSM's statements regarding the perpetrator of the stabbing are a misunderstanding. In fact, LSM confirmed before the Criminal Court what he had told the MPC. As for Fine Boy, he clearly told LSM that the perpetrator of the stabbing was Alieu Kosiah.

According to the Prosecutor, if the Court considers that doubt remains, the circumstances allow for the stabbing to be attributed to Alieu Kosiah on the grounds of joint criminal liability. The prosecutor expressed surprise that the Court refused to amend the indictment by adding Kunti, as proposed by the MPC, only to then rule that the indictment was insufficient to establish joint criminal liability, even though it had reserved the right to examine the case from that perspective. According to the Prosecutor, the indictment was sufficient to establish joint criminal liability, even before it was amended.

The Prosecutor expressed his conviction that Alieu Kosiah was the perpetrator of the stabbing. He stated that the context described in the indictment prior to its amendment should have led the Court to consider Alieu Kosiah a co-perpetrator, even if—by some impossibility—Kunti were the direct perpetrator.

The Prosecutor cited Federal Court case law on joint criminal liability and clarified that the co-perpetrator's contribution is decisive without requiring that he necessarily have participated in the act itself. A joint decision may result from mere conclusive acts, and constructive intent is sufficient with regard to the result. According to the Prosecutor, these elements correspond to the scene described in the indictment.

Murder of DN

The prosecutor noted that the trial judges had found that the indictment did not describe Alieu Kosiah's conduct or his participation, and thus ruled out joint criminal liability, complicity, and commission by omission. The prosecutor stated that the defendant was at the forefront of the events and criticized the trial judges for failing to take into account the context of the scene as set forth in the indictment. Indeed, Alieu Kosiah gloated and ate the deceased's heart, which proves that he intended from the outset for DN to be killed. The prosecutor stated that Ugly Boy had been the perpetrator of a joint murder plot.

The prosecutor cited Article 325 of the Code of Criminal Procedure regarding the content of the indictment. He questioned how comprehensive the indictment needed to be and where the bar should be set regarding the level of detail. He stated that while the defendant certainly had the right to know the charges against him, the requirements for providing grounds could not be too onerous either.

He urged the Court to examine the defendant's conduct from the perspective of complicity, or even coercion.

Looting of the Foya Power Plant

Regarding the looting of the Foya power plant, the Prosecutor noted that the first judges had acquitted the defendant on the basis of reasonable doubt concerning the order to loot. According to the Prosecutor, however, direct testimony regarding the order given is not necessary to conclude that Alieu Kosiah participated. Once again, the context must be taken into account — namely, widespread looting to finance the ULIMO movement and enrich the commanders. The Prosecutor added that Alieu Kosiah was the highest-ranking officer.

He noted that the trial judges had concluded that the order could have come from the Strike Force in Voinjama or from Tubmanburg. That said, the defendant was part of the Strike Force's general staff, and even if the order had come from his superiors, Alieu Kosiah is guilty under Article 18 of the Military Criminal Code as a principal perpetrator or co-perpetrator.

Finally, the Prosecutor reiterated that this was a major operation and that, in addition to giving the order, it was also necessary to organize and coordinate the looting.

Legal Aspects

From a legal standpoint, the Prosecutor first wished to make a few remarks regarding the reasoning concerning Switzerland's jurisdiction to hear the case. He explained that he had not raised this point in the joint appeal because, in his view, it was merely an error in the judges' reasoning that in no way called the judgment into question.

The Prosecutor asserted that Switzerland had jurisdiction to try the case based on Art. *264m* of the Swiss Criminal Code (CP), and not on Art. 9 of the former Military Criminal Code (aCPM), as the trial judges had held. In his view, the judgment erred when it categorically ruled out any retroactive application of Art. *264m* of the Swiss Criminal Code when the offense committed abroad was not punishable in Switzerland prior to its commission. Indeed, Switzerland had jurisdiction under military criminal law and on the basis of international law. The prosecutor

asserted that this was therefore not a case of an extension of Switzerland's *jus poniendi* that would preclude retroactivity.

He added that Article *264m* of the Swiss Criminal Code (CP) made prosecution of the offense contingent on the perpetrator's presence in Switzerland and reiterated that Switzerland's jurisdiction to hear the case was therefore indeed based on this provision. He also referred the Court to Mr. Maleh's contribution in the *Commentaire romand*.

The Prosecutor then addressed the crime against humanity and the issue of the retroactive application of Article *264a* of the Swiss Criminal Code. He noted that the Criminal Court had not addressed this issue because the facts described in the indictment did not allow for the offense to be established, and that an amended indictment had been submitted to the Court of Appeals.

Before explaining his reasoning in detail, the Prosecutor stated that Article 264a of the Swiss Criminal Code was not retroactively applicable to events that occurred in Liberia in the 1990s. He referred to the Message of April 23, 2008, regarding the amendment of federal laws for the implementation of the Rome Statute of the International Criminal Court (FF 2008 3461), which, in his view, advocates for the non-retroactivity of these provisions.

The Prosecutor noted that this opinion had been supported by the majority of the Judicial Committee and that only a minority had argued in favor of retroactivity. He invited the Court to review the parliamentary debates, particularly the remarks by Evelyne Widmer-Schlumpf and Yves Nidegger. Although the Council of States had voted in favor of introducing a paragraph 3 to Article 2 of the Swiss Criminal Code (CP) providing for retroactivity, Parliament ultimately rejected it.

The prosecutor explained that each chamber then considered the non-statute-of-limitations provision set forth in Article 101 of the Swiss Criminal Code and again referred the court to the remarks of Federal Councilor Evelyne Widmer-Schlumpf. According to the Prosecutor, a distinction must be made between the retroactive application of the exemption from the statute of limitations—which was the subject of the debate—and the retroactive application of the criminal provision itself—which, according to the Federal Councilor's remarks, was expressly ruled out by both chambers. According to the Prosecutor, this reflects the true intent of the legislature: no to the retroactive application of the criminal provision, yes to the retroactive application of the exemption from the statute of limitations, but only for a limited period of time.

The Prosecutor then cited two decisions of the Complaints Chamber of the Federal Criminal Court (BB.2017.9 of May 30, 2018, and BB.2021.141 of September 23, 2021). He stated that the Complaints Chamber had not made a clear distinction between the retroactive application of the criminal provision and the retroactive application of the absence of a statute of limitations, and had failed to refer to the preparatory works, which ruled out the introduction of Art. 2, para. 3, of the Swiss Criminal Code.

According to the Prosecutor, the preparatory works are clear in that they advocate rejecting the retroactive application of Article *264a* of the Swiss Criminal Code in the form of Article 2 of the Swiss Criminal Code. It is therefore precluded to convict Alieu Kosiah of crimes against humanity. However, the defendant may be convicted of murder, which is no longer subject to a statute of limitations.

The Prosecutor then addressed the issue of Switzerland's jurisdiction to try the case. He stated that the Office of the Attorney General of Switzerland (MPC) was aware that its position implied that certain acts might escape criminal prosecution. The Prosecutor reiterated that, although the goal was not to promote impunity, the MPC was one of the guardians of the rule of law and was bound to comply with the will of the legislature; consequently, it could not advocate a solution that would deviate from it. The Prosecutor acknowledged that this view was not shared by everyone—notably Mr. Jakob—and that it was ultimately a matter of interpreting the intent of the legislature. The Prosecutor expressed satisfaction that the issue could be resolved in a specific case.

Conclusions

The Prosecutor referred the Court to the conclusions reached in the trial judgment. He further requested that Alieu Kosiah be convicted of war crimes and attempted murder of LSM. He also asked the Court to find him guilty of complicity in the murder of DN and in the looting of the Foya power plant. The Prosecutor declined to make formal submissions regarding the count of crimes against humanity.

He then noted that the consolidated appeal allowed for a *reformatio in pejus* and that it was up to the Court to decide whether it intended to impose a sentence of life imprisonment by finding the defendant guilty of crimes against humanity.

Regarding sentencing, the Prosecutor referred the Court to his recommendations from the trial phase and emphasized that the defendant's guilt was extremely grave. According to the Prosecutor, the fact that Alieu Kosiah has no prior criminal record has no bearing on the sentence. He also asserted that the defendant's cooperation had been poor, as he had repeatedly used smokescreens.

The prosecutor stated that there were no obstacles to the defendant's deportation, given his weak ties to Switzerland, and that no mitigating circumstances were applicable. The prosecutor therefore sought the maximum prison sentence of 20 years.

After clearly articulating the conclusions of the Office of the Attorney General, the prosecutor made a point of acknowledging the presence, courage, and self-sacrifice of the plaintiffs. He stated that they represented hundreds of thousands of victims of this conflict, all of whom are waiting for an end to impunity. According to the prosecutor, the first-instance judgment served as recognition of suffering that had lasted more than 30 years and had never before been acknowledged.

* * *

The attorneys for the plaintiffs each spoke twice: first on cross-cutting issues, and then on the facts pertaining to their respective clients. Attorney Jakob also spoke to address the issue of the application of Article *264a* of the Swiss Criminal Code, which criminalizes crimes against humanity.

Mr. Jakob's Closing Argument

Mr. Jakob stated from the outset that he disagreed with the Office of the Attorney General's arguments regarding the application of Article *264a* of the Swiss Criminal Code. In his view, the Complaints Court's decision BB.2021.141 of September 23, 2021, confirms and clarifies the published ruling TPF 2018 96 in the Nezzar case. Mr. Jakob explained that this ruling established two conditions for the retroactive application of Article 264a of the Swiss Criminal Code (CP), namely (i) that the act constituted a crime under Swiss law at the time of the events and (ii) that the statute of limitations had not expired as of January[1,] 2011. According to the attorney, both conditions are met in this case since, on the one hand, the offense was provided for in Art. 109 of the former Military Penal Code (aCPM) and, on the other hand, it was not barred by the statute of limitations insofar as war crimes were already not subject to a statute of limitations at the time pursuant to Art. 56[(bis),]para. 1, item 2 of the former Military Penal Code (aCPM).

Mr. Jakob proposed examining the third condition suggested by Mr. Maleh and himself in the Commentaire romand, namely the classification of the offense under international law, which poses no difficulty in this case.

According to Mr. Jakob, there is no reason to create a schism within the Federal Criminal Court by departing from the case law of the Complaints Court. Although he believes the argument from authority is sufficient to justify the decision, the attorney presented five additional arguments supporting the conclusion that the principle of non-retroactivity does not preclude the application of Art. *264a* of the Swiss Criminal Code.

First, the text of Article 101(3) of the Swiss Criminal Code (CP) expressly refers to Article *264a* of the CP and provides that crimes against humanity are not subject to a statute of limitations, provided that the right to prosecute has not expired as of January[1,] 2011. According to Attorney Jakob, this provision makes sense only if one assumes that crimes against humanity were committed before January[1,] 2011, and that they could ly be the subject of the criminal prosecution referred to in the provision. He questioned why the legislature would have made an offense subject to no statute of limitations if, according to the Office of the Attorney General, it cannot be prosecuted. He noted that Art. 101(1)(b) of the Swiss Criminal Code (SCC) expressly refers to crimes against humanity and that the absence of a statute of limitations applies under the conditions set forth in Art. 101(3) SCC, such that the provision explicitly provides for the applicability of Art. *264a* SCC to acts occurring before January 1[er] January 2011. According to the attorney, a literal interpretation of Article 101 of the Swiss Criminal Code is incompatible with the interpretation proposed by the Office of the Attorney General.

Second, Attorney Jakob stated that the application of Article *264a* of the Swiss Criminal Code was not incompatible with the principle of non-retroactivity set forth in Article 2 of the Swiss Criminal Code or with the defendant's fundamental rights, contrary to the OAG's opinion. Indeed, the attorney pointed out, citing doctrinal and case law sources, that Article 2 of the Swiss Criminal Code (CP) provides for exceptions, among which is Article 101(3) of the Swiss Criminal Code (CP).

With regard to fundamental rights, Attorney Jakob cited Article 7(2) of the European Convention on Human Rights (ECHR) and stated that this provision reflected the fact that there was no expansion of criminal liability. He clarified that the issue in this case was not to expand the *scope of criminal liability*, since the acts were already punishable under international law and Swiss law at the time they were committed. Rather, it was a simple change in legal classification. The attorney drew a comparison with the Touvier case, in which the judges concluded that "the principle of non-retroactivity had not been violated," even though the same issue arose.

