CIVITAS MAXIMA

# TRIAL MONITORING

# Kunti Kamara

*Appeal proceedings*

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## Disclaimer

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

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

Civitas Maxima does not provide official court transcripts.

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

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

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

## Trial Monitoring: Kunti Kamara's appeal proceedings

In 2022, **Kunti Kamara**, a former ULIMO commander, was found guilty of complicity in crimes against humanity, and commission of simple and aggravated acts of torture and barbarism by the Cour d'Assises of Paris. The Court sentenced Mr Kamara to life imprisonment. The accused denied all charges, and appealed the decision.

The appeal proceedings begun on March 5, 2024, at the Cour d'Assises of Paris. The hearings will last until March 25, 2024, with two additional reserve days.

## March 5, 2024 – Day 1: The appeal begins

The appeal of Kunti Kamara, former ULIMO commander, started today in Paris, France. The jury was selected, with 9 permanent members and 5 reserves.

Presiding Judge Lavergne gave a brief account of Liberia's history, focusing on the First Liberian Civil War. He then read to the court the summary of Mr Kamara's indictment, of the decision of the first instance proceedings, and of acts alleged against him.

In the afternoon, Mr Kamara was asked questions about his life. An expert presented a report on Mr Kamara's background and personality. A witness, who had hosted Mr Kamara when he first arrived in France, testified about his relationship with the defendant. Next, Mr Kamara's brother testified via video link from Monrovia about his relationship with his sibling, and about his own experience during the war. Finally, Mr Kamara answered some final questions about his life.

## March 6, 2024 – Day 2: Context

Day 2 was dedicated to explaining the context of the Liberian civil wars to the jurors.

In the morning, war photographer Patrick Robert showed some of the pictures he took during the conflicts, and shared his experience as a reporter during the wars. In the afternoon, a documentary by Christophe Naigeon showed the testimonies of different people, fighter and civilian alike, of the war. Mr Naigeon then answered questions about the history of Liberia, and what he witnessed as he was filming in the country. Later, esteemed former TRC Commissioner John Stewart testified about the work of the Commission. He listed the warring factions, and explained the types of crimes they had committed. Mr Stewart also shared his own experiences of the conflict, as he was a journalist and an activist at the time.

## March 7, 2024 – Day 3: Investigations in Liberia

Day 3 saw the continuation of John Stewart's testimony. He discussed in detail the judicial, administrative, and traditional institutions in Liberia and the difficulties that the country faced in obtaining justice for crimes committed during the civil wars.

Next, pictures taken by Liberian journalist James Fasuekoi were examined by the court. These photos showed different politicians and armed groups, and scenes of the aftermath of a number of atrocities.

Via video link, Lofa County Prosecutor Luther Sumo provided a general overview of the war, and then focused on Lofa County. He also answered questions on a joint French-Liberian fact-finding mission which took place in 2019. Next, Assistant Police Commissioner in Monrovia Patrick J. Massaly, who was also involved in the mission, testified via video link. He answered questions on the procedures they followed when conducting investigations and contacting victims and witnesses.

Finally, the Presiding Judge read to the court a number of reports written by MSF in 1993 about the dire situation in Lofa county, where civilians were tortured and soldiers practised cannibalism.

## March 8, 2024 – Day 4: French investigators

A member of the jury was excused, and was replaced by a reserve juror.

Day 4 saw Alain Werner, Director of Civitas Maxima. He explained how the organization was established, its funding, and its relationship with GJRP. He described how Civitas Maxima and GJRP conduct their investigations, and how they found information about Mr Kamara.

From the French Central Office for Combating Crimes Against Humanity, the Court heard General Reiland, and ADC Peruggia. ADC Peruggia took part in the fact-finding mission in Lofa as discussed during Day 3, and explained to the Court how the French authorities collected evidence and information on the case. Maps and pictures of the locations were shown to the Court.

Mr Kamara was asked to comment on the circumstances leading up to his arrest.

## March 11, 2024 – Day 5: The first civil parties are heard

Day 5 began with the testimony of two civil parties, the wife and daughter of a man who had been killed by ULIMO. After being tortured, his chest was cut open, and his heart taken out. Neither woman was present on the scene, but they were told that the murder was ordered by CO Kunti.

An additional civil party, who had seen the murder, described in detail what he saw. He also testified about separate incidents where he was forced to carry loads by ULIMO, and where, according to him, both CO Kunti and CO Kosiah were present.

Finally, pictures of Foya and the locations of the alleged crimes were shown to the Court.

## March 12, 2024 – Day 6: Witnesses testify

Day 6 saw the testimony of 4 witnesses. They explained to the Court the dire situation in Foya during the first civil war. Each witness recounted, among other things, the murder of a school teacher in Foya, who was the husband of one of the civil parties and the uncle of one of the others.

