CIVITAS MAXIMA

# TRIAL MONITORING

# Alieu Kosiah

*First instance 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, the 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 first instance 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.

## December 3, 2020 – Day 1: Opening of the Alieu Kosiah trial

The trial of Alieu Kosiah has officially begun before the Federal Criminal Court in Bellinzona. Mr. Kosiah is accused of committing, ordering or participating in war crimes including murder, sexual violence, desecration of a corpse, recruitment and use of a child soldier, pillaging, degrading treatment, and forced transportation of looted goods, weapons and ammunition.

Due to the spread of COVID-19, the trial has been split into two parts. During the first part of the trial, which will take place from December 3rd to 11th 2020, the Court will proceed with preliminary questions and the hearing of the defendant in Bellinzona. In the second part, scheduled for early 2021, the Court will hear the seven plaintiffs, nine witnesses and the closing arguments of the parties. Exact dates for the second part of the trial have not yet been announced.

The health situation does not allow the public to attend the trial, only journalists are allowed to follow it in an adjacent room. Masks must be worn in the courtroom.

The trial will be presided over by a panel of 3 federal judges, Jean-Luc Bacher, David Bouverat and Stephan Zenger. Judge Bacher is the presiding judge. His role will be to conduct the proceedings. The court clerk is named Marine Neukomm.

Federal Prosecutor Andreas Müller represents the Office of the Federal Prosecutor of Switzerland. His role is to prove that the defendant is guilty of the offenses listed in the indictment. He is assisted by Assistant Federal Prosecutor Julien Wenger.

In addition to the Court, the Prosecutor and the defendant, the seven plaintiffs are also taking part in the proceedings. They are represented by Mr Alain Werner, Mr Romain Wavre, Mr Raphaël Jakob, Mr Hikmat Maleh and Mrs Zeina Wakim.

As for Alieu Kosiah, he is represented by Mr Dimitri Gianoli.

The entire trial will last four weeks. At the end of the closing arguments, which will take place during the second part of the trial, the federal judges will retire to deliberate on the case and rule on the defendant's guilt, sentence, possible sanctions and civil claims.

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**Introduction**
Today, December 3rd 2020, Presiding Judge Bacher presented the composition and noted the presence of all parties. After reminding the translator, Thomas Menanteau, of his obligations, the Court shared various organizational information relating to the trial.

The first day of the trial was devoted to preliminary questions. The Court, the Federal Prosecutor's Office, the defense counsel as well as the plaintiffs' lawyers were given the opportunity to raise any procedural disputes.

<u>Mr Werner and Mr Wavre's preliminary questions</u>

Firstly, Mr. Werner outlined the first of the two preliminary questions raised by himself and Mr. Wavre. He requested that the hearing of Alieu Kosiah be postponed to the second part of the trial (scheduled for early 2021) to enable the plaintiffs to attend.

Mr. Werner began by reiterating his incomprehension of the Court's decision of November 20th, 2020. As a reminder, the Court had decided to proceed initially only with the hearing of Mr. Kosiah, and not with that of the plaintiffs, despite a request for reconsideration sent by Mr. Werner still on November 20th with a view to allowing the plaintiffs to attend as well. Following this request for reconsideration, the Court only allowed those plaintiffs who wished to come to Switzerland at their own expense to attend the debates, without even being able to be heard. In the Court's view, their presence was not essential to the holding of this first part of the trial.

Mr. Werner explained that the plaintiffs had been ready to come to Switzerland to testify since April 2020, despite the health condition, that he had obtained their full consent and that they had taken various steps to come. Mr. Werner explained that it would be financially impossible for the plaintiffs to come to Switzerland at their own expense without being heard. He illustrated this point by explaining that three of the plaintiffs earn less than 500 dollars per month. Such a trip would therefore represent more than six months' salary.

Mr. Werner also pointed out that the Court's decision violates the law, in particular the fundamental principle of public debate and the principle of the personal appearance of the plaintiffs, who have the right to appear personally in the proceedings in which they are plaintiffs.

He went on to explain that the absence of the plaintiffs thus causes a triple prejudice: for the Court, for the plaintiffs' lawyers, and for the plaintiffs themselves.

Firstly, Mr Werner pointed out that the trial was based almost exclusively on witness testimony, and that in their deliberations the judges had to evaluate the words of Alieu Kosiah and those of the plaintiffs. As these speeches are totally incompatible, this examination of the credibility of the plaintiffs and the defendant is crucial, as it will form the basis of the judges' deep conviction. The absence of the victims at Alieu Kosiah's hearing would prevent the Court from fully appreciating the victims' reactions to his words, thus creating a significant obstacle to the discovery of the truth. Furthermore, he added that it was vital for the judges to be able to see for themselves Mr Kosiah's reactions to the plaintiffs' statements, and conversely those of the plaintiffs to the defendant's accusations of lying and fabrication, highlighting the fundamental importance of adversarial proceedings.

Secondly, Mr Werner added that the absence of the victims would also cause irreparable damage to the plaintiffs' lawyers. He explained that during the investigation, the defense team, i.e. Alieu Kosiah and his lawyer, were always able to attend the plaintiffs' testimonies, which enabled Mr. Kosiah himself to sometimes correct certain words translated by the interpreter, which were difficult to understand for someone not fluent in English with a Liberian accent, or even to ask for words that had been omitted from the translation to be added. Mr Werner took as an example the diminutive of the Mandingo language term, "dingo", used by a plaintiff during their hearing, omitted by the interpreter, and which, according to the defendant, had a racist connotation. This example, according to Mr Werner, shows that in the absence of Alieu Kosiah, this linguistic nuance, which was subsequently used on numerous occasions in the defense's arguments, would never have been picked up. Conversely, the plaintiffs, during Alieu Kosiah's 29 hearings (695 pages of transcripts) over several

years, were never able to react to his remarks, having never been present themselves. Mr. Werner also pointed out that there had been only one confrontation between the defendant and a plaintiff in six years; hence the importance for the plaintiffs' lawyers of being able to be with their clients in Court during the Alieu Kosiah hearing, as provided for by law, in order to be able to gather their clients' spontaneous reactions and exchange, benefit from their understanding, in order to accurately analyze what is being said.

Thirdly, Mr. Werner explained that the presence of the plaintiffs at Mr. Kosiah's hearing is of vital importance to them. Indeed, their participation enables them to begin a process of healing the trauma they have suffered, with a view to regaining their inner peace. Their absence would therefore cause them irreparable harm, as they have been waiting a very long time for justice to be done, and have not been able to attend the investigation which lasted for years in Switzerland, apart from their own hearing of a few days. The plaintiffs therefore insist on being present at the defendant's hearing. According to Mr. Werner, it would be cruel to rob them of this moment, which is key to their inner healing.

Mr. Werner therefore requested that the hearing of Alieu Kosiah be postponed to the second part of the trial, scheduled for early 2021, to enable the plaintiffs to attend. Alternatively, Mr. Werner argued that, if this first preliminary ruling were to be rejected by the Court, the hearing should be filmed in its entirety and broadcasted live to Liberia, if necessary, so that the victims could follow the hearings through a video link. However, he stressed that this alternative would only be a partial solution, given the potential technical problems.

Secondly, during the second preliminary question, Mr. Wavre asked the Court to hear the case of French Gendarmerie Colonel Eric Emeraux. The lawyer pointed out that, despite the fact that neither the Federal Judicial Police, the Prosecutor nor the judges had been able to visit Liberia, the plaintiffs remained convinced that a fair verdict could be reached. However, according to Mr. Wavre, experience on the ground remains important, and it is therefore essential that the judges have direct feedback from this experience, which they will be able to do with the hearing of Mr. Emeraux. He explained that, in view of his professional experience in the field, Mr. Emeraux is in a position to explain how victims may have felt, and the reasons why some victims came forward to testify and others did not out of fear. He added that Mr. Emeraux could also provide details of the reconstructions carried out as part of French proceedings against another Liberian national who was also a former ULIMO commander, as some of the charges against him were also attributed to Alieu Kosiah. He then explained that Mr. Emeraux had worked in collaboration with the Global Justice Research Project (hereinafter “GJRP”) and could explain the organization's methods.

For these reasons, Mr. Wavre concluded that Mr. Emeraux's hearing was essential to the proceedings.

The lawyers for the other plaintiffs, Mr Jakob, Mr Maleh and Mrs Wakim, all agreed with Mr Werner and Mr Wavre's position on the postponement of the Alieu Kosiah hearing and the request for a hearing for Mr Emeraux.

Mr Jakob added that his client had expressed a strong wish to be present at the trial, and had never asked to be exempt. He also mentioned the presence of cameras in the room, which could facilitate a possible live retransmission of the trial to enable the plaintiffs to follow them, should the defendant's hearing not be postponed until 2021.

For his part, Mr Maleh added that his client had expressed his gratitude that the proceedings could take place in Switzerland and that he could take part in them. He stressed the importance of the trial taking place in Switzerland, which would have been impossible in Liberia. He explained that his client had spontaneously thanked all parties to the proceedings, including the defense, for their work. Moreover, he added that his client had never heard Alieu Kosiah and his presence at his hearing would have been the only possibility of doing so.

As for Mrs Wakim, she added the importance of the role of justice and its work of remembrance, all the more important for victims of sexual violence, including her client.

The Court then asked the Prosecutor and the defense for their opinions on the questions raised by Mr. Werner and Mr. Wavre.

The Federal Prosecutor's Office stated that it regretted the absence of the plaintiffs at Mr. Kosiah's hearing, but that the proceedings had to take into account the health situation and that of the defendant. He pleaded for the trial to continue as planned. As for the hearing of Eric Emeraux, Federal Prosecutor Müller referred to justice and recalled that he had not objected to this hearing in the past.

For his part, defense attorney Mr Gianoli stressed that there was indeed no written evidence against his client in this case, and that the accusation was based solely on words, as Mr Werner had argued. He explained that the positions of the plaintiffs were well known and that their statements should not be modified in the light of what Alieu Kosiah had said. He added that the Court was not a theater, and that the victims' reactions to the defendant's hearing were not necessary, especially in view of the health situation. He therefore concluded that the plaintiffs' request for a preliminary ruling should be rejected.

As for the question concerning the hearing of Mr. Emeraux, the defense felt that despite his experience in the field, his methods remained unknown. Mr. Gianoli added that the defendant had not been represented in the field, and that this was the trial of Alieu Kosiah, not the ULIMO group or the first civil war in Liberia. In the end, he concluded that there was sufficient evidence in the file and that Mr. Emeraux's statements were neither relevant nor objective.

The defense argued for the rejection of the two preliminary questions submitted by Mr Werner and Mr Wavre.

Mr Jakob's preliminary questions

After a short break, Mr Jakob in turn raised his preliminary questions. He asked that the legal characterization of Alieu Kosiah's acts be reconsidered, in particular the application of articles 264a, 264b ff and 264k of the Swiss penal code concerning crimes against humanity, war crimes and the criminal liability of superiors.

Mr Jakob explains that his request is based on article 344 CCP (Code of Criminal Procedure), which implicitly states that the Court may depart from the legal analysis of the Prosecutors, but that it must then inform the parties to the proceedings, first and foremost the defendant.

Mr. Jakob continued his reasoning by explaining that the provisions relating to crimes against humanity, i.e. article 264a of the Swiss penal code, are applicable to the case in point. He explained that the offenses with which Alieu Kosiah is charged are acts essentially directed against civilians and committed in a systematic and generalized manner against them. He also pointed out that both the

indictment and a report by the Federal Judicial Police noted that civilians had been deliberately and systematically targeted throughout the conflict, this contextual element constituting precisely the legal definition of the contextual element of crimes against humanity.

However, the Swiss Federal Prosecutor's Office has always taken the view that this legal assessment is impossible. The latter considers that the statute of limitations prevents the acts of which Alieu Kosiah is accused from being qualified as crimes against humanity. The plaintiffs had appealed against this legal viewpoint during the investigation, and the Court of Complaints dismissed this appeal as inadmissible on February 2nd 2018. According to the Court, the legal characterization of acts falls within the competence of the trial judge (article 344 CCP). However, according to Mr Jakob, at the end of the investigation, the Federal Prosecutor's Office included in the indictment all the elements required to qualify the facts as crimes against humanity.

Mr. Jakob points out that the Federal Prosecutor's Office nevertheless considers that crimes against humanity under article 264a of the Swiss Penal Code are not applicable, due to article 2 para. 1 of the Swiss Penal Code, which prohibits the law from being applied retroactively, or before its entry into force, i.e. in 2011 for crimes against humanity. The prosecutors consider that there is no exception to the principle of non-retroactivity for crimes against humanity, whereas Mr. Jakob believes that this exception is provided for in article 101 PC, and that the recent case law of the Federal Supreme Court supports this view. He cites a 2018 ruling that acts potentially qualifying as crimes against humanity committed on Algerian territory before 2011 were not time-barred and should be prosecuted as crimes against humanity. However, according to Mr Jakob, article 101 al 3 Criminal Code (CC) stipulates that article 101 al 1 let b CC is applicable if the criminal action was not time-barred on January 1, 2011, which is the case in this matter, otherwise the trial could not take place now. According to Mr Jakob, article 101 al 1 let b CC makes crimes against humanity imprescriptible.

Mr Jakob goes on to point out that when a behavior can be qualified as both a war crime and a crime against humanity, a conviction must be handed down for both, to give a complete image of his guilt, since the two crimes do not have the same constitutive elements. Indeed, there is a notion of mass crimes and denial of the humanity of the victims in the prosecution of crimes against humanity, which does not exist for war crimes, which must be committed during a war.

According to Mr Jakob, the question remains as to whether the plaintiffs have the right at this stage to raise this preliminary question and invoke article 344 of the CCP, despite the fact that their right may still be guaranteed by the judgment handed down by the judges at the end of the trial. In this respect, he points out that his client, like all the other participants in the trial, has a right to a foreseeable course of the trial, and that he therefore has a major interest in the Court applying article 344 of the CCP from the outset. Mr Jakob reserves the right to re-argue this issue in his closing arguments if the judges do not agree with him at this stage.

Mr. Jakob lastly argues that the corollary of his reasoning on crimes against humanity and Article 101 of the Swiss Penal Code is that, for war crimes, the Federal Prosecutor's Office should also apply the law codified in the Swiss Penal Code since 2011, and not the old military law.

Lastly, the lawyer asked the judges to indicate whether or not they reserved the right to analyze the facts under article 264k of the CC, according to which a commander must answer for crimes committed by soldiers under his command when he does nothing to stop them.

Having set out these preliminary questions, the Court asked whether the Federal Prosecutor's Office wished to respond to them.

The Federal Prosecutor took the view that a new legal qualification had no place in the preliminary questions and that these questions should be decided at the end of the deliberations in accordance with the case law of the Federal Criminal Court. He also added that the exception provided for in art. 101 para. 3 of the CC is not an exception to the non-retroactivity of laws, but rather an exception to the statute of limitations. According to the Federal Prosecutor, the ruling cited by Mr Jakob on the Algerian context is in line with his view, as the Federal Criminal Court examined whether the conditions had been met for a murder committed in the 90s as part of a generalized or systematic attack to become imprescriptible. In his view, this ruling said nothing else.

On the question of article 264k of the CC, the Prosecutor notes that this article came into force on January 1st 2011 and that the principle of non-retroactivity of the criminal norm prevents the application of this article.

The Federal Prosecutor therefore concluded that the preliminary questions raised by Mr Jakob should be rejected.

Counsel for the other plaintiffs concurred with Mr Jakob, Mr Maleh adding that he understood the Prosecutor's desire to have these issues decided on the merits, but he feared that if the communication provided for in article 344 of the CCP was not made today, the Court would find itself unable to decide these issues on the merits.

The defense endorsed the Prosecutor's developments and also considered that these issues had already been examined in 2016 and that she agreed with the conclusions of the Federal Prosecutor's Office regarding these preliminary questions and their dismissal.

In response, Mr Jakob says that he agrees with the Federal Prosecutor that the questions he raises should be dealt with in the judgment on their merits. However, he asks how this can be done when the doctrine of article 344 of the CCP states that judges must inform the parties as soon as possible, and in any case before the pleadings.

Mr Gianoli's preliminary questions

It was then the turn of the defense lawyer to present his preliminary questions. Mr Gianoli announced that he would be requesting the recusal of Mr Werner, with the consequent recusal of Mr Wavre. He also announced that he would request the withdrawal of various testimonies gathered by the GJRP.

First of all, Mr. Gianoli explained that, despite the absence of any explicit provision on the possibility for an authority to disqualify a lawyer, it was generally accepted that such matters fell within the remit of the authority hearing the case, i.e. the Federal Criminal Court.

Mr. Gianoli began by pointing out that, according to the provisions of the Law on the Free Movement of Lawyers (LLCR), a lawyer must maintain personal independence and avoid any conflict of interest. In his opinion, these provisions were not respected by Mr Werner or Mr Wavre.

Indeed, the defense lawyer asserted that the Swiss-based non-governmental organization (NGO) Civitas Maxima and the Liberian-based GJRP had a very close link. Mr. Gianoli illustrated this link by citing various extracts from the old version of the Civitas Maxima and GJRP websites. In particular, he

pointed out that, according to the latter, the GJRP was Civitas Maxima's sister organization and that GJRP employees collaborated with Civitas Maxima. Mr. Gianoli also pointed out that Hassan Bility, director of the GJRP, appeared on numerous occasions in the file.

Mr. Gianoli concluded that in view of this relationship, and in particular the fact that the GJRP was entirely financed by Civitas Maxima, the former served as a "**carrier of business**" for the latter. He went on to explain that, in view of this relationship, Mr Werner wore two hats, with the result that the different interests linked to his two roles, as both lawyer for the plaintiffs and director of Civitas Maxima, merged.

The defense lawyer then shared several examples illustrating, in his opinion, the different situations in which Mr Werner's dual role was problematic in the Kosiah case. In particular, he asserted that the defendant had been targeted solely because he was a Swiss resident, basing his argument on email exchanges between Mr Werner and Hassan Bility. Thus, according to the lawyer, it was not as a result of information gleaned from field research in Liberia that Alieu Kosiah's name came to light, but rather as a result of a specific request from Mr Alain Werner. Following this request, the GJRP assured Mr Alain Werner that it would do everything in its power to achieve this goal.

In the course of his argument, however, Mr Gianoli was interrupted by the presiding judge, Judge Bacher. The latter, seeing that Mr. Kosiah was moved, asked the defendant if he wished his counsel to interrupt for a moment. At this point, Mr. Kosiah spoke in English, recalling that he had been incarcerated for over six years and that he had been targeted. The presiding judge then insisted that the defendant either let his lawyer continue, or ask for a break.

Mr. Gianoli then went on to illustrate the problematic situations created by Mr. Alain Werner's "double hat." In particular, he asserted that Mr. Werner had deliberately prevented a witness from testifying in Switzerland, as confirmed by the words of Mr. Hikmat Maleh, lawyer for another of the plaintiffs, in an exchange of emails during the investigation, the latter having written to Mr. Alain Werner "Well done Alain!" when the witness in question failed to appear in Switzerland to testify.

The lawyer went on to assert that Mr Werner had used elements of the file concerning Alieu Kosiah in order to file a complaint, on behalf of Civitas Maxima, against a Liberian suspect in France, Mr. Kunti Kamara. Civitas Maxima, by filing the complaint itself, and not on behalf of the plaintiffs, demonstrated its interest in multiplying proceedings and preventing the search for the truth in the Swiss proceedings.

Giving other examples from the proceedings, including the fact that, according to him, Civitas Maxima relayed information from the proceedings in Switzerland to the GJRP in Liberia, Mr. Gianoli concludes that Mr. Werner in no way acted with diligence and in compliance with his obligation of independence, as would a lawyer who finances the search for cases in order to then act in the proceedings in these cases in violation of the rules on the independence of lawyers.

Mr. Gianoli concluded by asking the Court to find a conflict of interest in view of the "double hat" of Mr. Werner and his collaborator Mr. Romain Wavre, due to their roles at Civitas Maxima, and invited Mr. Werner to give up representing the four plaintiffs and to entrust his client to one of the other lawyers representing the other plaintiffs.

Invited to take the floor, Andreas Müller, Federal Prosecutor for Switzerland, pointed out that the points raised by Mr. Gianoli were more in the nature of pleadings than preliminary questions. He also expressed his incomprehension due to the fact that these elements, which had been known for a long

time, had only been raised at this stage. Federal Prosecutor Müller concluded that any sanctions in the event of a guilty verdict were chosen by the Court and not by the plaintiffs, and finally pointed out that Mr. Gianoli systematically forgot to mention the topical provision of the Law on the Free Movement of Lawyers concerning the exception applicable in this case, which precisely allows Mr. Werner to be both director of a non-profit organization and counsel for the civil parties in these proceedings.

Also invited to decide, Mr. Werner asked for a new document to be added to the case file, a request which was accepted by the Court. The document in question was his re-registration with the Geneva Bar, dating from his return to Switzerland in 2013, which authorized him to be registered as a lawyer with the Geneva Bar precisely as director of the NGO Civitas Maxima. As a result, Mr. Werner was then authorized to represent victims before the courts solely within the framework of the mandate of Civitas Maxima, of which he is the Director, in accordance with the article of the Law on the Free Movement of Lawyers (LLCA) referred to by the Swiss Federal Prosecutor's Office. Indeed, it is article 8 al 2 LLCA that applies in this case, and not article 8 al 1 LLCA. Mr Werner therefore considers that he wears only one hat, in accordance with the law and the aforementioned article. Lastly, Mr. Werner formally and categorically rejects the allegations made against him by Mr. Gianoli in his closing address.

Me Jakob agreed with Mr Werner, and also questioned the formal admissibility of Mr Gianoli's request. Mrs Wakim also agreed with Mr Werner.

The same was true of Mr Maleh, who also wished to explain the comments quoted by Mr Gianoli. In particular, he explained that these remarks had been made in a particular context, as Mr Werner had anticipated the absence of the witness, a war veteran who did not wish to travel to Switzerland for a variety of reasons. Mr Maleh had merely congratulated him on the acuity of his prediction.

In response to the plaintiffs, Mr. Gianoli clarified that his request did not relate to a questioning of Mr. Werner's bar admission, but to his role as representative of four plaintiffs.

The trial resumed in the afternoon with Mr Gianoli's second preliminary question. In particular, Mr. Gianoli asked the Court to find that Civitas Maxima and the GJRP were dependent on each other and, consequently, to remove from the file all testimonies collected for Civitas Maxima through the GJRP. Furthermore, Mr Gianoli asserted that the GJRP had a subordinate relationship with Civitas Maxima, of which Mr Werner is the director.

Mr. Gianoli then listed numerous examples in which, in his opinion, the GJRP had not hesitated to resort to manipulating elements of the case file in order to support the prosecution. In particular, the defense lawyer illustrated his arguments with the multiple contradictions in Hassan Bility's statements concerning his meeting with the defendant and the identification of the latter on a photographic plate by the plaintiffs.

The lawyer pointed out that only one of the plaintiffs had been able to identify Alieu Kosiah on the photographic plate dating back to the wartime period. However, according to Mr. Gianoli, it was established during the proceedings that Hassan Bility may have been aware of this photo before the aforementioned plaintiff, who identified the defendant, came to Switzerland.

The lawyer then reviewed and analyzed each of the plaintiffs' hearings, during which they were shown photos of the defendant, pointing out that it would have been more logical for the plaintiffs to have been able to recognize the dated photo of Alieu Kosiah, which was not the case.

Mr Gianoli then concluded with his third preliminary question. In particular, he requested the withdrawal of the identification of two witnesses residing in Liberia made by two of the plaintiffs, represented by Mr. Werner and Mr. Wavre, at the request of the Court. Mr Gianoli questioned the conditions under which the identifications had been made. The defense lawyer concluded, as previously, that these acts had been carried out in collaboration with the GJRP and should therefore be withdrawn from the file.

Asked to respond to the request to withdraw the testimonies, Mr. Müller for the Federal Prosecutor's Office pointed out that this was purely a matter of factual assessment, and that these elements would therefore have to be pleaded by the defense counsel during closing arguments. As for the identification of the two witnesses residing in Liberia, Federal Prosecutor Müller questioned the defense's reasoning, pointing out in particular that the request seemed likely to be irrelevant.

Also invited to respond, Mr. Wavre noted that Mr. Gianoli himself wanted all the incriminating minutes withdrawn. He pointed out that the work of an NGO such as Civitas Maxima or TRIAL International might seem strange, but that without their work, unfortunately very few cases of international crimes would be prosecuted. With regard to the identification of witnesses, Mr. Wavre pointed out that the identification had been carried out without any information from the Court, and therefore without any external influence.

Mr. Jakob agreed with Mr. Wavre and also questioned which parts of the file were concerned by Mr. Gianoli's request and on what legal basis. With regard to the identification of witnesses, he simply pointed out that there was no rule preventing a lawyer from submitting the considerations of his clients in writing.

Mrs Wakim agreed with Mr Wavre and also pointed out that this was in fact a written plea and should therefore be rejected at this stage.

Mr Maleh agreed with Mr Wavre. He also noted that this was a substantive pleading, and specified that he did not understand Mr Gianoli's comments, since the elements he had raised came under the investigation of the Swiss Federal Prosecutor's Office, not the GJRP.

In response to this and in conclusion, Mr Gianoli clarified his remarks. In particular, he explained that the elements he subsequently put forward demonstrated GJRP's method, and that it was not a question of withdrawing these minutes.

**Conclusion**
The Federal Prosecutor's Office, Mr Maleh and Mrs Wakim did not wish to raise any preliminary questions.

Having finished presenting his preliminary questions, Mr Gianoli informed the Court that the defendant, Alieu Kosiah, wished to introduce his notes on the hearing of Hassan Bility during the investigation in relation to the methods of the GJRP on the record.

President Bacher distributed a copy of Mr. Kosiah's notes to all the parties, and indicated that the judges would retire to deliberate on the preliminary questions, and would rule the following day on all the issues raised. The parties were also invited to take cognizance of the document submitted by the defense in order to decide on them the following day, December 4th 2020.

## December 4, 2020 – Day 2: End of the preliminary questions and the start of Alieu Kosiah's hearing

Preliminary questions and the Court's decisions

For this second day of the trial, Friday December 4th 2020, the Court first asked the parties to determine whether the document presented by Mr Gianoli on the previous day should be added to the record at this stage of the proceedings, namely a memorandum by Alieu Kosiah on Hassan Bility's testimony during the trial and the methods of the GJRP.

Invited to react, the Federal Prosecutor felt that this document suggested a very long anticipated pleading and had no place on the record. He explained that the defense had merely interpreted evidence already on the record. He added that the defense was using the preliminary questions to slip in substantive elements, and in fact asked the Court to remove this exhibit from the proceedings.

On the plaintiffs' side, Mr Werner, Mr Wavre, Mrs Wakim, Mr Jakob and Mr Maleh agreed in all respects with the Federal Prosecutor's conclusions regarding the refusal to include the said document on the record. However, Mr. Jakob added that if the Court agreed to include this document in the file, and in accordance with the principle of equality of arms, it should give the plaintiffs the same opportunity to submit similar documents.

Mr. Gianoli confirmed that he would maintain the filing of this document, which in his opinion is a complete analysis of the contradictions that emerged from Mr. Bility's hearing.

After a short deliberation, the Court considered that the filing of this document was premature in the proceedings. It explained that this document was rather a matter of assessing the evidence, and more specifically the credibility and reliability of the testimony of one of the witnesses. The admission of the document at this stage was therefore rejected, inviting Mr Gianoli to present the content of these notes with his pleading notes. The parties were invited to hand over the copies of the document transmitted the previous day by Mr. Gianoli.

Secondly, the Court delivered its decisions on the questions raised by the parties on the previous day.

With regard to the first issue raised by Mr. Gianoli, namely questioning the ability of Civitas Maxima's lawyers to represent plaintiffs in this trial, the Court concluded that there was no conflict of interest between the aims of Civitas Maxima and the interests of the clients. It also found that, in accordance with the law, Mr. Werner was a member of the Geneva Bar and an employee of Civitas Maxima under article 8 al 2 LLCA. Mr. Werner had only accepted mandates that were in line with the organization's aims, and the interests of Mr. Werner's clients once again did not appear to conflict in any way with the aims of Civitas Maxima. Consequently, the question of Mr. Werner's independence did not arise, it being understood that it had not been proven that a conflict of interest existed due to the conditions imposed by Civitas Maxima on Mr. Alain Werner and would thus influence the exercise of his mandate. He therefore concluded that the preliminary question should be rejected.

Mr. Gianoli then asked the Court to note the link of dependence between Civitas Maxima and the Global Justice and Research Project (hereinafter "GJRP") and, consequently, to remove all testimony collected for Civitas Maxima through the GJRP from the record. The Court concluded that there was no indication that any evidence had been unlawfully administered and was therefore inadmissible. It therefore also dismissed the preliminary question, pointing out that the question of whether the

evidence presented was compelling would be decided by the Court when it examined the merits of the case, at which point the lawyers would have to raise the question of the relevance of the evidence brought to the file.

In his third question for a preliminary ruling, Mr. Gianoli requested that the identification of two witnesses made by two plaintiffs, represented by Mr. Werner and Mr. Wavre, be withdrawn. The Court replied that these identifications had been made from a distance and that their sole purpose was to identify the persons to be heard, so as not to unnecessarily summon people who would have nothing to say. It was added that the Court had not drawn any conclusions as to the possibility of summoning them, and this complaint was therefore also rejected.

In connection with the preliminary questions raised by Mr Jakob, the Court also considered that the state of facts as presented in the indictment did not make it possible to discern acts constituting crimes against humanity and that the defendant had participated in a generalized or systematic attack against the civilian population, nor that he had intended to do so. He explained that the facts set out in the indictment did not allege systematic and widespread attacks against the civilian population, but rather provided information about the general and historical context of the first Liberian civil war. The Court therefore rejected this first conclusion and the other related questions, thus refusing to make use of the possibility offered by article 344 of the Criminal Code (CC), and considering that there was consequently no need to decide whether article 264a of the CC would be applicable via article 101 al. 3 of the CC.

With regard to the application of articles 264b ss and the question of what would be the “lex mitior”, the Court considered that this question should be decided at the time of the examination of the merits of the case. The Court added that if the new law were to be more favorable to Alieu Kosiah, it would reserve the right to apply articles 264b ss of the CC to the facts set out in the indictment.

With regard to the application of articles 264k of the CC, the Court considered that this hypothesis comes into play in the context of forced transportation when Alieu Kosiah did not prevent the mistreatment of civilians. It therefore reserves the right to assess these behaviors as possible additional offenses to those mentioned in the indictment. The applicable law (article 264k CC or aCPM) will have to be determined during the examination on the merits.

Finally, the Court ruled on the preliminary questions raised by Mr Werner and Mr Wavre.

It ruled that Mr. Emeraux's request for a hearing did not fall within the scope of a preliminary question and should be made at the time of the admission of evidence, inviting counsel to do so at that time.

Secondly, the Court decided that the postponement of Alieu Kosiah's hearing was not appropriate. The judges considered that the division of the trial was justified in particular by the principle of celerity. It was added that the division of the proceedings would also allow greater flexibility in the organization of the second part scheduled for 2021 considering the health situation. The Court emphasized that his position on the financing of the parties’ travel to Switzerland had not changed, and that he would bear the related costs if the parties had to come to Switzerland.

The Court also considered that the public nature of the proceedings was guaranteed, although reduced for the hearing of Alieu Kosiah. As for the contradictory nature of the proceedings, the Court noted that the victims would have the opportunity to ask questions later on in the trial, and that the publicity of the proceedings was guaranteed since they were held in public.

Finally, the Court indicated that they would video and audio record Alieu Kosiah's hearing. However, as far as the video recording is concerned, it cannot be copied or transmitted abroad, but can only be viewed at the Court or at the lawyers' offices. As for the audio recording, it may be transmitted to the plaintiffs, even abroad, in the same way as the minutes, but after the hearing of Alieu Kosiah.

After setting out its preliminary conclusions, the Court asked the parties whether they wished to raise any new questions before the opening of the probationary proceedings.

Mr. Jakob then requested, under articles 333 and 339 CC in conjunction with article 264a CC, that the indictment be amended by the Federal Prosecutor's Office. The latter, according to the lawyer, should - as requested by the Court of Complaints in 2018 - supplement it with objective and subjective elements concerning the systematic and widespread nature of the attacks against civilians in Lofa between 1993 and 1995. These elements would enable the plaintiffs' lawyers to plead certain acts as crimes against humanity. According to Mr Jakob, neither the Federal Prosecutor nor anyone else in this case disputes that the acts of which Alieu Kosiah is accused took place in the context of a systematic and widespread attack against the civilian population. And such a supplement to the indictment would not unduly complicate the proceedings.

To this, the Federal Prosecutor replied that he had already had the opportunity to express his views on the legal characterization of the facts on several occasions, and therefore did not wish to amend the indictment.

The other plaintiffs' lawyers - Mr Werner, Mr Wavre, Mrs Wakim and Mr Maleh - all agreed with Mr Jakob's position.

Mr Gianoli, for his part, agreed with the conclusions of the Swiss Federal Prosecutor's Office, stating that, in his opinion, there had never been any systematic attack on the civilian population.

After deliberation, the Court also concluded that this new preliminary question should be rejected, on the grounds that the Federal Prosecutor's Office had always conducted its investigation from the point of view of war crimes, and not from the point of view of possible crimes against humanity. And that if this request were accepted, it would be necessary to reopen the investigation and conduct new hearings of all parties, including experts. Moreover, such a referral for further investigation would contravene the principle of expeditiousness. Finally, the Federal Prosecutor's Office has already expressed on several occasions its choice not to extend the indictment to include crimes against humanity, and the Court cannot retain a qualification against the advice of the prosecutors, since it is up to them to define the context of the charges.

Prior to the opening of the probationary proceedings, the Court asked the parties whether they had received the indictment, and whether they wished the indictment or the conclusions of the Office of the Federal Prosecutor of Switzerland to be re-read. All parties replied in the negative.

Start of Alieu Kosiah's hearing

The Court firstly recalled the length of Alieu Kosiah's hearing, before discussing the possibility of extending it to the reserve week if necessary. It reminded the interpreter of his legal obligations and once again confirmed Alieu Kosiah's identity. He explained his rights and duties in relation to the hearing. Alieu Kosiah spoke in English, and his statements were simultaneously translated into French for the Court, the plaintiffs' lawyers and the public. As a reminder, Alieu Kosiah had already been

heard numerous times by the Swiss Federal Prosecutor's Office since his arrest in 2014. He was heard for the first time this morning before the Federal Criminal Court.

Firstly, the Court wished to ask questions about the defendant's personal situation. He was asked several general questions about his family life, his education, his reasons for coming to Switzerland, his various asylum applications, his jobs, his links to Liberia and finally about his life in prison.

Alieu Kosiah stated that he was married in Switzerland for seven to eight years, from 2004 to 2011, without having had any children during this marriage, although he did have two children before being married in Switzerland, one of whom died. Alieu Kosiah stated that he was born in Ganta hospital and grew up between Ganta and Sagleipie, and that he attended school in Liberia before the war up to 10th grade, and went to Monrovia to start high school when the war erupted. In fact, Alieu Kosiah did not finish high school and does not hold a diploma in Liberia. The defendant also stated that he had undergone and completed military training in Liberia, which lasted around six months.

Alieu Kosiah said he arrived in France by plane in 1998, and left Liberia because Charles Taylor had won the 1997 elections. Indeed, Alieu Kosiah was part of the previous interim government as Director of the Criminal Investigation Department (CID), appointed by the ULIMO armed faction which had been at war with Charles Taylor for years. In addition, Alieu Kosiah indicated that, when he was Director of the CID, he didn't get along with his boss, the Director General, appointed by Charles Taylor's faction. As a result, with Taylor having won the elections and de facto control of the country, Alieu Kosiah decided to leave Liberia.

Alieu Kosiah indicated that initially he would have liked to go to England because English was spoken there, and that there he could have continued to carry out investigations as he had been doing in Liberia. However, lacking the necessary papers, he was unable to go there. That's why he first went to France with a false Guinean passport, then to Holland, before being sent back to France, where he had applied for asylum. In France, he was told that English was spoken in Switzerland. Alieu Kosiah thus came to Switzerland at the end of 1998 and later applied for asylum. In Switzerland, Alieu Kosiah's asylum application was rejected on the grounds that he was a Nigerian national. Furthermore, Alieu Kosiah stated that in 2004, despite the refusal of his asylum application, he was still in Switzerland, as he wished to marry a Swiss national; not to obtain asylum, but because he loved his future wife. He added that Switzerland had wanted to deport him to Liberia once his marriage plans were known, even though his asylum application had initially been refused on the grounds that he was Nigerian. With Mr Taylor still in power at the time, Alieu Kosiah chose not to travel to Liberia. Today, Alieu Kosiah still lives in Lausanne, in the canton of Vaud, and has indicated that he has married the Swiss woman he loved.

Regarding the ULIMO card he had presented to the Swiss asylum authorities, Alieu Kosiah stated that it was a fake card he had obtained in Conakry, that the rank on it (colonel) was correct, but that the “Strike Force” indication on the card corresponded to the Pepper and Salt group that went to replace another commander in Lofa at some point, but did not correspond to a battalion name, as mentioned on the card. Pepper and Salt's battalion was then Alligator.

Alieu Kosiah went on to say that he had visited Liberia three times while living in Switzerland, approximately in 2006, 2010 and 2012 according to him, as well as Guinea. He said he held various jobs in Switzerland from 2004 to 2011 while working in Geneva, notably as an employee of a tanker overhaul company. After his divorce, Alieu Kosiah stated that he was unemployed and received social

assistance. Alieu Kosiah stated that due to taxes, he is still indebted, which he continues to pay off in installments.

After concluding with questions concerning the defendant's personal situation, the Court continued with general questions about the first Liberian civil war.

To begin with, the Court asked the defendant to explain when Liberia's first civil war began and when it ended. Alieu Kosiah replied that, for his part, he placed the start of the first civil war in December 1989, and that it lasted until 1996. According to Mr. Kosiah, the civil war was caused by former President Samuel Doe, who had seized power in 1980 with a coup d'état: Samuel Doe had said that he would hand over power after five years, but he didn't do so. As a result, Thomas Quiwonkpa attempted an unsuccessful coup. In response, Doe took his revenge on Quiwonkpa's ethnic kin, the Gios and Manos, who lived in Nimba County. The NPFL (National Patriotic Front of Liberia) was subsequently formed by the Gios and Manos who fled Liberia for military training in Libya.

The Court then asked Alieu Kosiah about the impact of the war on Liberian territory, and in particular whether, to his knowledge, the entire territory had been affected by the war, to which Alieu Kosiah replied in the affirmative. According to the defendant, the parties to the conflict were: the NPFL, the INPFL (Independent National Patriotic Front of Liberia), the AFL (Armed Forces of Liberia), then the ULIMO, the LPC (Liberian Peace Council) and the MODEL (Movement for Democracy in Liberia). However, according to the defendant, the LDF group did not really exist. Indeed, Alieu Kosiah explained that the group was actually made up of men from the Lorma ethnic group. As Taylor was unable to reconquer Lofa County from the ULIMOs, he had sent these men to fight against the ULIMOs. However, this group was led by a commander, Massaquoi, who himself belonged to the NPFL.

More specifically, concerning the faction to which Alieu Kosiah belonged at the time of the war, namely ULIMO, he told the Court that he was perfectly able to talk about it because he was one of its founders. Alieu Kosiah then explained that ULIMO was founded in Sierra Leone, that it was originally called the Liberian United Defense Force (LUDF), and that this movement was initially supported by the Sierra Leonean government. All the original members of LUDF belonged to the AFL. The government of Sierra Leone, which was under attack from a rebellion called the Revolutionary United Front (RUF) (which was in fact made up of many NPFLs from Liberia), was unable to counter this rebellion, and called in the LUDF group to counter these RUF/NPFL rebels. Guinea also sent men to Sierra Leone to help fight the RUF/NPFL. Alieu Kosiah explained that he had been an AFL soldier in Liberia and fought with the LUDF against the RUF/NPFL in Sierra Leone. The aim of the ULIMO/LUDF was to get rid of Charles Taylor in Liberia. To do this, they started fighting them in Sierra Leone. The NPFL wanted to get rid of Samuel Doe in Liberia and take power. The ULIMO/LUDF were made up mainly of Mandingos and Krahns, Samuel Doe's ethnic group, while the NPFL were made up mainly of Gios and Manos.

The Sierra Leone government provided uniforms for ULIMO/LUDF members fighting in Sierra Leone. Then, when they went to fight in Liberia, the ULIMO soldiers kept their uniforms, unlike the NPFL who had never been supported by a regular army and had no uniforms. The NPFL color was red, and the ULIMO color was white. NPFL soldiers had thus been the only ones to wear red headbands, and anyone who, according to Alieu Kosiah, claimed otherwise was lying.

According to the defendant, all factions used AK-47s. Alieu Kosiah said he didn't know exactly where the ULIMO and NPFL weapons came from, but explained that he thought the NPFL reams came from the Ivory Coast, Burkina Faso and Libya, while urging us to bear in mind that no African country

manufactured weapons, and that we should therefore ask the Europeans where the weapons originally came from.

Regarding the geographical control exercised by the ULIMOs, the defendant replied that the ULIMOs did not occupy Monrovia, and that the government troops (AFL) and West African interposition troops (ECOMOG) were stationed there. The ULIMOs did, however, defend Monrovia against NPFL troops during the assault on the capital during Operation Octopus in 1992. As for the ULIMO commanders present in Lofa County, Commander Dekou was in charge of Foya, and was related to the defendant according to an African understanding of family ties. ULIMO commander Cobra was in charge of Kolahun, and a commander named Polu was connected with Vahun, this commander's troop having passed through during the capture of Lofa, and having captured the Vahun area. In addition, Pepper and Salt had been Voinjama's commander until the arrival of General Dumbuya. Finally, as for Zorzor, Major Steven Dorley captured the town and was its first commander.

According to Alieu Kosiah, once ULIMO was fighting under this name in Liberia, only the top commanders had their ranks on their uniforms. For the rest, it was up to them. ULIMO was a rebellion, but it was still a military organization, and a soldier could not claim to be a colonel.

According to the defendant, in Sierra Leone, the LUDF leaders were Karpeh and Hamah Juluh. Then when the troops entered Liberia the leader was Joe Harris, the group then being divided into two battalions, Zebra and Alligator, the latter being more numerous. Once Po River had been captured, former AFL members joined the group, which was then called ULIMO, and the numbers increased.

According to the defendant, at a certain point, the ULIMO group split into two, ULIMO-J and ULIMO-K, with respectively the Krahn ethnic fighters, led by Roosevelt Johnson, and the Mandingo ethnic people in ULIMO-K, led by Alhaji Kromah. But the Mandingo fighters called their group “Double Struggle”, not ULIMO-K. The split was caused by appointments to the interim government, with member Krahn not voting for the Mandingo member for the chairman post, a man called Sheriff, who would have become de facto President of the country, which according to Alieu Kosiah was taboo and therefore inconceivable in view of prejudices against the Mandingos.

Alieu Kosiah explained that once River Po had been taken in Liberia, a line of communication was established with the Sierra Leone government, which supported ULIMO with food. ECOMOG also supported ULIMO with vehicles and ammunition. After the ULIMO-K/J split, Guinea supplied ULIMO-K with ammunition and food with trucks.

According to the defendant, ULIMO was a rebellion and not a national army because they didn't wear badges with ranks and uniforms for everyone as in a regular army.

Alieu Kosiah went on to explain that ULIMO had first captured Mano River in Liberia, and then the group split into two battalions, with Zebra advancing on Tiene and Klay, and Alligator on Lofa bridge, Monrovia, Klay, and Bomi. Once Po River had been taken, the line to Monrovia opened up. The aim was then to capture Kakata. Alligator thus attacked and captured Bong Mines, close to Kakata, and Zebra attacked Todi, between Kakata and Monrovia. When Todi and Kakata were taken, ULIMO commander Steven Dorley left to begin the Lofa mission, around the same time as Operation Octopus, i.e. late 1992 - early 1993. The same Dorley then took Zorzor, but a month or two later Steven Dorley was recalled to Bomi and Pepper and Salt was sent to Lofa. The villagers blamed Pepper and Salt for not being there when Zorzor was captured. The group led by Pepper and Salt then advanced into the Lofa: Voinjama, Kolahun and Foya were successively taken. Mr. Kosiah said he had learned during the

proceedings that a second, smaller group under ULIMO commander Polu had advanced on Vahun and then on Massabolahun.

Alieu Kosiah then insisted that he had not captured Zorzor, Voinjama and Foya and that, when he arrived in Lofa, the situation was calm, with the only fighting between Zorzor and St Paul Bridge. To his knowledge, the ULIMOs lost Zorzor once and then took it back.

According to the defendant, the war ended because there was a peace agreement and then elections, which Charles Taylor won. When asked about the notion of a war crime, Alieu Kosiah replied that it meant giving the order to execute innocent people, not preventing it when you can, or doing it directly yourself, adding that a person with a weapon and power should not kill innocent people, and this, Mr. Kosiah said he knew even if he didn't know the laws of war. He also declared that he knew what was right and wrong, and that the fact that a captured enemy should not be killed was dictated to him by his humanity. He also stated that, in his opinion, all it takes is a crime to qualify as a war crime. The defendant added that he had never witnessed any acts meeting his definition of war crimes during the civil war, and that it was up to the courts and lawyers to decide how such acts should be qualified. The defendant further stated that there were children under the age of 15 in the ULIMO group, the youngest child soldiers in the ULIMO group being 12 or 13.

Alieu Kosiah also added that there were more or less disciplined soldiers in the ULIMOs, like those found everywhere, that he had never heard of “Black Monday” before his arrest, and that this event, in his opinion, had been fabricated by those who talked about it. He explains that the first casualty of war is the truth, and that the truth is a matter of ethnicity. According to the defendant, the only people who talked about “Black Monday” in the proceedings were those who went through the NGOs. All the others had not heard of it.

According to the defendant, it made no sense to ask civilians to cook for the ULIMO soldiers, as they could have put things in the food to kill the soldiers. Nevertheless, he explained that in Liberia, even before the war, there was a system of government farms to which villagers had to go regularly to work, the food produced being used for official occasions when officials came to the village.

When asked again about the behavior of ULIMO soldiers towards civilians, Alieu Kosiah said that he had never seen any mistreatment of civilians by ULIMO soldiers in his presence. Moreover, he stated that if he saw something going wrong, he would intervene, especially when one of his subordinates was involved.

Regarding the practice known as “tabé”, the defendant specified that this technique consisted of tying the hands and feet behind one’s back, and that it was used during 1990, particularly against people of the Mandingo and Krahn ethnic groups. He added that this technique came from the NPFL, that no soldier had ever practiced “tabé” on a civilian in his presence, and that he himself had never practiced the technique on anyone, nor given orders for it to be practiced, but that he himself had been a victim of “tabé”. He also explained that “tabé” was a dangerous practice which generally led to death, and that it had sometimes been used by commanders against civilians suspected of belonging to the NPFL.

When asked whether ULIMO had used civilians to transport goods, the defendant replied that he didn't understand why ULIMO would have done this when there were roads leading to all the borders, and they had vehicles; but that it was nevertheless possible that soldiers had, in the absence of a commander with access to a vehicle, asked one or two civilians to transport things for them. He added that, as one ULIMO among many, he could not answer the question on behalf of all ULIMOs. As for

him, he was in town 80% of the time, with access to a vehicle from headquarters, and he took his motorcycle to the front line. When he was on the move, he never left the road. Alieu Kosiah went on to explain that danger always existed during the war, but that there were areas under the control of their troops, and that in this area he used the main roads, but to get to the front line it was better to walk.

In conclusion, Alieu Kosiah spoke of the fact that the questions he was asked are disconnected from the reality in Africa, so his answer may sometimes be irrelevant. He added that not answering the questions would make him seem arrogant, when in fact he was not. In response to questions on this subject, the defendant concluded that he had never seen a forced transport with his own eyes, nor had he ever heard of one. When questioned about the statements of a defense witness who had participated in the war with Mr. Kosiah and had stated during the investigation that all factions including ULIMO had used civilians by force, the defendant replied that this witness had also stated that he had never seen the defendant make a civilian bear charges. He was questioned again about looting and forced labor by the ULIMO group.

The defendant once again stated that the war was brutal, that it was a civil war, and that it was impossible to have a clean war. He added that he was not accused of the general character of the war, but of what he himself had done, and that when he arrived in Lofa the situation was calm, that there was no looting going on, looting having in fact taken place by both NPFL and ULIMO soldiers during Operation Octopus around Monrovia.

When asked about his knowledge of acts of rape during the war, the defendant replied that he was aware of an incident that occurred in Lofa at Massabolahun, where ULIMO general Dumbuya decided to execute two or three soldiers accused of rape. Alieu Kosiah explained that he had tried to persuade this general to whip them or put them in prison instead and to chase them away from the ULIMOs, but that he didn't tell this so that the Court would see him in a better light. On the question of whether civilians had been killed by ULIMO during the war, the defendant replied that although there were always some bad soldiers, this had not happened from a collective point of view, and that Pepper and Salt had never given orders to execute people. Moreover, the only time the defendant had ever heard of an act of cannibalism was after the war in an internet video.

## December 7, 2020 – Day 3: Continued interrogation of Alieu Kosiah

Alieu Kosiah's hearing resumed on Monday December 7th 2020. The judge told Kosiah that he still had many questions to ask him, and that he had to be complete but succinct in his answers. The Court began by asking him about his involvement in the first Liberian civil war and then about each of the twenty-five counts against him. The Court ended by asking him a number of general questions relating to the various statements he had made over the previous days.

General questions on Alieu Kosiah's involvement in the war.

The judge began by asking him about his participation in the war.

He then asked him to explain his presence during the first civil war, his participation as a soldier, his start in the ranks of ULIMO and his military training. Alieu Kosiah replied that he had left Liberia in 1990 when President Doe fell. He then went to Sierra Leone for a few months, then visited his mother in Guinea as a civilian before returning to Sierra Leone. He explained that he then returned to Liberia in 1991 with ULIMO from Sierra Leone and fought alongside them until the end of the first civil war in 1996. He mentioned that he had not had any military training with ULIMO as he had already been a soldier, and fulfilled a code of conduct in Sierra Leone.

The Court then asked him to detail his different ranks within ULIMO during the war. Alieu Kosiah explained that he had been successively sergeant or operational sergeant in Sierra Leone in 1991 under the command of War Bus, second lieutenant at the start of the war in Liberia in 1992 under the command of Abas Kenneh, captain in Todi in 1993 under the command of Omaru Kelleh, and still captain and floating officer (i.e. without assignment) until his arrival in Lofa. There, under the command of Pepper and Salt, he was promoted to battalion commander, then sent to Zorzor, where he was promoted to lieutenant-colonel in 1994 or 1995, after the capture of Gbarnga. Finally, he became regional commander for Zorzor, with a battalion under his command, with the rank of full colonel, at the end of 1995. In addition, between his responsibilities as Battalion Commander and Regional Commander, he was Battalion Investigating Officer for a short period at Voinjama in 1995.

The judge then asked him to detail the function, assignment and prerogatives of each ranking. Alieu Kosiah explained that at the start of the war, when he was an operational sergeant, he only passed on orders but did not give them, and he had no men directly under him. The same was true as a second lieutenant, where he gave no orders and had no men under him. The situation changed when he was promoted to Captain and thus Commander. There, as captain and deputy to the main commander, his mission was to capture Todi. Indeed, Alieu Kosiah reports that he was the first to capture Todi with around 100 men. Together with the main commander, they controlled between 50 and 100 men. As a lieutenant-colonel he had between 100 and 150 men under his command, and the situation was the same when he became a full colonel.

Alieu Kosiah explained that there was a difference between rank and assignment, and that you could be a colonel without an assignment, or a captain with an assignment. The rank took precedence over the assignment, but the assignment remained paramount. Thus, if he went as a colonel to Zorzor, a town under the command of a major, the latter had to salute him. However, the major always commanded where he was assigned.

And when he fought in Sierra Leone, there was more discipline and organization. That changed with the move to Liberia, and the level of discipline dropped.

Alieu Kosiah, when asked about his role as a “big man” within ULIMO, explained that the concept of “big man” was relative, and apart from the highest-ranking people in the military organization, who are unanimously considered “big men”, some people consider themselves “big men”, while others consider themselves “small men”. As for him, he was a commander, but as to whether he was a “big man”, he explained that this was once again relative. He felt, however, that he wasn't one, because the latter stayed in the rear, enjoying the air-conditioning, while he spent the six years of the war on the front line, particularly in Zorzor.

The defendant stated that under the command of Omaru Kelleh during the capture of Todi, he didn't give orders but made suggestions to his commander, such as not to wait for the night to cross the river and go upstream, to cross higher and take Todi from behind, which they did. He added that he was given well-defined missions, such as precisely when Todi was taken, or when one day General Dumbuya asked him to go and bring reinforcements to the rebel leader Prince Yormie Johnson in Zorzor, during which time he fought alongside Kunti in Belfanai.

The defendant went on to explain that the “Headquarter and Headquarter commandant” (H&H) was the person within the ULIMOs who managed activities at headquarters, including ammunition, fuel and food. According to him, he never exercised this function. However, he did point out that the H&H refers more to a place than an individual.

Alieu Kosiah then stated that a commander is only responsible for the actions of his soldiers when he is there and does not want to prevent a crime from being committed. If he is not present, then the commander is not responsible, and it is the soldier who is responsible. He also explained that he still checked to see if the orders he gave were being followed, even though most of his orders were of a strategic nature during combat. And according to him, if the commander was made aware of things done by soldiers behind his back, he had to punish his soldiers if the orders had not been respected.

On the subject of the ULIMO battalions, the defendant explained that Alligator had been the first to be created and that the Zebra battalion created afterwards was smaller. Alieu Kosiah indicated that he had been integrated into the Alligator battalion as a soldier, as soon as it was created in 1992. He added that these groups only really became battalions after Klay's capture in 1992. Before that, Alligator and Zebra were just groups.

Zebra was, to the best of his recollection, run by Varmuyan Sheriff. As for Alligator, the leaders were either T'Kala or Prince Seo. The overall commander, i.e. the head of both battalions, was Major Kamara.

The Court then inquired about the date of his arrival in Lofa. Alieu Kosiah indicated that he had been mistaken in his statements about the date of his arrival, as he had believed that Lofa had been captured in 1994, and that he now knew that Lofa had been captured in 1993, the capture of Foya having occurred in July and having been the last town captured. The defendant added that he hadn't taken any notes at the time of the events, that he wasn't a computer, and that he only relied on the chronology of events and didn't link them to precise dates, hence his confusion when he was accused of having taken part in the capture of Lofa and of having been in Zorzor at the time.

When asked by the Court if he had bodyguards, Mr. Kosiah replied that the term was a misnomer, that no authority designated bodyguards to a commander, but that if a person liked the commander in question, then it was not uncommon for them to come with you and accompany you. This person was in your inner circle, like a confidante. It was absolutely unofficial. He estimated the number of "bodyguards" by his side at around six or seven. These people were mostly with him all the time. He said the youngest was between 12 and 13, while the others were between 16 and 25. At ULIMO, the captains or lieutenants also had their confidants. However, when they were on the front line, they were each fighting for their lives and protecting no one.

Alieu Kosiah went on to list his different nicknames during the war as "Kosh" or "CO Kosiah" or "Chief Kosh". The nickname "Physical Cash" was only used later, when he joined the police force. He also explained that he wore a camouflage uniform when he was in Liberia. His weapon was a G3, which was his preferred weapon, and also an AK47. He added that he had had a pistol at the start of the war, but had sold it for 150 USD. However, according to him, he never had a knife, and the only people with knives in the ULIMOs had bayonets.

The defendant stated that he had no distinguishing marks until he was injured, which caused his hand to become deformed. His hand was sort of curled up, which made it easier to recognize him. It was only when he arrived in Switzerland that his hand was treated.

Finally, he explained to the Court that he had never received any money from ULIMO, but that he sometimes received money from Alhaji Kromah, without knowing the source of this money. The Court then asked him to indicate how he provided for his needs, including food, housing and ammunition. Alieu Kosiah replied that there were plenty of vacant houses during the war, as 80% of the people had fled, so there was no shortage of housing. As for food, it arrived from Sierra Leone and then from Guinea when he was in Lofa, as did ammunition. He added that food and ammunition had been offered to the ULIMO throughout the war, even if sometimes there were supply problems for a month and we had to make do.

Indictment: introduction

After asking Alieu Kosiah whether he had fully understood the contents of the indictment, the Court began by asking him questions about each of the charges against him in the indictment, specifying that if a sentence were to be imposed, which had not yet been decided, the degree of cooperation with justice would be taken into consideration.

Charge 1.3.1. Recruitment and use of a child soldier

Alieu Kosiah is accused of having recruited and used a child soldier (hereinafter referred to as AT) between 1993 and 1995, a child soldier who is a witness in these proceedings.

Alieu Kosiah stated that he knew him personally, that he was tall for his age and that he had met him for the first time during the ULIMO takeover of Todi in February or March 1993. He said he had been the person in charge of the capture of Todi and the most senior on the front line, but that his superior was with him and AT, the child soldier in question in the rear, just behind him.

The judge then asked him why he had taken the witness prisoner. The defendant replied that the term was wrong and that he had "captured" him because he was suspected of being an NPFL soldier. He recounted that the witness was probably 13 years old at the time of his capture, and that the latter had decided to follow him. The ULIMOs had decided to go up the river and cross it to catch the enemy from behind and see who the NPFLs were who had just killed eight of their men. It was during this

movement that they saw the child, who was out of uniform, but suspected him of being an NPFL child soldier, as there were no civilians in the area. All the other soldiers having fled, they decided to take him with them, and so for the defendant, the child was never a prisoner. So the latter stayed behind with the defendant's commander, Omaru Musa Kelleh, and they all began to advance on Kun Town, which was deserted.

Alieu Kosiah stated that he had taken the child/pre-teenager from Todi to Klay, and as he told him he wanted to come with him to Lofa, he went with Alieu Kosiah and his men.

Alieu Kosiah then stated that the charge against him of recruiting a child soldier was a lie, as he had never recruited the witness as a child soldier, nor had the witness himself ever stated this. According to the defendant, if you don't force a person, you can't talk about recruitment, but the witness had chosen to accompany him and join their ranks. He went on to say that if AT were to say that it was he who recruited him into the ULIMOs, then he would be ready to plead guilty.

The Court then asked the defendant if it was possible, in his opinion, for a child under the age of 15 to have the flexibility of judgment to choose to join the army. Alieu Kosiah replied that it was, and that he himself had joined the national army before the age of 15 by choice, because he wanted to fight, and no one had stopped him. He added that he was not responsible for the environment that prevailed at the time.

The defendant also explained that the witness had joined ULIMO because his sister had been the victim of an attempted rape and he was afraid of NPFLs, contrary to what was written in the indictment, and that he had never spoken to him to join ULIMO, not being present when he decided to do so. The defendant added that he had been the witness's commander in Lofa, but that another commander had taken AT to the front line for the first time, according to the witness's own statements in court. Furthermore, the defendant added that he had not used AT in order to benefit from his services as a soldier.

The Court then asked Alieu Kosiah whether the witness had received any military training, and the defendant indicated that, although the witness himself indicated this, he had no knowledge of it, having never militarily trained a soldier himself.

Mr. Kosiah went on to explain that after meeting him in Todi, he went with him to Lofa and sent him to his parents' home in Guinea after his injury, so that he could attend school. According to the defendant, AT remained in Guinea until the end of the war, and he doesn't think this can be equated with any kind of exploitation.

Alieu Kosiah then explained that the witness was not his bodyguard but one of his "boys", and that he was with him during his time in the Lofa, until the defendant's injury. He added that they went to the front line together, and that the rest of the time they had no particular occupation apart from cooking and eating. The defendant contested the witness's statements during the investigation that he was inspecting the front line so that it would not be dangerous for the defendant, adding that AT had later clarified his remarks, and had in particular explained that no one was protecting anyone on the front line and that he was not going to the front line to protect Alieu Kosiah.

The Court then questioned the defendant about AT's comments. The latter had indicated that he tasted food for Alieu Kosiah before he ate it, and that he watched him while he slept. The defendant

replied that this statement was false, that neither AT nor anyone else tasted the food for him, and that he also didn't need protection while he slept.

The defendant added that he couldn't remember whether he had given the witness an AK47, but that in any case he had never given him a pistol, as he himself did not have one at the time. He also explained that if AT had claimed to have received a pistol from the defendant in Bomi or Klay, this assertion might have been true. Alieu Kosiah asserted that the witness was going to the front line of his own free will, not having sent him himself, as the defendant recalled an occasion when they had fought together, between Zorzor and the bridge. Thus, Mr. Kosiah disagreed with the witness when the latter stated in evidence that the defendant had been the one who had sent him to the front line the most. And that he did not remember giving orders to the witness on the front line, but that it was true that AT spent more time with him than with the other commanders.

He also explained that, in his opinion, a child of that age could indeed decide to fight and know the reasons for doing so, in particular to defend his ethnic group and loved ones, as the defendant himself had decided to do, adding that coming to trial 20 years after the fact without understanding the war environment is easy.

The judge then asked the defendant if he had indeed been present when the witness first injured his left shoulder, as the latter had stated, the defendant replying that he had no recollection of this. He illustrated his point by explaining that AT had also said that he (Alieu Kosiah) was H&H when he was not, and so it was not impossible that the witness had been mistaken in his narrative. Nevertheless, the defendant stated that he had been present at the witness's second injury, wounds to both hands and buttocks, the defendant having sent the witness to stay with his parents where he remained until the end of the war and was able to attend school.

The defendant confirmed the witness's statements that he loved and cared for children very much, adding that he also loved adults and loved everyone. He stated again that he could not be held responsible for the wartime environment, that things seemed different in 1990, and that despite everything, he had sent the witness to live with his mother for nine months, even though he was a Muslim and not a Christian like all Kpellehs in Liberia; and that later the witness had joined him in Monrovia where the defendant had sent him to school, as he had done for 15 to 20 other people.

The Court then asked Alieu Kosiah if he had tried to dissuade the witness from remaining in the ULIMO ranks. On this subject, the defendant replied that AT was hard-headed and that he hid to go to the front line. He explained that after the witness was wounded for the second time, the defendant took him to Guinea.

Regarding the witness's statement that he had been disappointed that the defendant had let him down after the war, the latter said that he understood this disappointment once he had left Liberia, as people who stay think that those who have left will still help, and that he had had his share of difficulties once in Europe. However, he hadn't let him down when they were together in Africa.

Charge 1.3.2. Ordering the murders of seven civilians in Zorzor

Alieu Kosiah is accused of having ordered the execution of seven civilians in Zorzor in March 1993, including the brother of one of the plaintiffs.

Alieu Kosiah explained to the Court that he did not commit this act, not being in Zorzor at the time the town was captured, and that he was only assigned there in 1995 after the capture of Gbarnga. He

added that at the time of this event, he was a captain in Todi, did not know the name of the plaintiff's brother and had never met the plaintiff.

The Court then asked him if he was nevertheless present at this incident, even if he had not committed the acts, and Alieu Kosiah replied that he was in Todi at the time and did not capture Zorzor, so could not have been there, not being able to fly. He added that he had never heard of the murders and only heard about them when he was arrested in Switzerland.

Charge 1.3.3. Murder of a civilian in Babahun

Alieu Kosiah is accused of executing a civilian in a village called Babahun near Kolahun between March and May 1993. This civilian was the uncle of one of the plaintiffs, who later became a witness at the trial.

Upon questioning by the Court, Mr. Kosiah stated that he had not killed this person and had only learned of the existence of this village at the time of his arrest. He explained that during the events mentioned, he was also in Todi between March and May 1993 and had not met either the victim or his nephew during the war.

According to the defendant, the witness's story about his uncle's murder did not add up, the ULIMOs had not come from Guinea to attack as the witness had stated, and the defendant could not have come himself from the road from Foya as this town had not yet been taken. He also expressed doubts about the witness's real role during the war, and stated that in his opinion, the witness was not a civilian but an NPFL soldier, as stated by one of the defense witnesses who had been shown lists of names during the investigation.

Charge 1.3.4. Ordering the degrading treatment of seven civilians in Foya

Alieu Kosiah is accused of having ordered the cruel treatment of seven civilians, including one of the plaintiffs, in Foya in July 1993. He allegedly ordered his men to tie the seven civilians by the arms, pulling them tightly behind their backs. This torture technique is known as "tabé". He then ordered the plaintiff to be dragged over one hundred and twenty meters, causing serious injuries.

Alieu Kosiah stated that in July 1993 he was probably between Todi and Bomi, and not in Foya. He added that he had not ordered the "tabé" torture, nor the dragging of the plaintiff over one hundred and twenty meters. He also explained that he only went to Foya at the end of 1993, beginning of 1994, and that he had never met the plaintiff.

On the existence of the ULIMO commander Kunti, the plaintiff also mentioned that in these events, the defendant stated that he had a clear recollection of having seen him once or twice in Foya, where Kunti was based, and that if the latter could testify he would come forward to state that the defendant was not in Foya at the time of the capture of the town. Kunti was a lieutenant or captain, and the defendant was always his superior. In relation to another ULIMO, Fanboy, whose name was mentioned on this event, the defendant stated that he knew of his existence but did not know him himself, and he was probably inferior to the defendant in terms of ranking.

On questioning by the Court, Alieu Kosiah also indicated that he was familiar with the "Kele Kele" song, which he said was sung when the ULIMOs went to the front line. This song was not sung with civilians, and was originally an NPFL song which itself is a Gio song adapted from the English spoken in Liberia. This song has been adapted, but it was originally spoken by the guardians of the tradition. It was used by the ULIMO to motivate soldiers when capturing a town.

Alieu Kosiah said he had only heard of this episode when he was arrested. He said he did not know whether the victims were the first to talk about this episode, and that the question should therefore be asked to the prosecutor. He added that, in his opinion, he had been kidnapped by the Swiss government, but that he had not filed a complaint.

Charge 1.3.5. Order to execute six civilians in Foya
In the wake of the preceding event, the defendant is accused of having subsequently given the order to execute six of the seven people who had been cruelly treated.

On the charge of having executed six civilians at the same time in Foya, in July 1993, the accused explained that this was impossible and that there was no way he could have been there at that time. He asserted that these accusations were a fabrication on the part of the plaintiff, a plot by the witness, Mr Werner and Hassan Bility. He compared them to the holy trinity, explaining that Mr Werner would be the father, Hassan Bility the son, and the plaintiffs the Holy Spirit.

Charge 1.3.6. Stabbing one of the plaintiffs in Foya
During the same events cited above, Mr. Kosiah is also accused of having stabbed the same plaintiff who was dragged over 120 meters in Foya in July 1993.

The defendant stated that he had never done this, that he was not present, and that he had never heard of it before his arrest. He added that he had proof that it was Kunti, according to the plaintiff, who had done the stabbing and not him, since in the proceedings in France against Kunti, the plaintiff had stated that it was not Alieu Kosiah who had done the stabbing, but in fact Kunti. He again claimed that all this was proof that the whole affair was a conspiracy, Alain Werner having put pressure on Hassan Bility because the defendant lived in Switzerland, Hassan Bility having obeyed and moreover made a false statement in the proceedings. The defendant also stated that he had filed a complaint against both Alain Werner and Hassan Bility, but that the prosecutor would not accept it until a decision had been reached on whether or not to convict Alieu Kosiah.

Charge 1.3.7. Ordering and directing the forced transport of coffee, cocoa and palm oil by civilians from Foya and Solomba to the Guinean border.
Alieu Kosiah is also accused of having ordered and directed the forced transport of coffee and palm oil by civilians from the towns of Foya and Solomba to the Guinean border between July and August 1993.

After being asked whether he had done so, Alieu Kosiah replied that he had not, and that if he had, he would have done so by car and not on foot. He also said that he had only heard about this transport at the time of his arrest. He said he did not remember whether he had been to Foya between July and that, in his opinion, the transport had never taken place. He acknowledged that he had said he had been to Foya only three months after the town's capture, but in his memory at the time, the capture had taken place in 1994, when two of his soldiers had left for Foya while he was with them in Voinjama. He stated that he had not placed the capture in 1994 to deceive anyone, and that if he had wanted to do so, he would have placed the capture in 1992. According to the defendant, Foya was a place where you went to relax when you weren't fighting, but he wasn't based there and he went there from time to time but for very short stays.

The defendant was unable to specify the walking time between Foya and Guinea via Solomba, as he had always made this journey by car and motorcycle, but indicated that the distance was between 18

and 20 km. He pointed out that this route was impassable by truck during the rainy season, between June and August, as the road was small with many ditches and hills to cross; but that, during this period, by 4X4 or motorcycle it was perhaps feasible, and that during the dry season, the road was quite passable.

The defendant stated that he had known ULIMO commander Dekou when he was a child, that he was part of his family, that he had seen him again with the ULIMOs in Foya at the beginning of 1994, and that Dekou had the same rank as him, having become his superior in 1994 as "deputy chief of staff."

Alieu Kosiah then stated that the first three months of the ULIMO occupation were difficult, and that anyone who hadn't been through the NGO could confirm his assertion. The defendant went on to explain that, generally speaking, after those three months there was regular civilian activity, with cars and trucks going back and forth between the various markets and the border, and even a market in Massabolahun with up to 3,000 people at times. He also said that he had never seen or taken part in forced transports in general, and that he had never heard of civilians being beaten to transport anything, at least not by the ULIMOs. He concluded by saying that we'd have to listen to witnesses who hadn't gone through the NGOs to find out for sure. He added that some people carried things of their own free will because they were paid and not forced, as two witnesses in the proceedings had stated.

Charge 1.3.8. Participation in the murder of a civilian in Foya

Alieu Kosiah is also accused of participating in the murder of a civilian in Foya between July and October 4, 1993.

Regarding the murder of this civilian, Alieu Kosiah explained that he had not taken part. He explained that he was not in Foya at the time and did not know the victim. He added that he had never heard of this story before being arrested in Switzerland, and that the plaintiff had been lying when he told the story of this murder and implicated the defendant, as the latter had not captured Foya, contrary to what the plaintiff had said.

The defendant also stated that he had met the ULIMO Ugly Boy soldier in Foya, who had since died and was implicated in the alleged murder of this civilian. However, according to the defendant, there had indeed been an incident of which he had already spoken, in which Ugly Boy and another ULIMO called Mami Wata had captured and then cut up 5 or 6 NPFL soldiers in revenge for the death of a ULIMO fighter following the explosion of a mine in Zorzor. Following this event, Ugly Boy had to leave Foya and was assigned to Zorzor. He was either a lieutenant or a captain, but the defendant was his superior. According to the defendant, he had no other relationship with Ugly Boy and didn't know him "very well", as a defense witness, himself a former ULIMO, testified. And no one was able to speak with Ugly Boy after his arrest, as he died in 1994 or 1995.

Charge 1.3.9. Desecration of the corpse of a civilian in Foya

He is also accused of having desecrated the corpse of the same civilian mentioned in 1.3.8, by eating part of his raw heart just after his murder.

Alieu Kosiah also said he had never heard of this story before his arrest. He explained that one of the plaintiffs, who was supposedly present during the events, was a liar, particularly with regard to the initial contact with the Global Justice and Research Project (GJRP), supposedly via the GJRP website, a version which he then changed, the lawyer for another plaintiff, Mr Maleh, having told him how to lie. He then changed his version again in Holland. Furthermore, the defendant explained that the same

plaintiff had not mentioned the victim's name in his complaint, which also proves that he is lying, as he is of Kissi ethnicity and the defendant is Mandingo. He added that the plaintiff was also unable to recognize the defendant in the photos shown to him, and added that it is implausible to eat a heart raw and uncooked; this being proof, once again, that the witness is lying. The defendant accepted the fact that the name of the victim of the murder and desecration had appeared in a Liberian newspaper of the time, but added that it was mentioned in the newspaper that the victim and others had been killed because they were Christians and carried a bible, and not for any other reason; but that, as the ULIMOs were Christians and Muslims, the defendant could see no reason why the victims should have been killed.

He added that the witness was reading his notes throughout the hearing, which is also recorded in the minutes. According to Alieu Kosiah, this illustrates the conspiracy against him. The defendant concluded by saying that he had filed a complaint against the vast majority of the plaintiffs.

Charge 1.3.10. Ordering and directing the forced transport of coffee by civilians between Foya and Solomba, and from there to the Guinean border

The accused is also charged with having ordered and directed the forced transport of coffee between Foya and Solomba, and from there to the Guinean border during the second half of 1993, respectively until the end of 1993.

Regarding these facts, Mr. Kosiah also stated that he had not ordered or directed this transport, that it was a conspiracy, that the only crime he had committed was living in Switzerland like Alain Werner, and asked how the plaintiffs could incriminate him if they had not been able to recognize him on dated photos.

Charge 1.3.11. Order to loot the engine of the Foya power plant

Alieu Kosiah is accused of having, with other commanders including Kunti, ordered the looting of the Foya power plant between July and December 1993 or between March 1994 and December 1995.

He denies having taken part in this looting, noting that he did pass through Foya between March 1994 and December 1995, but to relax on his return from the front. He would also pass through Foya on his way to the Guinean border by motorcycle to buy something, and then he would go to Bolahun where he had a girlfriend at the time. He never knew there was a power station in Foya.

Charge 1.3.12. Ordering and directing the forced transport of the Foya power plant engine by civilians, from Foya to Solomba, and from there to the border with Guinea

Alieu Kosiah is accused of having, with other commanders including Kunti, ordered the forced transport of the generator engine by civilians, from Foya to Solomba, and from there to the border with Guinea. These events are said to have taken place between July and December 1993, or between March 1994 and December 1995.

Alieu Kosiah stated that he had neither ordered nor directed this transport, and that he knew an ULIMO driver by the name of Senssi Bebe, but that to say that the latter had been under his orders was a lie. The defendant also stated that he had never heard of this forced transport until his arrest in Switzerland.

Charge 1.3.13. Ordering the looting of the Pasolahun village generator

Alieu Kosiah is accused of having ordered the looting of the generator of a village in the Kolahun region, Pasolahun, between October and November 1993 or between March 1994 and the end of 1995.

The accused denied having committed these crimes. In particular, he stated that he had only learned of the existence of the village when he was arrested in Switzerland, and of the generator located there. He added that the plaintiffs who had spoken of these facts were liars. When questioned about a soldier called Sky Face Kabbah, the defendant confirmed that he knew one who was a very important colonel or general in the ULIMO.

Charge 1.3.14. Ordering the forced transport of the Pasolahun generator by civilians, from Pasolahun to Kolahun

The defendant is also accused of having ordered the forced transport of the Pasolahun generator by civilians from Pasolahun to Kolahun, between October and November 1993, or between March 1994 and the end of 1995.

The Court asked Alieu Kosiah whether he had ordered the transportation of the generator from Pasolahun. He replied that this story was another lie in the proceedings, that there had indeed been a generator in this village, and that the village chief had come to Switzerland and specified who had taken it. For his part, he had never heard of this looting and forced transport until his arrest in Switzerland.

Charge 1.3.15. Murder of a civilian on the banks of the River Kehair

The defendant is also accused of killing a civilian during the above-mentioned forced transport on the banks of the Kehair River. These events are said to have taken place between October and November 1993, or between March 1994 and the end of 1995.

Regarding the alleged murder of a civilian, Alieu Kosiah claimed not to know the victim. He also pointed out the inconsistencies which, according to him, surrounded the victim's death, in particular the fact that the victim died in three different ways according to the versions, and added that in any case, in Liberia, it was impossible to die three times. Mr. Kosiah also stated that he had asked for a civilian with the same name as the victim to be heard, as the latter had not in fact died according to the defendant. The Court then asked whether the defendant was sure that this was not a homonym. The defendant explained that, in his opinion, such a homonym was impossible given the small size of the village in question and the family ties involved. Alieu Kosiah's remarks also concerned a second victim whom, according to the indictment, he had murdered while transporting ammunition to Fassama (see Point 1.3.17 below). The accused stated that he would prove that this second murder had not taken place either, as the victim was also not dead, by calling a second civilian to testify.