Third, Mr. Jakob examined the legislative history underlying Art. 101(3) of the Swiss Criminal Code (CP). He stated that the Office of the Attorney General (MPC) had disregarded the fact that this provision was not a new amendment introduced in 2011 by referring solely to the most recent legislative history. He explained that the provision first appeared as a transitional provision in Article 75(bis) of the former Swiss Penal Code (aCP), which entered into force on January 1, 1983. According to Mr. Jakob, it is therefore necessary to examine the preparatory work from that period.

The attorney noted that the rapporteur for the Council of States had explained the scope of the provision during parliamentary debates and stated that a reasoning *a contrario* led to the conclusion that there was a *"Rückwirkung"* on offenses for which the statute of limitations had not expired at the time the provision was adopted. Mr. Jakob added that some members of parliament had criticized the scope of the provision, arguing that it extended the temporal scope of criminal prosecution, which they disapproved of, rightly or wrongly. He nevertheless emphasized that the majority's intent was not controversial and that the minority's position had been rejected.

Mr. Jakob also mentioned Grobet's remarks (BO 1979 CN 858), who referred to the Menten case (named after an SS officer whom Switzerland had difficulty extraditing to the Netherlands). However, there was no question of addressing an extradition issue rather than that of criminal prosecution, and it is clear from the debates, according to the attorney, that lawmakers chose not to limit the scope of the provision to extradition.

Mr. Jakob then revisited the vigorous debates that led to the adoption of Art. 101(3) of the Swiss Criminal Code (CP) several decades later—the provision that incorporates and supplements Art. 75(bis) of the former Swiss Criminal Code (aCP). He noted that in each chamber there had been a proposal to make Articles 264 et seq. of the Swiss Criminal Code retroactively applicable even when the acts were not punishable in Switzerland at the time they were committed. According to Mr. Jakob, the idea was to consider the acts punishable on the basis of international law.

The attorney explained that these proposals had been rejected and that this rejection had raised doubts about Switzerland's participation in the fight against impunity. Federal Councilor Widmer-Schlumpf reassured lawmakers by stating that the prosecution of these offenses was not compromised because it was possible to reclassify *("wiederklassieren")* common-law offenses not subject to a statute of limitations as violations of Art. *264a* of the Swiss Criminal Code. According to Mr. Jakob, this *"reclassification"* is consistent with the legislature's intent, and the Office of the Attorney General is mistaken in artificially pitting retroactivity against non-retroactivity. He emphasized that the provision did not impose an extension of *the jus poniendi*, but rather a limited retroactivity resulting from a delicate balancing of interests that the legislature had fully embraced.

Mr. Jakob added that Art. 101(3) of the Swiss Criminal Code (CP) had been amended in 2008 to encompass sexual offenses against children and that, in its Message regarding the implementation of Art. 123b of the Constitution concerning the non-applicability of statutes of limitations to sexual or pornographic acts involving children (FF 2011 5591), the Federal Council had explained that the provision should be interpreted in such a way that "the non-applicability of statutes of limitations applies to as many cases as possible from a temporal perspective." According to the attorney, this offense has the same structure as crimes against humanity and

genocide, and the purpose of Art. 101(3) of the Swiss Criminal Code is indeed to allow for the prosecution of such offenses over time.

Fourth, Mr. Jakob argued that the plaintiffs' interpretation was consistent with international law and the principle of complementarity set forth in the Rome Statute. He noted that the 2011 reform was intended to ensure the comprehensive prosecution of international crimes, as stated in the Federal Council's Message (FF 2008 3469), and made it possible to avoid referral to the ICC due to a gap in Swiss law. In his view, it is inconceivable that Switzerland would lack jurisdiction over the period from 2002 to 2011. He reiterated that Article 101(3) of the Swiss Criminal Code must be interpreted in a manner consistent with international law.

Fifth, Mr. Jakob cited a less technical reason—but one he considered equally decisive—concerning the scope of the crimes against humanity. He pointed out that the crimes with which the defendant was charged were not isolated acts of opportunism during wartime, but were part of a pattern of atrocities carried out in a systematic and concerted manner against the civilian population of Lofa. The attorney also noted that international criminal courts have repeatedly held that the concurrence of war crimes and crimes against humanity protects different interests. According to Mr. Jakob, the aim is to reflect the full extent of the defendant's guilt and to provide a comprehensive picture of his criminal conduct, which in this case meant highlighting that Alieu Kosiah's crimes were part of mass crimes against the civilian population of Lofa.

* * *

Closing Argument by Counsel Werner (Cross-Cutting Issues)

Mr. Werner began by thanking the judges on behalf of the plaintiffs and expressed his appreciation for the interest shown in this case. He indicated that he would start by reviewing the history of the conflict before addressing Alieu Kosiah's denial, and that he would conclude by shedding light on his role and that of Civitas Maxima and the GJRP.

Mr. Werner stated that the residents of Lofa had endured an ordeal in 1993–1994, which was documented in real time by the heroes—the journalists and humanitarian workers. The attorney made a point of reviewing certain news dispatches and reports in chronological order to assess the full extent of the situation. He referred to the MSF report, which as early as July 1993 documented entire villages reduced to slavery, systematic killings, beheadings, corpses cut into pieces, and the use of human organs at checkpoints.

According to Mr. Werner, this report helped draw the attention of the world's leading newspapers, such as the New York Times and the BBC, as well as the international community, to the situation in Liberia. The international community, in fact, asked the United Nations Secretary-General to conduct an investigation, even as ULIMO admitted to mass killings.

Mr. Werner read aloud 13 excerpts from news dispatches (The New York Times, BBC, AFP, Reuters) and the MSF report that attest to the horror of the crimes committed by ULIMO. He noted that he could have read 60 or 80 such accounts detailing these crimes. He added that he had also found Liberian newspapers from that period in microfilm at the U.S. Library of Congress, which report the same atrocities.

He then referred to the TRC report, published about 15 years later, whose content fully corroborates the existence and course of ULIMO's relentless attacks against the civilian population of Lofa. In this regard, Mr. Werner cited two emblematic elements from the TRC's findings. First, the list of massacres committed in Lofa, which attributes 16 massacres of civilians to ULIMO in 1993 alone. Second, the video of JS's testimony, in which, as early as 2008, he recounted the forced deportations and acts of violence he had suffered and witnessed. Mr. Werner noted that this video had been shown during the Kunti trial in France and that a long silence followed the screening. According to him, JS's account echoes those of the plaintiffs and is emblematic of the suffering endured by civilians in Lofa.

Attorney Werner added that the TRC report had also helped shed light on sexual violence and made it clear that the systematic and widespread attacks by ULIMO against civilians took place within the context of the two Liberian civil wars, during which all factions targeted the civilian population. According to the attorney, this echoes the quote from Christophe Naigeon's film that the Prosecutor read the previous day.

Mr. Werner recalled that Alieu Kosiah's group had begun fighting against the RUF in Sierra Leone before crossing the Liberian border to join the civil war and fight the NPFL. There were thus three armed factions in Kailahun, the town bordering Lofa in Sierra Leone. The attorney referred to the four judgments against the RUF and Taylor handed down by the Special Court for Sierra Leone (SCSL), which operated from 2004 to 2012. He noted that hundreds of witnesses had been heard during these proceedings, all of whom told the same story: summary executions, acts of terror, forced labor, looting, and sexual violence. Mr. Werner stated that the three armed groups shared the same *modus operandi*: a widespread and systematic attack against the civilian population. He clarified that each group nevertheless retained certain distinctive features in the way it carried out the attacks. While the RUF pioneered systematic amputations under the infamous slogan "long sleeves or short sleeves," the ULIMO was notorious for "XXL looting" and forced labor.

Beyond these specific characteristics, Mr. Werner emphasized that all available sources were credible and told a single, consistent story: that of a widespread, systematic, and " " attack against the civilian population of Lofa. This observation led him to address the issue of Alieu Kosiah's denial.

Mr. Werner invited the judges to imagine an apartment in which each room represented a town in Lofa, and in which there was a lion. According to the attorney, anyone spending a few days in that apartment—such as journalists—would inevitably be aware of the lion's presence. That is why journalists from the BBC, the New York Times, Reuters, and AFP published reports in which they described the lion. As for Doctors Without Borders (MSF), which spent more than six months in the apartment, it published a report that Mr. Werner held up before the judges.

He proposed extending the metaphor to an entire building, representing Liberia during the first civil war, in which each apartment would be a county controlled by an armed group. The attorney stated that there would then be a lion in every apartment, as described in the TRC report. He also emphasized that this report predated the creation of the NGO Civitas Maxima and the GJRP.

Mr. Werner then asserted that, unlike the defense, the lawyers for the civil parties had never approached any witnesses. The defense did so with AT, known as [redacted], who was in Lofa with the ULIMO between 1993 and 1995. According to Mr. Werner, [redacted] lived in the apartment with his commander, Alieu Kosiah, and saw the lion. He even described it during the

proceedings, referring to ULIMO's constant use of civilians to transport looted goods to Solomba or ammunition to the front lines, as well as the practice of impaling human heads on stakes and using human intestines as a barrier. According to Mr. Werner, the witness [redacted] called by the defense did not merely describe crimes, but a pattern of mass crimes against the civilian population, as mentioned by Mr. Jakob. The attorney added that [redacted] was at the very bottom of the ULIMO hierarchy, as he was a child soldier.

Mr. Werner stated that at the other end of the spectrum, at the top of the hierarchy, is the person whom the defense and Alieu Kosiah seem to regard as the ultimate authority within ULIMO: Kwamex Fofanah. The attorney cited certain statements by the ULIMO chief of staff, who received complaints regarding forced labor, looting, killings, enforced disappearances, and rapes committed in Lofa. According to Mr. Werner, there is therefore a connection between the top and bottom of the ULIMO hierarchy.

The attorney then referred to the report submitted by the defense, which also documents the forced transport of looted goods and ammunition, the looting of the Borma Hospital in Foya, the execution of six people by ULIMO in the Upper Waum Clan of Foya District, the murder of TKo in Foya on the orders of Ugly Boy, and other killings perpetrated by Ugly Boy and ULIMO, including the murder of DN. According to Attorney Werner, the investigative team commissioned by the defense described the lion in the apartment in detail, as did everyone else involved in the case. The attorney noted that Attorney Gianoli had made little use of his own investigative report during his twelve-hour closing argument.

Mr. Werner stated that everyone had detailed knowledge of the widespread and systematic attack carried out by ULIMO against civilians in Lofa, except for Alieu Kosiah, who is the only one to claim that he saw nothing, even though he was *a "floating officer"* and moved through every room in the apartment.

Mr. Werner added that, to his knowledge, no one had denied the crimes. Nevertheless, the defendant saw nothing during the two years that the attack lasted. His attorney argued that Alieu Kosiah "lived almost normally in Lofa." Mr. Werner stated: "His own child soldier saw everything, his superiors saw everything, but he saw nothing." The attorney added that it was unthinkable that the defendant would have been unaware of anything, given his impressive knowledge of Lofa and the ULIMO group. He stated: "Alieu Kosiah is said to have lived in the apartment for more than two years, and yet he tells you he never saw the lion."

Mr. Werner took offense at the fact that Mr. Gianoli could speak of honesty and integrity, and, echoing the prosecutor's remarks from 2021—who had coined the witticism "Alieu in Wonderland"—he dared to extrapolate: "Alieu and Dimitri in Wonderland."

Mr. Werner stated that he had held out hope for dialogue or reconciliation until he heard Alieu Kosiah's response to a question from the Court regarding the murder of DN—namely, whether the defendant acknowledged that DN had been killed in the manner described by the investigators he had commissioned. Alieu Kosiah said nothing; he confirmed nothing. According to Mr. Werner, Alieu Kosiah had the perfect opportunity to offer a word of compassion to all the victims in Lofa, but that word never came and never will. Mr. Werner stated that Alieu Kosiah had treated civilians like objects, and that one feels no compassion for objects.

The attorney also noted that the situation was very complicated for the former ULIMO soldiers called as defense witnesses, because on the one hand they could not help but acknowledge the evidence of a systematic and widespread attack against civilians, and on the other hand, they were not supposed to incriminate Alieu Kosiah. According to Mr. Werner, the witnesses called by the defense sometimes stumbled on this fine line by incriminating the defendant. In this regard, the attorney referred to the statements by [redacted] concerning the looting of coffee and cocoa, which were then transported to Guinea, and the absurd story invented by Alieu Kosiah claiming that these goods had in fact been given to his cousin, a nurse nicknamed "Combat Medic," in exchange for medical treatment provided to civilians. Mr. Werner wondered how such a total and absolute denial of the crimes committed by ULIMO was possible.