The first witness explained how Kunti Kamara, surrounded by young bodyguards, had allegedly ordered the murder of one of his brothers. The second witness explained how he had seen the school teacher reporting property destruction committed by ULIMO to an NGO. He then described seeing him being tied up by soldiers but testified that he had not seen the murder himself.

The third witness, brother and uncle of two civil parties, discussed the murder of his brother-in-law. The defense raised that there were numerous discrepancies in his account. Finally, the last witness, who had not seen the murder himself, told the court that Foya at the time was controlled by Mr. Kunti and Commander Dekou.

Finally, the Court watched the video recording of a hearing before the Liberian TRC in 2008.

## March 13, 2024 – Day 7: The defendant responds

Day 7 of the Kunti Kamara appeal hearings began with the continuation of the testimony of one of the civil parties from the previous day. He recounted his experiences of being forced, by Mr. Kamara and other ULIMO soldiers, to carry an electrical generator and looted goods from Foya to the border with Guinea. The court then analysed photographs that had been taken during the investigation, where the plaintiff had indicated the different places in town relating to his story.

Next, a medical expert read the report that he had written up on the physical and mental health of one of the civil parties.

Finally, Mr Kunti Kamara was invited to respond to the statements that the victims and witnesses have made over the past few days. He denied all the accusations made against him.

## March 14, 2024 – Day 8: Alieu Kosiah

Day 8 saw Alieu Kosiah, former ULIMO commander, testify. Alieu Kosiah was convicted to 20 years imprisonment in Switzerland for committing war crimes and crimes against humanity in Liberia during the First Civil War. Mr Kosiah and Mr Kamara were both members of ULIMO at the same time. Mr Kamara's arrest in France came after Mr Kosiah requested for him to testify on his behalf during his criminal case before the Swiss authorities.

Mr Kosiah testified about his life during the war and about his trial and appeal proceedings. He spoke at length about ULIMO and the facts relating to both his and Kunti's participation in the war. Kosiah also reiterated that he is a victim of a conspiracy against him orchestrated by Civitas Maxima and the GJRP.

## March 15, 2024 – Day 9: A soldier testifies

Day 9 of the Kunti Kamara hearings saw a former ULIMO soldier testify. As a civilian, he had been forced to carry coffee to the border with Guinea by ULIMO soldiers. The plaintiff then described how he had been captured, along with 6 other civilians, accused of being rebels, and was and tortured by 'tabay'. The 6 other men were killed and he was stabbed, when commander Dekou came to release him. The plaintiff named Alieu Kosiah and Kunti Kamara as the commanders who took part in the torture and killing. He could not, however, say which commander stabbed him.

The plaintiff then testified that he joined ULIMO under a false identity. As a soldier, he took part in overseeing the forced transport, by civilians, of one of Foya's electricity generators and other looted goods to the border with Guinea. During the conflicts within ULIMO leading to its split into ULIMO K and J, he defected and fled to Sierra Leone.

A witness was then called to testify. She had been captured by ULIMO soldiers and held as a sex slave. She testified to witnessing, from the window of the house where she was being held captive,

the incident of the 7 men accused of being rebels. She stated that both Mr Kosiah and Mr Kamara killed 6 of the men but could not say which one stabbed the 7th man who survived.

Mr Kamara denied having any knowledge of the events.

## March 18, 2024 – Day 10: Killing of a suspected witch

Day 10 of the Kunti Kamara appeal hearings focused on the killing of a woman who was accused of witchcraft.

One witness and one civil party testified. They described that after her newborn baby died, Kunti Kamara visited the family and offered his condolences. He then returned and accused the woman of being a witch, and killed her. Next, he ordered villagers to bury and burn her body. The civil party, a relative of the woman, went into hiding with the rest of his family and later returned to see his home destroyed.

Next, the court examined a number of photos taken during the police investigations. The court then read the previous statements of a civil party related to the woman who had been killed. He had testified about the incident in the first instance proceedings but passed away shortly after.

## March 19, 2024 – Day 11: Testimonies from all sides

Day 11 of the Kunti Kamara appeal proceedings began with the analysis of a report written by a court mandated psychologist who had interviewed three of the civil parties. He presented his reports and explained the ways in which people who have experienced traumatic events may recall memories.

Next, a defense witness, a former member of the ULIMO, testified by video link from Monrovia. He described the situation in Foya during the war as well as the procedures which the organization put in place to address reported violence committed by soldiers against civilians.

Finally, a civil party and a witness, a member of her family, testified. Both people described the killing of their father and the exile of their family in Guinea. The civil party also testified to being captured and raped by ULIMO soldiers. She described that when she begged CO Kundi to intervene, he had not responded. There was a discussion as to the age of both the civil party and the witness at the time of the events.