On the fact that two plaintiffs and one witness corroborated the murder on the banks of the Kehair River, the defendant stated that all these people had passed through Alain Werner and the NGOs, and that if they hadn't passed through them, they would have said different things. The defendant was then made aware that obstruction of justice can lead to prison, to which he replied that he confirmed his statements “2000%”, elaborating on the facts that the plaintiffs and witnesses had said contradictory and incompatible things to each other about whether they knew each other or not. He concluded by asserting that although he had been in prison for six times 365 days, he was not a criminal, and that the Court would soon see who was telling the truth or not.

Charge 1.3.16. Ordering and directing the forced transport of munitions by civilians from Gondolahun to Fassama

Alieu Kosiah is accused of having ordered and directed the forced transport of munitions by civilians from a village in the Kolahun region to Fassama. These events are said to have taken place between November and December 1993, or between March 1994 and the end of 1995.

The Court asked Alieu Kosiah if he had ordered a transport of ammunition to Fassama, to which he replied in the negative, adding that these places were far away in the jungle, inaccessible and that he didn't even know the name of Gondolahun, having come to Fassama by the opposite direction. He also stated that he had never heard of this or any other transport, or of forced transport between Gondolahun and Fassama. According to the defendant, having civilians transport ammunition between Gondolahun and Fassama makes no sense militarily, as the road is difficult to access. However, the defendant explained that it made sense for the LURDs to carry out this ammunition transport, since they were coming from the opposite direction to that taken by the ULIMOs.

On his links with ULIMO commander Jungle Jabbah, the defendant explained that he had met Jungle Jabbah in 1991 when the ULIMOs were created. Alieu Kosiah went on to explain that Jungle Jabbah was at Lofa bridge, that he always outranked him, but that he didn't give him orders since they weren't assigned to the same region.

Charge 1.3.17. Murder of a civilian on the banks of the river Lofa

The defendant is accused of having killed a civilian during the forced transport referred to in Point 1.3.16. These events are said to have taken place between November and December 1993, or between March 1994 and the end of 1995.

Alieu Kosiah stated that until his arrest, he had had no knowledge of any murder in connection with the forced transport referred to in point 1.3.17, nor of the identity of the person killed during this transport. He reiterated his view that the person who had supposedly died during the transport was in fact still alive, that the village chief of Pasolahun had come to Switzerland during the investigation to state that there had been no victims of the war in Pasolahun, and that he should be listened to since, in his view, no one in the room knew the facts better than the village chief, especially as he had been village chief from 1993 to 2002. When asked how it was possible that three different people had incriminated him in the murder of the civilian on the banks of the Lofa river, Alieu Kosiah replied once again that it was only possible because these people had come through the NGOs, otherwise they wouldn't even know who Mr Kosiah was. He also reiterated his hope that the village chief would testify at the trial to confirm that no one had died, that he could explain who had taken the generator, and explain that people had indeed gone to carry the generator but that everyone had returned, which is very different from what has been recounted in these proceedings. Mindful that the Court's question did not concern this generator, Alieu Kosiah said he was sorry and again asserted that the three people had incriminated him because they were under the influence of NGOs.

Charge 1.3.18. Murder of a civilian in Voinjama

Alieu Kosiah is accused of killing a civilian in Voinjama during “Black Monday”. This event is said to have taken place in December 1993 or early 1994 and May 1994.

The Court asked Alieu Kosiah if he had executed a young civilian in Voinjama when the latter refused to get into his pick-up truck, which he denied, adding that he had only heard about “Black Monday” after his arrest. In particular, the defendant explained that he didn't believe the “Black Monday” story, although the Truth and Reconciliation Commission (hereinafter TRC) had talked about it. He stated

that he had been to Voinjama in May 1994 at the request of commander Pepper and Salt, but that the events described by the plaintiff incriminating him in the "Black Monday" massacres were chronologically inconsistent, the plaintiff having placed "Black Monday" in 1993 whereas the TRC placed it in 1994, the TRC also speaking of one "Black Monday" event whereas the plaintiff spoke of several events, several consecutive Mondays. Finally, the defendant points out that the plaintiff refers to the murder of soldiers from the Krahn ethnic group, whereas the event that started the conflict between the Krahns and the Mandingos, i.e. the split, had not yet taken place.

Charge 1.3.19. Ordering the forced transportation by civilians, from Voinjama to Gbarlyeloh in Guinea
Alieu Kosiah is accused of having ordered the forced transportation of civilians from Voinjama to Gbarlyeloh in Guinea. This event is said to have taken place between September 1993 and December 1993, or early 1994 and May 1994.

The Court asked Alieu Kosiah whether he had organized such a transport of merchandise from Voinjama to Gbarlyeloh, and he stated that he had not. However, Alieu Kosiah again confirmed that he was in Voinjama in 1994, as he was fighting the war there with ULIMO, but that he was at the headquarters and not at the front. He went on to say that he had never been on foot from Voinjama to Gbarlyeloh and that he had never seen the plaintiff who spoke of this event during the war.

Charge 1.3.20. Ordering the forced transportation by civilians, from Voinjama to Solomba, and from there to the Guinean border
Alieu Kosiah is accused of having ordered the forced transportation of civilians from Voinjama to Solomba, and from there to the Guinean border. This event is said to have taken place between September 1993 and December 1993, or between early 1994 and May 1994.

The Court asked Alieu Kosiah whether he had ordered the forced transport of a shipment by civilians between Voinjama and Solomba, to which he replied that he had not done so and that he had never heard of such transport during the war. According to the accused, this transport would have taken a whole day with one vehicle and that during the rainy season, the road was only passable with a 4×4. He explained, however, that such transport made no sense, given the numerous crossing points between Voinjama and Guinea. Alieu Kosiah illustrated his point by giving the example of a person who traveled from Geneva to France via Neuchâtel.

Charge 1.3.21. Ordering the murders of two ULIMO fighters of Krahn ethnicity
Alieu Kosiah is accused of having ordered the murder of two ULIMO soldiers from the Krahn ethnic group. This event is said to have taken place between September 1993 and December 1993, or early 1994 and May 1994.

The Court asked whether Mr. Kosiah had ordered the murder of two Krahn ethnic fighters, to which the defendant replied that he had not done so. He indicated that he was in Tubmanburg, Bomi County, at the time of the ULIMO split. Alieu Kosiah confirmed that he was ULIMO-K after the split, since he was Mandingo. The defendant confirmed that he knew of a checkpoint called Iron Gate one or two kilometers from Voinjama, but stated that he had never seen any human remains at this checkpoint.

Charge 1.3.22. Ordering the looting of the village of Botosu
Alieu Kosiah is accused of having ordered the looting of a village and forcing civilians to transport the looted goods out of the village of Botosu. This event is said to have taken place between March and December 1993, or between March 1994 and the end of 1995.

The Court asked Alieu Kosiah if he knew where the village was located. He replied that he knew now because he had looked it up on a map, but that he had never been there during the war, having never heard of the looting of the village during the war. He also reiterated that he had never participated in the looting of food by soldiers during the war.

Charge 1.3.23: Ordering and directing the forced transportation of goods by civilians from Botosu

Alieu Kosiah is accused of having ordered and directed the forced transport of goods from the village of Botosu by civilians between March and December 1993, or between March 1994 and the end of 1995.

The accused stated that he had not ordered the transport of goods, including food and ammunition, from Botosu, as he had no knowledge of such transport during the war. Nevertheless, he claimed to know that various things had happened, even if he had not been present. He added that he did not know the village of Botosu, that he now knows how to place it on a map, but that he had never heard of it before and therefore disregarded its existence.

Charge 1.3.24. Ordering the rape of a civilian

Alieu Kosiah is accused of raping a civilian woman in Voinjama, between March and December 1993, or between March 1994 and the end of 1995. This part of the hearing partially took place behind closed doors. The Court therefore asked the public to leave the courtroom.

The accused stated that he had never committed the rape, and that such an act was impossible, as his girlfriend was ten times prettier than the plaintiff accusing him of the rape. He added that the plaintiff knew nothing about ULIMO when she came to testify during the investigation and that she didn't even know that Alieu Kosiah was a member of ULIMO. According to the defendant, since he is not a psychologist, he cannot know the plaintiff's motivation for reporting this, but he does know that she would not have done so had she not gone through the NGOs. He concluded by saying that the whole thing was a manipulation, as the plaintiff didn't even know Pepper and Salt, which was impossible for someone who went to Voinjama as she did.

Charge 1.3.25: Ordering and directing the forcible transportation of goods, by civilians, from Zorzor to Salayea

Mr. Kosiah is accused of having ordered and directed the transportation of goods, including ammunition and weapons by civilians from Zorzor to Salayea. This event is said to have taken place between March and December 1993 or March 1994 and the end of 1995.

The Court asked Alieu Kosiah whether he had organized the transportation of goods by civilians between Zorzor and Salayea, who replied that he had not. He also explained that he had not heard of such forced transport during the war.

Regarding his presence in Zorzor, the defendant stated that he had been to Zorzor once, for one night only, when Pepper and Salt brought him to Lofa. He went on to say that he had been there several times on his way to the front line, before being appointed as “battalion commander” between 1994 and 1995. The road from Zorzor to Salayea took two to three hours.

Additional questions

Having finished asking questions about the various charges, the Court wished to ask Alieu Kosiah some additional questions.

Firstly, the Court asked him to explain why, in his opinion, seven different people had accused him of these serious crimes, some recognizing him in photos and others in real life. Mr. Kosiah replied that, apart from one plaintiff, no one had been able to recognize him in photos taken at the time of the events, whereas three defense witnesses had recognized him in the same photo.

As to the plaintiffs' motivation to incriminate him, the defendant replied that he did not know the content of the agreements between the plaintiffs and the NGOs and could therefore only provide evidence that the plaintiffs had lied. He then went on to detail three factual inconsistencies on the part of one of the plaintiffs, which in his view amounted to lies, including the fact that she had learned of the defendant's arrest from the newspapers and only then filed a complaint, whereas according to Mr. Kosiah it was precisely because of her complaint that he had been arrested.

The Court then insisted that Alieu Kosiah explain the purpose of the conspirators if all this was indeed a conspiracy. The latter explained that poverty can make people lose their dignity and that this poverty drives Africans to cross the Mediterranean by boat, even if many die en route. And so the credibility of the plaintiffs' stories was in question.

The Court then asked Alieu Kosiah to substantiate his statements made during the investigation that the plaintiffs were part of a criminal organization. The defendant explained that Hassan Bility, Director of the GJRP, had fabricated documents, which is a crime under Swiss law as it is in Liberia, and also made false statements in court. He illustrated his remarks by explaining that Hassan Bility himself had stated that he had found the plaintiff (EBJ) through another plaintiff, but that when the latter was asked what she knew about EBJ, she stated that she did not know EBJ, and that she had seen him for the first time when they flew in. He added that those who had come to testify against him might be victims, and that they had been promised asylum in exchange for their testimony, how else could they explain coming to testify against someone who had done nothing to them. Furthermore, the defendant added that he had documents drawn up by Hassan Bility and Alain Werner in an asylum application that did not concern this procedure and that the person had been granted asylum thanks to these documents. The person who was granted asylum was heard in the proceedings and their story did not correspond to reality, which was confirmed by the content of Hassan Bility's testimony.

When asked how we could be sure that he wasn't lying in these proceedings when he had admitted to lying to the Swiss authorities during the asylum procedure, Alieu Kosiah replied that he hadn't lied about having fought in the war or the reasons for his departure from Liberia and that the only lie concerned Daouda Drame. He explained that the Swiss government had also lied to him, since it had established that he was Nigerian. Alieu Kosiah added that he no longer trusted the government, but that he trusted the courts, since his son had been able to come to Switzerland through the legal system, not the government.

Referring to testimony in the proceedings that Alieu Kosiah had considered to be full of hatred towards the Mandingos, the defendant explained that the Mandingos represented, according to him, only five percent of the population, yet controlled the entire economy in Liberia. According to him, this meant that in Liberia the Mandingo population had always been regarded as foreigners out of jealousy, namely Guineans.

Concerning Alieu Kosiah's statement that one should pay attention to the content of the TRC and newspapers because they were composed of groups opposed to the Mandingos, the Court asked whether this was another conspiracy. The defendant explained that it was not a conspiracy, and cited the example of a former TRC member who had declared that ULIMO-K was the worst faction during

the war and was creating unrest all the way to the United States. Alieu Kosiah explained that the Mandingos had lost the most during the war and to this day have not managed to recover all their houses, while the other ethnic groups have been able to recover them.

The defendant went on to explain that he had not been granted asylum in Switzerland despite the discrimination against the Mandingos, as the Swiss did not even accept that he was Liberian, refusing him asylum on the pretext that he was Nigerian.

The Court then questioned Alieu Kosiah about his possible contacts with witnesses. The defendant then explained that he had to go through either his brother or a Liberian friend living in Switzerland to contact his witnesses, as he had no access to the outside world while in prison and his lawyer could not help with contact with people in Liberia. He added that all conversations he had had in prison over the past six years had taken place in the presence of a federal policeman who had once forbidden him to speak to his sister, but who had never interrupted his conversations with Mr. D., so there was no way he could have contacted his witnesses with the help of a third party.

The Court ended Alieu Kosiah's second day in court by asking him about the ULIMO conquest of Lofa. The Court first asked when the Lofa had been conquered. The defendant explained that he was not the one who had started the mission to conquer Lofa and therefore he was not sure, having thought that this conquest had taken place in 1994 when in fact it had happened in 1993, Foya having been the last town captured in July 1993 according to reliable statements by ULIMO soldiers.

The Court then asked the defendant about the total number of ULIMO troops. Alieu Kosiah estimated between 5,000 and 6,000 soldiers for the whole group and between 1,000 and 2,000 people for ULIMO-K after the split.

President Bacher then adjourned the meeting. The hearing of Alieu Kosiah would resume the following day, Tuesday, December 8th 2020.

## December 8, 2020 – Day 4: Questions from the Federal Prosecutor of Switzerland and Mr Gianoli

President Bacher left it to his colleague, Judge Bouverat, to ask a few more questions. The Court then gave the floor to the Federal Prosecutor, who also wished to ask Alieu Kosiah some questions. Finally, Mr Gianoli interrogated his client for the rest of the day.

Judge Bouverat's additional questions

Judge Bouverat sought further clarification of Alieu Kosiah's comments made in the preceding days.

The Court began by asking Alieu Kosiah to substantiate his statement that the first civil war had been brutal. He replied that before the war in Liberia, the Mandingos didn't do politics, they did business, and that in 1990, the NPFL started targeting Mandingos for no reason. He added that most of the deaths during the war were not due to violence but to hunger and disease, and that it was precisely for this reason that it had been brutal. Alieu Kosiah then spoke of the large-scale massacres between the Krahns and the Gios who had killed each other during the war, in the Nimba and in the Great Geddeh, which was also brutal. He then mentioned that he didn't understand why the Mandingos had been targeted in such a way, over 600 Mandingo civilians having been massacred in Bakédou by the NPFL. The defendant added that the only crime the Mandingos had committed to deserve this was being Mandingo.

Judge Bouverat then asked successive questions about the number of men Alieu Kosiah had under his command during the war. He explained that at the start of the war in 1991 and 1992, he had had no men under his command. However, at the time of Todi's capture in 1993, he was in charge of a hundred men, as Omaru Kelleh's deputy. In 1994, Alieu Kosiah was a floating officer and had his bodyguards with him, but no men under him. In 1995 he was promoted first to “Battalion Commander” in Lofa with 150 men under his command, then after a short time in Voinjama, he became “Area Commander” and was sent to Zorzor also with around 150 men under his command. In 1996, he left the Lofa and was appointed Director of the CID, by which time he was no longer a ULIMO soldier and had become a civilian member of the interim government with no men under his command.

The Court then asked Alieu Kosiah to specify who had captured one of the witnesses, who would later become a child soldier for the ULIMO during the war. According to Alieu Kosiah and what he saw, neither he nor his superior during the capture of Todi, Omaru Kelleh, gave the order to capture this witness. They only wanted to understand what he was doing there in the middle of the fighting, as his presence seemed suspicious, and the witness came with them unrestrained. He was then taken to Todi Junction by Omaru Kelleh and later, when the latter was imprisoned, the witness came with Alieu Kosiah who took him to Monrovia to his family and then to Klay. The defendant also explained that given the number of civilians present, he did not understand why he would have enlisted a single child soldier when there were thousands of civilians, which made no sense, as his intention had never been to recruit anyone.

The Court then invited Alieu Kosiah to clarify his statement, explaining in particular what had happened to the child soldier after his capture. He replied that nothing had happened to him, that they had simply gone to Kun Town and captured Todi in order to open a supply line from Monrovia and avoid a three or four day march.

Furthermore, Alieu Kosiah was questioned about Omaru Kelleh's mention of a man called Papa [redacted] during the latter's deposition. Alieu Kosiah explained that he and Papa [redacted] had tried to ask Omaru Kelleh questions to understand who he was talking about, but that Omaru Kelleh had gone in a completely different direction, naming a certain Al Fatia Papa, who was much taller than Papa [redacted]. He concluded by saying that Omaru Kelleh didn't seem to remember any particular incident with Papa [redacted], but that all this would be cleared up when the latter came to testify.

The Court then asked Alieu Kosiah to explain how he knew that the witness was 13 years old at the time of the events. The latter replied that he had based his opinion on his physical appearance and that, despite his height, he looked young, even though he didn't know his exact age at the time. However, he added that the wartime circumstances did not allow him to think about this question at the time and that he could not remember specific details about his appearance.

The defendant subsequently indicated that he had not been summoned by the Truth & Reconciliation Commission (hereinafter "TRC"), as he was in Switzerland at the time the latter was active. He nevertheless indicated that if he had been summoned and had been able to attend, he would have done so.

Finally, the judge asked Alieu Kosiah if he could specify the travel time by car between different locations in Lofa. The latter said he didn't know how long it took to get from Zorzor to Babahun, from Babahun to Foya, from Foya to Gondolahun and from Foya to Fassama, not knowing Babahun and Gondolahun before being arrested. Furthermore, the defendant once again stated that the journey from Foya to Fassama made no sense, the journey from Bomi to Fassama taking around two and a half days by pick-up. As for the journey from Zorzor to Foya, the defendant stated that the journey was very long. For the journey from Kolahun to Foya, Mr Kosiah said it took around 30 minutes by motorcycle, the distance from Kolahun to Voinjama was longer and from Voinjama to Zorzor it was even longer, taking several hours. Finally, he stated that the journey from Foya to Voinjama took around two hours by car.

Questions of the Federal Prosecutor

The Court then asked the Federal Prosecutor to ask his questions.

The Prosecutor began by going back over what Alieu Kosiah had said about the conflict with his boss, the director of the CID, at the end of the war in the transitional government. Alieu Kosiah explained that their relationship was not the best to begin with, as the two belonged to different factions during the war, the CID director, Joe Tee, being a cousin of Charles Taylor. He pointed out that Joe Tee was arrogant and that although no insults were exchanged, he tried to intimidate him, which was his modus operandi. Mr. Kosiah illustrated his remarks by recounting the circumstances of the latter's death: his manager died in a helicopter crash after threatening the pilot with his pistol to get him to take off despite the bad weather. On questioning by the Federal Prosecutor, the defendant added that when Joe Tee had wanted to sell some twenty motorcycles belonging to the National Guard, Alieu Kosiah had had the buyer arrested because the vehicles were government property.

When asked where his two brothers lived between 2014 and 2020, Alieu Kosiah replied that one lived in Monrovia and the other in Liberia before leaving for the United States. The defendant said he didn't know when his brother left for the US, having been in prison at the time.

Then, in relation to a telephone conversation between Alieu Kosiah in prison and his mother in which the defendant allegedly tried to talk to an unidentified male person, the Prosecutor asked him who

this person was and what was said. To this, Alieu Kosiah replied that he had never been interrupted by a Judicial Police inspector present during the interviews since his arrest in 2014 and that he had become angry because he did not understand how he could have been forbidden to speak to his sister after six years in prison, to whom his mother had passed the phone. He added that he had always spoken about family matters, always in English and never in Mandinka and that there had never been any question of collusion with anyone, having once spoken to family members who had reunited following a death, including his brothers. He added that he would like to be told exactly what he is supposed to have said.

The Prosecutor then wished to return to the defendant's assertion that ULIMO commanders did not eat in civilian homes because they were afraid that civilians would poison them. He asked why civilians would want to kill ULIMOs. Alieu Kosiah replied that his words needed to be put into context and that it was clear that if you force someone to make you food, that person could then react in an ill-intentioned way.

After displaying a photo from the file in which Alhaji Kromah appears with a man wearing a red headband behind him, the prosecutor asked Alieu Kosiah to make up his mind as to his assertion that the ULIMOs never wore red and that if anyone proved evidence to the contrary, then he would plead guilty. The defendant replied that he had used the words “red cloth” and that the photo might have been of a red beret, repeating that the ULIMOs never wore red. He then recalled that two plaintiffs and a witness called by the prosecutor had confirmed that the ULIMO's color was white, whereas red was used by the NPFL.

In relation to the previous question, the Prosecutor mentioned that two “small boys” had claimed that Alieu Kosiah was wearing a red beret in the Lofa. The latter then explained that this beret came from the national army (“AFL”), which had nothing to do with a red cloth.

The Prosecutor then asked him to specify when he had arrived in the Lofa. Mr. Kosiah replied that he had not participated in the capture of Lofa, Zorzor or Foya. The Prosecutor also asked him, in connection with the fact that he could accurately name certain major events of the war, such as Operation Octopus or the capture of Todi in 1993, why he could not remember the date of the split of the ULIMO group. Alieu Kosiah replied that he hadn't taken any notes during the war and that some of what he said was therefore inevitably approximate, especially as he was simply relying on his memory. On the subject of the ULIMO split, the defendant confirmed that he had left Bomi after the split. He added that he was only human and that he could make mistakes, particularly about dates.

The Prosecutor then asked him to explain why he had tried to obtain a Guinean identity card in 1995. Alieu Kosiah replied that he had tried to obtain this identity card so as not to be bothered when he traveled to the “checkpoints” to see his family in Guinea and that it was possible for refugees to obtain this identity document, but not for ULIMO soldiers. So, as a Mandingo, he thought he could get the ID card anyway, as there were Mandingos in both Guinea and Liberia. But it didn't work out for him, as they discovered he was Liberian. After serving his prison sentence, he returned to Liberia. Alieu Kosiah had declared that he wanted a Guinean identity card so that he could see his parents in Lofa, as the numerous checkpoints prevented him from crossing if he didn't have a Guinean identity card.

After recounting the testimony of Ms. Massa Washington, former commissioner of the TRC, that rebels systematically raped women (especially if they were Lorma) in order to shame them and that they were used as veritable weapons of war; the Prosecutor asked Alieu Kosiah to comment on this assertion. Kosiah replied that he saw no link between his actions and the question posed, since he had

never raped anyone and referred to Mrs. Washington's statements and the TRC investigation. As for this investigation, he explained that it contained a list of people who had taken part in the war but had not committed any crimes and wondered what the difference had been between the time when the TRC had visited the towns and collected all these testimonies, none of which incriminated him and the time when the NGOs that accused him had visited these same towns.

With regard to this same TRC list, the "sanction list", the Prosecutor added that Mrs. Washington had indicated that the people were mentioned in this list in particular because the TRC did not have enough evidence to incriminate them, but that the TRC members knew that they had committed very serious acts. Mr Kosiah replied that it was only the opinion of six people that would change the facts and that the situation regarding these three different TRC lists was, on the contrary, very clear. He added that Madame Sirleaf was also on this list, but that she had nevertheless been elected President of Liberia twice.

The Federal Prosecutor then wished to ask questions relating to two recently published articles. The Court asked that they be deposited with the bailiff to see if these articles could first be added to the record.

After the lunch break, when the parties had been able to decide whether or not to include these items in the record, the Court asked them if they had any objections to these items being included. None of the parties raised any objections and the two articles, one from the NZZ and the other from FrontPageAfrica, were placed on the record. However, the Court informed the Federal Prosecutor that he would have to ask the rest of his questions the following day, to give the parties time to read the articles.

Questions from the plaintiffs

The lawyers for the plaintiffs indicated that they would reserve their questions to the defendant until their respective clients could attend the hearing, at which point it was agreed that these questions would be asked during the second part of the proceedings in early 2021.

Mr Gianoli's questions for the defense

The Court then gave the floor to Mr Gianoli, the defense counsel. He began with general questions, then related to the hearings of the recent days and finally to the case itself.

Mr. Gianoli first asked Alieu Kosiah to talk about the conditions of his detention and the suffering associated with it. The defendant explained that it was very hard for him because he felt he was suffering a double penalty, being convinced of his innocence. He questioned the Western legal system, saying that according to him one is presumed guilty when it should be the other way around. He explained that he had always had good relations with everyone in prison and that this reflected his personality, having never behaved like a criminal in prison. Regarding his suffering, Mr Kosiah explained that he spent over 23 hours a day in a cell with only one hour out, being in preventive detention which is different from a normal prison. The defendant added that the two places to get out for an hour are at the top of the prison, not outside, that they are small and that there is no fitness.

He explained that he was lonely and could only meet the other inmates for an hour. On questioning by Mr Gianoli, Alieu Kosiah described his cell as very small, with a toilet and a sink, no shower and no window. He added that the prison was very dusty and that he was beginning to have respiratory problems, having already been to hospital for this. He also added that he would have preferred the Prosecutor to visit Liberia before putting him in prison, as from Switzerland, the Prosecutor has no

access to the scene of the alleged crime and can only rely on what appears on the Internet; and that, as a result, there is no chance of good decisions being made. However, he said he remained calm and hoped the Court would get to the truth.

Mr. Kosiah went on to explain that he had had contact with his son and three of his friends during his six years in prison, one of whom visits him regularly and brings him the things he needs. The defendant also indicated that he had had a visit from a relative in England. He added, however, that these contacts are always supervised by the police. He mentioned that he had always spoken in English during his telephone conversations and that he had never discussed the case in detail with his relatives and that if there was any evidence to the contrary, it should be brought to him. He also recounted that on one occasion, the Court-appointed Judicial Police Officer had authorized him to speak in "Liberian English", but that he had refused to do so because he wanted the police officer to be able to understand everything he said.

The defendant also said that he had asked his friends not to visit him any more, precisely to avoid any risk of collusion and that the police, if they were honest, could confirm this. Alieu Kosiah went on to say that he had been able to telephone his family around ten times in six years and that he had never received any letters from his family, apart from a family photo sent by his son.

Mr Gianoli then asked him how he felt about the accusations made against him and whether they were understood. He then explained that, in his opinion, they are lies. He also explained that he was aware that the crimes he was accused of were horrific and that some people might be disturbed when he uses the term "lie". He asked the authorities to put themselves in his shoes, seeing himself treated in this way when the case is not complicated, all of which makes things very hard for him to live with. He then listed various contradictions between the testimonies of the witnesses and those of the plaintiffs, giving examples concerning the chronology of certain alleged facts. He returned to the fundamental fact that he captured neither the town of Zorzor nor that of Foya and that if defense witnesses had said otherwise, then this would have proved that he was lying, which never happened. He asserted that the Prosecutor preferred to turn a blind eye rather than accept that he had not participated in Zorzor's capture. The defendant also added that he therefore had no choice but to assert that the plaintiffs were lying and that this was not arrogance on his part, that he was suffering from this situation and from the fact that he had been kept in prison for six years in these circumstances. He reiterated how difficult it was for him to understand what he was accused of, to understand what was happening to him, to understand why he had been in prison for so long when, according to him, after all the investigative work that had been carried out, the Prosecutor knew very well that he had not captured Foya. Referring to one witness in particular who was an ULIMO commander and took part in the capture of Foya and Voinjama according to the witness's own statements, the defendant wished for this witness to be heard in Court and to be asked the question of where Alieu Kosiah was at the time of the capture of Foya and Voinjama. He concluded by reiterating his incomprehension at being accused of a crime he did not commit.

Regarding his understanding of the various charges against him, Alieu Kosiah mentioned the fact that the indictment was contradicted by testimonies and various newspaper articles.

Alieu Kosiah went on to explain that he would have preferred the Prosecutor to visit Liberia and independently verify the information received from NGOs before arresting him, which would have avoided him being indicted for nothing and having his name all over the media. He added that in his own experience in the police, the longer a person is detained, the more pressure there is to find

evidence against them. Furthermore, he explained that his name will remain forever on the internet linked to war crimes, and even if he is released, the accusations on the internet will remain.

Alieu Kosiah also added that he would never be able to live a normal life again, even if he were declared innocent, as his name was all over the newspapers and directly linked to allegations of “war crimes”. It was for this reason, he said, that he advised his brothers to give their children a middle name, so that they wouldn't have to suffer because of his name. According to the defendant, the truth will triumph in this case, but the damage has been done, because in any case, his life has been destroyed both physically and mentally. He declared that if he ends up being found not guilty, then he will only ask the judges for one thing: to be able to see his mother for a month. He asks nothing more of the Court than to bring out the truth on the basis of the facts that have been presented.

When asked about his vision for the future, Mr. Kosiah replied that if he were to remain in Switzerland, he would not continue to live in Lausanne but rather in a small village, so as not to have to explain to all the people he knows and loves what happened. On questioning from his lawyer, the defendant then explained that he was waiting for this trial hearing to bring out the truth, that he was not asking for any favoritism but simply for the truth to be told, based on the facts.

Asked what he thought of the Federal Prosecutor’s rogatory commissions, Alieu Kosiah replied that he was convinced that the Prosecutor was an honest man with a good heart, but that the system did not allow him to show the person he really was. He spoke in particular of the French rogatory commission which gave the address of a defense witness, against the advice of the defense, which led, according to the accused, to Alain Werner filing a criminal complaint against this witness, in order to prevent the said witness from testifying in Switzerland.

Mr. Gianoli then asked him to explain why he wished to hear from different people in these proceedings. He explained that these people could confirm key elements of his statements, such as the period during which he had been at Foya, or his precise rank within ULIMO at a particular time. He then reiterated his belief that Alain Werner and Civitas Maxima had filed complaints against almost all the witnesses in Europe. When questioned about the defense's request to hear a former ULIMO member who, according to a plaintiff, had interfered to prevent the defendant from killing the plaintiff, the defendant stated that he wanted to hear this former ULIMO member in order to clear things up, although this person was afraid to testify.

The hearing with Alieu Kosiah resumed in the afternoon. Mr Gianoli began questioning his client about general aspects of the war.

The defendant explained once again that he had not taken notes during the war and that he based his dates on events, although memory can be misleading. To illustrate his point, he said that a witness had stated that they had met during the capture of Todi, which he placed in 1992, but that as Todi was actually captured in 1993, they could not have met in 1992.

Alieu Kosiah went on to say that he had heard of civilian transports of goods ordered by the NPFL, but that another person had indeed said that all factions did so during the early days of the civil war in Liberia. He added something he thought was very important: the person in question had also said that these transports of goods took place within two or three months of Lofa's capture by the ULIMOs, and that after that, the situation was very different.

Alieu Kosiah went on to say that he had heard of civilian cargo transports ordered by the NPFL, but that another person had indeed said that all factions did this during the early days of the civil war in Liberia. He added something he thought was very important: the person in question had also stated that these transports of goods took place within two or three months of the capture of Lofa by the ULIMOs, and that afterwards, the situation was very different.

As far as looting was concerned, there had been so much of it in Sierra Leone by the NPFL, particularly in the Koindu region, which was called Kuwait. On the other hand, in Liberia, most of the looting during the war had been carried out by the NPFL, two and a half to three years after the war had started, to the point where there was no chicken, sheep or goat left when ULIMO arrived in Liberia. The NPFL had also taken the generator that powered Voinjama and brought it to Gbarnga, Charles Taylor's headquarters, to bring in electricity. The defendant explained that Taylor considered himself to be the President of Liberia at the time, at the head of the NPRG government and that he therefore felt he could take whatever he liked.

Mr Gianoli then asked his client to clarify the capture of the towns by the Alligator and Zebra battalions. In particular, Alieu Kosiah explained that Alligator had captured the Lofa Bridge, Klay, Bomi and Po River. The defendant explained that he had joined Zebra at Klay when this place had already been taken, but that he did not take part in the fighting. Zebra then captured Todi, Alligator taking Bong mines and Kakata, Steven Dorley having left for the Lofa mission. According to the defendant, Zorzor had been taken before Todi, contrary to the conclusion of the Swiss Federal Police's analysis report.

The defendant's lawyer then questioned Mr. Kosiah about the ULIMO split during the war. Mr. Kosiah explained that the ULIMO split did not happen overnight; on the contrary, it was a separation that took place over a two-year period, from 1994 to 1996, during which ULIMO-J and ULIMO-K were fighting. Alieu Kosiah then explained that if, on the contrary, the split is considered to be the day of the dispute in Bomi over the formation of the interim government between two higher-ranking ULIMO commanders, T'Kala for the Krahns and Dumbuya for the Mandingos, then it took place a few days before his departure from Bomi, around February or March 1994. According to him, the defendant was in Bomi on the day of the vote, and has no recollection of having been in Lofa prior to this event. On the other hand, the fighting did not start until two or three months after these events. He also explained that he had never fired a single shot with a view to capturing Zorzor, Voinjama, Kolahun or Foya.

The Mandingos failed to retain the Bomi headquarters and established it in Voinjama, but the defendant recalls that when he arrived in the Lofa, Dumbuya had not yet transferred the headquarters to the Lofa in 1994. Mr Kosiah claimed that the time between the Bomi event and the moment he left with Pepper and Salt in the Lofa was between three days and a week. The defendant then reiterated that, as several witnesses had stated, he had only arrived in the Lofa after the ULIMOs had captured Foya and Foya was the last town to fall in the Lofa.

Alieu Kosiah was then questioned about AT's claim to have accompanied the defendant to Lofa in 1993, by which time the whole of Lofa had already been captured by the ULIMOs. Mr. Kosiah replied that AT is human, and that it can happen that he makes mistakes, and that he has already been wrong several times by one year concerning the chronology of certain events. He added that he didn't think AT had wanted to lie about dates, as this would be of no interest to him, and that, to lie, one needs real motivation.

Furthermore, he explained that AT was in Guinea when he was in prison, i.e. in 1995, until his release from prison at the end of 1995, when they went to Monrovia.

On the statements of one of his witnesses who said that he had come to the Lofa in 1993, the defendant gave chronological indications to explain that this witness had been mistaken, and that the witness had been treated at the defendant's mother's house in Guinea in 1995. He also explained that, in his opinion, this same witness had not been wounded at Bokassa Junction, and that he had no recollection of giving him an AK-47 in Lofa, nor a pistol, although this was not impossible.

The defendant went on to explain that the ULIMO “field commander” in Sierra Leone was Hama Julu, and in Liberia Joe Harris. General Dumbuya became chief of staff and field commander of the ULIMO when the split took place. As a child, the defendant knew General Mohamed Dumbuya in Nimba.

Mr Gianoli then questioned Alieu Kosiah about the capture of Gbarnga. The defendant explained that he had not taken part in the capture of Gbarnga, but he believed that the town had been taken by ULIMO for three months towards the end of 1994 or the beginning of 1995. He confirmed that Gbarnga had indeed been taken by ULIMO and not by the LPC faction made up of Krahns, the latter faction fighting so fiercely against ULIMO to retake Gbarnga that ULIMO had to retreat, allowing Charles Taylor's forces to retake Gbarnga without a fight. He added that the LPC had been put under so much pressure by the Monrovia press, which was claiming that they had captured Gbarnga, that they absolutely had to do it. He further explained that the capture of Gbarnga had not been planned by ULIMO leaders but provoked by ULIMO commanders who had advanced and met no resistance.

The defendant's lawyer then asked him whether it was correct to deduce that the injury sustained by the child soldier Alieu Kosiah met in Todi, hereinafter referred to as AT, dates back to this period in late 1994 or early 1995. The defendant then explained that AT was not injured at Bokassa Junction but between Zorzor and the Lofa Bridge. He added that AT placed his injury at the end of 1993 or early 1994, but that if he had indeed been injured at that time and had consequently spent nine months in hospital, then he would not have been in Bomi at the time of the split. But he was. Alieu Kosiah concluded by saying that there was surely another explanation for this temporal error, but that he couldn't see it. Thus, the defendant located AT's injury at the end of 1994, but not before. On the subject of the wood and trucks taken by the ULIMO group in Lofa from the ATICO company, the defendant explained that he had only been to ATICO once with Pepper and Salt and that Pepper and Salt had sold two ATICO trucks to obtain food. General Dumbuya had also sold part of the wood to treat an ULIMO commander in Guinea, who eventually died.

Mr. Gianoli also asked Alieu Kosiah to explain the meaning for him of the words of the “Kele Kele” song (already mentioned at the hearing) sung by soldiers to give them courage before the capture of a town or to celebrate a victory. He recalled that this song is about “women's butts, and in particular Lofa women with big butts”, but that it can also be used to talk about different commanders. He also recalled, on question, that the NPFL occupied Lofa before the arrival of the ULIMO.

Mr. Gianoli then questioned his client on possible means of supply during the first Liberian civil war. Alieu Kosiah explained that, at the start of the war, it was necessary to contact Pepper and Salt for food supplies. Then, when ULIMO moved its headquarters, there was a warehouse in which rice came from Conakry, except during a shortage that lasted one to three months, at the time of the dispute between Alhaji Kromah and Pepper and Salt. So, when it came to food, the commanders didn't need to go to Guinea. For clothing and equipment, however, they had to travel to Guinea.

On questioning, Alieu Kosiah then stated that when he was stationed at Voinjama, the only friend he had stationed at Foya was Dekou, the commander. He considered him a member of his family.

The defendant's lawyer then showed him photographs of the French authorities' report and asked him whether the description of the “Kindo” boats he had given during the investigation corresponded to what appeared in the photographs. Mr. Kosiah replied in the affirmative. He explained that these boats could perhaps hold eight to twelve people, but that, in his opinion, a truck could not be placed on these boats to cross the Solomba river, as certain plaintiffs had stated, since placing a car on them already seemed improbable, especially as the road was not passable due to the ditches dug by the rain, making it impossible for a car to cross to the bank.

On further questioning, Alieu Kosiah stated that when he said he had seen Dekou again at Foya in early 1994, he meant “early 1994” to mean the first third of the year.

Finally, his lawyer asked him, in relation to the defendant's assertion that he was under Kunti's orders in 1995, whether it was correct to understand that he and Kunti were in the same place at that time. Mr. Kosiah said he hadn't said that and that there might be a problem with the quotation. On the contrary, he explained that he had been Kunti's superior throughout the war and that until he (Alieu Kosiah) left the ULIMO, Kunti had never outranked him.

After a short break, the defendant's lawyer asked general questions about the first Liberian civil war. First, he asked whether it was possible that the ULIMO had organized the transportation of goods by civilians, to which he replied in the affirmative.

He then asked which markets were close to major towns such as Foya or Voinjama and what goods could be found there. He explained that you could find the same goods at the Macenta market as at the Guéckédou market and that there was no point in going to the Macenta market rather than to Guéckédou.

Mr Gianoli then asked his client to clarify what he had said about the complaints he had filed against the plaintiffs. Alieu Kosiah confirmed that his lawyer was handling the matter, but refused to say more for reasons of confidentiality and also out of worry that the plaintiffs would no longer want to testify out of fear. He said he was looking forward to hearing the testimony of the plaintiffs.

The defendant then confirmed that he had not lied about his membership, rank or function within ULIMO when applying for asylum in Switzerland, nor had he lied about his arm injury. However, he admitted to having embellished his file in order to increase his chances of having his asylum application accepted.

Answering additional general questions about the war, the defendant explained that after Charles Taylor's victory in the elections, the NPFL became the army of this legally elected government. He added that the LURD were essentially former ULIMO-J and K, who united despite their differences to “get rid” of Charles Taylor. It was following the attack on Macenta and Guékédou that LURD went into action against the latter. Alieu Kosiah took a few moments to explain to the Court that he thought the people involved in the criminal proceedings against him, all of them European, potentially failed to understand the complexity of the situation. In particular, he said that if they didn't recognize the tribal problems on the African continent, it would be impossible for them to understand the first Liberian civil war.

Mr Gianoli then asked Alieu Kosiah to share his opinion on the statements made by the seven plaintiffs and various witnesses. The defendant pointed out the inconsistencies he saw in each of the testimonies. He reiterated that both the plaintiffs and Hassan Bility had lied.

The defense counsel concluded his questions by asking the Court for additional time to confer with his client and prepare additional questions. After Mr Gianoli requested a day of preparation and a day of hearing, the Court finally decided to resume the hearing of the defendant the following day, but at 10am only.

## December 9, 2020 – Day 5: Continuation and end of Mr Gianoli's questions for Alieu Kosiah

Mr Gianoli's questions for Alieu Kosiah continued on Wednesday, December 9th 2020.

Mr Gianoli first asked Alieu Kosiah to explain the ethnic problems in Liberia before and during the war, and why the Mandingos had been particularly targeted. Alieu Kosiah then recounted how, in the beginning, in 1847, the sixteen ethnic groups formed a single country and how, one day, the Mandingos were rejected by their "brothers". He also recounted that in 1990, when Mr. Taylor arrived, he killed the Krahns because they were part of President Samuel Doe's ethnic group. He explained that the words "Citizens of 1990" represented the Mandingos humiliated and killed at the start of the war by their "brothers" when they fled to Guinea and Sierra Leone. He added that the ULIMOs were the ones who protected Monrovia so that the locals could receive food. According to him, the Mandingos held positions of responsibility, particularly in the economy and business. They owned transport, most of the businesses in the city centers, coffee and cocoa sales and also diamond production. These factors, he said, provoked jealousy and anger among other ethnic groups. He said he understood their point of view. What's more, he added, the Mandingos were considered foreigners in their own country. It was for all these reasons that the Mandingos had been persecuted during the war. The defendant gave the example of how difficult it was for Mandingo women to marry men of different ethnicities for religious reasons. He also compared the situation in Liberia with the genocide of the Tutsis in Rwanda, explaining that the Tutsis were killed only because they were seen as foreigners by the Hutus. He concluded by explaining that these divisions are still very much present today and that what is happening in Liberia today is also largely due to these ethnic divisions that have persisted since its creation.

When asked by Mr Gianoli why the Mandingos held the goods mentioned and dominant positions in Liberia, Alieu Kosiah explained that the Mandingos work hard and don't spend their money anyhow, unlike some other ethnic groups. He added that Mandingos invest their money directly in the markets to do business. He added that the goods they had were not stolen and that after the civil war, it was the Mandingos who lost the most. He mentioned that the Mandingos were more productive, not more virtuous, and that any journalist could confirm this. Finally, Mr. Kosiah added once again that this success was envied.

The defendant went on to explain that he had been born into these ethnic problems and that his father's house had been destroyed to enlarge the commissioner's land. He added that "checkpoints" in Liberia had existed long before the war and that controls were ten times more thorough for Mandingos than for non-Mandingos and that Europeans were perhaps unaware of this.

Regarding his reasons for joining the Armed Forces of Liberia (AFL), Alieu Kosiah explained that he had joined the army because he wanted to protect his people, the Mandingos being killed in Nimba County by the NPFL. He added that one of the reasons the Mandingos joined was to bring stability to their people in the region. According to him, the NPFL attacked the Mandingos because the Mandingos had passed on information to Mr. Doe that the NPFL were coming to Liberia. He explained, however, that he didn't believe the story, as attacking an entire group of people made no sense. He said that if the Mandingos were saved, it was thanks to the Manos who helped them avoid the NPFL ambushes.

He mentioned that Taylor had no intention of looting or killing Mandingos, but that he wanted to remove Samuel Doe from power; and that it was the war that had provoked the looting and killing. He added that goods looted from the Mandingos were resold in large business markets, something he said foreigners overlooked. Thus, the Mandingos were obliged to buy the looted goods in order to get them back. He went on to explain that, had the war not taken place, he would never have joined the AFL and would have continued his studies, thus explaining that Mandingos are not interested in politics.

Mr. Gianoli then asked him about certain remarks made by a witness in the proceedings in connection with the term “Dingo”. Mr. Kosiah indicated that this term was an insult for the Mandingos and was related to the term “dog” and that everyone who had been to school knew this. He added that this term had been used by one of the witnesses, but that it was not used to designate the ULIMOs.

Referring to statements by various people that the Mandingos were foreigners, Alieu Kosiah replied that this did not surprise him and that it was commonplace. He made it clear that the Mandingos did not arrive in Liberia with the ULIMOs, and that the Mandingos have been part of Liberia since its creation. He added details about the Truth & Reconciliation Commission (hereafter “TRC”) and its statements.

As for the question of whether the forced transport of coffee between Foya and Solomba and then to the Guinean border had taken place, according to the defendant, it never had. Mr. Kosiah used the testimony of one of the plaintiffs as an example: the latter claimed that he had been stabbed by Alieu Kosiah and that two weeks later he had taken part in this forced transport. According to the defendant, it was impossible for him to have stabbed this man, as he would not have been capable of doing so. He also pointed out other inconsistencies in this witness's testimony.

Mr. Gianoli then asked him a series of questions relating to one of the witnesses, who had allegedly been a child soldier for the defendant. He asked him how he got into ULIMO and for details of their relationship. Alieu Kosiah asserted that it was impossible for this child to have joined ULIMO from the very first day he found himself with Omaru Kelleh. He also said that he had stayed at the Todi barracks for three months, then at Todi Junction for three months and it was then that he saw the witness for the second time. The child soldier in question was not with him at the Todi barracks: it was Omaru Kelleh who was with him at Todi Junction. He explained that he went to Todi Junction when he learned that Omaru Kelleh was in prison. He was going there to replace him, and that's when he saw this child soldier for the second time. He went on to explain that the witness was present at the headquarters when he arrived and that at that time there was no fighting. They relaxed, ate and talked together. They stayed there for about three months. Alieu Kosiah then clarified that he had gone to Klay with the witness and no one else and that the latter had come of his own free will, as previously explained. He specified that the witness had come with him because he liked his way of being and his behavior. Alieu Kosiah added, speaking of himself, that he had always been a good person with a good temperament. He added that as he got older, he became wiser and calmer, but that he is still the same person he was in Liberia, a good person. He explained that being young is a disease and that, when you're young, you inevitably have a temper. He pointed out that the witness's statements during his hearing before the Federal Prosecutor's Office confirmed his presence in Todi with Omaru Kelleh during this period.

Mr. Gianoli then asked him if he had influenced the witness's decision to join ULIMO. He replied that he had never discussed the matter with the witness and that he had never dissuaded him. He then sought to corroborate his words by quoting those of the witness. Alieu Kosiah also explained that the

witness had chosen to join ULIMO on his own, and that he was then housed and fed by them. He affirmed that giving food and shelter to someone in order to give them a comfortable life is not a crime. He added that he did not choose who to recruit and why ULIMO enlisted child soldiers, those being the choices of chairman Alhaji Kromah.

When asked whether the witness had been present in Todi on the day of the ULIMO split and whether he was a soldier at the time, Alieu Kosiah replied that he had been present that day, but did not know whether he had already joined the ULIMO. He added, however, that 27 years after the event, he couldn't remember it precisely. He also explained that the witness in question was already an ULIMO at the time of the split. He then reiterated how important it was for him to have this witness testify so that he could confirm that he had no part in the appalling crimes of which he is accused, as he was not in Lofa at the time these crimes allegedly took place. He concluded by asserting that he knew for a fact that he had done nothing, and that he feared no one but God.

Mr. Gianoli asked him if he had instructed the witness to go with him to the Lofa and if he had been with him there afterwards. Mr. Kosiah said that he had not told him and that he had decided to come. He explained that the witness was always free in his decisions and that sometimes he spent three or four days without seeing him because sometimes he stayed with his friends instead of joining him. As for his presence in Lofa, Mr. Kosiah explained that he had sent him to Guinea to stay with his parents after his second injury and that neither the Swiss government nor the Prosecutor had called him to make this decision, nor had the Swiss government paid for the witness's uniform, private school and private lessons. In fact, he asserted that no one could say that the Swiss government had taken better care of the witness than he had and that even the witness had said that Alieu Kosiah was the person who had taken the best care of him, so much so that the witness considered him to be his father.

With regard to the child soldier's enrolment in the ULIMO, Mr. Kosiah again explained that he was not responsible, that it was not him who decided the conditions of recruitment, that he was only responsible for his actions and that he would not have taken him to his mother if he didn't love her.

As for the contradictions between this witness's words and his own, Alieu Kosiah explained that the witness was mistaken in the chronology of events and their dates. He took as examples, on the one hand, the fact that both agreed that they arrived after Foya's capture, but that the witness was mistaken about the date of the latter, and on the other hand, the fact that the witness places their departure in Lofa during 1992 or 1993, but that they only met in 1992.

After the lunch break, when Me Gianoli asked him who had captured Zorzor, Alieu Kosiah explained that even before he knew about the case at the time of his arrest, he had already mentioned that it was Steven Dorleh who had captured Zorzor. In relation to certain statements made by a witness who mentioned that it was Abu Keita who had captured Zorzor, Alieu Kosiah recalled that one of the plaintiffs had said that it was the defendant who had captured Zorzor. Alieu Kosiah explained that this witness had been unable to recognize the people he believed had actually captured Zorzor, or even to describe them.

When Mr. Gianoli asked Mr. Kosiah when he first arrived in Zorzor, he replied that he had arrived after the Bomi incident between a man named Kelleh, who was part of ULIMO and another ULIMO soldier. He said he arrived in a pick-up truck with Pepper and Salt. He added that he only stayed a few hours and then left for Voinjama. The lawyer added that the indictment mentioned his presence in Zorzor in March 1993, to which Alieu Kosiah further explained that this reference was linked to the testimony of a plaintiff who he believed had lied.

In connection with a plaintiff's statement that he had been in Zorzor for three months in 1994 and that he had given the order to execute seven civilians, Mr. Kosiah recalled the words of one of the witnesses and added that the plaintiff was mistaken about the date of Zorzor's capture by several months and therefore could not attest to his presence there.

The President of the Court then told the defense lawyer that his client's answers did not answer the questions asked, adding that some of the arguments would have to be set out at the time of the closing arguments in 2021.

Mr. Gianoli then resumed his questioning. Referring to statements made by a plaintiff, Mr. Gianoli asked the defendant if it was possible to have lived in the Lofa region during the war and not know Commander Pepper and Salt. Alieu Kosiah asserted that this was not possible and added that Pepper and Salt was not just any commander, but one of the best-known and most appreciated commanders in Lofa.

The defendant's lawyer went on to question Alieu Kosiah about any marks on his body. The defendant explained that he had a large scar on his thigh, which he got before the war.

Mr. Gianoli then questioned Mr. Kosiah about the statements made by various plaintiffs and witnesses in the proceedings. The defendant again explained that, in his opinion, they were lies.

When interrogated on Mrs. F's statements that she didn't know whether the defendant had tattoos and scars on his torso, as the light was very dim and the defendant had never taken his t-shirt off, Alieu Kosiah replied that it wasn't dark 24 hours a day in Africa, that it was impossible for Mrs. F not to know about the scar, and that her description of where he lived didn't match that of two other witnesses. He added that his wound dated from before the war, when he was between ten and fifteen, and that it was indeed on his thigh and pointed out that he had previously thought that the word thigh in French referred to the buttocks, hence any possible contradictions in his testimony.

Regarding Hassan Bility's statement that Mrs. F had been found in the Lofa through EBJ, the plaintiff in these proceedings, who referred her to the GJRP, the defendant stated that this was a lie and that it was in fact Krubo Akoi, to whom she had told her story, who informed EB.

In connection with the statements made by several witnesses, claiming that MK had been killed by Mr. Kosiah during the transportation of the generator from Pasolahun to Kolahun, the defendant asserted that he had never been to Pasolahun, as confirmed by AT, and that the witnesses' accounts did not tally with the elements in the file.

Alieu Kosiah was then questioned about the information relayed by Alain Werner during the proceedings, according to which MK and MK of Pasolahun were the homonyms of the victims he had allegedly executed. He explained that this information was false, and that it was necessary to go back to the origin of the generator to understand why these statements were false. He concluded by explaining that the court will have to decide if the truth is to be told and that Alain Werner will not be able to deceive anyone by trying to make people believe that these are two different stories.

The President of the Court reminded the defense that Swiss procedure is not comparable to that of Anglo-Saxon or 'common law.' He explained that in Switzerland, all documents in the case file would be taken into account and that there was no need to read them.

The President then asked Alieu Kosiah to give his feelings and impressions of the facts with which he was charged. He added that the Court would analyze all available evidence and take into account any contradictions, but that his answers should remain as close as possible to the indictment.

Mr Gianoli then resumed questioning his client.

He asked the latter to confirm his various trips back and forth between Switzerland and Liberia between the end of the war and his arrest. In particular, he asked Kosiah to detail his meeting with Hassan Bility and Mr Werner in Monrovia. Alieu Kosiah said he had been to Liberia three times during this period, but had only met Hassan Bility once and that when he walked up to him and shook his hand, that was when his nightmare began. He added that he couldn't remember whether Mr Werner was present. On questions from Mr Gianoli, Mr Kosiah said that the only time they could have met would have been between September 2012 and January 2013.

Mr Gianoli then invited his client to comment on a Federal Judicial Police report in the file. In particular, Alieu Kosiah stressed that, in his opinion, the "Lofa Defense Force" (hereinafter LDF) had no connection with Guinea and that despite the various stories claiming that ULIMO was associated with Guinea, these were false. According to the defendant, ULIMO was founded in Sierra Leone. On questioning by Mr Gianoli, Alieu Kosiah also stated that he disagreed with the content of the report, pointing out certain contradictions in relation to the dates of the events, contradictions also contained in the statements of the plaintiffs.

Before concluding his questions, Mr Gianoli asked Alieu Kosiah how he managed to hold out despite a difficult life after his arrest. The latter explained that it was thanks to his belief in God and the fact that he was a former soldier and therefore a disciplined person. He also said that it was hard, but that he would keep fighting. He concluded by saying that his situation was complicated, but that as the testimonies came in, embers appeared, and that these embers were bound to catch fire one day.

Mr Gianoli decided to conclude his questions for this first session of the trial. He reserved the right to ask new questions when the trial resumes in 2021.

<u>The Federal Prosecutor's questions for Alieu Kosiah</u>
Mr. Gianoli indicated that Alieu Kosiah was prepared to answer questions from the Federal Prosecutor on the two press articles in the file. The first was an article from the Neue Zürcher Zeitung newspaper (hereinafter NZZ) and the second from FrontPage Africa.

The Court then asked the Federal Prosecutor to ask his questions.

The Prosecutor began by explaining that the first article was written by journalist Michael Schilliger, who had visited Foya and Monrovia and carried out an investigation. He then asked Alieu Kosiah to comment on a woman's statement that he had tortured and then killed her husband. The defendant explained that he was not present at the time of the events.

The Prosecutor then asked Mr. Kosiah to comment on the statements of a witness who claimed that he had been ordered by Alhaji Kromah to punish soldiers after the looting of the Oxfam van, but that he had not done so. Alieu Kosiah asserted that he had already explained everything in detail beforehand and that everything was already on file. In particular, he added that he was angry, that he wasn't there at the time of the incident, being busy collecting food for the soldiers on the front line,

but that even if he had been there, he wouldn't have been able to stop the soldiers because there were too many of them. He added that once in Zorzor, he had rushed to return everything that had been looted to Oxfam and that when he saw their frightened faces, he advised them to return to Monrovia or Gbarnga.

To conclude his questions on this first article, the Prosecutor quoted the words of Alhaji Kromah and asked Alieu Kosiah to express himself on these statements. In particular, Alhaji Kromah was quoted as saying that Alieu Kosiah was accused of common facts. Alieu Kosiah repeatedly asked the Prosecutor to clarify his question, explaining in particular that Alhaji Kromah had made no mention of crimes and that he would be surprised if the latter said negative things about him.

The prosecutor then asked Alieu Kosiah about the FrontPageAfrica article. He explained that the second article seemed to confirm the facts of the first concerning the torture and murder of a man. He then asked Alieu Kosiah to comment on this. The latter explained that the journalist who had written the article was probably of Kissi ethnicity. The accused then added that he was not in Foya at the time of the events.

The Prosecutor also asked Mr. Kosiah to comment on three other stories reported in the FrontPageAfrica article. The first concerned a woman stabbed to death in Foya while carrying her child on her back. The second concerned the order he gave to search the houses of Foya, telling them to kill anyone who cried. The third concerned a person who was cut into pieces, cooked and then eaten. Alieu Kosiah said the stories were false, and that people who know him know he's a good person. He added that relying on the facts reported in newspapers was not enough to indict someone and invited the Court to find out more about him so that he would understand that he would never have done such a thing. He concluded by saying that these misleading articles were written with a view to manipulating readers.

The Prosecutor concluded that these two articles recounted horror stories that people in Foya blamed on Alieu Kosiah. He asked the defendant if he thought these stories had been passed on by the GJRP. Mr Kosiah then explained that he did not know the people who had testified, that he had never seen them and that he did not make accusations without solid facts. However, Mr. Kosiah pointed out that there was other important information to be found in these articles, such as the statements of a woman whose husband he was accused of killing, or the fact that ULIMO was founded in 1991 in Guinea.

<u>The plaintiff lawyers' questions for Alieu Kosiah</u>
The plaintiffs' lawyers then wished to ask a few questions about the two press articles.

Mr. Jakob asked the defendant whether the statements of a witness in the NZZ article concerning the behavior of ULIMO soldiers in Voinjama reflected reality in his opinion. Alieu Kosiah replied that they did not, with the exception of one event he had already mentioned.

<u>Mr Gianoli's questions for Alieu Kosiah</u>
Mr Gianoli then asked his client a few more questions about the two press articles.

Firstly, when asked whether or not Alieu Kosiah was surprised by Alhaji Kromah's statement that it would be impossible for him to believe that the defendant had committed war crimes, Mr. Kosiah replied that he was not surprised.

Then, on questioning, Alieu Kosiah explained that one of the witnesses mentioned in the articles had accused him of killing her husband, but that she had not mentioned the defendant's name during the hearings in France and Liberia and that she only knew Kunti's name, which indicated, according to the defendant, that he had not killed her husband.

Finally, Mr Gianoli asked Alieu Kosiah to comment on the FrontPageAfrica article's reference to a "Black Monday". Alieu Kosiah explained that many people from Foya had been heard in the French proceedings, and none of them had mentioned the existence of a "Black Monday" in the town. He explained that he wanted to demonstrate that you have to be very careful about the origin of information and verify it, adding that there was a tribal aspect to this context.

The Court's questions for Alieu Kosiah

The President of the Court concluded Alieu Kosiah's hearing with his final questions. He asked Alieu Kosiah to comment on the content of the NZZ article when Alhaji Kromah disputed the word "rebel." Alieu Kosiah explained that he had no opinion on the matter and wondered to what extent Alhaji Kromah could speak about the creation of ULIMO since he wasn't there, having joined ULIMO a year and a half after its creation.

Conclusion of the proceedings

Mr Gianoli then expressed the wish to have the defendant's scar on his thigh photographed by a neutral person. After some discussion, the President of the Court indicated that they could do this in prison with the medical staff and that the latter could add a gauge to assess the size of the scar.

The President then ended the proceedings for this year. Proceedings will resume in 2021; the dates of this session have not yet been determined, but should take place between February and March. It will cover the hearing of witnesses and plaintiffs, as well as closing arguments. The Federal Criminal Court will deliver its judgment at the end of this second part.

## December 15, 2020 – Day 6: Trial resumes, motions and plaintiffs' hearing

The trial of Alieu Kosiah continues before the Federal Criminal Court in Bellinzona. Kosiah is accused of committing or ordering war crimes including acts of sexual violence, murder, cannibalism, recruitment of child soldiers, looting, the coercion of civilians to work under cruel conditions and the forced transportation of looted goods, weapons and ammunition.

Due to the spread of COVID-19, the trial was split into two parts. For this second part, the Court will hear the seven plaintiffs, 9 witnesses and the pleadings of the various parties.

The trial is presided over by a panel of three federal judges, Jean-Luc Bacher, President of the Criminal Court of the Swiss Federal Criminal Court, David Bouverat and Stephan Zenger. Judge Bacher is the Presiding Judge and will conduct the proceedings.

Prosecutor Andreas Müller represents the Swiss Federal Prosecutor's Office in the proceedings, assisted by Assistant Federal Prosecutor Julien Wenger. Their role is to prove the defendant's guilt in respect of the offenses listed in the indictment. In addition to the Court, the Prosecutors and the defendant, the plaintiffs also take part in the proceedings. They are represented by Mr Alain Werner, Mr Romain Wavre, Mr Raphaël Jakob, Mr Hikmat Maleh and Mrs Zeina Wakim.

Alieu Kosiah is represented by Mr Dimitri Gianoli.

The second part of the trial is expected to last three weeks. At the end of the closing arguments, the federal judges will retire to deliberate on the case and rule on the defendant's guilt or innocence, possible sanctions and civil claims.

[Motions]

The Court first returns to the motions received during the recess.

The first concerned the request by Mr Werner and Mr Wavre to hear Colonel Eric Emeraux of the French Gendarmerie as a witness. The Court reiterated that it had already refused this request. Mr. Wavre pleaded with Mr. Emeraux's field experience and involvement in a fact-finding mission in Lofa, Liberia and his knowledge of the Global Justice and Research Project and its functions with the French authorities. The Court concluded that the request should be refused, explaining that it was of too relative an interest and not close enough to the facts of the case.

The second motion, from Mr Werner and Mr Wavre, concerned the defendant's asylum application on French territory, where he had initially arrived after leaving Africa. The Court also ruled that this request should be denied, as it would provide little information on war crimes.

The third motion concerned the modification of the transcript of the defendant's interrogation. The Court agreed to correct the obvious typos and errors, but rejected the request to improve the transcript, in particular by adding words that the translator had failed to translate. The Court invites the parties to report any such requests immediately during the hearings.

The Court accepts Mr Werner's fourth motion, to include a photo of a Liberian village with a house, as this photo is relevant to the case raised in the proceedings.

With regard to Mr Jakob's motion to add the video recordings to the file, the Court ruled in accordance with the Swiss Code of Criminal Procedure (CPP): only the audio tapes should be added to the file. With regard to the video, the Court agreed to include it in the file, while specifying the limitations imposed by the CPP. These limitations concern the context in which the videos may be consulted.

The sixth motion was made by Me Jakob and concerned obtaining the transcript of the first part of the trial. The Court states that it will provide the parties with a complete record of the proceedings at the end of the trial, in one piece, in accordance with the practice of the Federal Criminal Court.

The seventh motion, also from Mr Jakob, is for the transcript of the second part of the proceedings. The Court explained that it was unable to finalize the transcript at the same time as the hearings and therefore rejected the request.

The Court rejects Mr Gianoli's eighth motion concerning a photo of a Liberian village taken by a journalist, arguing that it is not sufficiently relevant to the case.

A ninth motion concerns Mr Gianoli's request that confrontations be allowed to take place during the debates. The Court accepts this request when useful.

Mrs Wakim makes the tenth motion, which concerns three modifications to the defendant's transcript. The third modification is accepted by the Court. The others are rejected as irrelevant.

The eleventh motion, by Mr Gianoli, concerns the modification of a plaintiff's transcript during the pre-trial proceedings. The Court rejected this request, arguing that the transcript had been issued by the Federal Prosecutor’s Office and that it was therefore not for the Court to modify it.

The Court rejected Mr Gianoli's motion that the transcript of the defendant's interrogation be amended by him in Court.

The last motion was made by Mr Jakob and concerned the addition of newspaper clippings to the file. The Court accepted the request on the grounds that they related to the defendant's statements during the December 2000 (2020?) hearing.

Debate organization

The President of the Court informs the parties of the reports published by Civitas Maxima and indicates that this is not compatible with the proper conduct of the proceedings. According to the Court, the parties could be influenced by the publication of statements made during the debates and this creates an obstacle to the pursuit for the truth. It informs the parties that the management of the proceedings is considering prohibiting all parties from disseminating the content of the debates prior to the taking of evidence. He invites the parties to comment on this.

The Federal Prosecutor’s Office has no objections. The parties agree with the Court, and Mr. Werner agrees on behalf of Civitas Maxima not to publish anything before the end of the proceedings. In principle, however, Mr Jakob recalls the decision of the TPF Court of Complaints of February 10th overturning the decision of the TPF Court of Criminal Affairs of December 17th 2020, which had prohibited Mr Werner and Civitas Maxima from broadcasting the content of the December 2020 hearings. The Court is satisfied that it does not need to issue a formal decision.

The President of the Court outlines the program for the second part of the proceedings. In addition to the plaintiffs, nine witnesses will be called to provide information.

Me Jakob asks for the application of art. 78 al.5 CPP, which grants his client the possibility of rereading the interrogation transcript at the end of each day. The President refuses, indicating that it will be necessary to intervene on the spot to discuss language issues. The President agrees to let the interpreter talk to the plaintiff to familiarize himself with his English.

A delay is granted to the plaintiffs' lawyers concerning the statement of expenses.

Mrs Wakim requests that the videos be viewed by his client, who was unable to travel to Switzerland. The President has not yet ruled on the matter.

Mr Jakob would like the plaintiffs to have the opportunity to react to Alieu Kosiah's statements. The presenter replies that a few questions may be interposed, but that the program must be respected, so no promises are made.

The Court authorizes Mrs Wakim to leave the country with the video recordings, but he is responsible for bringing them back.

The Court proceeds with the hearing of the plaintiff G.S.
After asking the plaintiff a few questions about his personal situation, the judge asked him on what occasion he had met Alieu Kosiah. The plaintiff replied that he had met him in Zorzor, near the gas station, when Kosiah had killed seven people. He then claimed to have seen him again during the forced transport to Salayea, in Lofa.

On questioning, the defendant stated that he lived in Zorzor during the first civil war in Liberia. He then moved to Guinea, but does not know exactly when he left, as he had no education.

Describing the atmosphere in Zorzor between 1993 and 1995, the plaintiff explained that it was a very intense period, that he was afraid and that he always felt in danger, all the more so in this period when anyone could kill at any time.

When asked which factions were involved in Liberia's first civil war, GS said it was Charles Taylor's faction fighting against the Doe government. He explained that the ULIMOs joined the fighting when Charles Taylor's group came to Lofa. He also explained that NPFL forces had first captured the town, before the ULIMOs took it back.

Thus, following the final ULIMO capture of Zorzor, he said that the most important person in the troops seemed to him to be Alieu Kosiah, as people called him “chief” and took their orders from him. However, he said he couldn't remember the approximate date when Zorzor was taken and explained instead that he had a visual memory.

Continuing to answer the judge's questions, GS explained that he had seen child soldiers in all the different factions involved in the war. According to him, they must have been ten, twelve or thirteen years old. He added that soldiers generally behaved badly and tried to frighten civilians.

The President of the Court asked him if he had participated in or supported any of the factions involved in the war. The plaintiff replied in the negative. To identify the rebel groups, he said that they wrote

the name of their faction on the walls when they arrived, shouted their names and the names of their commanders.

The President of the Court then asked the plaintiff about “Black Monday”. He stated that it was a black day for the entire Lofa region, where many, many people were killed. Responding to the judge, he went on to explain that this term was also understood in Guinea and that these mass murders had occurred in Voinjama, as well as in Foya and Kolahun. Regarding the link between Alieu Kosiah and “Black Monday”, the plaintiff indicated that Kosiah's name was always part of the rumors surrounding this event. In response to questions from the Court, he said that he had heard this story from many, many people and that they had tears in their eyes when discussing it.

GS went on to explain that looting was common practice among ULIMOs and NPFLs. He pointed out that they sometimes had to go and get food for them and that refusing to do so meant risking one's life. He added that sometimes the civilians themselves had to fetch food for the soldiers. He also said that the soldiers would take women and force them to have sex, who would accept out of fear for their lives. He added that even Mr. Kosiah gave the order for a woman to be brought to his house.

When asked about the cannibalistic practices of the ULIMOs, the plaintiff said he had never witnessed them, but that many stories had reached him, including one of someone eating a raw heart. These practices also concerned NPFLs. He said he had seen a video of a child eating a heart, saying it would make him stronger.

Following questions from the Court, he went on to explain that it was common for several people to have the same first and last name in Liberia. On the subject of the defendant, the plaintiff indicated that he knew him as “Chief Kosiah” until he heard his first name for the first time, in Bern, during his hearing by the Federal Prosecutor’s Office. He did not know his rank, but concluded that it was that of a “big man”, as he gave the orders and the soldiers carried them out. He also claimed that Mr. Kosiah was part of the ULIMO faction. He didn't know if there was anyone hierarchically superior to Kosiah, but that, as the soldiers listened to his orders, he considered him their “boss”.

GS later said that when the city was captured, he didn't see who was leading the fight. He explained that he first saw Alieu Kosiah when he asked everyone to gather at the gas station in Zorzor.

He explained that one of the ways he recognized Mr. Kosiah was by his skin tone and piercing eyes, which conveyed a sense of fear. He also explained that his voice has softened now, but that back then, when he spoke and shouted his orders, he was scary. He then added that he had filed a complaint for the murder of his brother and the forced transport to which he was subjected.

On questioning, GS recounted that he regularly went to the leisure center not far from the gas station in Zorzor. It was common for him to discuss the events at the gas station, which had led to the deaths of a number of people. It was then that a man came up to him and told him how he could go about filing a complaint. It was then that he met Alain Werner in Monrovia and decided to file a complaint against Alieu Kosiah. He admitted that he had said that he had filed the complaint after discovering a photo of Mr. Kosiah, but claimed that it was a mistake, that he had been stressed when he said it and concluded by saying that he had only seen the photo after filing the complaint and that he would not have recognized the defendant anyway.

The President of the Court then questioned the plaintiff on the contradictions surrounding the circumstances of his complaint, before asking him whether it had been proofread and translated. The

plaintiff stated that he was concentrating on his studies at the time and that there was no interpreter when he spoke to the lawyer who had drafted the complaint. It was also discussed how the plaintiff had been put in touch with Hassan Bility and Alain Werner. Before coming to the facts, the plaintiff wanted to clarify that at the time he was not literate and had not been to school and that therefore he could only remember what he had seen or heard, but he does not remember the dates.

In relation to the murder of seven civilians in Zorzor

As a reminder, Alieu Kosiah is 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, ordered the murders of seven civilians in Zorzor, including his brother, Y. S., in March 1993.

The plaintiff confirmed his denunciation of Alieu Kosiah. He explained that it was a terrible scene. He said he couldn't place the event in time, but knew it was raining. A large number of civilians had gathered near the Zorzor service station. Among those present, Mr. Kosiah, surrounded by many soldiers, including child soldiers, singled out seven, including the plaintiff's older brother, whom he wrongly suspected of belonging to the NPFL. He then shouted orders to execute these civilians. He indicated that he was about six meters from the soldiers and explained that the soldiers positioned themselves in this way to frighten the civilians.

The judge then asked the plaintiff if there was an error in the criminal complaint filed as to the presence of other commanders than Kosiah at that time. He replied that Kosiah was the only commander present. He shouted the order to execute the civilians in English.

[LUNCH BREAK]

In response to questions from the Court, Mr. GS indicated the words used by Alieu Kosiah: “They are rebels. Execute them. Kill them". However, he did not specify how the soldiers were to proceed, so the soldiers smashed the civilians' heads in with hammers. He then gave the names of some of the soldiers and civilians present at the time, including his mother, older brother and younger brother. The civilians had to bury the bodies left on the road. The plaintiff then stressed that in losing his older brother, he was losing a role model, a guide, a guardian and a protective presence for his family. He explained that they now feel miserable and weak, especially as his father had invested a lot of money in his brother so that he could go to school.

When asked whether the plaintiff had been in contact with other people who had been present at the incident, he said that he had, but that they refused to take part in the proceedings, as they were too afraid to testify, fearing reprisals on their return to Liberia. As for his mother, she was still alive, but feared that her son, the plaintiff, would be killed if he testified. She asked him to leave justice to God. The plaintiff therefore came to Switzerland without her consent. He himself said he was terribly afraid of what life would be like back in Liberia.

In relation to the forced transport from Zorzor to Salayea

As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of goods (including ammunition and weapons) from Zorzor to Salayea, by civilians, between March and December 1993 or between March 1994 and the end of 1995.

The plaintiff confirmed his denunciation of Alieu Kosiah. Mr. GS explained that the transport had been ordered shortly after the murder of the civilians. In the morning, the defendant, with the help of child

soldiers, requisitioned between 25 and 30 people, including the plaintiff. They were rounded up by soldiers near the gas station. The group of civilians included women and children, the youngest aged twelve or thirteen. He ordered them, shouting in English, to carry loads. He was about six meters away. The plaintiff added that, among the many soldiers present, no one was hierarchically superior to the defendant. He explained that the civilians were instruments of transport for the factions and that they had to obey, faced with ruthless and bloodthirsty people. He pointed out that the risk of refusal was death. He added that killing civilians was part of their daily routine and that they killed without hesitation. The President of the Court then asked him about the forced transport. The plaintiff, who was between 15 and 16 at the time, described the presence of child soldiers during the convoy. Throughout the journey, Alieu Kosiah led the transport to Salayea. The soldiers, armed with rifles, stood around the civilians, so that they couldn't run away. If the civilians dawdled, they were beaten by the soldiers with rifle butts. During this transport, Mr. GS explained that he was carrying ammunition on his head and that others were carrying bags without knowing their contents. The loads were heavy, but no one complained, as the soldiers were very tough and showed no empathy. The march lasted almost a day, on an unpaved road and the convoy only took breaks when a stream provided water, receiving no food. He added that the defendant frightened civilians and soldiers alike and that he carried no weapon. He added that the soldiers made all kinds of aggressive remarks and that they could only pray to have enough strength to advance and not fall victim to the threats that were made. According to the plaintiff, the ULIMOs and NPFLs were fighting in the direction of Salayea. It was for this reason that merchandise had to be brought there. The President of the Court then asked him if he had been subjected to violence. The plaintiff replied that all civilians receive threats and blows. One of the “boys” told him that he looked like someone who wanted to run away and that if he ran away, he would kill him. Another said that while he had a heavy load on his head, one of the soldiers hit him with a rifle butt, telling him to “go, go, go.” The plaintiff gave the names of the civilians and soldiers he was able to identify on this transport.

Continuing his answers to the Court, he stated that Kosiah could see and hear civilians being beaten or threatened and that he had done nothing to prevent the mistreatment. To his knowledge, no one was killed at the time. Fearing for his life, GS said he hadn't even thought of fleeing. The shape and size of the convoy was discussed. The convoy arrived in Salayea in the evening and the goods were deposited in a Lutheran school. As for the return journey, he said he had gone straight home to reassure his family. He declared that he had not received any form of remuneration. The President of the Court asked him whether he had tried to persuade other participants in the transport to testify. He replied that no, the only person he had thought of had died and another did not want to out of fear of having anything to do with the procedure. The plaintiff indicated that it was common practice for ULIMOs to requisition civilians to transport merchandise. He explained that civilians were simply instruments of transport and that they didn't even consider them as human beings. He doesn't know why they didn't use vehicles, but explains that perhaps it was to make them feel like “nothing”, like mere property.

Final questions of the Court

The President of the Court asked who reported to him that Alieu Kosiah was involved in Black Monday. He stated that these were rumors peddled by people and that he could not link this to one person. According to the plaintiff's interpretation, after seeing Mr. Kosiah kill seven civilians, it convinced him that he was a key player in Black Monday. He added that for the defendant, killing was not something difficult.

The President of the Court then asked him why he had filed a criminal complaint in Switzerland. The plaintiff replied that no such court existed in Liberia and that he wanted justice to prevail. He added

that he had not been intimidated, but that he was afraid for himself and his family in Liberia, pointing out that secret murders were commonplace there.

The Federal Prosecutor's questions for the plaintiff

The Prosecutor began by asking him about the arrival of Alieu Kosiah and "Chief Dorley" in Zorzor. In response, the plaintiff indicated that he did not know who had arrived before the other, but that the first person he saw was Alieu Kosiah at the gathering at the gas station. The Federal Prosecutor's Office then submitted a photo of the gas station to him, asking him to indicate the positions of the soldiers and civilians during the murder of the seven people, which he did. A second photo was submitted to him, asking him to write down the names of the roads, which the plaintiff also did.