The attorney then quoted Mark Twain: "The two most important days in your life are the day you were born and the day you find out why."

He stated that Alieu Kosiah was "projecting" when he claimed to have been treated like an animal while fighting in Lofa, when in fact it was he who had treated civilians like animals. According to the attorney, beyond this projection, the defendant is proud to have taken up arms at a very young age, to have gone to fight, and to have survived while other commanders died. His heroic act is recognized by his peers, who show him admiration and loyalty, such as [redacted], who still gives him a military salute today.

Attorney Werner asserted that this pride, so evident during Alieu Kosiah's first hearing in November 2014, explained his denial of the crimes and his violence toward the plaintiffs and their attorneys. He stated that Alieu Kosiah saw himself as an African Jean Moulin, a resistance fighter, and that it was unbearable for him to be told that this so-called heroic act was in fact a criminal act.

According to Attorney Werner, this explains the shift toward projection. Alieu Kosiah is the accused, but in his view, the criminals are those who are accusing him. The attorney noted that the defendant had filed a criminal complaint against him for forgery, which was ultimately dismissed. He also noted that the defendant accused Civitas Maxima of being a factory churning out evidence against him, against Gibril Massaquoi, against Agnes Taylor, against Martina Johnson, and against Moses Wright.

Mr. Werner stated that this line of reasoning extended to the grounds for the charges, since, according to Alieu Kosiah, the plaintiffs were testifying to obtain asylum or money. In reality, only [redacted] filed an asylum application, and only the witnesses called by the defense asked the Court for money.

Mr. Werner recalled the defendant's statement that the plaintiffs hated the Mandingos. However, according to the attorney, the defendant—who left Liberia in the 1990s—is stuck in a mindset of ethnic hatred that no longer corresponds to the reality in Liberia.

Attorney Werner expressed concern about the "holy alliance" between former NPFL and former ULIMO members aimed at undermining the credibility of Civitas Maxima and the GJRP. He added that the defamatory attacks directed at himself and HB were difficult to accept, given all the civilian victims who are seeking justice. He recalled Alieu Kosiah's remarks during the appeal hearings *("I will attack Alain Werner morally and legally until he stops"*), which are identical to those made by Agnes Taylor regarding HB. Mr. Werner clarified that Agnes Taylor had filed civil

lawsuits against him and HB, seeking USD 15 million from each of them for the two years she spent in prison in England.

Mr. Werner then highlighted the inconsistencies in Alieu Kosiah's defense. First, the defendant and his counsel advanced a conspiracy theory: that Civitas Maxima and the GJRP were recruiting, paying, and coaching witnesses. Then, Attorney Gianoli spent hours arguing the contradictions in the statements of the plaintiffs and the prosecution witnesses. Attorney Werner stated: "He takes us for fools. You can't say one thing and then its exact opposite."

The attorney saw this as yet another instance of Alieu Kosiah projecting his own behavior, noting that the defendant and other ULIMO members had used civilians as pawns in 1993–1994. Mr. Werner explained that Alieu Kosiah believed Civitas Maxima and the GJRP had used the plaintiffs as pawns to make them say what they wanted, so he could not hold it against the plaintiffs. Alieu Kosiah therefore still views the plaintiffs as objects, even though that is no longer the case. Mr. Werner stated: "We no longer do whatever we want with human beings. The war is over."

The attorney acknowledged that there were honest and dishonest people in Liberia, just as there are everywhere else. He stated that, from his perspective and based on his life experience, most people were honest, while admitting that his own father believed the opposite and accepting that different viewpoints existed. Mr. Werner indicated that the important thing, therefore, was to ensure the integrity of the evidence.

This led him to discuss the processes developed by Civitas Maxima and their limitations. He began by stating that the idea behind the creation of Civitas Maxima was to contribute, even modestly, to the fight against impunity, and that one of the organization's founding principles was to refuse government funding, since the goal is to convince national prosecutors to investigate alleged crimes. According to Mr. Werner, Civitas Maxima's funding sources—75% from donor foundations and 25% from private donors—help avoid any conflict of interest. Prosecutorial authorities are, in fact, free to decide whether or not to use the information provided by Civitas Maxima.

The attorney explained that he had the idea of working with local people who understand the local dynamics to ensure the reliability of the information, which led to the creation of the GJRP. He explained that HB and its investigators had been trained at the *International Institute for Criminal Investigations*, which Mr. Werner considers to be the world's leading training center in the field of international criminal law.

Mr. Werner stated that the Civitas Maxima model nevertheless had certain limitations for which he had not found a solution. In this regard, he noted the limited role of the NGO once information had been forwarded to prosecuting authorities in common law systems. He illustrated his point with the case of Agnes Taylor. He explained that he had provided information to Scotland Yard, which spent four years investigating the case with logistical support from the NGO. Agnes Taylor was arrested after three years of investigation and spent two years in prison. She was charged with torture and retained the best English lawyers, who brought the matter before the English Supreme Court to determine the level of control an armed group must exercise to be considered a state authority. To everyone's surprise, the Court provided a very narrow definition of the legal conditions for such control, resulting in Agnes Taylor's release. The lawyer clarified that she had neither been acquitted nor exonerated, but simply that she had not

been tried due to a lack of evidence regarding one of the legal criteria required to prove the existence of control.

Attorney Werner also wished to comment on the Massaquoi trial. He clarified that Massaquoi was a former RUF member and held protected witness status at the SCSL, having been relocated to Finland. Once again, it was Civitas Maxima that provided information to Finnish prosecuting authorities regarding the crimes allegedly committed by Massaquoi in Liberia in 2001–2002. Attorney Werner noted that the prosecuting authorities had also conducted an unsolicited investigation into crimes allegedly committed by Massaquoi in 2003 in Liberia after he had escaped from house arrest in Sierra Leone. The attorney explained that the Finnish court had traveled to Liberia and Sierra Leone to hear the case, which has no plaintiffs. He added that the defense had requested the testimony of four witnesses who claimed to have been bribed by HB. Mr. Werner stated that in their judgment of more than 850 pages, the judges had acquitted Massaquoi without mentioning any breach of duty by Civitas Maxima or the GJRP. He also noted that Finnish prosecutors had appealed the judgment on all counts of acquittal and that the appeal proceedings were currently underway.

According to Mr. Werner, these two cases are emblematic of the inherent limitations of the Civitas Maxima model, since the organization's involvement remains very limited in certain legal systems once the information has been transmitted. However, they have in no way called into question the integrity of the work carried out by the organization.

Mr. Werner noted that his team was working with prosecuting authorities in nine countries. He stated that he believed the Swiss judicial system and its criminal procedure were fair, unlike in France, Belgium, or Spain, where preliminary investigations can sometimes last for years without the presence of the accused or their counsel.

Mr. Werner then discussed the unique characteristics of each plaintiff and emphasized their desire for justice and their gratitude toward the Swiss authorities. He recalled his first meeting in Liberia with several of them and stated that he had been struck not by what was said about the defendant, but by the description of this targeted attack against civilians in Lofa—the terror, the forced labor, and the summary executions. Mr. Werner stated that the wealth of evidence gathered and the testimonies collected throughout the proceedings had only served to reinforce the credibility of the complainants, each of whom had provided a piece of the puzzle regarding the savage attack carried out by ULIMO against civilians in Lofa.

The attorney concluded his closing argument by addressing the plaintiffs' concerns for their safety. He stated that, beyond this, a great deal had been asked of them—sometimes under difficult conditions and sometimes without much recognition. In this regard, Mr. Werner recalled that some of the plaintiffs had made their first trip to Switzerland despite the Ebola epidemic and a one-month mandatory quarantine in Abidjan. They arrived in Bern in January amid snowfall in an environment that was completely foreign to them.

Mr. Werner mentioned the change in prosecutors that occurred in 2015 and praised the professionalism of Prosecutor Müller, who carefully examined the evidence. The attorney recalled the prosecutor's remarks, in which he stated that the murder of DN had seemed inconceivable to him. Mr. Werner noted that he had sensed on several occasions during the preliminary investigation that certain facts seemed hard for the prosecutor to believe, given the enormous cultural differences. He stated that even within the same country and among the same

linguistic minority, cultural frameworks can differ. In this regard, Mr. Werner referred to the photo of Heidi's little goat herder presented by Mr. Gianoli, which, according to him, no one in Geneva had ever heard of.

Mr. Werner expressed his gratitude to the Prosecutor for his efforts to understand the Liberian context. He also stated that he had always given Alieu Kosiah ample opportunity to speak and present his case, even as Kosiah at times relentlessly attacked the integrity and honesty of the plaintiffs and their attorneys.

Mr. Werner noted that all the complainants had seen their trips to Switzerland postponed multiple times due to the COVID-19 pandemic and that six of the seven complainants had traveled to Switzerland three times. The attorney asserted that the plaintiffs had each "paid a personal price" in these proceedings and that they had done so neither for money nor for asylum, but "driven by a simple, noble, and beautiful sentiment known as a sense of justice."

He reiterated that Civitas Maxima had done nothing to undermine the rights of the defense, contrary to what had been alleged by the opposing side. He noted that he had appealed the Criminal Court's decision ordering him to remove the hearing transcripts posted on Civitas Maxima's website and had prevailed in that appeal.

Regarding the arrest of Kunti Kamara, Attorney Werner stated that Civitas Maxima's intention was not to prevent Kunti from testifying on behalf of Alieu Kosiah, but to ensure that he would be tried for the crimes he allegedly committed in Foya and Foya Dundu. The attorney stated that it was, in fact, thanks to his arrest that Kunti Kamara had testified in Switzerland.

In conclusion, Mr. Werner stated that no compensation had been promised to the plaintiffs. Once the verdict of the first judges was known, he explained to them that, in his opinion, no one would receive any money. He stated that, to his knowledge, no plaintiff had asked any questions on this subject, which reinforced his absolute conviction that they were not there for the money.

* * *

Mr. Wavre's Closing Argument (Cross-Cutting Issues)

Attorney Wavre took the floor to address an important issue that had been completely overlooked by the trial judges: Alieu Kosiah's alias. According to the attorney, this issue is significant in that it helps to understand the defendant's personality and the severity of the looting committed by Alieu Kosiah and the ULIMO.

Attorney Wavre recalled that at the beginning of the proceedings, the defendant intended to take advantage of the fact that the plaintiffs, who were heard first, did not know his nom de guerre, "Physical Cash." Alieu Kosiah had then stated: "If people really know me, they know that my nickname during the war was 'Physical Cash.' The plaintiffs should know that." Subsequently, other plaintiffs indicated that they were familiar with this name, and the defendant realized how incriminating it was in light of the looting he was accused of. According to Attorney Wavre, his position then changed radically, and he stated that it was only after he had joined the police that some people called him "Physical Cash." The attorney declared that this about-face was an illustration of the defense's deceptive strategies.

Attorney Wavre then cited the Federal Judicial Police report, which stated that some nom de guerre had no specific meaning, while others reflected, in the case of certain combatants, "their *modus operandi* or the ferocity of their atrocities."

The attorney asserted that several combatants mentioned in the proceedings had been given nicknames based on their behavior, such as "Ugly Boy," also known as "Saah Chuey" by civilians in Foya because he killed with an axe ("Chuey" in Kissi).

Mr. Wavre also mentioned "Pepper & Salt." In this regard, he cited the testimony of a humanitarian worker recorded in the 1995 MSF report, which, according to the attorney, constitutes an almost immediate account of the events: "[…] The chief military commander is called Pepper & Salt because he likes seasoned human flesh." The attorney stated that this testimony was not very different from that of Colonel Motherblessing in Christophe Naigeon's documentary, in which he explained that he had brought human hearts to Pepper & Salt for him to eat.

Mr. Wavre asserted that it was important to establish certain facts in order to understand the defendant's nom de guerre. First, ULIMO soldiers did not receive a salary because the organization was poor. According to the attorney, everyone agrees on this point, including the defendant's comrades-in-arms. Second, despite the lack of pay, the soldiers had money. Mr. Wavre stated that this money came from systematic looting, as indicated by several witnesses called by the defense. The attorney asserted that logic would have dictated that the soldiers be poor, but they were not because they looted everything they could find and forced civilians to transport the goods to Guinea, where they resold them and pocketed the proceeds.