## March 20, 2024 – Day 12: Final testimonies

Day 12 of the Kunti Kamara appeal hearings began with the analysis of a report written by another court mandated psychologist. She had interviewed the civil party who had testified the day before. She presented her report and explained the psychological mechanisms that people experiencing traumatic events may rely on during and after the events.

Next, a civil party testified through a closed door hearing.

In the afternoon, a witness testified by video link from Monrovia. He was a former member of the ULIMO and had spent many years in Foya. He described the situation in Foya during the war as normal, saying that it was a commercial center and life was calm there.

Finally, the Court read the previous testimonies of two witnesses who could not be heard during the appeal phase.

Mr Kamara responded, maintaining that he was innocent of all charges.

## March 21, 2024 – Day 13: Experts testify

During day 12 of the Kunti Kamara appeal hearings, 3 experts testified.

First, a psychologist who had interviewed Mr Kamara while he was in detention gave his expert report. He explained that Mr Kamara had strong intellectual capacities and was able to adapt well to the different countries that he had lived in. However, he noticed that he was not very expressive when it came to his emotions, and consistently denied the accusations against him. Next, a psychiatrist presented his report based on his discussions with the defendant. His conclusions were similar to those of the psychologist. The psychiatrist then went into detail into the different factors that could make someone commit, and then deny having committed, atrocity crimes.

Next, Massa Washington, a journalist and former TRC commissioner, testified. She described her experiences of the Liberian civil war and her work reporting atrocities. She also explained the importance of justice processes for victims of atrocity crimes.

Finally, the court heard debates as to the age of Mr Kamara at the time of the events in question, which could impact the jurisdiction of the criminal court of appeals.

## March 25, 2024 – Day 14: Kunti Kamara's minority

On day 14 of the Kunti Kamara appeal hearings, the Court rendered its decision on the age of Kunti Kamara at the time of the facts in question. Mr Kamara and his defense stated that the date of birth which he had used for his immigration papers was fabricated. Some defense witnesses had also supported that he was actually under 18 in 1993 and 1994. The Court rejected these arguments, and decided to rely on the date of birth which had figured on various immigration and administrative documents over the years, to maintain its jurisdiction over the crimes that Mr. Kamara is charged with.

The parties then debated the issue of the statute of limitations, and whether it had expired for some of the charges relating to torture. The Court is expected to render its decision on the statute of limitations on Monday morning.

## March 25, 2024 – Day 15: First pleadings

To begin Day 15 of the Kunti Kamara appeal pleadings, the Court gave its decision on the statute of limitations. They concluded that the statute of limitations had not yet expired, as the civil wars

and the postwar situation in Liberia were considered to have interrupted the limitation period until 2008, when Foya's first prosecutor was appointed.

Next, the lawyer for the civil parties, Sabrina Delattre, presented her pleadings to the court. She spoke of the facts that the civil parties had invoked throughout the proceedings and the impact that it had on their lives.

Finally, the state prosecutor presented her pleadings. She focused on the generalized violence committed by ULIMO in Foya at the time, through torture, cannibalism, and sexual slavery. She asked the jury and the court to declare Kunti Kamara guilty of all charges and hand down a life sentence against him.

## March 26, 2024 – Day 16: Defense pleadings

The final day of the Kunti Kamara appeal hearings ended with the pleadings from his defense team. The defense maintained that Mr Kamara was not guilty of the charges placed against him.

The defense argued that the UN Convention of Torture was wrongly applied to the facts – that certain acts did not constitute torture, and that they were not committed with the intent required to constitute torture.

Regarding the charges of crimes against humanity, the defense maintained that it was not established that ULIMO had a 'concerted plan' to target parts of the civilian population.

Regarding the charges where Kunti Kamara was accused of being complicit, the defense argued, among other things, that it was not established that he had the requisite authority over those who had committed the acts.

Turning to the facts and evidence presented in the case, the defense held that there was a lack of material evidence, and that the prosecution's case relied overwhelmingly on testimonial evidence. They raised that the evidence supporting the prosecution seemed to be treated more favorably than the evidence supporting the defense. It was also argued that there was a blatant 'inequality of arms', due to the lack of resources allocated to the defense.

## March 27, 2024 – Day 17: Conviction upheld

On the last day of the trial, the Paris "Cour d'assises", found Kunti Kamara, former Liberian ULIMO rebel commander, guilty of complicity in crimes against humanity and commission of simple and aggravated acts of torture and barbarism. The crimes were found to have occurred between 1993 and 1994 during the First Liberian Civil War (1989-1996), in Lofa county, in north-western Liberia.

This upholds the guilty verdict rendered by the first instance court in 2022.

Mr Kamara was sentenced to 30 years imprisonment, and ordered to pay 1 euro in symbolic moral damages to each of the civil parties.

Mr Kamara has 5 days to appeal to the “Cour de cassation”, France’s highest court for criminal and civil cases. However, this appeal can only be on questions of law, but not on the fact.