Finally, the prosecutor asked for details of the forced transport season. The plaintiff explained that he was unable to give a precise answer.

Mr Werner's questions to the plaintiff

Mr Werner first asked him if he had any reason to lie to the Court, before asking him about ethnic relations in Liberia. In response, the plaintiff stated that he had no reason to lie. Regarding the use of the term "dingo" to refer to the Mandingos during his hearing in Bern at the Office of the Federal Prosecutor in 2017, he stated that it was a diminutive, with no pejorative meaning in his mind. He added that if someone from the Lorma ethnic group, which is his own ethnic group, had committed such crimes, he would have denounced them too. Finally, he said he had no prejudice against the Mandingos, and that inter-ethnic marriages, although difficult in the past, were now a little more frequent in Liberia. He also mentioned the consequences of not having been able to give his brother a burial.

With regard to English and the plaintiff's understanding of it, particularly when given orders by Alieu Kosiah, Mr. GS stated that he could understand standard English and simple words. Growing up in Zorzor, the plaintiff spoke Lorma. He explained the difference between colloquial and standard English. Mr Werner asked why after the forced transport he had to go back to reassure his family, to which he replied that it was to put their minds at rest that nothing had happened to them, as everyone knew that people were killed on these transports.

Mr Gianoli's questions to the plaintiff

The defense lawyer asked if he knew anyone else with the same name as him and if it was conceivable that a homonym existed in Liberia. The plaintiff replied that he knew of no other person with his name, but that it was possible that a homonym existed. Mr. Gianoli asked questions of a temporal nature, which GS was unable to answer. He then asked various questions about the circumstances of the forced transport and murder of the seven civilians. He then questioned the plaintiff on the identity of Mr. Keita, in connection with the GJRP, asking him to explain the contradictions arising from the hearing and his interrogation in Bern. In connection with his contacts with the GJRP, Mr Gianoli also asked for clarification of the plaintiff's initial meeting with Hassan Bility, Director of the GJRP. In response to these questions, GS explained that at the time of his hearings he was stressed by the situation. He added that it was normal to find inconsistencies because everything was new to him and it was the first time he had had to testify to an authority abroad.

After a short break due to the defendant's irritation, the plaintiff asked to be moved to another seat in the courtroom. The President of the Court asked him if he was afraid when Mr. Kosiah became angry. Mr. GS replied that he was, that Alieu Kosiah used to shout the same way during the war and that that was why he no longer wanted to sit in the center of the room, close to Mr. Kosiah.

Afterwards, Me Gianoli continued with his questions, the seasons were discussed and newspaper articles. In particular, he asked if it was possible that his brother's execution took place on February 9, 1993, to which GS replied that he didn't follow the dates, not having been educated, but he recalls that at the time, there was a heavy downpour. He mentioned ethnic tensions and asked GS for confirmation or clarification about the identity of several of the war's actors.

Final questions from the parties

The Federal Prosecutor asked for clarification of the “hit and go” in connection with the capture of Zorzor, which the plaintiff did.

Finally, Mrs Wakim asked the plaintiff whether, in his opinion, Alieu Kosiah had sexually abused a young woman. He replied in the affirmative, giving the name of this person and explaining that she had been withheld by the defendant. He then added that after returning from her brief captivity at the hands of the defendant, she had fled with her boyfriend.

## December 16, 2020 – Day 7: Hearing of a plaintiff

The Court proceeded to hear the second plaintiff, LSM, represented by Mr Jakob.

Before the Court, LSM acknowledged the other plaintiffs who had traveled with him, as well as the defendant. He then affirmed that he had last seen him during the war, in 1993.

When questioned about his personal situation by the president of the Court, the plaintiff explained that it was the war that led him to Lofa and that he was there when the NPFL captured Lofa. He also stated that he had attended school up until the war, i.e. up to sixth grade in the Liberian system. He explained that he is currently a private security agent.

Referring to the climate in Foya between 1993 and 1995, the plaintiff first explained that under the NPFL there was order and security. Schools were open and he could move around freely. He added that life was normal then. He went on to say that everything went wrong when the ULIMOs arrived, schools were closed and from then on there was a real war.

The President of the Court then asked him which faction had first captured Foya. LSM replied that the NPFL first took control of Lofa County, when the army fled to Guinea and Sierra Leone. When the ULIMOs seized Foya, he was in the jungle. He had taken refuge out of fear in a small village on his aunt's farm. He stated that he could not give the exact date of the capture of Foya, but that the ULIMO had carried out two attacks against the NPFL before the district came under their control. In response to the Presiding Judge, the plaintiff gave the name of the ULIMO commander present at the second and final attack.

The Court then asked the plaintiff about child soldiers in the ULIMO and NPFL factions. She explained that this was a common practice for both factions, pointing out that some of these children could be 10, 13 or 14 years old. She explained that members of the ULIMO group had a large number of child soldiers, known as “RTOs”. Regarding the soldiers' behavior towards civilians, the plaintiff specified that the Alligator group, present during the first ULIMO attack, was nicer to them. This group shared food with the civilians. He added, however, that the ULIMOs behaved very badly towards civilians, in particular by imposing forced labor on them.

The Court asked the plaintiff whether she had supported one of the parties to the conflict. She replied that she had not. She explained that she was a civilian, but joined the ULIMO to save her life, when they captured her in the jungle in 1993. After a question from the court, LSM stated that he had become a private soldier assigned to the Alligator group. To distinguish the NPFL from the ULIMO, he explained that the groups shouted their names when taking territory. The rebel groups didn't wear uniforms, except at the headquarters. On the subject of “Black Monday”, the plaintiff stated that it was a day that the whole of Lofa would never forget, a great genocide having taken place on that day in Voinjama and Foya. Asked if the term was known to the population, he replied that he had heard of it as a day of mourning because many people had lost loved ones. He said that the only people who didn't know about “Black Monday” were those who didn't live in Lofa.

On the question of looting, the plaintiff confirmed that the ULIMOs took goods from the civilian population such as coffee, oil or cocoa, and that they took nothing from him as he had nothing. He added that it was rare for them to take money. On the question of cannibalism, the plaintiff said it was very common in Liberia. He gave the example of a soldier, member of the ULIMO, with whom he

was friends. He said he was a real butcher who mixed pieces of human liver with pieces of meat so that no one would know what was in them.

The President of the Court then asked the plaintiff if he had met several people in Liberia with the same name as him. He replied that he had, explaining that his name, for example, was very common. The Court extended his question to first and last names. He then indicated that this was also common, giving his son's name as an example.

Continuing his answers to the Court, LSM stated that he had always known the defendant as a military man. He explained that Alieu Kosiah was an important member of the ULIMO faction, designating him as second in command of the region. He explained that there was no one above him, apart from Pepper and Salt. He claimed to have seen him for the first time during the final capture of Foya. The plaintiff confirmed that the defendant was indeed the person denounced. He explained that he recognized him by his appearance and his fighting eyes. The Court asked him why he had had difficulty identifying him in the photographs taken by the Federal Prosecutor's Office in 2015. He replied that he had been presented with a photo with several warlords, but that he had recognized him immediately when Alieu Kosiah appeared in front of him.

Before talking about his criminal denunciation, the plaintiff pointed out that his English was not very good, and that it was difficult for him to make himself understood.

<u>Ordering the degrading treatment of seven civilians, including LSM, in Foya</u>
As a reminder, Alieu Kosiah is 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, ordered the degrading treatment of seven civilians, including LSM, in Foya in July 1993.

Questioning the plaintiff on these facts, the Court asked him whether this had happened in 1993 or 1994, as the dates differed according to two hearings. He explained that it had happened in 1993 and as for 1994, it was a misunderstanding due to the language barrier.

The plaintiff explained that he had gone to his aunt's farm to find food, when he was captured by the ULIMOs, in the jungle, who thought he was a rebel. He was very frightened at the time, so doesn't remember how many soldiers there were. He went on to explain that it was routine for ULIMOs to patrol to repatriate civilians after the capture of a territory, because when combat breaks out civilians flee and civilians were needed to work for them. The President of the Court asked him how the soldiers were dressed at the time. He replied that they were wearing green headbands, green being the symbol of the ULIMO. He then explained that some of the soldiers wore wigs and make-up and some wore women's clothes, without knowing the reason why. The plaintiff said she had been taken to Foya with many other civilians after being captured.

After the break, the Court asked LSM to explain the "tabé" treatment. He replied that this treatment consisted of tying both elbows behind his back and both hands in front. He added that he had not been subjected to this treatment when he was captured, but when he was taken from S2's office to the market. At the office, S2 commander Fine Boy was taking down the names of civilians before they left for the market. The defendant was there, with his men and CO Kunti.

LSM asserted that the accused had ordered the "tabé" against the civilians. According to him, Alieu Kosiah was the most important person at the time. The soldiers tied up six other civilians in tabé. The plaintiff went on to explain that he had been dragged on the ground, in tabé, for a distance equivalent

to the courtroom, there and back, and that he has had problems with his left arm and right leg ever since. He added that it was much worse than being beaten.

He went on to say that the civilians had been tied up in “tabé” under the pretext that they were rebels. Among them were two members of his family. In his answers to the President of the Court, the plaintiff explained that he did not know the soldier who had dragged him to the ground. The Presiding Judge asked whether CO Kunti and Alieu Kosiah had ordered the “tabé”. LSM replied that the defendant had given the order and that it had been carried out.

The President of the Court asked why the other civilians had not been dragged. The plaintiff then explained that she was in good shape and was the only one who dared to speak. She kept telling them that she was not a rebel. She went on to say that after being dragged, she was bleeding. She said that the defendant and CO Kunti were there and that they wanted to eliminate them all.

Ordering the murder of six civilians in Foya

As a reminder, Alieu Kosiah is accused of having ordered the murders of six civilians, including PH and JM, in Foya in July 1993, in the context of the internal armed conflict in Liberia from 1989 to 1996, as a member of the ULIMO armed faction.

Answering the Court's questions, the plaintiff described the scene of the murder of the six civilians. She explained that when she saw a soldier crush a large stone on a civilian's head, she became frightened and closed her eyes. Shots rang out, screams followed and when she opened her eyes again, there were only pools of blood. Fine Boy and Dekou came from the office at the same time. On their arrival at the scene, Mr Kunti and Mr Kosiah asked why they should spare the last civilian. The plaintiff then explained that she had not been killed because Dekou and Fine Boy had pleaded her case. The plaintiff then went on to say that it was then that she was stabbed. LSM also explained that it was Alieu Kosiah who gave the order to tie them up and kill the six civilians. The defendant accused them of being rebels and said they had to be killed.

The President of the Court asked what had happened to the bodies of the victims. LSM stated that the soldiers had thrown them into the well, he didn't see the scene as his eyes were closed, but the next day there was a cloud of flies overhead because of the decomposing bodies. He went on to explain that it was a deep well and that because of the flies, civilians had been ordered to close it.

Returning to the subject of the stab wound, the plaintiff told the court that he had not seen the person who had inflicted it on him. He added that it was when he was later cleaning the S2 office that Fine Boy told him it was Alieu Kosiah.

Concerning the perpetrator of the stabbing, the Court came to the contradiction between the complaint filed by the plaintiff and his testimony to the French authorities, in which he stated that Kunti had stabbed him. LSM stated that he had testified early in the morning while working the night shift and that he was tired. He explained that he had not been able to reread his deposition properly and that he had really read it in Switzerland, through his lawyer Mr Jakob. He said he was shocked by what was in his statement. He went on to say that both Mr Kunti and Mr Kosiah wanted him dead, so till this day he still doesn't know which of the two stabbed him. He explained that he wasn't in his right mind at the time, as he was bleeding to death and therefore doesn't remember who stabbed him.

The Court then asked the plaintiff if he knew which knife had been used and at what depth. He replied that it was a bayonet and that the wound was very deep. LSM asserted that CO Kosiah and CO Kundi

had the will to eliminate him, as they left him on the ground for dead. The plaintiff explained that his cousin, who is a midwife, arrived shortly afterwards and nursed him back to health.

Ordering and directing the forced transportation of coffee, cocoa and palm oil by civilians from Foya to Solomba and from there to the Guinean border.

As a reminder, Alieu Kosiah is 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, ordered and directed the forced transportation of goods (coffee, cocoa and palm oil) by civilians from Foya to Solomba, between July and August 1993.

The plaintiff began by explaining that he was a civilian during this period. He told the President of the Court that he had been requisitioned in the morning to the S2 office, which he was cleaning. The S2 was present, as were the charges.

In response to questions from the Court, LSM asserted that the transport order had been given to him by S2. When asked whether he had seen or heard an order given by the defendant, he replied that Alieu Kosiah was one of the Strike Force's “big men” and that since he was on the spot, he was the commander and gave the orders.

Continuing his answers, the plaintiff indicated that he had participated in the transport to the Guinean border, adding that if he refused to participate he risked losing his life. The transport was carried out by men and child soldiers supervised and directed by S2 Fine Boy, who was in charge of liaising with the civilians. They were carrying coffee, palm oil and cocoa. LSM said he was carrying around 25 kg of coffee on his head, as he was the strongest. The convoy left in the morning and the plaintiff explained that he arrived back late in the evening. The soldiers were scattered around and among the group of civilians and some behaved very arrogantly. He explained, however, that when the soldiers rested, they were also allowed to take a break and that sometimes they could stop for a drink by the rivers. They never stopped for too long, he said, because it was considered too dangerous, as civilians could flee at any moment. Some carried RPGs and AK47s, while others carried heavy machine guns. The plaintiff stated that he had been threatened during transport, right from the start. Concerning Alieu Kosiah, the plaintiff stated that he beat civilians. He did not carry any weapons, but those around him did.

He concluded his remarks by explaining that he himself had received threats, a soldier having told him before leaving that if he stopped he would be beaten.

[LUNCH BREAK]

Regarding mistreatment, the plaintiff stated that Alieu Kosiah was informed of everything that happened during the convoy. There were no deaths. Furthermore, the plaintiff did not see the defendant prevent or attempt to prevent the mistreatment of civilians by soldiers. The plaintiff was not remunerated for this transport.

Ordering the looting of the Foya power plant

As a reminder, Alieu Kosiah is 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, ordered the looting of the Foya power station between July and December 1993, or between March 1994 and December 1995.

With regard to the Foya power station, the plaintiff told the Court that it was located on the outskirts of the city, and that it supplied the city with electricity. He went on to explain that the order for the looting had come from the ULIMO headquarters and the defendant. The machine was working before the ULIMOs arrived. Unable to refuse his superior's orders, LSM declared that he had been forced to take part in the looting.

Ordering and directing the forced transport of the Foya power plant engine
Foya power plant, by civilians, from Foya to Solomba, and from there to the border with Guinea.

As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of the engine of the Foya power plant to Solomba, by civilians, between July and December 1993 or between March 1994 and December 1995.

The Court then questioned the plaintiff at length about the forced transport of Foya's generator, which had been placed on a vehicle pushed by civilians. LSM explained to the Court that the transport had been ordered by the ULIMO hierarchy. The entire ULIMO hierarchy accompanied the convoy, including Alieu Kosiah and Dekou. The defendant was the second-in-command of the “Strike Force” and carried a pistol on his side. There was no military officer hierarchically superior to Mr. Kosiah on this convoy. According to the plaintiff, Major ULIMO Jackson told him that CO Kunti was part of the convoy, but he himself had not seen him, as the convoy was very large. The civilians were rounded up early and had to put the generator parts into a van and onto a Mercedes truck, with other goods added to the transport, such as oil, cocoa and coffee. They had to push the vehicles, as one had no engine and the other no gas. Being a soldier at the time, the plaintiff indicated that his role was to protect the looted goods, as the RUF rebels from Sierra Leone and the NPFL could be ambushed.

The convoy included many civilians. There were no women or children. The plaintiff stated that there were also many soldiers, all armed, and that child soldiers were among them. He added that it took six or seven hours to walk to the border. The road was unpaved in Lofa. Civilians were whipped by ULIMO soldiers and had to find their own food. Alieu Kosiah was at the rear of the convoy to supervise what was happening. As the highest-ranking officer, he was in charge of the whole group.

When asked about the soldiers' behavior with civilians during the convoy, LSM explained that his commander was a good person and that he brought back bread and sardines from Guinea to share with the other soldiers and civilians with whom he lived.

Continuing his answers to the Federal Prosecutor, LSM asserted that the soldiers carried AK-47s, RPGs or LMGs. As for Alieu Kosiah, he carried a long-range weapon when he went to the front. Otherwise, he always carried a handgun.

Referring back to the plaintiff's statements to the Federal Prosecutor, the Court asked him whether a civilian had been killed during the transport. He replied that a soldier had fired a bullet into the forehead of a civilian who had complained of being tired. He went on to say that he had never seen Alieu Kosiah prevent or attempt to prevent the mistreatment of civilians.

The group arrived at the Guinean border in the late evening and pushed the vehicles onto the ferry so that the parts could cross the border. The civilians then returned escorted by soldiers and arrived in Foya in the middle of the night. On questioning, LSM asserted that the civilians did not receive any form of remuneration for taking part in this transport.

Questioned about his current relationship with the defendant, the plaintiff stated that he was not afraid of him. He added, however, that he had been intimidated and attacked in Liberia following his testimony by former ULIMO soldiers loyal to Mr. Kosiah and former Charles Taylor generals. He said he almost lost an eye and had seven stitches in his eye. He said he had had to move three times and that these attacks were also aimed at dissuading him from testifying. He explained that he now fears for his safety and his life, as well as that of his family. The Court asked him if he had testified before the TRC. He replied that it would have been suicide for him.

The Federal Prosecutor's questions

With regard to the stab wound at the well, the plaintiff stated that Dekou and Alieu Kosiah were arguing over what to do with him. According to him, the defendant was angry about leaving him alive, as he represented a threat to his life.

As for the transport, LSM stated that he had heard the defendant give orders to the soldiers. He added that, in his opinion, the most senior between CO Dekou and CO Kosiah was CO Kosiah.

Mr Jakob, the plaintiff's lawyers' questions

Mr Jakob submitted a photo to the plaintiff. He explained that he recognized the place where the S2 office was located. He then indicated where the office was located.

In response to Mr. Jakob's questions, LSM stated that he had left for Sierra Leone when ULIMO K and J split up.

The Court then asked LSM to explain why he had not given his cousin's telephone number to the Court. He explained that his cousin didn't want anything to do with the proceedings. After several attempts to convince her over the phone, she eventually changed her phone number and remains unreachable to this day.

LSM also spoke of the after-effects of being dragged along the floor in a "tabé", explaining that he still has scars today. Finally, he explained that he had changed his name when he was a soldier and that the ULIMOs had not recognized him.

Finally, the plaintiff again explained his first contact with Civitas Maxima and GJRP respectively.

Mr Gianoli, the defendant's lawyers' questions

Mr Gianoli questioned the plaintiff at length about the ULIMO line of command and the people who made it up.

On the subject of "Black Monday", the plaintiff asserted that it was a real genocide. He declared that this event had cost the life of his aunt's only son and that the soldiers had taken his heart.

Returning to the scene at the well, he added that Dekou and Fine Boy had intervened to prevent him from being killed. He explained that Dekou was of a lower rank than the defendant, but that it was his territory, so he could oppose certain orders from Alieu Kosiah. He explained, however, that he, as a soldier, would have been imprisoned, dragged along the ground or stripped to shame if he had refused an order from his superior or gone against the order that had been given.

LSM reiterated his suffering and fear at the moment he was untied and then stabbed by Mr. Kunti or Mr. Kosiah.

Mr Gianoli then went back over the plaintiff's hearing before the French authorities, as well as the return of the civilians after the forced transport of the Foya generator. Finally, he questioned the plaintiff on the ULIMO split and the ethnic composition of the different factions, as well as on the different members of the ULIMO faction.

Finally, the plaintiff explained that sexual violence was very common during the war. Women and girls were the victims of such violence.

## December 17, 2020 – Day 8: Hearing of a plaintiff

On February 17, 2021, the Court proceeded with the hearing of the plaintiff JTC, born in 1969.

The President of the Court gave the floor to the Federal Prosecutor. The latter explained that he would be sending a letter by midday requesting the indictment.

The President of the Court began by asking a few questions about JTC's personal situation. The President first asked the plaintiff about his relations with the other plaintiffs present, to which JTC replied that he recognized the judges, the lawyers, the defendant, the lawyers and the plaintiffs with whom he had traveled.

When asked about his personal background, JTC then explained that he had grown up in Foya Airfield, as well as in his mother's and father's village, before returning to Foya Airfield again at the age of 11 or 15. He then went to Monrovia for his studies in 1985, but continued to return to Foya Airfield during the vacations before settling there for a longer period from 1990 onwards. When the first civil war broke out, JTC was living in Monrovia. He said he now lives in Voinjama, although he also has a permanent residence in Monrovia.

JTC went on to explain that he went to the USA to further his studies and that he is currently working.

Concerning the context of the civil war between 1993 and 1995 in Liberia
Describing the atmosphere during the first civil war in Liberia between 1989 and 1996, the plaintiff explained that it was a terrible and dangerous period, with so much violence, inhuman treatment and desecration of human bodies.

When asked which rebel factions were involved in the first civil war, JTC said it was the NPFL rebel groups, then the ULIMOs and finally the LURDs. JCT said that in 1990, the NPFL took control of the town from the government troops, the Armed Forces of Liberia. The ULIMOs then captured Foya in 1993, during the second half of the year, around June-September. JTC reported that they stayed for the whole of 1994 and part of 1995, but had to take three attempts to capture the town around July-August 1993, taking a total of around a month.

JTC said that when they captured Foya, he was in the surrounding jungle and didn't know at the time who commanded the ULIMO troops. He explained that he later learned, when he was brought back to Foya, that Dekou was the ground commander. He then recounted that he lived in a climate of insecurity, able to be killed at any moment if an opposing faction saw him. JTC went on to say that there were different leaders within the ULIMO movement, including commanders Ugly boy, Kunti and Mami Wata and Mr. Kosiah. He added that CO Kosiah was presented to him as one of the most important figures in the ULIMO hierarchy, being superior to Dekou and able to go wherever he wanted in the Lofa.

Continuing to answer the judge's questions, JTC stated that he had seen child soldiers as much among both the NPFL as the ULIMO. He went on to say that ULIMO soldiers behaved badly, treating people not as human beings but as animals of the worst kind and that civilians had been subjected to the worst torture and unimaginable trauma. He also said that in Foya, ULIMO behavior was the worst of all the factions present. JTC added that he felt uncomfortable thinking about all this and that, if he had survived, it was only by God's will.

The President asked JTC if he had participated in the war, supported or helped any of the factions involved, to which JTC replied in the negative.

To recognize the soldiers involved in the civil war, JTC told the President that they wrote their faction's name on the walls when they arrived, shouted their names, and the names of their commanders. For example, the NPFL would proclaim their name “NPFL Charles Taylor” and write it on the walls or their t-shirts. It was the same with the ULIMOs. He went on to explain that there was no fixed uniform for the soldiers, nor any fixed color per faction. The only people who wore uniforms were the highest-ranking.

The President then asked JTC about “Black Monday”. JTC replied that it was a day of terror when acts of cruelty against human beings were carried out in Voinjama. JTC also stated that he was aware of a “Black Friday” in Foya. On that day, the ULIMOs killed on a large scale, then butchered the corpses and displayed their organs to the public, notably in wheelbarrows, causing many people to flee. It was a day arbitrarily chosen to attack, destroy and terrify the population, with the aim of demonstrating a certain hold, a certain power over the population. JTC explained that this happened regularly, on Mondays in Voinjama and Fridays in Foya, though he was unable to count the number of days on which these hate crimes took place.

Responding to questions from the Court, JTC explained that the terms “Black Monday” and “Black Friday” were particularly well known in urban areas and in Lofa. He added that most people knew that slaughter, cannibalism and horrific acts happened those days. JTC was already in Foya when all this happened.

JTC went on to explain that during the war, the looting of civilian goods by ULIMOs was not an occasional occurrence: as the area was deserted, the soldiers took with them whatever interested them. JTC pointed out that the ULIMOs couldn't live without the civilians, as the area was deserted without them. He said that when the ULIMO soldiers said “Any bush shake”, it meant that if there was the slightest movement in the bush, the civilians would be killed and their hearts eaten by the soldiers. Heart-eating was normal for the ULIMO. It was a ritual practice, said JTC.

On the subject of common first and last names in Liberia, JTC explained that it was very common to have identical names, as going through the legal system was not obligatory in Liberia to give a name to one's newborn child. The President asked if a birth certificate was all that was needed to obtain a passport. JTC then explained that police authorization was also required and sometimes a letter of recommendation from one’s community. JTC explained that the birth certificate was issued by the Ministry of Health and the passport by the Ministry of Foreign Affairs.

When asked if he knew the plaintiff LSM, JTC said he didn't and that he first saw her in these proceedings, in Liberia, as part of the preparations for the trip to Switzerland.

<u>In relation to the defendant Alieu Kosiah</u>

JTC said he knew him as Alieu Kosiah and CO Kosiah and only as a military man or rebel. He added that he preferred to use the term rebel and that Mr. Kosiah sometimes wore a uniform consisting of a military jacket or t-shirt and simple jeans.

In response to the President’s question as to the defendant's assignment during the war, from 1993 to 1995, JTC explained that when he was in Foya, he didn't know exactly where Mr. Kosiah was, but that he knew he was important because he was Lofa's number two during that period, pointing out

that he didn't have a specific rank or badge, as soldiers referred to themselves according to what they thought was their rank. He added that he was on the move in Lofa as a whole. JTC explained that from his large movements and from what the soldiers were saying, the defendant was someone important.

Continuing his answers to the Court, JTC replied that he was not there at the time and therefore does not know whether Alieu Kosiah was there or not at the time of Foya's capture by the ULIMO soldiers. He explained that he met him when he was brought back to town from the bush and that the soldiers called him frequently. JTC then stated that Mr. Dekou was number 1 for the town of Foya, being the "ground commander", but that the whole of Lofa was under the control of Alieu Kosiah and Pepper & Salt. He then heard that the most important leader was Pepper & Salt, who was the leader of everyone in Voinjama, but never heard of anyone above him.

JTC later stated that he met with Alieu Kosiah during the second half of 1993, between July and October. Today, JTC recognizes the defendant by his tough demeanor, describing him as a roaring lion intent on subduing his prey. He also recognizes him by his complexion, the color of his eyes and the name he answers to. JTC added that he sensed the same cruelty in the defendant as when he was in Liberia.

The President then returned to the photos presented by the Federal Prosecutor's Office during the investigation, in which JTC had not recognized the defendant. JTC stated that he wanted to be shown these photos so that he could explain why he had not been able to identify the defendant. He explained that the photos were small, the lighting was not ideal and the photos showed several people, which confused and misled him.

Involvement in the murder of civilian DN in Foya

As a reminder, Alieu Kosiah is 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, participated in the murder of a civilian, DN, in Foya, between July and October 4, 1993.

JTC explained that the events took place in the second half of 1993, but that the date was unclear to him. He added that DN was a very close friend, since he was a resident of Foya and a member of the Pentecostal church where he was a teacher. DN was one of the elders of the church and like the plaintiff, a teacher.

The President repeated JTC's statements to the Federal Prosecutor's Office. The plaintiff confirmed his statement, saying that DN had gotten into a car with aid workers and gone with them to the Free Pentecostal Church's "Borma Mission", which had been looted and damaged. He explained that the "Borma Mission" was a Pentecostal Church mission that included a school, a church and a hospital. JTC stated that he was not present when DN got into the humanitarian car, but that he was present when he got out and when he was stopped by the ULIMO soldiers. The plaintiff then confirmed his statement that DN had denounced the ULIMOs to the aid workers in order to obtain the "Borma mission." When DN got out of the vehicle at the "Borma mission" accompanied by the aid workers, the ULIMOs stopped him and grabbed him to see S2 and tell him that he was a traitor because he had denounced them to the aid workers. He explained that several commanders, including Alieu Kosiah, Dekou, Ugly Boy, Fanboy, Mami Wata and Kunti, were present when he was arrested and taken to the airfield near Ugly Boy's home. Mr. Kosiah was the highest-ranking commander on site, he said. JTC, who witnessed the whole scene, said that once there, JTC was badly beaten, the soldiers not even bothering to question him before tying his hands and subjecting him to terrible treatment.

The President repeated Mr. Kosiah's statement that it was not possible for so many important people to be in the same place at the same time. JTC then stated that the highest ranking officer on site was Alieu Kosiah.

The President asked about office S2, where DN was, according to the file, taken before being taken to the airfield. JTC then said that no, the soldiers didn't take him there, they went straight to the airfield. DN was tied up.

JTC then explained that the order to move DN came from Mr. Kosiah. JTC recounted that DN didn't touch the ground, that he was forcibly transported. Once at the airfield, he was strapped into a “tabé”, so that he could barely breathe. JTC went on to say that they tortured and beat him, before Ugly Boy cut him open with an ax. JTC added that Ugly Boy was known as “Saah Chuey”, which means “first born with an ax” in the Kissi language. JTC stated that Alieu Kosiah was present when all this happened.

The President then asked what involvement Mr Kosiah had when DN was beaten and then cut open. JTC stated that the defendant had been very harsh when he learned of the ULIMOs' denunciation: he kicked DN and did not intervene when the man was beaten, tied up and then butchered by the other soldiers. The President asked whether Mr. Kosiah had thus participated in DN's murder, or only in the beating. JTC said that Mr. Kosiah had participated as the highest-ranking officer on the scene and that when they extracted his heart, it was him who brought DN's heart to Ugly Boy's house.

When asked whether Ugly Boy had thus taken the initiative to kill DN, JTC explained that he had done so under Mr. Kosiah's orders and that Mr. Kosiah knew full well that DN was going to be killed by Ugly Boy and that he had in no way prevented it.

The President returned to JTC's statements that DN's heart had been eaten. JTC stated that he had been present at a distance of a few meters during this scene and had seen Kunti and Mr. Kosiah eating the raw heart. He added that he could not describe the clothes DN was wearing, as he had been stripped naked when he was tied up. JTC later stated that they had left his body in public view and that it was only later that civilians were sent to remove the body and cover it with some soil.

When asked about the statements made by several of DN's relatives that he had spent several days in prison, JTC said that, as a witness on the spot, he could confirm that these statements were false. He also stated that he neither knew nor had seen the witnesses in question at the time of the events.

On questioning from the Court, DN then explained that Dekou sometimes gave orders to Alieu Kosiah, but that these were not orders in the strict sense of the term, without however giving any further details on the subject.

The President then asked JTC why he had not expressly mentioned Mr. Kosiah to the French authorities when describing this scene. He then replied that the reason for his presence in France and the questions from the French authorities were about Mr. Kunti and not Mr. Kosiah, as he was not being prosecuted in France.

When asked who could have prevented Ugly Boy from killing DN and harvesting his heart, JTC said that Mr. Kosiah would have been the most appropriate person to do so, being the highest-ranking commander at the scene.

Finally, the President repeated the statements made by DN's widow, according to whom her husband had been cut into pieces and that he had been at his mother's side when he was intercepted. JTC stated that he could not comment on the presence of DN's mother at the time and that he had not seen her at the scene, nor had another witness.

Ordering and directing the forced transportation of civilians from Foya to Solomba and from there to the Guinean border.

As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of goods (notably coffee) by civilians from Foya to Solomba, during the second half of 1993 respectively at the end of 1993.

JTC confirmed his statements and his denunciation of Mr. Kosiah. He stated that he had been present at this coffee transport, during the second half of 1993 and that at that time, forced transports were commonplace. JTC claimed to have been requisitioned in the morning, at Foya, by CO Kosiah's soldiers, to transport coffee to the border and sell it in Guinea. The plaintiff went on to explain that the goods him and the other civilians had to transport belonged to Mr. Kosiah and that it wasn't just coffee: there were also looted goods and cocoa. The plaintiff explained that he had seen Mr. Kosiah give this order, in the English expression “till go”, which was very often used at the time.

At the time of the order, JTC stated that there were no other commanders, but that other soldiers were present. JTC went into more detail, explaining that approximately 25 or 30 civilians, mostly men, were forced to carry out the transport, accompanied by many soldiers and child soldiers, under the punishment of being killed on the spot if they did not obey. JTC indicated that he still knew civilians who were present at the time of the events and to whom he did not ask to testify because he either did not know where they were, or, considering that coming to testify in Switzerland represented a considerable risk for his life and for his family in Liberia, he preferred not to tell them to testify. JTC then stated that he had personally seen the defendant during the transport. According to him, Mr. Kosiah was the leader of the group and there was no one hierarchically superior to him during the transport.

The President then interrogated the plaintiff on the course of the forced transport. Regarding the route taken to the border, JTC explained that they passed through Solomba to get to the Guinean border because it was the most important and commercial border zone between Liberia and Guinea, where they could sell whatever they wanted.

The journey began in the morning and ended in the evening, the walk taking six or seven hours over a passable road. During the journey, JTC doesn't remember having any breaks, but he does recall that there was no food or water. In addition, JTC explained that he carried a particularly heavy load, weighing just over 75kg, on his head. Asked about the soldiers' behavior during the journey, JTC explained that the soldiers acted harshly towards the civilians, beating them with rifles or weapons if they didn't walk, or not fast enough. He said, however, that he had not personally seen Alieu Kosiah beating civilians, being focused on moving fast enough not to get hit, although he said that Mr. Kosiah did indeed behave very harshly. The soldiers carried AK-type weapons, as this was the most common weapon, while some carried knives. As for Alieu Kosiah, he didn't carry any heavy weapons; his arms were entrusted to his bodyguards. He did, however, carry a pistol. JTC declared that he had been threatened, like the other civilians, by the sound of the soldiers' guns and that this transport proved to be very traumatic for him. However, despite the threats and physical violence suffered by all the civilians, JTC claimed not to have seen anyone killed during this particular transport.

Continuing to answer the Court's questions, JTC explained that Mr Kosiah was there and that he moved around the group throughout the transport. He affirmed that he could see the group, what was happening, but that he never saw him prevent any mistreatment. Although JTC stated that he was very afraid for his life, the plaintiff did not try to escape, out of fear of being killed.

JTC went on to explain that when they left Foya, the group was formed in a straight column, but once they were in the jungle, the column became distorted and everyone split up to advance well. The soldiers moved around the group according to the direction they were to take. Alieu Kosiah also moved around the group to make sure everyone was keeping up. The civilians dropped off the goods at the border before being released to rejoin their families. Most of the soldiers stayed with the commanders.

In response to the President's questions, JTC stated that forced transport was a common ULIMO practice, that even women and children had suffered through it and that he had not been remunerated for taking part. The ULIMOs didn't use vehicles because there weren't any, all of which had already been looted. JTC pointed out that even NGO vehicles had been looted. So, the simplest means of transport was to make civilians suffer.

<u>Ordering the looting of the Foya power plant</u>
As a reminder, Alieu Kosiah is accused of having, in the context of the internal armed conflict in Liberia from 1989 to 1996 and as a member of the ULIMO armed faction, ordered the looting of the Foya power plant between July and December 1993 or between March 1994 and December 1995.

JTC confirmed his denunciation of Alieu Kosiah. He pointed out that the power station was Foya's only source of electricity, for lighting and merchants. However, he could not remember when the power station was looted.

Returning to his comments in 2016, in which he had claimed that Mr. Kosiah had looted the power station with the help of other soldiers. JTC clarified that Dekou, Kunti, Ugly Boy, Fanboy and Wata Wata, i.e. the entire ULIMO leadership, were there with the defendant when the power plant was looted, with Mr. Kosiah as the highest ranking of all the soldiers present. JTC stated that he had not heard or seen any looting orders coming from Mr. Kosiah specifically.

JTC later explained that the looting involved removing the emergency generator, as it was possible to move it, as well as removing parts of the main generator. The soldiers did this. Civilians were responsible for transporting the looted parts. JTC said he was only requisitioned once the machine had been dismantled. So he and the other civilians had to move the machine and parts to the truck. Mr. Kosiah was also present at the time. After this looting, Foya was completely deprived of electricity.

<u>Ordering and directing the forced transport of the Foya power plant engine Foya power plant, by civilians, from Foya to Solomba, and from there to the border with Guinea</u>
As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of the Foya power plant engine to Solomba, by civilians, between July and December 1993 or between March 1994 and December 1995.

When asked about the looting of the power plant, JTC indicated that the looting itself had lasted several days, as there were many valuable parts, although he could not give an exact number of days.

He explained that it was the commanders who requisitioned civilians for the transport, but that they had difficulty finding enough civilians to take part. JTC explained that he was at home when the ULIMO commanders arrived.

The transport was carried out by many people, between 50 and 100 civilians, mainly men, as well as many soldiers and child soldiers. JTC explained that he knew of civilians who had taken part in the transport, but had not asked them to testify, fearing for their safety. JTC explained that Mr. Kunti and Mr. Kosiah were present throughout the transport, but did not recall seeing the plaintiff LSM. The transport left in the morning and lasted between seven and eight hours. It arrived in the late evening. Groups took it in turns to push the truck - which no longer had an engine - onto which the machine parts and other goods looted from civilians had been loaded, all under the threat and gunfire of the soldiers. The transport took place on the same road and in the same conditions, if not worse, than the coffee transport, but this time they had to push and not carry. The soldiers didn't give them anything to eat or drink and kept repeating the expressions “any bush shake your heart” and “till go”. JTC added that it was all very terrifying.

Continuing to answer the judge's questions, JTC stated that Alieu Kosiah had a pistol. He also explained that he hadn't seen anyone killed, but that he couldn't rule it out because the group was large and gunshots rang out very regularly. JTC himself was very afraid for his life, but did not try to flee for fear of his life. He said he had never seen Alieu Kosiah prevent civilians from being threatened or beaten. Once at the border, people were waiting to receive the merchandise. Large canoes were used to transport important generator parts across the river. Barrels served as rafts. Some soldiers crossed the border with their weapons, handing them over to the Guinean authorities. The most important soldiers crossed the Guinean border, but the civilians stayed on the Liberian side and were able to leave freely. In conclusion, JTC pointed out that it was sometimes necessary to take detours on the way back to avoid being requisitioned again by ULIMO soldiers who would have loads to carry back to the Guinean border. JTC explained that he had returned to Foya very late and had not been remunerated for having taken part in this transport.

<u>The Court’s final questions</u>

The President began by asking JTC why he had filed a complaint in Switzerland against Alieu Kosiah. JTC explained that he wanted to obtain justice, as he was still very traumatized by the severe mistreatment he had suffered. JTC also added that he was not afraid of Alieu Kosiah in the present circumstances, but that when he returned to Liberia, he might be. Continuing his statements, JTC explained that he had so far not been threatened or intimidated as a result of his participation in these proceedings and that no one has convinced him to say or not say certain things. Furthermore, when asked whether anyone had told him that it was important that his statements did not contradict those of LSM, JTC replied in the negative. Furthermore, continuing to answer the Court’s questions, JTC explained that he had never testified against Alieu Kosiah before the TRC, thus recounting that as the TRC had not gone out into the countryside to gather testimony, its work was de facto questionable. JTC went on to explain that he had not filed a complaint with the Liberian courts or prosecutor either; as the current government had participated in the war, it was ridiculous and pointless to file a complaint with Liberia, except to put himself at risk.

He concluded by saying that he was glad to have been able to testify in Switzerland to explain the slaughter and barbarity experienced by civilians during the war in Liberia.

<u>The Federal Prosecutor’s questions</u>

When asked about the birth certificate issued by immigration staff, JTC said that the staff were checking first and foremost whether the child had Liberian nationality and that it was not a question of whether someone else had the same first and last names.

JTC also clarified that it was indeed Mr. Kosiah who had ordered DN to be moved to the airfield.

Mr. Werner's questions on behalf of the plaintiffs

Mr. Werner returned to Mr. Kosiah's nickname of "physical cash", which had been mentioned by the plaintiffs earlier in the proceedings. JTC stated that in his opinion, Mr. Kosiah had this nickname because he was known to be very close to business and loved money.

Later, in response to a question from Mr Werner, JTC said he knew a certain Kaké and had seen him at the Solomba border. He went on to say that Kaké was from the Mandingo ethnic group. He was the main merchant of the ULIMOs on the other side and did business with them for looted goods.

JTC also stated that a member of the ULIMOs, Sensi Bebe, used to travel with Mr. Kosiah in Lofa at the time of the war and that he had known him as a little boy or "small soldier", and that he was very rude and arrogant.

When asked again about his statements to prosecutors in Bern during the investigation, JTC said he remembered a certain Kotio, adding that this person was active for ULIMO in Foya, in secretarial matters and that he had discussed with him the deaths in connection with the well in Foya.

JTC then stated to have first known CO Kosiah's name before knowing his first name. On the subject of "Black Friday" and "Black Monday", he confirmed that these were indeed two different days. As for his statements about a "Black Saturday" earlier in the day, JTC indicated that he had made a mistake and that his tongue had probably slipped.

Earlier in the morning, JTC had also mentioned that the Kissis were peaceful people. Me Werner then asked him to explain how General Fayah, a Kissi individual who was fighting the ULIMO in Lofa alongside the NPFL, could be part of a peaceful ethnic group. JTC pointed out that this was just one individual and there are a large number of Kissis in Liberia, so not all of them could be peaceful, but if you look at the whole picture, Kissi men were never involved in combat.

When asked about the seasons during the war and in particular his statement that it could rain during the dry season, JTC explained that men had no control over natural phenomena, God's will being the only one responsible; and that it was therefore possible for it to have rained during the dry season.

Mr Werner then asked JTC how he had come into contact with GJRP. The latter replied that he had tried through many sources to reach GJRP and that he had also asked many people questions and tried to look at online sources, but it wasn't easy in Liberia to get access to newspapers and the internet. In fact, he got the number from a friend who asked him not to give his name. That's how he came into contact with GJRP.

Regarding the forced transportation of cocoa, Mr Werner asked JTC to confirm the load weight of 75kg articulated earlier today. JTC explained that he could be wrong about the weight, but that it was a heavy load and that he had carried it against his will and that once he had been forced to carry it, it made no difference whether the load weighed 100, 50 or 25kg.

Mr Werner returned to the alleged contradictions concerning DN's interrogation at the S2 office: whether or not DN was taken to the police station after his arrest. JTC then explained that to the best of his recollection, there had been no formal procedure or interrogation at the time of DN's arrest.

Regarding DN's heart being eaten raw by the soldiers, JTC stated that someone had already been eaten raw in the 80s and that the former Minister of Defense in Liberia had also been killed and bled to death, his blood having been drunk. So, according to the plaintiff, the ULIMOs did eat people raw and eating the heart was part of some kind of ritual.

Mr Werner submitted 5 photos to JTC. He replied that the first photo showed the location of the former police station in Foya, which is no longer in the same place today. On the next photo, as well as the third, JTC indicated that this is what remains of the old power station. As for the last two photos, he explained that they are the remains of the power station's machine or generator.

Mr Werner asked JTC if he would also have filed a criminal complaint if the defendant had been of another ethnicity. JTC explained that he would have and that even if it had been his own son, he would have filed a complaint. He added that he had no prejudice against the Mandingos, as he believed that all ethnic groups were living peacefully in Voinjama today. The plaintiff also explained that he had a Mandingo girlfriend before he was married. He went on to explain that the word “dingo” for “Mandingo” had no bad connotation in everyday language in Liberia. He went on to explain that he had no reason to lie to the Court.

On the last photo submitted to him, the plaintiff recognized the river at the Solomba border and specified that the photo showed canoes in the upper left-hand corner.

Mr Gianoli’s questions

Mr. Gianoli first asked JTC whether, in his opinion, commanders were respected by soldiers. He replied that some were and others were not. He added that it was possible for a soldier to oppose an order, but that it depended on who you were. In the event of opposition, the commanding officer could decide on sanctions.

Mr. Gianoli then asked him if Dekou could have opposed Mr. Kosiah's order, to which JTC couldn't answer in general. He then said the same thing about commander Fanboy, explaining that he wasn't within their ULIMO ranks to know that.

On the subject of “Black Monday” and “Black Friday”, the plaintiff explained that people would remember these Mondays and Fridays for the rest of their lives. Mr Gianoli returned to an alleged contradiction with what JTC had said in Bern, namely that he didn't remember Black Friday very well, but rather Dark Friday. Mr Maleh then intervened to point out that the question was leading, as the plaintiff had indeed spoken of Black Friday in Bern during the investigation.

On the subject of common first and last names in Liberia, Mr Gianoli asked JTC whether it was likely in a village of 50 houses that two people would have the same first and last names. JTC replied that his mother's village was small and that this was the case in this village.

When asked by Mr Gianoli how many people lived in Foya under the ULIMOs, JTC went on to explain that there were very few people living there, as many had fled. He said he could not put a figure on the number of ULIMO soldiers living there at the time, as this could change rapidly.

Mr. Gianoli then asked JTC about Mr. Kosiah's main place of residence. He replied that CO Kosiah was not permanently based in Foya, but that Foya was economically strategic at the time. According to the plaintiff, Alieu Kosiah traveled by foot or motorcycle, or by some other means of transport, which was possible.

JTC was then asked whether it was easier to identify classmates from over 20 years ago in an old photo or a recent one. JTC replied that this was an open question and that it depended mainly on the time spent with the person.

Regarding his meeting with DN, Mr Gianoli asked JTC if he was sure that the commanders whose names he had mentioned were present during this episode. The plaintiff replied that he was sure, but indicated that it was not an exhaustive list. Mr. Gianoli then asked him if Fanboy was present and why he had not mentioned him during the investigation in Bern. JTC then indicated that Fanboy was indeed present and that he was not going to give a complete list of the soldiers present at the time. When asked why, if Fanboy was just a simple soldier, he was called CO, JTC replied that the ULIMOs should be asked, since it wasn't him who had chosen to call him that.

Mr Gianoli then asked why DN had been taken to the airport if they had already ruled that he was a spy, a traitor who had collaborated with an NGO. JTC replied that he had been taken there to be killed.

Mr. Gianoli then asked why JTC had not mentioned before the kicks allegedly given to DN by Mr. Kosiah, to which he replied that he had already explained this situation, but that basically, in his mind, this had been a detail and what was important was the fact that they had killed him.

With regard to the statements made by DN's wife and a man called B, according to whom DN had been put in prison after his arrest, JTC replied that he could not say that these people had lied. However, he recalled that he had not seen either of them at the time of the events and that their statements were akin to hearsay, adding that DN's wife had been traumatized by her husband's death.

Mr Gianoli then asked for an explanation as to why these same two people had not mentioned Kosiah's name in connection with DN's murder. The plaintiff replied that all he could say on the subject was that DN's wife had lost a huge part of her life and that this had traumatized her. JTC added that he could only tell what he had seen himself.

Mr Gianoli asked how it was possible that the witnesses close to Mr. Kosiah had been able to identify him in the photos taken earlier and not the plaintiff. JTC reiterated that there was obviously a color problem in the old photo, hindering any possible identification. He went on to say that he did not deny that someone else had been able to identify him. Mr. Gianoli then asked for more details on this problem of identification on the photos, and the plaintiff explained once again that he didn't clearly recognize the defendant's skin tone on the old photos and that it was impossible for anyone who hadn't lived with Alieu Kosiah before to recognize him on a photo, thus explaining that civilians recognized him above all because he answered to his name.

The defense lawyer then asked about the role of the defendant's bodyguards. JTC explained that he himself was not part of the ULIMO rebellion and therefore could not answer.

Mr Gianoli asked for further details about Sensi Bebe, supposedly Mr. Kosiah's bodyguard. In particular, he asked whether it was because of his position that he accompanied the defendant

everywhere. JTC replied that, by definition, Sensi Bebe was a follower, a “small rebel” or child soldier. He added that other soldiers were also following Mr. Kosiah.

In connection with the first shipment, Mr Gianoli asked whether the merchandise had left for Guinea on the same day as its arrival. The plaintiff explained that, due to stress, she was only preoccupied with carrying her load to the border and so could not answer the question. Mr Gianoli then asked if it was possible to cross the border at night. To which JTC replied that he imagined it was possible and that under normal circumstances it was possible to cross a border after 6 p.m. and that the Solomba customs or border post was not the only place where one could cross, there were others. However, JTC explained that during the ULIMO rebellion, things were different and there were restrictions.

Mr. Gianoli then asked whether the NPFL had also committed looting at Foya, to which JTC replied affirmatively. With regard to the power plant, he explained that under the NPFLs, i.e. in the 1990s, the plant was still operating and that consequently, when the ULIMOs arrived, the plant was operating at 100%, having remained intact under the NPFLs. JTC also pointed out that many other public buildings had remained intact, including the oil press, which Mr. Kosiah knew according to the plaintiff.

Mr. Gianoli asked whether Pepper & Salt was present when the power plant was looted. JTC replied that he didn't really know him and had only heard his name from time to time.

Mr. Gianoli asked why Teddy Taylor had never been mentioned before by JTC. He replied that this person had suffered, as a victim and that he saw no reason to mention him.

Mr Gianoli then asked about the relationship between Teddy Taylor and Tribal Chief Taylor. JTC stated that he did not know the precise relationship.

Regarding the names of the soldiers accompanying the alleged forced transports, Mr Gianoli asked whether the plaintiff knew the rank of the so-called Dirty Prick and Killer. JTC explained that these were nicknames given to each other by ULIMO fighters.

Mr. Gianoli then asked whether JTC had testified in Holland and whether he had mentioned the Foya power plant. JTC replied that he had, that he had gone to Holland to testify and that he had mentioned the looting of the Foya power plant. Regarding his deposition before the French authorities, the plaintiff affirmed that he had also told them about the looting of the power plant. JTC then clarified that the emergency generator was part of the power plant.

Regarding the transport of the power plant, Mr Gianoli asked JTC whether two separate groups were pushing the truck. The latter replied that there was a large group of people and that it was therefore not possible to push the truck all at the same time. He said he couldn't put a figure on the number of men pushing the truck alongside him.

Still on this subject, Mr Gianoli asked the plaintiff to estimate the width of the rear of the truck. JTC replied that these were standard measurements. He specified that, in his opinion, six to ten men were required, depending on the width of the vehicle. In response to questions from Mr. Gianoli, the plaintiff explained that he had arrived at the border that evening.

Still on the same transport, Mr Gianoli returned to JTC's earlier statement that he had turned back once he had reached the border. In particular, he asked him how he could say that ULIMO soldiers had then crossed the border with their weapons. JTC explained that he was speaking in general terms.

Mr. Gianoli then presented the concrete case of this particular transport to JTC, who then affirmed that crossing the Guinean border was a usual thing for ULIMO commanders. In response to questions from the defense, the plaintiff clarified that Alieu Kosiah was indeed present at the border when the generator was transported.

Mr Gianoli quoted a witness at the proceedings, describing the river crossing. JTC then said he had already answered this question, adding that people were already on the other side of the border when he arrived. Barrels and canoes could be used, according to JTC, to get the generator and parts across the river.

Mr. Gianoli asked whether the plaintiff had seen Mr. Kotio since his hearing in Bern. He replied in the negative.

The defense lawyer asked whether JTC knew someone called S.C. He replied in the negative.

He then asked whether the deposition before the French investigating magistrate in the case against Mr. Kunti had been conducted with an interpreter. The plaintiff replied that an interpreter had indeed been present. She added that there was a transcript and that it had been read back to her, but that she did not remember whether the transcript had been translated before being read back to her.

Mr Gianoli asked him if he knew why people of Mandingo ethnicity were called “1990 citizens” in Liberia by other ethnic groups. JTC replied that he didn't know.

On the subject of elementary schools, the plaintiff asserted that they were open under the NPFL occupation in Lofa.

Mr. Gianoli then named several names and asked JTC if any of them rang a bell, the latter answering each time in the negative, or very approximately.

Final questions of the parties

Mr. Jakob submitted to the President of the Court his wish to add two documents to the file, relating to the generator. After arguing the case, the plaintiffs' lawyers agreed with Mr. Jakob's request and Mr. Gianoli did not object. After deliberation, the Court decided to accept the addition of these photos to the record.

The Court presented one of the photos to JTC, asking him if he had ever seen a machine like this. The plaintiff replied that this generator bore some resemblance to the one that had been looted in Foya.

Mr Jakob asked whether the plaintiff had been inside the plant before it was dismantled by ULIMO forces, to which JTC replied in the negative. To his recollection, the generator was installed in any case in 1990.

The President asked JTC how many generators there were immediately before the war. JTC replied that at first there was one too large for the city's needs and that a smaller one was installed, the so-called back-up generator. JTC explained that he did not know when these two generators were in operation.

Mr Jakob returned to his client LSM's claim that he had seen a corpse on the way back from the Solomba march. The plaintiff replied that he had no recollection of seeing a corpse on the way back

from this transport, but that it was possible that he had mistaken shots fired at one or more people for shots fired in the air to move them forward. Mr Jakob finally asked JTC what it mattered to him that LSM, who testified in these proceedings against Alieu Kosiah, had escorted the convoy as a ULIMO soldier. JTC indicated that this only confirmed his own statements regarding Mr. Kosiah's guilt in relation to the acts of which he is accused.

## February 18, 2021 – Day 9: Hearing of a plaintiff

On this fourth day of hearings, the Court proceeded to hear KK.

At the opening of the hearing, the Federal Prosecutor's Office first explained its request to amend the indictment in relation to points 1.3.2, 1.3.5 and 1.3.6, stating that it could not rule out the possibility that certain events had taken place between February and April 1993. Some witnesses also suggested that the defendant and Mr. Kunti were directly involved as co-perpetrators in the stabbing of a plaintiff who had already been heard. The plaintiffs' lawyers supported the Federal Prosecutor's request. Mr. Gianoli indicated that he had no comments to make on this motion. The President indicated that the Court would give its decision on this amendment shortly.

The plaintiff then indicated that there was no reason to prevent him from testifying, which was also noted by the Court.

The Court began by asking a few questions about KK's personal situation
In his answers, KK explained that he had known AS, another plaintiff, since childhood, both having been born in Pasolahun and living in the same village. He declared that he was friends with AS. KK went on to explain that he never went to school and that he worked on building sites. He said that since he was born, this was only the second time he had left Liberia, the first being to testify in Bern during the trial.

Referring to the civil war, the plaintiff stated that there was violence and that things were going badly, notably because of the NPFL and the ULIMO. She explained that Pasolahun had first been captured by the NPFL, then by the ULIMO around 1993.

The President then asked KK about the capture of Pasolahun, as well as the ULIMO chain of command. KK pointed out that he was not in the village when he was captured. He said he had been at the farm with his father and that they had been cleaning machetes when the soldiers came to gather the population near the village chief's house. KK explained that Johnlo Pikin Sheriff was the most important person there at the time. After capturing the village, the ground commander was Jungle Rock.

KK went on to say that child soldiers aged 12, 13 or 14 were present in all the factions involved in the civil war. He went on to say that soldiers generally behaved badly towards civilians and that he had never supported or participated in the war for either faction. Referring to the NPFL's capture of Pasolahun, KK explained that when Charles Taylor's soldiers had arrived, they had eaten the animals. He went on to point out that the ULIMO were worse than the NPFL in his opinion.

The plaintiff went on to explain that it was possible to tell the difference between the ULIMOs and the NPFLs because they proclaimed their names. The officers sometimes wore uniforms, but this was not the case with the ordinary soldiers, who wore civilian clothes. He recognized the presence of the rebels by the fact that they carried weapons.

The President then turned to an episode named "Black Monday". KK explained that he had heard of it as a day where many people had been killed. According to him, people living in Lofa knew what "Black Monday" was. The President also asked if KK's family had had any property confiscated by the ULIMOs. KK stated that his family had been robbed of rice, oil, cocoa and coffee.

In answering further questions, the plaintiff explained that he had heard that the ULIMOs ate human body parts. She went on to say that the ULIMO considered civilians to be animals.

On the subject of homonyms, KK pointed out that it was common for two people to have the same first and last names and gave the example of his own family.

Concerning the defendant Alieu Kosiah

During his statements to the President, KK explained that he knew the defendant as a rebel, under the name of “Chief Kosiah”. He was not wearing a uniform. When asked about Alieu Kosiah's region of assignment, the plaintiff said that Mr. Kosiah was in the Lofa. From the moment he started hearing about him, he heard he was around Voinjama, Kolahun, Vahun, Foya. KK explained that he didn't know the military ranks, not being a soldier himself and went on to say that he had met the defendant in the old town of Kolahun, probably in 1993.

KK then acknowledged Kosiah in Court, explaining that he had put on weight, but still had the same dark face, voice and big eyes like his own, with a dark tone.

The President then asked KK why he hadn't recognized the defendant in the photos taken by the Federal Prosecutor’s Office. KK explained that these photos were dark, but that he had recognized him immediately when he was brought into Court and that he recognized his behavior when the latter got carried away in Court. He added that when Alieu Kosiah got angry, he could get civilians killed.

Questions relating to the looting of the Pasolahun generator

When questioned by the President, KK confirmed his statement given to the prosecutors during the investigation and explained that the looting must have taken place in 1993, during the dry season. The generator was located near the soccer field and a shelter had been built to protect the machine. The plaintiff went on to say that it was commissionaire Kemba who had donated it, as the villagers were growing rice for him. The generator was used for lighting and all the villagers benefited from it.

On the subject of Mr. Kosiah's involvement in the looting of the generator, KK replied to the President that the ULIMOs had arrived to take the machine, on Kosiah's orders, as they themselves had told the village chief at the time. They dismantled the generator with a mechanic. The plaintiff stated that ULIMO soldier Sky Face Kabbar was then the leader of the rebels present at the time of the dismantling.

KK then stated that the ULIMOs had rounded up the villagers the following day, with the aim of transporting the generator, specifying that after that there was no electricity in the village.

Questions regarding the order to transport the generator from Pasolahun to Kolahun

In his answers, the plaintiff explained that he had been forcibly requisitioned by ULIMO early in the morning the day after the generator was dismantled. He stated that he had no way of knowing whether Mr. Kosiah himself had been ordered to transport the generator by a superior.

The President asked KK if he could estimate the number of civilians involved in the transport. He replied that it was difficult, but that many were there, including children and that the only thing he was worried about at that moment was his life. He added that if they refused, the civilians could be killed.

In response to the President's questions, KK stated that a man named AK and the plaintiff AS were present at the transport. He then named 14 people who were also present at the time and still alive in Liberia. When asked whether he had asked these people to come and testify, KK explained that he had not and that he had hidden his presence in Switzerland for these proceedings from his own parents. He went on to say that coming to Switzerland to testify was very risky for them.

KK then stated that he had not counted the number of rebels during these events because he was under tension. KK then claimed to have seen Mr. Kosiah for the first time, during this transport, at the "checkpoint" in Kolahun where the looted goods had been transported.

In response to the President's questions about the transport, KK stated that Alieu Kosiah had not taken part in the transport and that he was waiting for the ULIMO soldiers at the checkpoint in Kolahun. He said that three human skulls could easily be discerned at the checkpoint and that from then on, Chief Kosiah was the most important person. He explained that the convoy took place the day after the looting and that child soldiers took part in the march. KK added that no women took part in the convoy. It was the village elders who were tasked by the ULIMOs with finding men for the transport, under the threat that the soldiers would burn the area if they didn't find enough men. Sky Face Kabbar, an ULIMO soldier, was the one giving orders during the transport. KK added that the march lasted between ten and twelve hours and that the convoy arrived in the late afternoon, around 5 or 7 pm.

As for the goods, in addition to the generator parts, rice and oil were transported. Civilians carried the loads on their heads. KK carried a heavy piece of metal. The road was not asphalted. In addition, KK said he was able to stop for a drink, but did not have a break to rest or eat. The soldiers were mixed in with the civilians so that they couldn't escape. KK specified that the generator parts and looted goods were generally sold.

The Court then asked KK how the soldiers acted during transport. In her reply, she said that most of the soldiers carried weapons, and that they threatened them, hitting them on the back with their rifle butts to make them move faster. KK added that the soldiers said that if they didn't move fast enough, then the flies would send the message to the parents, which meant they would be killed. He added that the defendant carried a pistol and that the soldiers also beat the other civilians. KK explained that he had not seen the defendant prevent this mistreatment. He then stated that he had seen two dead people on the ground, as he was at the rear of the group. KK said that these two people were named KS and BS. Following questions from the President, KK clarified that the man known as AK had told him that these people had been killed by Sky Face Kabbar. KK stated that Mr Kosiah was not present at the time. KK then said that the bodies had been left behind.

<u>Questions relating to the MK's murder on the same transport</u>
The President returned to the statements made by the plaintiff to the Federal Prosecutor's Office in Bern. Mr. KK explained that he did not know MK in particular. The President asked for details of the circumstances surrounding MK's death. In her reply, KK stated that MK was in the last group of this transport and that he had been shot by Alieu Kosiah, with his pistol. He then stated that he had seen MK in agony after arguing with Mr. Kosiah, and that he was about fifteen meters away. According to KK, Mr Kosiah and MK were 1.5m apart.

The President then confronted KK with the plaintiff AS's claim that MK had died of suffocation. The President asked the plaintiff how much time had elapsed between the shooting and the determination of MK's death. The plaintiff, KK, replied that MK was near death after the shot was fired and that he was still near death when the plaintiff left with the convoy. In his reply, KK stated that MK had been

shot because he was too tired, could no longer walk and had been left behind. The plaintiff has no recollection of what happened to MK's body. KK went on to say that he was very afraid for his life during the transport and that he still fears for his life when he returns to Liberia after testifying. He added that he did not try to flee during the transport, because otherwise he would have been killed.

Alieu Kosiah accompanied the convoy from the checkpoint to the warehouse in the center of Kolahun, where the goods were deposited. Afterwards, KK went to his older sister's house in the community of Kemela to spend the night. He was not remunerated for this transport.

Questions about the order to transport ammunition from Gondolahun to Fassama

KK explained that he had been requisitioned by the ULIMOs in Pasolahun early in the day, when he was on the farm harvesting rice. He had to go to Gondolahun to spend the night, locked in with other civilians, the day before the transport. KK explained that he did not know who had given the order for the transport. He pointed out that when armed soldiers made a request, it was not possible to refuse.

Altogether, just over twenty Pasolahun civilians took part in the transport. Among them, KK pointed out the presence of the plaintiffs AS and AK, whom he had seen. The plaintiff said he had not seen Alieu Kosiah order the transport. When asked why the transport had been ordered, KK said it must have been to bring ammunition into the combat zones. During the transport, ULIMO Sky Face Kabbar, Senegalee and Lalali were the rebel leaders. The plaintiff had to carry two rifles on his head.

[LUNCH BREAK]

The President resumed his questions on the course of the transport. KK was locked up overnight in Gondolahun with around 25 other civilians. In his answers, KK explained that it took a day's walk to reach Sasahun. He pointed out that the group of civilians was mixed with the ULIMOs, so that the civilians could not put down their charges. The plaintiff stated that he had not seen Mr. Kosiah during the transport. He added that the convoy was large and that there were many civilians. According to him, the civilians were not given any food and the soldiers behaved cruelly, threatening them and hitting them to make them move faster. KK explained that he feared for his life during the transport. By the time the group dropped off the goods in Sassahun, it was past 6pm. Some civilians left to avoid having to carry new loads. Others slept there, hidden, in order to leave the next day, which is what the plaintiff did.

The President asked MK if he had witnessed the killing of civilians during this transport. He stated that MK had been killed. He then added that AK, whom he had already spoken to, had told him so.

The President asked whether, to his knowledge, the plaintiff AS had witnessed MK's death, to which KK replied that he did not know. Following the President’s questions, he added that the plaintiff AS had in any case not told him. KK also stated that he had seen MK's body at the river crossing and feared for his life during transport. KK explained that he dropped off the goods in front of a round house in Sassahun. They arrived after 6pm and then fled so as not to have to carry out another transport. KK hid until the early hours of the morning, then he returned. KK said he didn't know whether Sassahun was the final destination or whether the convoy then went further. He added that he saw AK and AS the next day. On the other hand, KK claimed not to have seen Alieu Kosiah among the group with which he carried out the transport.

The President asked KK if he had asked anyone other than AS and AK to testify before the Court. KK replied that he could not do so and reiterated that he had not even informed his own parents that he was in Switzerland for these proceedings.

The President then asked KK how many forced transports he had to take part in, KK replied so many that he didn't count them. The President also asked if he had not tried to change regions to avoid this. KK indicated that changing region would not have avoided further transports and that he wished to stay with his parents.

Conclusion

When asked why he had filed a criminal complaint in Switzerland and whether he had received any help, he replied that he wanted justice and added that he had first approached the GJRP, the plaintiff AS and then Mr. Keita. On further questioning, KK explained that Mr Werner had helped him draft his complaint. He then said that he was not afraid of Mr. Kosiah at the moment, in Switzerland. He did, however, explain that he was afraid of returning to Liberia, where Mr. Kosiah has men and power. He explained, however, that if the defendant had a gun or a knife, he wouldn't have been sitting where he was.

The President then interrogated the plaintiff on the course of the proceedings, asking whether he had discussed the charges against Mr. Kosiah with the AS plaintiff, to which he replied in the negative. He also indicated that he had not approached the TRC, as he was unaware of this commission. Nor had he filed a complaint in Liberia, since, in his view, there is no justice for the poor.

The President returned to the two transports mentioned earlier. He asked KK if he had met the two victims MK and MK before the forced transports, noting that these people had previously been named as having participated in the transports described in the complaint. KK replied that all three lived in Pasolahun. In response to the President's questions, he then stated that he could not remember their faces so long after their deaths.

The President submitted two photos to the plaintiff, asking if he recognized the people on them. KK replied that they were people with the same names as the two people they had spoken about at this hearing (MK and MK). The President then asked whether the people in the photographs had any connection with the forced transports described earlier. The plaintiff explained that they had the same names as the victims and that the plaintiff knew them well. Following the President's questions, KK stated that he did not know whether MK and MK, both of whom had died during the transports, were brothers of the two people with the same name whose photographs had been shown to him by the President.

Finally, the President invited KK to add anything he wished. The plaintiff then explained that in his family there were many people with the same name.

The Federal Prosecutor indicated that he had no questions

Mr Wavre's questions to the plaintiff

Mr Wavre began by submitting a screenshot of the Federal Prosecutor's hearing to KK, asking him if he recognized the people present. The latter replied that he recognized a lawyer representing the plaintiffs, and a person present named AK, or the same name as the AK previously named in the hearing by the plaintiff.

Mr. Wavre then asked the plaintiff if the person in the photo was indeed the person present during the forced transports and whose name he had given at the hearing. The plaintiff replied in the negative, specifying the middle name of the person in the photo, who was therefore a different AK than the person he had mentioned several times during his hearing today.

Mr Wavre submitted a second photo to KK, asking him the same question. The plaintiff said it was MJ.K, from Pasolahun. Mr Wavre reported that this person claimed to be Pasolahun's "town chief", which KK denied, explaining that the village chief was in fact this person's older brother and was called WK.

The plaintiff said he expected justice to be done.

Mr Gianoli, defense counsel's, questions for the plaintiff

Mr Gianoli asked KK why he had told the Court that he had lived in Monrovia for a year, during Charles Taylor's presidency, whereas he had told the Federal Prosecutor in Bern that he did not know the capital when he went to the GJRP. KK recalled that he had his children in Monrovia and that he knew the capital, Monrovia, well and that at the time, he was only saying that he didn't know the TRC.

Mr. Gianoli also went back over the plaintiff's statements, asking him to describe Jungle Rock, which the plaintiff did. Mr. Gianoli also asked him how long he had stayed in Pasolahun and what ethnic group he belonged to, which the plaintiff did not know.

Mr. Gianoli also asked if there were any poultry or calves left in Pasolahun when ULIMO arrived, to which the plaintiff replied affirmatively since the locals had taken their animals into the jungle and then brought them back, the animals then being looted by ULIMO. Mr Gianoli then asked him to make a link between "Black Monday" and a place. KK then cited the town of Voinjama. He added that he had known the term "Black Monday" since 1993 and associated it with the ULIMO regime. He went on to explain that he first became aware of the term around the time of the forced transports.

Mr Gianoli then asked him why the term "Black Friday" didn't mean anything to him during his hearing in Bern. KK explained that it was normal not to remember everything and that he had in fact heard of a "Black Friday" taking place in Foya.

Mr Gianoli then asked the plaintiff to identify his brothers and sisters. The President then explained to KK that he had the right to remain silent. KK consequently did not answer this question.

The defense lawyer then asked KK if he had been present when the ULIMO soldiers told the Pasolahun village chief that civilians were to come and dismantle the machine under Kosiah's orders. KK indicated that he was present at the time, as he was with the elders, all of whom were gathered towards the village chief's house. KK later clarified that the ULIMO soldier who had spoken to the village chief was called Sky Face Kabbar.

Mr Gianoli asked if the Pasolahun generator provided electricity for the streets and houses of Pasolahun before the looting. The plaintiff replied that yes, there was electricity before the war in Liberia. He was asked to clarify the term "dismantling" of the generator. KK explained that this involved dismantling the generator parts. In response to requests for clarification, he added that the machine was larger than the interpreter's table.

Mr. Gianoli then turned to the relationship between KK and GJRP. He asked KK if he had hesitated to respond favorably to the request from the AS plaintiff to speak to the GJRP. KK stressed that he was happy to be able to tell without fear what had happened to him during the war in Liberia. KK then stated that after speaking with AS, it was a week before KK was contacted by Mr. Keita of the GJRP to travel to Monrovia. KK stated that he had traveled to Monrovia in a shared cab for long-distance journeys. When questioned by the defense, KK stated that there was no interpreter present when Keita introduced Mr Werner to the plaintiff, nor later.

Mr Gianoli returned to KK's statements that he had slept at his older sister's in Kolahun after one of the forced transports. He then gave her identity, adding that she had died.

Mr Gianoli asked KK how and when he had learned of MK's death. He indicated that AK had told him during the ammunition transport, before the plaintiff saw the body. The defense lawyer then confronted him with the statements given in Bern to the Federal Prosecutor's Office. KK declared that there was no contradiction, specifying that he had seen MK's body, describing it as bloody.

Me Gianoli asked KK if he had taken part in any discussions between AK and the plaintiff AS about Kpandeh's murder. KK replied in the negative.
The defense lawyer asked KK about the practice of "tabé". The plaintiff pointed out that his older brother had been tied up in this way and still bears the marks on the inside of his elbows. He also explained that she had been tied up in this way in the garden of her father's farm by the ULIMO. The soldiers had then fired around the plaintiff to frighten him. Mr Gianoli asked whether anyone had been tied up in "tabé" during the forced transports, or when the ULIMOs arrived in Pasolahun. KK replied in the negative. KK then recalled that he was not in the village when the ULIMOs arrived.

Mr. Gianoli then asked him about the various village and regional chiefs, submitting names or asking him to name some, which KK did.

Mr. Gianoli then asked for a photo to be added to the record. The President invited the parties to comment on the inclusion of this additional piece. Both the prosecution and the defense stated that they would defer to the President's discretion. The Court came back a few moments later and announced that it had agreed to add it to the record.

Mr Gianoli submitted the photo to KK, asking if he knew the person on it. The plaintiff explained that it was MK's older brother, who was also present on another photo taken at the Federal Prosecutor's Office in Bern.

Mr Gianoli then asked KK for the names of the father and mother of the MK shown in the photos that afternoon. The plaintiff indicated the identity of the father, specifying that he had died when he was a child, but did not know the name of the mother. The defense also asked whether the father was the village chief of the Hembé Clan. KK said he could not answer, as he was a child at the time. He also did not know the names of their uncles.

Mr Gianoli asked if he had ever been shown the photos of the two people named K. presented this afternoon, to which he replied in the negative. He also indicated that he did not know if there were any other homonyms of the surnames of the people named K. The defense asked how KK could recognize MK's body. KK then indicated that they were from the same village. Mr Gianoli asked whether MK and MK were related to the plaintiff AS and the names of AS's father, grandfather and uncles.

After consulting her lawyer, the AS plaintiff present at the hearing expressed her wish that information concerning her family members not be disclosed by KK.

Mr. Gianoli's further questions focused on the organization of ULIMO and in particular on the activities and identities of S2. Finally, Mr. Gianoli submitted a large number of names to the plaintiff, asking him whether they evoked anything, or whether they were male or female, with KK answering these questions in the negative.

Final questions from the plaintiffs' lawyers

Mrs. Wakim asked the plaintiff about sexual violence against women during the civil war. The latter said that this was a common occurrence and went on to say that her sister had been raped by the ULIMO rebels and that he had been present at the time. The rebels forced the women and used them as they pleased. According to him, the youngest were 16 or 17 years old.

Mr Wavre asked questions relating to the two S2s mentioned during Mr Gianoli's questioning. KK was asked to clarify the identity of one of these people, based on his statements in Bern, which KK did. Mr Wavre then asked which villages were on the road between Pasolahun and Kolahun.

KK's hearing ended at 6.00 pm.

## February 19, 2021 – Day 10: Motions and hearing of a plaintiff

On Friday February 19, 2021, the Court proceeded with the hearing of the plaintiff AS represented by Mr. Werner and Mr. Wavre.

The President began by asking AS some general questions about his personal situation. Regarding the people present at the hearing, AS indicated that he knew Alieu Kosiah and the people who had come with him from Liberia. He said he had known KK before these proceedings, as they came from the same village and had worked together in Monrovia in 1998, but had never been friends. He added that they had often had to carry loads during the war.

The President asked him where he lived between 1989 and 1997. AS said he lived between Pasolahun and Kolahun. Today, AS explained that he works in Kolahun for a local NGO specializing in the construction of public facilities.

The Court then turned to the civil war period, asking him about the atmosphere in Pasolahun at the time. In response, AS explained that the NPFLs captured the whole of Lofa in 1990, but that it was still small. He then added that he remembered that the village of Pasolahun had been taken by a certain "Privacy", from the NPFL. He then described the atmosphere as not particularly tense, as the fighting had not taken place in Pasolahun. He did, however, explain that the NPFL had once fired around the villages to scare them and to gather the village's civilians.

Regarding the atmosphere in Kolahun under the ULIMOs, AS was still a minor and only remembers their arrival in Kolahun. He said he heard gunshots coming from Voinjama and Foya. Some villagers fled into the jungle, while others took refuge in nearby houses. AS added that there was then a lot of violence.

On the question of the factions involved in the war, the plaintiff claimed that Pasolahun, Kolahun and the whole of Lofa had first been taken by the NPFL in 1990. AS was in Pasolahun. The ULIMOs arrived later, in 1993, when he was in Kolahun.

Continuing his answers, AS stated that the ULIMOs appointed a "ground commander" when capturing each village, and for the whole district this was "Cobra". The plaintiff went on to explain that there were many child soldiers, known as SBU for "Small Boy Unit", among the NPFL. As for the ULIMOs, they called them RTOs, but AS pointed out that Alieu Kosiah had to be asked about the meaning of this abbreviation. The youngest child soldiers had to be ten years old.

The President then asked AS about the behavior of ULIMO and NPFL soldiers towards civilians. AS replied that they treated them like animals. Regarding himself, AS said that the ULIMOs had the worst behavior, giving the example of carrying loads and killing his two uncles, as well as the "tabé" treatment he himself had suffered. Finally, AS explained that he had not taken part in the civil war and had never supported the conflict in any way, except against his will when it came to feeding the factions.

The President then asked him how he differentiated between ULIMO and NPFL soldiers. He then recalled the different names of the child soldiers and added that the factions announced their names when they arrived at a location and the ULIMOs sometimes wrote their names on the walls during captures, as well as shouting them. Both factions had no uniforms or official colors. He said the ULIMOs raised a white cloth as their flag in 1993, as was their custom when capturing a town.

On the subject of “Black Monday” and “Black Friday”, the President asked AS what they meant. AS first explained that he had not been present in Voinjama on Black Monday, but had heard several stories. He then claimed that Black Friday had taken place in Foya. In his statements, AS said that the ULIMOs had committed massacres in Voinjama, killing and butchering innocent people and dumping them in a valley behind a Catholic school, after transporting them by truck. He said that he had heard this about “Black Monday” and that to this day, human skulls were still visible in the valley. He said he didn't know if these acts had occurred several Mondays in a row, but that it was possible that this was the case. Regarding “Black Friday”, AS reported having heard that the ULIMO had killed Kissi in revenge because they had lost the Zorzor front line.