Mr. Wavre stated that "among all the commanders who looted, there was one who stood above the rest—one who looted even more, stole even more, and pocketed even more. So much so that his brothers in arms gave him a nickname to reflect this. That person is Alieu Kosiah. The one they called 'Physical Cash,' because he had so much money." That, according to the attorney, was the real reason behind this nom de guerre. The defendant took advantage of the war to "line his pockets," as evidenced not only by the testimony of the plaintiffs but also by that of defense witnesses cited by the attorney.

According to Attorney Wavre, Alieu Kosiah looted everything and, when necessary, ordered civilians to transport the goods all the way to Guinea—regardless of the cost in human lives and suffering—in order to collect the proceeds from the sale. He reiterated that this was the origin of the defendant's nom de guerre.

The attorney added that the case file revealed that this name had also been given to the defendant because of how he used that money. In this regard, Mr. Wavre cited the statements of Kwamex Fofana, who mentioned expenses at nightclubs across the border to buy alcohol and pay for sexual favors—something the defendant had never hidden. The attorney stated that observing this dichotomy between life in Guinea and life in Lofa was quite unbearable. On one hand, there was absolute horror, as recounted in particular by SS, and on the other, the ULIMO soldiers, led by Alieu Kosiah, who spent without restraint all the money obtained at the expense of civilians.

Mr. Wavre asserted that this lack of humanity and this utter contempt for the civilian population and for all those he considered inferior were still evident today in the defendant, who called into

question the credibility of the plaintiffs by claiming that poor people had no dignity left and were willing to do anything to get money. The attorney addressed the defendant, telling him that his victims were infinitely more dignified than he was, due to their courage, humanity, and resilience.

Attorney Wavre stated that the reign of terror imposed by Alieu Kosiah—which had turned him into "Physical Cash" and allowed him to crush the civilian population—was over. The attorney asserted that the victims now had a voice that was being heard.

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Closing Argument by Mr. Jakob (Cross-Cutting Themes)

Attorney Jakob stated that while preparing for this proceeding, he had wondered whether it was necessary to present arguments again, given that everything had already been said and restated, and that the trial court's judgment provided a solid and satisfactory summary of the case in addition to its correct and convincing conclusions. Furthermore, according to the attorney, the defense had merely repeated the same arguments presented at the trial and launched scathing attacks against the counsel for the plaintiffs.

Mr. Jakob stated that the closing arguments nevertheless served a purpose at this advanced stage of the proceedings, as there was a hidden story within the case file: the story of the first civil war in Liberia, the stories of the complainants, their suffering, and the horrors they endured, and above all, the story of the accused and the atrocious role he played in the lives of his victims and in the devastation of an entire region. The attorney stated that to uncover the thread of this story within the case file, it was necessary to "filter out the noise" caused by certain structural factors inherent in the circumstances of the proceedings.

In this regard, Mr. Jakob first addressed the issue of memory, which he described as a delicate tool, subject to fluctuations. He recalled the words of AS, who stated after being confronted with alleged contradictions: "Memory isn't automatic; I'm not a computer. Sometimes you remember things, sometimes you don't."

Mr. Jakob then noted that the eight years of proceedings and the plaintiffs' repeated trips between Switzerland and Liberia had inevitably led to discrepancies between the parties' statements. He explained that it was evident the plaintiffs' responses were more vague when it came to addressing contradictions, because not only did they have to understand what the contradiction entailed, but being confronted with someone else's contradictory statements may also have made them uncomfortable and altered their memories.

Attorney Jakob went on to discuss the work of lawyers. He explained that this work involves helping clients structure their account so that it is understandable to the authorities. In his view, this inevitably carries the risk of influencing memory, and the lawyer's questions can crystallize or bring back a memory—or even instill doubts about a memory the client was previously certain of.

The lawyer then noted that interpretation and translation had been a constant challenge despite the interpreter's exceptional work. He emphasized that information could be lost or distorted during translation and that there were insurmountable difficulties for any interpreter, such as the fact that most Liberians do not pronounce the "s" at the end of words. Mr. Jakob also cited the

example of the *"Strike Four Battalion*" mentioned by Mr. Gianoli in his closing argument, which was based on a transcription error in Fofana's testimony, since it is in fact the *"Strike Force Battalion*." The attorney emphasized that even very simple translation errors regarding minor details could cause confusion.

Mr. Jakob then addressed the linguistic and cultural difficulty of providing a direct answer to questions. According to the attorney, the explanation behind the answer to a question often serves as the answer itself.

He added that all these difficulties were exacerbated by the Swiss legal context, which is profoundly foreign to the plaintiffs and witnesses. In his view, structural sources of "noise" are therefore inevitable. On the other hand, there is a particular source of noise that, according to Mr. Jakob, has emerged even though it is not inevitable: Alieu Kosiah's incredible ability to derail any discussion on a specific point with endless tirades on completely peripheral issues—or, in other words, the defendant's ability to drown out the signal by adding noise to noise.

Added to this was the noise generated by Mr. Gianoli, who notably reiterated that Mr. Werner had obstructed the conduct of investigative proceedings to such an extent that Lama Sekou Kromah had never been able to be heard . Mr. Jakob explained that Mr. Gianoli had already been reminded during the trial that this witness had in fact been heard, but this did not prevent the defense attorney from raising the same argument on appeal despite its defamatory nature.

Mr. Jakob added that the defense's arguments fit the classic hallmarks of conspiracy theories. In this regard, he referred to the *"magic bullet"* theory—the central theme of Mr. Gianoli's argument—which claims that Kennedy was killed by the CIA, or even by Alain Werner, Mr. Jakob noted ironically. He took the opportunity to thank the defense for this "meta-demonstration" of its own position.

Mr. Jakob then listed the defense's arguments underpinning the conspiracy theory, notably the fact that AS chose his real uncles—who are reportedly still alive—as fake victims, and the fact that the statements of several plaintiffs are consistent. Further evidence of the conspiracy, he argued, is the fact that some plaintiffs did not identify the defendant in the photo lineups, while others did—suggesting the lineups had been rigged. Mr. Jakob summarized the defense's arguments as follows: "If the plaintiffs say two different things, they're lying; if they say the same thing, it's a lesson they've learned!"

The attorney stated that, in addition to the conscious efforts by the defendant and his counsel to silence the victims' voices by drowning them out, Alieu Kosiah exhibited a *mindset* that affected the course of the trial, characterized by two distinct tendencies.

According to Attorney Jakob, the first tendency consists of distorting the statements of various witnesses by attributing imaginary *verbatim* quotes to them. The attorney cited the example of SS, to whom Alieu Kosiah attributed the statement that she had not suffered violence at the hands of ULIMO, whereas she had in fact stated that she had not been beaten.

The second tendency is the desire to turn the purpose of the trial into a grand knowledge contest where points are scored if one remembers what has already been said and repeats it in the exact same words, and where points are lost if one is more hesitant. According to Attorney Jakob, the defendant's counsel fully embraced this logic, as he argued that his client's "perfect knowledge of

the case" should be taken into account in his favor. Attorney Jakob stated that this way of diverting the criminal trial from its purpose had led the court and the parties to focus on a myriad of peripheral issues for hours on end and had resulted in "noise upon noise upon noise."

The attorney then returned to the subject of Colonel Pokor and his son, Major Chester Pokor, as mentioned by LSM. He cited the consistent statements made by LSM, AT, and Kwamex Fofana on this matter, as well as the—inconsistent—statements made by Alieu Kosiah. According to Attorney Jakob, the defendant went to great lengths to discredit LSM's statements because nothing matters more to Alieu Kosiah than being able to score points against LSM in the grand tally he keeps to determine who knows the case best. The attorney stated that this was just one example among many of the "noise" created by the defendant and, echoing the prosecutor's remarks, asserted that this was "not even an issue," like so many other elements of the case.

Mr. Jakob addressed the judges, telling them that their task—no easy one—was to filter out the noise and uncover the signal and the story buried beneath a deluge of information about other irrelevant stories. The attorney explained that he had faced this challenge from the outset and had attempted to overcome it by establishing a clear temporal and historical framework. He noted that he had proposed this approach in his closing argument at the trial court and deemed it useful to do so again before the appellate judges.

The attorney first laid out the chronological timeline of ULIMO forces' movements, relying primarily on the dates on which these events were reported by the press. On this basis, he pinpointed Alieu Kosiah's movements—notably in Foya and Voinjama—by referring to witness statements. Mr. Jakob then highlighted several key events that occurred in 1993–1994, such as the looting of the UNHCR office in Vahun and the split within the ULIMO group in Tubmanburg, before discussing the movements of Pepper & Salt. Finally, he set out to pinpoint the defendant's whereabouts during events the defendant claimed to have witnessed, in order to place him in the timeline of his own account of the facts.

Mr. Jakob recalled that he had proposed drawing four lessons from the foregoing during the trial and ventured to present a fifth. According to the attorney, the first lesson is that the defendant has no alibi. The second, which has already been acknowledged by the Office of the Attorney General, is that Alieu Kosiah knowingly attempted to derail the investigation by devoting dozens of hours of questioning and hundreds of pages of transcripts to events that were entirely irrelevant to the charges against him. Mr. Jakob continued with the third lesson to be drawn, namely that the defendant had knowingly lied by adapting his version of events as the investigation progressed. Regarding the fourth lesson, the attorney explained that the timeline reinforced his belief in the accuracy of the portrait of Alieu Kosiah painted by the MPC and by Mr. Wavre. He added that Mr. Werner had referred to a lion, like the one in the song the ULIMO sang to glorify themselves, but that he had always envisioned them as a pack of hyenas. He also recalled the remarks made by LSM, who described the defendant as a *"massive looter*."

According to Mr. Jakob, the fifth lesson to be drawn concerns the commission of crimes against humanity. He asserted that the application of Article *264a* of the Penal Code was warranted because the answer to the question of whether the acts were part of a systematic or widespread attack against the civilian population was clear and unambiguous. The attorney stated that the timeline was marked by bloody events and atrocities committed against civilians in Lofa and that contemporary documents already depicted a policy of terror carried out by ULIMO, particularly by the "Pepper & Salt" group. According to Mr. Jakob, the acts with which the defendant is

charged were, unfortunately, by no means exceptional in Lofa during that period, given that the same acts were committed on a massive scale. These elements allowed the attorney to assert that both the criterion of the general nature of the attack—which is primarily quantitative in nature—and the alternative criterion of systematicity are met.

Mr. Jakob concluded his closing argument by asserting that the particularly serious crimes with which Alieu Kosiah was charged had been committed against this backdrop and with a particular cruelty that the plaintiffs had described better than the attorney could have done himself, which led him to request the application of Article *264a* of the Penal Code.

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Closing Argument by Attorney Toutou-Mpondo (Cross-Cutting Issues)

Attorney Toutou-Mpondo focused on the defendant's personal characteristics. She began by noting that the issue of the defendant's name had always been a favorite argument of the defense in an attempt to discredit the plaintiffs, who had unanimously identified Alieu Kosiah. According to the attorney, the defendant had dared to claim that there were not multiple ways to spell his last name in Liberia, thereby implying that he was not the person identified by the TRC as "Alieu Korsia" among the *perpetrators* of the first civil war. That said, the attorney stated that she had found in the case file no fewer than five spellings of the defendant's surname in addition to the established "Kosiah " (Kwesia, Kosia—in a travel document produced by the defendant himself—Koisiah, and Koshel), which, in her view, demonstrates the defendant's capacity to make blatant false statements.

Ms. Toutou-Mpondo then addressed the defendant's physical appearance and stated that all of the plaintiffs had provided consistent descriptions of Alieu Kosiah's physical characteristics at the time of the events. According to the attorney, the most striking feature repeatedly mentioned by all the plaintiffs was the defendant's bulging eyes (*pop eyes*). She noted that the defense's argument was that, since all the plaintiffs had emphasized this feature, it must have been something they had learned to say. However, according to the attorney, the defense deliberately ignored the fact that numerous witnesses had also mentioned Alieu Kosiah's bulging eyes. In this regard, Attorney Toutou-Mpondo cited the statements of several witnesses called by the defendant. She added that Alieu Kosiah himself had admitted to having *"big eyeballs,"* which corresponded to the definition of *"pop eyes"* given by [redacted].