The President went on to question the plaintiff about the goods taken from civilians by the ULIMOs. He then replied that the only goods the poor possessed included coffee, cocoa, oil and rice, and that it was common to have goods taken from them when they passed through “checkpoints”. He also explained that if they found a generator, then they would take it.

Continuing his answers to the President, AS said that it was very common for ULIMOs to eat raw human body parts. He asserted that the soldiers had enough food since they took it from civilians. Sometimes they ate human meat, especially the heart, to make themselves stronger and braver in battle, according to what ULIMO Mami Wata told him. AS asserted that this was an act of cruelty.

AS went on to explain that it was very common to have the same family names in Liberia.

On the subject of Alieu Kosiah, the plaintiff pointed out that he had known him during the war and as a rebel, under the name of Alieu Kosiah, the soldiers called him “Chief Kosiah”, or “H&H”. The President asked him where Mr. Kosiah was between 1995 and 1997. From what he had learned, AS explained that the defendant had no definite whereabouts and that this was why he was called H&H. Not being a soldier, AS said he didn't know the defendant's rank, but that “H&H” was nevertheless a function. He pointed out that he had heard of a “Pepper and Salt” in 1993, but did not know whether he was more senior than the defendant. On the circumstances of his first meeting with Kosiah, AS explained that he had met him in Foya, as he remembered, but that he couldn't remember the date, as he hadn't been to school and was very young at the time. He unhesitatingly recognized Mr. Kosiah in front of the President at the hearing.

The President then asked him if he had identified the defendant so easily when he was interrogated in Bern by the Federal Prosecutor’s Office in 2015. He replied that it had taken him some time, as more than twenty years had passed and that he didn't want to be responsible for any mistakes. Moreover, in his opinion, Mr Kosiah had been able to change after the war. However, he explained that he had recognized him immediately when they brought him in, notably by his eyes, described as “pop eyes”, meaning they were bulging. The President went back on this assertion, reading a passage from the Federal Prosecutor’s Office explaining that AS had not been able to identify the person on the screen. AS explained that he remembered him and that he had recognized him when he was physically presented to him. AS stressed that he was certain it was Alieu Kosiah, that he also recognized him by his arrogance when he called them criminals, by his shouting when he got angry and also by his skin tone.

Regarding the complaint filed in July 2014, the President asked the plaintiff if anyone had translated, read and explained it to him before his lawyer sent it to the authorities. AS stated that this had been

done between him and his lawyer. He pointed out that to his recollection there was no interpreter, but that his complaint had been read to him in English.

The President asked AS if he wished to clarify or amend the statements he had made to the Federal Prosecutor's Office in Bern. He replied in the negative, explaining that if he had anything to add, he would do so when the time came.

When asked about a possible error in KK's statements the day before, AS explained that, due to the very traumatic context in which he and KK were, they were not themselves and so may have perceived things differently and remembered them differently.

Returning to what the plaintiff had said the day before, AS then affirmed that he remembered that his uncle had been shot with an AK-type weapon that had been given to Mr. Kosiah by his bodyguard and that he had not been shot with a pistol, as the plaintiff had said at the previous day's hearing, but that it was normal for there to be discrepancies in the testimonies since this was not a normal situation and they were not themselves at the time.

Ordering the looting of the Pasolahun generator

As a reminder, Alieu Kosiah is 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, ordered the looting of the Pasolahun generator between October and November 1993, or between March 1994 and the end of 1995.

After confirming his denunciation of Mr. Kosiah, AS explained that he remembered the events taking place in 1993. The generator was located near the football pitch. At the time, it was used to provide street lighting for the entire village of Pasolahun. In his answers to the President, AS stated that when he arrived in the village, he saw the soldiers, including Sky Face Kabbar, tell the town chief that they had come to take the generator on Mr. Kosiah's orders, to bring it to him.

From what he had heard, the soldiers had their own team to dismantle the generator. He said they were scary people and if you went near them, you were looking for death. AS therefore remained at a safe distance until the transport. Sky Face Kabbar was the leader of the soldiers at the time, giving them orders. Finally, he added that there had been no electricity in the village since the generator had been looted.

Ordering the forced transport of the Pasolahun generator, by civilians, from Pasolahun to Kolahun.

As a reminder, Alieu Kosiah is 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, ordered the forced transport of the generator from Pasolahun to Kolahun, between October and November 1993, or between March 1994 and the end of 1995.

AS again confirmed his denunciation of Mr. Kosiah and explained to the President that the dismantling had taken place in the afternoon, and that no one was to leave the village as the transport was scheduled for the following morning. He was then requisitioned. It was Sky Face Kabbar who asked the town chief to obtain civilians for the next day's transport.

Regarding the transport, AS explained that there were many civilians, approximately 50 to 70 or more. There were only men and civilian children aged 15 or 16 as carriers. Refusing transport meant risking death. AS also told the President that he had seen KK and another person named ABK during the

transport. He then said he couldn't remember how many soldiers were on the convoy. He explained that he knew other civilians, notably from Kolahun, who had taken part in the transport and who were still alive today. He said he still had contact with two or three of them.

The President asked who appeared to be leading the convoy to Kolahun. Mr. AS replied that it was “Sky Face Kabbar”, who appeared to be the most powerful rebel on the scene. The group of civilians carried parts of the generator that had been dismantled the previous day. AS said he was carrying a military bag, but didn't know what was inside. He couldn't estimate its weight, but said it was extremely heavy. He did not see Mr Kosiah at that moment. The defendant was near the Kehair River, near Kolahun, when he first saw Alieu Kosiah. When asked why the generator had to be transported to Kolahun, the plaintiff explained that it was a central location, to be then taken to Voinjama or Foya in the direction of Guinea. He also explained that the soldiers thought they were gods on earth and that they had the fate of all civilians in their hands. The convoy left in the morning and lasted all day. The road had been passable before the war, but by the time the convoy took place, it was only a footpath, the jungle having partly closed it off. If people walked too slowly, they were beaten with rifle butts. AS explained that they were practically running. The civilians were not given anything to eat or drink and there were no breaks during the journey. Threats were commonplace during transport, in addition to rifle butt blows.

The President asked the plaintiff if he had received many blows during this transport. He said he had been kicked and hit many times during the journey. AS recalled that after passing the village of Hankha, Koda had been beaten so badly by a ULIMO soldier named “Senegalese” that he had fallen with the load he was carrying. He went on to say that he had never seen soldiers help civilians. AS then explained that three civilians had died on this march.

The President repeated the plaintiff’s statement that KS and BS had died on this route. He then explained that he had seen Sky Face Kabbar ask a child soldier for a weapon in order to kill them and then had passed the two bodies on the way back. The plaintiff was at the rear of the convoy and explained that it was not possible to stop and observe the murder of these two people because of the large number of civilians in the convoy.

The President asked the plaintiff to clarify the circumstances of MK AS's death, explaining that he had been killed by Alieu Kosiah because he was too exhausted at the Kehair River. The President then asked the plaintiff if his attention had been drawn to the fact that his complaint stated that MK had died of exhaustion. AS explained that there were translation issues in the wording of his complaint and asserted that once he arrived at the Kehair River, he was too weak to resume the journey; and that, as a result, Alieu Kosiah told MK that if he no longer had enough strength to carry his load all the way to Kolahun, then his journey ended there.

Continuing his answers to the President, the plaintiff then indicated that MK was his uncle and must have been over thirty or forty years old. Returning to MK's past, AS explained that his mother had asked his brother, i.e. MK, to send him to the mission school, which he had promised to do. He explained, however, that he was young at the time and therefore remembers very little.

Regarding the circumstances of MK's death, the plaintiff explained to the President that he was in the first group to arrive at Kolahun. It was there, at the river, that he saw CO Kosiah for the first time, while waiting for the rest of the convoy. At that moment, he saw Sky Face Kabbar respectfully salute the defendant. It was then that he saw MK arrive at the end of the transport and say that he was hungry, thirsty, exhausted and that he couldn't go on. The plaintiff said he saw Alieu Kosiah shoot his

uncle, who had sat down. Mr. Kosiah seemed upset because he wanted the generator to get to Kolahun. The plaintiff was a dozen meters from the scene and heard a gunshot. He explained that Mr. Kosiah had shot his uncle in the upper body, probably in the chest or head. His body was left behind. Just after his death, the soldiers sang in Mandinka. The name of the song was “Nomimoussou” (phon.).

Returning to the transport, AS told the President that he had feared for his life on many occasions and that he had not tried to flee because it was impossible. He arrived in Kolahun in the evening and the pieces were deposited in the village center, in Kolahun, in the parking lot. It was getting dark and the plaintiff was afraid he'd have to make another trip. In fact, he went to Somalahun by small roads to avoid passing soldiers, with six or seven other people, to spend the night. The next day, AS managed to return to Pasolahun.

AS then explained that he had seen the defendant for the first time in Foya. When asked why Mr. Kosiah was at the river, AS explained that he was probably waiting for the generator to arrive. He added that he had received no remuneration for taking part in this transport, being treated like slaves.

The President then returned to the plaintiff’s previous statements, asking him whether he had proposed to the civilians present whom he knew on this march to come and testify at these proceedings. AS replied that he had done his best, that two people were here for that purpose but that the others feared for their lives.

Finally, when asked if there were other people with the name MK living in Pasolahun, the plaintiff answered in the affirmative, specifying that there was a person with this name but that he was older and not present during this transport.

<u>Ordering and directing the forced transport of ammunition by civilians from Gondolahun to Fassama</u>
As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of goods (munitions) from Gondolahun to Fassama, by civilians, between November and December 1993, or between March 1994 and the end of 1995.

After confirming his denunciation of Mr. Kosiah, the plaintiff explained to the President that this transport was intended to bring ammunition from Gondolahun to Fassama, but that he himself had not arrived there, having stopped after the Lofa river. He added that many civilians had taken part in it, coming from a dozen of the surrounding villages. There were many minors.

[LUNCH BREAK]

AS went on to explain that he had seen the civil party KK and ABK previously mentioned (middle name Blama) also on this transport, as well as other civilians with whom he is still in indirect contact.

AS said he had slept in Gondolahun before the departure scheduled for the following morning. This was the case for many civilians from other villages who had been rounded up and locked up for the night, in preparation for the following day's transport. He said that Alieu Kosiah was there and that he had seen him give orders to the soldiers, in particular to a certain “Sixty Banane”, to lock up the civilians. Plaintiff KK was in the same room with ABK.

AS stated that Alieu Kosiah was dressed in a military uniform and that he had accompanied the transport. He stressed that Mr. Kosiah appeared to be the most powerful rebel, adding that he did not

see him taking orders from other soldiers. He recalled the names of some of the soldiers present, notably “Bullet Bounce”. In response to a question from the President, the plaintiff said he did not know “Jungle Jabbah”.

Regarding the merchandise, AS explained that it was ammunition and military bags, the contents of which he did not know. The plaintiff went on to say that he wore a heavy military bag on his head, as he was too young to carry a box of ammunition.

The convoy left in the morning to reach Fassama, where fighting was taking place. It took the form of a column. Soldiers were scattered throughout the group to ensure that no one dropped a charge. The plaintiff went on to say that during the convoys, the ULIMO chiefs were usually at the rear, unlike the ordinary soldiers. The route taken was a very narrow jungle track. The transport was long and there were no breaks for food or drink. The plaintiff stated that he arrived in Sassahun at the end of the day. In his answers to the President, AS stressed that the threats and beatings were similar to those of the first convoy. Some carried G3-type weapons and Alieu Kosiah carried a pistol.

The President then asked him about the defendant's behavior during the transport. In response, the plaintiff stated that Alieu Kosiah knew very well what was going on, as the transports were routine. The “Top Brass” or most important people gave the orders and the subordinates carried them out. AS pointed out that the defendant never intervened to prevent mistreatment, such as threats or beatings.

The plaintiff stated that MK, his uncle, MK's younger brother and his mother's brother, had died during this transport. He must have been between 25 and 28 years old and lived in the village of Pasolahun. The President asked him if he knew of any other people by the name of MK. The plaintiff replied in the affirmative. Two people had the same name. AS explained that he had never lived under the same roof as MK. He then stated that Alieu Kosiah had killed MK.

At the request of the President, the plaintiff described the circumstances in which this had occurred. Near the river Lofa, the plaintiff, on the same shore as MK, was about to get into the canoe. He was about ten meters from the victim. He declared that Chief Kosiah had killed him because he was tired and wanted to go home, as he could no longer physically continue to cross the river. He could no longer carry the ammunition. According to the plaintiff, Mr. Kosiah then said “get your ass up and move on”. AS pointed out that the defendant had exploded the victim's head with two bullets, using an AK-47. The victim's arms were still flailing when the group crossed the river. AS said he was “very, very” scared at the time.

The plaintiff went on to say that they had arrived in Sassahun at the end of the day. Then, to avoid having to continue transporting ammunition to Fassama, the plaintiff hid in a woman's house, under her bed. When asked by the President whether he had been paid for this transport, the plaintiff replied that he had been beaten and had not been paid.

Regarding the participation of other civilians in the convoy, AS pointed out that many were still afraid to testify and that many former ULIMO soldiers were still in Liberia. The plaintiff went on to explain that the transport could not have been carried out using vehicles, as the road was not passable.

The President then submitted two photos to the plaintiff. AS identified MK and MK as his uncles' homonyms. He then added that MK belonged to the age group that did not participate in transport, this group being made up of the oldest people in the village. The plaintiff stated that he had no recollection of seeing these two people, whose photos were shown to him during the convoys.

The President then asked AS if he had heard that Alieu Kosiah was involved in the "Black Mondays". The plaintiff stated that he could not say for sure. He stressed that he would be surprised if Alieu Kosiah had not been informed of what was going on at ULIMO headquarters. He went on to explain that he had heard in Foya that Alieu Kosiah had eaten human body parts. In Foya, Mami Wata took AS to ULIMO headquarters and showed him several hearts in a saucepan, explaining that they were used to give soldiers strength and courage.

On the grounds for his complaint, the plaintiff stated that he did not want a crime to go unpunished. He explained that he had been helped by his lawyer to file his complaint. It was the GJRP who introduced him to Alain Werner, through a certain Keita. The plaintiff explained that he had not spoken directly to Keita about Mr. Kosiah.

The Court then interrogated AS on the allegations that Alieu Kosiah had made against him, namely that AS had, according to the defendant, contacted six plaintiffs in order for them to file a complaint in Switzerland. AS replied that he did not recall having contacted so many people, but that he had indeed contacted several people, some of whom had refused to testify and others who had come to Switzerland to testify.

Today, AS clarified that he was not afraid of Alieu Kosiah. He went on to say that he had not received any threats in Liberia, but that he had hardly spoken about them, his mother having disapproved of his participation in the proceedings. He added that he had not been persuaded by anyone to say or not say certain things during the proceedings.

The President confronted the plaintiff with his statements to the Federal Prosecutor's Office in Bern in 2015. At the time, he said he was afraid to speak out, afraid that his family and friends would be threatened. At the President's request, AS clarified that he was thinking at the time of Alieu Kosiah, who still knew people in Liberia he could contact and who could hunt down his family.

During or prior to these proceedings, AS stated that he had not discussed the facts with ABK or the plaintiff KK. He then stressed that he had not had the opportunity to testify before the TRC in Liberia.

The plaintiff then stated that he had been contacted or helped to contact two of the plaintiffs (KK and EJ) and that he had contacted others who had declined to participate. On the other hand, to ensure the utmost discretion, even the plaintiff's own mother was unaware of this procedure.

He concluded by reiterating his desire for justice, for all the cruelty, torture and whatever else the ULIMOs and Chief Kosiah have committed.

<u>The Federal Prosecutor's Office's questions for the plaintiff</u>
The Federal Prosecutor first interrogated the plaintiff about the identity of Pasolahun's town chief during the war. He then asked him the same question about the "chiefs" of the "Young Boys". Finally, regarding the photos of MK and MK, the Federal Prosecutor asked him if they were part of his family. The plaintiff explained that families can be large in Africa and that he had no way of knowing.

<u>Mr Wavre's questions</u>
Mr Wavre first submitted a photo to the plaintiff. He recognized ABK [CRLA1], who took part in both transports. In another photo, AS recognized JMK. Regarding the Pasolahun "town chief", the plaintiff

clarified that this was not JMK, whose photo he had just been shown. He said that JMK was captain of the soccer team when he came to Pasolahun during the war.

AS then wrote on a sheet of paper the names of the villages between Pasolahun and Kolahun. He then answered several general questions about the war. In particular, he asserted that he had no prejudice against the Mandingos and that today, a Mandingo woman could marry a person from another ethnic group. He illustrated his point by explaining that a Mandingo woman had been elected in the fourth district of Voinjama, demonstrating that Mandingos are not hated. He added that even if Alieu Kosiah were Gbandi and even if it had been his own brother, father, mother or son, he would have filed a complaint against him.

Continuing his answers, AS explained that "Thomas" was his "civilized" name given to him by his teacher at school. In response to Mr. Wavre's questions, the plaintiff indicated that his uncle MK had a "middle name", "Sando".

On the importance of the town of Gondolahun during the war for the ULIMOs, the plaintiff explained that it was a crossroads. The Hembe clan has 12 villages, of which Gondolahun is the central point hosting clan meetings.

Mr Wavre asked the plaintiff if he knew the term "till-go", to which he replied that it was used for looting, meaning "go and get goods or food".

Mr Gianoli's questions

Mr Gianoli confronted the plaintiff with the contradictions in his statements concerning Sky Face Kabbar's arrival at the town chief's, the day before Pasolahun was transported. The latter then explained that it was difficult to recount everything in two days during his hearing in Bern in 2015.

Mr Gianoli asked the plaintiff if there was electricity in Pasolahun town on the days before the generator was dismantled. AS explained that people had planted a few poles to bring electricity to the town hall, to light the public square, but the whole town was not electrified. The generator had been donated shortly before the start of the war and no one had really touched it until the ULIMOs looted it.

When asked why the plaintiff had not mentioned that the plaintiff KK had been involved in transporting the generator to the Federal Prosecutor's Office and in response to numerous questions asked by Mr Gianoli, the plaintiff reiterated that he had only had two days to tell his story when he was interviewed in Bern, also explaining on several occasions that it is impossible to tell what happened during two or three years ago in just one or two hours.

Mr Gianoli then asked numerous questions about the plaintiff's family situation at the time of the war, about identities and family ties, to which the plaintiff replied.

Finally, when asked about the rapes that allegedly took place in Pasolahun during the war, AS stated that he had not been there, but that he had heard what had happened with Jungle Rock, who was a ground commander during the war and that he had heard that the soldiers had rounded up all the girls and taken them one by one to a room to have them.

Mr Jakob's questions

Regarding sexual violence against girls aged 15 or 16 during the war, AS said it was commonplace, especially among ULIMOs.

## February 20, 2021 – Day 11: Hearing of a plaintiff

On February 20, 2021, the Court proceeded to hear EBJ.

The President began with general questions. In response, EBJ indicated that he lived in Zorzor. He acknowledged Mr. Kosiah and explained that he knew some of the plaintiffs prior to these proceedings, as well as Alieu Kosiah. He named AS, whom he said he knew from 1990 to 1993, when he went to Sigisu, and LSM since 2015. As for the others, he said he met them when they went to Bern to be heard before the Federal Prosecutor's Office. He said he was friends with AS and LSM.

When asked about his personal situation, EBJ explained that he was born in Voinjama, where he stayed from birth until 1990, when they heard the NPFLs coming. His father then fled to Guinea, as he was a Doe soldier. The rest of the family fled to Sigisu, where they stayed until September 1993, before returning to Voinjama. He then moved to Monrovia from 2001 to 2004. He then moved to Lyema, in the Zorzor district, in 2009-2010, having obtained a job there.

EBJ said he went to school intermittently during his childhood. He spent nine years at high school and completed his studies with a training course in 2009, which enables him to work in his current profession.

Questions on the context of the civil war

With regard to the context of the civil war between 1993 and 1995, the plaintiff stressed that this was the worst stage of his life. To summarize briefly, during this period he had to carry heavy loads that he was not capable of carrying and witnessed the murder of innocent civilians, in addition to having witnessed a significant amount of violence. To his knowledge, the factions involved were the NPFL, ULIMO and LDF. However, EBJ said he did not know which faction took Voinjama first, nor how many times it had been captured, having arrived in Voinjama when the ULIMOs had already taken it. He did, however, assert that the NPFL took Sigisu on August 2, 1990. He stressed that when he arrived, he didn't know who the highest ULIMO commander was; he later learned from several people the name General Kosiah. He added that he did not know whether General Kosiah was in full control of Voinjama at the time. He also said he had seen child soldiers aged 10 and over among the NPFL and ULIMO.

When asked about the ULIMOs' behavior towards civilians in Voinjama, EBJ clarified that according to his observations, the ULIMOs behaved differently from the NPFLs towards civilians, explaining that the ULIMOs behaved very badly, giving as an example that they sometimes went to the homes of innocent civilians only to shoot them. EBJ stated that he may have supported or participated in the war through an armed group against his will. He then gave the example of a soldier who would ask a civilian to give him water and that this would make him a supporter of the faction in question, even if he did so against his will. EBJ added that he would describe himself as a pacifist, being against fighting. He went on to explain that civilians could tell the difference between the ULIMOs and the NPFLs because the latter shouted their names and those of their leaders, but couldn't be differentiated by their outfits.

On the subject of "Black Monday", the plaintiff explained that he had heard the term and that its meaning came from Mr. Kosiah, when he ordered that no civilians were to go out on Mondays. The meaning then took on its full meaning as many civilians were killed on Mondays. Continuing his answers to the Court, EBJ indicated that this episode lasted two or three months, from April to July 1994 approximately, every Monday, making a total of more or less ten Mondays.

The President then asked him about a place called “Palaver house”. The plaintiff replied that this was a round building made of wood or brick used for meetings and not just for soldiers, as civilians could also build them in front of their homes. EBJ said he did not recall the existence of a “Palaver House” in Voinjama, but did remember a “Palaver House” in Sigisu.

When asked about looting during the war, the plaintiff said that the ULIMO did indeed seize property from civilians. He then explained something he hadn't mentioned in Bern: at the entrance to the town, ULIMO soldiers would take two or three kilos of rice from civilians on their way to the market.

The President then asked the plaintiff if he knew whether any women or children had been raped during the war. He replied in the affirmative, saying that it happened “from time to time” or “rarely”. As he had never witnessed it directly, he explained that he mostly heard about it when people visited his aunt. He specified that the victims were women and children aged between 12 and 17.

Regarding homonymy in Liberia, he gave a few examples, explaining that it was very common. In particular, he explained that five of the people he saw during his professional activity were from different families, but had the same first and last names.

General questions about Alieu Kosiah

Regarding the defendant, the plaintiff knew him as General Kosiah and “Chief Kosiah”, as an ULIMO rebel. EBJ then stated that he could not say precisely where Mr. Kosiah was posted between 1993 and 1995, but that he knew him in Voinjama. He did not know the army's ranks and therefore did not know whether Alieu Kosiah really held the rank of “General”. What the plaintiff could say was that when Mr. Kosiah went somewhere, the soldiers would salute him, whereas Mr. Kosiah never saluted anyone first.

The first time the plaintiff saw Mr. Kosiah was at his aunt's home in Voinjama in September 1993.

Today, EBJ explained that he recognized the defendant by his skin color and eyes. He also recognized him by his voice, which reminded him of the ULIMO period, and in particular the times when Alieu Kosiah would get angry and give orders in anger, shouting. The President asked if the defendant had changed physically, to which the plaintiff replied that yes, he could see that he was enjoying his life since he was fat and that even in 2015 he wasn't as fat as he is today.

When asked why the plaintiff hadn't recognized Mr. Kosiah in the photos presented by the Federal Prosecutor’s Office in Bern, EBJ replied that the photos weren't clear and that because of the way they had been taken, the color had been altered.

He concluded by saying that for the moment he had nothing to correct with regard to his statements in Bern in 2015 and that if he wanted to change anything later, he would say so.

Murder of a civilian in Voinjama

As a reminder, Alieu Kosiah is 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, executed a civilian in Voinjama, in December 1993 or between the beginning of 1994 and May 1994.

After confirming his denunciation against Alieu Kosiah, EBJ indicated that this took place next to where he lived, between April and July 1994. He confirmed the presence of a military-green Land Cruiser pickup next to his aunt's house. He insisted that at least ten civilians were in the back of the pick-up.

He went on to explain that Mr. Kosiah was inside, at the front of the pick-up. According to the plaintiff, some of the civilians were tied up and surrounded by soldiers. EBJ explained that the soldiers at the front were standing facing the civilians. Others were sitting in the back with their legs outside the pick-up. According to the plaintiff's statements, Mr. Kosiah was wearing camouflage, but his pants could not be seen as he was sitting inside. Some of the soldiers were also wearing partial camouflage outfits.

The President asked him about the civilian killed. EBJ said he didn't know him generally, but estimated his age, saying he was a teenager aged between 16 and 18. In the plaintiff's opinion, the civilian was killed because he twice refused to get on the pick-up. He then recounted that it was the soldiers who came to look for him at his home and told him to get on the pick-up. When he refused, the soldiers went to see Alieu Kosiah, who then got out of the pick-up and asked him to get on. Following his second refusal, Mr Kosiah took out his pistol and shot him in the chest. The President then asked why Alieu Kosiah wanted the civilian to get into the pick-up. The plaintiff assumed it was to kill him, as was their custom on Mondays, but he didn't know why he wanted to kill him elsewhere The President then pointed out that EBJ knew neither the teenager's first nor last name, even though he was his neighbor.

The President then asked the plaintiff what he was doing and where he was at the time. He replied that he was in his room, where he usually was, hiding and that he was about eight meters from the scene. When interrogated about his hiding place and his view of the scene, the plaintiff replied that he was young and that young people were curious and would then look out of the window.

The President then asked EBJ if he had tried to convince other people to testify about the murder. He replied that he had not, as he does not practice hearsay. He explained that his brother, who also witnessed the scene, was too young to understand what was happening. He added that he couldn't force someone to say they had seen the scene to come forward and testify. He also said that his mother was worried about his participation in the Swiss proceedings and that she didn't want to take part in the proceedings partly because of her physical condition and partly because of the grief of having lost one of her sons and that she preferred to rely on God.

With regard to the term "Black Monday", the plaintiff explained to the President that the defendant had used this term when he had come to sit outside their home to eat on a Saturday in April. According to the plaintiff, during the meal, Mr. Kosiah told his men to go and inform the communities that anyone seen outside on Monday would be killed, as the ULIMOs had lost one of their "Big men" in the last DFL attack and that these Mondays would then be called "Black Monday". To a question from the President, EBJ replied that the soldiers had not asked Mr Kosiah any questions when making this statement, because everyone had already understood what the words meant.

<u>Ordering the forced transportation of civilians from Voinjama to Gbarlyeloh (Guinea)</u>
As a reminder, Alieu Kosiah is 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, ordered the forced transport of civilians from Voinjama to Gbarlyeloh (Guinea), between September 1993 and December 1993, and also between the beginning of 1994 and May 1994.

After confirming his denunciation, the plaintiff stated that it had happened in the first quarter of 1994. Three soldiers requisitioned him when he was at home in the morning. EBJ said it was impossible for him to refuse, at the risk of being killed. He explained that they moved from the Barzee district of Voinjama, not far from his house, by foot, and that it took between four and six minutes. When he arrived in Barzee, General Kosiah was giving the orders, and no one seemed to be hierarchically above the defendant. He pointed out that there were eleven civilians and that he had participated in the

entire transport. Among the civilians, EBJ said there were only children and men on the transport and that he didn't know anyone except his biological older brother, JJ. According to EBJ, there were 15 soldiers on the transport, including three or four children and Mr. Kosiah was not among them. He explained that he didn't know who the leader was among the soldiers accompanying the transport, but that they had received orders from Alieu Kosiah, such as “when you're on your way.” The plaintiff was present at the time of these orders.

Continuing to answer the Court’s questions, EBJ affirmed that Mr. Kosiah was indeed the one who had ordered the soldiers to tell the civilians to take the loads located inside the house. EBJ recounted that it was necessary to pass by Alieu Kosiah to enter the house and take the loads. According to the plaintiff, Mr. Kosiah told the soldiers that when the convoy was on its way, if anyone tried to escape, they were to be killed and reported back to him. The plaintiff pointed out that he had kept this sentence permanently in his head and that Mr. Kosiah gave orders in English.

On the subject of merchandise, the plaintiff stated that he carried six gallons of oil on his head and that the others carried coffee and cocoa. He said he didn't know why the goods had to be transported to Gbarlyeloh, being a little boy at the time. The convoy left Voinjama in the morning and arrived in Gbarlyeloh four or five hours later. The road was passable but not asphalted. The convoy took a break on the way, when one person, his brother, had to go to the toilet. The convoy then dropped the loads, but everyone remained standing. This was the only break they had during the journey.

According to EBJ, the soldiers behaved badly, some beating the civilians with their hands and rifle butts. Civilians were threatened from the outset to walk faster and were not given anything to eat or drink the whole way. The soldiers were armed: one carried an RPG, another a 60, and the rest carried AK-47s. Only two or three soldiers were unarmed. However, most of the soldiers were carrying knives, in addition to their weapons. In response to the President, EBJ explained that he had not been beaten or threatened because he was following the person in front of him very closely.

EBJ said that no one had been injured or killed during the transport, but that his brother JJ had not arrived at his destination with the rest of the group. JJ was feeling tired and the soldiers kept telling him to move on, so he decided to flee on the pretext of having to go to the bathroom. As two soldiers argued over what to do, one gave him the opportunity to go to the bathroom. After waiting for him to return, the soldiers distributed the load he had left in the other bags. They also fired at knee height into the bush hoping to reach JJ, after running into the jungle hoping to catch up with him. The plaintiff explained that he was afraid for his life and very afraid that his brother was dead and added that he was very surprised that his brother had escaped. The soldiers didn't know he was his brother. JJ returned to Voinjama in 1998, after the transport.

The President then confronted EBJ with the statements of the other plaintiffs that it was almost impossible to escape during forced transport. EBJ replied that it might be impossible, but that the soldiers had agreed to let him go to the bathroom, so it was an opportunity to be seized. Asking for a break to go to the bathroom was not necessarily a risk, explained the plaintiff, because otherwise civilians could get peed on. The plaintiff went on to say that he had not tried to escape himself, explaining that he had no reason to do so, because otherwise he risked losing his life. He added that he had been more frightened than his brother.

In the shape of the convoy, there were a few soldiers in front, some among the civilians and others at the rear. He himself was at the back. There was only one civilian behind him. On the straights, he could see what was going on in front of him.

The convoy arrived in Gbarlyeloh around midday, the sun being almost at its peak at the time. At the Guinean border, Guinean soldiers asked for the serial numbers of the weapons deposited by the ULIMO soldiers and then returned them to them. Only two ULIMOs crossed the border. The soldiers asked civilians to drop off the loads near the border line on the Guinean side.

After dropping off the goods, the civilians returned with 13 soldiers instead of 15, two of whom had remained in Guinea. The soldiers returned with the civilians, but did not worry about them. According to the plaintiff, it was necessary to stay behind them and follow the walking rhythm because the path was not known and there was the risk that other rebels would attack the group. EBJ clarified that no soldier asked the civilians to follow them and that it was indeed the civilians who chose to follow them. The plaintiff arrived in Voinjama in the evening and stated that he had not been paid or remunerated for this transport. He also stated that he did not know whether the transport would have been possible by car, but that if they had wanted to, they would have done so.

Ordering the forced transportation, by civilians, from Voinjama to Solomba and from there to the Guinean border

As a reminder, Alieu Kosiah is 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, ordered the forced transportation of civilians from Voinjama to Solomba, between September 1993 and December 1993, or between early 1994 and May 1994.

When questioned by the President about this second transport, EBJ confirmed his statement and explained that five soldiers came to collect him from his home in the morning, including an armed child soldier. Accompanied by the soldiers, EBJ walked to the Barzee district. He said he knew that if he refused, he would be killed. The transport was similar to the first: again, Alieu Kosiah gave the instructions in English and the defendant again ordered the soldiers to kill the fugitives. According to EBJ, no one on site was superior to Mr. Kosiah. The plaintiff added that the transport lasted two days, with a stop in Kolahun, where the civilians slept in a room locked from the outside. In fact, they had no chance of escape. EBJ didn't know any of them, Voinjama being a very large city. What's more, there were no women, but there were children aged 12 and over. The convoy left in the morning, between seven and nine o'clock. They had to walk eight or nine hours to get to Kolahun, via a passable road. He added that the change of route (i.e. via Solomba) was, according to the soldiers, the result of a previous attack.

Between Voinjama and Kolahun there were occasional breaks, notably so that civilians could drink from rivers as they walked under the sun. The civilians did not, however, have a break to eat during the journey and were only able to eat the equivalent of a palm's worth of food once they reached Kolahun. The food had been prepared in a small pan by the soldiers.

In all, ten civilians took part in the transport and 17 soldiers, including five or seven child soldiers. All the soldiers, including the child soldiers, were armed. Alieu Kosiah remained in Barzee and did not take part in the transport.

EBJ said he didn't know who was leading the transport or the names of any other soldiers accompanying the convoy. EBJ also explained that in Liberia, names are pronounced “as you feel it, as you hear it” and that the spelling of the same first and last name could differ. The goods transported were the same as on the first trip and EBJ once again carried six gallons of oil on his head.

Once in Foya, a civilian tried to go behind the house to urinate, but a soldier stopped him and told him to wait until the soldiers behind the house left, so that they wouldn't mistake him for a rebel and the soldiers wouldn't kill the group. The soldier also said that the group was lucky that the “big man” of the other soldiers wasn't there, because otherwise several of them would have been chopped up and put in wheelbarrows. The next day, it took three or four hours' walk to reach Foya, where they were able to take a break. The road was passable, but not wide enough for one or two vehicles. Once they reached their destination, they deposited the goods on the sand and five civilians helped load the canoes to take the goods across to Guinea, via the Makona River.

After dropping off the cargo, accompanied by fifteen soldiers, they set off again for Kolahun to spend the night. They arrived in Kolahun around 11 a.m. or midnight and neither ate nor drank. The next day, they set off again for Voinjama.

Comparing the two transports, the President asked if the soldiers had behaved differently. EBJ replied that they had made the same threats, but that he had not been hit or threatened. Again, the soldiers were armed.

On the way home, the plaintiff pointed out that he had slept in the same house as the soldiers, but not in the same room. The President then asked if they called each other by their first names. The plaintiff explained that he had not heard them call each other by name.

He added that he had not seen any civilians fleeing and that none of them had done so. He reiterated that he had not thought of running away, feeling that he had to see his mission through to the end.

The President then asked him if he had tried to persuade others to testify. EBJ pointed out that this could be very dangerous and that they could risk death if they testified.

He then asked if he had heard the name of any of the soldiers present afterwards and how he knew Mr Kosiah's name. The plaintiff replied that he had asked someone the name of Alieu Kosiah, who had given it to him the first time he had come to eat at the house in Voinjama.

In response to questions from the President, the plaintiff pointed out that someone had once asked the soldiers why they didn't use vehicles and that they had replied that the noise could alert other factions who could then attack them. In the plaintiff’s opinion, this explanation is plausible, as there were also mines in some places. The plaintiff stated that he had not been paid for the transport.

On questioning, EBJ said he had never heard soldiers mention the name Alieu Kosiah.

[LUNCH BREAK]

When the proceedings resumed, the lawyers were invited to plead three witnesses scheduled for the following week's hearings.

The Federal Prosecutor’s Office stated that, in his opinion, the situation was clear: the invited witnesses were not the same people as the victims, but homonyms. He added that the first week's hearings had cleared up any remaining doubts. He then added that Mr. JK had already been heard for a week in Bern during the investigation and that he had given false information. As for the two victims MK and MK, they also asked for compensation equivalent to the median annual income in Liberia to

come and testify. Deferring to the Court, the prosecutor indicated that he did not consider it necessary to continue the hearings of the three witnesses called the following week.

Mr Werner then agreed with the prosecutor.

Mr Gianoli stated that the defendant's position was different. Mr. Gianoli argued in favor of maintaining the hearings scheduled for the following week. In his closing statement, the lawyer pointed out the contradictions between the statements made by the plaintiffs in Bern to the Federal Prosecutor's Office and those submitted to the court this week.

[Continuation of the EBJ hearing]

Ordering the murder of two ULIMO fighters of Krahn ethnicity, including War Boy, in Voinjama

As a reminder, Alieu Kosiah is 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, ordered the murders of two ULIMO fighters of Krahn ethnicity, including the so-called "War Boy", in Voinjama, between September 1993 and December 1993, or between the beginning of 1994 and May 1994.

The plaintiff stated that the events occurred in 1994. When asked whether this was before the ULIMO split, he replied that he did not know. When asked where the crime had taken place, he replied that it had taken place between two roads, Monrovia and Kolahun, and that the place was called "under the trees". After confirming his statement, EBJ indicated that he had been personally present at the time of the execution order and that he was about twenty meters from the scene. He explained that Alieu Kosiah had given the order, saying in an angry tone "since they [the fighters] want to fight us, we have to kill them".

Continuing to answer the Court's questions, EBJ explained that three Krahn fighters were actually present at the time, but that one of them managed to escape. Alieu Kosiah then got angry and declared that the soldiers had to kill the two remaining fighters by cutting their throats. The President continued his interrogation by asking if other people were present at the time of the order. The plaintiff replied that there were civilians and rebels, i.e. between 15 and 20 soldiers, and four or five civilians, and pointed out that there did not appear to be anyone hierarchically superior to Mr. Kosiah. When the plaintiff arrived, the two soldiers were already shirtless and "tabbé-ed".

Two volunteer soldiers carried out the execution, arguing over who got to kill the combatants. While one cut their throats with a long knife, another soldier was placed on top of them to keep them still. One of the victims was War Boy. His head was placed on a stick at the town gate on the Monrovia road and the head of the second fighter was also placed on a stick at the gate on the Kolahun road. The President interrogated the plaintiff on the identity of the soldiers executing the orders. The plaintiff stated that he did not know their identity.

The President then asked the plaintiff why he had filed a complaint in Switzerland. The latter replied that he needed justice. EBJ then explained that, today, he was not afraid of Mr. Kosiah, as he no longer had the power that he used to have to do anything to him. Continuing his answers, he affirmed that he had not been intimidated in Liberia for his participation in these proceedings, nor had he been influenced. He added that he had not testified at the TRC because no one had given him the opportunity; and that he had not tried to file a complaint with the Liberian authorities because, apart from the fact that you have to have money to pay for a lawyer, there is no court that tries people who have committed war crimes.

The President asked EBJ to say - without turning around - how many people were in the courtroom. He replied 23. The President had it recorded that 22 people were in the room, one of whom had not returned after the lunch break. EBJ explained that he had counted the chairs when he arrived in the morning.

The President also asked the plaintiff if the six-gallon cans he had to carry were full, to which he replied that they were. He was asked how many liters are in a gallon, to which the plaintiff replied that in Liberia they don't count in liters but in beer bottles. A bottle represents 75cl.

Questions from the Federal Prosecutor's Office for the plaintiff
A photo is submitted to the plaintiff by the Federal Prosecutor's Office. EBJ explains that it is a dirt road, as many still exist in Liberia.

Questions from Mr Maleh to the plaintiff
On questioning, EBJ explained that during both transports the plaintiff carried oil on his head, but that a third person had to help him lift the gallon of oil to place it on his head, as it was too heavy for him. Mr Maleh asked the plaintiff to explain how he could not have known the name of his neighbor when the boy was murdered in Voinjama. EBJ replied that during the war, displaced people arrived every day, explaining that the civilian may have arrived shortly before.

Mr Maleh then asked him why the soldiers came to eat at his cousin's house. He said that his aunt was the head of the women who cooked for the soldiers. He added that it was his cousin who first mentioned Mr. Kosiah's name to him. The plaintiff asked her who it was, because he could see that all the other soldiers were saluting him. EBJ's aunt and others called him "Chief Kosiah". He said he didn't know the names of the other soldiers, as he wasn't interested in them.

Mr Maleh then interrogated the plaintiff on several details, such as the first transport and his brother's participation in it, the second transport and where the soldiers had slept, what he did in Voinjama under the ULIMOs during his days, the words Alieu Kosiah had used to order the soldiers to execute the two fighters, with the plaintiff answering these questions. In fact, EBJ explained that on the return journey, the civilians and soldiers slept in Kolahun, but that this time the door was not locked and the civilians no longer had any loads to carry, so they were free to go wherever they wished.

EBJ, on question, also said that on the first Monday after Alieu Kosiah's announcement, he saw a pick-up truck pass by their house with Alieu Kosiah sitting in the front, with soldiers and civilians also sitting in the pick-up. Later, the same pick-up passed by again, but without the civilians. The soldiers were singing and covered in blood. EBJ added that when the soldiers killed someone, it was common to hear them singing. In this case, they were singing a song about 1990, and running away, coming back, and being lions.

Also on interrogation, EBJ said that on the fifth Monday, his uncle was questioned by the ULIMOs in the house next door: they put him in a pick-up and left. The next day, EBJ and his mother set off in search of plantains and bananas. When they arrived at the Zeleba River, they saw all the bodies of the people who had been killed on the first Black Monday. Just as he was about to go down to see if his uncle's body was there, his mother told him not to, because if the ULIMOs saw him going down to the bodies, they'd kill him too. So he turned back out of fear and continued down the road with his mother. Mr Maleh finally asked him if he was the same height as before, to which EBJ replied that he was much taller than before, since he had grown a lot.

The Court asked if he had the same weight and strength as before. EBJ replied no.

Mr Maleh then asked EBJ who had “pop eyes” in the room. EBJ then pointed to the defendant and another plaintiff.

Mr Maleh then asked EBJ about the circumstances that had brought him into contact with the GJRP, as well as who had contacted him, when, and how it had happened, EBJ then explained that he was contacted between 2013 and early 2014 in Voinjama. He was on the porch of his grandmother's house when three men, including Mr. Keita, approached him and asked him questions about the war. EBJ then gave them his number and that's how he was contacted by GJRP. On his first call, he said he was afraid it might be a scam, explaining that people can sometimes lie. He therefore did not come to Monrovia, as requested by GJRP. He was contacted a second time by SB, who again asked him to come to Monrovia. EBJ replied that if they could find him transport, he would come. So, in March, he went to the GJRP offices and met Alain Werner to tell his story. In July, EBJ was again contacted by Mr. Werner and Mr. Keita to sign his story, which he did.

Upon questioning by Mr Maleh, EBJ also clarified that the woman named KA was his cousin, but that he actually considered her to be his sister. Finally, Mr Maleh questioned his client about the plaintiff KF. EBJ stated that he had seen her for the first time during the war, in January 1994. It was EBJ who contacted KF to tell her story to GJRP in Monrovia. On questioning, EBJ said that he had never heard KF's story, nor had he told her his story, nor the fact that he would be testifying in Switzerland.

Finally, when asked about the expression “till go”, EBJ said that he had heard this expression around him, but that he was lucky enough not to be involved in such convoys.

<u>Questions from defense attorney Mr Gianoli</u>
Returning to the plaintiff's statements, Mr Gianoli's questions touched on a number of subjects, notably his relationship with the plaintiff AS and his homonyms in Liberia. EBJ explained that he knew AS under another name and that he knew him because he sometimes came to the house next to the one where he lived. He added that no one had asked him not to indicate that he knew AS.

Mr Gianoli then asked several questions about the death of his brother JJ and about the people who accompanied him on his trip from Sigisu to Voinjama. EBJ explained that he had died on February 2, 2009. He indicated that five members of his family took the journey with him.

On the first transport, Mr Gianoli asked EBJ to explain the risk of ambush. EBJ replied that the ULIMO controlled the towns and villages, but that the NPFL could be present in the jungle.

When asked about the canoes at Solomba, EBJ said that the boats were actually large tree trunks with planks to accommodate the crossing. He said he didn't know if it was possible to take cars or trucks across.

On interrogation, EBJ then confirmed what he had said in Bern, namely that during “Black Monday”, civilians were killed and thrown into a hole on the left of the “Zeleba River”, along the “Monrovia Highway”.

When asked about the ULIMO split, the plaintiff explained that he had learned about it from history books, after the war.

Mr. Gianoli also asked the plaintiff if he knew various people by name, to which EBJ replied in the negative each time.

Final questions from the parties

Responding to a question from Mr Werner, the plaintiff indicated that, to his knowledge, a letter had been sent by a "big man" to Mr. Kosiah, explaining that what General Kosiah was doing was wrong and that he had to stop, and that since that day, the massacres that occurred on "Black Monday" had ceased.

The President then asked EBJ about his character and his relationships with other children or young people at the time of the war. EBJ explained that he had no social contacts, because the soldiers scared him so much. He also explained that he was particularly cautious because soldiers could sometimes forcibly enlist children. On interrogation, EBJ said that some soldiers took part in transporting and executing Krahn fighters. The President asked how the plaintiff felt about Alieu Kosiah, to which EBJ replied that he had a bad feeling, a feeling of sadness, thinking of the murders of innocent civilians.

On questioning by the MPC, EBJ said he had seen seven, eight or 10 pick-ups during "Black Mondays" in Voinjama. If he had to estimate all the civilians he saw on the pick-ups, he said at least 100 people. EBJ deduced that around 100 people were killed during these Mondays.

Mr Gianoli asked for details of his presence in the village of B., to which EBJ replied.

On interrogation by the President, the plaintiff wished to thank the Court, the prosecutor and the lawyers for the opportunity given to him. He also thanked all the security officers, the defense lawyer and all those present during the trial. He expressed his wish to see the Court work in collaboration with the Liberian government so that such a Court can be established in Liberia.

## February 22, 2021 – Day 12: Additional questions to the defendant

The seventh day, February 22, 2021, is devoted to the prosecution's additional questions to Alieu Kosiah.

Before proceeding with the hearings, the Court renders its decisions on the hearing of the two victims MK and MK, as well as JMK. The Court thus decided to maintain these hearings.

In addition, the Court has informed the parties that it accepts the proposal of the Federal Prosecutor's Office, made at the hearing on February 18, 2021, to amend the indictment and more specifically to extend the temporal date of one of the acts of which the accused is accused. On the other hand, the Court refused to review the legal qualification of Mr. Kosiah's participation in the alleged stabbing of a plaintiff, and to re-qualify it as a co-action with Mr. Kosiah as co-author, as pleaded by the Office of the Federal Prosecutor of Switzerland.

The Federal Prosecutor's Office addressed its additional questions to the defendant

He began by submitting to Alieu Kosiah a report from the prison stating that between June 2016 and June 2017, Mr. Kosiah would have received 26 visits from Mr. D., a Liberian person living in Switzerland. The defendant then replied that this was not true, that the prosecutor had nothing to blame the prison for and that the prison had done nothing wrong. He added, however, that he had indeed received visits from this person, but far fewer than 26, and that prison security was always present, at least for the first few encounters. He went on to explain that they once took him downstairs to the prison, adding that he had to speak through a microphone and that there were cameras and they could hear him; and that in any case, he could only do what he was told to do. He went on to say that there were only two or three such meetings. Finally, Alieu Kosiah stated that he had never given this person any instructions, that he had never told him to do anything for him, and that he had told him not to get in touch with his witnesses.

On questioning by the MPC, the defendant refused to give his son's name, adding that the prosecutor knows his son's name very well and that he saw no reason why his family should be exposed, as the families of the other parties do not have to be.

Plaintiffs address further questions to Alieu Kosiah

Questions addressed by Mr Werner

Mr Werner returned to a question asked by the Court in December concerning the Ugly Boy massacre in Foya. In response, the defendant stated that war was war and that it was impossible to have a clean war. He added that, as in all wars, there were bound to be people who did bad things, but he maintained that the only thing he could report was what he had seen and experienced. As for Ugly Boy, he claimed that he had held NPFL rebels for three months, and that following the ULIMO losses, Mami Wata took revenge on them by brutally killing them. The defendant added that this should not have been done and that it was the only incident of which he was aware.

Mr. Werner then submitted various reports from NGOs, the TRC and the media concerning ULIMO behavior during the war. The defendant stated that he could not comment on the veracity of this information, adding that when there is a war, the first victim is the truth, and that one must therefore be very careful with what is said. He went on to say that he was not in Foya when the town was captured, and that he did not fire a single shot in the capture of the towns of Zorzor, Voinjama,

Kolahun or Foya. He added that when he arrived in Foya, everything was calm, so he had not heard of the atrocities and mass murders committed by the ULIMO against the Kissi in the Foya region.

Mr. Werner then interrogated him about statements in Liberian newspapers, explaining that DN and other civilians had been killed in Foya. Mr. Kosiah reiterated that everything was calm when he arrived in Foya, and that, in the articles that Mr Werner mentioned, it would be good to dwell on an article that, according to the defendant, Mr Werner did not wish to mention. Alieu Kosiah went on to say that he could help Mr Werner with this and recalled that these newspapers mention that DN was killed because he was a Christian and had a Bible, explaining then that this murder had nothing to do with the plaintiffs Mr Werner represents.

Referring to Alieu Kosiah's denial of any act of cannibalism, Mr Werner presented the defendant with a journalist's statement to the effect that he had seen a person, probably an ULIMO, in Monrovia, who had taken the heart and liver of a human being and that these sacred organs are often taken from the enemy. Alieu Kosiah replied that he did not share Mr Werner's view on the subject, and pointed out that he himself did not eat ham or pork, being of Mandingo ethnicity, and that he therefore did not see how he could eat a human being.

When asked about a report by Doctors Without Borders (DWB) which also supported the initial articles presented by Mr Werner, Alieu Kosiah declared that it was absolutely impossible for Mandingos to have eaten human hearts, as this was incompatible with their culture. He added that the Mandingos did not drink pork or alcohol, nor did they smoke marijuana, at the risk of not being able to marry; thus concluding that the Mandingos were the most disciplined ethnic group.

Mr. Werner then asked about Pepper & Salt's nickname. The defendant began by reminding the judges why it was so important during a war to pay close attention to what you hear. He said he knew exactly what Mr Werner was getting at and explained that in the French proceedings, the judge had asked Mr. Kamara whether Pepper & Salt had earned his wartime nickname because he added salt and pepper to the pieces. Alieu Kosiah then wished to give the “real story” behind the nickname. In fact, he explained that the nickname “Pepper & Salt” came from the fact that he once combined ground salt, pepper and pieces of sardine; and put the resulting powder in a plastic bag that he always kept in his pocket. So, when they ate rice, Pepper & Salt used to add this mixture to make the rice “more edible”. He concluded by saying that all the other stories were misinformation.

Based on an DWB report claiming that Pepper & Salt was named this way because he liked to season human flesh, Mr Werner asked Mr. Kosiah if this information was credible. Mr. Kosiah replied that he couldn't judge the credibility of DWB’s statements, but added that they wouldn't be the ones to tell him why Pepper & Salt was called that, and that he should be the one to explain it to them, having known Pepper & Salt since he was a child.

Concerning the looting of villages and forced transportations, Alieu Kosiah declared that he had never experienced any. He explained that such transports are supposed to have taken place during the first three or four months of ULIMO's presence in the Lofa and that he was not in the Lofa during that time and that when he arrived, the situation was calm. He went on to say that he had never questioned Dukuly's statements that all factions carried out this type of transport. He added that he had never heard of any transport or mistreatment of civilians and that since vehicles were coming from Guinea, it made no sense to transport them by people.

When asked how, in such a brutal environment where all factions committed massacres, Alieu Kosiah explained that the ULIMO was the only faction that did not commit massacres against civilians; the defendant replied that he was speaking from his own experience, not that of the ULIMO, since he and his reputation were before the Court, not the ULIMO. Mr. Kosiah thus concluded that the question to be asked was whether he had captured Zorzor or Foya, to which he replied that it could be established beyond reasonable doubt by former ULIMO soldiers that he was not in the mission that captured Lofa, also reiterating that he did not fire a single shot in the capture of these towns.

Referring to what the defendant had said during his previous hearing, Mr Werner asked him whether, during the Lofa war, he ate, cooked and relaxed 80 percent of the time. Alieu Kosiah then stated again that when he arrived in Lofa, Voinjama, Zorzor, Foya and Kolahun had already been captured. He added that when he arrived, the only remaining frontline was between Zorzor and the St-Paul River, so there was little to be done for those in Foya or Voinjama.

Continuing to answer Mr Werner's questions, Alieu Kosiah stated that he joined his girlfriend in Bolahun whenever he had time. When asked how much money he spent to go there, he explained that the ULIMOs didn't collect customs taxes, so they had no income. So, he asserted, the ULIMOs asked for a little money from civilians who did business by selling coffee or cocoa. When asked what Alieu Kosiah's bodyguards liked about him, he recalled that among all the plaintiffs fabricated by the lawyers, none could mention the names of his bodyguards. He then answered the question by saying that his men were loyal to him because he never abandoned anyone on the front line. He added that either they all came back, or they all died.

When asked about the rice shortage and how the ULIMOs managed to feed themselves, Alieu Kosiah explained that there was always something to eat, such as manioc, and that they could also catch fish, but that it was nevertheless a difficult time. He added that, despite everything, Pepper & Salt always provided food for “the guys”.

According to Alieu Kosiah, he is the victim of a plot and conspiracy motivated by where he lives. He claims that Mr Werner hired Hassan Bility to find out something about him, because he lives in Switzerland. Mr Werner then asked him why the plaintiffs would fabricate evidence, to which the defendant gave no answer other than to tell Mr Werner to go and ask the plaintiffs directly. He did, however, illustrate his point by saying that when you see a criminal and ask him if he has stolen, he will not say he has stolen anything, but will only admit it if he is caught. He went on to say that Mr Werner was only trying to protect himself for future proceedings. Mr. Kosiah added that he [Mr Werner] shouldn't worry, because the proceedings would come soon. He concluded by telling Mr Werner that he should keep up his defense, assuring him that he would need to defend himself in future proceedings.

With regard to the claims for several thousand dollars made to the Court by witnesses brought by the defense, Alieu Kosiah indicated that he considered them abusive. He specified that he had never met these people.

When asked about the request for asylum addressed to the prosecutor of the plaintiff JMK, Mr. Kosiah explained that he understood JMK, and that he preferred someone who really told the prosecutor how he felt, rather than someone who lied to the authorities.

When interrogated about the fact that a defense witness had not come from Liberia to be questioned during the investigation phase, the defendant stated that this witness had in fact intended to flee as

soon as he arrived in Switzerland and not testify. And that's why, when he realized that he had to come with another witness who needed help because he was blind, he decided not to come.

When asked about the Federal Prosecutor's statement that what he [Alieu Kosiah] has always accused the civil parties of doing, i.e. coming for any reason other than to tell the truth, it is in fact the defense witnesses who are doing it, the defendant having said that everyone has their own opinions, but that the truth is unique.

Continuing his answers to Mr Werner, Mr. Kosiah declared that his subordinates called him "Chief Kosh" and that his superiors called him "Kosh". On the subject of the perception of Mandingos in Liberia, Alieu Kosiah echoed the words of Massa Washington, a "great friend" of Mr Werner's, who said that the Mandingos were Amish who only married each other and came from Guinea and were therefore not true Liberians. Regarding his perception of the situation in Liberia, Mr. Kosiah said that his perception, which is that of the 1990s, is very different from that of today, as things have changed a great deal.

When asked whether, as the plaintiff KK asserted, the person known by the acronym DU was not the same person who had come to Bern to testify, Alieu Kosiah first corrected the spelling of that person's first name, and then clarified that his nickname was DUC, not DU. Finally, he said: "They can't even pronounce his name, how can they know him?

On the subject of town chiefs, Alieu Kosiah said that in the traditional system there was always a replacement in case of the chief's absence. He then added that he did not know whether Fine Boy was the S2 in Foya, explaining that he had never had any contact with him during the war.

When asked about his knowledge of a certain K. from Foya, whom JTC mentioned last week, Mr. Kosiah replied that he didn't know him and that JTC couldn't even recognize Fanboy even though he had mentioned him a hundred times.

On the looting of the Borma Mission, the defendant said he'd only heard about it after his arrest in Switzerland.

Before asking his question, Mr Werner wished to remind Alieu Kosiah of the comments he had made about Jungle Jabbah, namely that he considered him a better Muslim than he was, who didn't smoke marijuana, didn't drink, and prayed five times a day. Mr. Werner then explained to Mr. Kosiah that Jungle Jabbah had been sentenced to 30 years in prison for war-related immigration crimes (including murder, rape, torture, cannibalism and slavery), before asking the defendant if he still thought Jungle Jabbah was an honest man. The latter replied that the answer was in the question, and asserted that Mr Werner was a manipulator.

Mr. Werner then submitted to the defendant a telephone transcript between Mr. Kunti Kamara and another person. The transcript stated that Mr. Kamara wanted to free Alieu Kosiah from prison. The defendant replied that he did not read the transcript in the same way as Mr Werner. According to Mr. Kosiah, the transcript indicates that Mr. Kamara tried to flee because he [Alieu Kosiah] had been arrested. He added that Mr Werner only had to ask Mr. Kamara these questions directly when he had the opportunity to hear and speak to him. He concluded by telling Mr Werner that, since he liked the document about the telephone conversation so much, he should like the document containing LSM's statements in the French proceedings just as much.

When interrogated once again about the murder of seven civilians in Zorzor, the defendant stated that he was not present at the time of the events and that he did not know what language he had to speak for it to be understood. He then pointed out certain inconsistencies in the plaintiffs' statements, before adding that Mr Werner brings in liars and doesn't accept the truth. Mr Kosiah then reiterated that the plaintiffs are lying.

When asked how Mr. Kosiah felt about killing a civilian who had done nothing during the war, as requested by the plaintiff KK, Alieu Kosiah said there was confusion. The defendant went on to explain that to accuse someone of a crime against humanity, there must be a grave and a body and that in this case, everything was based on hearsay. He concluded by asserting that you have to be sure of the credibility of the person speaking and that this was not the case here.

Mr Wavre's questions

In response to Mr Wavre's questions, Alieu Kosiah stated that he was not present at the time of the transports referred to by KK and AS, but that it made sense if the LURDs were involved in the forced transports, as they were coming from Guinea towards Bomi, unlike the ULIMOs who were coming in the opposite direction. He went on to explain that he would have chosen another route had he been present, to avoid making a long detour for nothing. However, he said it was possible that these transports had taken place when he wasn't there, and added that the three plaintiffs accusing him had not said that anyone had died during these transports.

Asked why he didn't know about a munitions supply line during the war (the line on which the forced transports were supposed to have taken place), he said he could tell everything there was to know about ULIMOs. He said he couldn't answer this question, explaining that he didn't understand it, as it made no sense militarily. He added, however, that these forced transports may have taken place, but that he had no idea.

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Referring to the TRC's report and in particular to the fact that his name appears on a list containing the names of all the main political and financial leaders of the various warring factions and armed groups, identified by the TRC for their responsibility in the violation of human rights, international laws and domestic law; the defendant explained that Mr Wavre did not seem to understand that, when we are suspected of something, it does not mean that we have done it, adding that proof beyond all reasonable doubt was required for the Court to make its decision.

Mr Laghzaoui's questions

Answering questions, Alieu Kosiah confirmed 100 percent that Kakata was captured by the ULIMO during the war.

Mr. Laghzaoui then asked the defendant what he did between the ages of 10 and 15 in Kakata, to which Mr. Kosiah replied that during school vacations, he went to visit his uncle who lived there.

Maître Jakob's questions

Mr. Jakob then interrogated the defendant on his statements from the morning, saying that he had specifically asked Mr. D., whom he had met many times in prison, not to come into contact with witnesses. Alieu Kosiah reiterated that he had never asked Mr. D. to contact any witnesses and that Mr. D. and his lawyer coordinated directly with each other on how to contact witnesses.

When asked whether he had nevertheless asked Mr. D. to contact his brother to get in touch with Fine Boy, Alieu Kosiah replied in the affirmative, explaining that Fan Boy was a key witness who could dismiss LSM's accusation that Fan Boy had prevented the defendant from killing him. He pointed out that LSM should have found this witness, but since he didn't and he [Mr. Kosiah] has nothing to hold against himself, he did it himself. He went on to say that he had gone through his lawyer, through Mr. D. to another witness, JMK, and then through JMK to the two victims MK and MK.

When asked whether, during the 26 times the defendant saw Mr. D. unsupervised, he had put Mr. D. in contact with anyone other than his brother, Kosiah denied having seen Mr. D. unsupervised 26 times in prison, explaining that this was technically impossible, as the number of visits was limited and the period in which he saw Mr. D. was short.

When asked by the judge whether he had access to a telephone, the defendant replied in the negative, pointing out that he was the best disciplined in the prison. Mr Jakob asked to confirm several statements made before the Federal Prosecutor's Office in 2015, by a defense witness, as well as by the defendant himself. After asserting that Mr Jakob was trying to complicate very simple matters, Alieu Kosiah again explained how JMK, then the two victims MK and MK, had been found. In fact, Mr. Kosiah confirmed that he did not know him. Mr Jakob then asked how Alieu Kosiah had managed to track down Fanboy and get him to testify, knowing that he didn't know him. Alieu Kosiah replied that his lawyer had contacted his brothers and that, thanks to the Mandingo community, his brother had managed to find him.

Mr Jakob then asked whether the defendant knew MS, who had been accused by the plaintiff LSM of being a co-perpetrator of the assault on him. Mr. Kosiah replied that the only M. he knew lived in Geneva and that he had come to testify in the proceedings. He then pointed out an inconsistency in LSM's testimony, in particular the fact that several people described different versions of the facts than LSM.

Mr. Jakob then repeated the statements made by the child soldier witness. According to these, the ULIMOs actively practiced "tabé", tortured civilians and forced them to take part in transports. They also mentioned that Alieu Kosiah was the H&H in Lofa. When asked whether the child soldier would change his testimony on arrival in Switzerland, the defendant replied in the negative, adding that the information mentioned was confusing. Mr. Kosiah also that, in general, the child soldier's statements contradicted those of the plaintiffs. He then added that he had arrived in Lofa before the ULIMO split, but that many towns had already been captured, exactly as the child soldier had said in his previous testimony. He then asked Mr. Jakob to quote the entire paragraph the next time he quotes plaintiffs and not to pick and choose.

Mr Jakob then asked the defendant why, when he was one of the most experienced fighters on the spot, he didn't take part in the capture of Foya and instead sent some of his own “boys”. He added that he only went to Foya two or three months after the capture, being in Voinjama at the time of Foya's capture.

In response to a question from Mr. Jakob, the defendant replied that, as ULIMO commander and even as floating officer, nothing and no one prevented him from traveling to Foya, unless Pepper & Salt or General Dumbaya entrusted him with a specific mission.

Regarding the statements made by several plaintiffs to the effect that the NPFL and RUF were lurking in the jungle around Foya and therefore posed a constant risk to the ULIMOs, Alieu Kosiah said that the child soldier's statements should first be reread, as they showed that they arrived when Foya was calm and that the fighting was taking place between Zorzor and the bridge. He added that, in his experience, the RUF and ULIMO never attacked each other.

Still on the subject of the town of Foya, Alieu Kosiah said he had never been to the town's market, but that he had sometimes passed through it. He added that he always rode his red Yamaha motorcycle to the biggest market in Lofa, Massabolahun, because he had a girlfriend in Bolahun. As for the well near the Foya market square, the accused said he had no knowledge of it, but that someone had told him it had been closed and that there was a pump.

After Mr Jakob presented him with a photo, the defendant stated that he recognized the Dekou house in Foya. On questioning, Alieu Kosiah confirmed that he was friends with Dekou, who was his young uncle and that they had known each other since the defendant was a child. On questioning, he claimed to have spoken with him about fighting and tactics.

When asked why he had never mentioned in any of his previous hearings that he was part of the Jungle Fire Platoon, Mr. Kosiah first explained that it was Operation Jungle Fire, not Jungle Fire Platoon. He then said that he had stayed in this “platoon” for a month, having fallen ill, and then joined Zebra. He made it clear that this had nothing to do with the capture of the Lofa.

Regarding the Court allegedly set up by the ULIMOs to try acts of looting and revenge, including the murder of innocent civilians by Apollo Jay Swen, a combatant member of the Jungle Fire Platoon, the defendant asked if he could be enlightened about when this happened and in which part of Liberia it would have taken place. After getting the answer from Mr Jakob, Mr. Kosiah explained that it was a false story, firstly because the Jungle Fire Platoon never existed in Lofa and secondly because the Court Mr Jakob was referring to was a Court that had been set up in Macenta.

When asked about his contradictory statements concerning his knowledge of the name Appolus Swain, the defendant explained that Appolus Swain should rather be connected with the NPFL and not with the ULIMO, contrary to what he had stated before the Norwegian authorities. He added, however, that he could be mistaken.

Mr Jakob then asked him if he had ever given false information to discredit the plaintiffs. Alieu Kosiah replied that he was living in an alternative reality and referred to the charge of crimes against humanity, which had not been brought against him. The defendant said that he was being tried in the same way as Hitler or Stalin, on the basis of lies, and that the plaintiff, who is Mr Jakob's client, is a

liar. Mr Jakob asked why his client would lie, to which Alieu Kosiah replied that it was up to Mr Jakob to plead his client's credibility and that it would then be up to the judges to decide.

Mr. Jakob then confronted Mr. Kosiah with the public testimony of Mr. Jimmy Saah before the TRC, recounting in particular that when he refused to take part in the second transport, members of his family were burnt alive in their house, that he was savagely beaten and emasculated and that Ugly Boy terrorized the Kissi population with his ax and engaged in acts of cannibalism targeting light-skinned people. He asked the defendant whether this story was also based on fabrications and lies, to which he replied that this was about Ugly Boy, so he didn't see why it was being discussed in these proceedings. He went on to explain that, if all this were to be accepted as true, then he couldn't understand why, since he is the highest-ranking commander in the hierarchy and if the plaintiffs' statements are correct and he has committed the things he is accused of, his name does not appear in this testimony.

Mr. Jakob also asked him whether he held to the fact that the worst crime committed by the ULIMO was the murder of six or seven NPFL prisoners. The defendant replied in the affirmative, pointing out that he was basing himself only on the things of which he had been made aware and not on all the things that could have happened. He then went on to say that during the battle between the ULIMOs and General Faya to capture Foya, General Faya fled and many civilians fled, afraid of the fighting, but that many of them died crossing the river.

Finally, when asked why he had killed his former Krahn comrades, as requested by the plaintiff LSM; Alieu Kosiah said that it was funny because LSM had not targeted him when he was interrogated in France and that he had targeted the ULIMO-K. He then speculated that when he made his statements, LSM had had too much to drink or was tired, claiming that his words were not translated to him afterwards. He concluded by asking what this suggested about his credibility.

<u>The Court’s questions</u>
The judge then asked the defendant if, after the first week's hearing, he now recognized any of the 25 charges. Alieu Kosiah replied that he didn't recognize any of the charges against him, adding that if he had captured Zorzor or Foya, then maybe he'd be lying, but since that wasn't the case, he wondered how he could be charged.

<u>The defense then asked the defendant its supplementary questions</u>
Mr Gianoli asked whether there could be two Alieu Kosiahs in the ULIMO group, as Massa Washington had indicated in his hearing, to which the defendant replied in the negative. Mr. Gianoli then asked the defendant how he felt about Massa Washington's assertion that the Mandingos came from Guinea. Mr. Kosiah responded by explaining that she was trying to invent a story and that the truth was dead, adding that Massa Washington should have been objective because she is a member of the TRC.

Mr Gianoli returned to each of the hearings, asking the defendant if he had any comments. With regard to the plaintiff LSM, Alieu Kosiah mentioned the latter's distinction between ULIMO-K and ULIMO. He added that it was necessary to ask the ULIMO soldiers for their version of events, in particular to understand that he had never been Pepper & Salt's deputy, contrary to the assertions of the JTC and LSM plaintiffs. With regard to the plaintiff JTC, the defendant raised his error in mentioning that Senssi Bebe was his bodyguard and added that William Saah deliberately communicated false information to protect the people who contacted the NGO.

With regard to the plaintiff KK, Mr. Kosiah mentioned the inconsistencies he felt there were and corrected MK's place of origin, to which KK refers in his hearings, adding that he was relying on proof beyond all reasonable doubt. With regard to the plaintiff AS, Alieu Kosiah indicated that he did not have two names as AS himself had indicated during his hearing, thus explaining that his statements were untrue. He added that AS could make the judges believe this story if he wished, but not him. Regarding the plaintiff EBJ, the defendant questioned his testimony, explaining that the plaintiff had not recognized the names submitted to him, including that of Pepper & Salt, adding that it was very strange that someone who lived in Voinjama between 1993 and 1995 would not know Pepper & Salt.

When asked about the last time he saw Jungle Jabbah physically, Mr. Kosiah said it was in prison. He added that he is not on good terms with him, but that this was no reason to tarnish his reputation, adding that it was him who put him on “tabé” and that he still bears the marks of it today. He did say, however, that he didn't drink or smoke and that he said his prayers every day, which made him a good person.

Regarding Jungle Jabbah's charge, Alieu Kosiah said he had been convicted of an immigration violation, adding that he lied to the FBI. He completed his remarks by saying that he did the same thing as the “people around Trump”, but that neither of them went to jail for it.

Responding to questions from his lawyer, the defendant raised a contradiction in his opinion between LSM's testimony and Hassan Billity's statements about the threats and attacks LSM had allegedly received in Liberia.

Mr Werner’s questions

On questioning, Alieu Kosiah claimed to have no knowledge of the Lutheran Training Institute.

When asked about the timing of the episode in Foya when Dekou shot Ugly Boy and Mami Wata, the defendant said he was unable to place any temporal markers in relation to the events he had mentioned.

Mr Werner then asked whether, to his knowledge, Ugly Boy had returned to Foya after his transfer to Zorzor because of the killings that had taken place. Mr. Kosiah replied that Ugly Boy was in Zorzor when he arrived. He then recounted that the latter had a girlfriend and that after an argument between Ugly Boy and his girlfriend, the defendant told Ugly Boy that he didn't want to see him anymore. He added that two or three months later, he had committed another crime in Guinea: he had allegedly killed a young Mandingo cab driver, following which he was arrested. He concluded by saying that some people were saying that Ugly Boy had been killed by Guineans.

Before the judge closed the hearing, the defendant was keen to give some background before the hearing of the two victims MK and MK. He added that, in his opinion, the witness AKB called to testify in Switzerland in this trial was the wrong person.

## February 23, 2021 – Day 13: Hearing of a plaintiff and testimony through video conference from Monrovia

The Court today proceeded to hear Ms. KMF by videoconference from the American Embassy in Monrovia.

The plaintiff said she recognized witness EBJ in the room. She also recognized Alieu Kosiah. As for the others, she had met them at the GJRP office in Monrovia, where she had met the whites. She stated that the defendant was the person she knew best and then named the plaintiff EBJ.

The Court began by asking questions about the plaintiff's personal situation.

KMF stated that she was born in Voinjama, Lofa. She added that she had never been to school. She then explained that she was a “farmer”. The plaintiff stated that she could neither read nor write, but that she could count in her mother tongue, Loma.

In response to a question from the President of the Court, the plaintiff stated that she did not know precisely where she lived between 1989 and 1996, as she was unable to place dates, having received no academic education. She added, however, that she was in the village of B. during the first civil war and still lives there today.

When asked about the atmosphere in B. during the first civil war, she said that everyone tried to hide, that she suffered a lot, that it was difficult and that you had to manage in your own way. KMF added that there was usually no food, and that your brother, your parents or anyone else could be shot at any time in the street and in front of you.

On the subject of the factions involved, the plaintiff said she remembered the ULIMO and the dissidents. She added that the leader of the ULIMOs was Alieu Kosiah and that he was sitting in this room. The President of the Court asked her if her village of B. had been taken only once, or in several. She replied that she had left the day after the capture and had only witnessed one capture of B. by the ULIMOs. The President of the Court asked her if the ULIMOs had child soldiers among them, to which she replied affirmatively, specifying that the youngest were so small that their weapons were lying on the ground.

During the capture of B., the plaintiff stated that the majority of those arrested had been tied up in “tabé”. She then added that the ULIMO had shot them with knives. KMF added that the station was drenched in blood. Among them were her father and brother. The plaintiff said she had gone into the jungle just after the village had been taken. Shortly afterwards, KMF met a child soldier who demanded that she follow him with her weapon. KMF was therefore sent to her general and stayed there.

In response to the judge, the plaintiff stated that she had not supported any faction during the civil war and added that she was very frightened. KMF added that ULIMO soldiers wore a red scarf on their head and that other soldiers often wore scarves in the color of the country.

On questioning, KMF said she had heard of “Black Monday”, but didn't know what it was, as she was in the jungle most of the time.

When asked about homonyms in Liberia, KMF said she didn't know about such things, being uneducated.

With regard to the defendant, the plaintiff stated that she knew him as General Kosiah. She stated that she had first seen him at B. and that she had heard the soldiers call him “General”. She added that the defendant had bodyguards. She then claimed to have seen him a second time in Voinjama after some time. In front of the judge, she said she recognized the defendant by his bulging eyes and added that she knew him “too well” and therefore had no doubt that he was the one shown on camera.

Confronted with her 2016 statements to the Swiss Federal Prosecutor's Office, she explained that she hadn't recognized the defendant in some of the photos because they were recent and of poor quality.

Ordering the looting of the village of B

As a reminder, Alieu Kosiah is accused of having, in the context of the internal armed conflict in Liberia from 1989 to 1996 and as a member of the ULIMO armed faction, ordered the looting of the village of B., between March and December 1993 or between March 1994 and the end of 1995.

Regarding the looting of B.'s village, KMF explained that it was during the rice-growing season, when many soldiers arrived and asked civilians to cook for them. This took place the day after the capture of Botosu. The plaintiff explained that this happened frequently and that the soldiers used to gather in the “Palaver House”. She added that Alieu Kosiah was present that day, that he seemed to be the highest ranking soldier since the soldiers called him General and that there were also many captured civilians from surrounding villages. She then confirmed that she had heard him order the civilians, in English, to gather oil and rice. She said that it was not possible to refuse, at the risk of being killed and that such looting of food products was common.

KMF then confirmed that the soldiers had been able to fill 14 cans of oil.

Ordering and directing the forced transportation of goods by civilians from B.

As a reminder, Alieu Kosiah is 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, ordered and directed the forced transport of goods from the village of B, by civilians, between March and December 1993 or between March 1994 and the end of 1995.

In response to a question from the President of the Court, the plaintiff explained that it was not possible to refuse transportation. During the transport, she stated that she had recognized people who lived in the same area as her. She then stated that the defendant had taken part in the transport, along with numerous soldiers and explained that she had personally heard Alieu Kosiah give the order for the men to carry the loads and for the women to follow them in English. Mr. Kosiah was at the front of the convoy, with his bodyguards behind him. The transport took place on the same day as the looting. Describing the transport, the plaintiff explained that she didn't feel very supervised, so she took advantage of the opportunity to escape by pretending to go to the bathroom. She added that she knew that doing so represented a risk to her life. Child soldiers took part in the trip. In response to the President, the plaintiff stated that the soldiers were armed with rifles and knives. Alieu Kosiah was carrying a pistol on his side. When questioned about the soldiers' behavior, KMF pointed out that they had fired into the air before leaving the village of Botosu, without knowing for what purpose they had done so. She then explained that she no longer remembered how Mr. Kosiah behaved during the transport. Finally, she stated that she had not been threatened, but had been greatly disturbed.

Continuing to answer the Court's questions, KMF explained that the women had not transported any goods. She went on to say that no one had been physically threatened or assaulted, since if they had been threatened, they would not have been able to carry those loads on their heads.

When interrogated about her escape by the judge, the plaintiff confirmed that she had hidden in the jungle, without being able to specify the exact duration. She added, however, that she had stayed there "for a long time" and had come out because she was hungry. According to the plaintiff, forced transportation was common among the ULIMO. KMF stated that she had not discussed the transport with other civilians and did not know whether the civilians received any remuneration. She added that she had unfortunately not yet sought out any civilians who could come forward to testify about these transports and that she had never participated in any other transports.

When asked why the ULIMOs didn't use vehicles instead, Ms. F replied that it was because they intended to kill and that this was their way of behaving.

Rape of Mrs KMF
The testimony on this episode was not made available to the public.

The Federal Prosecutor's Office's questions
The prosecutor submitted a photo to the plaintiff, asking her if she recognized this place. She replied that it was near Voinjama and that it was there that she had been intercepted by the child soldier.

Mrs Wakim, the plaintiff's lawyer's questions
Mrs Wakim also submitted a photo in which the plaintiff recognized her village. She then explained that the central building was the "Palaver House" and that it was the same color as the house in which Kosiah had abused her in Voinjama.

KMF was then interrogated about EBJ and KA's visit to her village before the attack. The plaintiff stated that this visit took place during the dry season, and that it did not last long, without being able to specify the period.

In response to Mrs Wakim, the plaintiff stated that her mother and sister had also fled from the transport and that all three had ended up in the jungle. Continuing her statements, the plaintiff added, with regard to Alieu Kosiah, that in addition to his long knife, he carried a weapon slung over his shoulder when he entered the room and that he had placed it on the floor before committing the acts of which he was accused.

Continuing her answers, KMF stated that it was raining during the time she was in the jungle and that it was because God was protecting her and because she had water that she was able to stay several days in the jungle without eating.

Mrs Wakim then asked a series of questions about KMF's rape. KMF stated that she had not yet menstruated on the day she was raped. She added that at the time of the rape, she closed her eyes because she didn't feel well and explained that she was crying, but kept quiet when Alieu Kosiah threatened to kill her if she continued to cry.

When asked about her previous pregnancies, KMF said that she had had three children when she fled to Guinea and that she used to go to the clinic as there was no hospital where she was. The plaintiff

went on to say that she didn't know how many months pregnant she was when the hearings began. Nor did she know that she was about to give birth. Also, KMF did not inform anyone at the GJRP or her lawyers that she was pregnant, because she really wanted to come to Switzerland to testify.

Continuing to answer Mrs Wakim's questions, the plaintiff explained that she had given birth to a baby girl named Justice. She chose this name for her daughter because, above all, she wanted justice to be done.

Mr Gianoli, the defendant's lawyer's questions

Mr Gianoli first questioned the plaintiff about her relationship with the other plaintiff EBJ. KMF then explained that she had first befriended EBJ's little sister, since they both went to the fountain to fetch water and that EBJ's little sister had then introduced her to him. Continuing her answers, KMF explained that EBJ's family had taken refuge in her village, in B., but that she could not remember how long EBJ had stayed in the village. KMF then affirmed that she had already seen KA's mother and went on to explain that she did not know how long KA had stayed in her village, since she had fled with her.

When asked about the groups of soldiers that came to her village, KMF explained that groups of soldiers, including M. Kosiah's, came to the village from time to time, but that the behavior of the defendant and his soldiers was different from that of the other groups. Mr Gianoli then asked her if there had been any fighting in the village of B. when Alieu Kosiah's group arrived. The plaintiff replied that there had been no fighting, only looting. Mr. Gianoli asked several questions about the ULIMOs, as well as about his first meeting with Mr. Kosiah. KMF explained that she did not know exactly whether the soldiers in the defendant's group wore a particular color, but confirmed what she had said at her hearing in Bern, affirming that Alieu Kosiah's group wore a red scarf or ribbon around the head, arm or rifle. She then added that she had no recollection of seeing soldiers with white scarves or ribbons around their arms or heads. Continuing to respond to Mr Gianoli, KMF stated that she had no recollection of Mr. Kosiah's group belonging to the ULIMO and knew of no general other than General Kosiah.

When asked about the behavior of Alieu Kosiah's group when they entered the village, KMF explained that the first thing the soldiers did was to perform "tabé" on certain men. These men were subsequently killed. KMF said she was so frightened that she can't remember who wasn't "tabéed".

He went on to ask about forced transport, to which KMF replied that none of the women carried goods. She said she didn't know whether her mother had accompanied the soldiers to the end of the transport, as she had already fled.

After asking KMF about her escape, Mr Gianoli interrogated her about how she was approached by the child soldier and about the house where she was taken, where Mr Kosiah raped her. On questioning, KMF said that even if she were given money, she would never again go through the places she had passed through during the war. Mr. Gianoli then asked if any of the names rang a bell. KMF repeatedly refused to answer for security reasons. Finally, Mr Gianoli asked her about the circumstances that brought her to the GJRP, Civitas Maxima's sister organization in Liberia.

On questioning by the Court, KMF indicated that she was older than the child soldier who had taken her to Alieu Kosiah and that Alieu Kosiah had left his knife and weapon slung over his shoulder in the room just before the rape.

On questioning by the President, the plaintiff explained that she had had the opportunity to have her complaint read and translated before filing it in Switzerland.

Questions from the Federal Prosecutor's Office
When asked about her ability to handle a firearm, KMF explained that she was so afraid that she wouldn't even touch one.

Mrs Wakim, the plaintiff's lawyer's questions
Asked about Mr. Kosiah's skin color, KMF said he was a little blacker than she was.

Regarding the people who had taken refuge in her village, KMF stated that other people in addition to EBJ and KA had taken refuge in her village, but that she had never communicated with them, nor did she know their names.

Defense witness AFK takes the stand
The witness was questioned from the US embassy in Monrovia. He was accompanied by his nephew, who was asked to leave the embassy, as witnesses cannot be accompanied.

When asked about his relationship with Alieu Kosiah, AFK said he knew him, although it had been a very long time since he had seen him and that Mr. Kosiah had "put on a little weight". He added that he recognized him by the scar on one of his fingers. The witness told the Court that, like the defendant, he was a former ULIMO soldier. He said he had not spoken to the defendant since the disarmament period and did not know any of the plaintiffs. He said he was of Mandingo ethnicity, had started fighting with the ULIMO in 1992 and had been one of the founders of the rebel group in 1990. He then added that he was the "chief advisor", i.e. he advised the ULIMO group on bullets and rocket launchers. He explained that he had been posted to several locations and recalled that the last place he was posted to was Foya. He went on to state his various military ranks ("Warlord Officer grade 2", major and lieutenant-colonel) and explained that he didn't know who his superiors were, as positions had changed several times. Moreover, he indicated that he was almost at the same hierarchical level as the defendant. AFK added that before the disarmament, Mr. Kosiah became regional commander, but that before that, AFK had never been under the orders of Alieu Kosiah, having both been commanders. In response to the judge, the witness stated that Alieu Kosiah's last rank was brigadier general. He then claimed to have fought with the ULIMO until 1996. He explained that the town of Foya was taken by Commander Dekou in 1993, and that the town had not been captured several times, but only once, by the ULIMO.

On the subject of the ULIMOs, the witness said that the fighters who had military clothing wore it and the others dressed like civilians, but that most of them wore military uniforms. They carried G3, M16, AK47 and rocket launchers. He went on to say that there were child soldiers among the ULIMOs, but that they were not numerous compared with the NPFLs, and that unlike the NPFLs, they did not have a unit for child soldiers.

Regarding the climate in Foya during the civil war, AFK explained that soldiers behaved well towards civilians. He explained that life was normal until disarmament, as Foya was a commercial city. He returned to the capture of the town, explaining how it happened, describing the events chronologically and citing the various commanders involved in the fighting. Thus, after Dekou, it was Captain Adolfus Tahr who commanded the city of Foya, then K. Konneh took control of the city. AFK pointed out, however, that as these things are not written down, he may have forgotten certain elements. AFK said that the soldiers took good care of the civilians and that there were no problems.

He said he didn't remember any looting during the war, but explained that there may have been criminals somewhere committing atrocities or looting. Finally, he reiterated that civilians had not been mistreated. He added that the civilians had not been forced to take part in the transports, but that they made their own arrangements with the soldiers, pointing out that the soldiers paid the civilians who transported the goods. To illustrate his point, he explained that for transporting one gallon over a distance of thirteen miles, or just over one kilometer, a civilian received around 200 Liberian dollars, or around USD 1. He added that civilians were receiving water to drink and food to eat.

When asked about rapes committed by ULIMO soldiers, AFK said he had only heard of one case in the region, that of a woman who had been raped in Kolahun.

Regarding the practice of “tabé”, the witness stated that this was not a form of torture but a way of preventing prisoners from escaping, by tying the person up with their hands behind them, as they had no handcuffs. The President then asked him if he knew of any practice in which soldiers ate human body parts. He replied that he had never seen anything like that. He explained that some people in his faction had done it, although he didn't know who exactly did it. He added that rumors were circulating about this practice in other factions too.

He went on to explain that he had never heard of “Black Monday” or “Black Friday” during the civil war, even with the NPFL. Regarding the defendant, the witness stated that he had known him as “Physical Cash”, and had first met him in Cape Mount, where he was part of the Zebra or Alligator unit. The witness added that the defendant was in the Monrovia area when the ULIMOs went to Lofa County.

Continuing his answers to the President, the witness explained Alieu Kosiah's military background and stated that Mr. Kosiah arrived as an officer in the town of Foya, after its capture in 1994, noting that AFK placed the capture of Foya in late 1993. He added that Major Kosiah was the one who coordinated the fighting in Monrovia to liberate the city, but that he was not part of the unit that went to capture Lofa.

Regarding the whereabouts of Alieu Kosiah between 1993 and 1994, AFK explained that Mr. Kosiah arrived in the Foya region in 1994, where he lived as an ordinary officer. He said that the defendant organized a Christmas party and a New Year's ceremony, and that on January 1, 1995 he organized a football tournament in which everyone took part. Then, at the end of 1995, he was sent as a regional commander in the Zorzor area.

When asked whether the defendant had been an “H&H”, the witness replied that he had not been an H&H in Foya and explained that the defendant was a “floating officer”, a simple soldier. He added that in Foya, Mr. Kosiah had no authority and that if there were any interventions, they had to go to the town commander, Musa Donzo. On the subject of Alieu Kosiah's attire and physical appearance, AFK stated that most of the time he was dressed in full military fatigues, and that today he has “put on a lot of weight”.

The witness indicated that the defendant had bodyguards and that it was normal for a soldier to have them and that all military officers at the time did. Alieu Kosiah carried a light weapon, an AK-47, and sometimes a pistol on his belt. He added that he had never seen him with a knife, dagger or bayonet. The judge then asked him how the defendant behaved towards civilians. The witness explained that Kosiah was kind to them and regularly gave them money and food from the authorities out of kindness, as it was very difficult to obtain these during the war. He then dismissed any doubts people

might have about his assertion, explaining that just because Alieu Kosiah was his partner in war, he didn't feel obliged to testify on his behalf, pointing out that he [AFK] was also kind to civilians. AFK completed his testimony by explaining that Alieu Kosiah spread kindness because fighters who didn't take good care of civilians risked being dismissed by their hierarchy.

Continuing his answers to the Court, AFK explained that he had no recollection of seeing the defendant or his soldiers inflict ill-treatment on civilians. He went on to say that even if God had given him a very good memory, he might forget or not remember certain things.

On the subject of the facts of which the defendant was accused, the witness stated that he had never heard of these events. In particular, when asked about the scene in July 1993 in Foya during which Mr. Kosiah ordered seven civilians to undergo the “tabé”, AFK replied that the defendant was not in Foya in 1993, and that he had no recollection of Alieu Kosiah committing such an act.

Regarding the possibility that a certain Kunti had stabbed the plaintiff LSM in the back, AFK stated that he did remember Kunti, but could not recall the name of the plaintiff. He went on to explain that Kunti was very young, likening him to a child soldier, and that he had not heard of and did not remember stabbing by Kunti against LSM. When asked about the possibility of the defendant having ordered and/or directed the transportation of goods by civilians from Foya during the first civil war, AFK replied in the negative and said he had no recollection of it.

AFK was then asked about electricity in Foya. AFK explained that he had seen electricity poles in Foya before the war, so he thought there must be electricity, but when he arrived in Foya there was no electricity. He added that there was a power station in Foya during the war, but that he didn't know what had happened to it, as he hadn't investigated it.

The Court then interrogated the witness at length as to how he had come to participate in these proceedings as a defense witness. He then stated that it was the Court who had contacted him in the first place and that a certain MHK had convinced him to come and testify in Switzerland. He explained that he had no knowledge of the relationship between MhK and Alieu Kosiah, as he did not know the biographies of the two individuals.

Continuing his answers, AFK stated that no one had promised him a reward in exchange for his testimony in the proceedings and that he had not been threatened or intimidated in connection with his testimony in the proceedings, having informed no one about it. He added that he is more focused on earning his daily bread, which is why he arrived late for his hearing. He said he was a Muslim and explained that as Liberia is a secular country, a Christmas party had been organized for the people of Foya to celebrate. He then stated that if the defendant had committed a crime, then he had no idea ; and added that he knew that Alieu Kosiah was very well behaved.

When asked if he was afraid of the defendant, AFK asked why he would be afraid of him and that since Alieu Kosiah was “far over there” and he was “here”, he surely wasn't afraid. He also said he wasn't afraid when Mr. Kosiah had a gun in his hand. When asked if he hadn't come to Switzerland because he was afraid of the defendant, AFK said he hadn't refused to go.

After describing Alieu Kosiah's scar, AFK explained that it was a bullet that wounded him and that for this reason he couldn’t lift a finger. He also claimed that he had never served under Mr. Kosiah, as he was not in the same unit as him, even though he had seen him on the battle front and a few times in Foya.

The Court then asked AFK how he could state with certainty that Mr. Kosiah was not present in Lofa in 1993, since he did not fight under the orders of Alieu Kosiah, nor in the same unit as him. AFK replied that he was in contact with him, having seen him in Monrovia and Foya. He added that the fact that they did not fight in the same units did not prevent them from meeting.

The Federal Prosecutor's questions

On questioning by the Federal Prosecutor's Office, the witness stated that the first time he saw Mr. Kosiah in Foya, the latter already had his scar on his hand. AFK then gave details of the ULIMO slogan, their wages and how civilians were paid for transport. In fact, AFK explained that as an ULIMO soldier, he didn't receive a salary and that the merchants who did the transporting were the ones who paid the people who transported the goods, since there were no vehicles. AFK added that fighters could also sometimes ask civilians to transport goods, in which case they paid them, although it was not possible to confirm whether a particular soldier had asked to carry his goods from such and such a place to such and such a destination. AFK also pointed out that soldiers had nothing to transport at the time, making it impossible for civilians to have transported goods belonging to soldiers. The witness said he knew Ugly Boy well. He explained that he acted as an intermediary between soldiers and civilians, but said he had no recollection of his behavior towards civilians. He pointed out that he was his superior and that he didn't think Ugly Boy had committed any blunders, but that it was highly likely that he hadn't seen certain things himself, because when someone behaved abnormally, they were automatically transferred to the "top master general" for sanctions. He concluded by stating that he had not seen Ugly Boy behave in an unacceptable manner. On questioning from the Court, the witness also said he knew Mami Wata very well, who was the commander of 44 fighters despite his young age.

On questioning, AFK said he could read and write, but could not speak French well, although he understood a "tiny bit".

When asked about his request to the Court for a copy or recording of his testimony, AFK replied that he had asked for this because it was the practice in Liberia. He denied having any intention of showing his testimony and explained that he simply wanted to keep a copy for himself personally.

Mr Werner's questions

On questioning by Mr Werner, the witness explained that Alieu Kosiah's nickname was "Physical Cash", as he was very fond of money. In particular, he recounted that when the soldiers captured or confiscated goods or money, Mr. Kosiah would absolutely demand that they be shared fairly before all the soldiers parted ways. The witness also confirmed Ugly Boy's nickname of "Saah Choue", who was so named because he always had an ax in his hand. He had an ax in his hand because he didn't have a gun. AFK went on to say that if Ugly Boy used this ax to commit wrongdoing, then he couldn't comment on that.

Continuing his answers, AFK asserted that Alieu Kosiah had child soldiers who were captured.

Mr Werner then read a statement from Mr. Kosiah, in which he said that Kunti knew the same things as Advisor about what happened in Foya and that both knew him because he was in Voinjama when Foya was taken. AFK then replied that he could not confirm whether or not Alieu Kosiah was indeed in Voinjama when Foya was taken, as he himself was in Foya at the time the town was captured. Mr Werner then pointed out to AFK that he had stated earlier in his hearing that Alieu Kosiah was in Bomi when he was in Foya. AFK then explained that the road to Bomi is the road from Kolahun and that he

could only say that he left Mr. Kosiah in Bomi, adding that if he then went to Fassama from Bomi, then to Zorzor then to Voinjama, then that was his right.

He went on to discuss a number of details, such as his non-appearance in Switzerland the investigation phase because of the blind person he had to accompany. Referring to a TRC document explaining that the ULIMOs had a culture of silence and protected each other, Mr. Werner asked AFK if he was protecting Mr. Kosiah. AFK then asked why protect someone who has committed reprehensible acts.

Mr Jakob's questions

Mr Jakob began by asking questions about the plaintiff's relationship with certain soldiers. AFK stated that he did not know Chief Fassou. He did, however, say that he knew Fanboy, who was also an ULIMO soldier living in Foya, but that he had not seen him for about six months/one year and that they had not had the opportunity to talk about Mr. Kosiah.

Continuing his answers, AFK said that after the capture of Foya, he decided to live in Voinjama, until 1994, when he returned to Foya because it was a trading town and because life was even better there than in other areas.

Mr Gianoli's questions

After asking a few questions about Old Man Tamba Taylor and his return to Foya, Mr Gianoli asked AFK if he had heard of the Todi Mission, to which AFK replied in the negative. AFK added that he did not know which commander had captured Todi. Asked whether AFK knew the names of Mr. Kosiah's bodyguards, Mr. Kosiah replied that he thought there was a certain Saah and that he could not remember the other names, although he could recognize the other bodyguards by their physical appearance.

The Court then asked whether AFK had any notes in his hands, to which he replied in the negative.

Returning to the subject of Alieu Kosiah's bodyguards, Mr Gianoli asked AFK if he knew whether Mr. Kosiah had taken care of his bodyguards after the end of the war, to which AFK replied that he did not know, not having stayed with the defendant at the end of the war.

Mr Gianoli then asked a series of questions concerning the pistol carried by the defendant, the S2s stationed at Foya and the distinctive signs between the ULIMOs and the NPFLs. AFK said he remembered seeing Alieu Kosiah carrying a pistol, both at the time of Bomi, and at Lofa in Foya. He went on to explain that after Ugly Boy, another S2 replaced him, but that he no longer remembered his name, and that all S2s were required to report to the zone commander, who in turn reported to the headquarters commander.

AKF went on to explain that it was possible to tell the difference between an ULIMO and an NPFL depending on the territory under control and that NPFLs could be recognized even if they couldn't be distinguished by a particular element, as they dressed as they pleased. As for the representation of a red scorpion, it reminded AFK of the first day of the war, December 15, in Butuo, with the NPFL faction; but he wasn't a soldier then.

When asked if the ULIMOs could be identified by a red band worn on their arms or weapons, AFK replied that this was mainly a distinctive sign of the NPFLs. As for the white headbands, AFK explained that they were associated with ECOMOG fighters, a force representing West Africa.

When asked about the vehicles in which Alieu Kosiah traveled when he came to Foya, AFK said he sometimes had a red motorcycle, sometimes a motorcycle with two exhausts and sometimes a Jeep 4×4. The ULIMOs, on the other hand, had no vehicles when they occupied Lofa, so they traveled on foot.

Mr. Gianoli then asked the plaintiff if he knew any names, to which AFK replied in the negative.

Regarding the murder of six civilians at the Foya market, whose bodies were allegedly thrown into the market's well, AFK stated that he had never heard of it and that there was indeed a pump at the Foya market, but no well.

When asked whether the ULIMOs had transported ammunition from Voinjama to Fassama via Kolahun and Gondolahun, AFK replied in the negative, explaining that this was not possible as it was not possible to leave Voinjama with ammunition via Fassama, Kolahun and Gondolahun, as these are two different directions. The plaintiff added that to get to Zorzor, it was possible to go via Fassama. On questioning, AFK confirmed that there were ambushes and even casualties between Voinjama and Fassama, after Foya's capture. AFK then explained that he remembered a mine exploding on the border between Voinjama and Guinea, as well as in the Zorzor region, but not between Voinjama and Foya.

Then Mr Gianoli asked AFK if it made sense to go through Solomba if you were starting from Voinjama and wanted to take goods to Guinea. AFK replied that this was possible, although it would be more complex as it could take four times as long, the distance being longer than by a more direct route, and the track being very bad.

Talking about his relationship with Hassan Bility, AFK said he knew him very well, having slept in the same apartment as him when he was a student and when he was part of the ULIMOs. He said he met him for the first time at Nimba, in Kahnple, and for the last time six months ago. He claimed to have spoken with Hassan Bility about Alieu Kosiah and to have asked him how it was that his organization had its brothers arrested all over the place and whether it was him who had had Alieu Kosiah arrested, to which Mr. Bility replied that it was the complaints filed against him that had led to his arrest. He then stated that he did not know whether Hassan Bility had called him as a witness in the proceedings and that he had not spoken to him about it.

He then explained that he had not come to Switzerland to testify when he first came into contact with the authorities “because of the blind man who had to leave with” him, unable to hold his hand.

When asked whether, after Foya's capture, there were markets in Voinjama, Kolahun, Massabolahun and Foya, AFK replied in the affirmative, pointing out that several vehicles such as cars and trucks came to these markets from Guinea.

About the term “Dingos”, AFK explained that people who didn't pronounce the “ma” in “Mandingo” were just poorly educated. He then added that some people took the word as an offense, as that's generally what dogs are called.

Finally, as to who Steven Dorley and Abu Keita are, AFK explained that they were respectively the grand commander/senior commander of the ULIMO forces and the commander of the Zorzor area and that he was with Abu Keita when the latter captured Zorzor.

On questioning by the Court

The Court began by asking questions about Steven Dorley's physical appearance. AFK then described him as having the same build as Alieu Kosiah at the time, the same height, with hair in the form of “dreadlocks” which he then cut.

Finally, he stated that he had not asked for any compensation to testify. The Court then explained that if he asked, he could receive compensation for the money he didn't receive, since he didn't work to testify.

## February 24, 2021 – Day 14: Hearing of two witnesses

On February 24, 2021, the Court heard AT, a witness.

The witness began by lengthily explaining his fears about testifying before the Court. He stated that both he and his family would be in danger in Liberia if his testimony were made public. He explained that he lived in a vulnerable situation and that anyone could do anything to him in Liberia, with complete impunity. He added that he had taken all the necessary steps in secret and that he absolutely wanted his visit to be kept secret. The President then informed AT that he could refuse to answer certain questions from the Court if he felt that his life or physical integrity were threatened ; and that journalists were absolutely forbidden to publish the first and last names of those testifying. After giving him time to reflect, the Court asked him to decide whether or not he should give his testimony. AT welcomed this pause, explaining that apparently his concern was not understood and that he did not want to testify in this context. Mr Gianoli and then the President successively reminded the witness that the Court has no jurisdiction to grant asylum. After agreeing to testify, AT explained that if anything happened to him on his return to Liberia, his family would hold the Court responsible. He then added that the defendant had been his former commander during the civil war.

The judge then asked him if he knew of any plaintiffs in the proceedings. The witness replied in the negative. He went on to say that he had taken part in the war with the ULIMO in 1992, at the age of twelve or thirteen, until the group was disbanded in 1997. In response to the judge, the witness cited all the places he had been (Todi, Tubmanburg, Lofa County and Bong County) while accompanying the defendant.

Regarding the capture of Lofa in March 1993, the witness explained that he and Alieu Kosiah had been sent as reinforcements by ULIMO commander Pepper & Salt in early 1993. Regarding the capture of Zorzor in March 1993, AT stated that they did not participate, as all the locations had already been captured by the time they arrived in Lofa County. AT stated that he and Alieu Kosiah came directly from Tubmanburg when they arrived in Lofa. The witness went on to say that he differentiated between the rebel groups according to their equipment, as the soldiers were dressed almost identically, and gave the following example: it was common for a ULIMO who killed an NPFL to then dress in the NPFL uniform. AT also explained that NPFLs were better equipped than ULIMOs, but that ULIMOs were still powerful; and added that ethnicity, language and weapons could also differentiate them. When asked about weapons, AT replied that the ULIMOs had G3s, AK-47s and M16s taken from the NPFLs, while the NPFLs had "berettas".

When asked about ULIMO behavior towards civilians, the witness said that they were very careful with civilians and that they were one of their biggest priorities during the war, as they wanted to convince them to join them. He added, however, that he was only talking about what he saw, and that he did not deny the possibility that other people had behaved differently and that some ULIMO soldiers had killed civilians, as the front lines were very numerous.

Confronted with his statements to the Federal Prosecutor's Office, the witness clarified that he had seen NPFLs killing civilians in Salayea[MOU1], accused of collaborating with the ULIMOs, but stated that he had never seen ULIMO soldiers killing civilians, after explaining that to claim that ULIMO soldiers had never killed civilians would be a lie.

On the subject of looting, he said that ULIMOs seized civilians' belongings in order to buy weapons and ammunition. AT explained that all the equipment looted by the ULIMOs was done so as to be able

to buy equipment, as the ULIMOs never had any international support, nor any financial support from the local state.

On the subject of goods transport by civilians during the first civil war, AT stated that it was obvious that such transport had taken place during the first civil war: as the soldiers had no vehicles at their disposal, they had no choice but to call on civilians. He added that civilians were forced to take part in these transports, and generally did not refuse, out of fear for their lives. He went on to say that he had never seen the defendant take part in transporting goods or looting villages, explaining that he was a commander who had empathy for people and that people even praised him. He added that Mr. Kosiah had saved many lives in the Lofa. He claimed to have taken part in some forced transports and that civilians had received rice in compensation. He went on to explain that it wasn't a question of money. AT went on to say that if he said they had never gone to civilians' homes to get food, he was lying. He reiterated that, having no international support, what they managed to get was what they lived on.

Continuing to answer the Court's questions, AT stated that he had never seen Alieu Kosiah take part in forced transports, nor give orders for the execution of such transports, being too important for that. He added that he wasn't everywhere the defendant went, and vice versa.

Concerning the rape of women by ULIMO soldiers during the first civil war, the witness explained that this was a crime severely punished by the ULIMO. He then claimed that a commander had had three soldiers accused of rape killed and that the accusations were eventually proven false after investigation. He added that Alieu Kosiah had wanted to prevent the execution, but arrived too late. He also said that it was a lie to say that ULIMO soldiers had committed rape. On the subject of "tabé", the witness said that it was a way of tying up prisoners, by putting their hands behind their backs, to prevent them from escaping. He explained that it was the equivalent of handcuffs.

On the subject of accusations of cannibalism, the witness stated that he had heard of it among both the NPFL and the ULIMO, but had never witnessed such practices.

On the subject of "Black Monday" and "Black Friday", the witness replied that he had never heard of "Black Monday", but that "Black Friday" was reggae music.

<u>The judge then asked him about his relationship with the defendant</u>
In 1992, when he met Alieu Kosiah in Todi, the witness explained that he was in the midst of a group of armed NPFL men. Alieu Kosiah then arrived with ULIMO soldiers and freed him. He said that God had sent Mr. Kosiah to save his life, because if he hadn't been there, someone would have killed him, as he would have been considered a rebel. He then explained that the defendant had sent him to his parents in Guinea to receive an education. The witness then added that he was stubborn and had returned of his own accord to take up arms with the ULIMO.

AT explained that during the capture of Todi, Jungle Jabbah was the commander on the spot, but that Alieu Kosiah was a strong fighter and that everyone listened to him when he spoke, wherever he went. Moreover, he claimed that it was because of the mistreatment by the NPFL that he voluntarily took up arms to join the ULIMO. Explaining the ill-treatment he had suffered, AT said that when he was in the NPFL, his father and brother had been killed in front of him and his sister had been raped in front of him. He added that the defendant had never advised him against joining the ULIMOs, and that in the ULIMOs he had the right to carry a weapon, which guaranteed him a safer life and security.

When asked whether it was dangerous at the time to complain about being forced into recruitment, AT said that at the time it was obvious that no one could complain about that, and that only God could hear the complaints of such people.

When asked about his statement to the Federal Prosecutor's Office in Bern, Mr. Kosiah said that it was the commanders who chose their child soldiers. If a commander liked a soldier, he would tell him to come under his command. The child soldier then had no choice but to obey.

On questioning by the Court, AT declared that he had never been tortured, beaten or put in "tabé" by the ULIMO soldiers, being a strong fighter under the orders of a highly recognized commander. He added, however, that when he was captured, he was mistreated and put in "tabé" at the time, while it was verified whether he was a rebel or not.

Continuing his response to the Court, the witness explained that after his capture, he underwent a three-month training course, [CRLA2] of which the main mission was to teach weapons handling and camouflage techniques to ULIMO soldiers. There was no specific training center in Liberia: they moved every two or three days to attend training at another location. AT, on the other hand, explained that there was indeed a training center in Sierra Leone. After this training, the witness joined Alieu Kosiah. [CRLA3] He received an AK-47 at the end of his training. He added that the defendant had taught him how to handle certain weapons (AK, G3, M1, etc.) because he had to be able to fend for himself to save his life. Moreover, AT added that Alieu Kosiah had a pistol.

As for his involvement with Alieu Kosiah in the ULIMOs, AT explained that the latter initially took him on as his son and that he was then placed under the orders of Omaru Kelleh, before Mr. Kosiah took him back. He added that he was happy to be with him because he saved his life.

In response to a question from the President, the witness explained that the defendant had the rank of colonel when he joined him, and that he remained under his command from 1992 until 1998, when the defendant left Liberia. He added that Mr. Kosiah had been unlucky, as he never obtained a higher position within the ULIMO; and that anyone who said that Alieu Kosiah was a general would be a pure liar. He went on to say that between 1993 and 1998 [CRLA4] , Alieu Kosiah was successively based in Todi and then in Lofa, in Voinjama, where they stayed half the time. Alieu Kosiah then moved to Tubmanburg in 1994, after the ULIMO split, and AT remained in Voinjama. AT added that at the time of Todi's capture, the defendant was the "battle group commander" and had the rank of captain; and Omaru Kelleh was his superior, since he was a major. He also explained that when the situation was calm, they visited the soldiers in the surrounding towns and villages, such as Kolahun, Foya and Massabolahun. He added that Mr. Kosiah had a girlfriend in Massabolahun or Sivilahun, and that his parents were very fond of the defendant, which is why he asked her to visit him regularly. AT regularly accompanied him there.

The President asked him if he had indeed been the defendant's bodyguard, which the witness confirmed. He explained twice that he had to go wherever he went and added that he knew a lot about him because they spent a lot of time together. He also said that he kept an eye on the defendant's movements and would sometimes taste the food or drinks offered to Alieu Kosiah if he suspected poisoning, or stay outside the room where he was with an AK-47, to ensure his safety. He added that the defendant had around ten bodyguards, all of whom were older than him, but that he was his main bodyguard. He also explained that he was fighting for the ULIMO and not for Mr. Kosiah, even though he was under his orders.

Continuing his answers to the Court, AT stated that the defendant had taken him to the front many times, and that every time something happened to him, the defendant was present at his side.

When asked about his space travels with Alieu Kosiah during the war, AT said that they both took part in the Largbanga attack in 1994. He explained that during this attack, a mine exploded and "massacred" almost half the soldiers. He added that he had been on the front line many times with the defendant, but that he could not give a date, as these events had taken place a long time ago.

Regarding Mr. Kosiah's various ranks, AT explained that before going to Lofa, where he was appointed colonel when he held the position of regional commander for the Zorzor area, the defendant was a captain. He added that he was always attached to Alieu Kosiah, but that sometimes he could be absent for a month, referring to himself as a "free electron" or "absent without official leave".

When asked about the defendant's physical appearance, AT explained that he had put on a lot of weight since the war and that, since his face, body and skin color had not changed, anyone who failed to recognize him would be a liar. AT went on to explain that during the war he was dressed in camouflage, and that the only time he dressed in civilian clothes was when he went back to Guinea to have a good time.

Talking about the weapons he used to carry, AT said that Alieu Kosiah had his own pistol on him, and that he also carried a G3, his favorite weapon, as well as a bayonet, when he went to the front line. He was called "Physical Cash" because on the front line, the defendant was very physical.

In response to a question from the President, the witness said he remembered soldiers sometimes calling him H&H. He went on to explain that this was a military position. He said he knew Alieu Kosiah by his name, or Chief Alieu Kosiah, or his nickname Physical Cash.

The President asked how Mr. Kosiah behaved with soldiers in general, to which the witness replied that no former ULIMO soldier would talk about mistreatment by Alieu Kosiah, as he saved and protected many, and was a good commander. In fact, he explained that he did not understand the crimes of which the defendant was accused. Moreover, he said he had never heard of the defendant killing a civilian, and that he had never done so in front of him. He also stated that he had never seen the defendant mistreat, rape or kill civilians, although he could not be 100% certain of this. According to the witness, Alieu Kosiah was well liked by everyone, and was a great fighter with a lot of charisma. He added that civilians regularly came to ask him for food.

Continuing his answers to the President, AT stated that he had never heard of, nor seen, the accused taking part in a civilian transport of goods. He added that this may have happened, but that he was not present. As for Mr. Kosiah's assertion that he did not know whether civilians had been forced to transport goods by ULIMO soldiers, AT said that he could not speak for the defendant and that he could only tell what he had seen. AT replied in the same way concerning the fact that Alieu Kosiah had forced civilians to have sexual relations with him during the war.

When questioned about one of his statements to the Federal Prosecutor’s Office, AT corrected himself and explained that Mr. Kosiah was only responsible for himself, not for his family. He added that when Alieu Kosiah had a little money, he gave it to him to do things himself, but that it wasn't for the money that he stayed with ULIMO.

In response to a question from the President, the witness indicated that he had been contacted by the Court to come and testify.

Responding to questions from the President, AT affirmed that he had been in contact with Mohamed Kosiah, and explained that he had only asked him whether anyone had called him to ask him to come to Switzerland. AT added that it was Mohamed Kosiah who gave his contact details to the Court so that the Court could contact him, and that he had had no further communication with him since returning from his passage in 2015. Subsequently, upon questioning, AT stated that he had never been in contact with Mr. Doumbia, not knowing who he was. When asked whether he had been threatened or intimidated for taking part in the proceedings, the witness replied that those around him had asked him not to come, because they were afraid that AT would be hunted down on his return to Liberia. He then added that he was there for justice and that he wanted Alieu Kosiah to be released and to be able to return with him. He added that his life had been miserable since the defendant left Liberia. AT added that he had lost his mother and father, and that the defendant had replaced them, hence his desire for him to be released from prison. He concluded by saying that the fact that the defendant was in prison was harming him indirectly.

Federal Prosecutor's questions

The prosecutor began by asking the witness if he felt threatened in Liberia. He replied that both sides in the conflict could be a danger to his own life. He pointed out that he was an example of evidence, as he was the only child soldier still alive who had been close to Alieu Kosiah, and that he was therefore the only one who could provide useful information about the defendant, and that as such, he had serious fears for his life, pointing out that in Liberia, "people" were good at destroying evidence. AT insisted that he needed to be protected.

When asked why, when questioned about the behavior of ULIMO soldiers, he immediately made the connection with Foya, AT said that Foya was a safe area at the time, where ULIMOs could go to rest.

The prosecutor then asked him about the disposal of human skulls at ULIMO "checkpoints". The witness replied that soldiers did indeed use skulls to mark checkpoints in Lofa. The witness was then asked about the injuries he had sustained during the war. He explained that he had been ambushed with the defendant at Bokassa Junction at the end of 1993, and that he had received first aid in Voinjama. He added that he had been transferred to Guinea because his injury was more serious than Alieu Kosiah's, and that he was in critical condition.

Continuing his answers to the Federal Prosecutor, AT indicated that after his injury, he returned to the front in 1994, before the ULIMO split.

On the subject of his second injury, AT stated that he was wounded in the hand in early 1995, following the explosion of a mine between Lofa and Bong County, and that he was treated in Monrovia.

AT also said that during wartime, they didn't eat in civilian homes. As for the nickname "Physical Cash" given to the defendant, AT indicated that "Cash" was a name to improve morale and that it did not mean that he had money.

The plaintiffs' lawyer's questions

Returning to AT's 2015 statements about the defendant's nickname, where he claimed that "Physical Cash" meant that he very regularly spent his money on soldiers or on buying them clothes, shoes and

things for their families; AT indicated that Alieu Kosiah already had this nickname when he came to Lofa and that it was simply a term used to boost his morale.

Responding to Mr Werner's questions, AT indicated that he was Kpelleh, but that he didn't speak Kpelleh well. He spoke English with the defendant. Furthermore, he explained that he had no recollection of saying that important installations had been looted.

On the subject of NPFL prisoners executed at Zorzor, AT replied that Mr. Kosiah had not fought at Zorzor, and therefore could not know whether any NPFL had been executed there. He added that he had no recollection of mentioning that NPFL prisoners were executed at Zorzor and Foya.

Concerning the frequency with which Alieu Kosiah went to Guinea, and therefore didn't wear camouflage, AT claimed that it wasn't frequent and that they sometimes went there to buy things for two-three days. He added that, as rebels, they wouldn't have let them into the country in uniform, and that, in any case, they couldn't stay in Guinea for long.

When asked about civilians being forced to carry ammunition to the front line, AT explained that this was the case when he was with Alieu Kosiah, but also with other commanders. He explained that the ULIMOs were organized in such a way that civilians had to carry the ammunition since the soldiers were already carrying the weapons.

Mr. Werner then submitted to AT a Federal Police report mentioning massacres committed in Lofa in 1993 and 1994 and asked him how he could explain the fact that he had not been aware of any massacres committed by the ULIMO faction in 1993. The witness replied that he had indeed heard of massacres. He said he had heard of a massacre in Foya, where Mami Wata had killed civilians, then cut them up and put them in wheelbarrows to sell the pieces from house to house. He said he had seen for himself that the NPFL had killed many people during their retreat from Salayea.

On questioning by Mr Wavre, the witness replied that he had personally fought against the ULIMO-J, during the very first day of the split in 1994, but also on the road from Monrovia to Tubmanburg, as far as the Po River.

When asked if he had ever been to Gondolahun, AT explained that there was a man there who gave soldiers protection, but that he didn't believe in such things and only believed in "Almighty God", not in magic. He then claimed to have passed through Gondolahun on his way to Fassama and reiterated that he had not gone there to ask for protection.

In response to a question from Mr Jakob, AT stated that he knew a person with whom he had traveled to Switzerland, FBK. The latter was an ex-combatant in charge of secretarial duties for the ULIMO. He said he last saw him in 1997. He added that Ugly Boy would be able to tell more about him.

<u>Mr Gianoli, Alieu Kosiah's lawyer's questions</u>

Mr Gianoli first asked AT if Mr. Kosiah was aware of his intention to go to Klay for his recruitment, to which AT replied that he had kept this from him. AT then stated that he had been assigned to Alieu Kosiah. He then explained that he could not answer the question of whether he was under the defendant's orders, thus asserting that being assigned to him, being under his orders, and having been taken as his son are three different things.

Continuing his answers to Mr Gianoli, AT explained that it was Alieu Kosiah who approached him to follow him in the Lofa and affirmed that he was already with him when the Lofa mission began. He added that Mr. Kosiah did not teach him how to handle weapons, having learned it at boot camp.

He was shown a photo of a knife. AT explained that the defendant had never carried a knife like this one, as long and as big.

Mr Gianoli then asked AT if it was possible that he had been mistaken (being at the time "small and poorly educated" to use his words) when he had stated in 2015 that Todi's capture occurred during the rainy season. AT replied that he may indeed have been uneducated, but that the wisdom God has entrusted him with enables him to say the things he remembers.

Concerning a possible mistake about the date he arrived in Lofa, AT said he couldn't be very wrong, because the ULIMOs were already in Lofa when he and Alieu Kosiah arrived.

Mr Gianoli then asked him several questions about his injuries. AT reiterated what he had said earlier in the day. He added, however, that he was only giving an estimate, and that he couldn't be very precise about days, months and years.

When asked who Kwamex Fofana was, AT said he knew him very well, and that he was ULIMO's "director of staff".

Mr. Gianoli also asked the witness to clarify certain events and dates, to which AT reiterated what he had said earlier. The question was then raised about other ULIMO members, in particular Omaru Kelleh. AT then indicated that he had stayed with him for about a month before Alieu Kosiah came to take him on. Among other things, AT said that before leaving for Klay to join ULIMO, he hadn't stayed long with the defendant. He then explained that after Todi's capture, he was never assigned to Todi, and that he was assigned to Number 7.

The Court then asked AT if he was with Omaru Kelleh before becoming ULIMO. AT replied that it was Omaru Kelleh who had captured him, and that Alieu Kosiah was with him [Omaru Kelleh] at the time. On questioning, AT clarified that he had been caught in a war zone, and that Omaru Kelleh had rescued him before the defendant took him with him.

Continuing to answer Mr Gianoli's questions, AT indicated that between two and three months had elapsed between Todi's capture and his arrival at the training camp. He then explained that he never joined Alieu Kosiah at his home in Bomi Hill when he left the training camp. He did, however, claim to have been at the defendant's Bomi Hill home during the ULIMO split.

AT was then asked about several of his statements, to which he replied that he had never made them.

When asked whether AT could recognize the faction to which a rebel belonged by a red ribbon or scarf that the rebel would wear on his weapon, head or arm, AT said that all rebels did this, and that he would therefore not be able to recognize the faction to which the rebel in question belonged by this sign.

On questioning, AT then stated that he had never been to Pasolahun or Botosu, as he did not know these villages, and that he was not accompanied by Mr. Kosiah when he passed through Gonodolahun on his way to Fassama.

Continuing his answers to Mr Gianoli, AT indicated that the defendant had no scars other than the one on his arm, this being the only wound Mr. Kosiah had experienced in his presence. He also explained that it was impossible for a ULIMO soldier to cross the Guinean border with weapons, as Guinean soldiers search them when they cross the border.

Mr Gianoli then asked AT about his knowledge of certain people. He said he knew three of the six first names mentioned to him: CO Jackson (who, according to AT, was Pepper & Salt's bodyguard), CO Sembe (an NPFL soldier according to AT), and Oldman Tamba Taylor (according to AT, he was a person the NPFL wanted to kill and whom the ULIMOs saved by taking him to Monrovia, where he became a member of the council).

AT then listed the names of Alieu Kosiah's bodyguards, most of whom died during the war. He added, on question, that Senssi Bebe was a bodyguard of Pepper & Salt and not of the defendant.

Intervention by a plaintiff during AT's hearing

On questioning by the Court following an intervention by his lawyer, the plaintiff EBJ replied that he had seen and recognized witness AT as having been present with Alieu Kosiah during episodes he recounted in his deposition. His lawyer, Mr Rienzo, also testified that EBJ had reacted immediately upon seeing witness AT in the Court lobby and that he had stated that he was one of those who used to come and eat at his house.

Mr. Rienzo then questioned the plaintiff as to the exact event to which he associated Mr. AT. The plaintiff replied that the witness was present during the fourth "Black Monday" when a civilian was killed by the defendant. He added that the witness was also present at the two forced transports in which he had participated. EBJ finally stated that he knew neither AT's name nor his nickname, but that he recognized him by his face.

The Court then asked AT if he wished to respond to EBJ's comments. AT then explained that he would like to know where he had shot the civilian, to which EBJ reiterated the explanation he had given earlier.

In conclusion, AT once again asked the Court to understand the danger he faced by returning to Liberia, and added that he would prefer for his own safety to be imprisoned with Alieu Kosiah than to return to Liberia. He concluded by asserting that it was the Swiss government's duty to ensure his protection, as they were the ones who had forced him to come and testify in these proceedings.

The Court proceeds to hear FBK, defense witness

FBK told the judge that he and the defendant were friends, and that they had been part of the revolution in Liberia. He explained that he had not kept in touch with him by telephone or letter after their last meeting in 1997. He then recognized the defendant by his skin tone and "pop eyes". He then said he recognized the plaintiff LSM, explaining that he resembled the defendant.

When asked about his first name, FBK explained that FBK had been his first name since birth, and that he had gone to school under this name and kept it during the revolution. Continuing his answers, FBK said he currently lives in Bong County and is married.

On the subject of his movements during the war, the witness stated that he went to Liberia in 1989, and left for Guinea in 1990. He then stated that he arrived in Zorzor in late 1992, early 1993. Shortly

afterwards, after his friends had gathered in Zorzor, FBK went with them to Voinjama, then to Kolahun, and finally to Foya in 1993. He explained that he was the S2 in Foya within the ULIMO in 1993. When asked about the distinguishing marks between NPFL and ULIMO soldiers, FBK explained that the two factions did not wear different-colored clothes, nor did they carry different weapons. Regarding the child soldiers allegedly enlisted by the ULIMOs, FBK first stated that, to his knowledge, no children had been used as soldiers, but that some children had been captured as little boys. Secondly, FBK explained that there were indeed "small soldiers" among both the NPFL and the ULIMO at their base.

FBK went on to describe the atmosphere in Foya between 1993 and 1995 as positive, explaining that civilians cooperated with the ULIMOs. He added that once the ULIMOs had organized themselves in Foya, there was no tension, with civilians turning to him to solve their problems. Answering questions from the Court, FBK affirmed that Foya had only been captured once and that there was no fighting when they entered Foya. The commander who took Foya was Dekou. Returning to soldiers' behavior with civilians, FBK asserted that the majority of soldiers behaved well with civilians in Foya, and that only a few behaved "badly". In particular, he cited the following example: after the capture of Foya, a few forced transports were carried out, but that civilians denounced these transports and that they then stopped, on the orders of the zone commander. FBK added that if a soldier wanted to make a civilian carry a load, he had to give his consent, discuss with him the conditions of the transport (including whether or not he would receive food and drink), and finally pay him. If an agreement was reached, the parties would then come to see him to obtain a "pass".

When asked about looting committed during the first civil war to the detriment of civilians, FBK replied that he was not aware of any looting. He also stated that, as S2, only one case of rape had been reported to him and that he had never known of or seen soldiers eating human body parts during the civil war. The witness went on to say that he was familiar with the "tabé" method, but had never seen anyone tied up in this way in front of him.

In response to a question from the Court, the witness stated that he had never heard of Black Friday or Black Monday.

He told the President that he had first met Alieu Kosiah in 1994 in Foya and that he had been in contact with him during the first civil war, but that he was not assigned to Foya at the time and that he simply went back and forth from time to time. He added that the defendant was part of the battalion's ULIMO staff in Voinjama, under the command of Commander "Pepper", without however being able to give his rank. He explained, however, that the defendant must have been a regimental commander between 1994 and 1995 in Zorzor and Voinjama. FBK then stated that he had known Mr. Kunti in Foya, and added that he was "battlefront commander" during the capture of Foya, but that he was not "battlefront commander" for all ULIMO military operations. He specified that Mr. Kosiah was hierarchically superior to Mr. Kunti.

When asked whether Mr. Kunti gave orders to soldiers or civilians during the war, FBK replied that he did not know.

On questioning by the Court, the witness affirmed that he did not know the plaintiff LSM, nor his cousin. He also confirmed that he had two girlfriends during the war, Big Sia and Small Sia.

On questioning by the Court, the plaintiff LSM affirmed that he recognized FBK, and added that the latter was the boyfriend of his cousin.

Continuing his answers to the Court, FBK stated that he was neither aware of nor had witnessed any mistreatment or violence inflicted on civilians in Foya by Alieu Kosiah. Nor was he aware of any event or events involving both the defendant and LSM during the first civil war.

On the subject of the criminal complaint filed by LSM against Mr. Kosiah, for having ordered the cruel treatment of seven civilians in Foya in July 1993, FBK stated that he had no recollection of these facts, nor was he aware of them. He subsequently stated that he had been in Foya in 1993 at the time when the civilians were allegedly mistreated.

The Court then asked him if he had ever intervened to prevent the killing of civilians, to which he replied that he had seen "so many cases pass through the S2 office", and that he did not know all the people on whose behalf he had spoken.

Concerning the statements made by some people, according to which, in 1993, FBK intervened with ULIMO soldiers, telling them not to kill civilians who were in the market square in Foya, even if they were rebels; FBK recounted that after the capture of Foya, many NPFL soldiers surrendered and that he spoke on behalf of many of them. These soldiers then integrated with the ULIMOs and lived with them. He explained that he couldn't remember all the names of the people he helped, but that most of the time, they remembered him. He concluded by affirming that he had never been aware of the murder of these civilians in the marketplace, and reiterated that he had never been aware of any ill-treatment inflicted on civilians.

On questioning by the Court concerning the stab wound inflicted on the plaintiff LSM, the witness reiterated that he did not know LSM and explained that some soldiers did indeed have "mixed behavior" but that he stopped them before they committed serious acts, and affirmed that Alieu Kosiah never had "mixed behavior". Regarding the fact that a few weeks after receiving the stab wound, FBK would have confided in LSM the author of this stab wound; FBK explained that there were many of them in Foya, and that a certain Talata Sherif sometimes harassed civilians and that he had to prevent him from harassing civilians, and added that in no case was Mr. Kosiah the cause of any mistreatment, nor of this stab wound. He concluded by stating that he was sure of the fact that he had no recollection of indicating to LSM that the defendant was the perpetrator of this stabbing.

Furthermore, when asked about the civilians who were killed in the market square and then thrown into the well in the square, FBK stated that Alieu Kosiah was not there at the time of the events, and added that he had never heard of the well episode. FBK then clarified that at the time of the events, Mr. Kosiah was in Zorzor or Voinjama, and that he arrived in Foya in 1994 or later. He indicated that he was sure of himself.

The Court then asked FBK whether he thought he was in any danger in answering some of the questions posed above. FBK replied that Alieu Kosiah was not the one who inflicted ill-treatment on civilians and that he only remembered certain ill-treatment inflicted by Talata Sherif. He added that when Talata Sherif attacked civilians, the civilians complained to his office to solve the problem.

Continuing his answers to the Court, FBK affirmed that he never went to the homes of civilians with ULIMO soldiers, two weeks after the stabbing event, in order to look for civilians able to transport goods from Foya to the border. FBK also stated that he had no recollection of going with LSM to the ULIMO headquarters where the goods were kept. The witness was also unaware of any forced transport organized by Mr. Kosiah. He did say, however, that he remembered a ULIMO-organized transport of goods between Foya and the Guinean border. He then reiterated how these transports

worked: when a soldier wanted to organize a transport, he had to agree the conditions of the transport with the "commissioner" before coming to his office and being issued with a "pass".

FBK also recalled a transport of coffee and cocoa between Foya and Solomba. FBK explained that this transport was the result of an arrangement between the civilians and the "commissioner", and that the civilians were paid at the Guinean border to carry out the transport. If the soldiers did not pay the civilians, the latter would go to his office to make sure they were paid. He went on to explain that if civilians had been mistreated during the transport, they could come to his office to have the matter investigated. He concluded by stating that he did not know whether or not the civilians had been mistreated.

When asked why these goods were being transported to Guinea, FBK replied that Foya was a trading region, and that people were buying these goods at the border. He explained that the goods being resold at the Guinean border had been bought in Kolahun. The money used to buy the goods in Kolahun, as far as he was concerned, came from his wife who "did business at the business market". He added that he did not know how the other ULIMO soldiers "lived their lives".

Regarding the Foya power plant, FBK said he had no knowledge of its looting. He went on to say that he did not know whether the ULIMOs or the NPFLs were behind it. He added that he had seen the power house, and that it was not working when he was in Foya. He said he didn't know if the power house worked before the war.

The witness stated that he had never heard of the DN murder in Foya, nor of the latter, adding that this was the first time he had heard the name. When asked whether he had heard of the murder of an individual in Foya in 1993, whose heart had allegedly been eaten, FBK replied that he had indeed heard of the murder of an individual that year. In response to questions from the Court, FBK stated that the murder in question did not take place on Foya's "airstrip". FBK went on to say that he did not know whether his heart had been eaten or not. He then explained that civilians had told him at his office about the murder: the civilians told him that a person had been killed, then his body had been cut up and the pieces had been piled into a wheelbarrow. FBK went on to say that he reacted immediately and consequently sent people across town who arrested the person responsible for the crime. He said he couldn't remember whether Alieu Kosiah was there at the time.

When interrogated in detail about the circumstances of the crime, FBK explained that the person responsible for this action was soldier Mami Wata, and that the people he had killed were enemies who had been captured but were living with the ULIMOs, and that he did not agree with this. What's more, Mami Wata accused the group to which these soldiers belonged of killing his own people, the ULIMOs. In addition, the recent death of her brother also added to the above-mentioned reasons. FBK then added that after the murder, the zone commander, Mr. Dekou, had him arrested before sending him to Voinjama. FBK then recalled that the law required ULIMOs to protect enemy soldiers they had captured. FBK concluded by stating that this was the only murder he knew of during the war.

The witness said he was first contacted by the Court two or three years ago. FBK affirmed that before the Court's appeal, no one had contacted him to offer to come and testify. FBK explained that he had initially replied to the Court that he was not interested in testifying, but that after numerous calls and insistence on their part, and especially after receiving a call from Mohammed Kosiah (the defendant's brother), he agreed to come and testify.

When asked whether he had been threatened or intimidated in connection with his testimony in these proceedings, FBK said that no one had threatened him. He added that he did not even know the content of the case he was testifying for. Furthermore, FBK explained that he had had contact with other ULIMO soldiers before coming to testify, and that they told him to be "very careful", to which FBK replied that he had simply come to testify about what he knew of the war.

Returning to the content of the call with Mohammed Kosiah, FBK explained that the latter had passed on his contact details to the Court, that he had given him no indication as to what he should or should not say before the Court, and that he had only begged him to come.

Subsequently, FBK indicated that he had mentioned someone's name when questioned about the events in Foya in his answers, and feared that this someone would denounce him to this person; this case having worldwide resonance.

Finally, about the plaintiff KK, FBK said he looked like someone he knew, and added that he wasn't sure if he was "the guy they're talking to about Kunti".

The Court's questions to KK

KK stated that he did not know FBK. FBK said he had arrived yesterday evening and did not know if he would be leaving the next morning.

The Federal Prosecutor's Office's questions

The witness indicated that he was of Mandingo ethnicity. He said he knew the defendant's nickname, "Physical Cash", but did not know its meaning. FBK added that at the time of the war, he addressed Alieu Kosiah by his first and last name.

On the subject of the term "Headquarter and Headquarter", FBK indicated that it referred to the headquarters, the place where soldiers gather. About Kaké, FBK said he was a Guinean businessman. He added that he didn't know if this man did business with the ULIMOs, but that he only knew that Kaké bought the coffee that the civilians transported.

Mr Werner's questions

When asked about the name of the "commissioner" he mentioned several times, FBK said he couldn't remember. He added that the commissioner in question had not been appointed by ULIMO.

Mr Werner then asked FBK if he knew Eric Pongey, Kotio (someone who would have been in his office in Foya), Duke and DU, to which FBK replied in the negative.

Concerning the origin of the goods transported during the forced transports, FBK indicated that he did not know where these goods came from.

Furthermore, when asked whether the Borma Mission, the Ndofawor Farmer Cooperation and the oil press had been looted, FBK replied that he did not know.

Continuing his answers to Mr Werner, FBK indicated that Talata Sherif's nickname was Ugly Boy and that the Kissi population had given him a name in Kissi, i.e. Saah Chuey. FBK added that he didn't know what Chuey meant in Kissi. In fact, before asking him why Talata Sherif had this nickname, Mr Werner told FBK that, according to his clients, Chuey meant ax. FBK replied that he didn't know why he had that nickname.

As to whether Mami Wata had put one or more NPFL soldiers in a wheelbarrow, FBK explained that the ULIMO had two captured enemies under their control, and that Mami Wata had killed one of them. With regard to witness AT's statement that the bodies of several civilians were actually in the wheelbarrow, FBK replied that he did not know AT, and did not remember having made the journey with him.

Mr. Werner then questioned FBK about several writings and reports in the press. Firstly, Mr. Werner asked FBK about a report by Doctors Without Borders (DWB), which described ULIMO practices such as forced transport and entire villages reduced to slavery. FBK replied that he knew DWB, and added that as far as he knew, DWB was not in his zone of control in Foya. He went on to explain that he did not understand the content of DWB's report.

Next, Mr Werner quoted to FBK a telegram from the Agence France Presse (AFP) dispatch dated November 12, 1993, in which it is mentioned that the ULIMO have acknowledged having committed atrocities in the Foya region against the Kissi tribe, and in particular the mass murders committed. FBK stated that he did not know the AFP, and did not know what AFP was referring to in its article.

Lastly, Mr. Werner referred to an article in the Monrovia Daily News, dated October 14, 1993, in which a list of Foya citizens who had been killed by the ULIMOs at that time was drawn up by a reverend in Monrovia. FBK indicated that he was familiar with this newspaper, and added that he did not know whether one or more of these people had actually been murdered in Foya by the ULIMO in 1993.

When asked about the Swiss Federal Police report concluding that looting, torture, terror, savagery, cannibalism and sexual violence were committed on a widespread basis by the ULIMO, FBK replied that he did not know whether such acts had been committed. He added that, not being in Foya from 1993 to 1996, he could only speak of what he knew.

Finally, FBK asserted that he had no knowledge of the list of massacres committed by district, nor of the fact that 45 civilians had been killed by the ULIMO in Foya in 1993.

<u>Mr. Jakob's questions</u>
Mr. Jakob first asked FBK if he recalled any names of ULIMO soldiers or commanders stationed in Foya that had not yet been mentioned, and more generally if he recalled any names of soldiers based in Foya at the time. FBK replied that only Dekou was a commander at Foya at the time, and that he could not recall any other names of soldiers.

Mr Jakob then mentioned a few names, asking FBK if he knew these people, to which FBK replied in the negative.

<u>Mr Gianoli's questions</u>
FBK recounted that after the capture of Foya by the ULIMOs, life was "not too bad", the fighting having ceased when they arrived in Foya. Regarding the case of rape, the witness specified that it involved a civilian and not a soldier, and that the latter had been punished.

Mr. Gianoli then asked FBK about the split between ULIMO-J and ULIMO-K and his first meeting with Mr. Kosiah. FBK said he had heard of the split, but could not say when it had taken place. He added that he had met the defendant for the first time before the split.

Continuing his answers to Mr. Gianoli, FBK explained that the soldiers accompanied the goods transports, especially the women, because of the risk of being ambushed and having their goods stolen.

Mr Gianoli then asked FBK several questions about Kaké. FBK said he hadn't seen him in Foya itself and didn't know why. He added that he didn't know what ethnic group he was from, but that he was Guinean and that his name was not a Mandingo name from Liberia.

In response to questions from Mr. Gianoli, FBK said he didn't know what ULC Camp meant.

Continuing to answer Mr. Gianoli's questions, FBK stated that he had never been to Bomi before the ULIMO split, and that after the split, when he was stationed at Foya, he had never been to Tubmanburg. He also stated that he had never been to the Foya market in Combo.

Mr Gianoli then asked FBK what Alieu Kosiah did when he came to Foya, and whether he had a vehicle when he came. FBK explained that the defendant was mostly at headquarters, where Dekou was also, but that he didn't know what his purpose was. He went on to say that he did not come from Voinjama on a motorcycle, but in a pick-up or Jeep, although he did not know whether the vehicle belonged to him or not. He added that he didn't know where the defendant lived when he came to Foya, not knowing "very much" about him.

Mr. Gianoli then asked FBK some personal questions, in particular about his family, his origins and his travels. FBK indicated that he had a brother who died in Nigeria, before the year 2020. He added that he had no connection whatsoever with Togo, and had not been there before January 7, 2020.

On questioning by Mr Gianoli, FBK claimed to know the Foya market, but not to remember a well. He also explained that the pump at the Foya market was located next to the clinic near the market.

FBK then described, as requested by Mr Gianoli, the route taken to get to the river at Solomba, on the Guinean border. FBK explained that, once at the river, the only possible means of transporting the goods was via a wooden canoe, and that it was impossible to transport vehicles across the river.

Mr Gianoli then gave FBK several names, asking him what he could say about each of them. Among those mentioned, FBK said he knew TT, and added that he was one of the oldest men in Foya, and that the NPFL took him with them into the bush to flee when the ULIMOs arrived in Foya. He went on to explain that the ULIMOs searched everywhere in the jungle for him, to no avail; and that TT and his group eventually returned to live in Foya. TT then left for Monrovia and returned to Foya some time later.

Continuing his answers to Mr. Gianoli, FBK explained that if two commanders like Mr. Kosiah and Mr. Kunti had wanted to kill a civilian, he could have opposed such a decision. He added that this often happened, and that he regularly spoke on their behalf to prevent them from being killed.

Regarding the markets in Lofa, FBK reported that there were markets in Kolahun, Voinjama and Massabolahun, and that vehicles transported goods from one market to another. FBK added that the ULIMOs also had vehicles coming from headquarters, which they used, among other things, to transport ammunition.

On the subject of the term "Dingo", FBK explained that this common term in Liberia was used to designate the Mandingos, and that it is sometimes considered an insult.

Finally, on the subject of who he had to report to when he was S2 in Foya, FBK explained that he reported to the S2 commander in Voinjama, with a copy sent to the "area commander".

Mr Werner then intervened to obtain further details concerning the search undertaken by the ULIMOs to find TT in the jungle. FBK in fact confirmed that the ULIMOs had sent kissis into the jungle to find TT, hoping that they would know where he was.

Mr Jakob concluded FBK's hearing by asking him if he remembered the full names and occupations of his two girlfriends in Foya, to which FBK replied that he only knew their first names, and last names, while specifying that they were businesswomen.

Finally, on questioning by the Court, FBK did not wish to add anything to the answers he had given throughout the hearing.

## February 25, 2021 – Day 15: Hearing of a person called to give information on the two witnesses

On this tenth day of February 25, 2021, the Court proceeds with the hearings of Kunti Kamara, a person called to give information, JMK, plaintiff and MK.

Hearing of Kunti Kamara

The Court began by questioning Kunti Kamara via videoconference from the Paris anti-terrorist prosecutor's office. The Court began by asking him about the nature of his relationship with the defendant. Mr. Kamara replied that he knew him very well and that he had formed an armed group to defend the rights of the Mandingos with Alieu Kosiah, as they were both Mandingos and their ethnic group had been attacked. He went on to say that he recognized Alieu Kosiah very well in the courtroom and did not recognize the names of the plaintiffs.

Continuing his answers, Mr. Kamara affirmed that Kunti Kamara was his real name. When asked why some people call him Mohamed Soumawolo, Kunti Kamara replied that it was the first time he had heard the name and wished to know who used it. He added that in his culture, the names Kamara, Soumawolo, Kanté and Kunyaté were considered to be the same family name.

On the subject of his presence in Liberia during the first civil war, between 1989 and 1996, Kunti Kamara indicated that he had not stayed in Liberia for the entire war. He claimed to have participated only in the first civil war with the ULIMOs, and not in "the other war". He went on to explain that during the first war, ULIMO members fled before regrouping to fight the criminal Charles Taylor and that he had fled to Guinea. He also explained that he was in Liberia in 1989 when his town, Kahnple, was attacked and that he lost seven members of his family in the attack. He concluded by saying that he took part in Liberia's first civil war as a member of the ULIMO. In support of his statement, Mr. Kamara said he joined Cape Mount County in 1992 and remained an ULIMO until the ULIMOs were disbanded in 1997.

Regarding his position and rank within ULIMO, Kunti Kamara explained that he was promoted to colonel ("battlefront commander") in 1995, after attacking Charles Taylor at Gbanga. Before becoming a colonel, Mr. Kamara said he had been a "frontline commander", although some people sometimes referred to him as a "battlefront commander". He went on to say that his soldiers called him CO Kunti, meaning commander-in-chief.

When asked what region he was assigned to when he was with the ULIMOs, Mr. Kamara replied that he fought in Lofa County, Bomi, Cape Mount, and mainly on the front line. He said that after his training, he left for Bomi, then went to Lofa in 1992 and captured Lofa in 1993 or 1994.

On the subject of the clothing he wore during the first civil war, Kunti Kamara explained that he wore camouflage and used the "LAR" weapon as well as a pistol he had taken from Charles Taylor's rebels; but that he did not use a knife. He added that the ULIMOs used a wide variety of weapons, such as AKs, but also G3s and LARs. Backing up his statements, Mr. Kamara explained that before Gbanga's capture in 1995, the ULIMOs only had AKs, LARs or RPGs; and that after Gbanga's capture, the ULIMOs took many weapons from Charles Taylor's rebels, because the latter was, according to him, a criminal who held all the assets in Liberia.

He went on to explain that he had taken part in the capture of Zorzor, Voinjama, Kolahun and Foya. Rebels from Sierra Leone based in Foya were attacking the ULIMOs as far as Zorzor, which is why the ULIMOs captured Foya in 1993 during the dry season.

Returning to ULIMO dress, Mr. Kamara said that most ULIMO soldiers wore camouflage, as they had taken many camouflage outfits from RUF soldiers and Charles Taylor's rebels and that some, a minority, wore civilian clothes.

The Court then asked him whether the ULIMO used child soldiers, to which Kunti Kamara replied in the negative, specifying that he had not used any child soldiers. On the subject of the atmosphere in Foya, Mr. Kamara said that Alieu Kosiah had taken the town and was commanding the troops with Dekou. Two weeks after the capture, when Mr. Kosiah left, Pepper & Salt replaced him. Kunti Kamara went on to say that when the defendant left, he didn't take the main road but took a detour to Voinjama, at which point he joined Pepper & Salt. Kunti Kamara added that all the while, the ULIMOs were pushing the rebels back to the border. As for where he was posted, Kunti Kamara explained that once the situation with the Sierra Leone rebels calmed down, he was posted to the bridge between Lofa County and Bong County, towards Gbarnga.

On the subject of Foya's capture, Mr. Kamara said that the ULIMOs captured it in one go, that he was present, and that Commander Dekou, accompanied by Commanders Kosiah and Sky Face Kabbar, took the lead in capturing Foya. Squad commanders such as Blacky were also present. Kunti Kamara then clarified that the defendant was then a lieutenant and that Dekou and Sky Face were captains. He added that Dekou was the chief for the whole district, and that when Foya was captured, the ULIMOs captured 160 NPFL rebels and set them free. He added that when General Fayah (head of Charles Taylor's forces) fled to Sierra Leone, many of the NPFL rebels of the same ethnic group as the general surrendered. Lastly, Kunti Kamara stated that he had never seen any ULIMO soldier commit crimes against civilians, as these soldiers were Muslim and it was not in their character to commit such acts.

On the subject of looting, forced transportation of goods, rape, the practice of "tabé", cannibalism, "Black Monday" or "Black Friday", Mr. Kamara said he had never heard of any. He clarified that he had only heard of rapes committed by NPFLs, also adding that this was a characteristic of Charles Taylor's rebels, as was the practice of "tabé", not ULIMOs and that many women fled Charles Taylor-controlled territories because of the rapes. On the subject of "Black Friday", he asserted that all this had happened in Charles Taylor's time.

Answering the questions of the Court, Kunti Kamara stated that he had met Alieu Kosiah in 1992 between Monrovia and Bomi, in Klay, during his assignment to the Zebra Battalion. He explained that everyone spoke well of him and specified that he and the defendant were not friends. He went on to explain that he had never been under the orders of Mr. Kosiah, but had been under the orders of CO Dekou, and that he had another commander named Iron Red. Alieu Kosiah was also superior to him. Kunti Kamara also stated that at Foya, he was under the orders of Dekou, who was then captain; and that afterwards, when he was assigned to the bridge, he was under the orders of Pepper & Salt. As for Mr. Kosiah, he was under Dekou's orders until he (the defendant) left after the capture of Foya.

Concerning the defendant, Mr. Kunti said that some people called him Physical Cash and that he wore American camouflage because he was a fighter just like him. On the subject of the weapons used by Mr. Kosiah, Kunti Kamara explained that he couldn't remember very well because he wasn't often with him, but that he had never seen him with a knife, and that it was very likely that the defendant had used several different weapons. Regarding the defendant's behavior towards civilians, he explained

that after Foya's capture, many Mandingos from Guinea came to their territory, to Voinjama, and that, most of the time, Alieu Kosiah spent time with the civilians. Kunti Kamara went on to explain that the defendant's relations with civilians were good, that he sometimes went to Guinea to spend time there and that he had never heard that the defendant had organized forced transport of goods by civilians, as the ULIMOs had vehicles to carry out this kind of transport and travel to Guinea, or sexually abused civilians.

When questioned by the judge, Mr. Kunti stated that he did not know the plaintiff LSM. Regarding the criminal complaint filed by LSM against Alieu Kosiah for having ordered that seven civilians, including LSM, be dragged across the ground in a "tabé" in Foya, in July 1993, and also for the murder of six of these seven civilians; Mr. Kamara explained that he knew nothing of the mistreatment and murder of seven civilians in Foya, as he was not present at this event. He then affirmed that he had not been present at the stabbing of the plaintiff LSM.

Regarding the plaintiff's statement that he and Alieu Kosiah (Mr. Kamara) wanted to kill him, but that a soldier named Fanboy had saved him, Kunti Kamara reiterated his lack of awareness of the facts, but said he knew Fanboy. He explained that Fanboy was an S2 commander in charge of communication between soldiers and civilians. He added that he was saying what he remembered, as he had not spent much time in the town of Foya and was based on the border with Sierra Leone.

In response to statements by the same LSM that he was present at the time of the events, he said he had no explanation, adding that these witnesses were of the same ethnic group as General Fayah, namely Kissi, and that they were fabricating facts amongst themselves, also implying that Mandingos did not fabricate evidence or lie. He added that many of them had fought for Charles Taylor, so it should come as no surprise where the false information relayed by the plaintiffs came from.

Mr. Kamara told the Court that he did not know DN and had no explanation for the murder and desecration of DN's corpse in Foya and knew nothing about it. He pointed out that this is the first time he has been accused of participating in the murder of this man and in the meal of eating his heart and reiterated his lack of knowledge of the facts presented to him. He added that he knew Ugly Boy, specifying that he was an ULIMO soldier belonging to the military police but that he had only seen him twice, once in Voinjama and once in Foya, and that he had heard that he was there when he was in Gbanga but that he could not distinguish him among the many ULIMO soldiers present at the time.

Continuing his answers to the Court, Mr. Kamara indicated that he did not know whether Foya had an electricity supply before the first civil war, adding that he was not in Foya before the war and that he did not know Foya. He also said he did not know if there was a power station in Foya and did not provide an explanation for the looting of the Foya power station.

Kunti Kamara explained that he had kept in touch with the defendant after the war and that Alieu Kosiah had come to visit him in Amsterdam before he left for Switzerland. That was the last time he saw the defendant. When asked whether he had agreed to this questioning today in order to help the defendant, he replied that he was a free man and that even if the Court asked him to return the following day, he would do so. He added that he had no health problems, did sports in prison and worked. He pointed out that Alieu Kosiah was not present during Zorzor's capture.

The Court then asked Kunti Kamara whether, to his knowledge, Alieu Kosiah had been "Headquarter and Headquarter". The latter replied that, to his knowledge, Mr. Kosiah had not been Headquarter

and Headquarter, having stayed only two weeks in Foya. He added that, in the event, the person in charge of the Headquarter at that time was Dekou.

When asked about the meaning of "Physical Cash", the witness said that it meant "cash", and that he didn't know why he was called that, just as he said he didn't know why "Pepper & Salt" was called that, specifying that it was only his fighting name.

Regarding Alieu Kosiah's participation in the capture of Zorzor, Mr. Kamara said that he did not take part in the capture, and that he came with Pepper & Salt after the capture, in 1993 or between 1992 and 1993.

The Federal Prosecutor's questions to Kunti Kamara

The Federal Prosecutor's Office then addressed a number of questions to Mr. Kunti. He submitted names, asking him to confirm certain identities. He then indicated that Mami Wata was a "platoon commander", that he was stationed in Foya when the town was captured, but that he couldn't talk about his reputation as he hadn't spent much time with him. He added that he knew of no businessman named "Kaké".

Mr Jakob's questions to Kunti Kamara

Mr. Kamara said he didn't know what the term "benknife" meant, but he did know the term "LAR", and that as far as he knew, it was only possible to attach a knife to an AK, and that he had never seen a knife attached to an AK or a G3.

Mr Gianoli's questions to Kunti Kamara

When asked why Alieu Kosiah had gone back to Voinjama, Mr. Kamara explained that Pepper & Salt, then commander of the entire region, had called the defendant for reinforcements, as Voinjama was under attack by the RUF. Kunti Kamara added that the offensive at Foya was launched because of RUF pressure.

When asked to whom the S2 should report and whether it should go to Tubmanburg to report, Mr. Kamara said he could not answer the question asked, explaining that there were many commanders in Foya and S2 commanders. He went on to explain that S2 was based in Foya and was responsible for everything that had to leave Foya and cross the border, for customs and also for civilians. For his part, Mr. Kamara was "frontline commander".

On questioning by Mr Gianoli, Kunti Kamara again explained that when the Lofa mission began, Mr Kosiah was based in Klay, and that he then arrived with Pepper & Salt, when Zorzor had already been captured. As for the capture of Todi, Mr. Kamara said he couldn't comment, having never fought there.

Continuing his answers to Mr Gianoli, Mr. Kamara declared that he did not know Omaru Musa Kelleh. When asked about the latter's statements that Alieu Kosiah was under his command at the time of Todi's capture, Kunti Kamara replied that Alieu Kosiah was under Dekou's orders, that the two important commanders at the time were Alieu Kosiah and Sky Face Kabbar and that the person in charge of the mission was Dekou.

When asked if he knew the witness AT, Kunti Kamara said he remembered the nickname one of Alieu Kosiah's RTOs had, but could not recall the first name of the witness in question.

Mr. Jakob then asked Kunti Kamara to determine himself as to the statements of one of Alieu Kosiah's bodyguards, according to which he (the bodyguard) met Mr. Kosiah during the capture of Todi and that he then joined the ULIMO and that they went together, with the defendant, to Lofa and that, when they came, all the major towns of Lofa, including Foya, were captured. He then stated that he could only talk about what he knew, namely that Alieu Kosiah was not a cruel person and that, when he arrived in Lofa, Zorzor had already been captured.

He added that he did not know whether Alieu Kosiah's bodyguards were with him at the time of Foya's capture, and that he did not remember whether the defendant's child soldier/bodyguard was there at the time of Foya's capture, although he did indeed remember that the person in question was an RTO of Mr. Kosiah.

Regarding Lamine Kenneh's statements that when he arrived at the Lofa with the defendant, the Lofa had already been completely captured, Mr. Kamara said he did not know Lamine Kenneh and could not say anything on the subject. On the other hand, Kunti Kamara reiterated that Alieu Kosiah arrived only after Zorzor had been captured and that they then went together to capture Voinjama and then Foya. He pointed out that they had left Pepper & Salt with Voinjama and that Voinjama had ordered them to advance on Foya, as the RUF attacks did not cease.

Regarding Fanboy's statements that Alieu Kosiah did not take part in the capture of the Lofa and only arrived in Foya in 1994, Mr. Kamara said that he could not comment on Fanboy's statements, but that he could say that Fanboy was not really a fighter who went to the front line, and that unlike Fanboy, he had been to the front line and could tell what he had seen.

When asked about his knowledge of a certain Abraham Fessu Kromah, nicknamed "Advisor", originally from Kahnple and wounded during the war, Kunti Kamara explained that there were many "Advisors" within the ULIMOs, but that he knew the man in question and specified that at the time of Foya's capture, he was not an active soldier, and that he came when Foya had already been captured. He added that this man was a "good brother" and that they were both born in Kahnple. Kunti Kamara then explained that he could say nothing about AFK's statements that the defendant had not taken part in the capture of Foya and that he had come with him to Lofa when all the towns had already been captured; other than to reiterate the fact that Advisor was not there when Foya was captured.

Continuing his answers to Mr Gianoli, Mr. Kamara explained that the only place he fought with the defendant was in Belefanai, after the fall of Foya. Alieu Kosiah had come as reinforcements when the rebels attacked the ULIMOs in the direction of Gbanga. Kunti Kamara then reiterated that Mr. Kosiah was not present when Zorzor was first captured.