The defense attorney continued her argument by addressing the issue of the defendant's identification by the plaintiffs through photo lineups. She noted that Alieu Kosiah had placed great emphasis on the fact that most of the plaintiffs had not recognized him in the photo lineups presented by the Public Prosecutor's Office. Nevertheless, all the complainants described his physical appearance and recognized him when confronted with him. The attorney asserted that there was therefore no longer any reasonable doubt regarding the complainants' identification of the defendant. She added that the photo lineup identification process presented to the victims posed certain difficulties. In this regard, the defense attorney pointed out the pixelated photos in which the use of a flash had caused the defendant to lose nearly six shades of skin tone, even though all the plaintiffs remembered his particularly dark complexion. She also pointed out that the plaintiffs, most of whom were minors at the time of the events, had not seen Alieu Kosiah for decades and had interacted with him in a very specific context.

Attorney Toutou-Mpondo then turned her attention to Alieu Kosiah's attire. She noted that the defendant had denied the complainants' statements and disputed that he had worn a military jacket, citing excessively high temperatures. The attorney then referred to a photograph included in the case file, which shows a group of ULIMO soldiers wearing long-sleeved shirts. According to her, the military jacket mentioned by some of the plaintiffs is naturally of the same type as those shown in the photo. The defendant, for his part, maintains that the plaintiffs described the jacket he was wearing based on a photo of him taken from his Facebook profile, which had been circulated in the press following his arrest. The attorney explained that Alieu Kosiah's argument was that the plaintiffs could only describe him based on the recent photo published in the newspapers, since they had never seen him before. Ms. Toutou-Mpondo stated that these explanations bordered on the Kafkaesque, particularly because the jacket worn by the defendant did not feature any military motifs. According to , the defense attorney, the defendant took the absurdity a step further by claiming during the appeal proceedings that he wore his uniform only to go to the front lines—contrary to numerous testimonies, including that of [redacted], who stated that Alieu Kosiah always wore a uniform (*i.e.,* camouflage gear) and wore civilian clothes only when he traveled to Guinea to have a good time.

Finally, regarding the defendant's character, Attorney Toutou-Mpondo referred to his outbursts of anger, which had marked his participation in the preliminary investigation and the first-instance proceedings and had dredged up painful memories for the plaintiffs. She stated that the appellate proceedings had not been marked by the same anger, but that the defendant's remarks were nonetheless highly abusive toward everyone present, particularly the plaintiffs. Alieu Kosiah had in fact declared that the plaintiffs were not credible because they were poor and African, which meant they had lost all dignity and were capable of crying on command. According to the attorney, the fact that Alieu Kosiah felt compelled to make such condescending remarks demonstrates his total lack of regard for his fellow human beings and his sense of impunity.

Ms. Toutou-Mpondo finally stated that Alieu Kosiah did not listen to anything, not even the Court's orders, which might perhaps be explained by his habit of being in charge, and added that he never played *fair*, perhaps because of his habit of engaging in unequal battles.

The attorney concluded her closing argument by emphasizing that there was no doubt that the plaintiffs had indeed confronted the defendant at the time of the events, that Alieu Kosiah was indeed the perpetrator of the acts with which he was charged, and that his denials lacked any substance.

* * *

Closing Argument by Attorney Wakim

Ms. Wakim took the floor to address the issue of sexual violence and the acts suffered by her client, KMF. She stated that the barbarity of mass crimes was compounded by the barbarity of anonymity, before emphasizing that sexual violence had naturally been an integral part of ULIMO's war strategy, since rape was a universal weapon.

The attorney then set out to demonstrate the systematic and widespread nature of sexual violence during the First Liberian Civil War. In particular, she drew on an ICRC survey, the testimony of Massa Washington before French courts, and the TRC report, which describes the orchestrated and organized planning of crimes such as rape, sexual slavery, and forced marriages.

According to the attorney, the TRC report specifies that sexual violence is not merely a private matter but is also committed in public and in a brutal manner to terrorize civilians.

Ms. Wakim also referred to the testimonies gathered during the Jungle Jabbah trial in the United States, which describe, in particular, gang rapes committed under threat of death. She described them as unbearable to read.

The attorney cited the findings of the Assize Court in the Kunti Kamara case, which characterized the acts of rape and sexual torture as part of a massive and systematic practice of domestic and sexual enslavement.

Ms. Wakim finally addressed the statements of 15 individuals heard during the proceedings against Alieu Kosiah, who confirmed the systematic and widespread nature of the sexual violence. She noted that even the witnesses called by the defense had confirmed the widespread nature of violence against women and that three plaintiffs had directly implicated Alieu Kosiah.

Regarding her client, KMF, Attorney Wakim stated that the trial judges had had the opportunity to assess the credibility of her account and that the consistency of her statements, her explanations of existing contradictions, and the corroboration of her testimony by other participants in the proceedings had been decisive. The attorney noted the trial judges' finding that, given her mental capacity, KMF would not have been able to provide answers that were coherent and consistent with her previous statements if they had not been based on actual visual or auditory memories.

According to the attorney, nothing that has been presented or said since the trial court's decision calls these findings into question. On the contrary, SS's testimony confirms the extent and brutality of the sexual violence committed by ULIMO during the war. Regarding the report submitted by the defense, which claimed that no one in KMF's home village had ever heard of him, the attorney stated that investigators had visited the village of Bethesu in Upper Waum, which is located more than 150 km from the village of Botosu where KMF lived.

Attorney Wakim continued her argument by addressing the legal classification of the crimes. She referred to the trial court's judgment regarding the crimes of rape, looting, and forced transportation. She reiterated the three key principles governing the crime of rape in armed conflicts: the presumption of lack of consent; the fact that the use of force in and of itself is not an essential element of rape; and, finally, the absence of a legal obligation to corroborate evidence of sexual violence.

Ms. Wakim added that the rapes suffered by her client met the criteria for all aggravating circumstances (*i.e.,* the number of incidents, the victim's young age, particular vulnerability, and particular cruelty).

The attorney concluded her closing argument by reiterating the conclusions set forth in her joint appeal.

* * *

Argument by Attorney Wavre

Attorney Wavre took the floor again, this time to focus on AS and KK. He asserted that the defense had not presented any new arguments or criticisms of the trial court's judgment, making it difficult to determine the appropriate tone and scope of the response. According to the attorney, the central theme of the defense's argument is not the so-called "magic bullet," but rather a litany of alleged contradictions.

Mr. Wavre acknowledged that there were contradictions—some of which were irreconcilable—that could be explained by the passage of time. According to the attorney, however, these contradictions in no way justify the avalanche of comments—often erroneous—that has been directed at the plaintiffs.

Mr. Wavre expressed surprise at the sudden amnesia that had struck the defense, which, in his view, seemed to have forgotten four years of preliminary proceedings. In this regard, the attorney cited several examples, including the argument that KK was not credible because the defense's key witness, James Morlu Kamara, allegedly did not recognize the names of KK and his brother E. However, the defense relies on this very same witness to demonstrate that MuK and MoK are alive, on the grounds that he was able to recite the names of all members of KK's family, including his brother.

Mr. Wavre went on to state that Alieu Kosiah had the advantage of being very familiar not only with Liberia and its culture, but also with Swiss culture. He therefore knows what might cause resistance or misunderstandings among a Western audience. According to the attorney, the defendant took advantage of this to discredit the victims by highlighting what may seem like inconsistencies to Westerners, even though these are common practices in Liberia. According to Mr. Wavre, this was the case with namesakes, certain public facilities, and even the geography of Liberia.

As an example, the attorney noted that the defense had made a big deal out of the electrification of the village of Pasolahun and KK's mention of wooden utility poles that, once planted, began to grow again. According to Mr. Wavre, the defendant knows that such a story is implausible to a Swiss judge, and the fact that AS confirmed KK's statements was considered by the defense as evidence of a conspiracy. Mr. Wavre nevertheless drew the judges' attention to a video from Foya included in the case file, in which a wooden utility pole can be seen that has started growing again. The attorney stated that this was yet another example of the defendant's bad faith; having grown up in Liberia, he knows full well that such poles exist. Alieu Kosiah exploits his knowledge of Liberia and the Western world to fabricate contradictions or inconsistencies that do not exist.

Mr. Wavre went on to cite the example of people with the same name within the same family, demonstrating that, contrary to the defendant's claims, such cases are extremely common.

The attorney then returned to the facts described by AS and KK. He noted that no fewer than eight witnesses had made statements regarding these facts and that he would limit himself to addressing certain key points without going into detail on every element.

He recalled the context of widespread looting described by Attorney Werner and urged the judges to consider the statements of KK and AS within that context. Attorney Wavre then addressed the looting of the Pasolahun generator and its transport. According to the attorney, all witnesses and plaintiffs described an identical process, which, moreover, is consistent with other instances of looting mentioned in the proceedings. Mr. Wavre asserted that the method used

during the looting and transport was thus not unique, but rather part of a systematic pattern or modus operandi that Alieu Kosiah and the ULIMO had employed on numerous occasions. In this regard, the attorney also referred to the testimony of a witness called by the defense, who described the same *modus operandi*.

Regarding the route taken and the duration of the forced transport, the attorney once again highlighted the similarities between the victims' statements. Mr. Wavre also addressed the mistreatment inflicted on civilians during transport, emphasizing that they were threatened, struck, and beaten with rifle butts or sticks. He cited his clients' statements regarding the horrific circumstances under which they were forced to undertake this forced march, which the attorney summarized as a context of constant, gratuitous, unprecedented, and senseless violence.

Mr. Wavre then returned to the murders of BS and KS, which the trial judges considered only when assessing the credibility of KK and AS. He noted that the statements of his clients and the witness AK were precise and consistent regarding these murders. The attorney cited the accounts of each party to illustrate his point.

He paused briefly to address the intense suffering endured by his clients, which, in his view, had been overshadowed by the defendant's countless and endless statements. The attorney urged the judges to put themselves in the shoes of AS and KK when they were conscripted for forced transport. He noted that ULIMO's organization of such forced marches was well-known and that the civilians knew they would be executed on the spot at the slightest sign of weakness. The defense attorney once again described the horrific circumstances under which these marches took place. He stated that at the time BS and KS were executed, AS and KK were likely exhausted and certainly felt an even deeper terror. The attorney asserted that the execution of these two civilians was not only a punishment for those who could no longer go on, but also a threat against those on the verge of breaking down, such as AS and KK, who continued to march, exhausted, under this threat of immediate and constant death.

Mr. Wavre then addressed the murder of MuK and once again highlighted the consistency in the plaintiffs' accounts. He pointed out a crucial detail: namely, that all agreed that the commander on the scene was Alieu Kosiah and that he was waiting for the convoy on the other side of the river. According to the attorney, all of them also described the defendant in exactly the same way (*i.e.,* very dark skin and bulging eyes), and AK even identified him in photographs from that time. Mr. Wavre asserted that there was thus no doubt regarding the defendant's identification and that his position as a leader established his criminal liability.

Regarding MuK's crossing of the river, the attorney stated that the sketches drawn by AS and AK depicted the same scene and that their statements were once again consistent. Mr. Wavre acknowledged that there was a contradiction regarding the firearm used by Alieu Kosiah to shoot MuK, a point on which the defense had heavily relied to discredit the plaintiffs. The attorney referred the Court of Appeals to the findings of the trial judges, who noted in particular that, in addition to the particularly shocking and long-past circumstances that could affect memory, it was not impossible that the AK-47 had been folded, thus giving the rifle the appearance of a handgun.

To illustrate the immense terror inflicted on civilians by ULIMO and to explain certain contradictions in the plaintiffs' accounts, Mr. Wavre referred to the testimony of a witness called by the Office of the Prosecutor, who stated, among other things: "I didn't have time to think

about dates. My focus was on the next minute. Whether it was one group or the other, they were doing exactly the same thing. […] That's all I remember, because I was under intense, un stress. […] We didn't have time to think about matters of hours or dates. There were elderly people and children disappearing and dying." According to the attorney, it is within this context that the contradictions among the victims must be assessed.

Regarding the contradictions within a single account pointed out by the defense, Attorney Wavre acknowledged that they could be difficult to understand. The attorney referred in particular to his client, KK, and stated that the fact that he had not attended school did not prevent him from being a sincere and honest witness. According to Mr. Wavre, however, the lack of formal education means that his mind is structured differently and that it is not necessarily easy for him to orient himself chronologically among different events. The attorney asserted that none of this should, however, affect the sincerity of his client's statements.