As requested by Mr Gianoli, Kunti Kamara again explained that after the capture of Zorzor, they were joined by Pepper & Salt and his group, which included Alieu Kosiah, that they then went to Voinjama, with the defendant and that the rest of the group remained in Zorzor. He then indicated that he had never been assigned to the defendant and that he could not be his "special bodyguard" since he was a "frontline commander."

Mr Gianoli then presented two names to the witness, asking him if they rang a bell, to which Kunti Kamara replied in the negative.

When asked if there was a well at the Foya market, Mr. Kamara said that the market was along the main road, that market day was Thursday, but that he wasn't sure about the well because he didn't

have time to go to the market. As for the hole and pump at the Foya market where water could be taken, Kunti Kamara said he didn't remember.

Afterwards, the witness said he knew Solomba. He affirmed that there were canoes and ferries to cross the border and added that he could not recall seeing trucks or cars crossing at Solomba. Furthermore, the witness said he did not know whether soldiers could cross the border with their weapons, having only been to Solomba once to go to Guéckédou (without his weapon). He added that people went to Solomba mainly to buy petrol. On the other hand, he explained that he would be able to give more information about the Menikoma border, having been in that area for longer.

As for the term "Dingos", mentioned to refer to "Mandingos", Mr. Kamara explained that this term did indeed refer to his ethnic group, and that "Dingo" is simply a way of calling the "Mandingo" ethnic group and not an insult.

The Federal Prosecutor's questions

Referring back to the witness's earlier statements that, on his return from Foya, Alieu Kosiah did not take the main roads to Voinjama, the Federal Prosecutor's Office asked him which way the defendant went. This is how Mr. Kamara described his route: the accused took a side road through the forest to Kolahun, then on to another town and finally from the latter to Voinjama.

Mr Gianoli's questions

Mr Gianoli then asked the witness if there were any vehicles while he was in Foya. Kunti Kamara replied that he owned a car that he had taken from rebels in Sierra Leone. Mr. Kamara also stated that the defendant owned a motorcycle and a car, although he was unable to describe them. Kunti Kamara explained, however, that most ULIMO soldiers used Land Cruisers or motorcycles, and that there were also many among the rebels.

Concerning the markets in Liberia, the witness indicated that there were some in Kolahun and also in Massabolahun, and that, all their territory being free and Liberians too, cars circulated between these two markets and sometimes even came from Guinea.

The Court's questions

Regarding the commander responsible for Zorzor's capture, Mr. Kamara stated that it was Abu Keita, and that Philip Kamara was the commander responsible for the overall mission for Lofa was Philip Kamara. Steven Dorley was also a commander who was part of the mission to capture Zorzor, although he did not take part in the fighting.

The Court then proceeded to hear the witness JMK

The witness told the Court that he did not know Alieu Kosiah, and had only seen him once, in Bern in 2019. He went on to explain that he had never spoken to him and didn't want to look at his face because he didn't want to have to describe it. Among the plaintiffs, JMK recognized KK and AS aka TS and explained that he was their uncle, which the plaintiffs denied.

The judge then asked the plaintiffs AS and KK to name everyone in their family they knew and did the same with the witness. The two parties' answers largely coincided.

The judge then asked JMK where he had lived during Liberia's first civil war, between 1989 and 1996. JMK stated that he was living in Monrovia on December 24, 1989 when the war broke out, and added that he left Monrovia on July 10, 1990, on foot, to the Pasolahun market. When asked about the

number of houses in Pasolahun at the time, JMK explained that he didn't think to count the houses, being concentrated on fighting for his survival.

On the subject of homonyms in Liberia, JMK said that it was common in Liberia for two people to have a similar first and/or last name.

Regarding the atmosphere in Pasolahun during the first civil war, JMK explained that the soldiers never came to kill them, but mostly came to get something to eat. On the other hand, JMK said the worst thing that happened to them was when the ULIMOs took the generator. Backing up his statements, JMK explained that the ULIMOs sometimes detained the village chief until villagers brought food and rice for them and that they sometimes needed villagers to "carry things". JMK eventually claimed that the men were forced to do so.

In response to questions from the judge, the witness stated that the ULIMOs had captured the village of Pasolahun in 1993 during the rainy season, and that, when they arrived, they wrote "the ULIMOs are here" on the walls. JMK said that the moment they knew the ULIMOs had arrived, they fled to different communities in the surrounding area, and that after a week, the ULIMOs wrote on the walls that they had to return to the village. He went on to explain that he had not taken part in Liberia's first civil war as a soldier and that he prayed to God to remain a civilian until his death. However, JMK explained that he had been "town chief" under the NPFL in 1992, and also "town chief" under the ULIMO from October 2001 until 2002. Backing up his statements, JMK pointed out that people who didn't carry loads had other work to do in the village. He illustrated his point by explaining that when ULIMO soldiers wanted to eat, the town chief would ask him to gather food and have it prepared by the chairlady. He also cited the example of the "young boy chief", whose task was to gather men to carry loads.

The Court then asked JMK about his knowledge of BK and VK, to which he replied in the negative. When subsequently questioned about the number of inhabitants in Pasolahun during the war, the witness stated that at the time of the war, there was no real government capable of taking a census and added that he could not estimate the number of inhabitants in the village, especially as many people came to the village but did not stay there permanently.

When confronted with his statements to the Federal Prosecutor’s Office, according to which he had been town chief from 1992 to 2002, JMK explained that a year before the arrival of the ULIMOs, he had already been responsible for preparing food for the soldiers who came to Pasolahun, and that this task had been entrusted to him by the general town chief.

When asked about his statements in 2019 that "during the war, we didn't always know the people who came to live in the village or in the surrounding farms in the jungle", the witness said he did not confirm this statement. He explained that he had been asked if he knew any soldiers, to which he reportedly replied that he only knew one commander, Chief Sherif.

On the subject of child soldiers, JMK said he didn't know if the ULIMOs used any. He explained that they were not near the main road, that they lived in an isolated area, and that when he saw a soldier with a weapon, he called him "chief". The witness concluded by asserting that he had never seen any child soldiers among the soldiers he had come across.

With regard to the mistreatment of civilians and cases of rape, the witness explained that he had never seen any, while pointing out that he often went away, notably to Guinea, to do his business.

Finally, with regard to the looting committed during the first civil war, the witness explained that apart from the "machine" they came to take, they never looted in the village, adding that if any looting had been committed, he had not seen it.

When asked about forced transport by civilians during the first civil war, JMK said that civilians did indeed carry loads for the soldiers and added that sometimes soldiers from other communities came to their homes and were then responsible for transporting these goods to the next community.

Continuing his answers to the Court, the witness explained that he had never seen a civilian refuse to carry a load because they were forced to do so and that, since the soldiers had a weapon, they didn't want to die. He added that civilians were not paid for these transports, that civilians had already told him that they had not received any food and that the transports, particularly those of ammunition, were sometimes carried out over long distances. As he had never been on a transport himself, JMK said he had never seen a civilian subjected to violence during such transports.

The Court then reminded JMK that in 2019, during his hearing, when asked what happened when, during a goods transport, civilians couldn't keep up with the pace, he said "when they told them to walk fast, they walked fast". Thus, the Court asked the witness what factual basis he had for asserting this, if he had never been on a transport, as he had indicated in the previous question. JMK then reiterated that he had never laid charges, from the beginning to the end of the war and that he had obtained this information from civilians who recounted the course of the transport in which they had taken part.

He went on to say that he was not familiar with the practice of "tabé", being far from the main road.

He said he had never heard of any cases of cannibalism, and did not know what "Black Monday" was. Later, confronted with his statements made during his interrogation in 2019 that the ULIMOs had not killed anyone, JMK asked how he could say they had never killed anyone since he had never been to the front line. Again confronted with his statements made during his interrogation in 2019, according to which from the moment the ULIMOs arrived no gun was pointed at a civilian in the village, JMK reiterated the fact that when he was in the village he never saw a gun pointed at a civilian or a civilian being shot at.

The witness said he knew nothing about the defendant, having met him for the first time in Switzerland and therefore never having been in contact with him during the first civil war.

JMK, asked about the names of the ULIMO soldiers who came to Pasolahun, said that many soldiers passed by and that they all called them Chief. On questioning by the Court, the witness said he knew a commander by the name of "Sherif".

JMK then confirmed that there was a generator in Pasolahun and that MuK had reported to him that it had been looted by Chief Lusine, and that civilians had then transported it. On questioning by the Court, the witness said that, on his way back from the farm, he had seen a group of people carrying parts of the machine on their heads, supervised by ULIMO soldiers and that he had therefore gone into hiding. The witness said he could not remember, even approximately, when the generator was looted, and added that at the time, the road had been overgrown and no cars could pass, which explains why civilians were requisitioned to carry these loads. When asked if Alieu Kosiah was present during the transport, JMK replied that he was too far away to remember anyone. He then named some

of the civilians who took part in the transport, and explained that the civilians were led by Mr. F., the civilian who was in charge of the transport. As for the number of civilians who took part in the transport, the witness indicated that it was a large machine that could only carry two or three people.

As to why MuK was able to escape the transport, JMK explained that he was one of the village "leaders" at the time, and that if there were enough civilians to carry the loads, he didn't have to take part in the transport. He added that MuK was much older than he was. When asked whether it was possible for there to be more than one MuK, the witness replied in the negative, adding that the MuK he was talking about was the only one he knew. Giving more information about MuK, JMK indicated that he was the nephew of one of the plaintiffs; he then quoted his brothers and sisters and affirmed that he was still alive.

JMK then explained that he had not been made aware of anyone dying during the transports, and that, generally speaking, people who leave for the duration of a transport always come back.

The witness then confirmed that civilians had transported ammunition from Gondolahun to Fassama between the end of 1993 and the end of 1995. He gave the names of several civilians who had taken part in this transport, including MoK who, on returning from the transport, complained about the weight of the load and indicated that he no longer wished to take part in transports. JMK personally did not attend the transport, as the point of departure, Gondolahun (where the soldiers' base is located), is a long way from Pasolahun. He was also able to escape because the required number of civilians had been supplied to the soldiers, so they didn't need him for the transport. The witness added that in total, from what he saw, only four civilians left Pasolahun for this transport.

Backing up his statements, JMK said he did not know how many people were requisitioned for the transport from Gondolahun to Fassama, and added that soldiers whose leader he did not know had ordered the transport. The witness also stated that JMK was not feeling well when the ULIMO soldiers arrived, which is why he had asked to be assigned other tasks than transporting them, but claimed that he was not injured during the transport.

Regarding the participation of the plaintiffs AS and KK in one or two of these transports, JMK said he had not seen them.

The Court then asked for more information about MoK. JMK indicated that MoK was the uncle of one of the plaintiffs and gave his date of birth. He added that he knew only one MoK.

The witness stated that he had not been threatened or intimidated in connection with his participation in the proceedings, and that he was not afraid to speak before the Court. He added that he had hoped to make it clear that he had not been behind the transport of ammunition. When asked by the Court who he had been in contact with before coming, the witness replied that he had only been contacted by the village chief, who had told him that a businesswoman had passed through the village and that he should go to Monrovia. He explained that he had gone even though he didn't know the woman in question, because he thought it would be a good idea to follow the advice of his village chief.

When asked if anyone had promised him anything in exchange for his testimony, JMK explained that he had asked the villagers to pay for his transport, but that no one had paid him anything except his wife.

When asked whether he had been in contact with VD, Mohamed Kosiah or Morisara Doumbia before coming to Switzerland, JMK replied in the negative. On questioning, JMK indicated that no one had told him what to say or not to say during his hearing.

When asked if he had made a claim for compensation, the witness replied in the affirmative, but that he had not asked for a specific amount. He then denied having sent an email asking for 10,000 USD in compensation.

The Federal Prosecutor's Office's questions

JMK stated that there were two different people named after the same name of the plaintiff KK. He explained that he had told the Federal Prosecutor's Office that he did not know either of them, because if he was asked if he knew KK and answered in the affirmative, and the person he saw was not the person he knew, then he would be called a liar.

He went on to say that he did not know any dates other than 10 July 1990, the date on which he left Monrovia, and 10 July 1993, the date on which the ULIMOs arrived in Pasolahun, since that date was written on the walls.

Mr. Wavre's questions

Mr. Wavre questioned the witness about his knowledge of different names and the organization of the village. JMK said that he knew DU and had met him in 2014 because they were both being treated in the same place. He also stated that he had not known DU during the war.

Continuing his answers to Mr. Jakob, JMK stated that his older brother was the general town chief during the war, and that he replaced him when he was away on business, in particular when he went to sell goods to support his family.

When asked whether it was because of his position as leader that he had never had to carry a load, JMK explained that the "young boys" (the men in charge of transport) in the village were quite numerous, and that he was not one of what they called the "liberals". Asked why he had to hide when the soldiers came looking for the machine, JMK explained that war was a bad thing, that you had to be careful when something unexpected happened, and that on that day he had preferred to remain cautious.

Mr. Wavre then asked the witness about the members of his family, and also asked him to give their names. The Court also asked him to explain why, in 2019, he had said that he could only mention two or three names from the K family, if he was now able to mention the entire genealogy of the family. The witness then explained that he had already named two thirds of the family before saying that he did not know any other names, and added that there were sometimes communication problems because he did not fully understand the questions asked or because the Court did not fully understand him.

Mr. Jakob's questions

Mr. Jakob questioned the witness about his brothers and sisters, asking whether they were married or not.

Mr. Gianoli's questions

After briefly questioning JMK about his nephew's father, Mr. Gianoli asked the witness to confirm what he had said this afternoon, namely that when the ULIMOs first arrived in Pasolahun, they put up

their flag. The witness confirmed this statement, saying that the flag was white and that they had written the date "1993" on the walls.

Mr. Gianoli then asked JMK if there was a school in Pasolahun, to which JMK replied in the negative.

When asked about his brother's position, JMK said that he was the district's supreme chief.

Continuing his answers to Mr. Gianoli, JMK explained that "Fatoma", "Maifoba" and "Piamalomeh" were male names and that "Fatuma" was a female name. He also indicated that he did not know to which ethnic group the name Fayah could be attached.

Mr. Gianoli concluded his questions by asking him whether, in his opinion, many civilians did business in Lofa as he did, to which JMK replied in the affirmative.

Lastly, Mr. Jakob very briefly questioned the witness about his brothers and sisters.

On questioning by the Court, the witness indicated that he wanted to be compensated for his stay in Switzerland. The Court indicated that he would be paid on the return plane, without the request for USD 10,000 being examined.

The Court then proceeded to hear MoK, the defense witness

The witness told the Court that he did not know Alieu Kosiah, but recognized KK, AS and JMK. He explained that AS was his sister's son, KK was his brother-in-law and JMK was his brother, both living together. KK explained that the witness was not his brother-in-law. AS said he did not know the witness, MoK.

When interrogated about the facts of the case, the witness said he had lived in Pasolahun during the war and had not participated in it as a soldier. He also said that he was the only person in Pasolahun who went by that name. MuK added that the town chief was Varney Kamara.

When asked about the number of people bearing his name in Pasolahun, MoK claimed to be the only one with this name, and added that he could be sure because he knows everyone in the area. He also said that there were 200 or more houses in Pasolahun, and that he didn't know how many people there were per house.

The Court then interrogated the witness at length about the composition of his family.

Concerning the practices of mistreatment of civilians and looting, the witness said he had not heard of any. He said that there was no forced transport of goods, as civilians could refuse to carry loads, but nevertheless affirmed that soldiers sometimes arrived in the village with loads to carry to the next village. He added that civilians were not paid for transporting goods, and that civilians were never beaten or mistreated during transport. The witness said he did not know what the practice of "tabé" was. As for cannibalism, MoK replied that he had heard of it, but that it was practiced by the NPFL and not the ULIMO. He said he had not heard of "Black Monday", nor had he seen Alieu Kosiah during the war.

On the subject of the forced transport of munitions from Gondolahun to the Lofa River, the witness stated that he had taken part in it in 1994. The witness also stated that at least four civilians came from the village of Pasolahun, without being able to give their identity, and that a total of 200 people

took part in the transport. The final destination was Sassau (phon.), a village not far from the Lofa River. MoK stopped in Paphun, but did not go on to Sassau. In support of his statement, MoK indicated that the final destination was a nine-hour walk from Gondolahun. He went on to explain that Chief Moris was driving the transport and that no civilians were injured or killed during the journey. In addition, MoK stated that many soldiers were present, that none of the people in the room took part in the transport with him, and that, since that day, he has never again transported ammunition in this context. The witness also stated that Mr. Kosiah was not part of the transport.

Regarding the statement by another plaintiff from Pasolahun that a man with the same first name as the witness had been killed during this transport, MoK again said that many people had the same first name as him, but that he was the only one of all those with the same first name to have that surname.

On the subject of the generator in Pasolahun, the witness said that it didn't work, that it never produced electricity for even a day and that one day two soldiers from Kolahun took it. However, MoK was unable to say where these two soldiers had gone. What's more, he said he had also taken part in the transport: he was crossing the village to go and see his sister when the soldiers ordered him to transport the generator with other people from the village. He explained that many people had been requisitioned for this transport, and that they took turns carrying the part, which they had placed on pieces of wood. Elaborating on this, MoK said there were a total of four civilians who carried the part in question, that other villagers took charge of transporting the main engine and that he was sure neither MuK nor anyone else in the room had taken part in the transport.

The witness stated that he had not been threatened or intimidated in connection with his participation in the proceedings and added that he was not afraid to testify before the Court. When asked whether anyone had asked him to come to Switzerland to testify, MoK replied that his brother had told him that his name was on the Internet and that they had to go to Switzerland to testify in the case. He added that he had received a phone call from Switzerland last year and that he already had his passport with him at the time.

Continuing his answers to the Court, MoK stated that he had not been contacted by VD, nor by Mohamed Kosiah, nor by Morisara Doumbia. He also stated that no one had promised him anything in exchange for testifying in these proceedings, and that no one had told him what he should or shouldn't say in Court.

The Court then explained to the witness that he had received an e-mail whose sender seemed to have the same name as him and asked him if he was then the sender of the e-mail in question. MoK replied in the affirmative. In fact, the court asked him to confirm whether it was indeed he who had made the request for witness JMK, which the witness denied. When asked about the contents of the e-mail, MoK explained that when he left, he had a lot of things to do, so he "left everything in the lurch".

When asked how he knew that MuK and JMK had to come too, since he asked for their compensation in his e-mail, MoK explained that they lived in the same village and that he had seen them in Monrovia, and specified that they did not come together.

The Court then asked him why he had claimed compensation for MuK and JMK if he had never spoken with them during the trip, to which MoK replied that in his e-mail he was only talking about himself and not about them.

Responding to questions from the Court, MoK explained that he remembered asking for USD 9,000 in compensation, but that he wasn't sure because he was illiterate. MoK finally admitted that it was his younger brother and not him who had written the e-mail. As for the sum requested, the Court explained to MoK that it was unreasonable, and that the plaintiffs and the defendant also found it exorbitant. MoK then replied that the Court could give him what he considered to be a fair sum. The Court finally told the witness that the fee was the same for everyone who had come to testify and that he would receive the money in cash on the day of his departure when he boarded the plane.

The Court then asked MoK a few questions about his brother.

Addressing the witness JMK, the Court asked him to confirm his statement that MoK was older than him. JMK then explained that the opposite was true, and that he was much older than JMK. JMK also confirmed that MoK, who was standing in front of him, was the person he was referring to in his statements.

Addressing MoK, Mr Wavre asked if he knew what the defendant was accused of, to which MoK replied in the negative.

Continuing his answers to Mr Wavre, MoK explained that his hearing had been requested to verify the veracity of Mr Wavre's statements that he had been killed and then thrown into the Lofa River.

MoK also said he didn't know anyone nicknamed DU, or Duke.

Returning to the generator looted in Pasolahun, MoK said that it was a large yellow machine and that several people were needed to carry it. Going into more detail about his journey, MoK explained that he left on his own with three other people, and that they first set off for Kpotohewa (phon.) which is a two-hour walk away, and then walked for three hours to Hanga. Other men had taken the main engine but did not leave with them. MoK added that after carrying the part, on the way back they would hide on the road as soon as they heard someone, so as not to have to carry any more parts.

On the subject of the statements made by a certain MTK from Willihaun, and his claims that a certain man with the same surname/first name as him had died of illness during the war, MoK stated that he had never heard of this.

Mr. Werner finally questioned the witness on the request for compensation made to the Court for his brother MuK and the witness JMK, respectively 11'500 and 10'000 USD, the latter considering it a reasonable request. The witness indicated that he only knew about his own affairs, and that he had not consulted with his younger brother about compensation for MuK and JMK, and reiterated that if the Court thought he was making a reasonable request that was "fine", and that, if need be, it was not a problem to have a lower sum either.

On questioning by Mr Werner, MoK stated that he had indeed built two houses in Pasolahun.

When interrogated by Mr Jakob, MoK stated that in his exchanges with the Court, apart from three calls he had received from the Court, it was always his younger brother who exchanged e-mails with the Court.

When interrogated by Mr Gianoli about the origin of Pasolahun's generator, MoK indicated that it was Mr. Kemba who had brought the machine, and that it was located next to the soccer field.

Mr Wavre finally asked JMK if it was also MoK's little brother who had organized his trip, to which he replied that the little brother had told him that the Court could compensate him, but without discussing any particular amount.

The following morning, Mr Werner concluded the witness's hearing by asking him some brief questions about his little brother.

## February 26, 2021 – Day 16: Hearing of 3 Witnesses

On this eleventh day of February 26, 2021, the Court will hear witnesses MuK, AK, and FK

Hearing of MuK

The Court began by bringing MuK into the room. On questioning by the Court, the witness indicated that he did not know Alieu Kosiah. Because of his vision problems, the witness first recognised his brother MoK as being AS, and then recognised FK, his nephew, as being KK. He added that he and his brother both live in Pasolahun, in two separate houses, and that he had left his brother in Monrovia when he came to Switzerland to testify. The witness also said that he was around 60 years old and that he could see well up close but not at a distance. When the judge asked him to come closer, MuK corrected himself: he said that AS was FJ, and added that he did not know KK, but had seen him on the plane.

The Court then asked the plaintiff AS if he knew the witness. The plaintiff then stated that he knew the witness as MK (the surname was wrong) and later as MN. He added that he had changed his name again after the ULIMO war and had been called MuK, i.e. by the first name and surname by which the Court knew him. Lastly, he stated that he did not know FK or FJ.

The plaintiff, KK, corroborated AS's statements. He added that the witness was related to MuK and JMK. KK explained that JMK refused to see MuK as part of his family, and that it was for this reason that he changed his surname. The two plaintiffs confirmed that MuK and MoK were brothers. They then indicated that the witness had not taken part in forced transport, and both ended by indicating the sector in which MuK works.

The Court asked MuK to approach JMK, and the witness indicated that it was JMK, his nephew. On questioning by the Court, MuK recognised MoK as his brother.

When interrogated by the Court, JMK confirmed that he was MuK's nephew and stated that he had been called MuK since birth and that this was the name his parents had given him at birth. He also stated that he had not asked MuK to come and testify here and did not know who had suggested it.

The witness was then asked about the first and last names of various members of his family. When asked who had asked him to come and testify, MuK replied that he did not know. On the subject of his claim for compensation, MuK said that his brother and another man with the same surname as him had made the claim on his behalf. The Court asked the witness whether he was aware of the charges brought against the defendant Alieu Kosiah, to which the witness replied in the negative.

MuK explained to the President that he lived in Pasolahun during the civil war, and that he did not take part in the civil war. He then stated that he was the only MuK living in Pasolahun, and that there was also only one MoK, his brother. Continuing his answers to the Court, MuK stated that he did not know how many houses there were in Pasolahun during the war. He then confirmed that Pasolahun had a generator and that it had been looted during the war by the ULIMOs, more precisely by three men, and that the people of the village had been forced to carry it.

MuK also said that he had taken part in a forced transport of ammunition in 1993 from Gondolahun to Baloma, ordered by ULIMO soldiers. In support of his statements, MuK explained that after the ammunition was placed in Baloma he escaped and hid in the bush, and that his brother did not take

part in the transport. He added that he had also taken part in transporting the generator from Pasolahun.

Detailing the circumstances surrounding the transport of the generator, MuK explained that when the three men came to take the machine back to the ULIMOs, they tried to start the machine but it wouldn't work. One of them then told them "now you are going to work in my plantations and if you work in my plantations, I will make the machine work and bring electricity to the village". He said that no one had been injured or killed during the transport, and that his brother had also taken part. He added that he was not afraid to talk about this today. MuK also said that no one in the room had taken part in the transport of the ammunition or the generator.

MuK went on to say that he had not been promised anything in exchange for coming to Switzerland. He explained that he was poor himself and had only asked for help to look after his five children.

He also said that he had not asked for any compensation and that he thought that after coming to testify some people might help him, but that no one had made him any promises. He also stated that no one had told him to say or not to say anything before testifying.

Finally, MuK said he did not know VD, Mohamed Kosiah or Morisara Doumbia.

Questions from the Parties to the Witness

The Office of the Federal Prosecutor did not have any questions for the witness.

Mr Gianoli asked for details of the forced transport from Pasolahun. MuK stated that he did not know the names of the soldiers who had taken part in the forced transport, nor the names of the leaders. Then, when asked why he had only transported one load of goods, MuK explained that soldiers sometimes came with food that had to be transported to the next village, and that the villagers had to transport food because that was how things worked in the war.

On questioning, MuK explained that he was one of the village elders and that he had been farming during the war. Regarding the statements of a witness that the villagers of Pasolahun had been "beaten up" by the ULIMOs on a farm, MuK said that he had stayed in Pasolahun from the beginning until the end of the war and that he had not seen anything like that.

Finally, the Court asked the witness how long it took to travel from Monrovia to Pasolahun. He replied that it took three days by car to make the journey, which the plaintiffs later denied, explaining that it took a maximum of two days during the rainy season.

Hearing of AK

At his hearing, AK stated that he had first seen the defendant on the bridge over the River Kehair at Kolahun in 1993, during the dry season, and that he had last seen him a few months later, from Gondolahun to Konehun. He added that he had not seen him again between these two events. He said that he could easily recognise him today, despite the fact that he had put on weight. With regard to the plaintiffs present in the room, the witness recognised AS and believed that he had already seen KK. He stated that he first met AS in Pasolahun in the village and later in 2007 in Monrovia when he was in grade 12. AK then stated that he did not know the other plaintiffs.

He stated that he lived in Boawohun between 1989 and 1996. He explained that he went to Pasolahun during the war and stayed there for between three and four months. He added that it took a day's

walk to reach Pasolahun from Boawohun, and also said that he did not know how many houses there were in Pasolahun, nor did he know whether there was a "town chief". AK also said that it was very common for several people to have the same first and last name in the same village in Liberia.

In response to a question from the judge, AK stated that he had not participated in the war as a combatant, nor as a sympathizer of any of the factions involved. Asked which armed factions occupied Pasolahun during the first civil war, AK said that first there were the NPFL, led by Charles Taylor, and then the ULIMO, led by Alhaji Kromah. Continuing his answers, the witness stated that he did not know when the ULIMO arrived in Pasolahun. As for the dress of the ULIMO soldiers during the first civil war, the witness said that they sometimes wore red under their military clothes and sometimes civilian clothes. He also said that there was no standard uniform, so there was no way of identifying the faction. AK went on to explain that the NPFL were the first to enter Liberia in 1989-1990, before they were pushed out of Lofa by the ULIMOs. The NPFL were pushed back as far as Monrovia, Foya and Gbanga.

As for the weapons used by the ULIMOs, AK said that he had been able to identify G3s, AK47s and M16s, although he was not familiar with the weapons. He added that this was not a professional war, and that the NPFL also had G3s, even though this was a weapon mainly used by the ULIMOs.

The witness then stated that there were child soldiers among the ULIMO. He said that children were recruited as soon as they could walk long distances, and that the youngest were around ten years old. He added that ULIMOs generally behaved "not well at all", and said he had seen ULIMO soldiers commit crimes against civilians during the first civil war.

With regard to looting, the witness explained that he had witnessed a great deal of looting, and added that ULIMO soldiers took everything, in particular anything containing metal such as generators or sewing machines, but also clothing and food. According to the witness, the soldiers did this in order to resell the items in Guinea.

With regard to forced transport, he said that this was a very common practice and that it was impossible for civilians to refuse to take part, at the risk of dying. He added that the civilians were not paid for it, and that they received neither food nor water. Backing up his words, AK explained that there was no other way to transport goods than to carry them on their heads and walk because the roads had been badly damaged since the start of the war with Charles Taylor. In addition, the bridges had been destroyed, so the goods had to be transported across the rivers. AK added that there were sometimes two trunks over the river to allow vehicles to pass, but that they had only left one trunk for people to pass over, to prevent vehicles from entering the villages too frequently.

AK stated that it was common for civilians to suffer violence during transport, and that many civilians were killed during these transports. In particular, AK said that soldiers sometimes hit civilians for no reason; that for them, there was no God; that what they said and their own will were the only things that mattered, and that there was no government controlling them. So, according to AK, the soldiers didn't necessarily listen to the orders of the commanders and that, as soon as a soldier wanted something, they took it, oppressed the civilians, without the latter being able to do anything about it. He added that he had often heard of rapes committed by the ULIMOs. He then described the practice of "tabé" to the Court as follows: "It consisted of tying someone up with their hands joined at the front on one side and their elbows touching at the back on the other. The Court then asked AK whether this practice was used to immobilize someone or to make them suffer. The witness replied that the practice was used for several reasons, and gave the example of a teacher who had been killed by his

pupil, who had become a soldier, simply because he had failed one of the teacher's exams. AK concluded by saying that many things happened in this way, with soldiers taking themselves for gods.

When asked about cannibalism, the witness replied that the soldiers ate the liver and other organs of the human body to prove that they were strong and to show off their cruelty.

On the subject of "Black Monday", the witness said that he had heard that it was a question of destroying people's lives, and that many people had died in Voinjama, but that he could not testify to this himself, as he had not been there.

The witness explained that he had heard that the defendant was H&H, without knowing what that meant, and that he also called himself "Chief", and that it was possible that he was called Commandant.

With regard to the defendant, AK said that he did not know where he had been between 1993 and 1995, but did say that he had been in the H. clan and that he had traveled on the main roads to Foya or Massabolahun. On questioning, AK added that he had recognised the defendant by his eyes, his skin, which he described as black, and his height.

On the subject of the Pasolahun generator, the witness explained to the Court that it was located on the edge of the village on land that was not private. He added that he did not know whether it was a generator, that he would describe it rather as a machine, without knowing what it was used for, or whether or not it was in operation before the war. He then confirmed his statement to the Federal Prosecutor's Office about the looting of the generator, explaining that Sky Face Kabbar had said at the time that it was an order from Alieu Kosiah, and not from other commanders. He pointed out that there were many mechanics among the Mandingo, and that he did not know whether it was certain ULIMO soldiers or simple mechanics who had dismantled the generator. He added that he could not give any further details, as he had always seen the machine dismantled.

Continuing his account, AK explained that once the machine had been dismantled, the ULIMO soldiers got the civilians together to organize its transport. On questioning, the witness confirmed that all the parts of the generator as well as some looted goods and food had been transported. He stated that he had taken part in the transport of the generator from Pasolahun to Kolahun, which had been organized by Elephant Tail, one of the most senior officers. He said that AS, KK, MuK and MoK had also taken part and that the defendant had nothing to do with the transport. He said that he remembered these names because something happened to them and their names were spoken during the transport. Giving more details about the transport, AK said that the civilians were requisitioned by the ULIMO soldiers at around five in the morning, when they were still asleep, so that the people had not already left for their respective farms. He added that he could not remember whether women had also transported parts of the generator, but that young people under the age of 18 had been present, and that it had been impossible for him to refuse to take part in the transport.

Continuing his answers, the witness said that he had seen Alieu Kosiah when the transport arrived in Kolahun, and added that the soldiers named Lahlaji, Sky Face Kabbar and Elephant Tail had flanked the transport. Alieu Kosiah gave orders to the soldiers, using an authoritarian tone, and appeared to be the most important person in the group at the time. He was wearing military clothing. The witness then said that throughout the transport, the soldiers said that Alieu Kosiah wanted this or that, and that none of the soldiers spoke to the civilians with respect.

For his part, the witness said that he had been carrying a heavy piece of metal, although he could not estimate its weight. He said it was difficult, but that he had no choice but to do it. As to why these objects and goods had to be transported to Kolahun, AK said that Kolahun was the district capital.

Describing the transport, the witness said that there could be as many as five, six or seven people carrying a single piece, and that other things were also transported as the soldiers looted everything they liked. Continuing his testimony, AK explained that the heaviest pieces were carried on the head, and that they were hung together by crossed wooden structures.

He also explained that he had walked for nine hours or more to reach Kolahun, on a road that was not passable. He added that he had not taken any breaks along the way, nor had he been given anything to eat or drink during the journey. Regarding the position of civilians and leaders during the transport, the witness said that anyone could be anywhere in the convoy, including civilians. As for the behavior of the soldiers, AK said that they were arrogant and brutal. The commanders generally carried pistols, and the soldiers carried the heaviest weapons. According to the witness, Alieu Kosiah was armed with a pistol.

He said that almost all the civilians had been threatened during the transport. In particular, AK explained that when someone was hanging around at the back of the group, the soldiers would say "move your ass forward", and make sure that the civilians remained focused on the march and had no opportunity to escape. The witness did not personally experience any physical violence, but said he had been insulted. On the other hand, he said that the civilians had been kicked in the back, slapped and threatened during the transport, and that he had not seen the defendant prevent this. He then explained that three civilians had been killed by a leader of the group, namely a civilian named K, another named B, and finally a civilian named MoK, in particular because they were tired. He then indicated that it was probably Sénégali or Elephant Tail or Skyface Kabbar who had killed them, according to what the civilians on the spot were saying. He added that the group's leaders could decide to punish or whip the civilians without mercy.

With regard to the bodies of K and B, the witness was unable to say what had become of them, but did say that they had been abducted.

On the subject of MuK's death, he claimed to have seen his body. He then explained that he didn't know him before the events, being a stranger to the village. The witness stated that he had seen the defendant shoot MuK with his pistol near the bridge, some twelve meters away, and that MuK had immediately fallen to the ground. He went on to say that MuK had been shot in the chest, that there was blood everywhere, and that he didn't know what had been done with his body. He added that there may have been several MuKs in Pasolahun during the war. He said it all started when he complained of being tired, and that he was carrying a load heavier than his own.

Continuing his answers to the Court, AK said that each of the civilians had feared for their lives during the transport and that, if they tried to flee, they risked being shot with their rifles, and added that to flee, you had to plan your escape in advance and that the best thing was to cooperate.

Concerning MoK's death, the witness explained that MoK had died after MuK, and that he had been killed by a shot fired by the defendant for dropping the ammunition crate, on the Lofa River, in Konehun, once they had arrived at their destination. Just as everyone was dropping their loads gently to the ground, MoK dropped the crate, triggering Alieu Kosiah's anger. According to the witness, the accused and the victim were about ten meters apart. AK explained that the goods they were carrying

meant a great deal to them, and that the lives of civilians mattered little in comparison. He went on to explain that MoK had not died on the generator transport, as he had not participated in it, but on another transport. AK also said that the soldiers, not Alieu Kosiah, directly after the incident, told the civilians to move on and whistled. The witness added that everyone had to move forward so as not to be targeted, otherwise the body on the ground would be theirs.

Returning to the transportation of the generator, the parts were deposited in Kolahun. Vehicles were parked there to take the parts to Guinea. After dropping off the parts, AK explained that the civilians were free to return, and that Mr. Kosiah did not return with them. He added that he had returned to Pasolahun during the night.

The witness went on to say that he had not been paid for taking part in the transport, and that he had not sought out any other civilians who had taken part in the transport and were still alive to testify. Asked about the bodies of B and K, AK said he had not seen them on the way back.

About the forced transport of ammunition to Fassama, the witness said he saw Alieu Kosiah ordering and directing the transport. AK added that civilians had been threatened and that Kosiah had taken part in the transport. In particular, the soldiers were looking for sturdy young men. AK was in Pasolahun at the time, and was taken with the other requisitioned youths very early in the morning to Gondolahun. From there, they set off with the ammunition in the direction of Konehun. He explained that the convoy took place in a line because the path was very narrow, and that it was the path that organized the convoy, not the soldiers.

The Court then asked AK if he knew of any other civilians who had taken part in the transport. He said he remembered the plaintiff AS's face, but could not remember his first or last name. On questioning by the Court, the witness indicated that Alieu Kosiah was in charge of the transport, but that he was not wearing anything.

Among the civilians taking part in the transport, AK indicated that there were teenagers, and that it would have been impossible for him to refuse to carry out the transport. Among the many soldiers present, AK indicated that there were also child soldiers, but that he could not mention any names. When asked what kind of orders the defendant gave, AK gave the following example: "Take the ammunition and let's go".

As for the transport, AK said that a friend was with him and that they took turns carrying the load. He added that he stopped in Konehun and did not go as far as Fassama, the final destination of the transport. During the transport, AK declared that there were no breaks and that the soldiers gave them neither food nor water during the journey. Alieu Kosiah was not static, moving both at the front and rear of the convoy, and carrying a pistol.

Continuing his answers to the Court, the witness stated that the rebels were never friendly with civilians and that the soldiers were armed. He claimed to have been threatened during transport to make him move faster, but he was never beaten. He added that when soldiers were violent, it meant that their leader was too, and that Alieu Kosiah never intervened to prevent soldiers from threatening or beating civilians.

The judge then called in MoK and MuK, defense witnesses. He then asked AK if he recognized these two people. The witness said that MoK's face looked familiar, and that he had seen MuK on the plane, although he didn't know their first names. The Court then asked him if he was sure that the MoK and

MuK he had mentioned were dead, and if the two people present could not possibly be the victims in question. AK replied that it was possible, and that he didn't want to lie to the court.

Regarding the statements made by witnesses MoK and MuK to the effect that during the war there had never been anyone with the same name as them, AK declared that in his village four people had the same first name as him, and that he could therefore neither confirm nor affirm the witnesses' statements.

AK finally indicated that he was sure that the MoK and MuK he had mentioned were dead, as he had seen their bodies fall, and that he thus deduced that the two MoK and MuK present in these proceedings were not the ones he had seen shot during the transports in question.

When interrogated, MoK and MuK claimed not to know AK.

The witness said that he was still afraid of Alieu Kosiah, especially for his safety and that of his family in Liberia, and that he had had to lie to people about why he had come to Switzerland. He explained that "even if you come to Switzerland for your own business, everyone will think that you come here to testify in this case", as everyone is focused on this case. The witness indicated that what motivated him to come to Switzerland to testify was justice, and that he hated it when someone could take advantage of people and take the lives of innocent people, including children.

He added that he had not received any money for his participation in these proceedings, nor had he received a grant, as one of his friends had told him.

He said he had not been threatened or intimidated in Liberia because of his involvement in the proceedings, as no one knows he came here. He added that there are still "supporters" of Alieu Kosiah in Liberia, even though most people no longer want to hear about Charles Taylor, and illustrated this by pointing out that Alieu Kosiah's brother regularly showed him compassion in the "hatay shop". AK explained, however, that a reverend whose name he withheld had advised him not to answer any questions, whether to the Court or simply to people curious to know why he was in Switzerland.

The witness then stated that he had not testified before the TRC, for the simple reason that he had not been contacted by them. He also explained that he had not sought justice in Liberia, but that he would very much like to see a court established in Liberia one day.

The judge then asked KK and AS if they had any comments on witness AK's statements. KK replied that the ULIMOs had first spent a night in the village of Pasolahun before dismantling the generator. AS explained that he had seen Alieu Kosiah kill MuK with an AK47, which he had taken from his bodyguard. He added, however, that this was not a normal situation and that it was quite possible that they did not remember the same thing.

The Court then asked KK if he had heard the brief conversation between MuK and Alieu Kosiah before the defendant shot him. He replied that he had indeed seen them talking, but that his attention was focused on his group, being very frightened at the time. He added that he only looked when he heard the shot.

The Court then asked AK if he knew the other parties to the proceedings. He said he knew the plaintiffs GMS and EBJ, but did not recognize LSM or JMK. He said he had met them at the university. The plaintiffs JMK and LSM both said they did not know AK.

On questioning by Mr. Gianoli, the witness indicated that he had decided to testify in this case when he was told in Monrovia how to obtain justice. He added that he had never spoken to anyone about the facts of the case, as to do so would be the equivalent of endangering his life.

AK went on to say that it was the GJRP people who first told him about the defendant.

Continuing his answers to Mr Gianoli, AK stated that he had not spoken to GSM or AS about the case, and that he was unaware that he would also be testifying in the proceedings.

On the subject of looting, AK said that the NPFL also engaged in looting. He said that the NPFL sometimes took civilians' clothes, but most of the time they left them in another village, so they could find their clothes again. On the contrary, anything looted by the ULIMOs was resold in Guinea, so they never got their stuff back.

AK went on to explain that Pasolahun was a center for displaced persons, and that many displaced people ended up there, thinking they would be safe being away from the main road. He added that despite the village's small size, Pasolahun had become the district capital because of its importance for pilgrims. He added that he had no family members with him in Pasolahun.

Regarding the transport of the generator, AK explained that everyone, including himself, knew before starting the transport that Kolahun was the destination, and that the destination was close to where MuK was killed.

Mr. Gianoli then asked AK several questions about the respective families of AS and MuK and MoK, with the witness indicating each time that he did not know.

In addition, Mr. Gianoli asked for further details about the forced transportation of the generator and the murder of MuK, with the witness repeating his earlier statements.

Finally, Mr. Gianoli listed some names to AK, asking if he knew any of them. Of the eight names mentioned, AK said he knew SK, explaining that he was one of the commissioners for the Kolahun district, who became a deputy under Samuel Doe.

<u>The Hearing of Witness FK</u>

On questioning by the Court, the witness confirmed that he knew Alieu Kosiah, but did not know the plaintiffs. Furthermore, when questioned, the plaintiffs GMS, EBJ and LSM also claimed not to know FK. The witness stated that he recognized Alieu Kosiah by his appearance, skin tone, "pop eyes" and build, and that he was the person he had denounced.

On questioning by the Court, FK stated that he had lived in Monrovia between 1989 and 1990, then left to go to school with his aunt and uncle in Kolahun.

He stated that he had not taken part in the civil war, had not supported any faction, and had never used a weapon. In fact, he said he couldn't say what weapons were used during the war.

On the subject of ULIMO child soldiers, FK said that he had heard that they used child soldiers, but that other factions also used them. Thus, FK indicated that he had seen child soldiers during the LURD war.

The witness described the climate in Lofa during the war as abnormal. He illustrated his remarks by explaining that people went from one place to another in search of food, and that they were tormented and harassed. Regarding the behavior of ULIMO soldiers, the witness said he had heard that they harassed civilians. FK stated that he had heard of crimes committed against civilians, and in particular of "tabé" practices, acts of cannibalism, looting, murder of civilians, as well as forced transport and transport-related atrocities.

In support of his statements, FK said that he had never taken part in transport or forced labor, having left for Monrovia. He explained that civilians had reported to him the ill-treatment and atrocities committed by ULIMO soldiers during the transports. With regard to the practice of "tabé", FK indicated that this was when someone was tied up "very tightly". Furthermore, the witness stated that he did not know for what purpose the soldiers engaged in acts of cannibalism. Finally, on the subject of the expression "Black Monday", the witness said he had never heard of it.

The witness stated that ULIMO soldiers captured his village in 1993 . At the time, FK was attending school in Kolahun, but had returned to the village to look for food. That's when the village was captured. Shots were exchanged, and for this reason FK hid in the bush. He said he didn't know how many people had been killed or captured, but was certain that his uncle had been killed. Continuing his account, the witness said he had seen Alieu Kosiah get out of his pick-up with a blindfold, wearing jeans and a shirt; and that being the commander on the spot, the defendant was the most important person among the soldiers present. FK pointed out that this was the first time he had seen Mr. Kosiah, and that he carried an AK-45 pistol, and you could tell from the way he dressed that he was superior to the others. The soldiers called the defendant "Chief Kosiah".

The Court then questioned FK about the murder of his uncle SK, in the village of B, captured by the ULIMO in 1993. Giving more information about his uncle, FK indicated that he was his father's brother and that he was a farmer.

Describing the circumstances of his uncle's murder, the witness said that his uncle was killed in the afternoon when the village was captured. FK explained that Alieu Kosiah had come with his men to take valuables belonging to his uncle, who owned a sugar cane press and grew cocoa and coffee. At this point, the witness indicated that he was hiding in the bush near the house. He then stated that Kosiah's men had tied up his uncle and taken him away, as his uncle had declared that he owned nothing and had no money. FK then stated that he had seen Alieu Kosiah fire a bullet and his uncle fall to the ground. He specified that the bullet had hit the side of his uncle's chest and that he had heard a single gunshot. He then said that he had gone to join his aunt in Kolahun and that he had been very frightened when his uncle was executed. He added that he didn't think there were any other witnesses to the scene. The witness then stated that he had heard that his uncle's sugar cane press had been looted. In response to a question from the President, the witness said that Alieu Kosiah had used his pistol to kill his uncle.

On questioning by the Court, the witness stated that he had been intimidated in Liberia because of his participation in these proceedings. He explained that someone wanted to attack him, but that he managed to escape. Furthermore, FK indicated that testifying is systematically a source of danger in Liberia, and that those who testify sometimes have to move for their own safety. He added that there were very strange murders in Liberia, and that it was not uncommon for people who testify to be killed.

FK went on to say that no one had tried to persuade him to say or not say certain things during this trial, and said that he was motivated by justice, and that obtaining justice was the reason why he was taking part in these proceedings, as the Liberian government was unwilling, in his opinion, to set up a court to try war criminals.

Returning to the question of why Alieu Kosiah killed his uncle, FK explained that it must have been out of greed, i.e. he must have wanted to loot the sugar cane press and then go and sell it. The witness added that the ULIMOs did not hesitate to resort to forced labor and inhumane treatment for financial gain, in order to finance their movement.

On questioning from the Court, the witness elaborated on his belief that Liberia is in dire need of reconciliation, and that to achieve this specific goal, a court must first be set up to try war criminals in Liberia. FK added that once justice has been done, Liberian citizens will be able to reconcile and work together to move forward.

When interrogated by Mr. Werner about his girlfriend, FK affirmed that he had indeed had a relationship with a Mandingo girl at the time, but that they had not married. Furthermore, the witness confirmed his statement that all ethnic groups in Liberia come from the Sudanese basin. Furthermore, FK also confirmed his statement that if you take a group of 50 people, there will always be some with "pop eyes".

Continuing his answers to Mr. Werner, FK asserted that he was focused on the idea that he was going with his aunt to Monrovia, not on which faction controlled which location. On the subject of his uncle, the witness explained that he was like a father to him.

Finally, Mr. Werner asked FK to clarify his statement that the civil war in Liberia was "senseless". In support of his statement, the witness explained that there were no winners or losers during the war. Continuing his response, FK asserted that the war had only set Liberia back years and years, with infrastructure destroyed, power plants looted and the property of many people and the government stolen. Even today, Liberia has no piped water system, and Monrovia has no constant supply of electricity. The country is also lagging far behind in the development of its road system. The witness explained that all these reasons mean that today, we cannot say that one clan has emerged victorious from the war.

Mr. Gianoli asked the witness a series of questions about his journey from B. to Kolahun, and then to Monrovia. The witness explained that after his uncle's death, he went to his aunt's house in Kolahun, and they immediately left for Monrovia. Mr. Gianoli then asked the witness for more details about his journey from Monrovia to Kolahun. FK replied that he had traveled alone, and had got there by car using the main road. When asked which factions controlled the territories he passed through from Monrovia, FK said that Charles Taylor's soldiers controlled the area at the time, and that it was possible to travel freely in these territories from Monrovia.

Mr. Gianoli then asked the witness whether the NPFL also used child soldiers, to which he replied that he had not seen any, but that he had indeed been told that both factions used child soldiers.

He also asked the witness if a list of names meant anything to him. Responding to Mr. Gianoli, the witness said he didn't know what "Black Friday'' meant. He went on to say that he had heard of Pepper & Salt, Dekou, Kunti and Senegalee, but did not know who they were.

Finally, the Court asked him for more information about his journey to Switzerland.

## March 1, 2021 – Day 17: First day of closing arguments: Federal Prosecutor's closing arguments by Federal Prosecutor Andreas Müller

Judge Bacher opens the hearing: he gives the floor to Federal Prosecutor Andreas Müller.

Indictment by Federal Prosecutor Andreas Müller
The Prosecutor begins by recalling the words of a witness recounting his daily life during the Liberian civil war, explaining that he had been subjected to several rebel groups in Liberia, and that the ULIMOs were worse than those of Charles Taylor.

He notes that this is an extraordinary trial. In Swiss history, this is the second time that the Courts have ruled on such an issue. International crimes, "the crimes of crime", the paroxysm of man's violence against man. The plaintiffs in this case are those who have agreed to put an end to this sense of injustice.

He points out that when the defendant said in this trial "there's no clean war", he was right. But war does not escape the law. The ultimate red line that affects the victims concerns the whole of humanity: and we are here to defend this ultimate red line. No matter how much time has passed, no matter how many 5,000 km separate our countries.

According to the Federal Prosecutor, since the creation of Liberia, the Americans have always dominated the ethnic groups in a brutal manner: divide and conquer, stirring up inter-ethnic tensions and jealousies. At the time of the coup, for the first time, the government was no longer in American hands. Members of the Gio and Mano ethnic groups were massacred by the official army, made up mainly of members of the Krahn ethnic group.

He notes that Samuel Doe, who seized power and was of Krahn ethnicity, was indeed at the origin of the civil war in Liberia. Charles Taylor's National Patriotic Front of Liberia (NPFL) is made up of the Gio and Mano, who have a grudge against the Krahns, and members of another ethnic group, the Mandingos, who founded the ULIMO. Civil war broke out in 1989. Finally, the first civil war ended in 1996, and Charles Taylor was elected in 1997. The 2nd civil war began in 1999.

According to the Federal Prosecutor, the spirit of revenge is a breeding ground for violence. In response, the post-war government set up the Truth and Reconciliation Commission (TRC), which found that the violence of the war was such that the very notion of war crimes was no longer sufficient: cannibalism, pillaging, rape, forced transportation... The Liberian war surpassed all existing barbarities. The plaintiffs came to talk about it and that's what this trial is all about.

He recounts that the Lofa was a region and a strategic axis that enabled the ULIMOs to obtain arms and food supplies from Guinea, which was favorable to the Madingos because it was also populated by Mandingos in Guinea. ULIMO commander Pepper & Salt replaced commander Steven Dorley to seize Lofa. Few open sources exist on the situation in Lofa during the ULIMO takeover. But we do know that thousands of civilians were massacred: anyone could have been targeted. It was enough to belong to a certain ethnic group, to refuse an order or to be unable to carry loads to be shot. Humanitarian organizations were harassed, but eventually threw in the towel and left Lofa.

He notes that Ugly boy, Cobra, Jungle Jaba, etc. are nom de guerre of ULIMO commanders in the Lofa, used to hide their true identities and allow them to commit atrocities without being recognized. Pepper & Salt too, who was said to have served human flesh to his men.

The Federal Prosecutor goes on to say that the ULIMOs would send spies into the villages to spot what was good to take, then raid and pillage. They would go on to resell the merchandise in Guinea, but the commanders would help themselves in the process. The more they killed, the more they were feared. Heads and viscera were displayed at the checkpoints. Hearts and livers were eaten, according to the perverted belief that these organs gave strength and courage. And the rapes committed, all this violence against women and girls in Lofa.

In all, the TRC attributes thousands of acts of violence to the ULIMOs, and especially the ULIMO-Ks. On average, that's 10 war crimes a day! And this figure only includes crimes reported to the TRC. No one knows the exact figure.

Developments of the situation in Lofa

The Federal Prosecutor explains the "don't kill, don't rape, etc..." order. There were rules in the conflict. But gradually, the ULIMOs lost control of the troops located in the Lofa. "We lost control" asserted an ULIMO command during the proceedings. These atrocities finally drove civilians out of ULIMO and they created the LDF (Lofa Defense Force), backed by Charles Taylor.

According to him, it was a daily life where death was omnipresent, a daily life where whoever carried a gun decided the fate of whoever didn't, a daily life where life had no value.

The Federal Prosecutor then asked how Alieu Kosiah had responded to all these crimes. Civilians kept in "tabé" - a form of torture - and killed? "Never seen!" "Black Monday" or days of great massacres? "Never seen!" Cannibalism? "Never seen!" Dismemberment of human beings? "Never seen! Forced transportation of civilians? Never seen!

The Federal Prosecutor then recalls the applicable case law and the qualification for war crimes under Swiss law. Namely, violation of the laws of war under article 109 para. 1 of the current Military Penal Code, in conjunction with article 108 para. 2 aCPM, as well as article 3 common to the Geneva Conventions and article 4 of the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts.

In his opinion, given the intensity of the violence and the organization of the armed troops, the first civil war in Liberia corresponds to a non-international armed conflict. The crimes committed have no statute of limitations. Even though the old military penal code was applicable at the time. The 2011 amendment changes nothing. And both the Federal Prosecutor's Office and the Federal Criminal Court are competent to judge these crimes.

After setting out the historical and legal framework, the prosecutor focuses on Alieu Kosiah, according to the 25 counts of the indictment.

The first violation of war laws concerns the recruitment and use of a child soldier (charge 1.3.1)

The Federal Prosecutor explains that the encounter took place in Todi. The child falls in admiration of Alieu Kosiah. The child went to fight alongside him in the Lofa. He was his bodyguard, the first to go to the front, he tasted his food, watched over his sleep. He was given an AK-47. At the front, the child was wounded twice, in the presence of Mr. Kosiah. He came to testify before the Court, torn between

the reality he had suffered and his loyalty to the defendant. Both the child's and Alieu Kosiah's testimonies were unanimous.

The Federal Prosecutor points out that there is not only a prohibition on recruitment, but also an obligation to refuse voluntary enlistment of children.

The Federal Prosecutor goes on to say that when NPFLs attack ULIMOs, the child must first take refuge with NPFL so as not to be mistaken for an ULIMO. Then the opposite happens when the situation is reversed. When he is caught by the ULIMOs in Todi, Alieu Kosiah says "There was no reason to finish him off". As if there could be just cause for executing a child?

He adds that Alieu Kosaih was there in Todi, that's not in dispute. When the town was taken, this was also reported in the press and the statements concur with publicly available sources. The former child soldier said he volunteered to fight with the ULIMOs, "not to see my sister raped in front of me, not to see my brother killed in front of me, and not to carry a load". And he said, "I went to Klay for recruitment"; he had already received a gun before.

He goes on to explain that the child was in awe of Alieu Kosiah, confirming that he was his "small soldier" and followed him into Lofa. It's not clear whether this was immediately in February or rather in March, or even later. This temporality is irrelevant. What is known and admitted is that the child was carrying out Mr. Kosiah's orders and ensuring his safety by carrying a grenade and an AK-47 at the age of 12.

According to the Federal Prosecutor, however, there is a discrepancy: "I fought with the defendant" said the former child soldier. Alieu Kosiah says there was no fighting before they left for Lofa. So they would have walked 150 km without fighting. The Federal Prosecutor details both arguments, noting that he does not believe the defendant on this point.

He went on to explain that "Strike Force" was the ad hoc unit to retake Lofa. The defendant presented the Swiss asylum authorities with a card designating him as commander of the "Strike Force" at the end of 1993. While he said that the card was genuine when he presented it to the asylum authorities in Switzerland, he later said that it was in fact a false card and that he had said this to convince the authorities to grant him asylum.

According to the Prosecutor, the accused was wounded a first time at the same time as the child, but less seriously than him, at Bokassa Junction in Lofa, at the end of 1994. However, according to available open sources, the fighting took place in December 1993 and not in 1994.

The Federal Prosecutor was astonished by the one-year gap in the defendant's statements, as if he wanted to erase that year. The defendant was also present when the vehicle hit a mine and the child was injured again. We know that the town of Gbarnga has been taken several times. First by ULIMO-k, then retaken by the NPFL, then again by ULIMO-k between August 1994 and October 1995. The mine exploded during this period.

He goes on to explain that a plaintiff during the hearings who recognized the former child soldier said: "I saw him with AK, I recognized him at Voinjama. This was during Black Monday, when the plaintiff was 13 years old.

According to the prosecutor, the facts, the places and even the timeframe have been established and demonstrate that Alieu Kosiah enlisted the child soldier. The defendant even said that the child soldier was skinny, and that he was the youngest of the people around him. Finally, it shows that recruiting child soldiers was commonplace during the war. Thousands of children killed and were killed. They took drugs to endure the war. As one former child soldier put it: "We took drugs to cope with what we were doing. There was no need to look for them, Marijuana grows in the middle of the jungle". Alieu Kosiah also said, "If you didn't smoke, you weren't fit for war".

He goes on to say that the former child soldier said at the hearing: "We, the youth of Liberia, are angry at those who brought the war, including the commanders who took us in when we didn't know what we were doing. Take me as an example: see, I'm handicapped". He came here for truth and justice. And yet, what he would also like most is for Mr. Kosiah to be released and to fly back with him, because since the defendant has been in prison, his life has been miserable.

In terms of legal qualification, the Federal Prosecutor explains that Protocol I of June 8, 1977 additional to the Geneva Conventions applicable to international armed conflicts provides that: "Children under the age of fifteen years shall not be recruited into armed forces or groups, nor allowed to take part in hostilities". (article 4, paragraph 3, c)

He concludes from this first charge that the child decided to enlist in order to survive the war and save the lives of his relatives. Yes, his enlistment was voluntary. And not only did the defendant authorize his enlistment, he also made him take part in the fighting. The defendant knew he was under 15. He must be convicted of this charge.

<u>Ordering the murder of seven civilians in Zorzor (charge 1.3.2)</u>
The Federal Prosecutor begins by saying on this charge that Alieu Kosiah has always said that he was not in Zorzor at the time the town was taken. He was never there, he did nothing.

He goes on to say that the plaintiff on this charge recognized him on the photo boards, even though dates are not his forte. The plaintiff confused the date when he saw Alieu Kosiah's photo in the Liberian newspapers and learned of his arrest. At his first hearing in Bern, he was stressed and confused, signed up for the debates, and just made a mistake. It was indeed the plaintiff who signed the GJRP power of attorney, well before the publication of the defendant's photo in the Liberian media. For the Federal Prosecutor, the plaintiff has no reason to lie on this point.

He also explains that the plaintiff got lost in his confusion on this ancillary point, which clearly shows that he was unprepared, contrary to the defendant's allegations. But otherwise, the plaintiff on this charge is consistent throughout his 4-day hearing in Bern before the Federal Prosecutor’s Office, a hearing rich in detail, which only someone who has really lived through the events can do.

How long has the plaintiff known Alieu Kosiah's name, asked the Federal Prosecutor: "Since he killed my brother", replied the plaintiff. The open sources available confirm this: it was common practice during the war for armed groups to select a person for assassination, if possible cruelly and violently it was power by terror.  Children could be executed for the same reasons.

He adds that the defendant repeated over and over again: "I did not capture Zorzor", but in the end, it didn't matter. The murders took place after the capture of Zorzor. It doesn't matter if it took place a day later, or five days later. The plaintiff recognized Alieu Kosiah, although in reality he doesn't know

which commander captured the town of Zorzor. He was 15 at the time, he was hiding under his bed, he couldn't have known who took the town and the Federal Prosecutor's Office believes him.

Furthermore, according to the Federal Prosecutor, the events indicated by the plaintiff occurred during Zorzor's last occupation, when it was raining. Probably between late February and March 1993. After weeks, if not months, of back and forth for the capture of this town, ULIMO Commander Steven Dorley was replaced by Commander-in-Chief Pepper & Salt, who took command of the events. We know that the defendant accompanied Pepper & Salt and we know that Pepper & Salt left Zorzor to take Voinjama in March 1993. It follows that Mr. Kosiah must have arrived in Zorzor before that date.

He also points out that even the witness Kunti Kamara, indicted in France for crimes against humanity, was categorical on this point: "Alieu Kosiah arrived with Pepper & Salt after the capture of Zorzor and left with him to capture Voinjama".

He goes on to quote an Agence France Presse dispatch from March 1993, which states that 14 civilians were executed in Zorzor in March 1993, a fact further confirmed by Amnesty International in a report. This cannot be a mere coincidence. Moreover, it coincides with the plaintiff's own statements, which place the events at the time of the last capture of Zorzor. If he doesn't mention Pepper & Salt, it's because he didn't see it, and because he didn't stay long.

The Federal Prosecutor then asked what could be said about the plaintiff's strong emotion when he was confronted with Alieu Kosiah in the Federal Prosecutor's Office in Bern. In the opinion of the Federal Prosecutor's Office, the plaintiff is a credible witness in his statements.

It goes on to state that Alieu Kosiah quipped in Court: "I would have been in two places at the same time" because two articles mention the capture of two Lofa towns "at the same time" according to him, but 14 days passed between the publication of the two articles. According to Mr. Kosiah, he stayed in the town of Klay, then in Todi, where he spent several months; three months in the town of Todi, three months in Todi Junction, five months in the town of Klay. According to the accused, he ate, relaxed and cooked. For the Federal Prosecutor's Office, this is impossible. His childhood friend, Commander-in-Chief Pepper & Salt, was involved in the mission to capture Voinjama in the Lofa. The defendant's explanations are therefore a crude attempt to make people believe that he was not there at the time of the crimes committed in Zorzor.

Quant à la qualification juridique, le Procureur fédéral explique qu'il est interdit de s'en prendre aux civils, et qu'il n'y a pas de marge d'interprétation sur ce point dans la loi. Il est évident que le prévenu savait que même en pleine guerre civile, on ne peut pas tuer un civil ou un ennemi capturé. Alieu Kosiah savait ce qui est bon et ce qui est mauvais, il l'a dit lui-même en audience, parce que la vie le lui a appris, mais aussi parce qu'il a signé des SOP ou Standard Operating Procedures en tant que membre des ULIMO.

<u>Murder of a civilian in Babahun (charge 1.3.3)</u>
The Federal Prosecutor notes that the plaintiff on this charge places these events between March and May 1993. This period corresponds to what the open sources also say. ULIMO must have passed through Babahun, between the capture of Voinjama in March and the rainy season in 1993.

He goes on to say that the plaintiff's statements are rich in detail, such as the description of the Toyota pick-up, the warriors' cries, the places of execution. He has made sketches that correspond to the cartographic records.

He adds that the ULIMO came to his village to loot the material goods and money of civilians. Everyone knew that Babahun was a place of wealth and that the plaintiff's uncle was wealthy. The plaintiff's uncle frustrated Alieu Kosiah with his answers, which is why, according to the plaintiff, his uncle was killed by Alieu Kosiah. How does he remember so long afterwards? "I have a very good memory. I'm human and I can get dates wrong, but I have these events deep in my memory, I've put together everything I had in my memories and what was reported."

The Federal Prosecutor adds that the plaintiff left Lofa very quickly after these events. He is a clear, simple man who aspires to just one thing: to see justice done for his country.

So, in his opinion, the overall picture of what the plaintiff said on this charge is credible to the Federal Prosecutor's Office. He was three meters from the scene of the crime, he saw when Alieu Kosiah shot his uncle in the chest.

As for the legal qualification, the Federal Prosecutor states that there is no doubt that Alieu Kosiah was well aware that civilians were protected by humanitarian law. He must therefore be convicted of the murder.

Cruel treatment of a plaintiff and murder of seven civilians in Foya (charges 1.3.4, 1.3.5 and 1.3.6)
The Federal Prosecutor begins by pointing out that Alieu Kosiah denies this charge and says he never met the plaintiff before his arrest. The plaintiff places the facts in the rainy season of 1993, when he was hidden in a farmhouse for two weeks before being flushed out. Open sources corroborate these events.

He adds that the plaintiff was tied up in "tabé", a form of torture. In addition to being tied up, he was dragged twice the length of the courtroom. The execution of the seven civilians near the gas station is reminiscent of that of the six civilians in Zorzor.

He goes on to point out that, according to an NPFL fighter who was heard in the proceedings, "these acts were common, all factions committed mass killings. When we managed to retake ULIMO villages, we killed everyone because we said they supported ULIMO. And when the ULIMOs took over the villages, they did the same thing. It was normal."

According to him, witnesses confirm the treatment suffered by the plaintiff and the execution of the civilians, as well as the fact that the corpses were then thrown into a well. The plaintiff believes that the corpses could easily have been thrown into the well.

The Federal Prosecutor states that Alieu Kosiah said of this event: "I was not there". He goes on to say that Mr. Kosiah has been telling us this lie for six years. Yet Kunti Kamara and another ULIMO called Fan Boy have confirmed his presence in the town of Foya in the proceedings. The accused claims not to know the plaintiff concerned by this indictment. However, his account is very detailed and nuanced.

He goes on to say that the plaintiff does not know whether it was Kunti Kamara or Alieu Kosiah who stabbed him, and that Fan Boy tells him it was the defendant. The plaintiff has reason to be confused at times, having witnessed violent murders, been dragged away and then watched his torturers argue over whether he should be killed too.

According to the Federal Prosecutor, there are indeed discrepancies with his testimony in the French case against Kunti Kamara. The plaintiff says he is shocked by the content of these French minutes, as he was obviously not understood when he was interrogated.

He also points out that the plaintiff could have said that he knew and had seen who had stabbed him. However, he told his story, namely that he didn't know who had stabbed him, and that he was then told who had stabbed him. This is credible and nuanced in the eyes of the Federal Prosecutor's Office.

The Federal Prosecutor also points out that the plaintiff later became a member of the ULIMO himself. And he asks: why would the plaintiff risk incriminating his former ULIMO comrades, or even himself? He has been assaulted several times since his return to Liberia after the hearings in Bern in 2015, so he is clearly an inconvenient witness for Alieu Kosiah and therefore all the more credible for the Federal Prosecutor's Office.

On the legal qualification, the Federal Prosecutor mentions that when the factions mention the "tabé", it is a way of subjectively indicating that the person who is going to undergo it is going to die, so it is torture and the stabbing must be qualified as a missed offense of murder.

He calls for Alieu Kosiah's conviction on this charge.

<u>Forced transportation of goods from Foya to Solomba (charge 1.3.7)</u>
The Prosecutor begins by saying that in front of the ULIMO administration office already mentioned and called "S2" in the center of Foya, Alieu Kosiah ordered the transport of looted goods (oil, cocoa, coffee) by some fifty civilians who were beaten by soldiers during the transport.

He goes on to say that about two weeks after enduring the torture of the "tabé" and receiving stab wounds, i.e. around the month of July 1993 (which corresponds to the first signed ceasefire that enabled ULIMO to establish its domination over the population), the plaintiff had to take part in this forced transport.

According to the plaintiff, the forced transport of goods was a kind of "business model" for ULIMO. Guinea was the preferred place to sell this type of merchandise, and Guéckédou, a town in Guinea to the east of Voinjama, was the ideal location for this market thanks to the large presence of members of the Mandingo ethnic group in Guinea, the Mandingo being one of the two ethnic groups that formed the ULIMO before the movement split in two. Guinea was thus the most important route for transporting these goods.

He goes on to say that Alieu Kosiah was a ULIMO "H&H" or "Headquarters and Headquarters commander" for two of the plaintiffs, including the one concerned by this charge. In this capacity, he was responsible for the supply of weapons, ammunition and foodstuffs. Mr. Kosiah denies having been "H&H", but asserts that this status did exist within the ULIMO.

According to the Federal Prosecutor, Alieu Kosiah said that, as far as he knew, nobody called him "H&H". It must be remembered, however, that the ULIMO command, which had its headquarters in Bomi, far from the Lofa, had lost control of its troops and what was happening in the Lofa and so status and rank were distributed at the whim of those who wore them.

He then wonders whether Mr. Kosiah could have fulfilled this role. Yes, in his opinion, because Alieu Kosiah organized this type of transport of raw materials to Guinea on numerous occasions, in

exchange for weapons and ammunition transported on the way back. Besides, civilians can't be blamed for not knowing the roles and ranks of the military with precision.

He adds that "Physical Cash" is Alieu Kosiah's nickname, according to a defense witness heard during the trial. He also quotes the witness in question as saying: "It's because of the money! Everyone called him that, because he provided everything for everyone". Alieu Kosiah didn't give money, but bought what each of his men needed. "Physical Cash" also spent time in Guinea's night clubs, to show that he had a lot of money. A high-ranking officer confirmed in the proceedings that the money did not come from the ULIMO command in Bomi, as it had no money and did not pay its fighters. So Alieu Kosiah / "Physical Cash" had to do his own thing.

He then asked how to qualify these facts legally? As a superior, Alieu Kosiah directed the convoys, during which cruel treatment, which violated human dignity and human life, was administered to civilians: beatings with sticks, rattans, attempted murder, detentions in infamous conditions. Civilians were at the mercy of the ULIMO rebels. The plaintiff had to carry a heavy bag for nine hours while being hit by ULIMO soldiers on his fresh scar, and was threatened with death.

Consequently, in his view, the legal qualification should be as follows: soldiers treated civilians like slaves. The latter were of no value to them, and this humiliating and degrading treatment must be punished according to the penalties required for breaches of the laws of war.

The Federal Prosecutor therefore requests that Alieu Kosiah be convicted on this charge.

Participation in the murder of a civilian in Foya and desecration of his corpse (charges 1.3.8 and 1.3.9)
The Federal Prosecutor begins this charge by wondering whether the random targeting of civilians had become so commonplace that the atrocities had to be increased. He thinks of the civilian whose savage murder was reported by another plaintiff in this case. This scene of a man having his heart eaten by rampaging rebels who believe themselves to be untouchable epitomizes the violence of the Liberian war.

He goes on to say that an unreal and unbearable scene, available on the internet, shows children during the war staging themselves around an eviscerated body and a young man proudly brandishes the heart he intends to eat. This scene represents the banality of the horror experienced in Liberia. And it is in this context that the murder of this civilian in this case must be seen.

According to him, a plaintiff in this case who is also a witness to these events has no benefit in providing this account, so rich in appalling detail. The widow of the massacred civilian also confirmed that he wanted to help the whites who had come and show them the destruction of the Boma Mission on the hill. This widow saw her husband's body, his chest cut open. The Liberian newspapers of the time also reported the murder. The ULIMO leader himself had to answer for the massacre of civilians from his headquarters in Bomi: he said that the ULIMO movement could not be 100% responsible for everything its fighters did, which was a political response.

He goes on to say that the atrocities committed against the Kissi on a large scale in Foya were reported at the time. The victim was Kissi.

Moreover, according to him, Alieu Kosiah's child soldier said that Alieu Kosiah knew Ugly Boy, the man who disemboweled the victim, very well. Ugly Boy was even under Alieu Kosiah's orders, although the

latter denies knowing him well. He denies this because he knows that Ugly Boy was the most bloodthirsty of the ULIMO soldiers.

The Prosecutor recalls that the plaintiff was asked the question, who also witnessed these events: "Did you see Alieu Kosiah eat the heart?" "Yes", the plaintiff replied.

According to him, the defendant said: "As a Muslim, I don't eat pork. So how can I eat human flesh? Even if you had a piece of raw animal or human heart, would I eat it raw? No, I'd eat it cooked! The Prosecutor declares that he will let the Court assess these remarks.

But, he adds, how does one approach acts of cannibalism? He replies: with facts. It was a way of making the population obedient. It was a public message of terror. We didn't just have to threaten civilians with death, we had to show them that we'd cut them open and eat their hearts if they disobeyed.

The plaintiff, who witnessed the events, recounted them in detail: the airstrip, the jubilant ULIMO soldiers, the arms raised high when the victim's heart was cut open.

He pointed out that article 23 CPM states: "Anyone who has intentionally decided to commit a crime or misdemeanour is liable, if the offence has been committed, to the penalty applicable to the perpetrator of that offence". According to him, Mr Kosiah is an accomplice in the murder of this civilian.

As for the legal qualification, the Federal Prosecutor asks how cannibalism should be qualified. According to an ICRC commentary, the mutilation of corpses is qualified as humiliating and degrading treatment, as prohibited by article 3 common to the Geneva Conventions, and as prohibited by the laws of war.

The Federal Prosecutor therefore requests that Alieu Kosiah be convicted of this charge.

<u>Forced transportation by civilians from Foya to Solomba, and from there to the Guinean border (charge 1.3.10)</u>
According to the Federal Prosecutor, the date of this event was August 1993, as the plaintiff and victim of these events stated and this is logical since Foya was taken by the ULIMOs in July 1993.

He notes that forced transportation of looted goods by civilians was a common ULIMO practice. "If any bush shake, you'll die!" declared Alieu Kosiah, according to the plaintiff, who reported richly detailed facts. And it's the fear of dying that has made him carry these charges over such a long period of time. According to the Federal Prosecutor, this cannot be invented.

He added that, regarding these transports, Alieu Kosiah had said during the proceedings, "It existed, but I didn't take part in it". Alieu Kosiah first adapted to the statements of the former child soldier heard in the case, and declared that he had only been once to Solomba, and by car, and in Court, he said he had never been on foot between Solomba and Foya.

According to the Federal Prosecutor, according to the file, a man named Kaké was always with Alieu Kosiah to dispose of the looted goods. When interrogated, Alieu Kosiah tried to evade the question: "I don't know any Kaké on ULIMO territory", then the defendant attacked Mr Werner, then lied again: "I don't know any Kaké".

According to the Federal Prosecutor, the plaintiff is the second to have seen Alieu Kosiah involved in the transport of goods between Foya and Solomba.

In terms of legal qualification, he points out that the plaintiff would never have succeeded in carrying such a heavy load if he hadn't been so afraid of dying. This was thus cruel treatment. Civilians were treated like slaves, in a humiliating and degrading manner. Alieu Kosiah must therefore be considered guilty of this cruel and degrading treatment of the plaintiff.

Looting and forced transport of the Foya power plant from Solomba to the Guinean border (charges 1.3.11 and 1.3.12)
The Prosecutor notes that the ULIMOs did not only loot coffee, oil or cocoa, but anything that could be sold in Guinea, such as parts for the Foya power plant.

According to him, a novelty in this charge lies in the transportation and use of a "mini size truck" or van to transport the merchandise, with 50 to 100 civilians requisitioned to push the van.

He adds that one of the plaintiffs already mentioned joined ULIMO to save his life. Two weeks after returning from his ULIMO military training, he had to escort the civilians to transport the power plant, in October 1993. He is therefore a direct witness to his actions, in which another plaintiff was forced to carry the load.

For him, this is a parallel looting operation to that of the Borma mission. The town of Foya was pillaged from top to bottom between September and October 1993 by ULIMO forces.

The Federal Prosecutor then shows a photo of the Foya power plant, or what remains of it today.

He also notes that, according to the file, when the ULIMOs entered Zorzor, they transported pieces of the Zorzor generator to Guinea. The same modus operandi was used for Foya. Many witnesses confirm both the existence of electric generators in Foya and the fact that ULIMOs have looted generators all over Lofa.

He recalls that the plaintiff, who was cited several times and later became an ULIMO soldier, also participated as a ULIMO soldier in this transport, which he, like the plaintiff of this specific forced transport, confirms having seen Alieu Kosiah on. He even confirms that Alieu Kosiah was the highest-ranking ULIMO soldier on this forced transport of looted goods.

The Federal Prosecutor considers that Alieu Kosiah must be found guilty of looting and forcible transport of the Foya power plant between July and December 1993, or between March 1994 and December 1995. Alieu Kosiah must be sentenced for these acts in accordance with the legal provisions already cited.

Looting and transportation of the Pasolahun generator to Kolahun, and murder of a civilian during transportation (charges 1.3.13, 1.3.14 and 1.3.15)
The Federal Prosecutor begins this charge by noting that once everything of value in Foya had been looted, it was necessary to go further to continue the looting. That's when the ULIMOs headed for Pasolahun in particular, and then during the forced transport killed a civilian who couldn't walk anymore.