Attorney Wavre offered several explanations to account for the evolution of his client's testimony. First, he noted that six years had passed between his initial and final statements. The attorney then indicated that it was possible KK had revisited his memories upon his return to Liberia and recalled certain details that had slipped his mind during his first hearing. Finally, Mr. Wavre stated that KK's low level of education prevented him from clearly distinguishing between what he had learned during the proceedings and what he knew prior to his first hearing, especially since KK and the other plaintiffs had been bombarded with information throughout the proceedings.

The attorney wondered whether this made KK a liar. He answered that clearly it did not, and added that it also did not cast doubt on the fact that KK was a victim of Alieu Kosiah. Mr. Wavre emphasized that one fact remained constant despite the shifting testimony: Alieu Kosiah ordered the looting and transport of the generator and executed MuK. He therefore asked the judges to find the defendant guilty of these acts, to classify them as crimes against humanity, and to uphold the trial court's judgment in all other respects.

Mr. Wavre finally addressed the forced transport of ammunition from Gondolahun to Fassama, which, in his view, helps to understand the extent of the crimes committed by the defendant and sheds light on his conduct during the proceedings. Indeed, the attorney stated that Alieu Kosiah had displayed immense arrogance when he realized that he knew the details of the war better than anyone else. The defendant's argument is thus that this transport made no sense from a military standpoint.

According to Mr. Wavre, the case file demonstrates the opposite. The attorney first cited the PJF report, which mentions the split between ULIMO-K and ULIMO-J in March 1994, and noted that ammunition had been transported to the new ULIMO-K headquarters in Voinjama against the backdrop of this conflict. Furthermore, according to the attorney, Gondolahun was an important town where ULIMO established one of its forward bases after the conquest of Lofa, which explained why weapons and ammunition were being transported through it. Mr. Wavre relied in particular on the statements of several witnesses called by the defense who confirmed the existence of these transports and the importance of the town of Gondolahun.

Mr. Wavre thus emphasized that these forced marches were not simply figments of his clients' imagination, but were part of a historical, military, and geographical logic demonstrated by the evidence in the case file.

The attorney reiterated the defendant's arguments and referred to the map used by the defendant to explain that transporting ammunition from Voinjama to Fassama via Gondolahun made no sense. Mr. Wavre explained that he had discovered another town named Fassama in Gbarpolu County, lying directly along the route mentioned by the plaintiffs in connection with the transport—a fact of which Alieu Kosiah was well aware. According to the attorney, the defendant blatantly mocked the Court and the Prosecutor by deliberately drawing an inaccurate route on the map.

Regarding the transport itself, Mr. Wavre once again pointed out that the statements of the plaintiffs and witnesses were consistent and that the orders clearly came from Alieu Kosiah. The attorney referred the Court to his opening statement regarding the conditions of the transport, which are substantially the same as those mentioned in connection with the forced transport of the Pasolahun generator.

Finally, Mr. Wavre asserted that the statements were still consistent regarding the murder of MoK, namely that MoK was exhausted upon arriving at the river and was executed by Alieu Kosiah. The attorney thus requested that the trial court's judgment be upheld, including the civil claims, and that the acts be classified as crimes against humanity, since, in his view, the facts constitute part of a systematic and widespread attack against the civilian population.

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Closing Argument by Attorney Werner

Attorney Werner spoke on behalf of his clients, GS and JTC. As a preliminary matter, he stated that he would refer entirely to his closing argument notes filed in 2021 and announced that he intended only to highlight certain elements of GS's and JTC's respective stories.

First, regarding the murder of YS and six other civilians in Zorzor, Attorney Werner reiterated the defendant's argument that he could not have committed these crimes since he was not in Zorzor when ULIMO captured the city. However, according to the attorney, the testimonies of former ULIMO members clearly indicate that the defendant was present in Zorzor very shortly before the city was finally taken. As an example, Mr. Werner specifically cited the testimony of Kwamex Fofana—to whom the defense has repeatedly referred as an authoritative source—and that of Kundi.

The attorney then explained that GS had seen and heard the defendant's name for the first time during the gathering at the gas station, when Mami Wata and War Boss called him *"Chief Kosiah"* upon his arrival. Mr. Werner acknowledged that GS was the only one to have spoken of these murders during the proceedings. Nevertheless, the attorney noted that an AFP dispatch reported the execution of 14 young men in Zorzor in March 1993 by ULIMO forces, as they were accused of belonging to the NPFL. According to Mr. Werner, this corroborates several key elements of GS's account.

He added that the credibility of the information reported by AFP had been deemed sufficiently established for Amnesty International to include the same information in its 1994 annual report. The attorney stated that the only discrepancy with GS's statements lay in the number of people executed. According to Mr. Werner, this can be explained by the fact th , the events described by those fleeing and reported by AFP most likely involved several separate incidents rather than a

single one. This interpretation is further corroborated by the TRC report, which documents 114 summary executions of young men in Zorzor suspected of being affiliated with the NPFL.

As for *the modus operandi*, Mr. Werner pointed out that the practice of executing people randomly identified as NPFL enemies was evident in this case through the testimonies of LSM and JTC. According to the attorney, this is a hallmark of ULIMO, one that is found throughout the proceedings.

Mr. Werner then addressed the forced transport of ammunition between Zorzor and Salayea. According to the attorney, the transport described by GS makes sense and is corroborated by the testimony of [redacted], who stated that he had attacked Salayea from Zorzor and confirmed that ULIMO used civilians to transport ammunition.

Mr. Werner added that ULIMO's conscription of civilians to transport ammunition, as described by GS, was widely reflected in the proceedings. In this regard, the attorney cited the examples of KK, AK, and AS, all three of whom were conscripted to transport ammunition. He also mentioned the testimonies of FF, Varney Kanneh, [redacted], Morlu Kollie, and Omaru Musa Kelleh, all of whom referred to the transport of ammunition by civilians. The attorney stated that he had thus listed eight witnesses—four of whom were called by the defense—who corroborated GS's statements.

Mr. Werner referred to his closing argument notes filed in 2021 regarding the geographical details provided by his client in connection with this transport.

The attorney then revisited two events that, in his view, strikingly demonstrated GS's credibility. The first event mentioned by Mr. Werner took place during GS's hearing before the Public Prosecutor's Office. The attorney recounted that GS had been asked to provide a physical description of Alieu Kosiah before being shown a lineup of photographs. According to Mr. Werner, not only did his client provide a description similar to that given by other witnesses, but he also identified the defendant among eight other people in the photo lineup from that time and reacted emotionally while looking at the photos. Attorney Werner added that another lineup consisting of six photographs—including one of the defendant taken long after the war—was subsequently presented to GS. His client pointed to two photos, one of which was of Alieu Kosiah.

The attorney clarified that he had asked GS whether he had seen Alieu Kosiah in any way—as Kosiah was following the hearing in another room via videoconference—or whether he had been coached to identify the defendant. According to Mr. Werner, his client's answers were clear and unambiguous: he had not seen Alieu Kosiah on the screen before looking at the photo lineup, and no one had ever shown him the lineup to prepare him.

The attorney noted that Alieu Kosiah then entered the hearing room, and the Prosecutor asked GS if he recognized him. GS answered in the affirmative, and the emotion that overwhelmed him upon the defendant's arrival was noted in the court record. Attorney Werner stated that the prosecutor then asked GS to recount the incident at the gas station. GS recounted the episode, noting in particular that Alieu Kosiah stood in the center and pointed at several men—including GS's brother—accusing them of being NPFL rebels befor d to order their execution. Mr. Werner made a point of reiterating the entry in the trial transcript stating that GS was still in tears.

The attorney stated that this scene had left a deep impression on all of them, as GS's sincerity was so evident. He invited the judges to view the video of that hearing. Mr. Werner stated that what had happened that day was both simple and deeply moving: GS twice identified the man who had ordered the brutal murder of his brother, and both times this provoked in him a profound emotional reaction—spontaneous, unrestrained, and absolutely sincere.

The second incident that Mr. Werner wished to address took place during the trial proceedings. Mr. Werner noted that Alieu Kosiah, who was seated near GS, had begun shouting during GS's testimony, which had frightened GS. Mr. Werner read aloud the entries in the court record, particularly the fact that the Presiding Judge had asked the defendant to calm down before ordering a recess in the proceedings. When the hearing resumed, Mr. Werner informed the Court that GS no longer wished to return to the witness stand but preferred to continue his testimony while remaining beside his attorneys, as he had been disturbed by the defendant's reaction. The Presiding Judge asked GS if he had been afraid, and GS replied in the affirmative, noting that it was the same way Alieu Kosiah used to shout during the war.

Attorney Werner stated that he could attest that GS was trembling like a leaf during the adjournment and clarified that he had remained with his attorneys throughout the remainder of his testimony.

Finally, regarding two minor errors made by GS that the defense persistently returns to, the attorney referred to his closing argument notes and stated that these were nothing more and nothing less than desperate attempts to discredit him.

Mr. Werner then spoke about JTC. He asked why JTC would have subjected himself to a rigorous examination of his credibility before the French courts if he were merely a "puppet" for Civitas Maxima. The attorney pointed out that JTC's credibility had been established by the French courts and, in particular, by a psychological evaluation conducted as part of these proceedings, which revealed absolutely no motivation linked to a desire for revenge against ULIMO commanders or others for what happened during the war. On the contrary, the psychologist noted that JTC had shown himself to be somewhat fatalistic.

Mr. Werner added that the expert had also observed a deep religious commitment in JTC since the end of the war. He clarified that the French courts had also ordered a medical evaluation of his client to verify whether the burdens he had borne at the time during the forced transports were consistent with a clinical examination. The attorney noted that it was evident from the French proceedings that JTC, like the other plaintiffs, was moderate in his statements and did not exaggerate. He thus never claimed that all ULIMO commanders were monsters, but rather always distinguished between the behaviors of each individual.

For example, Attorney Werner specifically noted that JTC had never stated that Alieu Kosiah or Kunti—even though he had been a victim of their actions—were the worst commanders. According to JTC, the worst of them all was, in fact, Ugly Boy. The attorney added that even the French investigating judge had spontaneously noted JTC's natural tendency not to exaggerate and the particularly measured nature of the accusations JTC leveled against Kunti. According to Mr. Werner, the investigating judge also highlighted the consistency in JTC's statements.

Regarding the death of DN and the looting of the generator in Foya, Mr. Werner stated that he concurred with the remarks and conclusions of the MPC. He asserted that Alieu Kosiah's central

role in ULIMO's acts of looting was evident throughout the case file and stated that he had been particularly struck by LSM's testimony in this regard, as LSM referred to the defendant as *a "general looter"* and *a "mass looter*." The attorney noted that JTC had also implicated Alieu Kosiah in connection with several incidents of looting, notably the looting of the oil mill in Foya. Attorney Werner cited JTC's statements on this matter, in which he asserted that Alieu Kosiah and his bodyguards had dismantled the oil press and that other commanders were also present. JTC added that it was like "a big fish" that everyone came to eat.

Attorney Werner stated that the power plant was likely the biggest fish in all of Foya, so it was obvious that the person responsible for the ULIMO looting—Alieu Kosiah, the chief looter or mass looter—was fully involved.

The attorney added that the looting was also the direct cause of DN's execution, as he had revealed to a humanitarian organization that ULIMO was responsible for looting the Borma Mission power plant, which provoked ULIMO's utter fury. Attorney Werner asserted that SS's testimony appeared to implicate Alieu Kosiah in this looting, since she stated during the appeal proceedings that Kunti and Kosiah were always together and implicated the defendant in the looting of a hospital generator. The attorney stated that Alieu Kosiah's involvement alongside Kunti in the looting of the Borma Mission hospital made perfect sense in the broader context of ULIMO's looting in Lofa and given the defendant's role as chief looter.

Attorney Werner asserted that, as the Public Prosecutor's Office had argued, Alieu Kosiah's participation in the massacre of DN was also evident from JTC's statements, which were further confirmed by SK, as he indicated that DN had been killed on the day of his arrest. According to the attorney, this involvement was further corroborated by the testimony of SS, who has no connection to Civitas Maxima.

Counsel Werner thus moved to dismiss the main appeal and maintained the arguments set forth in his cross-appeal.

February 3, 2023 – Day 12: Alieu Kosiah's Last Words

The public hearings of Alieu Kosiah's appeal proceedings ended today, Friday February 3.

The day began with the pleadings of the lawyers representing the remaining plaintiffs. The defense was then given the opportunity to respond to some final issues raised during these pleadings.