According to him, two of the plaintiffs in this case place the events in December 1993, during the rice harvest. For the Federal Prosecutor, this event probably took place between October and November 1993.

He goes on to say that the two plaintiffs say the same thing about these events and a third person, a witness in the proceedings, also confirms them.

He added that Alieu Kosiah had said "I've never been to Pasolahun, I'm 1000% sure there's no electricity in Pasolahun because I know my country". He then said something else: "I went to Pasolahun once".

However, according to the Federal Prosecutor, the looting did take place and was ordered by Alieu Kosiah. One of the plaintiffs even recounts the moment when a soldier called Alieu Kosiah to tell him that the generator looted in Pasolahun on his orders had arrived.

He goes on to add that regarding the murder of the civilian, there are contradictions in the statements of one of the plaintiffs and the witness concerning the weapon used by Alieu Kosiah, the cause of the civilian's death and the number of shots fired.

But for the Federal Prosecutor, these contradictions are normal in such a context. The two plaintiffs and the witness have told their version in their own words, in their own culture, but it is above all the same story that they have told, with the same sequence, the same transport, the same place, and the same person responsible for the murder.

He adds that Alieu Kosiah said "I don't know Kolahun". This statement should be compared with the testimony of a person called by the defense who saw Alieu Kosiah on the Kehair River bridge, at the "check point" where the victim was killed.

In terms of legal qualification, according to the Federal Prosecutor, Alieu Kosiah must be found guilty of looting the Pasolahun generator. The forcible transport of the generator should be considered as cruel and humiliating treatment. Indeed, the witness says that the most horrible thing that ever happened to him was the forced transport. Walking without knowing when you're going to stop and without having anything to eat is undoubtedly humiliating and degrading treatment.

Finally, with regard to the murder of the civilian, the Federal Prosecutor concludes that Mr. Kosiah must also be found guilty of the civilian's murder.

<u>Forced transport of ammunition from Gondolahun to Fassama and murder of a civilian during transport (charge 1.3.16 and 1.3.17)</u>
According to the Prosecutor, this transport is atypical in that it does not involve transporting and selling goods to Guinea. On the contrary, it was a transport to the South, proving that the forced transports imposed on civilians by the ULIMO were a real "business model".

He adds that Fassama was a sort of headquarters where the ULIMOs stored their weapons. It was therefore an important passageway. At the time, it seems that ULIMO-k - the group that emerged from the ULIMO split - was fighting either another group called LDF, or ULIMO-J, the other group that emerged from the ULIMO split. It also appears that Commander Pepper & Salt went up to Bomi town from Voinjama to support ULIMO-K at that time. One of the plaintiffs confirms that he transported

ammunition to the area. And this transport is even confirmed by defense witnesses who also confirm that ULIMO fighters were passing through Gondolahun and Fassama.

According to him, this transport was not only organized but directed by Alieu Kosiah himself.

The Federal Prosecutor therefore concludes that Alieu Kosiah should be found guilty of the murder of this civilian as well as of the cruel and humiliating treatment for the forced transport of ammunition between Gondolahun and Fassama.

Murder of a civilian in Voinjama (charge 1.3.18)
According to the Federal Prosecutor, the existence of a "Chair Lady" in Voinjama, in the person of the aunt of the plaintiff in this indictment, is confirmed by a defense witness. Alieu Kosiah is said to have come to eat at her house after the massacres. It was during a meal that, according to the plaintiff, Mr. Kosiah said "I'll declare that next monday will be Black Monday", as reprisals by the ULIMO against the civilians of the town of Voinjama, accused of supporting the enemy.

He added that the murder of a neighbor, unknown to the plaintiff, took place on the fourth Monday after this declaration, within the framework of these "Black Mondays", and therefore probably in April and May 1994.

Another witness also places the "Black Mondays" or mass killings at Voinjama in April 1994. For Alieu Kosiah, this is not credible; for the Federal Prosecutor, it is.

Furthermore, in his opinion, the idea that these mass killings or "Black Mondays" were concentrated on one day and not several Mondays in a row is fallacious and an attempt at manipulation on the part of Alieu Kosiah.

The Federal Prosecutor then asked whether the defendant's presence on site was credible. According to him, it is, because Alieu Kosiah arrived in Lofa in February/March 1993, and Mr. Kosiah's child soldier was spontaneously recognized by the plaintiff, who is incriminating Alieu Kosiah on this charge. According to the file, this child soldier was indeed at the defendant's side in Voinjama, so there is no doubt as to the credibility of the plaintiff's statements for the Federal Prosecutor.

Finally, according to the Federal Prosecutor, open sources and three witnesses all corroborate these facts.

He concludes by stating that on the legal qualification Alieu Kosiah must be found guilty of the murder of a civilian in Voinjama, between April and summer 1994, as part of these mass killings, or "Black Mondays".

Ordering the forced transport of civilians from Voinjama to Gbarlyeloh in Guinea (charge 1.3.19)
According to the Federal Prosecutor, there is nothing extraordinary about this story in this war and in view of all that is known in the file, the only element that changes is the destination, still located in Guinea. This route was known to the accused, who used it to sell trucks and timber, according to the available information in the file.

The plaintiff on this charge gives many details concerning this transport. According to him, it was indeed Alieu Kosiah who ordered the transport. There was no one hierarchically superior to him on the scene. The transport is said to have taken place during the dry season of 1994.

The Federal Prosecutor concludes by stating that, in terms of legal qualification, Alieu Kosiah must be found guilty for this forced transport of cruel treatment, respectively humiliating and degrading treatment against several civilians, including the plaintiff, thereby committing a violation of the laws of war within the meaning of art. 109 al. 1 aCPM in conjunction with art. 108 al. 2 aCPM and art. 3 al. 1ch. 1 lit a and c common to the Geneva Conventions, developed and completed by art. 4 ch. 2 lit a and e Additional Protocol II.

Ordering the forced transport of civilians between Voinjama and Solomba and from there to the Guinean border (charge 1.3.20)
According to the Federal Prosecutor, the modus operandi for these transports was always the same. A bit like a signature of the defendant. One peculiarity of this particular transport lies in the itinerary. A soldier told the plaintiff in this indictment that there had been an ambush on the usual route, the reason for the change of route. This was probably part of the fighting between ULIMO and the aforementioned LDF movement around 1994.

He goes on to point out that by seeking to discredit the plaintiff involved in this forced transport, Alieu Kosiah is discrediting and contradicting himself. Throughout the proceedings, his defense technique consisted in trying to take advantage of the slightest inconsistency in the plaintiff's accounts, or to invent ones where none existed.

The Federal Prosecutor concludes that, in terms of legal qualification, Alieu Kosiah must be found guilty of cruel, humiliating and degrading treatment of several civilians, including the plaintiff, in the form of forced transport, thereby committing a violation of the laws of war within the meaning of art. 109 al 1 aCPM in connection with art 108 al 2 aCPM and with art 3 al 1ch. 1 lit a and c common to the Geneva Conventions, developed and completed by art 4 ch. 2 lit a and e of Additional Protocol II.

Ordering the murders of the two ULIMO fighters of Krahn ethnicity in Voinjama (charge 1.3.21)
According to the Federal Prosecutor, taking into account Alieu Kosiah's injury, which kept him away from Lofa between late 1993 and early 1994, the events on this charge must probably have occurred between March 1994 and May 1994.

According to him, if decapitating someone wasn't enough, the display of heads on "checkpoints" or barriers was common practice, confirmed in his reports by the humanitarian organization Doctors Without Borders (DWB). According to the above-mentioned child soldier, there were several checkpoints at Voinjama and other barriers were also erected between Zorzor and Guinea. The head of the ULIMO fighter War Boy (or War Bus) was displayed on one of these barriers. This fighter was one of two ULIMO fighters from the Krahn ethnic group murdered by Alieu Kosiah in full view of civilians and above all in full view of the plaintiff who witnessed the murders.

The prosecutor went on to point out that the hearing of the plaintiff, who had also witnessed the events, was particularly precise. Was it too precise? According to the Federal Prosecutor, this plaintiff is different: he observes everything, he counts everything, all the time. He's not making things up when he manages to be so precise - by virtue of his specificity - about events that go back so far, and he says, for example, that there were 15 soldiers, that he carried six gallons of oil etc....

He goes on to say that what happened in Court when this plaintiff so spontaneously recognized the former child soldier of Alieu Kosiah, who was present in the room as a witness, gave full meaning to the orality of a trial where the parties are confronted with each other by their presence in Court.

According to the Federal Prosecutor on the legal qualification, Alieu Kosiah must be found guilty of having ordered the murders of two ULIMO soldiers, being guilty of violation of the laws of war within the meaning of art. 109 al 1 aCPM in connection with art 108 al 2 aCPM and with art 3 al 1ch. 1 lit a common to the Geneva Conventions, developed and completed by art 4 ch. 2 lit a Additional Protocol II.

Looting of the village of B., forced transportation of goods by civilians and rape of a civilian (charge 1.3.22, 1.3.23 and 1.3.24)
According to the Federal Prosecutor, the village of B. was completely looted by ULIMO fighters.

Between the months of March and July 1994, at the beginning of the rainy season, the plaintiff on these counts described what constituted habitual acts for ULIMO fighters: looting, massacres of civilians, forced transportation.

He goes on to say that the defense criticized the fact that the plaintiff only knew the name of Alieu Kosiah and not the names of the other ULIMO soldiers. But he added that it should be remembered that she lived in the bush and was illiterate. And above all, according to her, Alieu Kosiah was the one who raped her, so how could she forget his name?

Moreover, according to him, Alieu Kosiah called himself "General Kosiah" and was the only one in military clothes. For the Federal Prosecutor, the plaintiff's testimony is credible.

The prosecutor goes on to say that after the looting of her village and the forced transport of civilians, ordered to carry the looted goods, the plaintiff discovered decapitated bodies in her village, including her brother and uncle. She went into hiding with her mother and sister. Hungry, the plaintiff went in search of food and found herself in Voinjama, in Alieu Kosiah's way. He told her she was to be his wife, locked her in a house and raped her several times.

He added that a defense witness had reported in the proceedings that when ULIMO soldiers had stayed in the forest for a long time, they wanted to have sex with women and raped them if they refused. The defendant, for his part, said in Court that he was so successful with women that he didn't need to rape them. What's more, he added that his girlfriend at the time was far more beautiful than the plaintiff. "No chance" of raping her, he said. The Court will assess.

The Federal Prosecutor also emphasized the effort made by the plaintiff to answer all questions during her hearing from Monrovia, from 9 a.m. to 4.30 p.m., when she had just given birth and was with her baby in her arms, who sometimes needed her attention. She did all this so that the truth would come out and justice would be done.

The Federal Prosecutor states that, in his opinion, the rape qualifies as a direct, violent and cruel attack on the plaintiff's bodily integrity, but the act also constitutes an attack on personal dignity, because he threatened her with death if she refused. The defendant told her to be quiet when she cried, or he would kill her. Alieu Kosiah must be found guilty of this.

According to the Federal Prosecutor on the legal qualification, Alieu Kosiah must be found guilty of having ordered the looting of the village of B, thereby committing a violation of the laws of war within the meaning of art. 109 para. 1 aCPM in conjunction with art. 108 para. 2 aCPM and with art. 4 ch. 2 lit g Additional Protocol II, which develops and completes art. 3 common to the Geneva Conventions.

Forced transportation of goods by civilians from Zorzor to Salayae (charge 1.3.25)
The Prosecutor begins by noting that the towns of Voinjama, Kolahun and Salayae were defended from Zorzor. Transport was undoubtedly used to support the defense of ULIMO-held towns in Lofa. The plaintiff on this charge is adamant that Alieu Kosiah was present throughout this forced transport.

In his opinion, the plaintiff's statements are credible. During the hearing, Alieu Kosiah spoke of transporting oil, when in fact he was transporting ammunition. According to the Federal Prosecutor, this is just another smokescreen thrown up to clear his name, as he does every time.

With regard to legal qualification, the Federal Prosecutor declares that Alieu Kosiah must be found guilty for this forced transport.

The Federal Prosecutor went on to say that he wished to address four issues concerning Alieu Kosiah that he felt were important to understanding the background to this case.

They are as follows:

- Where was Alieu Kosiah in 1993?
- What was his real role within ULIMO?
- What is his personality?
- What conspiracy theory does the accused rely on to exonerate himself?

1. Alieu Kosiah's presence since 1993 in the region concerned by the plaintiffs

The Federal Prosecutor states that, relying on the defendant's statements at the start of the proceedings, at the first hearing in Bern in November 2014 Alieu Kosiah said the following:

"If I committed anything, it was in Lofa and Gran Gedeh, before 1995"
"Yes I received a bullet during the war between Voinjama and Zorzor in 1993"
"On December 3, 1994, Foya had not yet been taken, nor had Kolahun. After a few days, we sent Cobra and took Kolahun. We then took Foya.
"When I was in Lofa, the ULIMO split had not yet taken place".

According to the Federal Prosecutor, in this first hearing, the defendant did indeed place himself in the Lofa. He used various reference points - events - to situate himself: the capture of Voinjama, the capture of Kolahun, the capture of Foya, or even his injury.

He added that the plaintiffs then gave their versions, situating the various exactions between 1993 and 1994. After these hearings, Alieu Kosiah took a 180-degree turn: "I was not in the Lofa before the ULIMO-J and ULIMO-K split", a version he never ceased to maintain, claiming to have remained quiet in Todi for several months, then in Monrovia, while the ULIMOs were gaining strength and then the rebels of the LDF movement were attacking their positions. It's hard to believe that the fighter he claimed to be could be absent during the strategic events of Lofa." The "sabbatical year" theory also fails to stand up to certain statements made by his own witnesses.

The Federal Prosecutor then adds that there is a great deal of evidence in the file to support Alieu Kosiah's arrival in Lofa in February 1993, supported by the plaintiffs and, once again, by the testimony of defense witnesses. For example, Kunti Kamara's testimony also confirmed that Alieu Kosiah had

taken part in the capture of Voinjama and then Foya. Alieu Kosiah remained in Lofa until the end of 1995.

He then asked why Alieu Kosiah had put so much energy after his first hearing into denying his presence in Lofa before the ULIMO split? The answer is that he knew what he had done there. This analysis is based on the file.

2. Alieu Kosiah's role and function within the ULIMO movement

On this point, the Federal Prosecutor begins by saying that we must forget everything we know about the military hierarchy, the organization of the ULIMO movement, and that it was not the Swiss army. There were ranks and certain rules, but it was the Pepper & Salt commander who reigned: did we need money? We looted. Did you need a wife? We raped. Did you need power? We killed.

He goes on to say that there were indeed "big big men": the strongest, the most charismatic, the most experienced. Alieu Kosiah was 18 at the time of the events, which has nothing to do with the Swiss generals. There were these kids, drug addicts, devoted to the cause of these "big big men" who had the power of life and death over others.

According to the Federal Prosecutor, Alieu Kosiah's statement that "I couldn't be H&H because I was never a general" is nonsense, because ranks within the ULIMO movement were usurped: "Captain Kosiah", "Chief Kosiah", "General Kosiah", whatever, as long as it gave him importance in the eyes of his "boys", in the eyes of civilians.

He adds that the defendant denies this function of H&H, or logistics manager, even though the child soldier has confirmed this fact, as have other witnesses. It may well be that Alieu Kosiah, or "Physical Cash", had no real rank. Yet, in the Lofa, he was in charge of supplies. He organized looting and forced transports. He was the "floating officer" he himself refers to, who fetched everything everyone in the ULIMOs needed from the various towns held by commanders Pepper & Salt, Deku and Kunti Kamara.

He concludes on this point by saying that to defend himself, Alieu Kosiah criticizes and blames civilians for not knowing the ranks. According to him, if they had really experienced what they claim to have suffered, they should know better. But how were they supposed to react when the fighters stormed into a town? Obviously, they couldn't determine exactly who the general was, but they could tell from the soldiers' behavior who was superior. Civilians could see the military salutes, the passing on of orders, the deference, the pseudo-military dress of some, and this was the basis of their conviction.

3. The personality of Alieu Kosiah

According to the Federal Prosecutor, whether highly placed, feared or respected, Alieu Kosiah also knew how to manage his own business for his own benefit with his friend Kake. The money didn't come from ULIMO because the movement didn't pay its soldiers. Later, Alieu Kosiah even sought a Guinean identity card. He was thirsty for power and money, and had to think about himself above the rest.

He then notes that Mr. Kosiah, who by his own account would have been respectful of civilians and the laws of war, and an impeccable fighter, was nevertheless surrounded within the ULIMO movement by the worst possible people:

- Pepper & Salt was the nickname of the commander-in-chief in the Lofa because he fed his men human meat. He was so power-hungry that, according to a Doctors Without Borders report, he killed one of his own friends. Alieu Kosiah and Pepper & Salt were the best of friends, always together.
- Mami Wata was even worse. According to the case file, he was involved in the disemboweling of a pregnant woman, whose fetus he later pulled out and held following a bet made on the sex of the child.
- Ugly Boy was one of the worst of them all. He was known for chopping up bodies with his ax. Ugly Boy and Alieu Kosiah were close associates in numerous crimes.
- Kunti Kamara, accused by the French government of other international crimes, was with Alieu Kosiah in the Lofa.
- Sensi Bebe, Alieu Kosiah's bodyguard, the worst of his "boys", allegedly killed an old man who said he was tired. Sensi Bebe went everywhere with Alieu Kosiah, and they shared a love of money.

He goes on to add that Alieu Kosiah was close to all the most vicious and terrible fighters of the ULIMO movement in Lofa during the three years he spent in the region, which was ravaged by looting, murder, massacres, forced transportation and rape.

According to the Federal Prosecutor, if Alieu Kosiah had had the respect he claimed to have had, he would never have remained in these appalling conditions of war. On the contrary, he not only took part in it, but also profited from it.

He then urged the Federal Judges not to believe that Alieu Kosiah had changed completely after the war. Indeed, he fled after the looting in Lofa of the Oxfam organization, having been put in prison by the ULIMOs for it. He later became Director of the Monrovia Criminal Investigation Police, again appointed by ULIMO, but his career was cut short. An article in January 1997 denounced the unilateral actions of the accused, who did not respect the protocols in place. He was also involved in a trade in police motorcycles.

He goes on to say that Alieu Kosiah then arrives in Switzerland. However, when the authorities question his "Strike Forces 1992-1993" card, on which he relies to obtain asylum, he claims it's true. Then, when the Federal Prosecutor’s Office takes an interest in this card in the file, he evades the issue and declares it to be false. Yet the Truth and Reconciliation Commission has stated that such a card is useful for travel within Guinea, which corroborates Alieu Kosiah's role as "floating officer".

He also added that in Switzerland, Mr. Kosiah had deceived the Vaud welfare department, but the matter had been closed by the Federal Prosecutor’s Office. During the investigation of this case, his behavior had not changed. Of course, he has been warned and is under no obligation to say anything in view of the allegations. But when asked about the Kake businessman who was selling the stolen goods with ULIMO, he avoids answering as much as possible, or changes his version. Or maybe he's just forgetful about the ULIMO split. Alieu Kosiah has never hesitated to twist the truth for his own benefit, to the detriment of the victims, even during these proceedings.

4. The alleged conspiracy

The Federal Prosecutor begins by declaring his belief that the conspiracy theory used by Alieu Kosiah to defend himself is unfounded.

In his view, it's hard to believe that the plaintiffs would risk their lives to come to Switzerland and lie. The defendant even suggested that they had dubious intentions, such as seeking asylum in Switzerland or asking for money. But none of the plaintiffs applied for asylum; they all returned to Liberia, without compensation.

He adds that in this case, the victims are really risking their lives, since one of them was assaulted on the way home, and members of the Truth and Reconciliation Commission have received death threats. A defense witness had this to say about Hassan Bility: "He won't be able to return to Liberia easily, because there are 'fighting men' waiting for him". War is still present in Liberia, which remains a place of impunity: criminals are ministers or senators and are protected by the President.

He asks the judges to take a step back and see that the plaintiffs have told the truth. "The absolute truth is that there is no absolute truth", said the philosopher Jules Lagneau. The plaintiffs have not told THE truth, but THEIR truth, and the contradictions in their accounts are proof of their authenticity.

One of the plaintiffs, for example, does not take advantage of putting Alieu Kosiah in prison, but what he needs, he simply states: "Justice is what I need".

He concludes on this point by saying that this trial, more than any other, offers justice to those who have never had it. For them, but also for Liberia, which is following the trial closely, because there is only one thing at stake for the country: that a Court can be founded in the country itself to restore justice.

<u>At the end of his closing arguments, the Federal Prosecutor declares that it is now a matter of examining what sentence Alieu Kosiah should face</u>
For the Federal Prosecutor, the old military penal code applies. According to him:

1. The penalty incurred is deprivation of liberty; without suspension. The aCPM provides for a sentence of between one and 20 years' imprisonment, and for serious cases, between three and 20 years, or life imprisonment.
2. There is no statute of limitations for these offenses.

He added that the accused could not have been unaware that civilians were not being shot in the head, that their villages were not being pillaged, that women were not being raped, that children were not being given weapons, etc. The assessment of the evidence leads to the conclusion that he must be found guilty within the meaning of articles 109 al1 aCPM and 108 al.2 aCPM, as well as with art. 3 common to the Geneva Conventions and art. 4 of the Additional Protocol to the Geneva Conventions.

<u>Proposed penal sanction</u>
According to the Federal Prosecutor, the judge will set the sentence according to the defendant's personal situation. He points out that he is 45 years old, has no health problems and has no ties in Switzerland. The custodial sentence applies.

He adds that the records contain no elements relating to personal or criminal history, which would have a neutral effect on sentencing. In view of the motive for his crimes - revenge and personal profit at the expense of civilians - this is not excusable.

He goes on to note that the defendant's cooperation was very poor. Of course, he provided information on the war which enabled the Federal Prosecutor's Office to make progress in the investigation, but the tone changed as soon as his responsibility was engaged. The accused tried not to tell the truth, while avoiding the frontal lie that could have harmed him. So there are no extenuating circumstances, not even the passage of time.

The Prosecutor states that he was interested in the other sanctions imposed on Liberian war criminals:

- Charles Taylor: 50 years' imprisonment by the Court of Sierra Leone for war crimes and crimes against humanity;
- Chucky Taylor: 97 years by a Miami court for torture;
- Jungle Jabbah: 30 years for immigration fraud in Philadelphia.

All these sentences were upheld on appeal.

The Federal Prosecutor recommends a custodial sentence of 20 years, in deduction of the years of pre-trial detention, and upon completion of the sentence, deportation from Switzerland for 15 years.

He concludes by declaring that we are coming to the end of a trial that will go down in history. The fact that we have been able to plead this case today in this room is proof that Switzerland is living up to the expectations of national and international justice. The plaintiffs, who have had the courage to come and testify here, carry the voices of all those who are not here today. More than action, it is inaction that harms humanity. Alieu Kosiah acted in one of the cruelest conflicts in history, in defiance of the elementary rules of warfare and, above all, in defiance of the very principle of humanity. He concludes by declaring: "Judges, don't stand idly by".

<u>Alain Werner, lawyer for four of the plaintiffs, takes the floor</u>
Mr. Werner begins by declaring that it is a great relief for him to be pleading this case today, in the midst of a pandemic. In spite of all the obstacles, the trial went ahead, with the plaintiffs and witnesses coming to testify for and against them, and with video conferences organized with France and Liberia, with impeccable translation. His congratulations and thanks go to the judges and the court clerk.

In his opinion, the proceedings were conducted firmly and fairly.

He goes on to say that, of course, when all this is over, lessons will be learned, particularly with regard to the slowness of the investigation of this case, the care taken with witnesses, the impossibility for the judiciary and prosecutors to visit the scene, etc. But in his opinion, everything has been revealed during this investigation and the judges therefore have all the elements in hand to decide on this case.

According to Mr Werner, for over 20 years, both Liberia and the international community have failed to judge these atrocities. Today, it is Switzerland - a symbolic place - that is taking charge, in the hope that the judgment will go down in history. Along with his clients, he expresses the hope that the judgment will have an international impact, and even lead to the creation of a Criminal Court in Liberia to judge the crimes still unpunished.

Before getting to the heart of his plea, he says he would like to address three initial issues: fear, conspiracy and Hassan Bility.

## 1. Fear

According to Mr Werner, Alieu Kosiah continues to say that he has not seen any crimes committed by ULIMO forces in Lofa, apart from the enlistment of children and the looting of wood and trucks.

He adds that many defendants in international crime trials have denied their involvement in the crimes, but not the existence of the crimes themselves. Alieu Kosiah denies the crimes themselves. He declares that the war is not clean, that Charles Taylor's forces committed crimes, that members of the Krahns ethnic group also committed crimes after the split, but not the ULIMOs in Lofa. These denials are untenable, an insult to all victims of the ULIMO forces.

He goes on to say that it took him a very long time to understand why the defendant and his brother-in-arms - Kunti Kamara - were sticking to this line of defense. But when he saw this conversation with Kunti Kamara recorded by the French police, in which Kunti Kamara says he wants to free Alieu Kosiah who is in prison, he says he understood. In fact, Mr Kosiah and the other former ULIMO members are still at war in their heads. So it's them against everyone. They won't give up, it's a fight to the death to win.

He then wonders how Kunti Kamara thought he could free Alieu Kosiah, when he was himself preparing to flee to Portugal. What he thinks today is that, once back in Liberia via Guinea, Kunti Kamara was going to put or have put pressure on the plaintiffs to make the trial fail. This would free Alieu Kosiah.

He goes on to say that this is where fear comes in. The plaintiffs have lived through the worst. Atrocities, horrors. But it's all buried. When one of the plaintiffs testified and Mr. Kosiah lost his temper in Court and shouted during his testimony, the plaintiff shook like a leaf and could no longer stand so close to the defendant in the courtroom. The hearing had to be interrupted, and Mr Werner gave his client a glass of water, but he continued to shake. Even Hassan Bility, who has seen it all before, was frightened when Alieu Kosiah started shouting during the investigative hearing in Bern. Suddenly, the fear is back.

Because, according to Mr Werner, both during the investigation and in the courtroom, the defendant screamed like when he used to scream and terrorize civilians in Lofa.

He went on to say that Alieu Kosiah was asked if he had the same maturity as when he was in Liberia. The latter replied that youth is like an illness, and that with age, one becomes wiser. Then Mr Werner, hearing the defendant shout as he did, shook his head as he imagined him and the child soldier, 30 years younger in Lofa, facing civilians.

According to him, today, all the plaintiffs are afraid. He also congratulates Alieu Kosiah, and tells him that he has succeeded, even here in Switzerland, in scaring the victims.

On this point, he concludes by saying that all the plaintiffs said they were afraid to return, some even hid the fact from their families that they had come to testify. And the only civilians who said they were not afraid to testify were the defense witnesses. In Liberia, security problems will arise for returning witnesses. Mr Werner explains that his hope is that the judges will appreciate the immense courage of the witnesses, their desire for justice having been the strongest.

## 2. The conspiracy

On this point, Mr. Werner begins by saying that this theory has been asserted for over 6 years, and will certainly be at the heart of the defense's case.

He explains that, according to the defense, the plaintiffs are at the heart of this conspiracy. But they didn't ask for money or asylum. They have no grudge against the Mandingo ethnic group as a whole, and have nothing against other ethnic groups.

He notes that the defense is surprised that the victims did not seek justice in Liberia. But there is no court to judge these crimes in Liberia, nor the political will to do so.

He goes on to explain that, at the time, the plaintiffs convinced the lawyers of their sincerity, and he challenges the defense to explain the motives behind the conspiracy.

As for the conspirators, i.e. Mr Werner himself and Civitas Maxima, Mr Werner explains that he is not looking for work and for people for whom there are suspicions of international crimes, the files come on their own, and there is too much work. Finally, nationality plays no part in the selection of cases. Civitas Maxima was registered in 2012 in Geneva when Mr Werner was still living in London. Assuming he had stayed in London, everything we do here would be exactly the same, with the difference that Mr Werner would not be pleading, as he could not be registered with the Geneva Bar if he still lived in London.

Mr Werner goes on to say that there is no international conspiracy against Alieu Kosiah. There was corroborating evidence of the crimes he had allegedly committed, which is why the criminal complaint was filed in Switzerland.

On the methodology used; the GJRP employee, Mr. Keita, was sent to Lofa to listen to what was being said in the "Hatai shop", the places where men discuss politics and other subjects such as war. This is how he came to understand who had information about the crimes committed by ULIMO forces during the war.

He also explains that in the case against Kunti Kamara in France, Civitas Maxima is the plaintiff because this is legally possible in France.

He concludes on this point by declaring that there is no conspiracy, only a methodology for bringing people suspected of war crimes to trial.

### 3. Hassan Bility

Mr. Werner begins by saying that he began working with Hassan Bility in 2010. And that's a paradox, because both him and Hassan Bility were involved on the prosecution side in the trial of Charles Taylor, the famous Charles Taylor whose atrocities the defendant recites like mantras.

He goes on to say that Hassan Bility was a journalist who denounced the collusion of the Liberian state under Charles Taylor with the rebels in Sierra Leone. He was tortured, saved by Amnesty International's campaign, released and granted asylum in Boston. He continued his fight for justice by deciding to return to Liberia to work for justice, and for him, the price to pay is high: being threatened even today in his country of origin.

According to Mr Werner, Hassan Bility has shown the same desire for justice in the Alieu Kosiah case as he has in other cases, even though he and Alieu Kosiah are from the same ethnic group, as are Kunti

Kamara and Jungle Jabbah, cases on which Hassan Bility has also worked. As a result of all this work, Hassan Bility is threatened by his own ethnic group, some of whose members consider him a traitor because of this work.

According to him, there is no plot and no conspirators.

He goes on to explain that, of course, with a country like Liberia, there are sometimes methodological problems. Everything wasn't always protocolized as it should have been. But the plaintiffs came to Switzerland to testify because they wanted to, not because they were told what to say or do. In January 2015, despite the Ebola epidemic in Liberia, visas were obtained for three of the plaintiffs. It was snowing in Switzerland at the time, they had never seen snow and were slipping on their way to the hearings.

Mr Werner concludes on this bridge by saying that one of Civitas Maxima's three core values is integrity. In January 2015, one of the plaintiffs did not recognize Alieu Kosiah on a photographic plate. However, the lawyers had access to other photos on the record that they would have been entitled to show their clients. These photos were of much better quality than those submitted. But Mr Werner and his colleagues did not do so, because they did not want to influence their clients in any way and trusted their integrity.

Pleadings were interrupted until the following morning. Mr Werner will then take the floor again.

## March 2, 2021 – Day 18: Second day of closing arguments: joint closing arguments by the plaintiffs' attorneys

The President of the Court, Judge Bacher, opens the hearing. The floor is given back to Mr. Alain Werner. The floor will then be given to Mrs. Zeina Wakim, Mr. Romain Wavre (who represents four plaintiffs alongside Mr. Werner), Mr. Raphaël Jakob and Mr. Hikmat Maleh, all plaintiffs' lawyers, for a first part of their joint pleading to evoke the context, role and chronology of Alieu Kosiah in the various crimes of which he is accused.

Then, each lawyer will speak specifically about their client and the related charges.

Continuation of Alain Werner's argument from the previous day
Mr Werner begins with the subject of the ULIMO hierarchy's loss of control over the group of ULIMO commander Pepper & Salt, and his men.

According to him, as soon as they were in Lofa, Pepper & Salt's ULIMOs would operate autonomously in the Lofa towns (Voinjama, Zorzor, Foya, Kolahun). "After a while we lost control, especially of the upper part of Lofa county," said Kwamex Fofana, a senior ULIMO officer based in the ULIMO headquarters outside Lofa, in the town of Bomi.

Mr. Werner goes on to explain that the rupture between the ULIMO hierarchy and the Pepper & Salt group is confirmed by numerous documents. Firstly, an American diplomatic executive writes: "the redoubtable Pepper & Salt commander is putting humanitarian organizations in a bind because he refuses visits and even refuses visits from his hierarchy." In a dispatch from the international press group UPI in October 1993, ULIMO sources report that Pepper & Salt will receive a visit from the ULIMO hierarchy in order to be dislodged from Lofa. According to another written source, a humanitarian this time, the town of Foya and the northern Lofa are inaccessible because of "renegade military factions." Moreover, Alieu Kosiah himself had stated, as part of his hearing, that the supreme leader of the ULIMO, Alhaji Kromah, had indeed only been to the upper part of Lofa county twice.

The lawyer goes on to say that this loss of control will have meant that the renegade Pepper & Salt group will no longer voluntarily follow ULIMO rules."At most, Pepper & Salt can be accused of negligence, but he never gave the order to persecute people," said Alieu Kosiah in these proceedings. Yet, according to written sources, Pepper & Salt deserved "to be named the most ruthless of ULIMO commanders."

Mr. Werner then asked what Mr. Kosiah's role had been in this context. The judges heard three defense witnesses, all of whom stressed the importance of the defendant's role in the ULIMO group. The former ULIMO child soldier called by the defense said that Alieu Kosiah had more charisma than some of the ULIMO generals above him. Another defense witness, also a former ULIMO, said that Alieu Kosiah was more senior than ULIMO commander Kunti. Mr. Kosiah accompanied Pepper & Salt shortly after the capture of Zorzor, and when Foya was taken, Pepper & Salt called Alieu Kosiah first before calling the other superiors. And so it's logical that when the ULIMO faction had to appoint people from its own ranks to the transitional government that Alieu Kosiah was chosen as one of the ULIMO appointees.

Mr. Werner goes on to state that the outburst of violence in Lofa by Pepper & Salt and his men described by Kwamex Fofana corroborates the descriptions given by the plaintiffs at the hearings of

the same extreme violence by the ULIMOs in Lofa. For such violence to be unleashed against the civilian population in Lofa and many other parts of Liberia, a specific ingredient is needed: an absolute sense of impunity. The fact that whoever commits a crime feels nothing about doing so, because he knows there will be no consequences.

The lawyer goes on to give an example of the sense of impunity that prevailed with French war photographer Patrick Robert, who accompanied NPFL rebels searching civilians for ULIMO soldiers or alleged ULIMO soldiers. Suddenly, Patrick Robert heard screams and bursts of machine-gun fire. He sees a Mandingo woman and child who have just been shot, and sees the child breathe his last. The killer calls out to him and says, "Take my photo", Robert complies and walks away. But the fighter returns and asks, "Would you like me to shoot the child's body again, so that you can take a photo of the scene?" This was the war in Liberia: a stupefying sense of impunity on the part of the combatants.

Mr. Werner goes on to say that, according to a witness heard in the proceedings, the fighters believed there was no god. They believed there was no government, so they attacked civilians. In truth, there wasn't even an ideological framework during this war, especially as there was very little fighting between the enemy factions. The civilians most affected were those Liberians who came under the control of one group and then another as the fighting wore on, as well as those suspected of being sympathetic to an enemy armed group. In reality, this represented all Liberians.

According to Mr. Werner, terror thus became the main tool of the various factions. A tool for what purpose? Clearly, the aim was to keep the population under their control. The plaintiffs have cited events of pure terror that are not held against Alieu Kosiah in this case, including the story of the wheelbarrows that carried human parts cut up and forcibly sold to the population by ULIMO soldiers. Why such acts? Someone replied in Court that "it was to terrorize us, to subdue us, they were showing that they had every right."

The lawyer goes on to say that another person recounted this episode in Zorzor in Court, when ULIMO commander Mami Wata cut open the belly of a pregnant woman to see the sex of the child. He also recounted how Alieu Kosiah and the whole ULIMO group had accused the old women of the town of casting a spell on them so that their weapons would jam in battle. They were then rounded up on a hill in the town to be shot. According to witnesses, Mr. Kosiah was involved in both these events, but this was not included in the indictment.

According to Mr. Werner, it's sad to say that terror, as a weapon of mass submission, worked perfectly, particularly in the context of the looting of all the civilian population's possessions. These goods were then transported by force, and by the civilians themselves, to be sold in Guinea.

Mr. Werner then asks the judges to imagine disembarking at their home, killing one or other member of the family, taking all their belongings in big suitcases and putting them on their heads to sell in Italy! If you're tired and can't carry any more, you're shot in the head during transport. What's left of the family is worried sick that you won't come back, knowing how tired civilians are treated on the march. And if they do come back, they don't know when it's going to start again, as these transports can happen at any time.

Mr. Werner then asks: why such treatment? Purely for profit! The looted goods were far more valuable to the ULIMOs than the civilians themselves. The losses caused by this looting are still visible today in the villages of Lofa. For example, the looting of the oil press in part of the town of Foya: this

public enterprise employed up to 500 people, but today there is no longer any press and a very precious resource has been lost.

The lawyer concludes this first part by saying that it was explained at the hearing that, in the end, the difference between the ULIMO and NPFL groups, the first invaders of Lofa, was that there was no systematization of looting with the NPFL, unlike the ULIMO.

The floor is given to Mrs Zeina Wakim

Mrs. Wakim begins by explaining that sexual violence has not escaped the list of abuses mentioned throughout the hearings and pleadings. In this regime of terror, men and women have been reduced to a function of their bodies. Women, who are the strongest link in the family, become the weakest link when they are attacked. It's a weapon of war.

According to the lawyer, rape is one of the worst forms of suffering that one human being can inflict on another. Yet five different sources attest to the reality of sexual violence during Liberia's civil war: the Red Cross (ICRC), Liberia's Truth and Reconciliation Commission (TRC), independent observers, witnesses from other trials and the plaintiffs in this trial. According to the ICRC, 51% of people who lived through the war had a close relative who was a victim of sexual violence. According to the TRC, rape was a means of terrorizing the population.

She goes on to explain that the possession of firearms also gave way for the submission of women to the will of combatants. According to studies on violence against women, 49% of women were subjected to sexual violence by a soldier during the war.

Mrs. Wakim goes on to say that during the Jungle Jabbah trial in the United States in 2017, it was found that rape was systematic. The fighters said that if the women refused, they could kill them for refusing, and if they didn't kill them, they could be killed by their superiors. Jungle Jabbah himself was accused of committing two particularly atrocious acts against two pregnant women: the rape of an 8-month pregnant woman, an act so violent that the woman gave birth to a stillborn child and then died herself. And the firing of an automatic weapon into the vagina of a pregnant woman. And Alieu Kosiah said in these proceedings that Jungle Jabbah is a good Muslim.

Mrs. Wakim concludes by pointing out that the witnesses in this trial are also talking about sexual violence. A 13-year-old girl entrusted to a soldier for a year by a commanding officer.... And, of course, the plaintiff, Ms. F, who was around 16 at the time of the events.

The floor is given to Mr Romain Wavre

Mr. Wavre begins his argument by saying that even though there is no plaintiff for the crimes relating to child soldiers, we have to talk about them here. Civilians were an asset, as well as a material asset, of the ULIMO soldiers. They needed manpower, so they took the men. They had sexual needs to satisfy, so they took women. They needed soldiers who would blindly obey, so they took children.

He goes on to explain that children are part of the ULIMO terror machine. This was explained in Court by one of the plaintiffs, who recounted the feeling of omnipotence the children felt when they had a gun: he said, in essence, "maybe it would have had the same effect on me too? They'd ask us to come over to them, puff out our cheeks, then slap us.

According to the lawyer, another person in the proceedings said: "Often, these children were even worse than the adults. These SBUs (Small Boys Units) who were 13 to 14 years old, they were vicious,

they would beat you up. They were the worst because children can't think. All the witnesses in these proceedings mentioned that the ULIMOs recruited children. In Liberia, one child in 10 is said to have fought. The ULIMOs used children as weapons. This recruitment demonstrates the ease with which the ULIMOs used others.

He goes on to say that today in Liberia, former child soldiers take the AK-47 bullet cartridges that are still everywhere. They cut them up, carve them and try to sell them. It's all they can do, as they are rejected by their communities. People remember that at a roadblock, simply in the street, or when a peasant went to his field, anyone could be shot, arbitrarily considered a traitor by an unsupervised and therefore all-powerful child soldier.

According to Swiss Federal Judicial Police sources involved in the case, Mr. Wavre lists around ten of such abuses between 1992 and 1993. And that, of course, is only a fraction of what happened.

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The lawyer goes on to say that it has been said on numerous occasions that civilians were constantly accused of working for the enemy, the NPFL. Yet all the testimonies in these proceedings show that almost every time these civilians were not really combatants. In addition to the testimony of the former child soldier, another former combatant said in these proceedings: "As soon as you're a suspect, you're dead!

He added that in the Lofa, you had to do everything to avoid looking like a spy. The risk was immense when cities were taken, but also under the domination of the ULIMOs in the Lofa. The "checkpoints" were particularly dangerous, decorated with human skulls. Massa Washington, a former member of the TRC, testified in court that she had seen a checkpoint made of human guts, to block the road. One of the barriers was so lethal that it was called the "Zero Checkpoint", "to zero someone" meaning to kill someone.

However, according to the lawyer, everyone was a suspect, everyone was in danger. The ULIMOs didn't take the risk of letting anyone from the outside into the captured cities. This was the daily life of people living under ULIMO in Lofa, far from the idyllic vision described by Alieu Kosiah.

He goes on to explain that the dossier is full of atrocities committed by ULIMOs in the Lofa, and not just from eyewitness accounts. There are also reports from Médecins Sans Frontières (MSF), press articles, the work of the TRC etc...

However, according to Mr. Wavre, there is only one person who denies all this: Alieu Kosiah. He said at the start of the proceedings: "I'll be able to give you a much better answer than what's in the books, because I was one of the founders of ULIMO". Then he said in substance: "I have never been a direct witness to war crimes. I've never heard of these exactions on the part of the ULIMO. They never coerced civilians, they never practiced 'tabé'. I never saw or heard of cannibalism. Everything was calm

and there was no looting. Only Kunti Kamara went even further, denying the existence of child soldiers within the ULIMO.

Moreover, according to the lawyer, the only person to have been tied in "tabé" would be himself, when he was arrested. He says this even though, according to his former child soldier, this was practiced on every ULIMO front line. By dint of lying, changing versions and meandering between established facts, the defendant's position is untenable. Mr Kosiah's reality is lying. He knows that his ULIMO faction has committed all these crimes, but he doesn't want to admit it.

He goes on to talk about "Physical cash". This is what Alieu Kosiah was called by his soldiers. War names are not chosen at random; they strongly represent the role and behavior of warriors.

He goes on to explain that everyone in the Lofa knew that Talata M Sherif was "Ugly Boy". Everyone knew to run when they heard his name. "Ugly Boy" left an indelible mark on the region. He was a barbarian, more so than the others. "Saah Chui", his Kissi name, meant "one who kills with an ax". Pepper & Salt was so named because he loved seasoned human flesh.

Mr. Wavre goes on to say that to understand who Alieu Kosiah was during the war, you have to understand who "Physical Cash" is. ULIMO fighters didn't have salaries. This is confirmed by numerous sources, including Kwamex Fofana, a former high-ranking ULIMO officer who said: "In fact, we had no money! ULIMO didn't have any money at all, it was all voluntary work." So those who had money found it in other ways. At the start of the proceedings, Mr. Kosiah said in his first hearings: "I've never seen an ULIMO get paid." And also: "ULIMO was a poor organization that never paid its soldiers." "We took money from the houses, everyone does that in so many wars" said a witness in the proceedings. The child soldier said: "I remember, one day I organized a coffee transport to get money to buy food, I was hungry. We managed".

According to the lawyer, logic would have it that the soldiers were poor, but in truth they weren't, because they took and sold everything. But not everyone did it to get rich. Some did it to feed themselves. This is understandable, even if it is illegal and horrible.

He goes on to say that Alieu Kosiah was one of the commanders who structured these forced transports to line their own pockets. And among all these ULIMO commanders who plundered, there was one who cashed in even more than the others. There was only one "Ugly Boy" because he was fearsomely cruel, only one "Pepper & Salt" because he loved human flesh, and then only one called "Physical Cash", because he was the only one who cashed in more than anyone else. He wasn't meant to be a front-line fighter. Above all, he took advantage of the war to plunder.

Mr. Wavre goes on to say that, according to several witnesses in the case, Mr. Kosiah always had money. The former child soldier said, "We used that nickname because he spent all the money to buy us shoes, to eat." Alieu Kosiah never provided an explanation as to how he was able to have so much money in his pockets when ULIMO was poor and no one was getting paid.

The lawyer goes on to note that, according to Mr. Kosiah, this nickname came about as a result of an argument between him and "Pepper & Salt" over the fact that he had to feed his men. However, none of his comrades-in-arms corroborated this story. "If you really know me, you know they called me Physical Cash," said Alieu Kosiah, to discredit the plaintiffs who didn't know the nickname. For the lawyer, this is above all proof that the plaintiffs were unprepared.

He adds that the defendant's smokescreen tactics are smoking himself out. When he realized that his nom de guerre was a problem, he told the Court that it had been given to him when he worked for the Liberian police after the war, despite the fact that for six years, throughout the proceedings, he had almost bragged about his nom de guerre.

According to Mr. Wavre, Kwamex Fofana said in substance: "The only information I had about Physical Cash was that he used to go to nightclubs in Macenta, Guinea, where he held competitions to see who could buy the most drinks, to show who had the most money"; and Alieu Kosiah made no secret of the fact that he used to go across the border into Guinea to relax and buy food.

Mr. Wavre concludes by saying that the defendant has no pity for the victims. Every time Alieu Kosiah drank in Guinea, it was a woman who couldn't feed her child. With every drinking contest, the town of Foya was plunged into darkness. And so, for 25 years now, Foya has been largely plunged into darkness.

Mr. Raphael Jakob takes the floor

Mr. Jakob begins his argument by declaring that what remains to be established is the chronology of the war, which is also at the heart of the case. By establishing the chronology, he argues, Alieu Kosiah can be placed at the heart of the events he refuses to admit.

According to the lawyer, this painstaking, albeit tedious, exercise is useful not only for unraveling Alieu Kosiah's alibi, but also for providing explanatory elements on the defendant's character.

Mr. Jakob then offers a chronological milestone of the ULIMO forces movement, based in particular on Liberian newspapers of the time, with a possible slight time lag due to the need to take time to publish.

- Capture of Po River - August 1992
- Capture of Bong Mines - September 1992
    - Operation Octopus - October 92 (NPFL attempt to take Monrovia)
- Creation of Strike Force (Zebra and Alligator) - October 1992
- Capture of Kakata - December 1992, near Todi (Alieu Kosiah's encounter with the child soldier)
- Siege of Zorzor by ULIMO - January 1993
    - Alieu Kosiah "disappears" according to Kwamex Fofana
- Zebra Faction in Klay - end January 1993
- Takeover of Kakata and Todi - end January 1993
    - "Jungle fire platoon" - a platoon in which Alieu Kosiah was allegedly a member and which committed atrocities, according to a newspaper article. It was so horrible that the ULIMO command said it wanted to set up a Court.
- Attack on Voinjama and fall of Zorzor - February 1993, this element helps to situate what was not established in court.
    - Mass execution in Zorzor - according to an article, the ULIMO command says it will launch an investigation.
- Capture of Todi Barracks - February 1993
- Capture of Voinjama - March 1993
    - A witness heard in the proceedings saw Alieu Kosiah in Voinjama.

- Pepper & Salt present at Foya
- Fight in the Foya area - May 1993
- Steven Dorley left Zorzor and was replaced by Pepper & Salt.
- Villages around Foya fall - end June 1993
- Capture of Foya - mid-July 1993
    - Alieu Kosiah takes part in the capture of Foya, according to Kunti Kamara.
- Formation of the Lofa Defence Forces (LDF) group - October 1993 (emanation of NPFL or civilians in revolt).
- Pepper & Salt controls Voinjama and Foya, and is present. 28,000 displaced people, threatened by famine and disease after Pepper & Salt prevented humanitarian organizations from coming.
    - ULIMO command says it is investigating.
- ULIMO looting the Vahum High Commission for Refugees (HCR) - end December 1993
- Pepper & Salt leaves Lofa, when he returns he is no longer commander-in-chief: February 1994
- Clash at Bomi -, ULIMO split into ULIMO-k and ULIMO-J, early March 1994
- ULIMO-K loses control of Bomi, abandons Bomi region to ULIMO-J - May 1994. Alieu Kosiah and the fighters are once again under the control of the ULIMO headquarters in Voinjama
- Ceasefire - October 1994
- Attack by a ULIMO faction on Gbarnga - October 1994
- Operation Envelope, death of Steven Dorley, ULIMOs leave Gbarnga - December 1994
- New ceasefire - end December 1994
- Ceasefire confirmed in Abuja - August 1995
- New attack by a ULIMO faction in Gbarnga - September/October 1995
- Oxfam looting - December 1995
    - Even a bloodthirsty creature like Pepper & Salt throws Alieu Kosiah in jail.

From March 1993 to February 1994, Pepper & Salt was present in Lofa.

According to Mr Jakob, Alieu Kosiah has stated at one time or another that he was present:

- In August 1992 at Po River
- In Todi in January 1993
- At Todi Barracks in February 1993
- In Voinjama in July 1993
- Ambush at Bokassa Junction, where he was wounded, in December 1993, triggering the "Black Mondays".
- In Bomi in March 1994, which proves that his convalescence did not go beyond March 1994, according to his own words. In fact, his convalescence lasted only a few days.
- In Zorzor, October 1995 (where he asserts that the ULIMO had nothing to do with the capture of Gbarnga).
- Present during the looting of Oxfam in December 1995, which marked the inglorious end of Alieu Kosiah's career in Lofa.

According to Mr Jakob, there are 4 lessons to be drawn from this chronology:

1. Alieu Kosiah has no alibi; he was indeed in the Lofa at the time of the events described by the plaintiffs.
2. Alieu Kosiah knowingly tried to derail the investigation of the Swiss Federal Prosecutor's Office by burdening it with numerous useless elements.
3. Alieu Kosiah knowingly and systematically lied as the investigation and the case progressed. But the defendant's story no longer holds water, and when he realizes that it doesn't, he arches his back, and a new, surrealistic version takes over, and Mr. Kosiah thus establishes the strategy of drowning the proceedings in useless elements.

Mr. Jakob says he's never met anyone with so much stamina to maintain his lie. According to him, even the defense witnesses can't keep up with Alieu Kosiah's evolutions and changes.

Mr. Jakob then asks: who is Alieu Kosiah? According to him, if you look at some of the events in this chronology, you'll see that whenever there's a power vacuum or a ceasefire, Mr. Kosiah is there to put the country to the sword. He has always been there to pillage, massacre and profit from looting, to frustrate any attempt to restore peace in Liberia.

Mr. Jakob concludes this section by saying that the real story to emerge from this dossier is that the position of "floating officer" gave him the immense freedom to prowl all over Lofa as Pepper & Salt's right-hand man and damned soul, to commit or allow to be committed the worst atrocities.

<u>The floor is given to Mr. Hikmat Maleh</u>
Mr. Maleh explains that he will first talk about Alieu Kosiah's physical appearance and what he was carrying and then about his personality.

According to the lawyer, the characteristic weapon Mr. Kosiah carried at all times, on his right flank, was a pistol. Everyone saw him like that. All the big men had pistols. The child soldier might even carry it to show that he was protecting a "big man". "I had an AK-47 that my boy carried," said Alieu Kosiah. The heavier weapons were carried by the others. But his pistol never left his side.

He goes on to say that the defendant claimed never to have had a pistol in the Lofa, and to have sold it before. According to the lawyer, this is a very big lie. If the plaintiffs describe him with a pistol, the defense witnesses do the same! For example, the former child soldier said in the proceedings, "When Alieu Kosiah went around, he always had this pistol" When asked, "Are you sure?" -He replied "No, sometimes he'd hand it to me!

Mr. Maleh then asked: why these lies from Alieu Kosiah? Why make Lofa's pistol disappear, if not make the defendant disappear himself?

The lawyer then turns to Mr. Kosiah's attire. The ULIMO group had no uniform. The soldiers were dressed in civilian clothes, but the higher the rank, the more military clothing was worn. Alieu Kosiah is described in military garb by those who testified. Sometimes with a cap and especially with his boots on. There was no specific color for ULIMO soldiers. This makes it impossible to link one color to one faction or another.

With regard to the name borne by the defendant, Mr. Maleh goes on to say that the Liberian civil war was not an anonymous war. You even made a name for yourself and then proclaimed it. "When ULIMO soldiers say a name, we know they're not lying, because that person is there," said one plaintiff.

He added that when you say a name in Liberia, you can find several spellings of it. Kweshia, Korsia (TRC), Kosia (TRC) Koisiah (Mandingo defense), Koshel (ONU), are names written differently from Alieu Kosiah. The plaintiffs were not mistaken.

"When your eyes are nothing special, that's not what you pay attention to when you notice someone", said a witness, according to Mr. Maleh. But the defendant has "pop eyes", i.e. bulging eyes that stand out as if he were surprised or angry. All the plaintiffs mentioned this characteristic. Alieu Kosiah speaks of a conspiracy when all the plaintiffs agree on an element. He also says "I don't really have 'pop eyes'".

According to the lawyer, the other physical characteristic of Mr. Kosiah is his darker skin tone.

The third characteristic, according to Mr. Maleh, is his build: he's slim but strong. He's said to be of average height. Nobody describes him as short.

According to Mr. Maleh, the hearings added another characteristic. His shouting and his voice, on which all the plaintiffs agree, became all the more convincing when he started shouting in the middle of the hearing.

On the question of identification, Mr. Maleh says he understands the investigative approach of the Swiss Federal Prosecutor's Office (MPC) in wanting to submit photographic plates to the witnesses and plaintiffs. But they had not seen Alieu Kosiah for 20 years. Most of them were still minors at the time of the events. Moreover, he had never seen a photograph of Mr. Kosiah. As for the photo presented during the trial, it's small, showing only his head, and his skin is much lighter. What's more, the photo does not date from the war, but from 1998. The photo is therefore not representative of the characteristics recognized by all the plaintiffs (including very dark skin and "pop eyes").

The lawyer adds that the plaintiffs are not close friends of the defendant. Someone explained during the proceedings: "I didn't want to stay in touch with him". However, when they saw him on video, there was no doubt in their minds.

He goes on to say that during all these hearings, Mr. Kosiah laid bare the alternate reality in which he lives, including his sense of omnipotence, his sneers and his contempt for his own fellow citizens. Today he says he's calm, thanks to age. "Imagine him as a young man!" exclaims Mr Maleh.

Mr. Maleh concludes by saying that wherever Alieu Kosiah has gone, he has played by the rules and taken advantage of every situation. Even in an anarchic war like the one in Liberia, even within the ULIMO: he's been there for every outburst.

2nd round of pleadings for the plaintiffs

Mr. Alain Werner was given the floor again to speak on behalf of one of his clients, G.S. GMS, whose brother was killed along with six other civilians:

GMS, whose brother was killed, along with 6 other civilians. (charge 1.3.2)

Mr. Werner begins by explaining that during the last takeover of Zorzor, the civilians were rounded up at the gas station whose photo appears in the file. Alieu Kosiah then started pointing the finger at

seven men, saying that they were enemies of the NPFL movement, and that they were massacred with sledgehammers until they died.

The lawyer goes on to say that his client doesn't know why his brother was singled out as an enemy, because it was clear to him that his brother was not a member of the NPFL. As for the other six, he has no idea. His family doesn't know what happened to his brother's remains, since it took a long time for civilians to return to the site, and when they did, there were no bodies left. Mr. Werner's representative spoke to two other people present that day, who refused to testify in the proceedings.

Mr. Werner then asked: how could his client be sure that it was indeed Alieu Kosiah? The ULIMO soldiers shouted the names of the commanders when they took a town, they didn't hide, even chanting the names of the "big men" or commanders. They shouted to say that Mami Wata was there, that War Bus was there, they also shouted the name of Chief Kosiah, superior to Mami Wata and War Bus.

Mr. Werner went on to explain that his client had seen Alieu Kosiah several times in Zorzor, notably during a forced transport.

Furthermore, according to the lawyer, written sources, notably Agence France Presse (AFP), corroborate that at that time, in Zorzor, the ULIMO rebel group was executing people accused of being NPFL enemies. The only difference with what was reported by the agency is the number of people: seven according to Werner's client, 14 according to AFP. The TRC's final report mentions over 100 people.

Mr. Werner went on to say that in view of the number of executions by the ULIMOs, it seems more than likely that the execution of the client’s brother was not the only one, and so his client’s testimony, in his opinion, is consistent with the written sources and is therefore perfectly credible.

The lawyer added that Kunti Kamara and Kwamex Fofana - both former ULIMO commanders - had mentioned several times that Alieu Kosiah had left the Bomi region as soon as Zorzor had been taken. Thus, these testimonies corroborate the fact that he was on the spot, as stated by his client.

The lawyer went on to state that his client's general honesty was obvious: "I used my eyes and ears to record things", he declared. According to Mr Werner, his client was always very clear and careful when reporting what he learned. "When you experience traumatic events, you remember them for yourself. But what brought me here was the death of my brother. It's not the orders I was given that I remember most clearly, but the people who executed my brother. It's those memories that still make me cry, not what happened to me personally," his client said.

Mr. Werner recalls that at the May 30, 2017 hearing of the Federal Prosecutor's Office in Bern, Alieu Kosiah was following the hearing via video conference from another room. His client reports on the events, on the death of his brother and to the question, "Did you have a clear vision in your head of Alieu Kosiah at the time?" - he answers "Yes". He then gives a physical description of the accused, and the prosecutor presents him with a photo of Mr. Kosiah at the time, among eight or nine other photographs. Mr. Werner's client recognizes the defendant. The Federal Prosecutor Prosecutor then showed him a recent photo of Alieu Kosiah among other photos: he hesitated between two, one of which was the right one, having looked at both photographs for several minutes.

Mr. Werner also recounts how, during the same hearing, Alieu Kosiah was brought into the room, and that his client began to cry when the defendant entered and saw him. At the end of his account before the prosecutor, Mr. Werner's client was once again overcome by emotion as he recounted his story, and cried again at the end of his account.

According to the lawyer, anyone present at the hearing that day understood that his client had indeed recognized Alieu Kosiah, the man who had given the order to murder his brother.

Mr. Werner urges the judges to watch this video sequence for themselves.

Mr. Werner therefore declared that he endorsed the MPC's recommendations on this charge against the defendant.

Forced transport by GMS (charge 1.3.25)

According to Mr. Werner, his client's account of his forced march between Zorzor and Salayae never varied. There were women and children, and he saw Alieu Kosiah give the order to transport ammunition, during which he was also present. His client thought he was carrying a box of ammunition, because of the noise made by the contents of the box and the movement of the weight.

The lawyer went on to say that his client had never fled because he didn't want to die alone in the forest. Despite the situation, the safest thing to do was to be with his family, and therefore not to flee.

Mr Werner therefore declared that he endorsed the MPC's indictment against Alieu Kosiah on this count.

Alain Werner on one of his clients, JTC:

Forced transport from Foya to Solomba by JTC (charges 1.3.10 and 1.3.12)

According to Mr. Werner, his second in command was forced by Alieu Kosiah to carry charges on two occasions, including a large-scale looting operation in which all ULIMO commanders were involved. This involved transporting parts of the Foya power plant on a mini size truck to the border with Guinea.

Mr. Werner explains that his client, T4, said of this transport: "The only time you saw the ULIMO commanders all walking together was when the merchandise was even more important", and Alieu Kosiah's role in this transport was clearly explained in great detail by the plaintiff.

Moreover, according to the lawyer, the immediacy of the proceedings made it possible to acquire the certainty that his client and another plaintiff, LSM, had been together on this forced march. Mr. Werner's client had been forced to push the truck with the other civilians, while the other plaintiff, Mr. Jakob's client, had been present on the march as a ULIMO soldier, having been a victim of ULIMO before his recruitment. Both confirmed in Court that Mr Kosiah was present on the entire route, that he was the most senior soldier on the march, and that he was there because the looted goods were extremely valuable.

How did his client feel about the presence at this trial of a former ULIMO soldier who had taken part in this forced transport, asks the lawyer. In a pragmatic way, since the plaintiff declared on this point: "in my opinion, the statements of the other plaintiff, a former ULIMO, prove that what I am saying is true".

Mr. Werner adds that, in his opinion, his client is different from the other plaintiffs. He did a master's degree in China and is preparing a doctoral thesis in the USA. He asked to visit the Federal Palace when he was in Bern to answer the Prosecutor's questions. He was also taking notes throughout the proceedings.

The lawyer goes on to say that his client wanted to understand everything that was going on around him. He always kept things in perspective and never exaggerated, for example by claiming that all ULIMOs were monsters without exception. On the contrary, he's always been keen to add nuance to what's happening around him. Which also makes things more complex. Despite everything that happened to him, he never claimed that Alieu Kosiah was the worst of the ULIMO commanders, but on the contrary, always said that the ULIMO commander "Ugly Boy" was the meanest.

Mr. Werner concludes by saying that all the available evidence corroborates his client's probity and credibility in every respect.

Mr. Werner therefore endorses the MPC's recommendations on this charge against Mr. Kosiah.

<u>In relation to the ax murder and degradation of the body of a civilian in Foya (charges 1.3.8 and 1.3.9)</u>
Mr. Werner explains that his client JTC was a close friend of the civilian who died disemboweled in Foya. The latter was a teacher at the Free Pentecostal School and went to school with the wife of Mr. Werner's client.

The lawyer then recalls the horrific facts and circumstances of the murder of this civilian and the act of cannibalism that followed, with the ULIMO commanders eating the heart of the murdered civilian. The same facts are recounted in the French proceedings against Kunti Kamara.

He goes on to say that this murder was confirmed by several Liberian newspapers printed in Monrovia at the time, which reported on the event hundreds of kilometers away. As for the civilian's widow, she testified in the French proceedings, and her memories did not match, which she acknowledged during her confrontation with Mr. Werner's client in France. She declared: "I didn't see what happened directly, I was hiding, I can't deny what (Mr. Werner's client) said, he was there".

The lawyer adds that several witnesses heard in the French case against Kunti Kamara confirmed his client's version, mentioning in particular the victim's open body. It is also clear from numerous elements of the case file that "Ugly Boy" hacked civilians open with an ax and ripped out their hearts.

Mr. Werner therefore endorses the MPC's recommendations on this charge against Alieu Kosiah.

With regard to his two clients whose crimes he has just described, Mr. Werner states that they were both direct victims of Alieu Kosiah, that they both suffered the same terror of this war at the hands of ULIMO soldiers, witnessing the odious acts committed by these rebel forces.

In agreement with all the plaintiffs and their lawyers, the lawyer explains that he is asking for the same amount for everyone. In Switzerland, they would have been entitled to 100,000 Swiss francs for moral damages. As the cost of living in Liberia is 12 times lower, the lawyers are asking for 8,000 Swiss francs in compensation for each of the clients (approximately 1.5 million Liberian dollars).

<u>The floor is given to Mr Romain Wavre</u>

The lawyer begins by saying that of all the testimonies provided by the plaintiffs, those of his two clients and those of Mr. Werner KK and AS have been the subject of the strongest contestation on the part of the defendant, in relation to the looting and forced transport of the Pasolahun generator.

According to Mr. Wavre, 25 years later, from his bench, from his prison, Alieu Kosiah still manages to put pressure on the plaintiffs, and to scare them.

Looting and forced transportation of the Pasolahun generator (charges 1.3.13 and 1.3.14)
Mr. Wavre explains that eight people came to testify at the hearing concerning the forced march from Pasolahun to Kolahun. The defense strategy, abandoned after seven years, was to deny the existence of a generator at Pasolahun. In the face of the testimony, Alieu Kosiah changed his mind.

The lawyer went on to say that a defense witness had described facts similar to those of the plaintiff concerning the looting of another generator, the modus operandi being the same.

He goes on to say that, as for the journey, all the testimonies agree in speaking of a morning departure, lasting a day or nine hours, all or almost all the civilians having been systematically beaten and intimidated on the way by the ULIMO soldiers: blows with rifle butts, kicks, rattles, shots in the air. "If you don't move fast enough, the flies will tell your parents that you're dead", the ULIMO soldiers would say, implying that they would kill them if they walked too slowly.

According to Mr. Wavre, little has been said about the suffering of the people who were subjected to these forced transports. Even before the start of the march, civilians knew that the ULIMOs were requisitioning, looting and forcing them to march, as they had been under their total domination for months, if not years. They knew they might not come back. They knew that if they stopped, they would be killed.

The lawyer goes on to explain that the witnesses and plaintiffs are shy about these events. Perhaps they also feel guilty because they escaped, unlike others. How can they feel when they walk past a dead body, after walking for hours without food or water? "We started to feel even more scared," said one plaintiff. It was against this backdrop that they arrived at the Kehair River.

Mr. Wavre goes on to say that all the witnesses said that Mr. Kosiah was indeed waiting for the transport on the other side of the river. Even if they didn't recognize him in the period photos, the plaintiffs recognized Alieu Kosiah at the hearing and in court. One of the ULIMOs present on the forced march, called Sky face kabbar, said "The chief is waiting for us on the other side", Alieu Kosiah was greeted as "Chief Kosiah", soldiers said "H&H Kosiah is coming", and this is where BS and KS died.

The lawyer goes on to say that as soon as Mr. Kosiah understood in these proceedings that there had been crimes committed against him in Kolahun, he said that he had never been to that town, that he had never taken part in marches because he was always in a truck or on a motorcycle. He also said that there were no barriers. But all these lies were debunked by his own witnesses, not by the plaintiff.

The discrepancy regarding MoK's murder concerns the weapon (pistol or AK47) used by Alieu Kosiah and the number of shots fired, not the type of death. "Their horizon was the next minute" said a witness in these proceedings. So the fact that they couldn't focus their attention on this type of detail is more than understandable.

Mr. Wavre therefore endorses the MPC's submissions on this count against Alieu Kosiah, specifying that in the alternative, it is requested that the defendant be found guilty in his capacity as hierarchical superior, as he never put a stop to the exactions of which he had full knowledge through his hierarchical inferiors.

Transport of ammunition to Fassama (charge 1.3.16)

According to Mr. Wavre, this transport seems to make sense in the context of the split between the ULIMO-K and ULIMO-J groups. Here again, it is the witnesses called by the defense who clarify some of the facts. As for Alieu Kosiah, he acknowledges that ULIMO split into two rebel factions, but in Bomi, and has always felt that these ammunition transports made no sense.

Mr. Wavre explains that a map of Liberia was shown and used in March 2015 and again in 2018 in hearings held by the Prosecutor. In 2018, Alieu Kosiah explained that it didn't make sense to transport ammunition from Voinjama to Fassama. He drew lines on the map to prove it. But there are two Fassama. The defendant simply pointed to the wrong town of Fassama to support his version of events. He made a mockery of the proceedings. When Alieu Kosiah answers a question, it's always to ensure that the answer, whatever it may be, is favorable to him.

The lawyer goes on to say that by the time he reached the Lofa river, MKP was exhausted. The witnesses' statements hardly differ as to MoK's condition, but he was shot because he didn't want to go any further. On the other hand, they have no doubts about the identity of the shooter. "H&H pulled out his gun and fired".

Mr. Wavre explains that the statements are imperfect, but this imperfection is proof of their authenticity, especially as they relate the same events. The defense's versions, on the other hand, are inconsistent with the historical context, the chronology of the war, and Alieu Kosiah's proven rank at the time.

"It's not that Alieu Kosiah enjoyed killing, but the merchandise was more valuable than the civilians carrying it. We could lose civilians, but not merchandise," explained a witness in the proceedings.

Mr. Wavre therefore endorses the MPC's demands on this count against Mr. Kosiah, and also requests that Alieu Kosiah be ordered to pay compensation of 8,000 Swiss francs for moral damages to each of his two clients.

## March 3, 2021 – Day 19: Third day of closing arguments: plaintiff's and defense counsel

Judge Bacher opens the hearing. The floor will be given successively to Mrs. Zeina Wakim, Mr. Romain Wavre, Mr. Raphaël Jakob and Mr. Hikmat Maleh, "in relation to their clients and the charges their testimony supports". The floor will then be given to defense attorney Dimitri Gianoli, who will begin his closing arguments.

The floor is given to Mrs. Zeina Wakim on behalf of Madame F

Mrs. Wakim begins by saying that in these proceedings we call her client Madame F. to protect her. This is the child who has been deprived of school: "I don't know books" she said, this is the child who has seen her father and brother beheaded. It's the child who is raped by a man, even though she has never known a man before. And it's not just any man who rapes her, it's Alieu Kosiah, the man who has just given the order to kill 25 men in her village.

She goes on to say that this is the story of the child who, when she manages to escape after the rape, leaves with a piece of cloth as clothing, eats what she finds in the bush, and is then fed in exchange for the cleaning work she does in Guinea.

The lawyer explains that her client is a former child who came all the way to Switzerland to testify and who this year gave birth to a child named Justice, because, as she declared before the judges: "I want Justice".

She goes on to explain that her client told us about the "tabé" method of torture, the Alieu Kosiah pistol, the fact that women were not allowed to carry goods, and sexual violence. Her account provided a wealth of details: the words of Alieu Kosiah's "boys", what the soldiers did, what they smoked, the house where she was held, how Alieu Kosiah undressed, the fact that he spoke in English, the words used: "be my wife" and "you are my woman". Her client spoke in court about her pain, injuries and nightmares to this day.

The lawyer went on to explain that her client had stated that she had fled to Guinea as a result of what she had suffered, and then spoke about the date of her return to Liberia. "I came back to Liberia when a woman was in power", she said, finding an event to hold on to, for want of knowing the years. She has no time reference, but she knows that the attack took place, she knows what happened to her.

According to Mrs. Wakim, her client's account is credible. She identified Alieu Kosiah in half a second when she saw him. The lawyer then asked: how could she have known he was called "General Kosiah" if she hadn't been in contact with him?

The lawyer also explained that her client didn't speak English and that she had learned it from her children, who had learned it at school, hence her sometimes approximate use of the language. For example, when she says "black house" to designate the house in which she was raped, it wasn't a black house, but a red or colored house, as opposed to a white house, which is indeed the house where she was locked up. For her, these words did not literally mean a black house.

The lawyer also explains that sexual violence was part of the system of terror established by the civil war, by the ULIMO faction.

Mrs. Wakim goes on to note that the prohibition of rape in armed conflict is enshrined in international justice and jurisprudence according to three principles:

1. Consent need not be established.
2. The use of force does not constitute rape.
3. Evidence does not need to be corroborated.

According to the lawyer, having decapitated her father and brother, pillaged her village, organized forced transportation and locked up his client, Alieu Kosiah cannot claim consent for the four rapes she suffered. The accused based his defense on two lines of argument in relation to Mrs. Wakim's client:

- His first argument: "There's no way I raped her, she's too ugly! My girlfriend is 10 times more beautiful. But I'm not bragging". According to the lawyer, these statements speak for themselves.
- His second argument: "She doesn't know I have a scar on my leg, foot or thigh..." And if, in such traumatic circumstances for her, she had seen him anyway, what would Alieu Kosiah have said? Surely he would have said, then, that this is proof that this girl was consenting, that she even explored her body between acts, to unearth the scar. Mr Kosiah's arguments are always based on witness statements, whatever they may be, so that he is not held responsible for his actions.

Finally, Mrs. Wakim declares that he endorses the recommendations of the Swiss Federal Prosecutor's Office on this charge against Alieu Kosiah.

Raphaël Jakob speaks for LSM

The lawyer begins by asking about memory, memories which we are sometimes convinced have this or that form, and which in the end turn out not to be the case.

In his view, the time that has elapsed since the events, the time spent in the proceedings, the orality that inscribes narratives and language are all elements that make memory confused or difficult to appreciate in its accuracy. Errors at all these levels are always possible, but do not detract from the credibility of testimonies. Each witness also has his or her own personality, and a memory that focuses on certain details for some, on other elements for others.

He explains that his client knew how to answer concrete questions, but couldn't answer abstract ones. However, his memory was scarred by certain events.

The lawyer notes that on the difficulty of understanding the context and reality of ULIMO, the defendant himself stated in substance: "Remember that one man's 'small boy' is another man's 'big man'. For Kwamex Fofana I was nothing, but I was very important to my 'small boy'. In that case, how could we expect civilians under the yoke of the ULIMOs to say for sure who was what in terms of hierarchy or function in the ULIMOs?

He goes on to say that a hearing by a criminal authority is not a school inspection, as the defense would have it. There are no right or wrong answers, but the clients' own story to tell. Here, the word "contradiction" resounded very loudly in this hearing, pronounced over and over again by the defense.

But "concordance" is the word that should be hammered home. After more than 20 years of testimony from each of the plaintiffs, it's the concordance that dominates, according to Me Jakob.

For him, it's simply impossible to invent such detailed stories and repeat them over 20 years later, while retaining real authenticity.

Background - Charges 1.3.4 and 1.3.5.

According to the lawyer, they were on a farm near Foya, in May 1993. His client was looking for food when some men came looking for him. They were wearing a green cloth. The people were taken to Foya and organized into three columns: women, men and the elderly. This element is unique, and unlike many others that corroborate each other between the accounts of the different clients, this element has not been cited elsewhere. It is found in another trial, that of the Srebrenica massacre before the Court for the former Yugoslavia.

Mr. Jakob goes on to say that these people were gathered in front of the ULIMO official in charge of civilians, known as S2. Both his client, LSM, and another plaintiff, JTC, have each drawn a sketch, which corresponds perfectly to the actual location, together with the photos in the proceedings, taken from the case file in France.

The lawyer asked why they had gathered in front of S2? Because that's where the S2, Fan Boy, gave out passes or determined whether civilians were traitors. Fan Boy was the "letter man" or the man who could read and write, as confirmed by numerous testimonies, including those of defense witnesses.

At the preliminary hearing, the lawyer recalled that his client had sung the "kele-kele" song, which had been sung by ULIMO soldiers in Lofa. On hearing it, Alieu Kosiah took it up in greater detail.

The lawyer continued his narration by saying that afterwards, civilians were tied up using the "tabé" method, his client still bearing the scars of this torture today. Because he talked too much, his client was dragged along the floor. He then witnessed the murder of six civilians who were with him. He only saw the first murder, then closed his eyes. When he opened his eyes again, the bodies were gone. They had been thrown into the well.

Mr. Jakob goes on to explain that his client described this well and the federal police found it during the investigation.

He goes on to say that throwing bodies into a well is a war crime under the new legislation in two respects: depriving a body of burial, and depriving civilians of a public good because the well had to be closed because the decomposing bodies stained the water.

However," continues the lawyer, "his client then had further dealings with the defendant, who was with Kunti Kamara. According to the plaintiff, Kunti Kamara is under the orders of Alieu Kosiah, a "special bodyguard". In reality, however, Kunti Kamara is, according to Mr. Kosiah and other investigators, a ULIMO commander. For Alieu Kosiah, this is further proof that Me Jakob's attorney is lying. As the lawyer points out, the defendant has a perfect grasp of Liberian history, as well as the Swiss understanding of the situation, taking advantage of this knowledge to mislead the investigation of this case.

What happens next, according to the lawyer, is that ULIMO commanders Kunti Kamara and Alieu Kosiah argue with other ULIMO commanders who arrive on the scene, including Foya commander CO Dekou. Should Mr. Jakob's client be killed? He finally receives a stab wound, but he doesn't know who did it. Mr. Kosiah claims never to have had a knife, but according to the file, all the soldiers who went to Sierra Leone for training, including Alieu Kosiah, received one.

Mr. Jakob went on to explain that, at the time of the stabbing, S2 Fan Boy told him that it was Alieu Kosiah who had stabbed him. Then another told him it was in fact Kunti Kamara.

In any case, recalls the lawyer, his client still bears the scar left by the stab wound. Before he was stabbed, he was untied. Why was he untied? We don't know. Is it easier to stab someone whose hands are tied using the "tabé" method? Only Alieu Kosiah can answer this question, but it seems that it was easier to put an untied body into a well.

Then Mr. Jakob goes on to say that Fina, Sis Fina, or Sia (in Kissi, or Saa, big sister), his client's cousin and Fan Boy's girlfriend, took in the plaintiff and Mr. Jakob's client to treat him.

He goes on to say that the Federal Prosecutor spoke of a great puzzle in this case. For Mr. Jakob, the details given by the plaintiffs - such as the different names of the plaintiff's cousin: Saa or Sia etc. - are all pieces in the puzzle that the plaintiffs' lawyers have been trying to complete for six years. What's more, according to the lawyer, over the past six years, the puzzle has continued to be completed. Above all, in his opinion, there have never been any pieces that didn't fit.

Regarding the stabbing, Mr. Jakob explains that he's not sure Fan Boy's testimony is reliable. But in his opinion, that's not what matters. What matters is that the two people around his client - Alieu Kosiah and Kunti Kamara - were indeed there when the stabbing took place, and what's important is that, as a result, Alieu Kosiah must be considered as the co-perpetrator of the stabbing. Indeed, he took part in the action and his presence was essential to the outcome of the stabbing. Thus, it is not necessary to determine who precisely delivered the blow. This could also be the case in the ax murder referred to earlier by Mr. Werner. In addition, the responsibility of the hierarchical superior can also be engaged as a mode of liability.

The lawyer goes on to describe the forced march from Foya to Solomba and from there to the Guinean border, where his client transported ammunition and concludes that Alieu Kosiah is criminally responsible on this point too.

Mr. Jakob goes on to say that, after two near-death experiences, his client finally joined the ULIMO faction, in order to survive and protect his family. He was then sent to Bomi, to the ULIMO headquarters, where he met Pokor, Mr. Kosia's trainer - a fact confirmed by the former child soldier in court - a trainer whom Alieu Kosiah claimed not to know. In transporting the generator, his client was on the side of the ULIMO soldiers. He himself reported this self-incriminating fact, to establish the truth, and therefore also that of the story told by Mr. Werner's client, who was on the same side.

Next, the lawyer says he'd like to talk about his client and his extraordinary courage. His client stands out because of his role as an ex-ULIMO soldier. This role creates a double risk of reprisals at home and self-incrimination here. He has nothing to gain in particular: he won't receive any sympathy in Liberia, either from ex-ULIMOs or from civilians.

He goes on to say that Alieu Kosiah was beside himself when his client spoke at the hearings. The defendant even made an intimidating gesture towards his client, which was even recorded during the hearing - a photo presented by Mr. Jacob at the hearing showing the defendant with an index finger resting on the front of his temple.

According to Mr. Jakob, one of the defense witnesses had come to Switzerland solely to obtain the photos and names of the plaintiffs. He asked the prosecutor three times to obtain them, despite the prosecutor's clear answers. Why did he insist so much? Because it was dangerous for him to return to Liberia without these elements. This is Alieu Kosiah's power over his witnesses, more than 20 years later, even though he is in prison in Switzerland.

The lawyer went on to talk about what he called the three Pasolahun brigands who had come to testify about the parentage of one of the people allegedly murdered by Alieu Kosiah. Everyone laughed when it turned out that one was both nephew and uncle of the same person. It was funny at the time in court, even the security people here laughed at the time, given the absurdity of the situation. But in Liberia, it won't be funny any more, when these three "comics" who came to lie and mislead the judiciary return to Liberia with the threat this poses to the plaintiffs.

Mr. Jakob concludes by saying that his client had immense courage to come all the way here, and even more so to return home. But while the war destroyed him and continues to do so to this day, his children are able to cope thanks to their father's resilience and courage.

Finally, Mr. Jakob declares that he endorses the demands of the Swiss Federal Prosecutor's Office against Alieu Kosiah, on the charges that concern his client.

<u>The floor is given to Counselor Hikmat Maleh for his client E.J</u>
Mr. Maleh begins by saying that his client EBJ is accustomed to coming last: at the preliminary hearing, during the trial. Today, it's his lawyer's turn to go last. He will plead in chronological order of the facts, and not of the indictment. He will take the charges in the following order: 1.3.19, 1.3.20, 1.3.21 and 1.3.18.

He goes on to explain that his client was born and raised in Voinjama. His client's father was a soldier in the government army (Armed Forces of Liberia or AFL). NPFL rebels attacked AFL soldiers and families. The family of Mr. Maleh's client was afraid and the father left for Guinea, in 1990. The rest of the family left for the forest - the plaintiff was 12 at the time - and went to the village of Sigissu. Then the NPFL rebels entered Sigissu, and in 1993 the ULIMO group conquered the NPFL positions in Lofa. In fact, the mother of Mr. Maleh's client felt that they could return to the town, as the ULIMOs were on the side of the AF: they therefore thought they were safe.

According to the lawyer, the first meeting with the ULIMOs takes place at the Iron Gate checkpoint. The family moved into his aunt's house. Under the ULIMO occupation, this aunt became the village cook, and thus the cook of the ULIMO soldiers. It was there that Mr. Maleh's client saw and noticed Alieu Kosiah. It was September 1993. He noticed him because the soldiers saluted him and called him "Chief". The sight frightened him. He asked his cousin - his aunt's daughter - who this person was. She replied that it's Alieu Kosiah.

Mr. Maleh goes on to explain that the family stays at home most of the time, except to go to the market or to the family land, a 30-minute walk from Voinjama. To get there, they need an S2 pass. In Voinjama, the plaintiff takes care of domestic chores, and reads anything she can get her hands on,

because she misses going to school. "What kind of child is this who reads in the middle of war?" his mother and aunt scoff. The truth is that the army and weapons frighten him and he takes refuge in books.

The lawyer goes on to say that one day, his client is taken away by ULIMO soldiers to take part in the forced transport of looted goods between Voinjama and Gbarlyeloh. Alieu Kosiah is there, asking where the civilians he requested are. Then he gives instructions: shoot and kill those who won't carry or advance. Six gallons of oil are entrusted to Mr. Jakob's client, about 20 kilos, perhaps a third of his own weight at the time.

According to Mr. Maleh, four hours of walking was necessary for this transport. His client's brother is exhausted and goes on a ruse, deceiving the vigilance of a soldier, claiming he has to relieve himself. When he fled, the soldier shot him. The plaintiff returns, saying he doesn't know what happened to his brother. The family had no news of the elder brother until 1998. He had taken refuge in Guinea. Another day, his client was requisitioned for a second, much longer forced transport between Voinjama and Ma, passing through the towns of Kolahun and Foya. Again, it was Alieu Kosiah who ordered this transport.

According to the lawyer, his client will no longer be requisitioned, but will witness other horrors. On his way back from the market, he came across a group of ULIMO soldiers, including Alieu Kosiah. There were two soldiers tied up using the "tabé" method of torture. One of them is a ULIMO soldier called War Boy, whom he recognizes, and another man whose name he does not know. Mr. Maleh's client doesn't dare go around the soldiers: he's petrified, he was so scared. He doesn't want to be spotted as he leaves, so as not to witness the scene. He hears Alieu Kosiah give the order to kill the two ULIMO soldiers, whose throats are slit. War Boy's head is displayed on a fence or "checkpoint".

Then, “one day,” continues the lawyer, at his aunt's house, Mr. Maleh's client hears Mr. Kosiah and his ULIMO soldiers returning from a battle on the front line, and they are agitated. He hears Alieu Kosiah say "next Monday will be Black Monday". On the fourth "Black Monday", the plaintiff witnesses Alieu Kosiah murder a young neighbor. He would not see Alieu Kosiah again until January 2015, when he appeared before the Federal Prosecutor's Office in Bern.

Mr. Maleh explains that after the war, his client became a teacher. He had five children.

According to the lawyer, his client's account is eminently consistent, with countless details. The latter has a specific way of telling things: he expresses himself clearly, without overdoing it, always with nuance. He doesn't try to overwhelm the defendant. He has no hatred. He does not seek answers to questions. He does not hesitate, does not disagree, but knows the limits of his answers.

For Mr. Maleh, his client's story is consistent, in the criminal complaint filed in 2014, at the Federal Prosecutor's hearing in 2015, as well as during the trial this year in 2021. His account is very detailed. What he says corresponds in every respect to the historical context. Similarly, his description of Alieu Kosiah and his vehicle is consistent with the statements of other witnesses, including defense witnesses. The descriptions of the forced transports and the places traveled are also consistent.

The lawyer presents a map of the forced transports put together: this map shows to what extent Mr. Kosiah was this "floating officer", and also shows the extent of his hold over the region.

Mr. Maleh insists that his client has a prodigious memory. He recalls that August 2, 1990 was a Thursday! He recalls that Alieu Kosiah appears in fifth place on the Truth and Reconciliation Commission's list of economic crimes. At his hearing in Bern, he explained that he had left Liberia on three occasions: in 1994, 1998 and 2012. That date, 1994, which comes as a surprise when you hear it because the question implies that he went there freely, is when he made a foray into Guinea because of forced transportation. In his mind, the answers are always very precise and clear.

The lawyer concludes by saying that during this trial, there were two moments when we touched the truth with our fingertips. The first moment was when the President of the Court asked Mr. Maleh's client to say - without turning around - how many people were in the room. His client replied immediately, without turning around or questioning himself, that there were 23 people. The second moment of truth came when Mr. Maleh's client recognized the former child soldier at the trial as having been with Alieu Kosiah at the scene of certain crimes, the latter having come to testify on behalf of the defendant. "You see, they recognize me", replied the former child soldier, once spontaneously identified by Mr. Maleh's mandator.

Finally, Mr. Maleh declared that he endorsed the recommendations of the Swiss Federal Prosecutor's Office concerning the charges brought against Alieu Kosiah by his client.

Mr. Gianoli takes the floor

Mr. Gianoli begins by saying that the pleadings of the plaintiffs' lawyers are full of errors. They were set up like a music box, but the music doesn't fit! During the closing arguments, Mr Gianoli's client kept leaning towards his lawyer. Indeed, according to the latter, the defense could fight over every sentence.

The lawyer went on to say that when he first met Alieu Kosiah, the latter told him that he had his conscience on his side, and that there was nothing to reproach him for. So he was fully cooperative from the outset. "A dream for a lawyer," declares Mr Gianoli.

Mr. Gianoli refuses to let it be said that his client has bogged down the proceedings, or provided a smokescreen, which in his view is untrue. With the exception of Mr. Kosiah and Mr. Alain Werner, everyone involved in these proceedings started out blind. The history, the country, the language, the stakes, everything was new. So yes, according to the lawyer, Alieu Kosiah talked a lot, but it was to explain, and for that purpose alone.

Mr. Gianoli goes on to say that his client never sought to evade questions, even if it sometimes took patience to understand what he was getting at. He may sometimes give the impression that he doesn't answer questions, but it's simply that he can't answer certain questions, and certain so-called questions are simply not questions.

The lawyer then asks: why would Alieu Kosiah have insisted so much on calling Kunti Kamara, Kwamex Fofana, Fan Boy and other former ULIMOs as defense witnesses, when these people are potentially real time bombs for himself? It is simply absurd to argue that the defendant's collaboration was either apparent or part of a strategy.

According to Mr. Gianoli, a good understanding of the case requires a good knowledge of the Liberian context. The history of Liberia since 1816 is the history of tensions with the natives on the return of slaves freed from the United States, the country having been created for them.

The lawyer then lists the ethnic groups in Liberia: Gpele, Bassa, Mano, Lorma, Kissi, Krahn, Bandi, Lorma, Madingos, Sapo, etc… There are more than twenty ethnic groups in Liberia, he explains. It's Liberian Americans who hold the resources and authority. In addition to the different ethnic groups, there are religions: Muslim, Protestant Christian and Animist. The country is also one of the poorest in Africa.

According to Mr. Gianoli, all these ingredients have influenced the country's history. The natives woke up in the aftermath of the Second World War, demanding power-sharing and the right to vote. In 1971, the then President sought to improve the situation of the indigenous population, but his actions actually reinforced ethnic tensions. In the end, the President was assassinated.

The lawyer goes on to say that Samuel Doe took control of the country in 1980. He seized power and wealth to benefit only his own ethnic group, the Krahns. Thus, according to Mr. Gianoli, the economic and social situation, the exclusion of many from political rights, political repression and ethnic hatred are the sources of Liberia's problems.

According to Mr. Gianoli, this was the breeding ground for Liberia's first civil war, an inter-tribal war notably between the NPFL and ULIMO rebel movements.

The lawyer goes on to point out that the complexity of the Liberian situation can be a source of confusion. Although time has taken its toll, rivalries remain in the country today, and some testimonies have unfortunately been biased.

He goes on to say that the Mandingos, according to his client, are now considered foreigners by other Liberians. Mr. Gianoli provides concrete examples from the investigation of the case to demonstrate this. According to the lawyer, the ethnic component can strongly influence testimony.

James Pussakoi said he didn't know Alieu Kosiah, then said he mentioned him in an article in revenge.

Decisive factors in the proceedings

For Mr. Gianoli, it is essential to have an excellent knowledge of the case in order to understand the roles of the players and the statements made throughout the proceedings. Once again, he points out that we've been fumbling our way through this case.

According to the lawyer, at the hearing, Alieu Kosiah said that he could be wrong about the dates, but when he referred to the events, he was right. For example, Mr. Gianoli's client insisted that for him, the ULIMO split took place in the third or fourth month of 1994, and it was only afterwards that he accompanied Pepper & Salt to Lofa, at a time when the main towns of Lofa had already been taken by the ULIMOs for a long time.

According to Mr. Gianoli, the split is his client's main point of reference: "You can be wrong about the years, but not about the events", said his client. "I stayed 5 to 6 months in Tubmanburg", he kept repeating.

The lawyer goes on to discuss the statements made by the former child soldier, which according to him perfectly corroborate what his client has said. According to the former ULIMO child soldier: "When I left Todi, with the ULIMOs, we went to Bomi. And when we entered Lofa, the Lofa towns had already been taken by the ULIMOs. Zorzor, then Voinjama, then Kolahun, then Foya".

For Mr. Gianoli, Mr. Kosiah's statements are therefore confirmed and corroborated by the former child soldier: the ULIMOs had already taken the towns before Alieu Kosiah arrived in Lofa.

Mr. Dumbuya was only "field commander" after the ULIMO split, which also confirms the defendant's statements.

The lawyer goes on to say that it is vital not to jump to conclusions, which is no easy task given the fragmented nature of the hearings. Indeed, the circumstances at time 1 are not the same as those at time 2. And the same applies to place 1 and place 2. So, according to Mr. Gianoli, we mustn't confuse or confuse in a way that doesn't make sense.

Mr. Gianoli went on to say that he had already pointed out at the start of the hearings the problem of Mr. Alain Werner's double-hatting. If this was dismissed, the rest of the hearings only proved him right. Alain Werner uses the statements to publicize his organization, Civitas Maxima.

According to Mr. Gianoli, Civitas Maxima took advantage of a letter in the proceedings against Alieu Kosiah in Switzerland to find out Kunti Kamara's address in France, and used this information to file a complaint against him in France, thus starting the French proceedings against Kunti Kamara. Furthermore, it was only last week that Kunti Kamara was able to be heard as a witness for the defense.

Mr. Gianoli then goes on to name two people in the proceedings, including Jungle Jabbah, who he claims could not be heard because of Civitas Maxima, even though they could have been defense witnesses. Furthermore, the publicity that Civitas Maxima gives itself via its website or via the media shows that the sole aim of this organization, headed by Alain Werner, is to give itself work.

He goes on to explain that there are proven precedents in this field of human rights, and gives the example of a British non-governmental organization that made false accusations against soldiers in Iraq.

He adds that Civitas Maxima is also the employer of the entire GJRP structure in Liberia, headed by Hassan Bility. In this context, he continues, it is not surprising that Alieu Kosiah is being attacked. Mr. Gianoli cites an e-mail exchange between Mr. Werner and Hassan Bility in the proceedings, in which Hassan Bility declares that he will be up to the task of finding evidence on Mr. Kosiah. Therefore, according to the lawyer, Alieu Kosiah's name came up following a specific request from Alain Werner.

<u>Contradictions linked to the initial complaints</u>

Mr. Gianoli begins by focusing on the initial complaint and the testimony given to the Federal Prosecutor's Office in Bern by one of the victims, who had the status of plaintiff during the investigation from 2014 to 2019, but whose allegations are not part of the trial by decision of the Federal Prosecutor's Office.

According to the lawyer, there are in fact two people with the same name, one born in 1975 according to the statements in the initial complaint, and the other born in 1979 according to what was stated in court. The testimony of the person born in 1979 would have been completely fabricated after the fact, once it became clear that the person who appeared in court could not be the one who filed the complaint, and in fact the one born in 1975. The person who appeared at the hearing denied having filed and signed the complaint forwarded by Mr. Werner to the prosecutors.

The lawyer goes on to say that between the initial complaint and the deposition in court, the surnames also differ (one "y" more or less), as do the place of origin (Kolahun / Baloma), the ethnicity of the plaintiff (Kissi / Gbandi), and the places through which the various forced transports passed (from Foya to Kolahun / Transport from Foya to Balun). In addition, one plaintiff made contradictory statements about Alieu Kosiah's participation in the forced transports: the plaintiff once asserted that Alieu Kosiah had been part of the transport, before retracting his statement and declaring that he did not know whether the defendant had taken part in the transport. Finally, on one occasion, the plaintiff saw a wheelbarrow with hands cut out and transported by ULIMO; on the other, he only heard about it.

On this same former plaintiff, the lawyer explains that he stated in court: "I always sign the same way". However, the signatures are clearly not similar between the one he made in court, and the one on the complaint. Alain Werner stated that he did not have this person's complaint signed in Liberia, which proves that the GJRP did.

Mr. Gianoli also said that the GJRP should teach its staff to take notes, as there are so many differences. According to Mr. Gianoli, the person who came to testify in Switzerland is clearly not the person who signed the complaint: this is a hoax that has no credibility whatsoever. As for the substance of the person's statements, the events mentioned in the complaint, and in particular those of the forced transport, make no sense (an unnecessary round trip), and can be attributed to someone other than Alieu Kosiah, who would have had the same profile.

The lawyer goes on to explain that in the various initial complaints filed by the plaintiffs, the years referred to are 1994 and 1995. However, after coming to Switzerland, all these plaintiffs corrected the year in which the events allegedly took place. To explain this, one said: "Maybe my lawyer can explain, I don't know why the date has changed. I haven't checked my statements. What I'm telling you is the truth."

Mr. Gianoli goes on to argue that on the Civitas Maxima website, in connection with the participatory theater workshop in Liberia that was the subject of a film, and in particular on the one-minute clip that resulted, one of the protagonists says "Commander Jungle Jaba was there and he killed your brothers, raped your sisters". So it should come as no surprise that new testimonies are emerging after the fact.

Regarding the publication of Alieu Kosiah's photo and full name on the internet, the lawyer explains that this is a violation of the presumption of innocence and constitutes defamation. It should come as no surprise that in doing so, Alain Werner is selling and extolling the methodology of Civitas Maxima.

He goes on to explain that the NPFL rebel movement is not the same as the ULIMO movement, and similarly, the ULIMOs are not Alieu Kosiah. You can't use one group's events to illustrate another's behavior. What's more, the reference in photographer Patrick Robert's story to a horrific murder committed by an NPFL fighter against a Mandingo child cannot be used from the other side of the stand as it was.

For the lawyer, GJRP is the linchpin of Civitas Maxima, and totally dependent on it, since Civitas Maxima is GJRP's financial backer. GJRP must therefore justify its work in terms of Civitas Maxima's wishes, finding itself in a state of total subordination. As a result, it was Civitas Maxima who asked GJRP to find out about Mr. Kosiah, and then it was GJRP who took action in the field, claiming to be living up to what was required of them.

The lawyer goes on to talk about the Director of the GJRP, Hassan Bility, who testified twice at hearings in Bern during the investigation. During these hearings, he stated, with regard to an interview note, that he did not recognize his handwriting and that it was his collaborator who had written it. However, this turned out to be a false statement on his part, made solely to support the accusation. In fact, the Federal Judicial Police carried out an expert examination which showed that the document had been written in Hassan Bility's own handwriting. He therefore lied to justify his work and to support the prosecution.

According to Mr. Gianoli, at the beginning, the GJRP had nothing on Alieu Kosiah; and suddenly, following Alain Werner's request, they began to accumulate incriminating testimony. Hassan Bility's second reply to Alain Werner, according to the messages in the proceedings, shows that Hassan Bility had nothing to testify against Mr. Kosiah, but that he was going to find it.

He goes on to say that Hassan Bility's successive hearings demonstrate contradictions. Indeed, Mr. Bility first says that the GJRJP finds a "source". Then, if that person agrees, he or she can become a witness, and come to the GJRP office. According to Mr. Bility, someone from the GJRP goes out into the field, and it's not the same person who conducts the interview. The GJRP also makes sure that the facts match the statements, and that the answers are not induced by the questions.

However, according to the lawyer, if Mr. Bility's words reflected the truth, how can we explain the discrepancies between the plaintiff's initial complaint of sexual violence and his statements to the Federal Prosecutor's Office? The plaintiff linked ULIMO and Alieu Kosiah in her complaint, but did not do so in her statement in Bern or in court.

Mr. Gianoli goes on to explain that at one point Hassan Bility claimed not to know Alieu Kosiah and that he had heard his name on the radio, whereas they had in fact met.

He goes on to explain that Hassan Bility stated that the GJRP never gives names or photos to the victims it meets. However, according to the lawyer, one of the plaintiffs was informed that this was a case involving Alieu Kosiah, and photos were shown to the plaintiff who was a victim of sexual violence.

Furthermore, according to the lawyer, Hassan Bility has stated that there is always a woman present at the interviews whenever there is a question of sexual violence. However, the same plaintiff of sexual violence stated that she was alone with Hassan Bility during his interview.

On the alleged assaults and threats against victims and witnesses: during the investigation, Mr. Gianoli notes that we mainly heard talk of fear, but nothing concrete. Then, as the proceedings and statements progressed, it became a matter of physical and verbal aggression against the plaintiffs.

The lawyer is also surprised to have heard the plaintiffs refer to Alieu Kosiah's title within ULIMO as "Headquarters & Headquarters" or "H&H" and "General". However, Kwamex Fofana, who was heard and was a high-ranking ULIMO officer with in-depth knowledge of the movement, mentioned two people with the rank of "H&H" who are not Alieu Kosiah, also mentioning that the rank of "H&H" disappeared with the ULIMO split.

Mr. Gianoli explains that while these elements are by no means exhaustive, they do show that GJRP lacked neutrality. However, Alain Werner said that without GJRP, it would not have been possible to obtain this file.

Faced with all these elements, it's normal for the accused to be angry or to lose his temper, according to the lawyer, because no one recognizes the true extent of all these contradictions. However, when accusations are made against someone, they must be credible and coherent, all the more so as the facts took place almost 30 years ago in a very distant country and context.

Mr. Gianoli goes on to explain that in this case, everyone has seen everything, but no one has seen anything. Everyone has heard everything, but no one knows anything, and everyone is everyone else's brother. And yet, the lawyer suggests that the judges recall their vacations 10 years ago, or those family meals where the memories of the same event are different among its members. Memory is an object of scientific study, as numerous studies and magazines popularizing it attest.

He goes on to say that with traumatic events, memories register better according to studies. However, with traumatic events experienced by plaintiffs, their statements should contain more detail, and should be more consistent over time. However, this is not the case. Hassan Bility said during the investigation: "Based on my experience, it's easier to recognize a person in an old photo than a recent one, especially when that person has traumatized you". However, none of the plaintiffs, with the exception of one, recognized Alieu Kosiah in the old photos. The plaintiffs recognized him in the courtroom. But as he was the only black person in the room, it seemed straightforward. As for one of the plaintiffs, she had access to the photo beforehand.

Taking the plaintiffs one by one, Mr. Gianoli adds that the first plaintiff said: "I would recognize him even if 20 years had passed". Then, this plaintiff did not recognize Alieu Kosiah in the photos, having recognized him only during the on-screen confrontation where the defendant was the only black man present.

Similarly, according to the lawyer, the second plaintiff said "I think I'll be able to recognize him" and then again failed to recognize him, except at the interposed screen confrontation where, again, Alieu Kosiah was the only black man present.

According to Mr. Gianoli, the third plaintiff does not identify Alieu Kosiah on all the photo plates, only on the current one. And of course, she identifies him during the physical confrontation, when Mr. Kosiah is the only black man present.

The lawyer continues with the fourth plaintiff, a victim of sexual violence. She does not identify Alieu Kosiah on the photographic plates, and again recognizes him during the physical confrontation, where Alieu Kosiah is the only black man present.

He continues his list with the fifth plaintiff, who does not identify Alieu Kosiah on the plates, and points to another person. However, he does identify Alieu Kosiah in a recent photo.

Mr. Gianoli moves on to the sixth plaintiff, who also fails to identify Mr. Kosiah on the boards, but does so by chance when he is indicated as being in the room.

Finally, according to the lawyer, the last and seventh plaintiff recognized Alieu Kosiah on the period photos but not on the current ones. Like all the others, he allegedly recognized him during the physical confrontation where the defendant was the only black man present.

However, according to Mr. Gianoli, when the plaintiffs supposedly recognize Alieu Kosiah in the current photos, they must understand and know that a photo of the defendant has been circulating in Liberian newspapers.

For the lawyer, the particularity of Alieu Kosiah's eyes or "pop eyes", which affects 4% of the population in Liberia, is mentioned by all the plaintiffs. But why then, asks the lawyer, didn't the plaintiffs choose the person on the photographic plates with the "pop eyes"?

Mr. Gianoli also asks: why wasn't Alieu Kosiah recognized on the photo plates? The answer is that the plaintiffs had never seen or met him.

The lawyer concludes by saying that, on the other hand, in unison, all the plaintiffs explained that the quality of the photograph was poor. Yet the defense witnesses all recognized Alieu Kosiah in both the recent photos and those taken at the time.

## March 4, 2021 – Day 20: Fourth day of closing statements: defense counsel Mr Gianoli

Judge Bacher opens the hearing. He gives the floor to defense attorney Dimitri Gianoli, who continues the plea he began the day before.

First of all, Mr. Gianoli announces that he will go into detail on what he considers to be the inconsistencies and contradictions contained in the plaintiffs' statements, on the one hand, and between all the statements (initial complaint, hearings before the Federal Prosecutor's Office and trial hearings) of each plaintiff and prosecution witness, on the other.

Then, Mr. Gianoli says he will talk about his client's personality and background in Liberia, before pleading for acquittal and a claim for compensation.

The lawyer begins by saying that it is possible to point to the multiple contradictions and inconsistencies of the plaintiffs as evidence of their lack of credibility.

Contradictory statements from the first plaintiff : GMS

Discrepancies between initial complaint and statements to the Public Prosecutor's Office (MPC)

Mr Gianoli explains that :

- The plaintiff says he was in Zorzor in his initial complaint when the town was captured. However, before the MPC, he said he did not know when Zorzor was taken.
- The plaintiff said he had spent three months in Zorzor in his initial complaint, then told the MPC that he had spent several years there. Furthermore, he denies having said this at the time of being confronted.
- The plaintiff says that Alieu Kosiah was the chief at Zorzor, but before the MPC, GMS claims that Major Steven Dorley was the chief.
- The plaintiff said in his complaint that he was present when a pregnant woman was disemboweled. Then, when questioned by the MPC, he said he wasn't there at the time, having arrived afterwards.
- The plaintiff allegedly heard that Mr. Kosiah in Foya was cutting up and selling human flesh door-to-door with a wheelbarrow. Yet the plaintiff was in Zorzor at the time of the alleged events: how could she have known? He said this only to try and "fit" the stories of the other plaintiffs.

In short, according to Me Gianoli, it's clear that in all cases, the story has been adapted solely to corroborate other plaintiffs' accounts and accuse Alieu Kosiah as much as possible.

Contradictions in statements to the MPC
Mr Gianoli points out that:

- The plaintiff told the MPC that he had seen Alieu Kosiah in a newspaper ("Daily Observer") in 2014 and that this was the reason why he filed a complaint. However, it was his initial

complaint that led to Alieu Kosiah's arrest. Thus, Mr Gianoli adds that the Federal Prosecutor sought to remove this contradiction in court, to no avail.

- The plaintiff was in Monrovia when he saw the photo of Mr. Kosiah. However, in his statements to the MPC, he said that he was in Zorzor at the time.

Contradictions with the statements of other witnesses

According to Mr Gianoli:

- Regarding the capture of Zorzor, it is astonishing that the plaintiff does not recognize the ULMO commander Abu Keita, whose name was submitted to him at the hearing, whereas it was Abu Keita who finally took the city.
- The plaintiff said he didn't associate the names "Steven" with "Dorley" and couldn't describe him, even though Steven Dorley also played a role in the capture of Zorzor.
- While we know, according to the lawyer, that it was under the command of the ULIMO commander Pepper & Salt that the towns of Lofa were taken, the plaintiff claims not to know the name Pepper & Salt. How can you know Alieu Kosiah and not know Pepper & Salt?
- The plaintiff said he was talking to someone who told him he had seen the defendant in the newspapers. A man further away was listening. According to the lawyer, it was Hassan Bility, who then came to him to offer his help and that of GJRP. Later, however, the plaintiff tried to say that this person was not in fact Hassan Bility.
- According to the plaintiff, the ULIMOs came to Zorzor during the rainy season. However, this contradicts a newspaper article from January 1993 in the file, according to which ULIMO commander Steven Dorley laid siege to Zorzor. This article also explains that the capture of Zorzor took place in February 1993. As the rainy season runs from April to September, the plaintiff's claim that the capture of Zorzor took place during the rainy season is false.

Contradictions during the trial hearing

According to Mr Gianoli:

- The plaintiff allegedly said that she didn't know Alieu Kosiah's full name before coming to Switzerland. However, the plaintiff also stated that the headline of the newspaper she saw was "Alieu Kosiah arrested in Switzerland". The plaintiff's statements therefore make no sense.
- On February 15, the plaintiff supplemented his initial statements concerning the fœtus episode, and this is not consistent with what was said before.
- The plaintiff said that in Liberia one could be killed for testifying against the accused, but he was unable to provide any evidence to make this statement credible.
- The plaintiff added that his own mother was also present at the time of his brother's execution, allegedly by Alieu Kosiah. So, the lawyer asks, why are we only talking about this now? And why isn't his mother involved in the proceedings as a plaintiff?

So, according to the lawyer, for this first plaintiff alone, there are more than 20 inconsistencies in his various depositions, rendering his credibility null and void.

Contradictory statements by second plaintiff LSM

According to Mr. Gianoli, the second plaintiff's allegations about Alieu Kosiah's alleged acts of intimidation during the hearing are false, as they never happened.

The lawyer goes on to list the contradictions he believes exist in the various statements given by the plaintiff in these proceedings. According to Mr. Gianoli:

- The plaintiff lives in Kolahun but was resident in Foya at the time of the events he mentions in his complaint. He also said that he has always lived around Monrovia, but neither Kolahun, Foya nor Bolahun are around Monrovia. His testimony is therefore fabricated, since we can't even know where he lives.
- The plaintiff says that the events took place at Christmas, in 1994; but he later states that it all happened in 1993.
- The plaintiff said that the town of Foya was taken in 1994. Nevertheless, he then claims that soldiers dislodged him from the farm during the rainy season in 1993, which is contradictory. Two plaintiffs came with him to Switzerland in January 2015 for the deposition before the Federal Prosecutor's Office. It is therefore quite clear that the plaintiffs arranged their version together.
- The plaintiff said he came to Switzerland to shed light on the course of the war. However, he constantly adapted his testimony according to the chronology established during the proceedings, and in particular according to what Alieu Kosiah said during the proceedings.
- The plaintiff took refuge in the forest when Foya was taken. However, at his hearing, he said he was on a farm or plantation. The lawyer notes that, in his opinion, it is very convenient not to describe how the events unfolded.
- The account of the acts the plaintiff allegedly underwent (tabé torture, dragging on the floor) was also adapted, according to the lawyer, to make his statement fit the case file.
- Regarding his arrest by ULIMO, the plaintiff said that he was grabbed by the feet and dragged to the market, before being led back to the other civilians who had been arrested, and a stab wound was inflicted on him. Alieu Kosiah then told him he would take care of him after killing the six other civilians. However, according to Mr Gianoli, the chronology of events is inconsistent, since the argument took place after the death of the six civilians, according to the plaintiff's own statements in Switzerland.
- Furthermore, the plaintiff has constantly changed his version of where he was dragged, which makes it clear, according to Mr. Gianoli, that he did not actually experience these events.
- As far as the forced transportation is concerned, it is not mentioned in the plaintiff's initial complaint.
- As for the way in which he was recruited into the ULIMO ranks, the plaintiff first said that he was forced, then that he was in fact a volunteer. According to the lawyer, this version is fabricated, and adapted to the needs of the proceedings.
- As for the plaintiff's description of Mr. Kosiah, according to the lawyer, it is nothing but a series of inconsistencies and errors. He has never actually seen Alieu Kosiah on site, but only in a photo in the newspaper and on the photo supplied during the proceedings. Mr Gianoli considers that the plaintiff is lying and has been prepared.

- According to the plaintiff, Alieu Kosiah sometimes wore a military jacket. This is impossible in a country like Liberia, where the temperature is between 25 and 30 degrees Celsius.
- The plaintiff claims to have seen Mr. Kosiah in four different towns, then says that in fact he only saw Alieu Kosiah in Foya.
- The plaintiff states that Alieu Kosiah had a 44 pistol. He then shows that he can tell the difference between the different pistols, but finally explains that he no longer knows precisely which weapon Mr. Kosiah had, while asserting that he did have a gun. Thus, according to the lawyer, being vague allows one to avoid being contradicted.
- The plaintiff said he was dragged away because he was protesting his innocence, unlike the others who said nothing and were killed. However, according to the lawyer, if the plaintiff was behaving like an agitator, why didn't they kill him right away? On this point, he concludes, there is no logic at all.
- The plaintiff claims to have been dragged by the legs, then on the buttocks. However, according to the lawyer, this does not correspond to the injuries she described.
- CO Kunti was small, according to another plaintiff in these proceedings. Consequently, he would not have been able to drag the plaintiff, who has a very large build, according to the lawyer.
- If the plaintiff had still been tied in "tabé" when he received the stab wound, such a blow could not have been delivered. Then, according to the lawyer, the plaintiff changed his story and said he was untied. But if Major Kunti's intention was to kill the plaintiff, again, why untie him? It's not logical, says the lawyer. According to Mr. Gianoli: "It's impossible not to be killed when you're an agitator, to be detached when you're the last survivor, and finally to be saved by a subordinate. Or else he should have played the lottery that day."
- In his statements in the proceedings in France, it was no longer the defendant but commander ULIMO Kunti Kamara who allegedly stabbed him. And it was no longer the ULIMO Fan Boy member who told him this, but someone else.
- The plaintiff recognized Alieu Kosiah in a current photo but not an old one, which is very odd according to Mr Gianoli.
- For the plaintiff, the event described as "Black Monday" took place in Foya and Voinjama, according to some of his statements. Then, according to other statements made by him, it took place only in Foya.
- For the plaintiff, it was Commander Pepper & Salt who had the title of "H&H". But then he claimed that Alieu Kosiah had become "H&H" himself, and he said this only when the Federal Prosecutor asked him.
- The plaintiff changed his version of the well - where the bodies were allegedly dumped - shape to support the case's version.
- The plaintiff stated that everyone had to find their own food, whereas at another point he claimed that some people carried the food and cooked for everyone.
- The plaintiff said he had attended the so-called "Black Monday" event, whereas previously he had said he had just heard about these events.

Mr. Gianoli concludes that a total of no less than 25 contradictions have been identified with regard to this second plaintiff, and the list is not exhaustive.

Mr. Gianoli also noted discrepancies between the statements of plaintiff T3 and those of other witnesses and plaintiffs. In this category, counsel notes the following contradictions:

- Contradictions concerning the appearance of the ULIMO commander named Mami Wata.
- Contradictions with certain statements made by the former child soldier cited by the defense.
- Contradictions with certain statements made by former ULIMO senior officer Kwamex Fofana, cited by the defense.
- Contradictions with certain statements made by another plaintiff T4.

Contradictory statements by the third plaintiff JTC

The lawyer lists the contradictions that he believes exist in the various statements given by the third plaintiff in these proceedings, and in particular the discrepancies between the facts raised in her complaint and her other statements. According to Mr. Gianoli:

- Regarding the looting of the Foya power station by ULIMO, the plaintiff said that it was because of this looting that there was no electricity in the town of Foya. However, the plaintiff showed photos of the power station in court, and this power station is still standing, according to the lawyer.
- Moreover, if we put together the different versions concerning the looting of this power station, we have to conclude that it's magic! It disappears with the NPFL, reappears with the ULIMO, only to be looted again by them.
- Finally, the plaintiff did not witness the murder of the civilian by the ULIMO commander Ugly Boy. On the contrary, in the proceedings in France, he states that it was Commander Kunti Kamara who was present during this event, whereas in Switzerland, it is Alieu Kosiah who is present, as if by chance!

The lawyer also notes discrepancies between the statements made by the T3 complainant and the statements made by other witnesses or complainants, or implausibilities in their statements. In this category, counsel notes the following contradictions:

- The plaintiff says that Alieu Kosiah was there when Foya was captured. However, Mr. Kosiah's former child soldier and another defense witness testified that Alieu Kosiah did indeed arrive after the capture of Foya.
- The plaintiff's version of the murders and the cutting up of bodies transported in a wheelbarrow and forcibly sold to civilians was part of an event he called "Black Monday". However, according to Mr. Gianoli, his client clearly explained that this event had occurred as part of a vengeance on the part of ULIMO commander Mami Wata following the death of his brother on the front line. The other witnesses in these proceedings have other versions or have never heard of this event.
- According to the plaintiff, the town of Foya was attacked three times before being taken. This is false and misleading, according to the defendant.
- According to the plaintiff, it was not possible to file a complaint in wartime Liberia, and the Truth and Reconciliation Commission (TRC) could not hear the victims of all the crimes. Yet the TRC went to Voinjama, and held 25 hearings there. Look for the mistake.

- Only this plaintiff mentions the presence of Alieu Kosiah at the time of the murder of the civilian by Ugly Boy, and this against a multitude of other witnesses, including the wife of the deceased who does not name the defendant.
- Also, according to all logic, a truck loaded with power plant parts is easier to pull than to push, yet the plaintiff said the truck was pushed. This is not logical.
- The plaintiff also said other inconsistent things about the truck that would have transported the power plant parts.

Contradictory declarations of the 4th plaintiff KK

According to Mr. Gianoli, particularly during the hearings before the Swiss Federal Prosecutor's Office in Bern, given that the versions evolved according to the breaks and discussions with their lawyers, he had asked that each version be recorded before each break.

The lawyer lists the contradictions he believes exist in the complainant's statements:

- According to the plaintiff, he was present when the ULIMO raped his sister in his village. He first stated that this event took place in the town of Kolahun, and that Alieu Kosiah was there. Then he said it actually happened in the town of Pasolahun and that Alieu Kosiah was not actually there.
- On one occasion, he said that his sister, who had been sexually abused, is now dead, and on another he said that she now lives in Kolahun.
- In the first version, there's a village separating the bodies of the victims, then in the second version, it's only 10 meters.
- In addition, the man described as the uncle died in three different ways, according to the two plaintiffs and the witness who reported the events.

Thus, according to Mr. Gianoli, the stories are fabricated in order to support false accusations against his client.

Contradictory statements by the fifth plaintiff AS

The lawyer lists the contradictions he believes exist in this plaintiff's statements, and in particular the differences between the version of events in the initial complaint and the statements made in Bern before the Federal Prosecutor's Office. Also listed are what the lawyer considers to be implausibilities, or assertions which show that the complainant is not credible.

- The fact that the complainant has varied his explanations as to whether or not schools were still open during the war.
- The fact that the plaintiff also varied on the practice of torture known as "tabé".
- The plaintiff also varied as to whether ULIMO's symbol was the white flag, as he finally said it was because it had been prepared, or whether it was of all sorts of other colors, as he first said to drown the fish.
- The fact that the plaintiff never mentioned "Black Monday", even though allegedly everyone in Lofa knows about "Black Monday".
- The fact that he doesn't know how one of the people allegedly murdered was killed on the walk, and that he goes along with the previous plaintiff's statements in this respect.

- The fact that the plaintiff justifies his errors or implausibilities by the fact that he was young at the time. However, when he claims to be accurate, youth is irrelevant.
- The fact that the plaintiff varied on what one of the people allegedly murdered by Alieu Kosiah was wearing during the forced march, speaking of ammunition at one point and iron bars at another.
- The fact that the plaintiff varied on whether or not the ULIMO commander Jungle Jabbah was present during some of the events.
- Thus, according to Mr Gianoli, these constantly varying statements demonstrate that the plaintiffs were professionally prepared.

Contradictory statements by the sixth complainant EBJ

The lawyer lists the contradictions he believes exist in the statements made by the sixth complainant, and in particular the differences between the version of events in the initial complaint and the statements made in Bern before the Federal Prosecutor's Office. Also listed are the implausibilities, according to the lawyer, or statements which show that the complainant is not credible.

- The fact that, according to the lawyer, there are so many differences between the plaintiff's initial complaint and what he subsequently stated during the hearings. This makes him lose all credibility, and one wonders whether the plaintiff actually experienced all the events he claims, the lawyer invoking his certainty that the complainant could not have seen Alieu Kosiah in Voinjama as he says.
- The fact that the plaintiff claims that he cannot give more details about Alieu Kosiah because he was never close to him, which is contradicted by another of his statements.
- The fact that the plaintiff oriented his complaint and then smoothed his subsequent statements on the circumstances in which his brother managed to escape during a forced march in which the plaintiff also participated.
- The fact that, for one of the forced transports, he first states that it was Alieu Kosiah who ordered the transport, and then becomes less sure of this fact.
- The fact that the plaintiff's account of the route of the second shipment to Solomba makes no sense. Indeed, there could have been no ambush in an area controlled by ULIMOs.
- The fact that the plaintiff claims not to know all the names of the ULIMO soldiers apart from that of Alieu Kosiah, even though his own aunt, with whom he was with, cooked for the ULIMO soldiers.
- The fact that the plaintiff sang the song used by the ULIMO soldiers in Bern in front of the MPC in a cheerful and playful manner, which was supposed to be sung in a warlike manner. However, when it's the defendant's turn to sing it, the plaintiff asks to leave the courtroom! And this despite the fact that, as Alieu Kosiah explained, the song does not call for violence.
- The fact that, according to the plaintiff, only NPF soldiers wore red headbands and ULIMO soldiers wore white headbands; even though the same plaintiff claims to be unable to tell the difference between ULIMO and NPFL.
- In the case of the first cargo transport, according to the plaintiff, civilians could choose what to carry. In this case, the plaintiff explained that he chose to carry oil. Nevertheless, she later

claimed that the soldiers ordered the civilians who should carry what. This proves once again that all these statements are in fact memories invented along the way.

- The fact that according to the plaintiff, Alieu Kosiah gave the order to execute the two Krahn ethnic soldiers "with a knife", then claimed instead that Alieu Kosiah only said "execute them", without mentioning in what way.
- The fact that the plaintiff stated that he did not know Pepper & Salt, even though it was this commander who took the town of Voinjama; this information was confirmed by the high-ranking ULIMO officer Kwamex Fofana during his hearing in the case.
- The fact that the plaintiff did not know the defendant's nickname "Physical Cash", a nickname also confirmed by Kwamex Fofana.
- The plaintiff's assertions against Mr. Kosiah concern Voinjama in particular, whereas other plaintiffs speak of crimes in three or four other towns in Lofa between 1993 and 1994, giving his client the gift of ubiquity, according to Mr Gianoli.
- According to a defense witness, the plaintiff's aunt or "Chair lady" was a woman who was simply brought food to cook for everyone.
- According to witness Kwamex Fofana, Alieu Kosiah only held an official position in 1995 and not before. Yet the plaintiff says he was called "General Kosiah" in 1993-1994.
- The ULIMO soldiers did not carry pistols, which is clear from the record according to the lawyer, so Alieu Kosiah did not have a pistol, even less to cross the Guinean border as the plaintiff mentioned.
- Lastly, the plaintiff's account bears a striking resemblance to other testimonies published in a newspaper, even though, according to Mr Gianoli, the TRC has no evidence to accuse his client.

<u>Contradictory statements by the seventh plaintiff Mrs F.</u>

The lawyer lists the contradictions he believes exist in the statements of this seventh and last plaintiff, and in particular the differences between the version of events in the initial complaint and the statements made in Bern before the Federal Prosecutor's Office. Also listed are what the lawyer considers to be implausibilities, or statements which show that the plaintiff is not credible.

- The fact that the plaintiff first stated that the ULIMOs had never done anything to her, that she didn't know whether the forces that entered her village were ULIMOs or not, and that she had only heard the name "General Kosiah".
- The fact that she declared that the men of her village were "tabé" as soon as the ULIMOs arrived, whereas she declared at another time that it was only from the 26th man taken away that they bound the men according to the "tabé".
- The fact that she initially stated that after taking the men from the village, the ULIMO soldiers came back with knives full of blood, while at a later stage she said that only Mr Kosiah had a knife full of blood when he returned, but that he had no blood on him.
- On her arrest in Voinjama, before being sexually abused, Mrs. F first said that some men arrested her, and that they told her they would take her to General Alieu Kosiah. Later, her version changed, and it was a single 'boy' who came to her to take her to Mr. Kosiah, and then it was Alieu Kosiah who sent the 'boy' to go and get her".

- The fact that she said that when Alieu Kosiah took her away, he had a knife, whereas she also said that he had a pistol and an AK-47.
- On why she didn't know Pepper & Salt's name, she said she was hiding, and that she only knows the defendant's name because when she saw him, she couldn't hide. Thus, she heard the soldiers say "General Kosiah", having then already heard of him but never having seen him. Yet this still didn't explain how she'd never heard of the name Pepper & Salt, Voinjama's most important ULIMO commander.
- The fact that she claimed to have met the plaintiff EBJ during the war because this civilian and his family had come to her village, having been displaced by the war. However, according to EBJ's statements and itinerary, he and his family did not pass through the village of the plaintiff in question.
- The fact that she stated that General Kosiah's troops wore a red scarf. However, another civil party stated that the NPFL rebels wore red and the ULIMO wore white.
- The fact that, depending on the version, she claimed to have met Hassan Bility for her interview in Botosu, Voinjama or Monrovia.
- Finally, the lawyer points out that the plaintiff's statements are often incoherent.

Contradictory statements by witness AK

The lawyer lists the contradictions in the witness's statements, and in particular the differences between his version of the facts before the Federal Prosecutor's Office in Bern, where he had already been heard as a witness, and the statements made in Berne before the Federal Prosecutor's Office.

- The fact that this witness's statements add further confusion as to how one of the murdered people was killed: pistol, AK-47 or otherwise.
- The variations and confusion in his account of the number of dead on the march and whether or not there was a bridge.
- The fact that, according to his statements, one of the civil parties who mentions him, T6, does not know him.
- The contradiction in his account as to whether or not there were vehicles during the war.
- The inconsistency in the time of departure of the march from Gondolahun.
- The fact that he did not see the bodies of the allegedly murdered people on the way back, which contradicts the plaintiffs' account.
- Finally, the lawyer points out that when you forget one element, it can happen, but when you forget several, it becomes a conspiracy, there's no other word for it.

Contradictory statements by witness FK

The lawyer lists the contradictions he believes exist in this witness's statements, and in particular the differences between the version of events in the initial complaint and the statements made in Bern before the Federal Prosecutor's Office. It should be remembered that this witness had the status of plaintiff until the prosecutor's dismissal order, and that he was then considered in the proceedings as a witness, which is why there is an initial complaint for him.

- According to the lawyer, the witness varied his date of birth: either 1977 or 1978.

- The fact that the witness did not mention the money stolen from his uncle in the initial complaint.
- The fact that he did not always mention in the proceedings that his uncle had been tied up by ULIMO soldiers.
- The fact that he varied his statements about the number of shots he allegedly heard, one or two.
- The fact that he varied on whether he saw Mr. Kosiah shoot his uncle or whether he only saw a bullet enter his uncle's body and then saw Alieu Kosiah putting his gun away.
- The fact that he varied on the question of whether or not there were Mandingo civilians in the village who knew that his uncle had money.

<u>On the consistency of witnesses called by the defense during the hearings</u>
On this subject, Mr. Gianoli begins by explaining that the former child soldier called to testify by the defense had the opportunity to confirm the information he had already given during the hearings before the Swiss Federal Prosecutor's Office. His memories are deeply rooted and consistent over time, unlike those of the plaintiffs.

The lawyer continued with defense witness Fanboy, who confirmed beyond any doubt that Alieu Kosiah had indeed arrived in Foya in 1994. Mr. Kosiah was not afraid to call this witness because he was certain that he would confirm his story and not the other way around. On the other hand," asks Mr Gianoli, "why didn't other people whose names appear in the proceedings against his client come forward to testify? Simply because they cannot confirm what the plaintiffs have said.

Finally, on the subject of Kunti Kamara, the lawyer points out that he has not recognized any of the plaintiffs or prosecution witnesses. He only recognized Alieu Kosiah, which shows who is lying in these proceedings. One of the prosecution witnesses allegedly recognized Kunti Kamara, whereas this person had also said that he had only heard of Kunti Kamara, which is not credible. As for Kunti Kamara, he made it very clear that the atrocities blamed on the ULIMO soldiers, including the rapes, were in fact committed by NPFL soldiers who wore red scarves during the war.

<u>On the personality of Alieu Kosiah</u>
Mr. Gianoli begins by stating that Alieu Kosiah is a man with qualities and faults. He was asked to recall events from well over 20 years ago. If some of the dates he gave at the start of the trial were later corrected by the accused himself during the proceedings, this is quite natural, according to the lawyer. Indeed, the war took place a long time ago, and thanks to the investigation, Alieu Kosiah was able to put the events in their chronological order and thus correct some of his initial statements.

The lawyer goes on to point out that his client has always cooperated with the investigation, and thanks to his very good historical knowledge of Liberia, he has educated all parties to the proceedings.

On the subject of what happened during his asylum application, the lawyer recalled his client's statements: "While the truth is important to me, there are times when you have to compromise, especially when you come from a poor country", explained Alieu Kosiah. This is why he behaved as he did when applying for asylum in Switzerland, and sometimes adapted his answers accordingly, in view of the need for his safety to obtain asylum.

Mr. Gianoli goes on to quote one of the phrases used by NPFL rebels fighting ULIMO forces during the war: "Civilians don't have blood". However, for the lawyer, this phrase is the opposite of Alieu Kosiah's values, as the latter very clearly explained in Court. As for his career in Liberia, the defendant has always been precise about events, according to his lawyer, despite the passing of time. Indeed, when you're telling the truth, you can't be wrong, which is why his statements have never changed in substance.

The lawyer goes on to say that his client's military training instilled in him a respect for hierarchy and also enabled him to endure his conditions during the war. He considers Alieu Kosiah to be a well-educated, proud, intelligent and likable boy. According to him, he was a soldier who willingly accompanied his comrades to the front line and who was not afraid.

He concludes on this topic by saying that a man does not fundamentally change; when a man is good, he remains good, despite the passing of time.

<u>On the prison administration's report on Alieu Kosiah's behavior</u>
Mr Gianoli begins by saying that, according to the report, Alieu Kosiah behaves well in prison. He enjoys talking to inmates, likes to mediate between inmates and staff, likes to play or chat with other inmates, and likes to take the daily walk. He knows the company well, which enables him to train new arrivals.

The lawyer goes on to say that, according to this report, Alieu Kosiah's cell is always tidy, and that there are a lot of paper documents in his file, which take up a lot of space, because he works on them a lot. In addition, the defendant has done some folding work for private companies, and the cleaning work he does in prison is done to their complete satisfaction.

The lawyer concludes by saying that this is a very good report, that there has never been any negative feedback on Mr. Kosiah from the prison administration in all these years.

However, according to Mr Gianoli, his client obviously had a hard time getting used to prison. In fact, Mr Gianoli has had many discussions with his client on this subject. What's more, the signs of his client's fatigue due to his incarceration are becoming perceptible.

<u>On the fact that Alieu Kosiah's reliable and honest behavior is also apparent among the witnesses called to testify</u>
Mr Gianoli recalls the former child soldier's words about Mr. Kosiah in these proceedings: "When I met him, he did good things in my presence," he said. Another person in these proceedings referred to Alieu Kosiah as "a gentleman".

So, of course, according to the lawyer, the defendant is undoubtedly not perfect, he has also made mistakes, but what shines through so clearly from his personality through his actions are his honesty and reliability.

The lawyer also points out that, prior to this case, Alieu Kosiah was not known to the law.

"No, no! That's not possible!" replied an NZZ journalist to the judge's question as to whether Alieu Kosiah could be this war criminal.

<u>On Alieu Kosiah’s Liberian background and military status</u>

Mr. Gianoli begins by saying that the Liberian plaintiffs would have experienced everything, but without being present. They would know everything, but without actually knowing what they were talking about. So, because Alieu Kosiah is not the ULIMO group, he can only speak as an individual. As a result, the defendant has very often had to refocus the proceedings to ensure that no confusion is drawn between the actions of the ULIMO rebels and himself, between his own behavior and the horrors possibly committed by others during the war. This is why it is necessary to re-establish Alieu Kosiah's individual path in Liberia during the war.

"If I committed anything, it was in the Grand Cape Mount region or in the Lofa," said Alieu Kosiah, according to his lawyer in the very first hearing before the Federal Prosecutor's Office. He also said: "I've never slept in Kolahun, but I've been there". Without knowing the details of the investigation, and from his very first hearing, he said, according to his lawyer, that he was in Lofa in 1994 and not before. He was in Klee and not in Zorzor when it was taken by ULIMO commander Steven Dorley in March 1993. Although Alieu Kosiah mentioned the capture of this town, he never said in these proceedings that he accompanied Commander ULIMO Dorley during the capture of Zorzor. The defendant was based in Zorzor as ULIMO commander only at the end of the war, when there was a ceasefire.

Concerning his rank, Alieu Kosiah said, according to his lawyer, that he was a sergeant in Sierra Leone, an officer and then a regional commander in Zorzor. It was him who wanted Kwamex Fofana to testify, as well as Lamine Kanneh and the former child soldier who accompanied him on all his travels to prove where he really was in Lofa and when during the war. At the beginning of the proceedings, the defendant tried to call another former ULIMO as a witness who could confirm that Alieu Kosiah was not in Foya at the time of the capture of Foya, as this former ULIMO was himself in Foya during the capture, as were others including Kunti Kamara.

According to his lawyer, Alieu Kosiah has always stated that he only arrived at Lofa in 1994. And when he was there, there was no regime of terror mentioned during the debates.

Mr. Gianoli goes on to say that his client had no knowledge of the content of the complaints and therefore could not have been influenced before his hearing. However, he was already clear about his course of action during the initial hearings. Consequently, his statements did not vary and his movements were clear and known from the start of the proceedings.

One of the witnesses, a civilian called by the defense, did not see Alieu Kosiah when the ULIMOs entered the Lofa. When Mr. Kosiah came into the Lofa, there was no fighting, according to this witness. After that first meeting, they became friends. Alieu Kosiah came to say that civilians should not be harmed.

The lawyer goes on to say that another defense witness, Lamine Kenneh, whose chief was Alieu Kosiah, stated: "I went to Lofa with my chief after the Foya capture. We were not part of the mission to capture Lofa. We arrived when the whole of Lofa was under ULIMO control. Alieu Kosiah was the commander when Todi was taken. At the time of the ULIMO split, we were in Tubmanburg". However, the split took place in 1994.

Another witness, Omaru Kellleh, also confirmed that Alieu Kosiah was under his command when, together, they took the town of Todi. This witness also confirmed that Alieu Kosiah was in Tubmanburg at the time of the ULIMO split in 1994. Furthermore, another ULIMO fighter, Advisor, said: "I personally took part in the capture of Zorzor, Alieu Kosiah was not there, he came when everything

was calm". Finally, a former ULIMO soldier, Fanboy, took part in the mission to take Lofa from the town of Zorzor, and he too confirmed Alieu Kosiah's words.

As for the former child soldier, his chronology is bound to be wrong, as he claims to have arrived with Alieu Kosiah in 1993 in Lofa. This confusion is due to his young age. However, this former child soldier also confirmed that when they arrived in the Lofa, all the towns in the Lofa had been taken. A detailed analysis of the former child soldier's statements confirms every word the defendant provided at the start of the proceedings.

Legal aspects of the indictments

The lawyer begins by saying that Alieu Kosiah denies having recruited a child. The former child soldier told the Court: "I was saved by the ULIMO. I've never heard anyone complain about being forced to fight". The statements on this charge are therefore misleading: it wasn't the ULIMOs who were going to rape his sister or kill his brother if he didn't join the armed group for his protection, but the NPFL.

According to the indictment, the former child soldier was a personal bodyguard of Alieu Kosiah. However, Mr Gianoli points out that these accusations are false, as the former child soldier himself alleged in Court that this had not been the case.

According to Mr Gianoli, anyone who lets a child enlist on his own is not punishable under the law. The penal code (art. 21) specifies that anyone who does not know that a rule is illegal is not acting culpably. Any culpability on charge 1.3.2. of the indictment must therefore be rejected.

For the rest, according to the lawyer, since all the other acts with which his client is charged took place during the periods when Alieu Kosiah was not in Lofa, Mr Gianoli declares that they are to be treated as a whole. His client should therefore be acquitted of all charges, since once again, he was simply not present in the Lofa at the time.

The lawyer went on to say that neither the prosecution nor the hearings during the debates had proved his client's guilt. It was therefore a case of word against deed, as Alieu Kosiah had not been present at the time of the events. Moreover, even if he had been present, Mr Gianoli asked how the defendant could be found guilty in the face of the constantly changing versions of the plaintiffs.

He therefore concluded that his client should be found not guilty.

Claim for compensation

According to Mr Gianoli, Alieu Kosiah's long and unjustified detention has given rise to claims for 'compensation, and the Confederation must be ordered to compensate him.

For the economic damage suffered (art. 41 and following of the Swiss Code of Obligations), the lawyer is asking for CHF 500,000. He is also claiming compensation for non-material damage and serious injury to personality (due to the disclosure of his identity in the press, and also due to the harsh conditions of detention which caused back pain), i.e. an additional total of CHF 856,000.

Lastly, Mr Gianoli concludes that the Federal Prosecutor's conclusions and the plaintiffs' civil claims should be rejected in their entirety.

## March 5, 2021 – Day 21: Fifth day of closing statements: arguments devoted to the replies of the Swiss Federal Prosecutor's Office and the plaintiffs' lawyers, as well as to the replication of Mr Gianoli

Judge Bacher opens the proceedings. They will be devoted to the replies of the Swiss Federal Prosecutor's Office and the plaintiffs, as well as to the replication of Mr Gianoli.

Federal Prosecutor Andreas Müller takes the floor for his replication.

At this stage, the Federal Prosecutor does not see the need to add co-action as a mode of criminal liability, but will not oppose it either. With regard to the legal concept of omission, the Federal Prosecutor's Office has already ruled on the retroactivity of this application, and the question is primarily academic: whether or not Alieu Kosiah is found guilty of omission will have no practical impact. The Federal Prosecutor's Office therefore defers to the Court's assessment on this point.

According to the Federal Prosecutor, the defense dug up every last comma of six years of evidence during hours and hours of pleadings, and everything was covered: Alieu Kosiah's rank or function, the electricity in Pasolahun, the red color worn by the ULIMO forces, the defendant's presence at the time of the events. All the answers to these questions are to be found on the record.

He goes on to point out that certain elements pleaded by Mr Gianoli are simply false. For example, Kunti Kamara was not prevented from answering as a witness during the proceedings, nor was the other witness, Kromah, mentioned by the defense. Massa Washington never fixated on the Mandingos who were members of the TRC, and one of the plaintiffs was not conditioned on the basis of an article presented by Alain Werner since the Federal Prosecutor himself asked questions for hours and hours before Mr Werner showed this article.

In addition to the errors in his pleading, there are also, according to the Federal Prosecutor, elements that are ignored by the defense. He cites as an example the fact that the plaintiff who alleged sexual violence against Alieu Kosiah was unable to spell the name of her village, even though it has been proven that she is illiterate! Yet the fact that this same plaintiff had never heard of Commander Pepper & Salt in Voinjama, while Alieu Kosiah himself said: "When you come from the Bush, it's possible not to know Pepper & Salt".

According to him, the defendant accused the plaintiffs of making errors in the story - chronology, soldiers' clothing, type of weapons - as if the civil war in Liberia had been a big play in which civilians were present from beginning to end, having bought the programs and scenarios and should therefore know EVERYTHING, which is just absurd.

According to the prosecutor, the slightest contradiction turns the entire testimony into a forgery! So what can be said of Alieu Kosiah's 700 pages of testimony?

He goes on to say that even if the hearings had been conducted in the plaintiffs' mother tongue, and not in "Liberian English", there would still have been discrepancies. The prosecutor cites, for example, the distinction made by the defendant in English between "split", "scission" and "separation". But they're the same thing! An interpreter interprets, and you can't constantly play with words and meanings as Alieu Kosiah does.

So, according to the Federal Prosecutor, we need to take a step back from the general puzzle of this case and see the whole picture. In fact, as far as the chronology is concerned, it has been established and there's no point in going back over it.

As for the horrors and atrocities committed by the ULIMOs, which no longer have any scale, the Federal Prosecutor explains that they have been described in this file. However, the defendant says he has never heard of them.

He adds that in Court, Alieu Kosiah again said that Lofa was a paradise under the ULIMOs when he was there; and if crimes were committed, then Alieu Kosiah claims: "I was not there"! What's extraordinary is that when two plaintiffs say the same thing, it's a conspiracy according to the defendant; and when two plaintiffs say two different things, it's a contradiction and therefore either a lie or a conspiracy.

The Federal Prosecutor also points out that, according to Alieu Kosiah, everyone is lying: the media, the NGOs, the TRC, historians, the prison: the whole world is lying, it's a worldwide conspiracy. The only one who never lies is Alieu Kosiah himself and the defense witnesses.

He concludes by saying that he has always tried not to be cynical, but that in the face of denial, he must be excused: it really is "Alieu Kosiah in Wonderland in Lofa"! But every fairy tale has an end, and the defendant's fairy tale ends here. The Swiss Federal Prosecutor's Office sustains all its accusations.

Alain Werner takes the floor to reply.

Mr Werner points out that the defense has pleaded for 12 hours and not a word for the victims, which hurts. Victims didn't count in Lofa then, and they don't count today either. The only victim for Alieu Kosiah is himself.

He goes on to say that the defense has dropped the strategy of saying that the witnesses were interested in money and had no morals. It's no longer about asylum, it's no longer about money, so why would they lie? The reason for the conspiracy now seems to be ethnic hatred, if Mr Werner has understood what the defense is trying to say.

"Look for the mistake" repeated Mr Gianoli over and over again. In Mr Werner's view, the judges need to find out how it is that all the humanitarian organizations, the United Nations, the media and the justice system are united in ethnic hatred against Alieu Kosiah and the Mandingos.

The lawyer goes on to say that a worldwide machination of justice is alleged on the other side of the bar, with a multiplication of elements to prevent the defense witnesses from appearing. However, if one of the witnesses was not heard immediately, it was certainly not because of Civitas Maxima, but because of Alieu Kosiah himself. It was he who reported the presence in a European country of this former ULIMO active in Lofa, which triggered the start of an investigation by that country.

Mr Werner goes on to say that the defense claims that Civitas Maxima and the GJRP are spreading false information about legal proceedings via videos on their website. The theater group in Liberia whose video appears on the Civitas Maxima site has taken up what was written in the judgment of former ULIMO commander Jungle Jabbah in Philadelphia, and this after the conviction and not before.

Similarly, the lawyer also points out that the defense claims that Civitas Maxima circulated Alieu Kosiah's photo and attacked his personality. Yet it was with the agreement of the prosecutor in charge

of the case at the time that Civitas Maxima's press release was published, several weeks after his arrest, and following a leak on social networks in Liberia where the information was circulating. "What about the publication of his photo by Civitas Maxima on social networks?" asks Mr Werner. This photo came from the dating site the defendant frequented, and was used multiple times by the media before Civitas Maxima did so, the organization not having communicated publicly on this case for four years.

Mr. Werner also points out that a criminal complaint was filed against him by Alieu Kosiah for forgery of documents because of the initial complaint by someone who was a plaintiff during the investigation. This complaint against the lawyer went nowhere, and was dismissed by the judicial authorities, but Alieu Kosiah has appealed all the way to the Federal Court to try to open criminal proceedings against the lawyer.

The lawyer goes on to ask how the defense can be surprised that the mother of one of the plaintiffs, GMS, is not present at the trial, when according to the plaintiff she was also present at the murders allegedly committed by Alieu Kosiah? Mr Werner takes exception to the gall of the defense. The mother didn't want to come because she's afraid, she's afraid for her safety, so much so that she didn't even want her son to take part in the proceedings in any way; something the plaintiff explained very clearly in Court.

Mr Werner also takes exception to the fact that the defense only quotes bits of sentences mentioned by the prosecution witnesses, such as one mentioned by one of them: "the Mandingos own these newspapers", to make it seem as if he has contempt for the Mandingos and to make him say the exact opposite of what he said in the context in which it was said.

The lawyer goes on to say that one thing is admitted in this case, and that is that Kwamex Fofana did not go through Civitas Maxima and the GJRP to end up testifying in the proceedings. However, Kwamex Fofana made it very clear during his interrogation that some of the reports he received at ULIMO headquarters about the crimes committed in Lofa by ULIMO soldiers did indeed concern Alieu Kosiah.

[The judge asks Alieu Kosiah to be quiet].

Mr Werner reads the statements of Kwamex Fofana, former ULIMO high-ranking officer:

Question: "Do you have Alieu Kosiah's name on the reports?" -Answer: "Yes, I'm familiar with the name.

Question: "Was this name on the reports? - Answer: "Yes.

Question "On the reports concerning these crimes?" - Answer "Yes".

Then Mr Werner asks three questions:

1. How is it that such a high-ranking ULIMO officer could have heard of the crimes committed by ULIMO forces in the Lofa, when he was based at headquarters in Bomi, and that Alieu Kosiah had never heard of them?
2. How is it that the same high-ranking ULIMO officer was able to speak through the reports he received of Alieu Kosiah's presence in the Lofa if Alieu Kosiah was not in fact there?

3. How could the same high-ranking ULIMO officer have heard of Alieu Kosiah's crimes in the Lofa if Alieu Kosiah had never committed any?

Mr Werner concludes by saying that he looks forward to hearing the defense's answers to these three questions.

Romain Wavre takes the floor to reply
Mr Wavre begins by saying that he had thought of taking a sample of the errors contained in the defense's pleadings, but the Federal Prosecutor had already done the exercise. The alleged conspiracy does not exist.

The lawyer goes on to say that the defense maintains that the three defense witnesses are perfectly credible in relation to the crimes committed and alleged by two of the plaintiffs during the forced marches with Pasolahun villagers. The question remains: what could possibly have been the reason for these three defense witnesses to come forward?

The USD 10,000 each requested, according to the email read out in Court?
An asylum application mentioned by one of the witnesses?
Other promised benefits? Indeed, as one of the witnesses put it: "They told me that if my testimony was successful for the defense, it would not be forgotten, and that I would be satisfied in return".

The lawyer adds that the e-mail produced at the hearing with the extravagant demands for financial compensation was written in perfect English by a not yet identified person, who is obviously not one of the people who came to the hearing. So we still don't know who was behind the e-mail.

Mr Hikmat Maleh takes the floor to reply
Mr. Maleh begins by saying that, with regard to the legal notion of child soldiering in an armed group, this crime can be punished even if the child is voluntary, but that the ex-child himself cannot be punished for this enlistment.

The lawyer goes on to say that the defense rests on false assertions and errors. According to him, his client never corrected the dates of his complaint. There are no contradictions between the initial complaint and the hearings, and the lawyer gives several examples, such as the "choice" to take oil during forced transport, the torture known as "tabé", and the fact that he knows someone who has undergone this form of torture.

Mr Maleh went on to say that Kwamex Fofana had indeed said that Alieu Kosiah did not carry a pistol because ULIMO soldiers were supplied with AK-47s. Except that Alieu Kosiah himself said in the proceedings that he had a pistol, which he would have gotten rid of. The defense wants to pull out all the stops.

Mr Maleh's client spoke of his sadness at what happened during the war and what happened to him. The lawyer said he wondered whether this sadness might not have turned to anger if his client, who had returned to Liberia before the closing arguments, had listened to the defense's arguments.

The lawyer goes on to say that the defense argued that if his client were telling the truth about the events, he would have died in the war. This is tantamount to denying the victim's entire personality. According to Mr Maleh, the defense is adopting a criminal logic, placing himself in the brain of a gangster and reasoning according to him, which is very shocking.

Mr Maleh goes on to talk about a civilian in his principal's account ("J"), about whom the defense said in its closing argument: "J wasn't even a civilian, it's confirmed by the former child soldier". Here's a story the lawyer calls "J's metamorphosis in Alieu Kosiah's mind": in 2015, Mr Maleh's principal talks about J escaping from ULIMO control and dying of natural causes on February 2, 2009. Alieu Kosiah then says during the proceedings: "I know a J, soldier, small with big red eyes, I was told he was a former NPFL". A month later, J became a military policeman (MP) in Voinjama, according to Alieu Kosiah's account. Then, Mr Gianoli asks the former child soldier during his hearing if he remembers anyone in the ULIMO movement called "MP J", and the former child soldier replies that he was a military policeman. Later, Alieu Kosiah says in Court: "Maybe the two J.'s are brothers". Then Alieu Kosiah wonders in another hearing how J. died, and reports that there was a murder in Voinjama. Finally, he declared in the proceedings that J. was described as a civilian by Mr Maleh's client, but that he was in fact an NPFL soldier who had become an MP ULIMO, killed in a confrontation with the LURD. According to the lawyer, this transformation of the description of J. by Mr. Maleh's client is a summary of the way in which the defendant's defense is organized.

The floor is given to Mrs Zeina Wakim to reply

Mrs Wakim declares that she was unable to follow the defense's train of thought. But the defense constantly made causal links between two false things.

The only tangible thing the lawyer said she could come back to was the fact that her client was unable to recognize Alieu Kosiah because she called him "General Kosiah", whereas Alieu Kosiah said he had never been a general. However, the lawyer pointed out that the defendant had received two letters in prison from people he knew, addressed to "General Kosiah".

The defense said that her client was lying because she had stated that the forced march from her village had taken place at night, before asserting that the march had taken place during the day. However, the only thing her client said was: "It's getting dark", or that it wasn't night or day, but that the sky was overcast.

Mrs Wakim concludes by saying that it is too difficult for Alieu Kosiah to bear the accusations, which is why he has filed a criminal complaint against Mrs Wakim's client.

Raphaël Jacob takes the floor to reply

Mr. Jakob begins by saying that he disagrees with the Federal Prosecutor that the principle of co-actor cannot be applied retroactively, because military criminal law at the time referred to international criminal law, as well as to customary law. As for the concept of omission, this was also already contained in military criminal law.

The lawyer then returned to the defense's carnival of bad faith. For him, there are seven hallmarks of conspiracy theory. Mr Jakok explains that these seven markers can be used to analyze Alieu Kosiah's defense.

1. Conspiracy theories are contradictory. Conspiracy theorists don't shy away from presenting contradictory elements, which is what Alieu Kosiah's defense did all the time.
2. "We're being kept in the dark." When the conspiracy theorist is shown to be wrong, he thinks there's still something to justify his belief. Mr Jakob cites the example of Alieu Kosiah's pistol in the proceedings.

3. The conspiracy theorist always attributes evil intentions to others: "The agents were prepared for the sole purpose of supporting the accusation". However, according to Mr Jakob, "to prepare" is an anodyne term. It's normal for lawyers to prepare witnesses; lawyers aren't there to decorate. “Preparation" is a lawyer's normal job. In the mouth of the defense, the word "preparation" becomes a nefarious drawing.
4. Extreme suspicion. You can't believe anything anyone says.
5. Persecution. Conspiracy theorists see themselves as victims of an organized system. However, Mr Jakob explains that there is no defense witness he would like to see removed from the case, as they have all contributed to the case against Alieu Kosiah. The defense is surprised that Kunti Kamara has been arrested, but of course his arrest was sought! If the victims' lawyers learned his address, they weren't going to send him flowers! And it was Alieu Kosiah himself who provided his address! The defense pleaded illegality for the recruitment of the child soldier. It's not intelligence that Alieu Kosiah lacks, according to Mr Jakob, it's empathy.
6. Impervious to evidence. All evidence that does not support the conspiracy theory is rejected. Mr Jakob's client said that Alieu Kosiah once wore a glove, which was confirmed by a defense witness, but that doesn't count. Fanboy would be a hostile witness because he saved the plaintiff LSM. However, Fanboy is a war criminal close to Kosiah. Kunti Kamara, however, called by the defense, confirms Alieu Kosiah's presence at the capture of Foya and claims to have fought with Alieu Kosiah at the time, but this does not count because he was mistaken anyway in saying that the capture of the town took place during the dry season.
7. Reinterpreting the hazard. Small details are proof of a plot. Every error or contradiction is proof of the plot. A paroxysm of the reinterpretation of randomness: when the defense argues that it is impossible for Alieu Kosaih to have renounced killing Mr Jakob's client, or that it is impossible for Mr Jakob's client not to have been killed first, because he was the most vocal and an agitator. Or when the defense argues that Me Jakob's principal was so lucky not to have been killed that he should have played the lottery that day.

Mr Gianoli takes the floor for the replication

Mr. Gianoli explains that he pleaded the case on the basis of the elements contained in it. He adds that the truth cannot change in 24 hours. What's more, he says he pleaded his case in good conscience and with conviction; and like the soldier Alieu Kosiah in Lofa, he says he was faithful to his mission.

There is, however, an argument not mentioned by Mr Alain Werner in his plea. The former ULIMO commander Jungle Jabbah was arrested in the USA for violating the Asylum Act, not for war crimes. Alain Werner could have been honest enough to say so.

As for the rest, according to Mr Gianoli, it's all a question of context. According to him, "A party that replies is a party that fails", and he sees no need to reply.

To conclude the proceedings, Alieu Kosiah takes the floor

Alieu Kosiah congratulates the judges on what they have done. He says that he was encouraged by the judges' cross-examination of him, the plaintiffs and the witnesses.

He goes on to say that human beings are different from animals because they know what justice and injustice are.

He says he believes in justice, because anyone who commits crimes must be judged, but the problem, in his view, is how and when justice is done. There are seven plaintiffs against him in this trial, and he asks whether this is justice, given that he hasn't fired a single bullet at civilians.

Alieu Kosiah adds that everyone has emotions, but you have to be honest despite the emotion. However, there is no body, no video, no grave to prove his guilt, and he finds himself on trial simply because someone claims something.

He goes on to say that the Federal Prosecutor's job is to tell the truth; he defends the State, not the plaintiffs. Therefore, he must correct his "mistake" when he realizes that the case is empty. To obtain justice, one must not seek injustice, otherwise it's mockery. Alieu Kosiah accuses the Federal Prosecutor of tarnishing his reputation for political reasons.

He adds that Jungle Jabbah was not in Lofa when the alleged crimes were committed, and that if Varvley Dolley is arrested, there will be a civil war in Liberia. The fault will lie with Alain Werner.

Alieu Kosiah reiterates his assertions about the unacknowledged merits of the Mandingos and claims that the ULIMO group saved Monrovia from the NPFL, and that it lost eight men. However, Alieu Kosiah declares that these facts cannot be talked about and are not recognized because they were carried out by Mandingos.

He then reiterates that he was not present when Pepper & Salt captured Lofa. He chased Pepper & Salt out of Lofa on the orders of ULIMO leader Alhaji Kromah. This does not fit the Civitas Maxima "narrative".

Alieu Kosiah then once again accuses the Federal Prosecutor of acting solely on the basis of what the plaintiffs have said. He compares his case to that of Sadam Hussein, whose fate was determined by a blunder on the part of the Bush administration. In his case, it's all Alain Werner's fault. Hassan Bility did everything he could to find something on him because he was paid by Alain Werner. However, the defendant believes that the Federal Prosecutor is a good person deep down and Alieu Kosiah apologizes if he has offended him.

In conclusion, Mr Kosiah declares that he is not asking for favoritism. He is only asking for the truth to prevail. Justice has no color.