Finally, Alieu Kosiah was called to the stand to give his final statement. He thanked the court for the opportunity to speak and be heard and made a few clarifications on some points that had come up throughout the proceedings.

The presiding judge declared the session closed. He stated that the court would take its time to deliberate, and that the final decision would be rendered publicly on June 1.

February 3, 2023 – Day 12: Alieu Kosiah's final words

Closing Argument by Attorney Toutou-Mpondo

Attorney Toutou-Mpondo took the floor to discuss the facts pertaining to EBJ. She stated that, in the toxic context of the civil war, Alieu Kosiah had notably distinguished himself through his cruelty, his contempt for human dignity, and the particularly unbearable abuses inflicted upon the people of Lofa. According to the attorney, the people of Lofa endured, far from the eyes of the international community, horrors that defy comprehension. She stated that among the countless victims was EBJ, a young teenager at the time.

Before recounting EBJ's story using a number of chronological markers, Attorney Toutou-Mpondo emphasized that EBJ's decision to share his story had not only reopened deep wounds from what he described as the worst time of his life, but also exposed him to reprisals and repeated attacks by the defendant. The attorney added that sharing his story had also come at a cost to her client, as he had lost his job upon returning to Liberia following the trial proceedings. She stated that hearing EBJ's story had been a privilege and an immense sacrifice that he had once again made to assist the judges in their search for the truth.

Attorney Toutou-Mpondo noted that her client was born in Voinjama and was barely 12 years old when the first civil war broke out. While his father, an AFL soldier, was forced to flee to Guinea, EBJ and the rest of his family took refuge in the village of Sigisu. The attorney stated that their respite was short-lived due to the NPFL's capture of Sigisu on August 2, 1990—the day on which, she said, the last remnants of EBJ's childhood vanished. Ms. Toutou-Mpondo recalled her client's statements on this matter, in which he noted, among other things, that it was the first time he had seen someone's throat slit and people killed right before his eyes.

Attorney Toutou-Mpondo noted that EBJ and his family had initially witnessed the atrocities committed by the NPFL, and thus they had certainly learned with a sense of relief of the ULIMO's capture of Voinjama—the faction fighting the NPFL. According to the attorney, ULIMO represented a way out—if not a glimmer of hope—for EBJ and his family, which led them to return to Voinjama.

The defense attorney declined to elaborate further on the route taken by EBJ and his family to return to Voinjama—a route the defendant, for some obscure reason, claimed passed through Botosu, even though EBJ had never mentioned it. She concurred with the MPC's arguments on this matter.

She explained that EBJ and his family had encountered ULIMO soldiers at the *Iron Gate* checkpoint on the Monrovia Highway and that her client had described this encounter in detail, particularly noting that some of the soldiers were wearing red scarves. Upon their arrival in Voinjama, EBJ and his family stayed with EBJ's maternal aunt, who had been appointed *Chairlady* by ULIMO, along with several other women in the town. According to the attorney, this woman was obviously not paid for her services and was in a position of complete submission to the ULIMO troops, particularly to Chief Kosiah. EBJ thus found himself having to live alongside armed rebels in uniform.

According to the attorney, EBJ noticed from the very first day that one of the fighters stood out from the rest: his food and water were brought to him by another soldier who saluted him and addressed him as *"Chief*." He then asked his cousin KA about it, and she told him that this was *General Kosiah*. Attorney Toutou-Mpondo emphasized that the undisputed leader in the house was Alieu Kosiah and no one else.

She went on to explain that EBJ had been prevented from attending school since his return to Voinjama, which had been heartbreaking for him. According to the attorney, EBJ's daily life thus consisted solely of household chores and moments of reading that he tried to carve out between the comings and goings of Kosiah's soldiers, until he was conscripted along with 10 other civilians for forced labor transporting goods. According to the attorney, EBJ had to carry a 20-kilogram can of oil—one-third of his body weight at the time. Ms. Toutou-Mpondo stated that the task was not only superhuman—since it took two soldiers to place the can on her client's head— but also inhumane, as he had been ordered to carry this load during a march lasting nearly 5 hours, without water or food, in the middle of the dry season, in temperatures ranging from 30 to 40 degrees. The attorney noted that her client had suffered lasting physical and psychological consequences as a result.

Attorney Toutou-Mpondo briefly described the circumstances under which this transport took place, namely death threats and beatings. She stated that this transport was a living hell that no child on earth should have to endure and referred the judges to the testimonies of the other plaintiffs as well as to Papa's statements, all of which described this hell in similar terms.

The attorney noted that EBJ had been conscripted for a second transport by Kosiah's troops even though he had not yet had time to regain his strength. The defendant's orders were still the same: to herd the civilians like cattle, terrorize them throughout the march, and shoot anyone who tried to escape. According to the defense attorney, however, the journey was even longer this time, as they had to pass through Solomba. She noted that the defendant had countered that the route described by EBJ involved a long detour and made no military sense. According to the defense attorney, war rarely makes sense to the civilians who endure it. She also referred to the statements of the first judges, who declared that the civil war in Liberia did not appear to follow any logical military pattern, since the enemy could be found anywhere at any time. She added that the long detour imposed on the civilians was not surprising either, given the defendant's demonstrated disregard for human dignity.

Still on the subject of the route described by her client, Attorney Toutou-Mpondo asserted that traveling to Guinea from Solomba was a journey the defendant himself had admitted to making on his own initiative. The attorney stated that she had no trouble imagining *General Kosiah* deciding to send the civilians—who were at his mercy—along a route the enemy would not expect, in order to avoid an ambush and the loss of these goods, which were so precious to him. She added that what mattered to the defendant was that the goods arrived safely and in good condition, not the human beings.

Ms. Toutou-Mpondo then returned to the circumstances of the second forced transport. She emphasized the deprivation of food and the intense physical exertion demanded of her client and his fellow sufferers, which she considers to go beyond inhumane treatment. The attorney also highlighted the physical aftereffects from which EBJ still suffers today and described the defense's objections regarding the lack of a medical certificate as indecent. Indeed, according to the attorney, obtaining a medical certificate in Liberia was not a priority for her client, who was juggling multiple jobs and feared for his safety.

Ms. Toutou-Mpondo continued her closing argument by referring to the extremely brutal events witnessed by EBJ, namely the murder of two Krahn soldiers and the murder of a young civilian in Voinjama. She referred the Court to the closing arguments and the trial judgment, given that these facts had been described in detail and consistently by her client throughout the proceedings and were not the subject of the joint appeal.

The attorney then spoke about EBJ's life after the war, explaining that he had resumed his studies and become a mathematics and chemistry teacher to "give back to his community." According to the attorney, giving back to his community, which had suffered so much from the war, was EBJ's dearest wish. He nevertheless had no choice but to leave it and go teach elsewhere because of the harassment he endured after participating in the trial at first instance.

Attorney Toutou-Mpondo went on to cite the reasons why her client's account could only be deemed entirely credible and worthy of the Court's acceptance. In this regard, she referred in particular to the findings of the trial judges and to the consistency of EBJ's statements. She also provided several examples illustrating her client's extraordinary intellectual abilities, noting that he was able to recall off the top of his head the date of the NPFL's arrival in Sigisu, the position of Alieu Kosiah's name on a list contained in the TRC report, and even the number of people seated in the courtroom. The attorney stated that even EBJ's approximations were surprisingly precise and recalled the trial judges' finding that EBJ had remained very factual in his description of the events. She added that her client's account was corroborated by historical evidence, the accounts of other plaintiffs, the statements of several witnesses called by the defense, and the report submitted by the defense. The attorney cited the example of the aforementioned report, which documents several murders committed by ULIMO, even though the defendant has insisted for years that he had never heard of them.

Attorney Toutou-Mpondo added that her client's credibility was also evident in the events he described, particularly the murder of an unknown man and that of the two ULIMO fighters. According to the attorney, EBJ has no reason to lie about these facts, since only the offenses of which he himself was a victim allowed him to obtain the status of plaintiff and to receive compensation for emotional distress. The attorney explained that her client had come forward because he believed that every human life had value and that these murders could not go unpunished. She stated that her client's courageous testimony gave a voice to the anonymous

victims and lent full meaning to the prosecution of the most serious crimes. She added that EBJ equated the murders committed by his potential perpetrators—the Krahn soldiers of ULIMO—with the abuses he himself had suffered. According to Ms. Toutou-Mpondo, it would be surreal to see a victim fabricate an abuse that a perpetrator had allegedly suffered.

The attorney emphasized her client's credibility by pointing out the credence the trial judges had given to EBJ's account and expressed confidence that the appellate judges would follow the same line of reasoning.

Attorney Toutou-Mpondo then set out to refute a number of arguments raised by the defendant regarding knowledge of or ignorance about various names, the organization of forced transports, the escape of EBJ's brother during the first transport, the route of the second forced transport, the ULIMO's crossing of the Guinean border during the second forced transport, and finally, *Black Monday*. The attorney also demonstrated that the fact that EBJ and his family members do not all share the same name is common in many African cultures, contrary to the defendant's denials. She added that the same applies to the distinction between the terms *"brother/sister"* and *"cousin,"* citing the example of Cameroon, where she is from. Attorney Toutou-Mpondo also mentioned JJ, EBJ's brother, whose existence Alieu Kosiah denies. According to the attorney, it is so unbearable for the defendant to conceive that a civilian could have defied his authority and escaped the bullets he had ordered to be fired at the fugitives that he was trying to convince himself that this civilian had simply never existed or that he would be able to erase him from existence by the mere force of his words.

The attorney stated that the arguments put forward by the defense to discredit her client and tarnish her brother's memory illustrated the denial the defendant had displayed throughout the proceedings, in defiance of common sense and decency.

Ms. Toutou-Mpondo went on to denounce the strategies employed by the defense. In this regard, she listed the tedious digressions on peripheral topics—already addressed by the Public Prosecutor's Office and Mr. Jakob— the "categorical" statements from which it is difficult to draw any conclusions, the personal attacks, the invective, the conspiracy theory, and the lack of any logical connection between the accusations made by Alieu Kosiah against EBJ and the alleged facts. The attorney stated that her client had demonstrated a keen sense of precision, whereas the defendant—a former military officer and former second-in-command of the police—had not shown the precision one might expect of him when recounting or refuting the facts. According to the attorney, Alieu Kosiah's denials concern facts that are so significant and easily provable that they amount to denying history. They also focus on insignificant details and are intended to divert attention from the central elements of the case.

Regarding the legal classification of the charges brought by EBJ against Alieu Kosiah, the attorney referred to the trial court's judgment. Regarding the charge of crimes against humanity, Attorney Toutou-Mpondo stated that she concurred with the arguments set forth in the indictment and in Attorney Jakob's closing argument concerning the context of widespread and systematic attacks on the civilian population. She added that the forced transportation to which her client had been subjected met the elements of several crimes against humanity, namely enslavement (Art. *264a*, para. 1, subpar. c of the Swiss Penal Code), torture (Art. *264a,* para. 1, subpar. f of the Swiss Penal Code), and other inhumane acts (residual clause of Art. *264a*(1)(j) of the Swiss Criminal Code).

According to Attorney Toutou-Mpondo, EBJ's account of the facts demonstrates the defendant's awareness of and intent to commit each of these offenses. It also establishes the existence of the aggravating circumstance under Art. *264a,* para. 2, of the Swiss Criminal Code (the gravity of the act and the cruelty of the perpetrator). According to the attorney, the existence of moral harm is undeniable when dealing with the "crime of crimes."

Ms. Toutou-Mpondo stated that EBJ was a model of self-sacrifice, particularly because he did not hesitate to testify despite the threats facing anyone who dares to challenge the *status quo* in Liberia. According to the attorney, her client testified not only to modestly recount the atrocious abuses he had suffered but also to give voice to an anonymous victim and to shed light on the fate that befell his former tormentors, who had in turn— —become victims of the very barbarism they once embodied. Ms. Toutou-Mpondo stated that EBJ believed in humanity with a capital "H"—the kind that transcends ethnic or political divides, that overcomes the wounds of history, that connects us all, and that must be preserved and honored at all costs, regardless of the circumstances. She asserted that her client's conviction that every individual is deserving of justice also lies at the foundation of the principles of the international criminal justice system, such as the non-applicability of statutes of limitations to the most serious crimes and universal jurisdiction.

Ms. Toutou-Mpondo concluded her closing argument by asserting that EBJ had taught us a lesson in humanity: that every victim, whoever they may be, has the right to obtain redress or at least recognition of the abuses committed against them, just as every defendant has the right to a fair trial. The attorney expressed full confidence that the Court "will prove itself worthy of the mission entrusted to it by her client, and through him, by all the victims of the civil war in Liberia, and through them, by all of humanity."

* * *

Closing Argument by Attorney Jakob

Attorney Jakob stated that the consistency between the account and the case file reflected a texture of truth that could not be confused with any kind of artifice. He asserted that every element of LSM's account is corroborated by the case file and listed a long series of examples, such as the sketch drawn by LSM—which is identical to that of JTC and to the satellite photo—the identity, nature, and role of S2, the song "Zo Kele Kele," the description of the defendant, the tabé, and the scars left by this practice, etc.

He denounced the defense's abject logic, which consists of arguing that LSM should have been killed since he was the one who spoke the most and that, consequently, he was lying because he was still alive. Regarding the well into which the six other civilians were thrown, Attorney Jakob noted that Attorney Gianoli was likely imagining a medieval well, just as a child imagines a steam train when told about a train. However, according to the attorney, it was a well topped by a hand pump and equipped with a *"manhole"* so that a repairman could access the pit.

Mr. Jakob revisited two incidents recounted by his client—namely, the murder of the six civilians and the looting of the generator—and stated that these two incidents had also been mentioned by other individuals with differing perspectives. The witnesses to the murder of the six civilians are SS—who was a young girl at the time and witnessed the scene from the window of the house where she was being held captive as a sex slave—and LSM, a civilian who was forcibly brought

back to Foya. As for the looting and forced transport of the generator, this incident is recounted by LSM as a ULIMO soldier who was part of the convoy's escort, as well as by JTC and JS in their capacity as victims.

According to the attorney, each of these individuals witnessed the same scenes through their own individual experiences and from different perspectives—like two photographs taken with different cameras and from different angles—and reconstructed them in their memory and then in their accounts using their own mental frameworks—as if these photographs were being developed in separate laboratories. Mr. Jakob stated that despite certain discrepancies, all of them were describing the same thing, and that the wealth of similarities between the accounts was such that it gave them a texture of truth impossible to fabricate artificially.

Mr. Jakob presented the judges with a proof by contradiction: even if the attorneys for the plaintiffs were the corrupt and corrupting attorneys described by Mr. Gianoli, it would still be impossible to fabricate the accounts of SS, JTC, and LSM. According to the attorney, a fabrication would be obvious to the judges within 15 minutes—the time it took to realize that the accounts of witnesses MuK and MoK, cited by the defense, were fabricated.

Mr. Jakob then made a point of revisiting two moments that particularly struck him during the appeal proceedings, in addition to Papa's situation. The attorney first referred to the testimony of SS, who confronted everyone present in the courtroom with the horrors of war in real time. Mr. Jakob stated that a heavy silence fell the moment SS began to speak, using simple words and with rare emotional force. He recounted that LSM was in tears beside him.

Mr. Jakob acknowledged that there were discrepancies in SS's statements and said he would not engage in a line-by-line analysis of everything she said. He asserted that the principle of immediacy governs criminal proceedings, so that the impact of what SS said cannot be fully captured in a transcript. Furthermore, according to the attorney, there are elements of SS's account that are indisputable, either because they demonstrate that they are indeed based on her own experiences or because they corroborate elements of the case file.

Attorney Jakob briefly addressed the error made by SS in identifying the defendant from the photo lineup. In his view, this error can be explained, on the one hand, by the fact that SS had consistently stated that Kundi and Kosiah were always together and therefore pointed to two photos placed side by side. Furthermore, SS certainly recalled her statements before the French judge, who had asked her to perform the same identification exercise using the same lineup of photographs—during which she made the same mistake.

The attorney then returned to the second moment that stood out to him: the last 15 or 20 minutes of his client's testimony. Mr. Jakob stated that LSM was a deeply traumatized man whose courage in coming forward to testify he admired. He pointed out that his client was particularly vulnerable to reprisals as a former ULIMO soldier and that he felt hunted down like an animal. The attorney contrasted the remarks of Attorney Gianoli—who stated that those who told the truth had nothing to fear—with those of Lamine Kenneh, who demanded that the prosecutor provide the names and photos of the plaintiffs.

According to Mr. Jakob, LSM is also the one making the defendant particularly nervous. In this regard, the attorney referred to the coded gestures of intimidation that Alieu Kosiah directed at LSM from the very first hearing. He stated that he agreed with Attorney Wakim that Alieu Kosiah

did not recognize his victims because they were mere objects to him, while acknowledging that he was not certain the defendant had not recognized LSM. Mr. Jakob indicated that Alieu Kosiah's nervousness had always given him the impression that he had recognized LSM and stated that he had been confirmed in this belief by the report submitted by the defense, which makes no mention of LSM because the defendant knows full well that what LSM says is true.

Mr. Jakob went on to assert that LSM carried the burden of the trauma of war, physical and psychological aftereffects, the major risks to his safety, the self-imposed separation from his family, and that it was with this overwhelming burden that he had appeared before the Court. The attorney emphasized how difficult it was for LSM to testify, as he struggled to understand the questions and sometimes responded erratically. Mr. Jakob added that being confronted with contradictions in his own statements was an equally difficult experience for his client. He asserted that LSM had made an immense effort before the Court to understand the questions and to answer them in a way that could be understood.

The attorney then turned to the final twenty minutes of LSM's hearing. He stated that he had never seen his client speak with such strength, clarity, and lucidity. According to Mr. Jakob, LSM provided details he had never shared before. He demonstrated great fortitude in speaking his truth, knowing that this was his last chance to do so. The attorney recounted that LSM then returned to him, collapsed onto the table, and fell asleep. Mr. Jakob said he saw in this a kind of renewed peace, as if LSM had been able to banish his demons.

The attorney concluded his closing argument with a few remarks regarding the related appeal. Regarding the stabbing, Attorney Jakob referred to the Public Prosecutor's Office's arguments, noting that his client had explained from the very first hearing that he did not know who had committed the act. The attorney asked the Court to find that the acts were committed concurrently in connection with these facts. He added that the defendant's acquittal at the trial court level was due to a drafting error in the indictment and not to any issue regarding LSM's credibility. The attorney stated that he did not need to argue the reasons for departing from the trial court's judgment, as this was a procedural matter that had already been argued and decided by the Court in connection with the amendment to the indictment. In his view, if the indictment had been the same as the one submitted to the Court of Appeals, the verdict would undoubtedly have been a guilty verdict.

Furthermore, Mr. Jakob stated that LSM stood by the arguments set forth in its joint appeal and thanked the judges for hearing the case.

Rebuttal by Mr. Gianoli

Mr. Gianoli replied by stating that the case involved a "magic ball"—not the size of a ping-pong ball, but rather a *medicine ball.*

He referred to the hearing transcript and stated that, contrary to AS's claims, his client was not hot-tempered but had simply become upset during AS's testimony and had cried several times during the proceedings.

Attorney Gianoli also emphasized that his client should not be judged simply because he was a member of ULIMO. He pointed out that in the TRC report, Alieu Kosiah's name appeared on the third list—namely, the list of those who should issue public apologies.

The attorney then returned to Fofana's hearing and the nickname "Physical Cash" given to his client. He stated that the arguments put forward by the plaintiffs' attorneys were akin to the "whipped cream theory": lots of volume, but little substance.

Rebuttal by the Prosecutor

The prosecutor, for his part, addressed the classification as a crime against humanity. He stated that the Kosiah case was a textbook example of systematic and widespread attacks against the civilian population of Lofa.

He reiterated that he and Mr. Jakob "agreed to disagree" regarding the retroactive application of Art. *264a* of the Swiss Criminal Code and urged the judges to review additional excerpts from the parliamentary debates. The Prosecutor specifically cited remarks by Eveline Widmer-Schlumpf, according to which such retroactivity is contrary to Articles 1 and 2 of the Swiss Criminal Code as well as to the principle of *"nulla poena sine lege*." He noted that the absence of retroactivity did not imply impunity for past offenses. On the contrary, traditional offenses and ordinary statutes of limitations apply. According to the Prosecutor, the judges at Nuremberg were specifically criticized for adjudicating crimes even before they had been defined under criminal law.

The Prosecutor also referred to remarks made by Eveline Widmer-Schlumpf regarding the negotiations on the Rome Statute, during which the parties agreed not to provide for retroactivity. He stated that even though retroactivity might have certain advantages, the intent of the legislature was nevertheless clear; he therefore urged the judges to follow the opinion of the First Council and the Federal Council.

Response by Mr. Jakob

Attorney Jakob responded to the Prosecutor's statements by citing remarks by National Council member Yves Nidegger, from which it appears that the minority's proposal called for absolute retroactivity for acts that were punishable only under customary law. According to the attorney, this is not what Article 101(3) of the Swiss Criminal Code provides for, since it involves retroactivity that is limited by the requirement that there be a correspondence between the acts committed and the Swiss law applicable at the time of the acts.

Mr. Jakob explained that in 2011, Parliament had not intended to impose absolute retroactivity. The question, however, is what Parliament intended to do in 1979 when it adopted Article 75$^{(bis)}$ ^{of}the former Swiss Penal Code.

Response by Mr. Wavre

Mr. Wavre commented on Alieu Kosiah's demeanor. He recalled the defendant's genuine "outburst" during the trial proceedings and expressed surprise at Alieu Kosiah's complete lack of emotion when Papa—the child soldier into whose hands the defendant had placed an AK-47—left the courtroom. According to Attorney Wavre, Alieu Kosiah is not an insensitive person, but is sensitive only to his own cause.

* * *

The Presiding Judge gave the floor to Alieu Kosiah so that he could speak one last time.

Alieu Kosiah first addressed the judges and expressed satisfaction with the way the appellate proceedings had been conducted, insofar as he had been given the opportunity to respond to each of the allegations brought against him.

The defendant then asserted that Switzerland's sole aim in these proceedings was justice—"nothing else and nothing more than justice." He reiterated that he had never captured the Lofa, that he did not know the plaintiffs, and that he had never met them. Alieu Kosiah asserted that the only path to justice was the path of truth and that the only thing he asked of the judges was to establish the truth. He stated: "The word 'justice' has no gender, no color, no religion, no race. The word 'justice' means justice for all. And to achieve that, we must ensure that the truth is established."

Alieu Kosiah asserted that no one here knew how he had behaved during the war, because no one knew him during the war. According to the defendant, no one can say how the plaintiffs behaved during the war either. He stated that this was what the Court had to decide—in other words, to determine who was honest and who was not. To do so, the defendant argued, one need only determine who replaced Pepper & Salt and was ordered to drive him out.

Alieu Kosiah then spoke about Mr. Jakob, who, in his view, had lied for the second time before a court. The defendant reiterated that he had served in only one posting in Lofa, in Zorzor, a fact confirmed by the document from the United Nations Mission in Liberia, with the sole difference being that he was not a lieutenant colonel but merely a colonel. According to Alieu Kosiah, Mr. Jakob attempted to mislead the judges by falsely accusing the defendant of participating in the attack on Gbarnga while referring to the aforementioned document, which, however, does not implicate ULIMO.

The defendant then returned to the subject of the Kamajors in Sierra Leone mentioned by Attorney Werner, who allegedly killed the LSM commander, CO Jackson, whom no one knew. According to Alieu Kosiah, the Kamajors were allied with ULIMO and did not kill ULIMO soldiers. The defendant suggested that the LSM commander was not a member of ULIMO since LSM had stated that it was fighting alongside the RUF.

Alieu Kosiah addressed Mr. Wavre and told him that AS had already gone by that name before the war. He added that Mami Wata knew him by that name before the war.

Finally, the defendant thanked the President and the judges for listening to him and made a point of congratulating everyone, including the opposing side, and in particular his attorney, with whom he had spent the last seven years. He clarified that he had nothing against the Prosecutor but would have preferred that he uphold the truth. Alieu Kosiah also thanked the police officers for their kindness from the very first day. He addressed his final words to Mr. Wavre, telling him that he was still awaiting a response regarding the letter submitted by the attorney. According to Alieu Kosiah, this letter contains no mention of MoK and MuK, contrary to the attorney's allegations.

* * *

The President stated that the Court would make its judgment public on Thursday, June 1, 2023, at 2:00 p.m., before closing the proceedings.